



UMATILLA CITY COUNCIL WORK SESSION

July 8, 2025 at 5:00 PM

Council Chambers, 1 S. Central Avenue, Umatilla, Florida 32784

AGENDA

Please silence your electronic devices

PLEDGE OF ALLEGIANCE AND INVOCATION

CALL TO ORDER

ROLL CALL

DISCUSSION ITEM

1. Land Development Regulations (LDR) Update

ADJOURNMENT

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352)669-3125. F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

Any invocation that may be offered before the official start of the Council meeting is and shall be the voluntary offering of a private citizen to and for the benefit of the Council pursuant to Resolution 2014-43. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief by the Council or the City. No person in attendance at this meeting is or shall be required to participate in any invocation and such decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.

The City of Umatilla is an equal opportunity provider and employer.



CITY OF UMATILLA

AGENDA ITEM STAFF REPORT

DATE:

MEETING DATE: July 8, 2025

SUBJECT: Land Development Regulations (LDR) Update

BACKGROUND SUMMARY:

City staff has been actively working on a comprehensive update of the City's Land Development Regulations (LDR). This ongoing effort is intended to modernize and improve the clarity, consistency, and functionality of the regulations to better reflect current planning practices, community needs, and legal requirements.

As part of this process, staff has identified several chapters and sections within the LDR that require updates, clarifications, or restructuring. These may include provisions related to zoning, design standards, subdivision requirements, signage, and other development-related policies.

Council held a work session on June 24th that led to the discussion of Chapters 1–6. This meeting will pick up with that discussion, starting with Chapter 7.

RECOMMENDATIONS:

Following tonight's discussion, staff will incorporate Council feedback and begin drafting the necessary ordinance(s) to update the LDR. These ordinances will be brought back to a future regular City Council meeting for formal consideration and public input.

FISCAL IMPACTS:

N/A

ATTACHMENTS:

1. Changes to LDCs updated 5.9.25
 2. LDR's_Chapters 01_22 edits 05.09.2025 1
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Chapter 1 – General Provisions

- List of Ordinances that will be Repealed.

Chapter 2 – Definitions and Interpretations

- Added paragraph to direct to other Chapters.
- Definitions not used in Code removed.
- Definitions updated/added to current uses.

Chapter 3 – Administration

- Designates City Manager (not City Clerk) as Administrative Office
- Development Order and Development Permit requirements clarified.
- Advertising consistent with Florida Statutes
- Denied Rezonings can reapply after 6 months (not 12).
- Enforcement by Special Magistrate (not Code Enforcement Board).
- Nonconforming structures that are destroyed more than 50% (not 70%) have to come into compliance w current provisions.

Chapter 4- Concurrency Management System

- Recreation concurrency removed.
- Public School concurrency added/updated.
- Transportation concurrency updated to current classifications and reviewing organizations.
- Removal of requirement to provide annual report on public facilities capacity and LOS.

Chapter 5- Airport Regulations

- Administrator changed to City Manager (no longer Planning and Zoning Board).

Chapter 6 - Zoning District Regulations

- Updated zoning districts chart
- **AR-1:** Accessory dwellings are authorized if the owner resides on property; Removed requirement that Accessory Structures are to be utilized by family members or non-paying guests. added Animal Rescue Organizations as SEU; Increased minimum living area of SFH from 1200 to 1500 sq. ft not including carports or garages.
- **R-3:** Minimum SFH size increased from 1500 to 1800 sq. ft not including carports or garages.
- **UR-5:** Single family attached dwelling units, multi-family dwelling units, and duplexes removed from the prohibited list.
- **R-5:** Duplexes and Multi-family units removed from prohibited list.
- **R-3, UR-5, R-5:** Removed requirement that lot sizes must be at least one acre to authorize Accessory Structure. Removed requirement that Accessory Structures are to be utilized by family members or non-paying guests.
- **RP:** Accessory dwellings are authorized if the owner resides on property; Removed requirement that Accessory Structures are to be utilized by family members or non-paying guests.

- **PFD:** added Animal Rescue Organizations as Permitted Use
- Removal of Planning and Zoning Board Action.
- **TC-12:** Allows RV parks to obtain SEU for long-term rentals/HUD Park Models
- Removal of Overlay Districts: Primary Downtown District, Secondary Downtown District
- Amenity requirements for new subdivisions/multifamily development.
- Added catch all condition for Residential Design Standards

Chapter 7 – Conditional Uses and Special Exceptions

- Kennels, Animal Rescue added to 35) Veterinary Offices allowed in AR-1, RP, and C-1.

Chapter 8 – Miscellaneous Regulations

- Size limitation on accessory buildings removed.
- Added regulations for Donation Bins.
- Revisions to Home Based Businesses (fka Home Occupation)
- Added side setbacks for typical accessory structures

Chapter 9 – Subdivisions and Plats

- Establishes process for Minor subdivisions and Lot splits.
- Reduction in number of paper copies of applications to be submitted.
- Require an electronic submittal.
- Potential fees for resubmittals.

Chapter 10 – Stormwater Management

- Removal of city exemptions, defer to SJRWMD.
- Removal of city maintenance, defer to SJRWMD.
- Statutes and names of state agencies/departments updated.

Chapter 11 – Building and Fire Codes

- Updated to current codes/regulations, defers to Florida Building Code.
- Building official powers and duties listed.
- Flood protection requirements removed.

Chapter 12 – Utilities

- Notary block examples updated to current requirements.
- Cross-connection control and backflow prevention regulations enhanced.

Chapter 13 – Site Development Plan Approval

- City Manager (not Clerk) as contact/decision maker.

Chapter 14—Transportation Standards

- Formatting and scrivener's errors only.

Chapter 15 – Landscape, Irrigation, and Tree Protection

- Definition duplicated from Chapter 2 removed.

- Exemptions to Tree Removal Permit simplified.

Chapter 16 – Sign Regulations

- Removes references to Primary Downtown and Five Points Overlay District and adds Central District Overlay.

Chapter 17 – Environmental Protection

- Revised state agency names
- Remove requirement for environmental survey to delineate vegetative community types.

Chapter 18 – Wellfield and Aquifer Protection

- Revised state agency names
- City Manager (not Clerk) as contact/decision maker.

Chapter 19 – Historic and Archaeological Resource Protection

- City Manager (not Clerk) as contact/decision maker.

Chapter 20 – Variance Procedures

- Submittal to include electronic copy of application.
- Planning and Zoning Board removed from process.
- Applicant (not staff) responsible for posting property.

Chapter 21 – Alternative Water Supply

- Formatting changes only

Chapter 22 – Communication Facilities in Public Rights of Way

- Formatting changes only

CHAPTER 1

GENERAL PROVISIONS

SECTION 1: TITLE

This Code shall be entitled ~~the~~ “Land Development Code of the City of Umatilla, Florida,” otherwise known as the “Development Code,” and may be referred to herein as the “Code.”

SECTION 2: AUTHORITY

This Land Development Code is enacted pursuant to the requirements and authority of Sections ~~163.3161 through~~ 163.3202, Florida Statutes, (~~known as the Community Planning Act~~)(~~the Local Government Comprehensive Planning and Land Development Regulation Act~~), the City Charter, effective January 1, 1964, and the general powers ~~in-granted under~~ Chapter 166, Florida Statutes (municipalities).

SECTION 3: PURPOSE AND INTENT

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

As required by ~~Chapter-Section~~ 163.3202, Florida Statutes, this Code contains specific and detailed provisions ~~which-that~~ regulate the subdivision of land, the use of land and water, areas subject to flooding, environmentally sensitive lands, signage, stormwater management, and protection of potable water well-fields. This Code also requires that all developments be reviewed for ~~the-development's~~ impact on public facilities and services and that adopted levels-of-services are maintained.

SECTION 4: CONSISTENCY WITH COMPREHENSIVE PLAN

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

It is recognized however, that situations may arise in the daily administration and enforcement of this Code where ~~by~~ strict interpretation and enforcement of the Code may

~~be contrary~~~~conflict with~~~~to~~ the goals, objectives and policies of the Comprehensive Plan. Such situations may arise due to changes in land development priorities or economics, new issues ~~which~~~~that~~ were not anticipated at the time this Code was drafted and adopted, or the inability to meet competing goals through a single action. In these situations, the goals and policies of the Comprehensive Plan shall take precedence and the Code ~~shall~~ be interpreted and administered consistent with the overall goals, objectives and policies of the Comprehensive Plan as ~~interpreted~~~~determined~~ by the City Council, until such time that the Code ~~and~~/or Comprehensive Plan can be amended to resolve any conflict.

SECTION 5: JURISDICTION

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

SECTION 6: GENERAL INTERPRETATION

In the interpretation and ~~administration~~application of this Code, all provisions shall be:

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

SECTION 7: DELEGATION OF AUTHORITY

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

SECTION 8: RELATIONSHIP OF SPECIFIC TO GENERAL PROVISIONS

More specific provisions of this Code shall ~~be followed in lieu of~~control over more general provisions that ~~which~~ may be more lenient ~~than~~, or in conflict with, the more specific provision.

SECTION 9: CONFLICTING LANGUAGE OR PROVISIONS

In the case of conflict within this Code, or between this Code and other codes or ordinances, the language or provision which is most restrictive or imposes the highest standard shall

apply.

SECTION 10: SEVERABILITY

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

SECTION 11: REPEALER

The following ordinances and sections of the Code of Ordinances are hereby repealed:

- a) Ordinance 1994-C
- b) Ordinance 2001-H
- a) Ordinance 2005-F ~~Ordinance 1974-C, Article I, Zoning Code.~~
- c)
- a) ~~Ordinance 1974-D, Article I, Subdivision Regulations~~
- b) ~~Chapter 3, Article I, II, and III, Airport~~
- e) ~~Chapter 6, Articles II through XIV, Buildings and Building Regulations.~~
- d) ~~Chapter 16, Planning~~
- e) ~~Chapter 18, Signs~~
- f) ~~Any other ordinance or part of an ordinance in conflict with this Code.~~
- d) Ordinance 2006-L
- e) Ordinance 2008-S
- f) Ordinance 2008-W
- g) Ordinance 2009-L
- h) Ordinance 2011-U
- i) Ordinance 2011-V
- j) Ordinance 2012-G
- k) Ordinance 2013-D
- l) Ordinance 2013-G
- m) Ordinance 2013-M
- n) Ordinance 2017-E
- o) Ordinance 2018-E
- p) Ordinance 2018-J
- q) Ordinance 2019-A
- r) Ordinance 2019-B
- s) Ordinance 2019-D
- t) Ordinance 2019-E
- u) Ordinance 2020-H
- v) Ordinance 2021-I

SECTION 12: _____ EFFECTIVE DATE

The provisions of this Code shall be effective upon its adoption by the City Council.

CHAPTER 2

DEFINITIONS AND INTERPRETATIONS

SECTION 1: INTERPRETATIONS OF CERTAIN TERMS AND WORDS

- a) The singular includes the plural and vice versa.
- b) The masculine includes the feminine and neuter and vice versa.
- c) The present tense includes the future.
- d) The word “shall” is mandatory and the word “may” is permissive.
- e) The word “person” includes an individual, child, firm, association, joint venture, partnership, estate, trust, syndicate, fiduciary, corporation, and all other groups or combinations.
- f) The word “writing” includes handwriting, printing, typewritten, and all other methods and means of forming letters and characters upon paper.
- g) The word “lot” includes the words parcel of land, plot, or tract.
- h) The word “land” includes the words avenue, highway, road, boulevard, land, thoroughfare, easement, public right-of-way, private right-of-way, or other similar words.
- i) The word “street” includes the words avenue, highway, road, boulevard, land, thoroughfare, easement, public right-of-way, private right of way, or other similar words.
- j) All words and terms defined in any Code adopted by reference are hereby incorporated in this Code. However, if a word is also defined in this Chapter, the latter definition shall apply in all cases except when interpreting the referenced Code.
- k) All words not defined in this Code shall carry their customary meaning as found in Webster’s latest Dictionary.
- l) See additional definitions listed in Chapters 14 (Traffic Concurrency), 15 (Landscape), 16 (Signs), 21 (Alternate Water Supply), and 22 (Communication Facilities in ROW) that are unique to the subject matter covered by that Chapter.

SECTION 2: DEFINITIONS

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

~~ABANDONED SIGN—A sign which no longer correctly directs or exhorts any person, advertises a bona fide business, lessor, owner, product or activity conducted or product available on the premises where such sign is displayed.~~

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

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

ACCESSORY DWELLING UNIT - living quarters that contain at a minimum of a kitchen or cooking accommodations, living area, and a bathroom and may house non-paying guests or family members and may either be attached to the principal structure, detached or an apartment within the principal structure. Accessory dwelling units may not be ~~rented or sold separately.~~

~~ACT—The federal Water Pollution Control Act as amended, also known as the Clean Water Act, as amended, Title 33 USC, Section 1251 et seq.~~

ADDRESS - the house number of a physical location of a specific property. This includes “rural route” numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. An “even numbered address” means an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An “odd numbered address” means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

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

ADULT CARE CENTER – A caretaking arrangement, whether operated for profit or not, where care is provided for a part of the 24-hour day to 3 or more adults that are unrelated by blood or marriage to the owner/operator of the facility. This care may include, but not be limited to, providing a protective setting, social activities, leisure time activities, self-care training, rest, nutritional services, speech or physical therapy. Such a facility must be licensed by the Florida Department of Health and Rehabilitative Services, in accordance with Section 400.554 of the Florida Statutes.

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

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

~~**ADVERTISING MESSAGE**—That copy on a sign describing products or services being offered to the public.~~

AGRICULTURE: FIELD CROPS/WHOLESALE NURSERY – The science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products. The production, keeping or maintenance for sale, lease, or personal use, of plants useful to man, and may include, but not be limited to, forage and sod crops, grain and seed crops, fruits of all kinds, vegetables, and nursery, floral, ornamental, and greenhouse products.

AGRICULTURE--PROCESSING/HATCHERIES shall mean the production, keeping, maintenance, or processing, for sale, lease, or personal use, of animals and plants useful to man, and may include, but not be limited to, dairy animals and dairy products, grain mills, poultry and poultry products.

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

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

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

~~**ANIMATED SIGN**—Any sign which includes action or motion. For purposes of this code, this term does not refer to changing indexing, all of which are separately defined.~~

ANIMAL means any living dumb creature.

ANIMAL RESCUE ORGANIZATION means a humane society or not for profit corporation who operates a charitable organization under section 501(c)(3) of the Internal Revenue Code and whose mission includes the rescue, care, or adoption of animals, and

which does not obtain animals from a breeder or broker for payment or compensation.

APPEAL – A request for a review of the City of Umatilla’s interpretation of any provision of this Code or action upon a request for a variance.

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

~~APPROVAL AUTHORITY—The director in an NPDES state with an approved state pretreatment program and the administrator of the USEPA in a non-NPDES state without an approved state program.~~

APPROVED TREE – Trees ~~listed in approved under~~ Chapter 15 of this Code ~~under Approved Species.~~

~~AREA OF SHALLOW FLOODING—A designated AO or VO zone on a community’s flood insurance rate map (FIRM) with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.~~

~~AREA OF SPECIAL FLOOD HAZARD —The land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year. The land area covered by the floodwaters of the base flood and the area where floodplain management regulations must be enforced.~~

ARTISAN/CRAFTSMAN SHOP – A trade type of establishment where products are made based on a specific skill or art, and may include, but not limited to, painting, pottery, stained glass, and woodworking within an enclosed structure.

AS-BUILT PLANS means a set of drawings in a format as specified by the Department Director submitted upon completion of a project and such drawings reflect all changes made during the construction process, and show the exact dimensions, depth, geometry, and location of all elements of the work completed under the permit.

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

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

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

~~AUTOMATED TELLER MACHINE—An automated device that performs banking or financial functions at a location remote from the controlling financial institution.~~

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL USER – A principal executive officer of at least the level of vice-president if the industrial user is a corporation. A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively. A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

AWNING – A roof-like cover, securely fastened on one side or end to a building, the balance of which extends over or before a place (such as a walkway or window) as a shelter.

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

~~BALLOON SIGN—Any inflated, floating object when used as a sign.~~

~~BANNER SIGN—A temporary sign composed of lightweight material either enclosed or not enclosed in a rigid frame, secured or mounted so as to allow movement of the sign caused by movement of the atmosphere.~~

BANK - A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. This may include drive through banking service and automated teller machines (ATMS).

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

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

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

BED AND BREAKFAST INN – A house or portion thereof and Accessory Buildings, where short-term lodging rooms are provided, and meals may be provided. The operator of the Inn shall utilize their site as the primary residence, operator may reside in the primary structure or an on site accessory dwelling unit, and in their absence designate an agent to reside on site for a period not to exceed (30) days or the operator's permit will become null and void.

BEST MANAGEMENT PRACTICES (“BMP’s”)– Design, construction, operational, or maintenance techniques for stormwater pollution control, which have been developed by the St. Johns River Water Management District (SJRWMD).

~~BILLBOARDS, OFF-PREMISE SIGN—Any sign or framework thereof used or installed to attract attention to a place other than at the location of such sign or framework.~~

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

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

BOD (DENOTING BIOCHEMICAL OXYGEN DEMAND) – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees centigrade, expressed in milligrams per liter. The BOD shall be determined in accordance with procedures set forth in “Standard Methods”.

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

~~BUFFER—An area of land, landscape materials, wall or combination thereof between two (2) parcels of land intended to reduce the impacts between the two (2) parcels. An area of land, including landscaping, berms, walls, fences, and building set-backs, that is located between land uses of different character and is intended to mitigate negative impacts of the more intense use on a residential or vacant parcel.~~

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

BUILDING – Any structure built for support, shelter, or enclosure for any occupancy or storage.

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

~~BUILDING DRAIN—That part of the lowest horizontal piping of a sewage or drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to a point five (5) feet outside the outer face of the building wall to the building sewer.~~

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

BUILDING FACE OF WALL – All window and wall area of a building in one (1) plane or elevation.

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

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

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

BUILDING SEWER – The extension from the building drain to the public sewer or other place of disposal, beginning five (5) feet outside the outer face of the building wall.

~~**BUILDING SIGN**—A sign lettered to give the name of a building itself, as opposed to the name of the occupants or services.~~

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

~~**BUSINESS SERVICE** —An establishment where the performance of duties related to business operations are provided within or outside of the confines of such an establishment.~~ Services rendered to a business establishment or individual on a fee or contract basis including ~~—~~actuarial, advertising, credit reporting, janitorial, office or business equipment rental or leasing, photofinishing, telecommunications, window cleaning, blueprinting and photo copying, and other such services.

CABLE SERVICE means the one-way transmission to subscribers of Video Programming or any other programming service; and subscriber interaction, if any, that is required for the selection or use of such Video Programming or other programming service.

CABLE SERVICE PROVIDER means a Person that provides Cable Service over a Cable System.

CABLE SYSTEM means a Facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service that includes Video Programming and that is provided to multiple subscribers within a community, but such term does not include: a Facility that serves only to retransmit the television signals of one or more television broadcast stations; a Facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control, or management, unless such Facility uses any Public Rights-of-Way; a Facility that serves subscribers without using any Public Rights-of-Way; a Facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Federal Communications Act of 1934 except such Facility shall be considered a Cable System other than for purposes of 47 U.S.C. § 541(c) to the extent such Facility is used in the transmission of Video Programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; any Facilities of any electric utility used solely for operating its electric utility systems; or an open video system that complies with 47 U.S.C. § 573.

CALIPER – The minimum trunk diameter of a tree as measured at a predetermined point. Trunk diameter for trees up to four (4) inches are to be measured six (6) inches above the soil

line. All trees over four (4) inches in diameter will be measured twelve (12) inches above the soil line.

~~CANOPY OR MARQUEE—A permanent roof-like shelter extending from part or all of the building face over a public and/or private right-of-way and constructed of some durable material such as metal, glass, plastic, or combination thereof.~~

~~CANOPY OR MARQUEE SIGN—Any sign attached to or constructed in or on a canopy or marquee.~~

~~CANOPY COPY SIGN (MANUAL)—A sign on which copy is changed manually in the field, i.e., reader boards with changeable pictorial panels.~~

CARPORT – An attached or freestanding structure primarily used to shelter motor vehicles, having a roof structure supported by two (2) or four (4) posts or a combination of posts and wall structure, provided that no elevation shall be enclosed in any manner above three (3) feet above the finished floor elevation of the structure.

~~CATEGORICAL STANDARDS—The national categorical pretreatment standards or pretreatment standard.~~

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

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

~~CHANGING SIGN (AUTOMATIC)—A sign such as an electronic or electrically controlled public service time, temperature and date sign, message sign or reader board, where different copy changes are shown on the same lamp bank.~~

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

CITY – City of Umatilla, Florida.

CITY OF UMATILLA WASTEWATER SYSTEM – All facilities and interests in the real and personal property owned, operated, managed or controlled by the city now and in the future and used to provide wastewater service to existing and future customers within the service area of the city.

CLEAN WATER ACT – The Federal Water Pollution Control Act as amended, also known as the Clean Water Act, as amended, Title 33 USC, Section 1251 et seq.

CLEARING – The removal of any trees or vegetation from the land but shall not include mowing of lawn and field grasses.

CLUBS, LODGES, AND FRATERNAL ORGANIZATIONS – A building or facility owned or operated by a corporation or association for a social, educational, civic, or recreational purpose, to which membership is required for participation and ~~but~~ not primarily operated for profit nor to render a service that is customarily carried on as a business.

COASTAL HIGH HAZARD AREA – The area subject to high velocity waters caused by, but not limited to, hurricane wave wash. The area is designated on a FIRM as zone V1-30, VE or V.

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

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

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

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

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

~~COMPREHENSIVE DESIGN PLAN – Building design and signs integrated into one (1) architectural plan, the comprehensive design plan being complete in all other building, structural and electrical requirements.~~

COMMUNICATIONS FACILITY means any portion of a Communications System located in the Public Rights-of-Way.

COMMUNICATIONS SERVICES means the definition ascribed thereto in Section 202.11(1), Florida Statutes, as may be amended, and also includes, but is not limited to, Wireless Services as defined herein.

COMMUNICATIONS SERVICES PROVIDER means: (a) any Person, municipality, or county providing Communications Services through the use and operation of a Communications System or Communications Facilities installed, placed, and maintained in the Public Rights-of-Way, regardless of whether such System or Facilities are owned or leased by such Person, municipality, or county and regardless of whether such Person, municipality, or county has registered with the Florida Department of Revenue as a provider of Communications Services in Florida pursuant to Chapter 202, Florida Statutes; and (b) any Person, municipality, or county who constructs, installs, places, maintains, or operates Communications Facilities in the Public Rights-of-Way but who does not provide Communications Services, including, for example, a company that places “dark fiber” or conduit in the Public Rights-of-Way and leases or otherwise provides those Facilities to another company that does provide Communications Services.

COMMUNICATIONS SYSTEM means any permanent or temporary plant, equipment, and property placed or maintained in the Public Rights-of-Way that is occupied or used, or is capable of being occupied or used, by a Communications Services Provider for the purpose of producing, conveying, routing, transmitting, receiving, amplifying, distributing, providing, or offering Communications Services, including, but not limited to, cables, wires, lines, conduits, fiber optics, antennae, radios, and any associated poles, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, and other plant, equipment, and pathway.

COMPREHENSIVE PLAN – The “City of Umatilla Comprehensive Plan Update” adopted by the City Council by Ordinance and amendments thereto in compliance with the requirements of the Local Government Planning and Local Development Regulation Act, Chapter 163, Florida Statutes.

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

~~CONNECTION CHARGE — A charge paid to the city by a developer, or consumer or customer as reimbursement to the city for the actual cost of furnishing and installing the meter and all other facilities at a water or wastewater service connection either at the time of initial installation or whenever a change in size or capacity is performed.~~

CONSERVATION EASEMENT – An easement precluding future of additional development of the land and the removal or disturbance of any vegetation without the permission of the easement holder. Such an easement is typically used to preserve significant natural features

such as wetlands, specimen trees, required tree preservation areas and other required natural buffer areas.

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

~~CONSTRUCTION, START OF, – The placing of construction materials in permanent position and fastened in a permanent manner, except that when demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be the start of construction provided that work shall be continuously carried on until the completion of the new construction involved. Start of construction shall include only work begun under a valid development permit. The phrase start of construction shall include the term erected.~~

~~CONTROL AUTHORITY – Refers to the approval authority as defined earlier, or the director if the city has an approved pretreatment program under the provisions of Title 40 CFR, Section 403.11.~~

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

COOLING WATER – The water discharged from any use, such as air conditioning, cooling or refrigeration, to which the only pollutant added is heat.

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

~~COPY (PERMANENT AND TEMPORARY) – The wording and embellishments on a sign surface either in permanent or removable letter form.~~

~~COPY AREA – The actual area of the sign copy applied to any background. The copy is computed by straight lines drawn closest to copy extremities encompassing individual letters or words.~~

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

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

CUSTOMER – The individual or corporate entity responsible for payment of the security deposit and monthly service charges. This shall be either the owner of the property or an individual or corporate entity authorized by the owner to open the utility account.

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

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

DEVELOPMENT – Any significant man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, permanent storage of materials, or the dividing of land into two or more parcels. Development includes, but is not limited to, the following:

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

DEVELOPMENT ORDER - means any order granting, denying, or granting with conditions an application for a development permit.

DEVELOPMENT PERMIT - includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

DIAMETER AT BREAST HEIGHT (DBH) – The trunk diameter of a tree measured four and one-half (4 ½) feet above the average ground level at the base of the tree. Provided, however, if the tree forks at four and one-half (4 ½) feet above the ground level, it is measured below the swell resulting from the double stem. Stems that fork below four and one-half (4 ½) feet above the ground level should be considered separate trees.

~~**DIRECT DISCHARGE**—The discharge of untreated or treated sewage or wastewater directly to the waters of the State of Florida.~~

~~**DIRECTIONAL SIGN**—Any sign which serves solely to designate the location or direction to any place or area.~~

~~DIRECTLY ILLUMINATED SIGN—Any sign designed to provide artificial light either through exposed lighting on the sign face or through transparent or translucent material from a light source within the sign.~~

DIRECTOR – The City of Umatilla ~~director of utilities~~ Director of Public Works and Utilities or his authorized deputy, agent or representative.

DISSOLVED SOLIDS OR DISSOLVED MATTERS – The solid matter in solution in the wastewater. It shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in “Standards Methods”.

~~DISTRICT—the St. Johns River Water Management District.~~

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

~~DOMESTIC SEWAGE—The sewage produced from noncommercial or nonindustrial activities, which results from normal human living processes, and is of substantially similar origin and strength to those typically produced in households, including sewage from sanitary conveniences.~~

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

DRIP LINE – The ground area surrounding the trunk of a tree that is described by the vertical plane enclosing the outermost branches of the tree. For asymmetrical specimens, or those with unusually small crown spread, the drip line area shall in no case be less than that area described by a radial dimension of one (1) foot for each one (1) inch of trunk radius.

DRIVEWAY OR DRIVE – A vehicular accessway serving one ~~(1)~~ or more properties.

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

- a) Dwelling, Single Family – A building containing one (1) dwelling unit which would include the following types:
 - Single Family Attached
 - Single Family Detached
- b) Dwelling, Two-Family – A building containing two (2) dwelling units which would include the following types:
 - Single Family Attached (two units per building)
 - Duplex
- c) Dwelling, Multi-Family – A building containing three (3) or more dwelling units which would include the following types:
 - Single Family Attached

- Apartments, Low and Mid-Rise
- Townhouses

~~ELECTRICAL SIGN—Any sign containing electrical wiring which is attached or intended to be attached to an electrical energy source. A permit shall be required for electrical installation.~~

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

EMERGENCY means a condition that poses clear and immediate danger to the life, safety, or health of one or more persons, or poses clear and immediate danger of significant damage to property.

~~EMBELLISHMENTS—The placement of ornamentation, extra details or extensions of a main subject to the sign, but off the copy area.~~

ENVIRONMENTAL PROTECTION AGENCY (U.S.EPA) – The United States Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the administrator or other duly authorized official of said agency.

~~EQUIVALENT RESIDENTIAL UNIT (ERU)—An average single-family detached residence. This definition is intended to reflect the annual average consumption per unit for all detached single-family residences without regard to actual consumption.~~

ERECTED – Attached, altered, built, constructed, reconstructed, enlarged or moved, and shall include the painting of walls signs but does not include copy changes on any sign.

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

EXEMPT SIGNS—Signs exempted from normal permit requirements.

~~FACE OF SIGN—The entire area of a sign on which copy could be placed.~~

~~FASCIA SIGN OR WALL SIGN—A sign attached to or erected against a wall of a building with the face horizontally parallel to the building wall.~~

FAMILY – One (1) or more persons all living together and interrelated by blood, marriage, or legal adoption, and occupying one (1) dwelling unit. Boarding of no more than three (3) unrelated persons with a family shall be permitted.

FAMILY CHILD CARE HOME – An occupied residence in which child care is provided for a period of less than twenty-four (24) hours a day on a regular basis, for no more than five (5)

~~preschool~~-children including those related to the resident care giver. ~~An additional five (5) elementary school age children may also be cared for during after school hours.~~

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

~~FCC—The Federal Communications Commission.~~

FEMA – The Federal Emergency Management Agency.

~~FDERFDEO—The Florida Department of Economic Opportunity~~

FDEPR – The Florida Department of Environmental ~~Regulation~~ Protection.

~~FDNR—The Florida Department of Natural Resources.~~

FDOT – The Florida Department of Transportation.

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

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

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

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

~~FLAG LOT—A lot with access provided to the bulk of the lot by means of a narrow corridor.~~

~~FLASHING SIGN—Any sign which contains an intermittent or flashing light source, or which includes the illusion of intermittent or flashing light by means of animation, or an externally mounted intermittent light source. Automatic changing signs such as public service items, temperature and date signs or an electronically controlled message center are classified as “changing signs” and not “flashing signs”.~~

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

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

FLOOD HAZARD BOUNDARY MAP (FHBM) – An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been defined as zone A.

FLOOD INSURANCE RAGE MAP (FIRM) – An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

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

FLOODWAY – The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface ~~elevation more~~elevation more than one (1) foot.

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

FLOOR AREA, GROSS – The sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings.

~~FREESTANDING SIGN—A sign which is supported by one (1) or more columns, uprights or braces anchored into the ground independent of support from any building, including ground signs and pole signs.~~

FRONTAGE – The length of the property line of any one (1) premises parallel to and along each public right-of-way it borders.

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

GARAGE – An accessory building designed or used for the storage of motor-driven vehicles used by the occupants of the building to which it is an accessory.

GARBAGE – Solid wastes from the domestic and commercial preparation, cooking, and dispensing of food or other processes, and from the handling, storage, and sale of produce.

GRAB SAMPLE – A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

GROSS DENSITY – The total land area of the subject property excluding water bodies divided by the proposed number of dwelling units.

GROUND COVER – Plants other than turf grass normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

GROUND LEVEL – Means at street grade.

GUEST APARTMENT – Attached living quarters to the principal building with entrance not having the same frontage as principal structure.

~~GUN AND HUNTING CLUBS—An outdoor facility, including accessory buildings, for shooting and hunting by sportsmen, where little disturbance to the property occurs in association with such pursuits.~~

HAZARDOUS MATERIAL – Any material defined, listed, characterized, or classified as a hazardous material, hazardous substance, hazardous waste, or toxic substance according to any of the following State or Federal codes or regulations:

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

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

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

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

~~HOLDING TANK WASTE—Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump trucks.~~

HOME ~~OCCUPATION-BASED BUSINESS~~ - Any use conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the dwelling thereof. Home ~~occupations-Based Businesses~~ shall not be construed to include those uses listed as prohibited in Chapter 8 of this code.

~~IDENTIFICATION SIGN—A sign which is limited to the name, address and number of a building, institution or person and to the activity carried on in the building or institution, or the occupancy of the person.~~

~~ILLUMINATED SIGN—Any sign which emanates light either by means of exposed tubing or lamps on its surface, or by means of illumination transmitted through the sign face.~~

~~INCOMPATIBLE POLLUTANT—All pollutants other than compatible pollutants. Specifically, it means any pollutant other than BOD, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the NPDES permit or state permit to discharge, which the sewage treatment plant and facilities were not designed to treat and do not remove to a substantial degree.~~

INDIRECT DISCHARGE – The discharge or the introduction of pollutants from any source regulated under Section 307(b) or Section 307(c) of the Clean Water Act into the City of Umatilla wastewater system.

~~INDIRECTLY ILLUMINATED SIGN—Any sign which reflects light from a source intentionally directed upon it, for example, by means of floodlights, gooseneck reflectors or externally mounted fluorescent light fixtures.~~

INDUSTRIAL SEWAGE – All liquids wastes and sewage, excluding domestic wastewater, including all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operations from which the wastewater discharged includes wastes of nonhuman origin, and is not otherwise classified as domestic sewage.

INDUSTRIAL USER – A source of indirect discharge of industrial sewage which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402 of the Clean Water Act (Title 33 USC, Section 1342).

INTERFERENCE – A discharge that, alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use, or disposal; and (2) therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with ... [applicable] statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations). ~~The inhibition or disruption of the POTW treatment processes or operations which is the cause of and significantly contributes to a violation of any requirement of the city's NPDES permits. The term includes prevention of sewage or more stringent state or local criteria (including those contained in any state sludge management plan prepared pursuant to Title IV of the SEDA) applicable to the method of disposal or use employed by the POTW.~~

INTERIOR PROPERTY LINE—Property lines other than those fronting on streets, roads or highways.

ISOLATED WETLANDS – Wetlands that have no hydrological or vegetative connection with “waters of the state” as defined in Section 403.031(13), Florida Statutes.

KENNEL ~~–(or Cattery) means any~~ A premises, operation, or business used for which provides for the boarding, breeding, buying, grooming, rearing, or selling of dogs or cats, or any other activity for remuneration of more than four (4) animals, ~~whether for profit or for personal use. This Code however is not to preclude the breeding and rearing of small household pets which may include, but not be limited to, dogs, cats, fish, reptiles, rodents, and birds. A premise used as an Animal Shelter or a premise owned or leased by the county or an Animal Rescue Organization is exempt from this definition.~~

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

LANDSCAPE – To plant vegetation such as trees, shrubs, groundcover, etc. so as to make an area more attractive.

LANDSCAPE IRRIGATION - The outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. “Landscape irrigation” does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.

LANDSCAPED AREA – Areas designated for vegetation.

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

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

LISTED SPECIES – Any plant species or animal species (vertebrate) indicated as endangered, threatened, or a species of special concern as found in the Regulated Plan Index of Section 581.185(5), Florida Statutes, the Designation of Endangered Species, Designation of Threatened Species and the Designation of Species of Special Concern of ~~Sections 39-27.003-27.005~~ Chapter 68A-27, Florida Administrative Code, and the list of endangered and threatened wildlife and plants issued by the U.S. Fish and Wildlife Service, 50 CFR 17.11-17.12.

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

LIVESTOCK – Domestic animals raised in an agricultural or rural setting to produce labor or commodities. “Livestock” shall include, but not limited to, all animals of the equine, ratite, caprine, ovine, or bovine family, including goats, sheep, mules, horses, cattle, ostriches and other grazing animals. The term livestock as used in these land development regulations shall specifically exclude swine, hog, pig, and exotic animals.

LIVING AREA – Space in a structure in which the air is conditioned by heating and/or air conditioning and the space is habitable or enclosed.

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

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

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

LOT OF RECORD – A lot in a Plat recorded in Plat Books 1—22, Public Records of Lake County, or a lot created by a deed which was recorded in the Public Records of Lake County prior to January 21, 1992 and legally describes a Parcel of Land by metes and bounds; or a Lot created by a Contract for Deed which was recorded in the Public Records of Lake County prior to January 21, 1992 and legally describes a Parcel of Land by metes and bounds; or a Lot in an unrecorded Plat, recognized by Lake County and identified on the official Zoning Map of Lake County.

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

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

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

MAINTAIN – To permit a sign, structure or any part of each to continue or to repair or refurbish a sign, structure or any part of either.

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

MAJOR TRANSIT STOP – a site containing an existing major bus stop which provides shelter and is located along an arterial or collector roadway.

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

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

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

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

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

~~MARQUEE OR CANOPY—A permanent roof-like shelter extending from part or all of the building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic or a combination thereof.~~

~~MARQUEE SIGN OR CANOPY SIGN—Any sign attached to or constructed in or on a canopy or marquee.~~

~~MASS EMISSION RATE—The weight of material discharged by the City of Umatilla wastewater system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.~~

~~MAXIMUM CONCENTRATION—The maximum permissible amount of a specified pollutant in a volume of water or wastewater.~~

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

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

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

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

~~MESSAGE – The wording or copy of a sign.~~

MINI-WAREHOUSE – A self-service storage facility in a building consisting of individual self-contained units of varying sizes that are leased or owned for the storage of business and household goods, or for contractor's supplies.

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

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

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

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

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

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

MOTOR VEHICLE BODY REPAIR FACILITY – An establishment engaged in paint and body work within an enclosed building. No motor vehicle engineer repair shall be conducted on the site.

~~MOTOR VEHICLE CLEANING/DETAILING FACILITY—An establishment engaged in furnishing automobile washing, waxing, polishing, detailing, tinting and/or similar services. No vehicle engineer repair shall be conducted on the site.~~

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

MOTOR VEHICLE FUEL SERVICE FACILITY – An establishment where fuel, oil, and other accessories are sold. These facilities may be incorporated with convenience store sales.

~~MOTOR VEHICLE PARTS RETAIL FACILITY—An establishment engaged in the selling of automotive, motorcycle, or other motor vehicle parts and accessories are sold.~~

MOTOR VEHICLE SERVICE AND REPAIR FACILITY – An establishment where mechanical repairs and service is performed similar to tune ups, oil changes, brakes, transmissions, wheel alignment, electrical repairs, exhaust systems, tire sales and services, motor repair and the like.

~~NAMEPLATE—A nonelectric sign identifying only the name and occupation or profession of the occupant of the premises on which the sign is located. If any premises includes more than one (1) occupant, nameplate refers to all names and occupants or professions as well as the name of the building and directional information.~~

~~NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD—Any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and Section 307(c) of the Act (Title 33 USC, Section 1317) which applies to a specific category of industrial users.~~

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

~~NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT—A permit issued pursuant to Section 402 of the Clean Water Act (Title 33 USC, Section 1342).~~

NATIVE VEGETATION – Plants that are indigenous to the State of Florida.

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

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake, groundwater, or other body or surface.

~~NEW SOURCE—Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (Title 33 USC, Section 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated in accordance with Section 306(a)(2) (Title 33 USC, Section 1316(a)(2)).~~

~~NON-CONFORMING SIGN—Any advertising structure or sign which was lawfully erected and maintained prior to such time as it came within the purview of this code and any amendments thereto, and which fails to conform to all applicable regulations and restrictions of this code, or a nonconforming sign for which a special permit has been issued.~~

~~NON-ELECTRICAL SIGN—Any sign that does not contain electrical wiring or is not attached or intended to be attached to any electrical energy source.~~

~~NON-PORTABLE SIGN—A sign designed or manufactured to be anchored or affixed to the ground, building, or other structures in a manner restricting easy movement from place to place. Non-portable signs do not include signs that have had wheels removed or have been modified in such a way as to be anchored to the ground or other structures by means of chains, cables, stakes, or similar devices unless such modifications will prohibit removal of the sign and reinstallation at another location.~~

NON-RESIDENTIAL LANDSCAPE IRRIGATION - The irrigation of landscape not included within the definition of “residential landscape irrigation,” such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.

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

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

OFFICE COMPLEX – Any office development containing three (3) or more tenant spaces that are under common land ownership or that share common property frontage.

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

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

OFF-SITE SIGN – Any sign located upon real estate which reflects any activity not being conducted upon the real estate where the sign is located. Exception: This definition shall not apply to public information signs erected by the municipality.

ON-SITE OR ON-PREMISE SIGN – Any sign identifying or advertising a business, person, activity, goods, products, or service located on the premises where the sign is installed and maintained, also known as an “appurtenant” or “accessory” sign.

OPEN SPACE – Those areas within a development set aside for conservation, including wetlands, active and passive recreation, landscaped common areas, preservation of undisturbed green space, preservation of wildlife corridors, and preservation of non-intensive agricultural uses for the purpose of meeting minimum open space requirements contained in the Land Development ~~Regulations~~Code. Waterbodies and water retention areas (dry or wet) shall not be used to meet open space requirements, provided that dry retention areas and the land above the design water elevation on wet retention ponds may be used to meet open space requirements if designed as an amenity. (~~Ord. 2020-H-adopted 09/01/2020~~)

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

OVERLOAD – The imposition of any constituent or hydraulic loading on any treatment, collections, transmission or effluent disposal facility which is a part of the City of Umatilla wastewater system in excess of said facility’s designed or legally authorized capacity.

OWNER – A person recorded as such on official records and including duly authorized agent or judiciary; any person having a vested or contingent interest in the property in question.

PASS THROUGH – The discharge of pollutants through the POTW or any other portion of the City of Umatilla wastewater system into waters of the state or nation in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of any NPDES permit or FDEPR permit issued for and applicable to the City of Umatilla wastewater system (including an increase in the magnitude or duration of a violation of any contract, resolution, law, rule, regulation, permit or approval applicable to the industrial, commercial or agricultural reuse of reclaimed water).

~~PERSON—Any person, firm, partnership, association, corporation, company, or organization of any kind.~~

PERSONAL SERVICES – An establishment which provides for the care of a person or a person’s apparel, and may include, but not be limited to, beauty/barber shop, nail salon, tanning salon, laundry, dry cleaning, retail store, garment service and shoe repair. For the purposes of this code Tattoo Parlors are not considered personal service.

pH – A symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

~~POLE SIGN—A freestanding with visible support structure.~~

POLLUTANT – Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

POLLUTION – The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water

~~PORTABLE SIGN—Any sign not permanently anchored to a building, or to a structure, or permanently anchored in the ground and set in concrete.~~

POTW TREATMENT PLANT – That portion of a POTW designed to provide treatment to wastewater.

PREMISES – an area of land with its appurtenances and buildings which, because of its unity of use, may be regarded as the smallest conveyable unit of real estate.

PRETREATMENT – The reduction of amount of pollutants, the elimination of pollutants, the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by Title 40 CRF, Section 403.6(d).

~~PRETREATMENT REQUIREMENTS—Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard imposed on an industrial user.~~

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

PRIVATE SEWAGE DISPOSAL SYSTEM – A sewage collecting, treating, and disposal facility installed, maintained and owned by persons other than the city and not connected to the public sewer.

PROTECTED TREE – Any tree designated as historic or specimen.

PUBLIC RIGHT-OF-WAY – A particular distance across a public street, measured from are not parallel, the public right-of-way width shall be determined by the City Engineer.

~~PUBLIC SERVICE INFORMATION SIGN—Any signs intended primarily to promote items of general interest to the community such as time, temperature and date, atmospheric conditions, news or traffic control, etc.~~

PUBLIC SEWER – A sanitary sewer, other than a building sewer, that is owned and/or controlled by the city.

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

PUBLICLY OWNED TREATMENT WORKS (POTW) – A treatment works as defined by Section 212 of the Clean Water Act (Title 33 USC, Section 1292) which is owned in this instance by the City. This definition includes any sewers (effluent transmission and disposal facilities) that convey wastewater to a POTW treatment plant or conveys effluent from a POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For purposes of this code, POTW shall also include any sewers that convey sewage or wastewaters to the POTW from persons who are, by contract or agreement with the city, users of the city's various POTWs.

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

RECLAIMED WATER – Water or treated wastewater which, as a result of treatment of the water, is suitable for direct beneficial uses or a controlled use by the public, agricultural, commercial, residential, industrial or institutional projects or development that would not occur otherwise.

RECREATIONAL VEHICLE – The term shall include:

- a) Travel trailer – A vehicular portable structure built on a chassis, designed and constructed to provide temporary living quarters for recreation, travel or camping purposes, of such size and weight not to require special highway movement permits when drawn by a passenger vehicle, but does not exceed eight (8) feet in width.
- b) Camping trailer – A vehicular portable structure mounted on wheels, constructed with collapsible partial side walls of fabric, plastic or other material for folding compactly while being drawn by another vehicle, and RV when unfolded at the site or location, providing temporary living quarters, and which is designed for recreation, travel or camping purposes.
- c) Truck camper – A portable structure, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters for recreation camping and travel use.
- ~~d) Motor homes – A structure built on, and made an integral part of, a self-propelled motor vehicle chassis, designed to provide temporary living quarters for recreation camping and travel use.~~
- ~~d) Park Model – A structure 400 square feet or less and built to meet American National Standards Institute (ANSI) standard A119.5 and may be licensed as a recreational vehicle (RV) in Florida.~~
- ~~e) _____~~
- ~~f) HUD Park Model – A structure, up to 500 square feet, constructed under the U.S. Department of Housing and Urban Development (HUD) standards for mobile homes and may be licensed as a recreational vehicle (RV) in Florida.~~

The structure meets the hurricane wind load standard for the City of Umatilla.

RESIDENTIAL LANDSCAPE IRRIGATION - The irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.

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

RETAIL HOME BUILDING MATERIALS – An establishment which offers for retail sale materials and equipment for home and garden construction and maintenance and may include, but not be limited to, aluminum, cabinets, caulking material and equipment, garden supplies, and topsoil. Plant materials sold at such an establishment could be grown on the premises in a field or greenhouse.

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

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

~~RIPRAP—A retaining wall made to protect from erosion and consisting of unconsolidated boulders, rocks, or clean concrete rubble with no exposed reinforcing rods or similar protrusions.~~

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

- a) Local Road – A route of relatively low traffic volume and travel speed that provides primary access to the majority of individual lots in subdivisions, and connects those lots to the collector or arterial system.
- b) Minor Collector Road – A route that provides primary access to or through a subdivision or subdivisions, and connects those developments to the major collector and arterial system.
- c) Major Collector Road – A route providing service which is of moderately average traffic volume, moderately average trip length, and moderately average operating speed. Such a route also collects and distributes traffic between local roads or arterial roads and serves as a linkage between land access and mobility needs.

- d) Minor Arterial Road – A route which generally interconnects with, and augments, principal arterial routes and provides service to trips of shorter length and a lower level of travel mobility. Such a route would include any arterial not classified as “principal” and containing facilities that place more emphasis on land access than the higher system.
- e) Principal Arterial Road – A route which generally serves the major centers of activity of an urban area, the highest traffic volume corridors, and the longest trip purpose and carries a high proportion of the total urban area travel on a minimum of mileage. Such a route would be integrated, both internally and between major rural connections.

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

~~ROOF SIGN—Any sign or portion of a sign which is attached to the roof.~~

~~SANDWICH BOARD SIGNS—A moveable sign not secured or attached to the ground or surface upon which it is located, but supported by its own frame and most often forming the cross-sectional shape of an A. The sandwich board sign is to be constructed of polyethylene plastic, painted wood, aluminum frame or similar professional construction.~~

SANITARY SEWER – A pipe which carries sewage and to which storm, surface or groundwaters are not intentionally admitted.

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

SEWAGE OR WASTEWATER – A combination of water-carried wastes from residences, business buildings, institutions and industrial establishments.

SEWAGE TREATMENT PLANT – An arrangement of devices and structures used for treating sewage or wastewater.

SEWAGE WORKS – All facilities for collecting, pumping, treating and disposing of sewage.

SEWER – A pipe or conduit for carrying sewage or wastewater.

~~SHALL—When used, it is mandatory, but the term “may,” when used, means that it is permissive.~~

~~SHED—See “Utility Shed”.~~

SHOPPING CENTER – Any commercial building or development housing three (3) or more tenants on one (1) ownership parcel.

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

~~SIGN—Any identification, description, illustration or device illuminated or nonilluminated which is visible from any public place or is located on private property and exposed to the public and which directs attention to a product, service, place, activity, person, institution, business or solicitation, including any permanently installed or situated merchandise; or any emblem, painted banner, pennant, placard or temporary sign designated to advertise displays, bunting and national flags. For the purpose of removal, signs shall also include all sign structures.~~

~~SIGN STRUCTURE—Any structure which supports, has supported or is capable of supporting a sign, including decorative cover.~~

~~SIGNIFICANT INDUSTRIAL USER—Any industrial user of the City of Umatilla wastewater system who:~~

- ~~a) —Has a discharge flow of ten thousand (10,000) gallons or more per day during any —day during any calendar year; and~~
- ~~b) —Discharges one (1) or more of the federally defined “priority pollutants”; or~~
- ~~c) —Has in its wastes, toxic pollutants as defined pursuant to section 307 of the Act, —Florida Statutes, or any applicable state or federal rules; or~~
- ~~d) —Is found by the city, the Florida Department of Environmental Regulation (FDERR) or the USEPA to have significant impact, either singularly or in combination with other contributing industries, on the system, the quality of sludge, the county-wide system’s effluent quality, or air emissions generated by the City of Umatilla wastewater system.~~

~~SLUG—Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quality of flow exceeds more than five (5) times the average twenty-four (24) hour concentration or quantity of flow during normal operation.~~

~~SNIPESIGN—Any sign of any size, made of any material, including paper, cardboard, wood and metal, when such sign is tacked, nailed, posted, pasted, glued, or otherwise attached to trees, poles, fences or other objects, and the advertising matter appearing thereon is not applicable to the premises upon which said sign is located.~~

~~SPECIAL PURPOSE SIGN—Any sign other than a business, nonaccessory, identification sign, including but not limited to traffic signs.~~

~~STANDARD INDUSTRIAL CLASSIFICATION (SIC)—A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.~~

STANDARD METHODS – The current edition of “Standard Methods for the Examination of Water and Wastewater”, as published or republished from time to time by the American Public Health Association.

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

STATE – The State of Florida.

STATE WATER QUALITY STANDARDS – Criteria set forth in Chapter 62 of the Florida Administrative Code as the minimum levels of ambient water quality parameters permissible in a water body to protect the designated uses of a water body.

~~**STORM DRAIN/STORM SEWER**—A sewer which carries storm and surface waters and drainage, but excludes sewage and industrial waters, other than unpolluted cooling water.~~

STORMWATER – Any flow occurring during or following any form of natural precipitation and resulting therefrom.

~~**STREET**—A public highway, road or thoroughfare which affords the principal means of access to adjacent lots, measured from the property line to property line.~~

STUDIO – A workroom for, or place of study of, an art, including but not limited to, painting, sculpting, photography, dancing, ~~and music,~~ and may include gymnastics, karate, martial arts or self-defense instruction. A Studio as used in this Code is not included to include places for public performance or public display of art. ~~(Ordinance 2020-H, adopted 09/01/2020)~~

SUBDIVISION – The division or redivision of a parcel of land, whether improved or unimproved, into two (2) or more lots or parcels of land either by plat, or by metes and bounds description for the purpose, whether immediate or future, of transfer of ownership or building development or any division of a parcel of land if a public street or change in an existing public street or other public facilities or improvements are involved. Residential subdivisions of two (2) lots may be approved without the submittal of a preliminary and final plat as set forth in Chapter 9 of these regulations.

SUBSTANTIAL IMPROVEMENT – Any combination of repairs, reconstruction, alteration or improvements to a structure, taking place during a one (1) year period, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure shall be that prior to the start of the initial repair or improvement or, in the case of damage, the value of the structure prior to the damage occurring. For the purposes of this definition “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvements of a structure required to comply with existing health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

SUSPENDED SOLIDS – Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by various filtering and settling techniques.

SWIMMING POOL – Any constructed pool over twenty-four (24) inches in depth or with a surface area exceeding two hundred fifty (250) square feet used for swimming.

~~TEMPORARY SIGN—A sign which is not permanently affixed. All devices such as banners, pennants, flags (not intended to include flags of any nations), searchlights, twirling or sandwich type signs, sidewalk or curb signs and balloons or other air or gas filled figures.~~

~~TEMPORARY WINDOW OR BUILDING SIGN—A sign painted on the interior of a window or constructed of paper, cloth or other like material and attached to the interior side of a window or displayed on the exterior of a building wall in order to direct attention of persons outside the building to a sale of merchandise or a change in the status of the business.~~

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

TOXIC POLLUTANT – Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the U.S. EPA under the provision of Section 307(a) of the Clean Water Act, or other acts.

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

TREE – Any living, self-supporting, woody perennial plant which has a trunk diameter of at least one and one-half (1 ½) inches.

TRUCKING TERMINAL – Land or buildings where trucks, including tractor or trailer units, are parked, stored, or serviced (to the extent permitted at a Motor Vehicle Service Center) including the transfer, loading or unloading of goods. A trucking terminal may include facilities for the temporary storage of loads prior to transshipment and may include, but not be limited to, businesses of armored truck delivery and pick up, freight forwarding, motor freight and local cartage trucking and parcel shipping.

~~TWENTY-FOUR (24) HOUR FLOW PROPORTIONAL COMPOSITE SAMPLES—A sample consisting of several effluent portions collected during a twenty-four (24) hour period in which the portions of sample are proportionate to the flow and combined to form a representative sample.~~

~~UNDER CANOPY OR MARQUEE SIGN—A sign suspended below the ceiling or roof of a canopy or marquee.~~

~~UNLAWFUL SIGN—A sign which contravenes this code or which the administrator may declare as unlawful if it becomes dangerous to public safety by reason of dilapidation or abandonment, or a nonconforming sign for which a permit required under a provision of this code was not obtained.~~

~~UNPOLLUTED WATER—Water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters of the state.~~

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

~~USACOE—The United States Army Corp of Engineers.~~

USE – The purpose for which a building, lot, sign or other structure is arranged, intended, designed, occupied or maintained.

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

USER – Any person who contributes, causes or permits the contribution of sewage or wastewater into the City of Umatilla wastewater system.

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

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

VARIETY MARKET – An indoor bazaar with a wide variety of items for sale.

VEHICULAR USE AREA – An area used for traffic circulation, parking, and/or display of motorized vehicles.

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

VIDEO PROGRAMMING means programming provided by, or generally considered comparable to programming provided by, a television broadcast station as set forth in 47 U.S.C. § 522(20).

VIDEO SERVICE means Video Programming services, including cable services, provided through Wireline Facilities located at least in part in the Public Rights-of-Way without regard to delivery technology, including Internet protocol technology. This definition does not include any Video Programming provided by a commercial mobile service provider as defined in 47 U.S.C. § 332(d), or Video Programming provided as part of and via a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

VIDEO SERVICE PROVIDER means an entity providing Video Service.

~~WALL SIGN—A sign attached to or erected against the wall of a building with the face in a parallel plane of the building wall.~~

~~WALL SIGN:FASCIA SIGN—A sign attached to or erected against the wall of a building with the face in a parallel plane of the building wall.~~

~~WASTEWATER CONSTITUENTS AND CHARACTERISTICS—The individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.~~

WATERCOURSE – A channel in which a flow of water occurs, either continuously or intermittently.

WETLANDS – Lands which are identified by being inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and non-contiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hybrid hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, and freshwater marshes.

Dominant wetland vegetation shall be determined as provided in ~~Rules 17-3.022, Chapter 62 of the~~ Florida Administrative Code. In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear. In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other historical information as appropriate.

WETLAND VEGETATION – As defined in Rule ~~17-3.022~~62-340.200(19), Florida Administrative Code.

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

~~WINDOW SIGN—A sign installed inside a window for purposes of viewing from outside the premises. This term does not include merchandise located in a window.~~

WIRELESS FACILITIES means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, Antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes Small Wireless Facilities. The term does not include: (a) the structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated; or (b) wireline backhaul facilities; or (c) coaxial or fiber-optic cable that is between wireless structures or Utility Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna.

WIRELESS INFRASTRUCTURE PROVIDER means a Person who has been certificated to provide telecommunications service in the State of Florida, and who builds or installs wireless communication transmission equipment, Wireless Facilities, or Wireless Support Structures, but is not a Wireless Services Provider.

WIRELESS PROVIDER means a Wireless Infrastructure Provider or a Wireless Services Provider.

WIRELESS SERVICES means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using Wireless Facilities.

WIRELESS SERVICES PROVIDER means a Person who provides Wireless Services.

WIRELESS SUPPORT STRUCTURE means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting Wireless Facilities. The term does not include a Utility Pole.

WIRELINE FACILITIES means an aerial facility used to provide Communications Services.

WRAP means an aesthetic covering depicting scenic imagery such as vegetation, which blends with the surrounding area. Imagery in a Wrap may not contain any advertising.

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

CHAPTER 3

ADMINISTRATION

SECTION 1: ————— GENERAL PROVISIONS

a) Administrative Official.

The provisions of this Code shall be administered and enforced under the direction of the Administrative Official. The Administrative Official shall be the City ~~Clerk~~ Manager or their designee.

b) Fees.

All fees described in this Code shall be as set by the City Council, ~~based on the actual average cost of all expenses associated with the subject activity, including materials, labor, and overhead.~~

SECTION 2: ~~DEVELOPMENT ORDER AND DEVELOPMENT~~ ~~NT~~ ~~PERMIT~~ ~~REREQUIRED.~~

a) In General.

No development activity shall be undertaken unless the activity is authorized by a development order approving a development permit. A development ~~permit order~~ may ~~not~~ be issued ~~unless authorized by a development order reflecting only in~~ conformance with the requirements of this Code.

b) ~~Exceptions to the Requirement of a Development Order.~~

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

- ~~1) The construction or alteration of a one or two family dwelling on a lot of record as of January 21, 1992, or lot created under the terms of this Code.~~
- ~~2) The construction of an accessory structure on a previously development single family lot.~~
- ~~3) The alteration of an existing structure which does not enlarge the effective size or capacity of the structure.~~
- ~~4) Demolition of a structure.~~
- ~~5) Erection of signs or fences on a previously developed site and when independent of other development activity on the site.~~
- ~~6) The resurfacing of an impervious vehicle use area.~~

SECTION 3: ~~DEVELOPMENT ORDER~~

- b) A development order granting, or granting with conditions, an application for a development permit ~~order~~ shall be issued by the City only after the approval of development plans as required by this Code. A development order allows for the issuance of development permits for the initiation of development activities, including land clearing, site preparation, utility construction, road construction, and building construction.

a 1) Contents.

 A development order shall include the following:

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

2b) General Conditions.

 All development orders are issued contingent upon the following:

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

c) Expiration of a Development Order.

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

- 1) Development plan approval for subdivisions shall expire after eighteen (18) months from the date of issuance.
- 2) Site development plan approval shall expire after one (1) year from the date of issuance.
- 3) Conceptual plans for zoning approvals shall expire based on the terms of any adopted ~~its~~ development agreement and any phasing plan therein.
- 4) Special exception uses, conditional uses, and variances shall expire either ~~based on the conditions of approval or based on the specific requirements of this Code.~~
- 5) Rezoning, except to planned zoning districts, shall not have expiration dates.

d) Extension of Expiration Date.

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

- 1) Where initial development permits have been issued pursuant to the development order, and substantial development is ongoing, ~~continuously proceeding~~, the City Clerk Manager may grant one (1) or more extensions not to exceed a total of two (2) years from the original expiration date. No fee shall be required beyond those required for the issuance of development permits.
- 2) Where an extension is ~~desired~~ desired, but no permits have been issued, a developer must request an extension in writing from the City Clerk Manager, accompanied by a development order extension fee. The request for extension shall be reviewed and considered by the same process as the original approval, with special consideration to:
 - A) Amendments to this Code, including codes and standards adopted by reference, that have been adopted since the original approval, requiring modification to the development plans or associated documents.
 - B) Re-evaluation of the ability of the proposed development to meet the requirements of Chapter 4, "Concurrency Management System".
 - C) Changes in surrounding land use, development, or other conditions that may require modification of the plans to meet the requirements of this Code.

e) Securing Development Permits.

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

f) Modification of a Development Order.

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

SECTION 43: ~~AMENDMENTS.~~

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

a) Application.

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

- 1) Applications for ~~Development~~ Code or Comprehensive Plan amendments, and/or rezonings shall be submitted no later than twenty-eight (28) days in advance of the regularly scheduled ~~Planning and Zoning Board~~ City Council

meeting in order to be considered at that meeting.

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

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

b) Notification of Public Hearing.

~~All amendments to the Comprehensive Plan or this Code shall comply with the following:~~

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

A) Adjoining Owners. -The City shall ~~send~~provide notice of the proposed action to ~~the all~~ owners of record, as shown on the most recent tax roll, of ~~all adjoining~~ properties to adjoining the subject property, as well as any owners of the subject property not party to the application. Such notice shall include the date, time, and place of the public hearing before the Planning and Zoning Board and the City Council, along with a clear and concise description of the proposed action. For the purposes of such notification, adjoining properties shall include those properties separated from the subject property by a road, canal, easement right-of-way or similar barrier of two hundred (200) feet ~~(200)~~ or less in width.

B) Posting of Property. -The applicant shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along ~~any one (1) each road~~ frontage.

C) Public Advertisement. -Notice of public hearing shall be published ~~in~~

~~a newspaper of general circulation within the City at least fourteen (14) days prior to the hearings, with a second publication to be at least seven (7) days prior to the hearings. Notice shall also be posted in a conspicuous location at the City Hall, and may be posted at other public locations at the discretion of the City pursuant to the requirements of Section 163.3184, Florida Statutes, as amended.~~

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

c) Procedure for Public Hearing.

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

- 1) Planning and Zoning Board Action. The Planning and Zoning Board shall consider and make recommendations to the City Council on every rezoning and every proposed amendment to the Comprehensive Plan or this Code. Recommendations on rezoning and future land use map amendments shall be considered at the public hearing noted in Section (b) above, while textual changes may be considered as a general item on the Planning and Zoning Board agenda.
- 2) City Council Action. The City Council shall consider recommendations of the Planning and Zoning Board before taking action on proposed amendments to this Code. However, if those bodies fail to make a recommendation within sixty (60) days of the amendment's first consideration by that body, then the City Council may take action based upon an assumed recommendation of approval from the advisory board.

d) Reapplication for Denied Rezoning.

When an application for rezoning is denied by the City Council, subsequent application for similar rezoning on any portion of the same parcel of property may not be made for ~~twelve (12)~~six (6) months from the date of City Council denial, unless specifically authorized by the City Council.

e) Criteria for Review of Amendments.

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

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

SECTION 45: **APPEALS**

a) Procedural Appeals.

Any property owner, developer, or their duly authorized agent ~~that is~~ aggrieved by a procedural decision of the City ~~Manager Clerk~~ or any other official or body empowered by this Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City ~~Clerk~~Manager, and ~~shall must~~ fully state ~~fully~~ the grounds for the appeal, as well as ~~and~~ all facts relied upon by the petitioner. Upon receipt of the appeal, ~~T~~the City ~~Clerk~~Manager shall schedule the appeal for the consideration ~~of by~~ the City Council within twenty-one (21) days of the receipt of the appeal.

b) Technical Appeals.

Any property owner, developer, or their duly authorized agent ~~that is~~ aggrieved by a technical decision of the City ~~Clerk~~Manager or any other official or body empowered by this Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City ~~Clerk~~Manager and ~~shall must fully~~ state ~~fully~~ the grounds for the appeal and all facts relied upon by the petitioner. Upon receipt of the appeal, ~~T~~the City ~~Clerk~~Manager shall schedule the appeal for consideration no earlier than seven (7) days ~~or and~~ no later than forty ~~five~~ (45) days after ~~the~~ receipt of the appeal. Technical appeals shall be heard by the City Council.

SECTION 65: **ENFORCEMENT.**

The City ~~shall reserves~~ the right to enforce the provisions of this Code by any legal means provided under applicable law. ~~in any manner as provided by law.~~ Specific enforcement ~~options~~ actions are outlined as follows~~below~~:

a) ~~—~~ In General.

— Whenever the City has reason to believe that the provisions of this Code are being violated, it shall notify the alleged violator of the nature of the violation(s) and require correction ~~of the violation(s) in~~ within a reasonable period of time, ~~based on the policies of in accordance with the City policies.~~ If ~~the violation is~~ not corrected within the specified time ~~specified, the matter the violation(s)~~ shall be referred to the ~~Code Enforcement Board~~ Special Magistrate for enforcement as authorized in the City's Code of Ordinances.

SECTION 76: ————— NONCONFORMANCE PROVISIONS.

aa) Types of nonconforming Statusties.

Within the zoning districts established by this Code, or ~~A~~ amendments thereto, ~~that later may be adopted,~~ there may exist lots, uses of land, or structures which lawfully existed before this Code was passed or amended but would be prohibited, regulated, or restricted under the terms of this Code.

It is the intent of this Code to ~~permit allow these~~ nonconformities to continue in their present condition but ~~not be prohibit their enlargement upon,~~ expansioned, or extensioned, nor may they be used as grounds for adding other structures or uses prohibited elsewhere in the same district. There are three (3) types of nonconformities ~~ng status, as follows:~~

1) Nonconforming Lots of Record.

In any zoning district in which residential dwellings are permitted, notwithstanding district dimensional requirements, a ~~single family~~ single-family detached dwelling, and customary accessory ~~buildings structures,~~ may be erected on any single lot of record as defined herein which existed on or before January 21, 1992. This provision shall apply even though such lot fails to meet the requirements applying to area or width, or both, of the lot and shall conform to all other regulations for the district in which said lot is located. However, development on residential lots platted under previous zoning ordinances may be permitted to develop based on setbacks in force at the time of platting.

The following provisions shall apply to lots of record zones d commercial or industrial on or before January 21, 1992:

AA) The construction of ~~one a single~~ commercial or industrial building shall be permitted on each lot providing that no adjoining lots are in the same ownership, or were in the same ownership as of January 21, 1992.

BB) Dimensional requirements shall be based on the established

requirements of this Code.

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

2) Nonconforming Uses of Land and Structure.

A nonconforming use of land or structure existing prior to January 21, 1992, shall continue to have such nonconforming status and shall be subject to the applicable provisions of this Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

AA) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of January 21, 1992.

BB) No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use as of January 21, 1992.

CC) No additional structure, building, or use that does not conforming to the requirements of this Ordinance shall be ~~erected~~allowed in connection with such nonconforming use of land or structure.

3) Nonconforming Structures.

A nonconforming structure existing prior to January 21, 1992, shall continue to have such nonconforming status and shall be subject to the applicable provisions of this Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

AA) ~~No such~~A nonconforming structure may not be enlarged or altered in any way which increased its nonconformity, though but any structure or portion ~~thereof~~it may be altered to ~~decrease~~reduce its nonconformity.

BB) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than ~~seventy-five~~fifty percent (~~75~~50%) of its current appraised value as recorded in the tax assessor's office at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.

CC) Should such structure be moved for any reason for any distance ~~whatsoever~~ever, it shall thereafter conform to the regulations of the zoning district in which it is located after it is removed.

bb) Repairs and Maintenance.

Repairs and modernization of ~~On~~ any nonconforming structure, or portion ~~thereof a structure~~ containing a nonconforming use, ~~repairs and modernization~~ are permitted provided that the cubic area of the structure as it existed when it became nonconforming ~~is shall~~ not ~~be~~ increased. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official. All repairs ~~shall~~ must be completed within six (6) months after damages occurs or the use ~~shall not~~ must be rebuilt ~~except as a conforming use~~ this Code.

ce) Discontinuance of Nonconforming Uses of Land or Structures.

If a nonconforming use of land or a nonconforming use of structure has been abandoned for a period of six (6) months or more, such use shall not ~~thereafter~~ be reestablished, and any future use shall comply ~~be in conformity~~ with the provisions of this Code.

dd) Uses Under Special Exception or Conditional Use Provisions Are Not Nonconforming Uses.

Any use ~~which is~~ permitted as a special exception or conditional use in a district under the terms of this Code shall be considered ~~deemed~~ a conforming use, subject to any conditions ~~legally~~ imposed by the City Council in the past, even if previously authorized.

SECTION 87: TECHNICAL REVIEW COMMITTEE (TRC)

~~There may be created~~ the Technical Review Committee (TRC) is composed of City staff who ~~to~~ provide technical review for all applications for development approval and grant final approval for development plans when authorized by this Code.

aa) Meetings.

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

bb) Membership and Organization.

The TRC may be ~~composed~~ consist of the heads of the following departments or divisions or their designees: Building, Public ~~Words—Works~~ and the City ~~Clerk~~ Manager. The TRC shall be chaired by the City ~~Clerk~~ Manager or designated representative. Upon request of the City ~~Clerk~~ Manager other TRC members may include the City Attorney, City Engineer, City Planner, and Fire Chief.

SECTION 8: —————PLANNING AND ZONING BOARD

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

a) Membership

The Planning and Zoning Board shall consist of five (5) members appointed ~~by, and by~~ and who serve at ~~serving at~~ the pleasure of the City Council. Members shall be qualified electors residing in the City. Membership shall be further specified as follows:

- 1) Members shall be appointed for three (3) year terms. A member whose term expires may continue to serve until a replacement is appointed.
- 2) Members may be removed without notice or without cause by a majority vote of the City Council.
- 3) If any member fails to attend two (2) of three (3) consecutive meetings without good cause and without prior approval of the chairman, the board shall declare the position vacant and request a replacement be appointed by the City Council.
- 4) When a vacancy occurs prior to the expiration of a term, the City Council shall appoint a member to fill the vacancy for the duration of the term.

b) Organization and Procedures.

- 1) The Board shall annually elect a chairman and vice-chairman from among its members.
- 2) The Board shall adopt rules of procedure, in accordance with this Code and applicable law, to carry out its functions and duties.

- 3) The Board shall meet at least once per calendar month, unless canceled by the Board or its chairman, and at such additional times as requested by the Chair or City Council.
- 4) A quorum shall consist of three (3) members.
- 5) The City shall provide a ~~recording secretary~~ staff person designated by the City Manager to keep minutes of the Board's meetings.

c) General Functions and Duties.

- 1) The Board shall obtain and review information as necessary to prepare and amend the Comprehensive Plan, ~~Development Code of the City's Land~~ Development Code, and the Official Zoning Map of the City.
- 2) The Board shall monitor the operation and effectiveness of the Comprehensive Plan and this Code, and recommend amendments to the City Council.
- 3) The Board shall conduct public hearings, review development applications, and perform other duties as required by this Code or the City Council.

(d) Meetings.

- 1) In the event a development application is scheduled for consideration by the Planning and Zoning Board, but the meeting is canceled or not held due to lack of a quorum, the applicant may submit a written request to the City Manager or their designee for the application be considered by the City Council. Upon receipt of such request, the application shall be placed on the next available City Council agenda.

(e) City Council Acting as Planning and Zoning Board.

- 1) The Council may, from time to time, pass a resolution dissolving the Planning and Zoning Board and designating itself to undertake the functions of the Planning and Zoning Board. A resolution hereunder may state an effective period or state that it shall be effective indefinitely until further resolution of the Council.
- 2) In the event that the City Council designates itself to perform the functions of the Planning and Zoning Board, all matters which would otherwise be heard or considered by the Planning and Zoning Board will be addressed at regular or special City Council meetings. When performing such functions at properly noticed City Council meetings, it shall not be necessary for the City Council to separately give notice of Planning and Zoning Board meetings, for separate minutes to be taken, or for a meeting of the City Council to be adjourned and a meeting of the Planning and Zoning Board be called to

order. Furthermore, at times when the City Council is undertaking the functions of the Planning and Zoning Board, and to the extent that the Planning and Zoning Board is charged by the ordinances or land development regulations to make a recommendation or an advisory ruling to the City Council on a matter, the recommendation or advisory ruling shall be deemed to be merged with the action of the City Council on the matter and no separate recommendation or advisory ruling need be made by the City Council to make its act official and final.

**SECTION 910: CODE ENFORCEMENT BOARD SPECIAL
MAGISTRATE SYSTEM**

There is hereby created a local government code enforcement system pursuant to Chapter 162, Florida Statutes, for the City, giving special magistrates designated by the City Council the authority to hold hearings and assess fines against violators of city codes and ordinances. Any special magistrate designated hereunder shall have the same status as an enforcement board under Chapter 162, Florida Statutes.

a) Appointment of special magistrate.

- 1) The City Council hereby adopts Chapter 162, Florida Statutes, as it may be amended or renumbered from time to time, and all binding judicial decisions thereunder, which shall govern the conduct of proceedings before the special magistrate as if the same were being conducted before a code enforcement board.
- 2) Whenever the City Council desires to appoint one or more special magistrates, it shall solicit applications from persons willing to serve as special magistrate and shall interview and evaluate applicants. From said applicants, the city shall appoint one or more special magistrates who thereafter shall have all of the powers and duties of a code enforcement board under Chapter 162, Florida Statutes.
- 3) The term of appointment of any special magistrate shall be set by the City Council by contract with the special magistrate and the special magistrate shall sit at the pleasure of the City Council.
- 4) Every special magistrate appointed hereunder shall be a member of the Florida Bar in good standing and shall have not less than three years of experience as a practicing attorney, shall demonstrate satisfactory knowledge of municipal law and the general procedures for enforcement of municipal codes, and shall demonstrate a temperament suitable for the exercise of the quasi-judicial powers vested in each special magistrate.

b) Officers; rules and regulations; legal counsel.

- 1) The special magistrate(s) may adopt rules and regulations of procedure not

inconsistent with state law or existing ordinances or the Charter of the City.

2) The City Attorney shall serve as counsel to any code enforcement officer to assist in preparation and prosecution of cases.

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

c) Supplemental provisions.

1) Nothing contained in this article shall prohibit the City from enforcing its codes and ordinances by any other lawful means available under law. It is intended that this article is an additional or supplemental means of obtaining compliance with the codes and ordinances.

2) If any sentence, clause, or provision of this article is for any reason held or declared to be unconstitutional, inoperative, or void, such holding or invalidity shall not affect the validity of the remaining portions of this Code; and it shall be construed to have been the Council's intent to pass this Code without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Code, after the exclusion of such part shall be deemed and held to be valid as if such part had not been included in this article; or if this article or any provision thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

~~There is hereby created the City of Umatilla Code Enforcement Board pursuant to Chapter 162, Florida Statutes, as amended by Chapter 89-268, Laws of Florida (1989), to hear and decide cases involving alleged violations of City ordinances.A)~~ Membership.

~~—The Code Enforcement Board shall consist of seven (7) members appointed by the City Council. Members shall be qualified electors residing in the City. Membership shall be further specified as follows:~~

1) ~~—Membership shall whenever possible include an architect, a businessman, an engineer, a general contractor, a subcontractor, and a realtor.~~

- ~~2) The initial appointments to the Code Enforcement Board shall be two members appointed for a term of one year each; two members appointed for a term of two years each; and two members appointed for a term of three years each.~~
- ~~3) Thereafter, all appointments shall be made for a term of three (3) years. A member may be reappointed for one successive term upon approval of the City Council. Appointments to fill any vacancy on the board shall be for the remainder of the unexpired term of office.~~
- ~~4) If any member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman, the Enforcement Board shall declare the member's office vacant, and the City Council shall promptly fill such vacancy.~~
- ~~5) The members shall serve in accordance with ordinances of the City and may be suspended and removed for cause as provided for in such ordinances for removal of members of the City Council or other administrative boards.~~

~~b) Organization and Procedures.~~

- ~~1) The members of the Enforcement Board shall elect a chairman from among its members.~~
- ~~2) A quorum shall consist of four (4) members.~~
- ~~3) Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the City Council.~~
- ~~4) The Board may adopt rules and regulations of procedures not inconsistent with Florida law, City Chapter or codes, subject to the approval of the City Council.~~
- ~~5) The City Attorney shall serve as counsel to the Board.~~

~~b) Enforcement Procedures~~

- ~~1) It shall be the duty of the Code Enforcement Officer or other agents of the City authorized by the City Clerk or designee to initiate enforcement proceedings of the various codes; provided however, no member of the Code Enforcement Board shall have the power to initiate such enforcement proceedings.~~
- ~~2) Except as provided in divisions (3) and (4) below, if a violation of the code is found, the Code Enforcement Officer or other authorized agent shall notify the~~

violation and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the Code Enforcement Officer or other authorized agent shall notify the Enforcement Board and request a hearing pursuant to the procedure set forth hereinafter. Written notice shall be mailed to such violator as provided herein.

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

d) — Hearings:

- 1) — The chairman of the Code Enforcement Board may call hearings and hearings may also be called by written notice signed by at least three (3) members of the Code Enforcement Board. The Code Enforcement Board may at any hearing set a future hearing date. The Code Enforcement Board shall attempt to convene no less frequently than once every two months, but may meet more or less often as the demand necessitates. Minutes shall be kept of all hearings and proceedings by the Code Enforcement Board, and all hearings and proceedings shall be open to the public. The City Council shall provide such clerical and administrative personnel support staff as may be reasonably required by the Code Enforcement Board for the proper performance of its duties.
- 2) — Each case before the board shall be presented by a member of the administrative staff of the City.
- 3) — The Code Enforcement Board shall proceed to hear cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The Code Enforcement Board shall take testimony from the code enforcement officer or authorized agent, the alleged violator and any other witnesses which may provide relevant and material evidence of the alleged violation. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.
- 4) — At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact, based on evidence received, and conclusions of law and shall issue an order affording the proper relief consistent with the powers granted herein. The finding shall be made by motion approved by a majority of those present and voting, except that at least four (4) members of the Code Enforcement Board must vote for the action to be official.

e) — Powers:

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

- 1) — Adopt rules for the conduct of its hearings.

~~2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the Lake County Sheriff's Department or the City Police Department.~~

~~3) Subpoena evidence.~~

~~4) Take testimony under oath.~~

~~5) Issue orders having the force of law commanding whatever steps are necessary to bring the violation into compliance.~~

~~f) Notices.~~

~~— All notices required herein shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the Lake County Sheriff's Department or other authorized law enforcement officer including, but not limited to, members of the City Police Department; the code enforcement officer; or any other person designated by the City Commission; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and informing such person of the contents of the notice. In addition to providing notice as set forth above, at the option of the Code Enforcement Board, notice may also be served by publication or posted, as provided by state law.~~

~~g) Fines and Liens.~~

~~1) The Code Enforcement board, upon notification by the code enforcement officer or other authorized agent of the city that an order of the enforcement board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine not to exceed two hundred fifty dollars (\$250.00) for each day the violation continues past the date set for compliance.~~

~~2) A certified copy of an order imposing a fine may be recorded in the Public Records and thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator.~~

~~3) No lien provided for by Section 162, Florida Statutes and this Chapter shall continue for a period longer than two (2) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. The continuation of the lien affected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.~~

~~h) Appeal.~~

~~— An aggrieved party, including the City, may appeal a final ruling or final administrative order of the Code Enforcement Board to the circuit court. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.~~

SECTION 140: ~~LOCAL LAND PLANNING AGENCY~~

- a) Authority. This section is enacted pursuant to, and in accordance with, provisions of Chapter 163, Florida Statutes ~~(Local Government Comprehensive Planning Act of 1975).~~
- b) Designation and establishment of Local Land Planning Agency. Pursuant to, and in accordance with Section 163.3174, Florida Statutes, ~~(the Local Government Comprehensive Planning Act of 1975)~~ the City Council is hereby designated and established as the Local Planning Agency for the incorporated territory of the City.
- c) Organization. The Local Planning Agency shall consist of the five (5) elected officials to the City Council and their term shall run concurrently with their terms as City ~~Councilmen~~ Council Members. The officers of the Local Planning Agency shall be the same officers as the City Council.
- d) Rules of Procedure. The Local Planning Agency shall follow the same rules of procedure as the City Council and may adopt in addition any additional rules of procedure they may deem necessary and expedient when sitting as a local planning agency.
- e) Public Meetings and Records. All meetings of the Local Planning Agency shall be public meetings and all agency records shall be public records. The Local Planning Agency shall encourage public participation.
- f) Appropriation of Funds. The Local Planning Agency, in accord with the fiscal practices thereof, has the authority to expend all sums so appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources, provided however, acceptance of loans must be approved by the City Council.
- g) Financial Support for Staffing and Work. The City Council, sitting as the City Council, as well as sitting as the Local Planning Agency, is hereby authorized to provide financial support for the staffing and work of the agency, and may provide for the financial support and staffing as they may deem necessary and expedient.
- h) Comprehensive Plan. The Local Planning Agency may designate any agency, committee, department or person to prepare the comprehensive plan or any element thereof, but the final responsibility for the recommendation of the adoption of the plan shall be the responsibility of the local planning agency.
- i) Powers and Duties. The Local Planning Agency shall perform the following functions, in accordance with ~~the Local Government Comprehensive Planning Act of 1975~~, Sections 163.3161 through ~~163.3174~~ 163.3111, Florida Statutes shall: Section 163.3174, Florida Statutes, as amended shall:
 - 1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.

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

SECTION 121: _____DESIGN REVIEW BOARD.

a) Created; composition; terms; removal of members.

(1) Created. _____ There is hereby created a city design review board.

(2) Composition. The board shall be composed of five members and one _____ alternate who shall serve without compensation. To the extent that qualified _____ volunteers are available:

_____ (A) _____ -At least two of the members shall be architects, licensed or registered _____ to practice in the State of Florida, and at least one member shall be a _____ landscape architect, licensed or registered to practice landscape _____ architecture in the State of Florida. The other two members and the _____ alternate shall be persons who, as a result of training, experience, _____ attainments or interest, are qualified to analyze and interpret design, _____ landscaping, lighting, signage or environmental information; to _____ appraise resource uses in light of the policies set forth in this _____ division; and to be responsive to the social, aesthetic, recreational _____ and cultural needs of the community. Persons having expertise or _____ interest in related matters, such as conservation, recreation, design, _____ urban planning, cultural-historical preservation and ecological and _____ environmental sciences, shall, insofar as practicable, be considered _____ for appointment to the board.

_____ (B) _____ -Alternatively, the Council may, from time to time, pass a resolution _____ designating itself as and undertaking the functions of the Design _____ Review Board. A resolution hereunder may state an effective _____ period or state that it shall be effective indefinitely until further _____ resolution of the City Council.

(3) Terms. _____ -The term of office for each member shall commence upon the _____ effective date of appointment and shall expire on May 31 closest to three _____ years _____ from commencement of the term. Members shall be limited to two _____ consecutive three-year terms. After serving two consecutive terms, a _____ member may reapply for appointment to the board after one year following _____ expiration of the member's last term. In the event the City Council

_____ designates itself as the Design Review Board, the term of each such board
_____ seat shall be concurrent with the term of the City Council seat.

~~(4)~~ _____ *Removal of members.* Any member may be removed by the city council for
_____ failure to maintain the qualifications set forth in subsection (b) of this
_____ section, or article II, section 5(a) of the state Constitution (dual office
_____ holding). A member who is removed shall not be reappointed to
_____ membership on the Design Review Board for at least one year from the
_____ date of removal.

b) Purpose.

_____ The purpose of the Design Review Board is to promote the public health, safety and general
welfare by considering appeals from final administrative decisions from the City Building
Department. Factors to be considered in hearing such appeals include, but are not limited
to, the following:

- ~~(1)~~ _____ Preserving existing areas of natural beauty and cultural importance;
- ~~(2)~~ _____ Assuring that buildings and structures, along with associated signage,
_____ landscaping, lighting or other development, contribute in a positive way to
_____ the public environment of the city;
- ~~(3)~~ _____ Preventing the development of structures or uses which are not of
_____ acceptable exterior design or appearance or are of inferior quality or likely
_____ to have a depreciating effect on the public environment, or surrounding
_____ area, by reason of appearance or value;
- ~~(4)~~ _____ Consistent with other provisions of this Code, eliminating conditions,
_____ structures, along with associated design, landscaping, lighting, and signage,
_____ which by reason of their effect tend to degrade the appearance, health,
_____ safety or general welfare of the community; and
- ~~(5)~~ _____ Providing a continuing source of programs and means of improving the
_____ city's public environment.

c) Organization; quorum; rules of procedure.

- ~~(1)~~ _____ The Design Review Board shall meet as needed. The chair may call special
_____ meetings and may cancel or continue meetings as may be necessary. The
_____ Design Review Board shall hold a meeting within thirty (30) days from the
_____ date of receipt by the City Manager of a request for a public hearing before
_____ the Design Review Board meeting all of the requirements set forth herein.
- ~~(2)~~ _____ A majority of the membership of the board shall constitute a quorum for
_____ the transaction of business. The alternate member may attend meetings and
_____ take part in discussion on items before the Design Review Board but shall

_____ make or second motions and vote on business items only if one or more
_____ members of the Design Review Board are absent.

(3) _____ The Design Review Board shall elect a chair and a vice-chair from among
_____ its members. Terms of the chair and vice-chair shall be for one year,
_____ commencing in the first regular meeting after May 31 of each year. The
_____ chair and vice-chair are eligible for reelection. The vice-chair shall have the
_____ same powers of the chair, in the absence of the chair. The city will provide
_____ for a recording secretary through the city clerk or city manager.

(4) _____ Subject to the City Council's approval by resolution, the Design Review
_____ Board shall adopt rules and regulations as may be deemed necessary for the
_____ proper function of the board in regard to:

(A) _____ Meeting dates, time, and location;

(B) _____ Publication of agendas of board meetings; and

(C) _____ Procedures for filing, advertising and notification of meetings; and

(5) _____ The city council may, at its discretion, appropriate funds to the board for
_____ expenses necessary in the conduct of its work.

(6) _____ In the event that the City Council designates itself as the Design Review
_____ Board, all matters which would otherwise be heard or considered by the
_____ Design Review Board will be addressed at regular or special City Council
meetings. When performing such functions at properly noticed City Council
meetings, it shall not be necessary for the City Council to separately give notice of
Design Review Board meetings, for separate minutes to be taken, or for a meeting
of the City Council to be adjourned and a meeting of the Design Review Board be
called to order.

d) Appeals from decisions of the Design Review Board.

(1) _____ Any petitioner or owner of property who appeared before the Design
_____ Review Board, is presumed to have standing to appeal a final decision of
_____ the Design Review Board to the City Council.

(2) _____ An appeal to the City Council may be perfected by filing a notice of appeal,
_____ in a form prescribed by the city clerk, within 15 days after the decision of
_____ the Design Review Board was signed by the chair or vice-chair and filed
_____ with the City Clerk. The notice of appeal shall set forth the specific errors
_____ committed by the board, with reference to the portion of the record where
_____ the error was committed. To perfect the appeal, within the prescribed 15
_____ days the appellant(s) shall: (1) complete and file the notice of appeal; and
_____ (2) pay a fee established by the city council for each decision that is
_____ appealed. If the notice of appeal is not timely filed, the filed notice of
_____ appeal is incomplete or the fee is not timely paid, the city staff shall reject

_____ the appeal and notify the appellant(s) that the appeal as filed is deficient.
_____ The appellant(s) shall have seven days from the date notice is sent by the
_____ city staff to correct the deficiency. If the deficiency is not cured within that
_____ seven-day period, the action of the Design Review Board shall thereafter
_____ constitute final agency action by the Design Review Board. If all
_____ deficiencies are cured within that seven-day period, the appeal shall be
_____ deemed to have been filed on the date all deficiencies are cured.

~~(3)~~ _____ The City Council shall hear the appeal at an available regularly scheduled
_____ meeting, or at a special meeting within 45 days after the date of filing the
_____ notice of appeal. Failure of the City Council to adhere strictly to this
_____ schedule shall not constitute grounds for challenge of the City Council's
_____ action.

~~(4)~~ _____ The City Council shall render a decision immediately following the hearing
_____ of the appeal, unless the matter is continued consistent with established
_____ City Council procedures. The City Council's review shall be limited to a
_____ review of the record before the board and argument before City Council
_____ regarding error by the appellant(s) and the property owner or petitioner
_____ before the Design Review Board to determine:

(A) _____ Was the appellant(s) afforded procedural due process before the
_____ DRB?

(B) _____ Did the DRB decision follow the essential requirements of law?

(C) _____ Was there competent, substantial evidence presented to the DRB in
_____ support of its decision?

~~(5)~~ _____ The City Council may affirm, deny, or remand the Design Review Board's
_____ decision with directions. The disposition of any appeal by the City Council
_____ shall be by resolution and shall constitute final agency action.

CHAPTER 4

CONCURRENCY MANAGEMENT SYSTEM

SECTION 1: ———PURPOSE AND INTENT

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

No final development order shall be granted for a proposed development until there is a finding that all public facilities and services included in this Chapter have sufficient capacity at or above their adopted level of service (LOS) to accommodate their impacts of the

development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development, as defined herein.

SECTION 2: ———GENERAL PROVISIONS

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

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

- 1) Roads/~~Traffic Circulation.~~ Multimodal Transportation
- 2) Sanitary Sewer.
- 3) Solid Waste.
- 4) Stormwater Drainage.
- 5) Potable Water.
- 6) ~~Recreation~~Public School Facilities.

b) Development Subject to Concurrency Review.

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

- 1) Vested Projects. Projects which have valid development orders or permits prior to the adoption of this Code shall be exempt from concurrency assessment. This shall include all vacant single family, duplex, and single family attached dwelling lots in subdivisions which were platted and recorded prior to the adoption of this Chapter of the Code. Residential lots of record, as defined herein, shall also be considered vested for the purpose of this Chapter.
- 2) Minimum Threshold. The following development shall be exempt from the transportation and other applicable components of concurrency review:
 - ~~A)~~ A)—residential projects which would result in the creation of one (1) additional single family homesite;
 - ~~B)~~ B)—commercial, institutional or industrial expansion of up to ten percent (10%) of the existing gross floor area, providing such expansion is estimated to generate less than one hundred (100) vehicle trips per day; and
 - C) construction of accessory buildings and structures which do not create additional public facility demand.

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

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

c) Minimum Requirements for Concurrency.

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

- 1) The necessary facilities and services are in place at the time a development permit is issued, or a development permit is issued subject to the condition that the necessary facilities and services will be in place by a specified date when the impacts of the development are anticipated to occur; or
- 2) The necessary facilities are under construction at the time a development permit is issued; or
- 3) The necessary facilities and services have been included in the Capital Improvements Program and are programmed for construction prior to or concurrent with the impacts of the proposed development; or
- 4) The necessary facilities and services are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued; or
- 5) The necessary facilities and services are guaranteed in an enforceable development agreement.— An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement of development order issued pursuant to Chapter 380, Florida Statutes, or any other development agreement entered into between the City and a developer. The agreement must guarantee that the necessary facilities and services will be in place prior to or concurrent with the impacts of development.
- 6) ~~In the case of recreation facilities, the facilities will be deemed concurrent if the facilities will be in place within one (1) year of the issuance of the development permit and are included in a binding executed contract pursuant to (4) above or an enforceable development agreement pursuant to (5) above.~~ In the case of roadway facilities, the facilities will be deemed concurrent if the necessary improvements are committed in the first three (3) years of the

applicable adopted Florida Department of Transportation Five Year Work Program, the Lake County Five Year Road Capital Improvement Program or the City of Umatilla Five Year Capital Improvement Program.

d) Concurrency Administration.

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

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

SECTION 3: ———ADOPTED LEVEL OF SERVICE STANDARDS

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

- a) Roads/Multimodal TransportationTraffic Circulation.

<u>Functional Classification</u>	<u>Level of Service*</u>
<u>Principal Arterial</u>	<u>D</u>
Minor Arterial	D
Major Collector	D
Minor Collector	D
Local	D

*Based on FDOT “Generalized Daily Level of Service Maximum Volumes for Florida’s Rural (<5,000) Areas”.

- b) Sanitary Sewer: 100 gallons per day / per resident

- c) Solid Waste. – Five (5.0) pounds per capita, per day.

- d) Stormwater Drainage:

———Retention Volume – Water quality treatment volumes required per Chapter 40C-——42 and Chapter 40C-4, F.A.C. and Chapter 17-25, F.A.C.

Design Storm – ~~25-year~~25-year, 24 hour duration storm event or the 100 year, 2 hour duration storm runoff if greater than runoff occurring at the 25 year, 24 hour storm.

- e) Potable Water:

<u>Year</u>	<u>Gallons per Resident Per Day</u>
2005	120
2015	150
<u>2015-2023</u> ^{5*}	150

———~~gpcpd – gallons per capita per day.~~

*Includes commercial level of service at 850 gallons per day per commercial acre.

- f) ~~Recreation Facilities. Five (5.0) acres per 1,000 residents~~

SECTION 4: ——— FACILITY SPECIFIC REQUIREMENTS

a) Roads/~~Traffic Circulation~~Multimodal Transportation.

1) Traffic Analysis Required.

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

- ~~A) — Total projected average daily trip ends for the proposed development.*~~
- ~~B) — Average projected peak-hour trip ends generated by the development.*~~
- ~~C) — Design capacity of the accessed road(s).~~
- ~~D) — Analysis of traffic distribution on the road network including all links impacted by more than ten percent (10%) of project traffic or two hundred fifty (250) trips per day, whichever is greater.**~~
- ~~E) — Projected percentage of truck and automobile traffic.~~
- ~~F) — Necessary operational improvements to the City's transportation system in order to maintain the appropriate level of service for the roadway.~~
- ~~G) — Other related information as required by the City.~~

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

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

2) Variable Radii Approach for Traffic Analysis.

Traffic Impact Study Area Radii (Miles).

<u>Land Use</u>	<u>Review Distance*</u>
<u>Residential</u>	
Single Family	
0 - 250 du's	0.5
251 – 499 du's	1.0
500 – 1,000 du's	1.5
1,001+ du's	2.0
Multi-Family	
0 - 250 du's	0.25
251 – 499 du's	0.5
500 – 1,000 du's	0.75
1,001+ du's	1.0
Mobile Home	
0 - 250 du's	0.5
251 – 499 du's	1.0
500 – 1,000 du's	1.5
1,001+ du's	2.0
<u>Retail</u>	
0 – 49,000 sf	0.5
49,001 – 100,000 sf	0.75
100,001 – 200,000 sf	1.25
200,001+ sf	2.00
<u>Office</u>	
0 – 25,000 sf	0.5
25,001 – 49,000 sf	1.0
49,001 – 100,000 sf	1.5
100,001+ sf	2.0
<u>Medical Office</u>	
0 – 49,000 sf	0.5
49,001 – 100,000 sf	1.0
100,001+ sf	1.5
<u>Hotels/Motels</u>	
0 – 250 rooms	0.5
251 – 500 rooms	1.0
501+ rooms	1.5
<u>Restaurants</u>	

Fast food/Drive-through	0.25
Family restaurant	0.5
Quality restaurant	0.75

Industrial/Manufacturing

0 – 250 employees	1.0
251 – 500 employees	1.75
501+ employees	2.5

<u>Convenience Store with Gas Pumps</u>	0.25
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<u>Drive-In Banks</u>	0.25
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<u>Day Care Centers</u>	0.25
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*Distance is measured in miles along the road network, not as a radius from the project.

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

~~b) — Recreation Facilities.~~

~~1) — Residential Developments. — Recreational impacts of proposed residential developments shall be based on the anticipated total number of persons residing in the development, calculated by using the population figures per dwelling units as follows:~~

~~————— 2.48 persons per household (dwelling unit)~~

~~2) — Commercial, Institutional, and Industrial Developments. — Commercial, institutional, and industrial developments shall not be assessed as having an impact on recreational facilities. The City may, however, require the provision of recreational facilities as part of planned unit developments.~~

be) School Concurrency

~~4-1)~~ It is the intent of this ordinance to implement the goals, objectives, policies and standards of the City of Umatilla Comprehensive Plan, as amended, and particularly, the Public School Facilities Element and to implement the Interlocal Agreement between Lake County, the Lake County School Board and Municipalities for School Facilities Planning and Siting (hereafter referred to the "Agreement").

~~2)-2)~~ Unless otherwise provided herein, this ordinance shall apply to all development orders with any residential component and any amendment to an existing development order to the extent that the student generation is increased above what was previously approved, or any other official action of the City of Umatilla having the effect of permitting residential development of land. The following residential uses shall be considered exempt from the requirements of school concurrency (unless the development approval for such use required it to meet School Concurrency).

- A) Single family lots having received final plat approval prior to ~~the effective date of the City's School Concurrency Ordinance September 5, 2006,~~ or other lots which the City has determined are vested based on statutory or common law vesting.
- B) Multi-family residential development having received final site plan approval prior ~~the effective date of the to September 5, 2006, City's School Concurrency Ordinance~~ or other multi-family residential development which the City has determined is vested based on statutory or common law vesting.
- C) Amendments to residential development approvals issued prior ~~to the to September 5, 2006 effective date of the City's School Concurrency Ordinance,~~ which do not increase the number of residential units or change the type of residential units proposed.
- D) Age restricted communities ~~(as defined in the School Concurrency Ordinance)~~—that are subject to deed restrictions prohibiting the permanent occupancy of residents under the age of eighteen (18). Such deed restrictions must be recorded and must be irrevocable for a period of at least fifty (50) years.
- E) Plats or residential site plans which include four (4) or less units. For purposes of this section, a property owner may not divide ~~his~~ property in to several developments in order to claim exemption as allowed by this section. In making a determination as to whether a property is exempt under this section, the City shall consider in addition to the ownership at the time of the application the ownership as of the date of the adoption of this agreement.

~~3).—To ensure the capacity of schools is sufficient to support student growth at the adopted Level of Service for each year of the five-year planning period and through the long term planning period, after June 1, 2008, the following Level of Service standard shall be established for all schools of each type within each CSA and each individual school:~~

~~A)—Elementary: 100% of permanent FISH capacity. If core dining capacity is available in excess of FISH capacity, the school capacity shall be increased up to~~

~~125% of FISH capacity by adding seats located in temporary student stations so long as the total capacity does not exceed core dining capacity.~~

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

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

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

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

3)) The following procedures will be utilized to obtain a School Concurrency Determination from the Lake County School Board and to allow for mitigation if a development proposal is determined not to be in compliance.

A) A completed application provided by and delivered to the Lake County School Board must be submitted concurrent with a final development order by an applicant proposing residential development. The application at a minimum shall include the following information:

- 1.● Proposed Development Name
- 2.● Application Type
- 3.● Intake Date
- 4.● Signature of Agent
- 5.● Number of Residential Units broken down by unit type
- 6.● Property Deed

- 7.● Consent Form
- 8.● Phasing Plan (If Applicable)
- 9.● Site Plan
- 10.● Survey
- 11.● Justification Statement
- 12.● Location Map

- B) Within three (3) days of ~~submitting~~applying to the School Board, the applicant must present a copy of the application to the City. The City shall provide a Determination of Authenticity to the School Board within three days of receiving the application.
- C) The School Board shall review the application in accordance with the provisions of Section 5.5.2 of the *Agreement* and base the concurrency determination on standards outlined in Section 5.5.3 of the *Agreement*.
- D) No development order shall be approved unless a Letter of Determination of Concurrency has been issued by the School Board finding the development in compliance.
- E) Once the School Board has reviewed the application it shall issue a Letter of Determination of Concurrency within 30 days if the impact of the proposed ~~developments~~developments on student growth does not cause the adopted Level of Service to be exceeded.
- F) If the development is not in compliance, the Letter of Determination of Concurrency shall detail why the development is not in compliance and shall offer the applicant the opportunity to enter into a ~~90-day~~90-day negotiation period in accordance with the provisions of Section 5.6 of the *Agreement*.
- G) During the ~~90-day~~90-day negotiation period the applicant shall meet with the School Board in an effort to mitigate the impact from the development.
 - 1. Mitigation shall be limited to those options which the School Board recognizes and assumes the responsibility to operate and which will maintain the adopted Level of Service standards for the first five years from receipt of the School Boards Letter of Determination of Concurrency.
 - 2. The City of Umatilla shall have the opportunity to review the mitigation options.
 - 3. The City Council shall approve all Proportionate Share Agreements.

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

SECTION 5: CONCURRENT REVIEW PROCEDURES

The City shall be responsible for conducting all concurrency reviews as required by this Chapter. Concurrency review shall be initiated upon receipt of a completed concurrency review form as provided by the City, accompanied by the appropriate fee. The City may also conduct concurrency reviews for developments in the preapplication 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.

a) Application Procedures.

1) Application Requirements.

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

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

2) Levels of Review

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

- A) Conceptual Concurrency Review – a conceptual concurrency review can be requested at the time of application for a land use amendment or rezoning. -If it is found that public facility capacities are available at adopted levels of service at the time of the application, a letter of concurrency will be issued. - Letters of concurrency are intended to be used for an early assessment of available public facility capacities and are not intended to be an assurance that such capacities will be available at the time of the project's final development order application. - The letter of concurrency will be valid only for the date of the letter.
- B) Preliminary Concurrency Review – a preliminary concurrency review can be requested at the time of application for a site plan approval, Planned Unit Development (PUD) approval, subdivision or preliminary plat approval. If it is found that facility capacities are available at adopted levels of service at the time of the application, a letter of concurrency will be issued which is valid only for the date of the letter.
- C) Final Concurrency Review – a final concurrency review is required at the time of application of final development order approval. A final development order may include final plat approval, building permit, land development plan approval, Developments of Regional Impact

(D.R.I.'s) and Florida Quality Developments (F.Q.D.'s). If public facilities capacities are found to be available at adopted levels of service at the time of final development approval a certificate of concurrency will be issued. No final development order will be issued until a certificate of concurrency is issued by the City.

- D) Capacity Reservation – the reservation of capacities may be done only after the development order is issued.

Capacity reservation requests are the option of the developer on a first-come, first-served basis, based on the date of project approval by the City Clerk or City Council.

Capacity reservation 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 and shall reserve public facility capacity for the project for the duration of the development order. Capacity reservations for concurrency shall expire if the underlying development order or development agreement expires or is revoked.

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

b) Project Impact Assessment

- 1) Existing Conditions. To conduct its assessment of the anticipated impacts of a proposed development on public facilities, the City shall use its Inventory of Public Facilities Capacities as a base for the establishment of existing conditions.
- 2) Impact Assessment. Using its own information and that supplied by the applicant in compliance with Section 5 above, the City shall calculate the anticipated impacts of a proposed development for all applicable public facilities listed in Section 2 of this Chapter. The impacts of the proposed development shall then be assessed against the existing conditions established above.

c) Project Phasing/Timing of Improvements

Public facility improvements associated with a phased development may likewise be phased, provided that all public improvements necessary to accommodate the impacts of the entire development are to be provided and a schedule established for their construction prior to the issuance of a building permit. The schedule of facility improvements shall ensure that all facility improvements necessary to accommodate

the impacts of the development (or portion thereof) for which a certificate of occupancy has been applied, shall be in place prior to the issuance of the certificate. Under no circumstances shall the final certificate of occupancy be issued for a project unless all facility improvements required by the development order or development agreement have been completed.

d) Development Agreements.

It is the City's policy to provide the necessary infrastructure to meet minimum LOS standards. If the minimum requirements for concurrency as outlined in Section 2 or Section 3 cannot be met, concurrency may be achieved by guaranteeing necessary facility improvements in an enforceable development agreement, as permitted by Section 2. Said development agreement may include guarantees to construct required facility improvements, or to provide funds equivalent to the cost of providing such facility improvements.

e) Concurrency Findings.

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

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

f) Project Deferrals/Development Moratoriums.

If, at any time the City's inventory of public facilities capacities indicates that a public facility has dropped below its adopted level of service, then the City shall cease to issue development orders for projects which would impact the deficient facility(s) or area of facility operations, as defined within this Chapter. Such a suspension or moratorium on the issuance of development order 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.

g) Concurrency Denials.

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

h) Capacity Reservation for Public Purpose.

The City may reserve capacity for a particular land area or specific land use, providing such reservation is in accord with a specific development or redevelopment strategy identified in the Comprehensive Plan which serves an overriding public purpose. This would include such community development objectives as providing affordable housing or diversification of the tax base. ~~Any such capacity reservations shall be noted in the annual report on public facilities and capacities made available to the City Council and the public each March, as required by Section 7 below.~~

SECTION 6: STATUS REPORT/REQUIRED CAPITAL FACILITIES IMPROVEMENTS

~~The City shall regularly monitor the cumulative effect of all approved development orders and development permits on the capacity of public facilities. Commencing March, 1992 and on each March thereafter, the City Clerk 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 any facility deficiencies and a summary of the impacts the deficiency(s) will have on the approval of future development orders. The City Clerk shall then recommend a schedule of improvements necessary to prevent a deferral or moratorium on the issuance of development orders.~~

SECTION 7: INTERGOVERNMENTAL COORDINATION

a) Intergovernmental Communication.

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

b) Developments of Multi-Jurisdictional Impact.

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

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

CHAPTER 5

AIRPORT REGULATIONS

SECTION 1: ———ADMINISTRATION AND ENFORCEMENT

It shall be the duty of the ~~Planning and Zoning Board~~City Manager or designee to administer and enforce the regulations prescribed in this Chapter within the territorial limits over which the City has zoning authority. In the event of any violation of the regulations contained herein, the person responsible for a violation shall be given notice in writing by the ~~Planning and Zoning Board~~City Manager or its designee. The notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. The City ~~Manager~~ shall order discontinuance of use of land or building herein; removal of trees to conform with height limitations set forth herein; removal of buildings, additions, alterations or structures; discontinuance of work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all provisions of this Chapter.

- a) Authority of City to Make Improvements Upon the Municipal Airport.

There shall be no expansion of the Municipal Airport of the City of Umatilla or acquisition of real property either by gift or purchase for the purpose of expanding the Municipal airport of the City of Umatilla, without prior approval of the electorate of the City of Umatilla at a general election or special election called for that purpose.

- b) Improvements and Maintenance. All other improvements and maintenance of the airport facilities not within the territorial limits of the City must comply with F.D.O.T.

SECTION 2: ———IN GENERAL

There is hereby created and established a municipal airport for the City, and vicinity, upon land purchased by the City, adjacent to the corporate limits of the city and purchased upon the condition that same shall be occupied and maintained as a municipal airport for the landing and taking off of aircraft thereon, as may be prescribed and permitted under and by virtue of the rules and regulations of the civil aeronautics authority and other government authorities of the state, federal government and city, the lands being described as follows, to wit:

- a) Parcel No. 1. Commencing at the quarter section corner on the south line of Section 18, Township 18 South, Range 27 East, run thence north 3 degrees 15 minutes east 724.8 feet for the point of beginning; continue thence north 3 degrees 15 minutes east 1,505 feet, thence run north 43 degrees 40 minutes west 534 feet, thence run south 3 degrees 15 minutes west 1,502.7 feet, thence run south 43 degrees 40 minutes east 536.6 feet to the point of beginning; containing 13.464 acres; also
- b) Parcel No. 2. Commencing at the quarter section corner on the South line of Section 18, Township 18 South of Range 27 East, run thence North 3 degrees 15 minutes, East 2,259 feet for the Point of Beginning; continue thence North 3 degrees 15 minutes West 688.9 feet, thence run South 43 degrees 40 minutes east, 534 feet to the point of beginning; containing 7.583 acres.

The City is hereby authorized to regulate and police said airport grounds, roads, runways, etc., to keep order, protect and prevent any damage thereto.

SECTION 3:- REGISTRATION OF AIRCRAFT

Every aircraft used and operated at and upon the municipal airport shall be registered in the name of the owners thereof in a registration book to be kept by the city Clerk, describing the type of such aircraft, and such other information concerning the same as the City Clerk may from time to time prescribe or require.

SECTION 4: ———FEES

The City is hereby authorized to assess user fees for the Umatilla Municipal Airport. Fees may be charged for landing aircraft on the airport property, as well as for entry of aircraft onto airport property from adjoining property. Additionally, fees shall be charged for use of the airport tie down facilities. The amount of the fees shall be determined by the City Council.

SECTION 5: ———FRANCHISES

The City hereby invokes its right to grant franchises, or licenses to operate airport-related businesses. The franchises shall be granted on a first come, first served basis, and shall be limited to adjoining property owners, or person with legal interest on adjoining properties, or persons with a current lease on airport properties. The franchises shall be governed by a standard franchise agreement to be entered into between the City and the individual franchise. The City reserves the right to refuse to grant any franchise and to revoke any previously granted franchise.

SECTION 6: AIRPORT ZONES AND AIRSPACE HEIGHT LIMITATIONS

a) In General.

In order to carry out the provisions of this Chapter, there are hereby created, and established certain zones which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to the airport. An area located in more than one (1) of the described zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

- 1) Primary Zone. -An area longitudinally centered on a runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and take-off facilities, and is of a greater height than the nearest point on the runway center line. The width of the primary zone is as follows: Runways 11 and 19, two hundred and fifty (250) feet for visual utility runways having only visual approaches. The width of the primary zone of a runway will be that width prescribed in this Section for the most precise approach existing or planned for either end of that runway.
- 2) Horizontal Zone. The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is: Runways 1 and 19, five thousand (5,000) feet for visual runways having only visual approaches.
- 3) Conical Zone. -The area extending outward from the periphery of the horizontal zone for a distance of four thousand (4,000) feet. Height limitation for structures in the conical zone are one hundred fifty (150) feet above airport height at the inner boundary with permitted height increasing one foot vertically for every twenty (20) feet of horizontal distance measured outward from the inner boundary to a height of three hundred fifty (350) feet above airport height at the outer boundary.
- 4) Approach Zone. -An area longitudinally centered on the extended runway center line and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

- A) The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of: Runways 1 and 19, one ~~thousand~~ two thousand two hundred (1,200) feet for that end of a runway other than a utility runway with only visual approaches.
 - B) The approach surface extends for a horizontal distance of: Runways 1 and 19, five thousand (5,000) feet for all utility and visual runways.
 - C) The outer width of an approach zone to an end of a runway will be that width prescribed in this Subsection for the most precise approach existing or planned for that runway end.
 - D) Permitted height limitation within the approach zone is the same as the runway end height at the inner edge and increases with horizontal distance outward from the inner edge as follows: Runways 1 and 19, permitted height increases one foot vertically for every twenty (20) feet of horizontal distance for all utility and visual runways.
- 5) Transitional Zone. The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limitations within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one (1) foot vertically for every seven (7) feet horizontally, with the horizontal distance measured at right angles to the runway center line and extended center line, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of five thousand (5,000) feet from the side of the part of the precision approach zone that extends beyond the conical zone.
- 6) Other Areas. In addition to the height limitations imposed in paragraphs (1) through (5) above, no structure or obstruction will be permitted within the City that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

SECTION 7: ——— LAND USE RESTRICTIONS

- a) Use Restrictions. Notwithstanding any other provision of this Chapter, no use may be made of land or water within any zones established by this Chapter in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

- 1) All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operating from a public airport or in the vicinity thereof.
 - 2) No operations of any type shall produce smoke, glare or other visual hazards within three (3) statute miles of any usable runway of a public airport.
 - 3) No operations of any type shall produce electronic interference with navigation signals or radio communications between the airport and aircraft.
 - 4) Use of land within the accident potential hazard area shall prohibit high density residential use, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.
- b) Lighting. Notwithstanding the preceding provisions of this section, the owner of any structure over two hundred (200) feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-1D and amendments thereto on such structure. Additionally, high intensity white obstruction lights shall be installed on a high structure which exceeds seven hundred forty-nine (749) feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1D and amendments.
- c) -Airport Overlay District.

No person shall sell, lease or offer to sell or lease any land within the airport overlay district (safety and noise zone) unless the prospective buyer or lessee has been given the following notice in writing:

“Aircraft Safety and Noise Warning. This land lies beneath or in the vicinity of the aircraft approach and departure routes for Umatilla Municipal Airport——. This area is subject to noise that may be objectionable and is in close proximity to aircraft that may cause safety concerns.”

The noise zone is described as an area contiguous to the airport measuring one-half the length of the longest runway on either side of and at the end of each runway centerline; the safety zone and noise zone are shown on the Airport Overlay District Map (Appendix A).

Use of land within the Airport Overlay District area shall prohibit densities greater than one (1) unit per two (2) acres, landfills, hospitals, churches, theaters, stadiums, hotels and motels, campgrounds, storage of explosive material, assemblage of large groups of people, and any educational facility with the exception of aviation school facilities.

SECTION 8: ————— VARIANCES

Any person desiring to erect or increase the height of any structure, or use his property not in accordance with the regulations prescribed in this Chapter, may apply ~~to the Planning and Zoning Board~~ for a variance from the regulations as outlined in Chapter 3, Administration. No application for a variance shall be considered by the ~~Planning and Zoning Board~~ unless a copy of the application has been provided to the ~~appropriate City Manager Official and the County Zoning Authority~~.

SECTION 9: ————— APPEALS

Any person aggrieved, or any taxpayer affected, by any decision of the ~~City Manager Planning and Zoning Board~~ made in the administration of this Chapter, may appeal the decision as outlined in Chapter 3, Administration.

~~Ordinance 2017-E (08-01-2017)~~

CHAPTER 6

ZONING DISTRICT REGULATIONS

SECTION 1: ————— PURPOSE AND INTENT

In order to implement the adopted Comprehensive Plan in a manner consistent with ~~Chapter Section~~ 163.3201, Florida Statutes, the following zoning regulations are hereby established. These regulations are intended to assist in implementing comprehensive planning issues surrounding the uses and/or development of specific lots, parcels, and tracts of land or any

combination thereof within the City of Umatilla. It is further intended that this Chapter is to promote, protect, and improve the public health, safety, comfort, convenience, prosperity and general welfare of the citizens of the City; similarly it is the intent of this Chapter to establish standards of development which will encourage the sound economic utilization of the land and the creation of a healthful living environment.

- a) The following zoning districts existing as of October 31, 2016, shall be renamed as follows:

<u>Zoning Districts (Old)</u>	<u>Zoning Districts (New)</u>
Agriculture Residential (AR)	Agriculture Residential (AR-1)
Low Density Residential (R-18)	Low Density Residential (R-3)
Single Family Residential District (R-15)	Low Density Residential (R-3)
Urban Residential District (R-12)	Urban Residential District (UR-5)
Residential Single Family (R-10)	Urban Residential District (UR-5)
Single Family Medium Density Residential District (R-8)	Single Family Medium Density Residential District (R-5)
-	Multi-Family Medium Density Residential (MF-8)
Multi-Family High Density Residential (R-5)	Multi-Family High Density Residential (MF-12)
Mobile Home Rental Park (MHRP)	Mobile Home Rental Park (MHRP-8)
Mobile Home Subdivision (MHS)	Manufactured Home Subdivision (MHS-8)
Tourist Commercial (TC)Residential Professional (RP)	Tourist Commercial (TC-12)Residential Professional (RP)
Tourist Commercial (TC)	Tourist Commercial (TC-12)
Neighborhood Commercial (C-1)Public Facilities District (PFD)Planned Unit Development (PUD)	Neighborhood Commercial (C-1)Public Facilities District (PFD)Planned Unit Development (PUD)
General Commercial & Warehouse (C-2)Neighborhood Commercial (C-1)Public Facilities District (PFD)	General Commercial & Warehouse (C-2)Neighborhood Commercial (C-1)Public Facilities District (PFD)
Light Manufacturing (LM)General Commercial & Warehouse (C-2)Neighborhood Commercial (C-1)	Light Manufacturing (LM)General Commercial & Warehouse (C-2)Neighborhood Commercial (C-1)
Airport Zoning (AZ)Light Manufacturing (LM)General Commercial & Warehouse (C-2)	Airport Zoning (AZ)Light Manufacturing (LM)General Commercial & Warehouse (C-2)
Airport Zoning (AZ)Light Manufacturing (LM)	Airport Zoning (AZ)Light Manufacturing (LM)

SECTION 2: ~~_____~~ ZONING DISTRICTS

a) AGRICULTURE RESIDENTIAL (AR-1)

1) Purpose and Intent

The purpose of this district is to implement comprehensive plan policies to provide for the protection of interim agricultural pursuits in transitional or urbanizing areas. The density shall not exceed one (1) unit per acre.

2) Permitted Uses

The following uses are permitted within the AR-1 district:

- A) Single family dwelling unit having a minimum living area of one thousand ~~twelve-five~~ hundred (1,5200) square feet, which shall not include carports, and garages.
- B) Accessory buildings or structures thereto pursuant to Chapter 8 of this Code.
- C) Agriculture: Field crops/Wholesale Nurseries
- D) Agriculture: Pasture/Forestry
- E) Grove caretaking and maintenance
- F) Home ~~Occupation~~Based Businesses pursuant to Chapter 8 of this Code
- G) One (1) accessory dwelling unit may be permitted ~~to be utilized by family members and non-paying guests~~. The principal dwelling unit and accessory dwelling unit shall remain in the same ownership and the property owner must reside in either the principal structure or accessory dwelling unit. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet or forty (40) percent of the air-conditioned enclosed living area of the principal dwelling; whichever is greater. Accessory dwelling units must meet setbacks for the principal dwelling unit and share a common driveway. An accessory dwelling unit may be attached to a principal dwelling, an apartment unit within the principal dwelling, or a detached building.
- H) Livestock. A minimum of five (5) acres shall be required. Stables shall be located a minimum of seventy-five (75) feet from any lot line. ~~(Ordinance 2018-J)~~

3) Uses Permitted as Special Exception Uses upon approval of the City Council.

- A) Farmers/Flea Markets
- B) Kennels
- C) Veterinary Clinics

- D) Retail Nurseries & Garden Supplies
- E) Commercial Stables
- ~~F) Animal Rescue Organizations~~
- ~~F) Any use prohibited by City, State or Federal law~~

4) Uses Expressly Prohibited

- A) Single family attached dwelling units
- B) Multi-Family residential dwelling units
- C) Two-family (duplex) dwelling units
- D) Industrial land uses
- E) Any use prohibited by City, State or Federal law

5) Other possible uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as conditional uses pursuant to Chapter 7 of this Code.

b) LOW DENSITY RESIDENTIAL DISTRICT (R-3)

1) Purpose and Intent

The R-3 residential district is intended to provide low-density residential development in those areas only suitable for such development due to their location and adjacent to agriculture areas, environmentally sensitive areas, or existing large lot residential development. The gross density shall not exceed three (3) units per acre.

2) Permitted Uses

- A) Single-family dwelling units having a minimum living area of one thousand ~~five-eight~~ hundred (1,850) square feet, which shall not include carports, and garages.
- B) Accessory buildings or structures thereto, pursuant to Chapter 8 of this Code.
- C) Buildings, structure or uses maintained or operated by a body having the right of eminent domain.
- D) Licensed Community Residential Homes, Group Homes, and Foster Care Facilities with 1 – 6 residents.
- ~~FE)~~ Home ~~Occupation~~Based Businesses pursuant to Chapter 8 of this Code.
- ~~GF)~~ One (1) accessory dwelling unit may be permitted ~~if the lot is at least one (1) acre in size and is to be utilized by family members and non-paying guests~~. The principal dwelling unit and accessory dwelling unit shall remain in the same ownership and the property owner must reside in either the principal structure or accessory dwelling unit. The accessory dwelling unit shall not exceed one thousand two hundred

(1,200) square feet or forty (40) percent of the air—conditioned enclosed living area of the principal dwelling; whichever is greater. Accessory dwelling units must meet setbacks for the principal dwelling unit and share a common driveway. An accessory dwelling unit may be attached to a principal dwelling, an apartment unit within the principal dwelling, or a detached building.

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

A) Licensed Community Residential Homes, Group Homes ~~and~~

~~B) —~~ Foster Care Facilities with more than six (6) residents.

4) Uses Expressly Prohibited

- A) Single family attached dwelling units
- B) Multi-Family residential dwelling units
- C) Two-family (duplex) dwelling units
- D) Commercial land uses
- E) Industrial land uses
- F) Bed & Breakfast Inns
- G) Any use prohibited by City, State or Federal law

5) Other possible uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as conditional uses pursuant to Chapter 7 of this Code.

c) URBAN RESIDENTIAL DISTRICT (UR-5)

1) Purpose and Intent

This district is established to implement comprehensive plan policies for managing traditional single-family residential development at a density not to exceed five (5) dwelling units per acre. This district is established to preserve the stability of existing and future residential neighborhoods, preserve open space and natural features of the land, and manage future densities; to assure a smooth transition between low-density residential and areas designated for more intense uses, and between existing and projected public services and facilities within the area.

2) Permitted Uses

- A) One (1) single-family dwelling unit having a minimum living area of one thousand two hundred (1,200) square feet excluding carports, and garages.
- B) Accessory buildings or structures thereto pursuant to Chapter 8 of this Code.
- C) Buildings, structures or uses maintained or operated by a body having the right of eminent domain.
- D) Licensed Community Residential Facilities, Group Homes and Foster Care Facilities with 1-6 residents.
- E) Home ~~Occupation~~Based Businesses pursuant to Chapter 8 of this Code.

FG) One (1) accessory dwelling unit may be permitted ~~if the lot is at least one (1) acre in size and is to be utilized by family members and non-paying guests.~~ The principal dwelling unit and accessory dwelling unit shall remain in the same ownership and the property owner must reside in either the principal structure or accessory dwelling unit. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet or forty (40) percent of the air-conditioned enclosed living area of the principal dwelling; whichever is greater. Accessory dwelling units must meet setbacks for the principal dwelling unit and share a common driveway. ~~An accessory dwelling unit may be attached to a principal dwelling, an apartment unit within the principal dwelling, or a detached building.~~

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Licensed Community Residential Facilities, ~~Group Homes, and Foster Care Facilities with more than six (6) residents~~
- B) Group Homes
- C) Foster Care Facilities with more than six (6) residents
- D) Bed and Breakfast Inns

4) Uses Expressly Prohibited

- ~~A) Single family attached dwelling units~~
- ~~B) Multi-family residential dwelling units~~
- ~~C) Two family (duplex) dwelling units~~
- DA) Commercial land uses
- BE) Industrial land uses
- CF) Any use prohibited by City, State or Federal law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as conditional uses

pursuant to Chapter 7 of this Code.

d) SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT (R-5)

1) Purpose and Intent

This district is established to implement comprehensive plan policies for managing traditional single-family residential development at a density not to exceed five (5) dwelling units per acre. - This district is intended to provide relatively affordable, urban density housing, and it is intended to serve as a transitional zone between multi-family and single family residential uses.

2) Permitted Uses

- A) Single family detached dwelling units having a minimum living area of 1,000 square feet excluding carports and garages
- B) Single family attached dwelling units
- C) Licensed Community Residential Homes, Group Homes, and Foster Care Facilities with 1-6 residents
- D) Accessory buildings or structures thereto pursuant to Chapter 8 of this Code
- E) Home ~~Occupation~~Based Businesses pursuant to Chapter 8 of this Code
- F) One (1) accessory dwelling unit may be permitted ~~if the lot is at least one (1) acre in size and is to be utilized by family members and non-paying guests.~~ The principal dwelling unit and accessory dwelling unit shall remain in the same ownership and the property owner must reside in either the principal structure or accessory dwelling unit. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet or forty (40) percent of the air--conditioned enclosed living area of the principal dwelling; whichever is greater. Accessory dwelling units must meet setbacks for the principal dwelling unit and share a common driveway. An accessory dwelling unit may be attached to a principal dwelling, an apartment unit within the principal dwelling, or a detached building.

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents
- B) Day Care Centers
- C) Bed and Breakfast Inns

4) Uses Expressly Prohibited

- ~~A) Duplex Dwelling units~~
- ~~B) Multi-Family dwelling units~~

- ~~A~~C) Commercial land uses
- ~~B~~D) Industrial land uses
- ~~C~~E) Any use prohibited by City, State or Federal law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as conditional uses pursuant to Chapter 7 of this Code.

e) MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (MF-8)

1) Purpose and Intent

This district is established to implement comprehensive plan policies for managing high density residential development at a density not to exceed eight (8) units per acre. This district is established to ensure that sufficient land is available for medium density residential development.

2) Permitted Uses

- A) Single family attached dwelling units
- B) Single family detached dwelling units
- C) Two-Family (duplex) dwelling units
- D) Multi-Family dwelling units
- E) Accessory buildings or structures thereto pursuant to Chapter 8 of this Code
- F) Home ~~O~~ccupationBased Businesses pursuant to Chapter 8 of this Code
- G) Licensed Community Residential Homes, Group Homes, and
———Foster Care Facilities with more than six (6) residents

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Adult Congregate Living Facilities
- B) Nursing Homes
- C) Day Care Center

4) Uses Expressly Prohibited

- A) Industrial land uses
- B) Mobile Homes
- C) Uses prohibited by City, State or Federal Law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be allowed as a conditional use

pursuant to Chapter 7 of this Code.

f) MULTI-FAMILY HIGH DENSITY RESIDENTIAL (MF-12)

1) Purpose and Intent

This district is established to implement comprehensive plan policies for managing high density residential development at a density not to exceed twelve (12) units per acre. This district is established to ensure that sufficient land is available for high density residential development.

2) Permitted Uses

- A) Single family attached dwelling units
- B) Single family detached dwelling units
- C) Two-Family (duplex) dwelling units
- D) Multi-Family dwelling units
- E) Accessory buildings or structures thereto pursuant to Chapter 8 of this Code
- F) Home ~~Occupation~~Based Businesses pursuant to Chapter 8 of this Code
- G) Licensed Community Residential Homes, Group Homes, and Foster Care Facilities with more than six (6) residents

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Adult Congregate Living Facilities
- B) Nursing Homes
- C) Day Care Center
- D) Business Services
- E) Offices for Professional Services
- F) Financial Services
- G) Personal Services

4) Uses Expressly Prohibited

- A) Industrial land uses
- B) Uses prohibited by City, State or Federal Law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be allowed as a conditional use pursuant to Chapter 7 of this Code.

g) MOBILE HOME RENTAL PARK DISTRICT (MHRP-8)

1) Permitted Uses

- A) Mobile homes which are single-family detached dwelling units having a minimum living area of six hundred (600) square feet, which shall not include garages or carports
- B) Accessory structures such as carports, utility buildings thereto, but not to include guest cottages, guest apartments or garage apartments
- C) Public parks or public recreational facilities incidental to the mobile home park but not to include commercial recreational enterprises
- D) Self-service Laundromats, provided, however, that this land use is so situated within the park as to be equally convenient to all residents of the park and also provided that it is intended for use of the residents of the park only
- E) Buildings, structures, or uses maintained or operated by a body having the right of eminent domain
- F) Home ~~Occupation~~Based Businesses pursuant to Chapter 8 of this Code

2) Uses Permitted as Special Exception Uses Upon approval of the City Council

- A) None

3) Uses Expressly Prohibited

- A) Industrial Uses
- B) Guest apartments, guest cottages or garage apartments
- C) Uses prohibited by City, State or Federal Law
- D) Single family residential

4) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as conditional uses pursuant to Chapter 7 of this Code.

5) Master Park Plan Requirements

- A) A Master Park Plan shall be filed in accordance with the Site Development Plan requirements in Chapter 13 of this Code. A mobile home park shall be entirely enclosed, exclusive of driveways, at its external boundaries by a solid wall, fence or landscaped buffer as specified in Chapter 15 of this Code.
- B) Access roads within a mobile home park shall be paved to a width not less than twenty-four (24) feet in width. The sole vehicular access shall

not be by alley and all dead-end driveways shall include adequate vehicular turning space or cul-de-sac. There shall be a minimum front building setback of twenty-five (25) feet from all streets within the mobile home park.

- C) Mobile homes shall be so harbored on each space so that there shall be at least a fifteen (15) foot clearance between mobile homes, provided however, with respect to mobile homes parked end to end, the end clearance shall not be less than thirty (30) feet.
- D) There shall be at least two (2) paved, off-street parking spaces for each mobile home space, which shall be on the same site as the mobile home served and may be located in the rear or side yard of the mobile home unit.
- E) Sidewalks not less than four (4) feet wide shall be provided along at least one (1) side of all streets
- F) Streets, areas at the entrance to buildings used by occupants at night, and walkways shall be lighted.
- G) Each mobile home space shall be at least fifty (50) feet wide and one hundred (100) feet long, however, the overall density of the project site shall not exceed eight (8) units per acre. Each space shall be clearly defined by permanent markers.

h) MANUFACTURED HOME SUBDIVISION DISTRICT (MHS-8)

1) Permitted Uses

- A) Manufactured homes which are single-family detached dwelling structures, having a minimum living area of six hundred (600) square feet excluding carports or garages.
- B) Accessory structures such as carports, utility rooms, etc. but not to include guest cottages, guest apartments or garage apartments.
- C) Public parks or recreational facilities incidental to the mobile home subdivision.
- D) Buildings, structures or uses maintained or operated by a body having the right of eminent domain.
- E) Home ~~Occupation~~Based Businesses pursuant to Chapter 8 of this Code.
- F) Single family detached dwelling units having a minimum living area of eight hundred (800) square feet excluding carport, garages, or utility rooms.

2) Uses Permitted as Special Exception Uses Upon Approval of the City Council

A) None

3) Uses Expressly Prohibited

- A) Single family attached dwelling units
- B) Two family (Duplex) dwelling units
- C) Multi-family dwelling units
- D) Commercial land uses
- E) Industrial land uses
- F) Guest apartments, guest cottages or garage apartments
- G) Any use prohibited by City, State or Federal law

4) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as conditional uses pursuant to Chapter 7 of this Code.

5) General Requirements

The developer shall prepare and submit plans in accordance with the Subdivision Regulations as specified in Chapter 9 of this Code.

i) RESIDENTIAL PROFESSIONAL DISTRICT (RP)

1) ~~1)~~ Purpose and Intent

This district is established to implement comprehensive plan policies for managing transitional areas where existing residential structures can be utilized for personal and professional services and not adversely affect adjacent property. The density cannot exceed the future land use designation. The intensity shall be limited to seventy-five (75) percent impervious surface area (including building coverage) and the building height cannot exceed thirty-five (35) feet.

2) Permitted Uses

- A) Single-family dwelling units having a minimum living area of fifteen _____hundred (1,500) square feet excluding balconies, porches, _____carports or garages
- B) Multi-family dwelling units conforming to the minimum living area as designated on the MF-12 (MF) "Schedule of Dimensional Requirements" Table excluding carports, garages, or utility rooms
- C) Business services (see definition in Chapter 2)

- D) Offices for professional services
- E) Financial services
- F) Personal services
- G) Medical Office/Clinic
- H) Bed and Breakfast Inns
- I) One (1) accessory dwelling unit may be permitted ~~and is to be utilized by family members and non-paying guests.~~ The principal dwelling unit and accessory dwelling unit shall remain in the same ownership and the property owner must reside in either the principal structure or accessory dwelling unit. The accessory dwelling unit shall not exceed one thousand two hundred (1,200) square feet or forty (40) percent of the air--conditioned enclosed living area of the principal dwelling; whichever is greater. Accessory dwelling units must meet setbacks for the principal dwelling unit and share a common driveway. An accessory dwelling unit may be attached to a principal dwelling, an apartment unit within the principal dwelling, or a detached building.
- J) Retail sales incidental to the primary use.

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Banks
- B) Day Care Centers
- C) Office/Warehouse Facilities
- D) Veterinary Offices/Kennels
- E) Game Recreation Facilities
- F) Health/Exercise Clubs

4) Uses Expressly Prohibited

- A) Industrial land uses
- B) Adult entertainment
- C) Uses prohibited by City, State or Federal law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or as special exception uses, may be permitted as conditional uses pursuant to Chapter 7 of this Code.

j) PUBLIC FACILITIES DISTRICT (PFD)

1) Purpose and Intent

The purpose of this section is to provide for the creation of “PFD” public facilities districts in those areas where special or substantial public interest uses and activities are necessary and desirable.

It is further the intent to establish PFD districts individually under site plans and conditions necessary to promote general welfare and to promote coordinated land uses that are compatible with the Future Land Use Map of the Comprehensive Plan.

2) Permitted Uses

- A) Airports and heliports subject to Chapter 5 of this Code
- B) Auditoriums, stadiums, arenas and expositions
- C) Broadcasting facilities, including towers and antennas
- D) Municipal/governmental buildings, structures and uses
- E) Cemeteries
- F) Community residential facilities with more than seven (7) residents
- G) Churches
- H) Day care centers
- I) Educational institutions
- J) Electric power substations and operation centers
- ~~k~~K) Gas and water metering stations
- L) Hospitals, clinics and medical facilities
- M) Parks
- N) Post offices
- O) Libraries
- P) Police and fire facilities
- Q) Recreation facilities
- R) Landfills, transfer stations, composting facilities
- S) Sewage treatment facilities
- T) Water withdrawal operations
- U) Adult Congregate Living Facilities
- V) Animal Rescue Organizations
- W) Any other uses of a similar nature when approved by the City Manager

3) Special Conditions for Approval

- A) Approved PFD uses shall front on an arterial or collector roadway. Exceptions to this requirement may be made for public services such as water, sewer, electrical, stormwater facilities, broadcasting towers, ~~cemeteries~~cemeteries, and antennas.
- B) Such uses shall comply with appropriate landscape and buffering requirements pursuant to Chapter 15 of this Code.
- C) Such uses shall comply with appropriate access management

techniques pursuant to Chapter 14 of this Code.

4) Site Plan Requirements

In order to establish a “PFD” public facilities district, the applicant must provide a preliminary site plan, with a zoning application, drawn to an appropriate scale, on a 24” x 36” reproducible paper indicating the following:

- A) Project name
- B) North arrow, date and scale.
- C) Name, address, and telephone number of owner and applicant.
- D) Legal description of site, property lines and contiguous streets.
- E) Location and dimensions of all existing and proposed structures, indicating their intended use, and setback distances from all property lines and centerline of roadways.
- F) Proposed means of access management to site and projected estimate of traffic to be generated by the intended use.
- G) Location of off-street parking and loading areas, showing the number of spaces and the dimensions of access aisles and driveways.
- H) Proposed landscaping per Chapter 15 of this Code.
- I) Location of all signs per Chapter 16 of this Code.
- J) Location of water and sewer facilities

Upon approval of the preliminary site plan, a final site plan meeting the requirements of Chapter 13 of this Code must be submitted and approved by the Technical Review Committee before any building permits are issued or before the start of operation or activity on the site plan.

5) Maximum Intensity Standard

The maximum intensity standard shall be limited to seventy-five percent (75%) impervious surface ratio (which includes building coverage) and the maximum height cannot exceed thirty-five (35) feet.

k) PLANNED UNIT DEVELOPMENT (PUD)

1) Purpose and Intent

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

2) Permitted Uses

- A) **Residential PUD** – Single and multi-family residential dwelling units, on-site recreational facilities and on-site day care facilities, convenience store and personal services intended to serve the principal use and other uses deemed appropriate by the City Council
- B) **Commercial PUD** – All uses as permitted under the C-1 and C-2 zoning district and other uses deemed appropriate and incidental to the primary use by the City Council
- C) **Industrial PUD** – Industrial uses as permitted by the LM zoning districts and other uses deemed appropriate and incidental to the primary use by the City Council
- D) Agricultural activities including livestock may be permitted as an interim land use on the undeveloped portions of the property until seventy-five percent (75%) of the land area has been developed. ~~(Ordinance 2018-J)~~

3) Minimum Project Size

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

4) Unified Ownership

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

5) Setbacks and Buffering Requirements

Setback requirements within the PUD shall be flexible, however, in no case shall the setback be less than ten (10) feet between structures. ~~_____~~ Buffering requirements shall be those set out in Chapter 15 of this Code.

6) Pre-Application Conference (Optional)

It is recommended that a pre-application conference be scheduled with the City Manager by the developer or the developer's representatives, in order to verify the steps necessary for application and review and to discuss potential issues regarding the PUD proposal. Comments made during the pre-application conference are totally non-binding on the formal review of the preliminary development plan.

7) Application for Rezoning

Application for conceptual or preliminary development plan and rezoning approval shall be made to the City utilizing the form provided by the City, along with the appropriate review fee. ~~_____~~ The application shall be ~~_____~~ accompanied by six (6) copies of the conceptual or preliminary plan ~~_____~~ prepared in accordance with the requirements of this Code.

8) Development Plan Approval

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

- A) Conceptual Plan – If the applicant so chooses, a conceptual plan may be submitted prior to the first rezoning hearing for review by the TRC.

The conceptual plan shall include the following:

- 1) Boundary of subject property
- 2) Major natural features such as lakes, streams, wetlands, ~~_____~~ and natural communities
- 3) Existing or proposed streets abutting the project
- 4) Generalized location map and legal descriptions, including

- acreage
- 5) Proposed land use types and their locations
 - 6) Gross densities
 - 7) Typical lot sizes showing setbacks and dimensions
 - 8) Number and type of units
 - 9) Floor area for commercial or industrial, if applicable
 - 10) Adjacent zoning
 - 11) Maximum building heights
 - 12) Anticipated phasing plan
 - 13) Proposed method of providing water service (including fire
~~protection~~), sewage disposal, and storm-water ~~management~~
 - 14) Location and percent of open space
 - 15) Acreage and location of parks/recreation area, if applicable
 - 16) Typical road section
 - 17) Soils and ~~100-year~~ 100-year flood prone areas
 - 18) Project name
 - 19) Existing topography at one-foot contours based on Lake
~~County or St. Johns River Water~~
~~Management District~~ ~~datum~~
 - 20) Net living area for each type of dwelling unit
 - 21) Environmental survey per Chapter 17 of this Code
 - 22) Parking and loading facilities
 - 23) Any other information deemed pertinent by the City Manager,
~~Planning & Zoning Board~~ Land Planning Agency, or City
 Council

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

- B) Preliminary Development Plan – In order to streamline the process, the applicant may elect to file a preliminary development plan for rezoning approval that meets the requirements of a preliminary plan submittal as outlined in Chapter 13 of this Code. ~~This plan can be submitted in lieu of the conceptual plan.~~ Should the development elect to submit the preliminary plan with the rezoning application, and upon approval of the rezoning application, the applicant can proceed with final development plan approval as outlined in Chapter 13 of this Code.

9) Open Space Requirements

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

- A) Common open space shall be dedicated to, and useable by, all residents

of the PUD or specific phase thereof

- B) Common open space set aside for recreational use shall be suitably improved for its intended use. Such improvements may include aesthetics, amenities, buffering or recreational facilities.
- C) Common open space set aside for the preservation of natural features of listed species habitat, or for buffering purposes, shall remain undisturbed and be protected by conservation easements dedicated to the City or to such other agency designated by the City Council. Wetlands may be utilized to meet minimum open space.
- D) Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings.
- E) ~~Land above the design water elevation of wet retention areas, “dry” retention ponds, or similar areas used for managing and storing stormwater runoff pursuant to a stormwater management permit issued by the St. Johns River Water Management District or similar agency may be included for purposes of meeting minimum open space requirements if utilized as an amenity for active or passive recreation.~~
- F) Waterbodies shall not be included for purposes of meeting minimum open space requirements. ~~(Ord 2005-F, adopted 07/05/2005)~~
- G) Common open space shall be maintained by the Home Owner’s Association or other legal entity of the PUD or the specific phase thereof, provided however, the City of Umatilla shall have the right to enforce compliance with the terms and conditions of conservation easements dedicated for the protection of wetlands, waterbodies or other environmentally sensitive areas within a subdivision. ~~(Ord 2005-F, adopted 07/05/2005)~~
- H) Open Space for Commercial and Industrial PUDs with no residential uses shall be based on the established impervious surface ratio (ISR) of the land use designation of the Future Land Use Map of the Comprehensive Plan the project is located in and does not have to be designated as common open space.
- I) If an area of a mixed-use PUD contains commercial and/or industrial uses but no residential uses, open space for that that area shall be based on the established impervious surface ratio (ISR) of the land use designation of the Future Land Use Map of the Comprehensive Plan the project is located in; that area may then be excluded from the “total project area” for the purposes of calculating the common open space requirement. The remainder of the PUD shall comply with the common open space requirements as set forth in this section.

10) Density Bonuses

A) Affordable Housing

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

An affordable dwelling unit shall be a dwelling unit which:

- 1) Has a market value less than two (2) times 80% of the median annual household income of Lake County or
- 2) Has a monthly rent less than or equal to $1/12 \times 25\%$ of 80% of the median annual household income of Lake County
- 3) The affordable housing density bonus shall be determined as follows:

<u>% of total units affordable</u>	<u>Bonus</u>
20-30%	10%
31-50%	15%
51%+	20%

B) Environmental Protection

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

- ~~1)~~ 1) The total number of units transferred shall not exceed the ~~gross density~~ as allowed on the Future Land Use Map.
- ~~2)~~ 2) A conservation easement shall be recorded for the ~~property from which the units are to be transferred.~~ Such ~~easement~~ shall specify that no uses other than passive recreation uses shall be ~~allowed~~ on the property and shall ~~state that the easement shall restrict such land in~~ ~~perpetuity.~~ ~~The easement shall be approved by~~ the City ~~Attorney~~ and recorded in the public records of Lake County.

11) Application Review Process

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

12) Approval of Application for Rezoning

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

- ~~1)——Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of——outstanding issues.~~
- ~~2)——Recommend that the application be approved~~
- ~~3)——Recommend that the application be approved with——conditions~~
- ~~4)——Recommend that the application be denied~~

~~B)——City Council Approval. The City Council shall consider the——submitted plan and rezoning application at a regularly scheduled——meeting and determine if the application meets the requirements of this Code.—Upon consideration of the——comments of the TRC, and—the——public and recommendation of the——Planning and Zoning Board, the City Council shall take one of the following actions:~~

- 1) Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.
- 2) Approve the application.
- 3) Approve the application with conditions.
- 4) Deny the application.

132) Alterations to Preliminary Development Plan

Alterations to the approved preliminary development plan shall be classified as either substantial or non-substantial alterations.—The following criteria

shall be used to identify a substantial alteration.

- A) A change which would include a land use not previously permitted under the approved PUD zoning.
- B) A change which would increase the land use intensity or density by ten percent (10%) within any development phase without a ~~corresponding~~ decrease in some other portion of the overall PUD.
- C) A change that would require an amendment to the conditions approved by the City Council.

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

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

l) NEIGHBORHOOD COMMERCIAL (C-1)

1) Purpose and Intent

The Neighborhood Commercial district is intended to provide for limited commercial uses within easy walking and biking distance of residential neighborhoods. Development standards and allowed uses are designed to insure compatibility with adjacent residential uses.

2) Permitted Uses

- A) Offices for professional services
- B) Personal services
- C) Convenience stores without fuel operations
- D) Laundry and dry cleaning retail stores
- E) Day care centers
- F) Adult Congregate Living Facilities
- G) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents
- H) Financial Services
- I) Office supply
- J) Retail sales & services
- K) Business services
- L) Bed & Breakfast Inn
- M) Office complex
- N) Maintenance contractor
- O) Medical office/clinic

P) Restaurant without drive thru facilities

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Convenience stores with fuel operations
- B) Restaurants with drive thru facilities
- C) Banks
- D) Bars, Lounges, and Night Clubs
- E) Athletic/Sports facilities
- F) Game/Recreation facilities
- G) Health/Exercise Clubs
- H) Mini-warehouses
- I) Veterinary offices/Kennels/Animal Rescue Organizations
- J) Xerographic and offset printing
- K) Multi-family dwelling units
- L) Artisan/Craftsman Shop

4) Uses Expressly Prohibited

- A) Wholesale commercial uses
- B) Industrial uses
- C) Adult entertainment
- D) RV Parks
- E) Uses prohibited by City, State or Federal law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or as special exception uses, may be permitted as ~~conditional~~ uses pursuant to Chapter 7 of this Code.

6) Maximum Intensity Standard

~~A)~~ ~~The maximum intensity standard shall be limited to seventy-five (75) percent impervious surface ratio (which includes building coverage) and a maximum building height of thirty-five (35) feet. For multi-family dwelling units, the maximum density allowed shall be twelve (12) units per acre.~~

7) Site Plan Approval

A site development plan shall be required per Chapter 13 of this Code ~~prior to final project approval.~~

4m) GENERAL COMMERCIAL AND WAREHOUSE DISTRICT (C-2)

1) Purpose and Intent

—The purpose of the C-2 zoning district is to provide an area for those
—structures which by their use and location are especially adapted to
—conduct the business of wholesale distribution and storage and to
provide —an area for the full-scale service needs of the community.

2) Permitted Uses

- A) Those uses permitted within the C-1 district
- B) Artisan/Craftsman Shop
- C) Appliance/Electronic repair shops
- D) Funeral Home/Mortuary
- E) Banks
- F) Bars, Lounges, and Night Clubs
- G) Commercial/Industrial Equipment and supplies
- H) Convenience Stores without fuel operations
- I) Equipment Rental
- J) Furniture and appliance stores
- K) Game/recreation facilities
- L) Health/Exercise Clubs
- M) Hotels/Motels
- N) Multi-family dwelling units
- O) Offices
- P) Restaurants without drive through facilities
- Q) Retail Home Building Materials
- R) Retail Sales and Services
- S) Shopping Centers
- T) Theaters
- U) Veterinary Clinics/Kennels/Animal Rescue Organizations
- V) Licensed Community Residential Homes, Group Homes and Foster Care facilities with more than six (6) residents
- W) Xerographic and Offset printing
- X) Athletic/Sports Facilities

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Trucking Terminal
- B) Farmers/Flea Markets
- C) Auction Houses
- D) Boat Sales
- E) Gun and Archery Range
- F) Mobile Homes sales
- G) Motor Vehicle and Boat Storage Facilities
- H) Motor Vehicle sales

- I) Motor Vehicle Service and Repair Facility
- J) Motor Vehicle Fuel Service Facility
- K) Pawn Shops
- L) Tattoo Parlor
- M) Mini-warehouses
- N) Transportation Service
- O) Wholesalers and Distributors
- P) One (1) single family dwelling unit for owners/caretakers residence
- Q) Restaurants with drive through facilities
- R) Convenience stores with fuel operations

4) Uses Expressly Prohibited

- A) Industrial uses
- B) Adult entertainment
- C) RV Parks
- D) Uses prohibited by City, State or Federal law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as ~~conditional~~ conditional uses pursuant to Chapter 7 of this Code.

6) Maximum Intensity Standard

The maximum intensity standard shall be limited to a maximum of seventy-five (75) percent impervious surface ratio (which includes building coverage) and a maximum building height of thirty-five (35) feet.

7) Site Plan Approval

A site development plan shall be required per Chapter 13 of this Code ~~prior~~ prior to final project approval.

n) TOURIST COMMERCIAL (TC-12)

1) Purpose and Intent

The tourist commercial district is intended to implement comprehensive plan policies to provide adequate land for ~~tourist-oriented~~ tourist-oriented facilities. The density shall not exceed twelve (12) units per acre.

2) Permitted Uses

- A) Motels/Hotels
- B) Bed and Breakfast Inns

- C) Recreational Vehicle (RV) Parks
- D) Campgrounds

~~3)~~ 3) Special Exception Uses

- A) RV Parks with long-term rentals. No more than 15% of the total number of RV spaces permitted shall be for long-term rentals. All long-term rentals shall be either Park Models or HUD Park Models.

4) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or as special exception uses, may be permitted as ~~conditional uses pursuant to the Chapter 7 of this Code.~~

45) General Requirements for RV Parks and Campgrounds

- A) The proposed site shall be at least one thousand (1,000) feet from any other such use.
- B) The proposed site shall front on arterial or collector roadways
- C) The proposed site shall be a minimum of five (5) acres
- D) The proposed site shall be designated and used for short-term, transient accommodation of:
 - 1) ~~Travel trailers~~RV's
 - 2) Vehicles with sleeping accommodations
 - 3) Tents
 - 4) Other similar type accommodations

An occupant of a space (other than those employed to maintain the site) shall remain in the same facility no longer than one hundred eight (180) days out of every three hundred and sixty (360) days.

- E) Convenience establishments, such as grocery stores, restaurants ~~and laundries may be permitted in recreational vehicle parks or campgrounds subject to the following conditions:~~

~~1)~~ The convenience establishments shall be restricted to use ~~by park occupants only and not advertised for patronage by the general public.~~

- F) Restrooms and shower facilities shall be provided based upon the Health Department regulations.
- G) A master plan shall be prepared as outlined in Section 2(h)(5) of ~~this chapter of the Code.~~

H) Interior streets shall be designed as follow:

- 1) All one-way streets shall have a minimum pavement width of twelve (12) feet.
- 2) All two-way streets shall have a minimum pavement width of twenty (20) feet.

I) RV spaces shall be a minimum of two thousand four hundred ~~—~~(2,400) square feet, however, the density shall not exceed twelve ~~—~~(12) units per acre.

J) Maximum Intensity Standard

The maximum intensity standard shall not exceed seventy-five percent (75%) impervious surface ratio (which includes building coverage) and the building height shall not exceed thirty-five (35) feet.

o) LIGHT MANUFACTURING (LM)

1) Purpose and Intent

This district is established to implement comprehensive plan policies for managing industrial development and to provide development for limited industrial operations engaged in fabricating, repair, or storage of ~~—~~manufactured goods, where no objectionable by-products of the activity ~~—~~(such as odors, smoke, dust, refuse, electro-magnetic interference, noise in excess of that customary to loading, unloading, and handling of goods ~~—~~and materials) are noticeable beyond the lot on which the facility is located. No hazardous materials may be utilized by the industrial ~~—~~operations permitted in this district. ~~—~~The location of such districts shall take into consideration access to rail and terminal facilities, major arterial roadways, labor markets and necessary urban services. ~~—~~Such districts shall be accessible to major thoroughfares and buffered from residential neighborhoods.

2) Permitted Uses

- A) All permitted C-2 uses
- B) Agriculturally related industry
- C) Boat repair
- D) Commercial/Industrial service
- E) Construction Contractor's Yard and Storage
- F) Distribution Centers
- G) Laboratory/Research and Development
- H) Laundry/Dry Cleaning Plants

- I) Manufacturing: Fabrication
- J) Manufacturing: Processing
- K) Motor Vehicle Service and Repair Facility
- L) Motor Vehicle Towing and Impoundment
- M) Trucking Terminal
- N) Warehousing
- O) Farmers/Flea Market
- P) Motor Vehicle Body Repair Facility

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) One single-family residential dwelling unit on the site of a permitted use to be used exclusively by an an-owner/caretaker
- B) Used motor vehicle parts yard

4) Uses Expressly Prohibited

- A) Adult entertainment
- B) Residential dwelling units
- C) Uses prohibited by City, State or Federal law

5) Other Possible Uses

Uses, which because of their uniqueness, ~~that~~ are not specifically identified as permitted uses or as special exception uses may be permitted as conditional uses pursuant to Chapter 7 of this Code.

6) Maximum Intensity Standard

The maximum intensity standard shall not exceed seventy-five percent (75%) impervious surface ratio (which includes building coverage) and the maximum building height shall not exceed thirty-five (35) feet.

p) AIRPORT ZONING (AZ)

1) Purpose and Intent

The Airport Zoning District is intended to provide for appropriate land uses within the City that is used for aircraft-related operations and the direct support of such operations.

All uses shall conform to the City of Umatilla Municipal Airport Master Plan as well as all applicable State, Federal, and local laws and regulations.

2) Permitted Uses

- A) Administrative offices for businesses primarily engaged in aeronautical activities
- B) Aeronautical dusting and spraying operations
- C) Aeronautical radio and communication facilities
- D) Aeronautical training establishments
- E) Aircraft charter and taxi service
- F) Aircraft sales
- G) Fire stations
- H) Research and Development
- I) Sales of aviation petroleum products utilizing and ramp service

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

In granting any special exception, the city council may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this chapter and the land development regulations. Such conditions may include time limits for the initiation of the special exception use, specific minimum or maximum limits to regular code requirements, or any other conditions reasonably related to the requirements and criteria of this chapter.

When reviewing an application for a special exception, the city council shall consider all applicable requirements and criteria, including, but not limited to:

~~a~~A. _Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety

~~b~~B. _Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district.

~~c~~C. _Required yards, screening or buffering, and landscaping shall be consistent with the district in general and the specific needs of the abutting land uses.

~~d~~D. _Size, location, and number of special exception uses in the area shall be limited so as to maintain the overall character of the district as intended by the land development ~~regulations~~code.

~~e~~E. _Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development.

~~f~~F. _The availability of utilities services, such as water, sewer, and solid waste.

- i) Aircraft engine and accessory maintenance and repair
- ii) Aircraft Manufacturing
- iii) Automobile leasing establishments

- iv) Commercial off-street parking lots and garages
- v) Motels and hotels
- vi) Museums
- vii) Restaurants, including those with outdoor dining
- viii) Vocational, technical, trade, and industrial schools

4) Uses Expressly Prohibited

- A) Adult entertainment
- B) Uses prohibited by City, State, or Federal law

5) Other Possible Uses

Uses, which because of their uniqueness, are not specifically identified as permitted, special exception, or prohibited uses may be permitted as conditional uses pursuant to Chapter 7 of this Code.

6) Standards

Outdoor Storage

Other than aeronautical uses and operable vehicles, no outdoor storage shall be allowed in any required yard area. No outdoor storage of any type shall be located within 25 feet of a residential district. Non-aeronautical outdoor storage areas shall be screened on all sides by a solid wall or a solid fence at least six feet high. Non-aeronautical outdoor storage may be located in front of the principal building only if the lot on which the storage is located is not visible from view from residential districts or roads designated as an arterial. Aeronautical storage may be located in front of the principal building.

Repair and Manufacturing

All repair and manufacturing processes conducted within 300 feet of a residential district shall be in completely enclosed buildings. Processes located at a greater distance may be located outdoors if enclosed by a solid wall or fence at least six feet high.

~~(q. Ord 2011-U, 12.06.2011)~~

q) CENTRAL BUSINESS DISTRICT

1) Location

The Central Business District is located as indicated on the City Zoning Map.

2) Purpose and Intent

The intent of this zone is to promote infill and redevelopment, encourage pedestrian oriented development, to enhance the urban character of the historic shop front buildings and promote compatibility between adjacent residential and non-residential uses by establishing development and design standards...

It is intended that the mix of uses within this zone primarily refers to vertical mixed use where retail or commercial are on the ground floor and residential or commercial are above. This section is intended to override the dimensional and parking requirements that are listed for the zoning categories in other sections of the Land Development [Regulations Code](#).

3) Permitted Uses

The uses within the Central Business District are those uses permitted to emphasize the pedestrian orientation of the district, thus businesses or uses which have a drive thru or drive in component as part of their operation shall require a special exception use.

- A) Antique shops
- B) Art galleries
- C) Art, photography, dance and music instruction studios
- D) Artisan/Craftsman shop
- E) Bakery/Pastry shop with retail sales and consumption on premises
- F) Banks without drive thru facilities
- G) Bars, lounges and nightclubs
- H) Business Services
- I) Clubs, Lodges and Fraternal Organizations
- J) Coffee Shop with retail sales and consumption on premises
- K) Cosmetic and Skin Care Treatment Businesses
- L) Craft Micro Brewery, Winery, Distillery
- M) Deli/Cheese Shop with retail sales and consumption on premises
- N) Donut Shop with retail sales and consumption on premises without drive thru facilities
- O) Florist
- P) Financial Services
- Q) Grocery Store
- R) Hardware, home supply, home decorating and paint stores
- S) Hotel
- T) Ice Cream Shop with retail sales and consumption on premises
- U) Jewelry Store
- V) Professional Offices
- W) Personal Services
- X) Residential above the 1st floor
- Y) Pet Supply Store
- Z) Pharmacy/Drug Store without drive thru facilities
- AA) Retail Sales
- BB) Restaurants without drive thru facilities
- CC) Sidewalk cafes
- DD) Specialty Shops
- EE) State-licensed massage therapists
- FF) Tailor/Seamstress Shops
- GG) Variety Shops
- HH) Uses of similar nature that can be conducted in a fully enclosed building, and can demonstrate, to the City's satisfaction, the ability

through design and operational standards, to be compatible with adjacent land uses and in compliance with this Code.

4) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Convenience store with fuel operations
- B) Motor Vehicle and Boat sales
- C) Motor Vehicle and Boat storage facilities
- D) Motor Vehicle repair facilities
- E) Motor Vehicle service center
- F) Pharmacy/Drug Store with drive thru facilities
- G) Restaurants/Donut shops with drive thru facilities
- H) Tire repair facilities

5) Uses Expressly Prohibited

- A) Adult Entertainment
- ~~C~~B) Any use prohibited by City, State or Federal law

6) Other possible uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be permitted as conditional uses pursuant to Chapter 7 of this Code.

A) Storage shall be limited to accessory storage of commodities sold at retail on the premises and storage shall be within a completely enclosed building.

B) ~~In addition, r~~Residential uses are allowed above ground floor commercial, retail, and general business uses at a density not to exceed 12 du / acre.

C) Residential development is not intended to be free standing apartment complexes or subdivisions.

D) Outside consumption and sales of alcoholic beverages may be permitted pursuant to Chapter 6, ~~Section 3, b) 12,~~ provided that doing so is in accordance with all applicable statutes, ordinances, and regulations.

7) Dimensional Requirements Chart

Setbacks

SR 19 setback

Front setback

Minimum – 0' —Maximum – 50'

Minimum – 0' Maximum – 25'^{1, 2}

Side setback (road)	Minimum – 0’ Maximum – 75’ ^{1,2}
Side setback (adjacent to parcel)	Minimum – 0’ Maximum – 15’
Rear setback (adjacent to residential zoning)	-15’
Rear setback (adjacent to any other commercial zoning or street)	Minimum – 0’ Maximum – 15’

Building Form

Percentage of the primary street façade built to the front setback line 50% to -100%

Road frontage (lot width) minimum Minimum 50’ – Maximum 300’

ISR maximum .75 new construction, 1.0 for existing development (no greater ISR than existing condition for re-development)

Open space minimum 25% new construction, 0% for existing development (no less open space than existing condition for re-development)

Height

Building height maximum 48’³

Notes

1) ¹All floors must have a primary ground-floor entrance that faces the primary or side street.

2) ²Loading docks, overhead doors, and other service entries are prohibited on primary street-facing façades.

3) ³Existing buildings that exceed this height limit as of February 1, 2013 shall be considered existing, non-conforming structures. —For new construction, building heights may exceed the maximum height if all applicable requirements of the National Fire Protection Code are met.

8) Reduced Parking Requirements

All new development and redevelopment which expands the existing footprint or increases the square footage requiring the City’s approval of a site plan within the Central Business District due to site constraints or other factors may provide fifty percent (50%) of the parking requirements outlined in Chapter 14. Parking may be provided on-site, off-site within 600' of the property or as shared parking. Shared parking may be in the form of public parking. Private parking may be used for shared parking as well, provided agreements

satisfactory to the City are obtained by the property owner to use the private parking.

On corner lots, parking drive shall not be located on the street which the primary building façade faces unless the same already exists.

Bicycle parking must be provided as required per Chapter 14.

9) Encroachments Into Setbacks

Canopies, awnings, and balconies may encroach into the setback line or sidewalk within City right of way as indicated below.

Encroachments

Front	6' maximum ¹
Side street	4' maximum ¹
Rear	4' maximum ¹

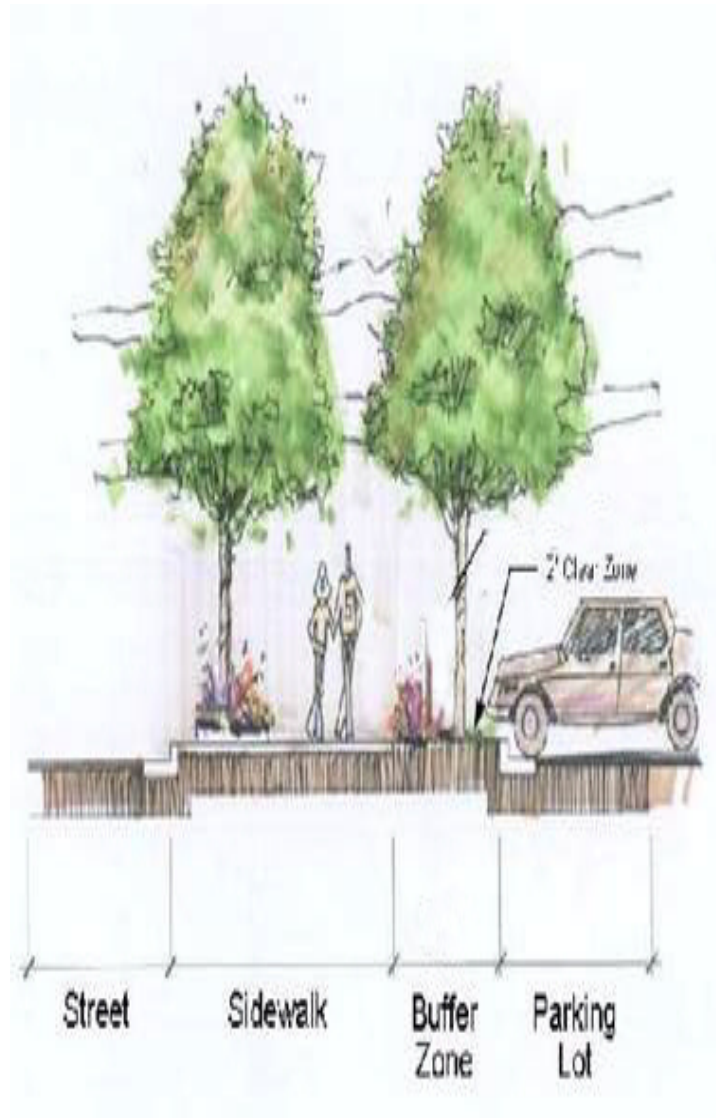
Notes

1) ¹Sidewalk seating, such as sidewalk cafes, may encroach onto the sidewalk within City right of way, but must leave an aisle of at least 5 feet.

10) Landscape Requirements

Parking lots within the Central Business District may be exempt from the requirements of Chapter 15, Section 6, Internal Landscaping due to site constraints or other factors. If exempt from full requirements, the following shall be provided: perimeter buffering of parking lots are a minimum of five feet (5') wide with a ~~three foot~~three-foot (3') planted area and provided that a two foot (2') parking overhang is included as illustrated below. A continuous hedge is required as well as one (1) understory tree per thirty feet (30'). Ground covers may consist of sod in the overhang area and plant material other than sod for the balance of the ground cover. ~~—~~. All other landscaping and irrigation requirements must comply with Chapter 15.

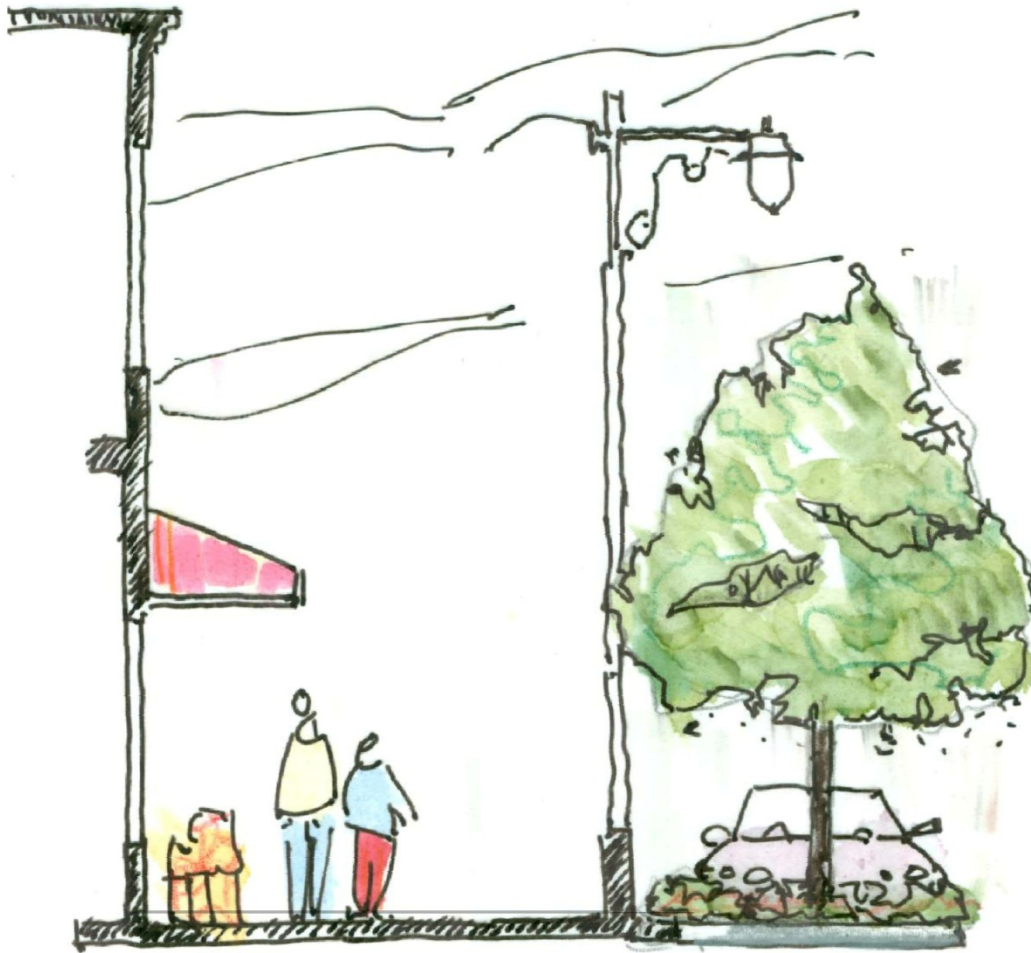
A typical parking lot buffer within Central Business District is shown on the following exhibit.



Typical Parking Lot Buffer

11) Storefront and Walkway Zones

The sidewalk can be divided into two zones of activity as shown on the following exhibit.



5'	5'	10'
Storefront Zone	Walkway Zone	Bump-out

Typical Walkway and Bump-Out

A)

The Storefront Zone

Description and Usage - The storefront zone is the business' front yard. It should allow easy access to the front door, room for "window shopping" and protection from inclement weather through awnings and doorways. Portable signage of six (6) square feet or less, movable planters, and outdoor displays may be placed within the storefront zone.

B) The Walkway Zone

Description and Usage -The main function of the walkway zone portion of the sidewalk is for pedestrian circulation. This zone of the sidewalk should be kept clear of impediments at all times. This area is protected by the bump out zone on the street side and the storefront zone on the building side.

1) Pedestrian movement is the priority function for narrow sidewalks. This may mean that the storefront and bump out zone will need to be reduced or eliminated. The following provides guidelines for the various zones.

1a) Sidewalks up to 5' wide: Walking Zone minimum 5'

b)2) Sidewalks 5' to 8' wide: Walking Zone - minimum 5'
Storefront Zone – 0' to 3' maximum

3e) Sidewalks 8' to 10' wide: Walking Zone minimum 5'
Storefront Zone – 3' to 5' maximum

CITY OF UMATILLA SCHEDULE OF SETBACK REQUIREMENTS MINIMUM BUILDING SETBACK IN FEET (FT) ¹			
DISTRICT	FRONT	SIDE ²	REAR
AR-1	25	10	15
R-3	25	10	15
UR-5	25	7.5	15
R-5	25	5	15
MF-8	25	5	10
MF-12	25	7.5	*
MHRP-8	20	5	10
MHS-8	20	5	10
PFD	25	15	15
PUD	**	**	**
RP	20	10	15
TC-12	20	10	15
C-1	20	10	25
C-2	20	10	25
CBD	SEE DIMENSIONAL REQUIREMENTS		
LM	50	25	25

AZ	25	5	10
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1. ~~Setbacks between buildings are measured from eave to eave. Setbacks from property line are measured from property line to eave of building.~~
2. ~~For corner lots, the side yard setback from the secondary street is 15'.~~

~~* Not less than twenty percent (20%) of lot depth but not exceed thirty (30) feet~~

~~** Setbacks for PUD's are flexible, however; in no case shall the rear or side setback be less than 10 feet between structures.~~

~~Setbacks from all arterial roadways shall be 50' from the right of way. The City Manager or designee may waive this requirement based on submittal of justification such as, but not limited to, evidence of sufficient right of way, speed limit, and safety.~~

~~Setbacks from all collector roadways shall be 35' from the right of way. The City Manager or designee may waive this requirement based on submittal of justification such as, but not limited to, evidence of sufficient right of way, speed limit, and safety.~~

(Ord 2017-D, 08.01.2017)

SECTION 3: OVERLAY DISTRICTS (adopted Ord 2013-B, 02.21.20123)

a) PRIMARY DOWNTOWN DISTRICT OVERLAY

1) Location

~~The Primary Downtown District is located as indicated on Overlay Map.~~

2) Purpose and Intent

~~The intent of this zone is to enhance character of the existing commercial areas. The physical form and uses are regulated to reflect the urban character of the historic shop front buildings. It is intended that the mix of uses within this zone primarily refers to vertical mixed use where retail or commercial are on the ground floor and residential or commercial are above. This section is intended to override the dimensional and parking requirements that are listed for the zoning categories in other sections of the Land Development Regulations.~~

3) Permitted Uses

~~The uses permitted within the Primary Downtown District Overlay district are those uses that would be allowed per the C-1 zoning category pursuant to Chapter 6, Section 2, and the following: restaurants, banks, bars, lounges, and night clubs, health/exercise clubs, hotels and motels; and sidewalk cafes pursuant to Chapter 6, Section 3, b) 11. In addition, residential uses are allowed above ground floor commercial, retail, and general business uses at a density not to exceed 12 du / acre. Residential development is not intended to be free standing apartment complexes or subdivisions. Outside consumption and sales of alcoholic beverages may be permitted pursuant to Chapter 6, Section 3, b) 12, provided that doing so is in accordance with all applicable statutes, ordinances, and regulations.~~

4) Dimensional Requirements Chart

Setbacks

Front setback	None ^{1,2}
Side setback (road)	None ^{1,2}
Side setback (adjacent to parcel)	None
Rear setback (adjacent to residential zoning)	8'
Rear setback (adjacent to any other commercial zoning or street)	None

Building Form

Percentage of the primary street façade built to the front setback line	80% minimum
Road frontage (lot width) minimum	None
ISR maximum	.75 new construction, 1.0 for existing development (no greater ISR than existing condition for re-development)
Open space minimum	25% new construction, 0% for existing development (no less open space than existing condition for re-development)

Height

Building height maximum	48' ³
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Notes

- 1) All floors must have a primary ground-floor entrance that faces the primary or side street.
- 2) Loading docks, overhead doors, and other service entries are prohibited on primary street-facing façades.
- 3) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered existing, non-conforming structures. For new construction, building heights may exceed the maximum height if all applicable requirements of the National Fire Protection Code are met.

5) New Construction or Alteration

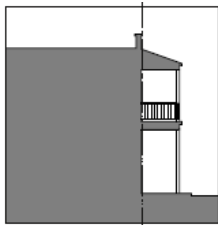
The plans for the construction of a new structure or for modification of an existing structure for an amount that exceeds fifty (50%) of its appraised value impacting the exterior appearance of such structure in the Primary Downtown District and Five Points Overlay Districts must be submitted to the City for review of the TRC and Planning and Zoning Commission. The Planning and Zoning Commission shall make a recommendation on such plans to the City Manager who shall approve, deny, or approve with conditions the submitted plans. An appeal to the decision made by the City Manager or designee may be made pursuant to Chapter 3, Section 5, b).

In considering approval for new construction, the TRC, Planning and Zoning Commission, and City Manager or designee shall consider the following guideline:

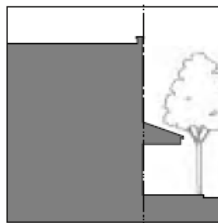
Architectural details including street facades, materials, colors, textures, roof lines, and window styles shall be designed to make a new structure or alteration compatible with its original architectural style and character, and the surrounding structures in the Primary Downtown Overlay District and the Five Points Overlay District, as applicable.

6) — Frontage Façade Styles

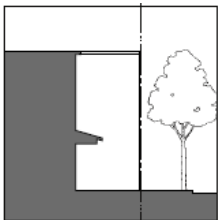
The existing downtown commercial area consists of three (3) types of frontage façade styles as indicated below. All redevelopment and new development must provide one (1) of the three (3) styles.



Gallery: The main façade of the building is at the frontage line and the gallery element overlaps the sidewalk. The entry should be at the same grade as the sidewalk. This type can be one or two stories and is intended for retail uses. The gallery should extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required. A minimum depth is required within the development standards to ensure usability. This type is appropriate for ground floor commercial uses.



Awning: The main façade of the building is at or near the frontage line and the canopy or awning element may overlap the sidewalk. The canopy is a structural, cantilevered, shed roof and the awning is canvas or similar material and is often retractable. The coverings should extend far enough from the building to provide adequate protection for pedestrians. This type is appropriate for retail and commercial uses only because of the lack of a raised ground story.



Forecourt: The main façade of the building is at or near the frontage line and a small percentage of it is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial zones. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. This frontage type should be used sparingly and should not be repeated within a block. A short wall, hedge, or fence should be placed along the undefined edge.

7) — Reduced Parking Requirements

All new development and redevelopment which expands the existing footprint or increases the square footage requiring the City's approval of a site plan within the Primary Downtown District Overlay district shall be required to provide fifty percent (50%) of the parking requirements outlined in Chapter 14. Parking may be provided on-site, off-site within 600' of the property or as shared parking. Shared parking may be in the form of public parking. Private parking may be used for shared parking as well, provided agreements satisfactory to the City are obtained by the property owner to use the private parking.

On corner lots, parking drive shall not be located on the street which the primary building façade faces unless the same already exists.

Bicycle parking must be provided as required per Chapter 14.

8) ~~——~~ Amenities Bank

~~An amenities bank fund is established by the City to provide an opportunity to make a cash payment to the City in exchange for installing up to 25% of the required parking spaces outlined in Chapter 6, Section 3, a, 7. The amenities bank shall be a dedicated fund used expressly for transportation related improvements in the Primary Downtown District and Five Points District such as sidewalk improvements, public parking improvements, and bicycle parking racks.~~

~~Calculations for payments into the amenities bank fund shall be the equivalent of the permitting and development and land cost for each parking space exchanged. This cost shall be determined by submittal of a cost analysis prepared, signed and sealed by an appropriate registered professional reasonably approved by the City Manager or his designee at the property owner's expense and submitted to the City Manager or designee. In the event the City does not agree with the cost analysis submitted by the property owner, City may obtain a cost analysis at City's expense and the average of the two analyses shall be the amount required to be paid by the applicant into the amenities bank fund.~~

~~Any payments required to be made to the amenities bank fund shall be made upon approval of the final site plan. No building permit shall be issued until such payment has been made.~~

~~Under no circumstances will the City be required to refund monies deposited into the amenities bank fund pursuant to this Chapter 6, Section 3(a)(8).~~

9) ~~——~~ Encroachments Into Setbacks

~~Canopies, awnings, and balconies may encroach into the setback line or sidewalk within City right of way as indicated below.~~

Encroachments

Front	6' maximum ¹
Side street	4' maximum ¹
Rear	4' maximum ¹

Notes

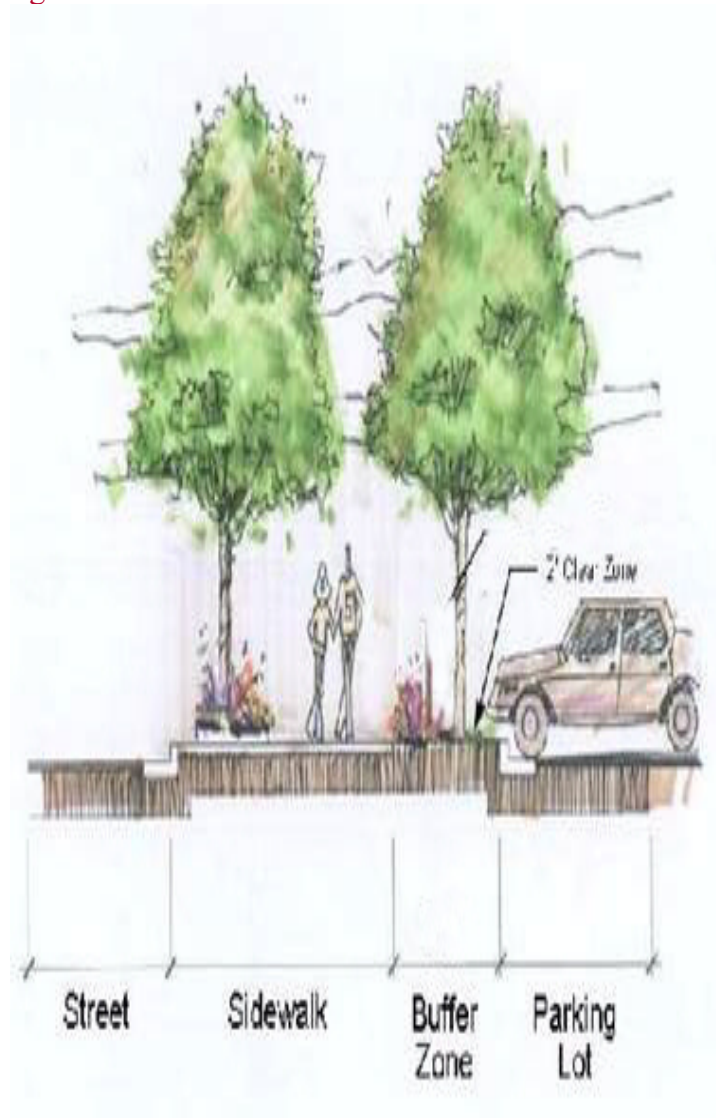
~~2) Sidewalk seating, such as sidewalk cafes, may encroach onto the sidewalk within City right of way, but must leave an aisle of 5 feet.~~

10) ~~——~~ Landscape Requirements

~~Parking lots within the Primary Downtown District Overlay shall be exempt from the requirements of Chapter 15, Section 6, Internal Landscaping provided that perimeter buffering of parking lots are a minimum of five feet (5') wide with a three foot (3') planted area and provided that a two foot (2') parking overhang is included as~~

illustrated below. A continuous hedge is required as well as one (1) understory tree per thirty feet (30'). Ground covers may consist of sod in the overhang area and plant material other than sod for the balance of the ground cover. All other landscaping and irrigation requirements must comply with Chapter 15.

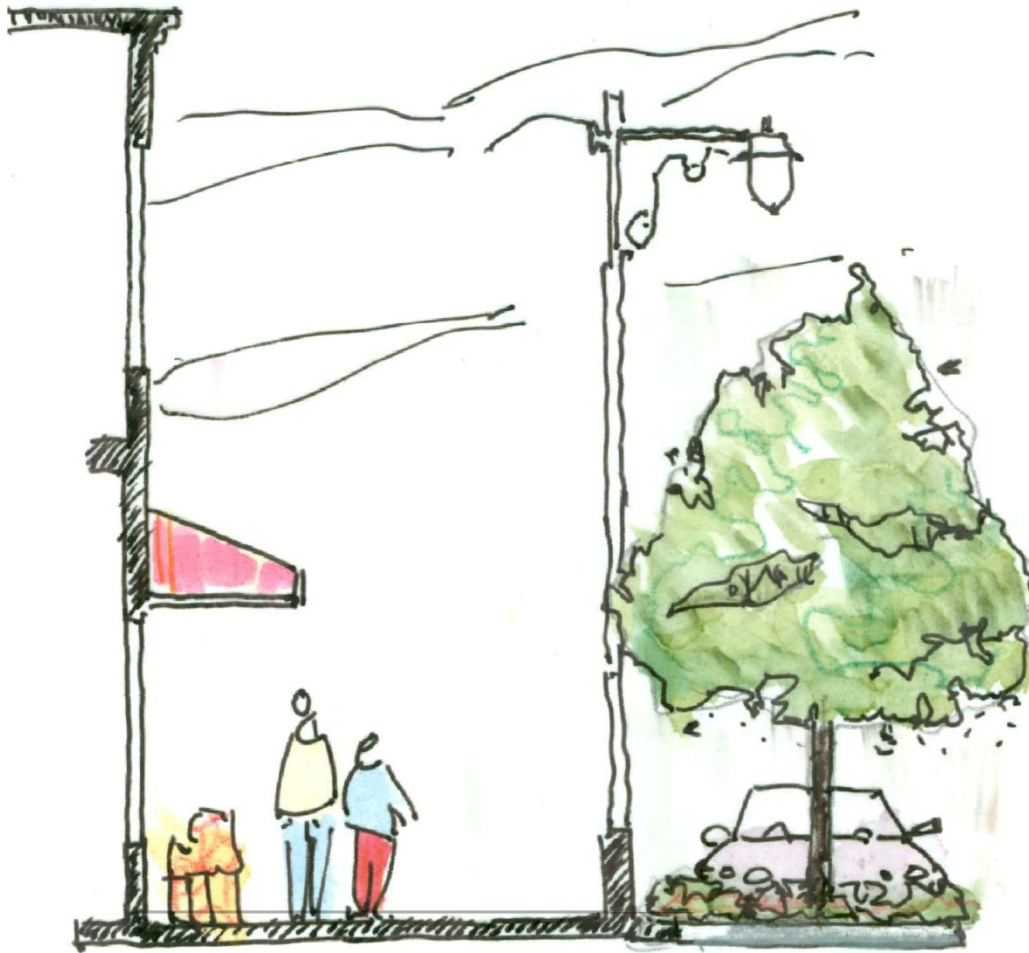
A typical parking lot buffer within Primary Downtown District Overlay is shown on the following exhibit.



Typical Parking Lot Buffer

11) Storefront and Walkway Zones

The sidewalk can be divided into two zones of activity as shown on the following exhibit.



5'	5'	10'
Storefront Zone	Walkway Zone	Bump-out

Typical Walkway and Bump-Out

A) The Storefront Zone

Description and Usage—The storefront zone is the business' front yard. It should allow easy access to the front door, room for "window shopping" and protection from inclement weather through awnings and doorways. Portable signage of six (6) square feet or less, movable planters, and outdoor displays may be placed within the storefront zone.

B) The Walkway Zone

Description and Usage—The main function of the walkway zone portion of the sidewalk is for pedestrian circulation. This zone of the sidewalk should be kept clear of impediments at all times. This area is protected by the bump

~~out zone on the street side and the storefront zone on the building side.~~

~~1) Pedestrian movement is the priority function for narrow sidewalks. This may mean that the storefront and bump out zone will need to be reduced or eliminated. The following provides guidelines for the various zones.~~

~~a) Sidewalks up to 5' wide: Walking Zone minimum 5'~~

~~b) Sidewalks 5' to 8' wide: Walking Zone minimum 5'
Storefront Zone 0' to 3'
maximum~~

~~c) Sidewalks 8' to 10' wide: Walking Zone minimum 5'
Storefront Zone 3' to 5'
maximum~~

~~e) SECONDARY DOWNTOWN DISTRICT OVERLAY~~

~~1) Location~~

~~The Secondary Downtown District is located as shown on the Overlay Map~~

~~2) Purpose and Intent~~

~~The intent of the Overlay District is to allow older residential areas to evolve into a combination of residences and restricted professional business services and low intensity commercial uses. As this area evolves from a predominantly residential area to a commercial area, a decline in residential density is anticipated.~~

~~3) Permitted Uses~~

~~The uses permitted within the Secondary Downtown District Overlay district are those uses that would be allowed per the parcels' zoning category pursuant to Chapter 6. In addition, business services, offices for professional services, personal services, medical office/clinic, and bed and breakfast inns would be allowed.~~

~~4) Dimensional Requirements Chart~~

Setbacks

Front setback	20'
Side setback (road)	20'
Side setback (adjacent to parcel)	10'
Rear setback	15'

Building Form

Road frontage (lot width) minimum	50'
ISR maximum	.75
Open space minimum	25%

Height

Notes

(1) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered existing, non-conforming structures. For new construction, building heights may exceed the maximum height if all applicable requirements of the National Fire Protection Code are met.

5) ——— Parking Requirements

All new development and redevelopment within the Secondary Downtown District Overlay must meet the parking and bicycle parking requirements outlined in Chapter 14.

6) ——— Off Street Parking Design Standards

A stabilized pervious parking surface material may be utilized as an alternative to paved parking provided that the number of non-handicap parking spaces required equals 10 spaces or less; and parking spaces shall meet the minimum size requirements and each space shall be designated by a wheel stop.

Notwithstanding anything herein to the contrary, all handicap accessible spaces shall be paved.

7) ——— Landscape Requirements

Landscape requirements shall follow the buffer and landscape requirements in Chapter 15 as they relate to the RP zoning district. Internal parking lot landscape buffers may be waived provided that a perimeter buffering of parking lots will be a minimum of 5' wide with a 3' planted area and include a 2 foot parking overhang. A continuous hedge is required as well as 1 understory tree per 30'. Ground covers may consist of sod in the overhang area and plant material other than sod for the balance of the ground cover.

(Section 3 Ord. 2013-B, 02/21/2013)

SECTION 4. RESIDENTIAL DESIGN STANDARDS

1a) Purpose and Intent. It is the purpose of this section to establish standards for the architectural design of development and redevelopment in the city. These standards apply to new residential construction.

2b) Applicability.

a1. These design standards shall apply to any new residential construction within a

subdivision, formed by final plat after the effective date of this Section, and where the applicant advocates, proposes, suggests, or exhibits a proposed plan, map, or plat of development of land or proposes to create a street, right-of-way or easement that joins or connects to an existing public street.

b2. The design standards as outlined in Section ~~4~~, 6(c) through Section 4, 6(h), inclusive shall apply to all new residential construction within the City to which subparagraph (a) does not apply unless exempt pursuant to subparagraph (c).

3e. Existing development with a valid and active Planned Unit Development, Preliminary Plat, Final Construction Plan, or Building Permit as of the effective date of this Section shall not be required to meet design standards contained herein to the extent not required prior to the effective date of this Section, but are permitted to comply with the same.

3c) Development Plans. Any new preliminary plat, final construction plans, preliminary/final planned unit development, or application for building permit shall comply with this code unless exempted under item 2 above or preempted by state statute.

4d) Administrative Review and Approval.

1. a.—Application Review. The City Manager or designee shall review all applications for compliance with the residential design standards. Upon determination of compliance the City Manager or designee will approve the application. The City Council shall review and approve all residential design standards associated with a Planned Unit Development.

2b. Administrative Variance. The City Manager or designee may issue an administrative variance to the residential design standards on a ~~case-by-case~~case-by-case basis.

e3. Right to appeal to the City Council.

5e) Submittals. The applicant shall submit, with the appropriate applications, a conceptual site plan, building elevations, and floor plans with sufficient detail to ensure that the intent of this section is met.

6f) Design Standards.

1) a.—General Neighborhood Design and Layout.

A) Driveways must be 25' from house side of sidewalk to garage and accommodate vehicles without protruding into ~~sidewalk~~the sidewalk.

B) Lot sizes and patterns within a neighborhood shall be varied to avoid monotonous streetscapes and to provide a diverse range of housing styles. The widths and depths of lots should vary at the discretion of the developer; however, no lot shall be less than the minimum standards established for the zoning district. Larger building types set on large lots are encouraged for

corners and at prominent intersections. Smaller lots are encouraged surrounding or adjacent to common open spaces.

- C) Neighborhood design should respect the character of the existing topography and maximize preservation of environmental areas and native vegetation.
- D) Front elevations shall be designed to emphasize entries, porches, and other residential use features and to de-emphasize vehicular use areas and garages.
- E) A higher level of elevation design and finish shall be maintained on both faces of corner lots with similar articulation and detail on both street-facing facades.
- F) Driveways on corner lots are encouraged to be located as far as possible from street intersections.

b.2) _____ Housing Model and Style Variety.

- A) _____** Each development of 50 or more homes shall have at least seven (7) base models, developments of less than 50 units but more than 20 units, shall have at least five (5) base models, and developments less than 20 units shall have at least three (3) base models. Each base model proposed may have multiple variances and design options available for customization.

A)

- B) Each ~~single-family~~single-family residence or duplex building shall present an individual character through building placement, floorplan, exterior elevation, and color. No two buildings with the same exterior elevation shall be located adjacent to one another. Flexibility in the building elevation variation requirements may be considered at the discretion of the City Manager or designee provided the overall intent of this Section is maintained.

3) ~~e.~~ Architectural Styles and Components.

- A) _____** While the City does not wish to discourage creativity or uniqueness in housing design, architectural styles that represent identifiable historic styles are preferred in order to promote quality neighborhood design and compliment community identity.

A)

- B) _____** Desired Architectural Components. The following list of architectural components represents a partial list of desired elements associated with traditional residential architecture. Not all residential styles or buildings will contain every element in the list, but must include components consistent with the established style.

B)

- i. Open air front or wrap around porches;
- ii. Stoops;
- iii. Overhangs and awnings;

- iv. Gable or hip type roofs;
- v. Second story balconies;
- vi. Decorative roof treatments, including, but not limited to, pediments, dormers, ridge cresting, decorative bridgeboard, stickwork, brackets, rafter tails, and decorative shingles; and
- vii. Decorative window treatments, including, but not limited to, double-hung windows, arched windows, transoms, bay windows, and louvered shutters.

Cd.) The mixing of elements from multiple architectural styles within a single residential building is discouraged.

eD)- Roof Elements.

- i. All roof projections, including chimneys, dormers, flues and vents shall be compatible in scale, height and material with the structure from which they project. Chimney hardware must be screened within an architectural feature such as a decorative chimney cap in keeping with the architectural style of the home.
- ii. Gutters and downspouts are highly encouraged as long as they are consistent with the established architectural style of the residential building.
- iii. When overhangs and awnings are included, they shall be no less than two (2) feet deep when measured perpendicular to the building face, to function as an energy conservation measure and/or to protect people and the house from inclement weather. Required setbacks shall be measured from the bearing wall of the primary structure and not the overhang/awning.

Ef.) Windows and Doors.

- 4i. All front, street-facing facades shall have windows and doors covering at least twenty-five percent (25%) of the primary front façade (exclusive of the garage façade in calculating this area).
- 2ii. The front entry of the residential entry should be in scale with the façade and designed appropriate to the established architectural style of the building.

gF)- Exterior Finishes.

- i. Exterior finishes shall be consistent with the established architectural style of the residential building.
- ii. Acceptable finishes may include wood, cement board, brick, rock and masonry. Stucco is acceptable if consistent with the established architectural style of the building.
- iii. Prohibited finishes include exterior insulation finish systems (EIFS), foam moldings, and vinyl siding.
- iv. Simulated materials such as synthetic brick siding/paneling and stone veneer will be held to a higher level of scrutiny to assess quality and natural appearance. Samples of such materials may be required to be submitted with the application for review and approval by the City Manager or designee.

hG). Garages.

- i. Garages are encouraged to be located to the side or rear of a residential lot. Illustration 1 shows several recommended alternative locations for garages.
- ii. Garages shall not comprise more than thirty (30%) percent of the front of the residence.
- iii. Garages facing the street shall be offset at least five (5) feet from the primary front facade of the home.
- iv. Garage doors should be simple in design with door patterns and accent colors complementary to the architectural character of the home. Windows are encouraged to reduce the visual impact.
- v. Side-facing garage doors must incorporate a minimum of fifteen percent (15%) in area windows and trim on the wall facing the front street.
- vi. No more than seventy-five percent (75%) of the lots in a proposed subdivision are permitted to contain front loaded garages. If a project is proposed in multiple phases, each phase must meet this requirement individually.

- vii. One-car garage must be a minimum of 12 feet x 20 feet interior size. The number of garage spaces required shall be consistent with the underlying zoning district of this Code.

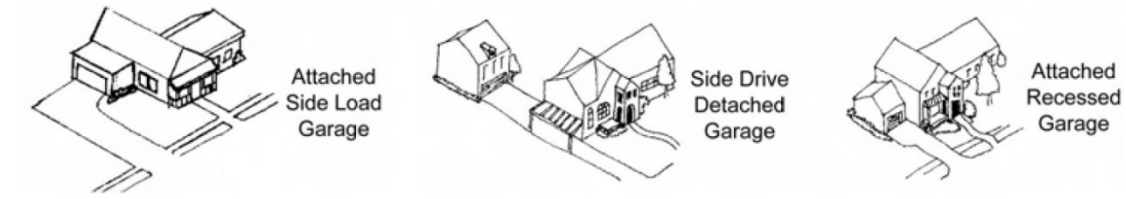


Illustration 1

H7) Neighborhood Identity. Special design elements located at the periphery and entrances of residential development create a distinctive image for the neighborhood. These entrances shall be designed as thresholds to change from public thoroughfares to quiet neighborhood streets with slower design speeds.

- i. All single family and duplex subdivisions of twenty (20) units or more are required to construct a development entrance with residential scaled landscaping, signage and streetscape patterns/furniture. Entrance features of consistent design are required at both primary and secondary entrances of each project to enhance the visual identify of the development.
- ii. Pedestrian connections shall be provided to promote access to surrounding areas, including schools, public buildings, parks and nearby commercial areas.
- iii. Lighting along roadways in developments should provide a smooth, even pattern that eliminates glare or light flow intrusion onto adjacent properties. Fixtures should be installed according to optimum spacing as recommended by the manufacturer. Light poles should not exceed twenty feet (20') in height. Illumination for vehicles in residential neighborhoods should be approximately 0.50 foot candles. Street lighting shall be designed consistent with the International Dark-Sky Association lighting principals.
- iv.** Decorative light fixtures are required to be provided consistently throughout the development and must be approved by the City Manager or designee.

~~iv.~~

~~(Section 4, Ordinance 2019-D, 03/19/19)~~

I) On Site Neighborhood Amenities. On-site amenities are an important feature of any quality neighborhood. Residents should have easy access to at least one central neighborhood amenity or gathering place.

The requirement for onsite neighborhood amenities shall apply to all single family and multi-family development.

Amenities may include, but not limited to, parks, picnic/barbeque areas, playgrounds, community building, pedestrian plazas or courtyards, community gardens, nature trail system, multi-modal paved path or water features to name just a few. The actual amenities for each project must be submitted for approval at the time of improvement plan review. A homeowner's association or other private entity must maintain all such amenities.

The following chart applies to all residential development.

<u>Size of Residential Development</u>	<u>Number of Required Amenities</u>
<u>10 - 20 dwelling units</u>	<u>0</u>
<u>21- 50 dwelling units</u>	<u>One</u>
<u>51 – 150 dwelling units</u>	<u>Two</u>
<u>151 – 300 dwelling units</u>	<u>Three</u>
<u>301+ dwelling units</u>	<u>Four*</u>

*For every additional 50 dwelling units above 301 an additional amenity will be required.

SECTION 5: – NON-RESIDENTIAL DESIGN STANDARDS

~~1a)~~ Purpose and Intent. The purpose of these design standards is to:

- 1) Contribute to the development of a well-planned urban environment by fostering the creation of visually compatible and harmonious streetscapes;
- 2) Create and maintain a strong community image, identity and sense of place;
- 3) Create and maintain a positive visual ambiance for the community;
- 4) Enhance and sustain property values;
- 5) Promote a high degree of compatibility between surrounding structures and land uses,
- 6) Establish and promote a standard for quality design and enduring quality development; and
- 7) Foster civic pride and community spirit by maximizing the positive impact of quality development.

2b) Applicability of Design Standards. The design standards contained in this Section are applicable to all commercial, residential/professional, and multi-family development within the City limits. Industrial, civic and institutional uses are exempt. In the case of redevelopment of existing commercial properties, the standards shall apply if one or more of the following occur:

- 1) The gross floor area is being increased by more than thirty-five percent (35%).
- 2) In the case of renovations to, or redevelopment of, an existing building or project, where the cost of renovation or redevelopment is greater than fifty (50) percent of the appraised value of the existing structure(s). —Supporting documentation regarding the extent and cost of the redevelopment project must be submitted to the City for a determination of the applicability of this requirement.
- 3) Non-conforming structures and uses. The provisions of Chapter 3, Section 7 of this code shall apply to this section.

~~3c)~~ Administrative Review and Approval. The City Manager or designee shall review all applications for compliance with the non-residential design standards. — Upon determination of compliance the City Manager or designee will approve the application. The City Council shall review and approve all non-residential design standards associated with a Planned Unit Development (PUD) during the PUD review process.

1) Administrative Variance. —The City Manager or designee may issue an administrative variance to the non-residential design standards on a ~~ease-by~~ easecase-by-case basis where site specific factors may impact the ability to meet these standards and are deemed to meet the overall purpose and intent set forth herein.

~~4j)~~

2) Right of appeal to City Council.

~~4d)~~ Submittals. Architectural drawings (complete front, sides, and rear elevations and overhead view of roof) of all structures shall be a required exhibit of any site plan required to be submitted for development approval. Such drawings shall be rendered in color prior to final project review by the City Manager or designee and shall include construction material specifications, color charts, structure dimensions, service area and mechanical equipment locations, outdoor storage area locations, screening devices, master lighting plan, and any other information as determined necessary by the City Manager or designee to ensure consistency with the intent of this Section. Final approval of all required project design submittals shall be by the City Manager or designee as part of the development approval process. Such approval shall include, but not be limited to, building elevations, roof type, construction materials, lighting, screening, colors and building orientation.

~~5e)~~ Architectural Style and Application. While no one particular architectural style is necessarily preferred over another, it is the intent of this Section to ensure a harmonious streetscape, compatibility between structures and well-designed transitions between architectural styles from project to project. This shall be accomplished through utilization of the following techniques:

~~a)1)~~ Structures within the same parcel shall reflect similar architectural styles, material details and colors.

b)2) Structures on different parcels, but within the same master development, shall reflect similar styles, and, at the discretion of the City Manager or designee, shall reflect similar materials, details and colors.

e)3) Structures on different parcels not within the same development shall reflect styles and materials that are similar to surrounding structures and provide for an aesthetically compatible transition between structures.

4) In locations where there is no established architectural pattern between adjacent structures, or where a change in established patterns will result in improved aesthetics, the City Manager or designee shall determine an acceptable style, construction materials and colors for new development or redevelopment.

5) _____

d) Design Detail. Buildings shall be designed to enhance the attractiveness of the city's streetscape. Buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian. The following techniques shall be incorporated into building design in order to accomplish such requirements. All buildings shall be required to provide a minimum of three (3) of the following exterior design treatments:

1A. Canopies or porticos, integrated with building massing and style and extending at least five feet (5').

2B. Awnings installed in increments of fifteen feet (15') or less.

2C. Overhangs extending at least five feet (5').

3D. Dormers.

5E. Covered porch entries.

6F. Variation in roof lines.

7G. Arches.

8H. Ornamental and structural architectural details, such as bays, columns, gables, belt courses, lintels, pilasters and fascia.

9I. Clock towers, bell towers, cupolas and the like.

10J. Recessed entries (at least three feet from the primary façade).

11K. Protruding entries (at least three feet from the primary façade).

12L. Other similar treatments determined by the City Manager or designee to

meet the intent of this section.

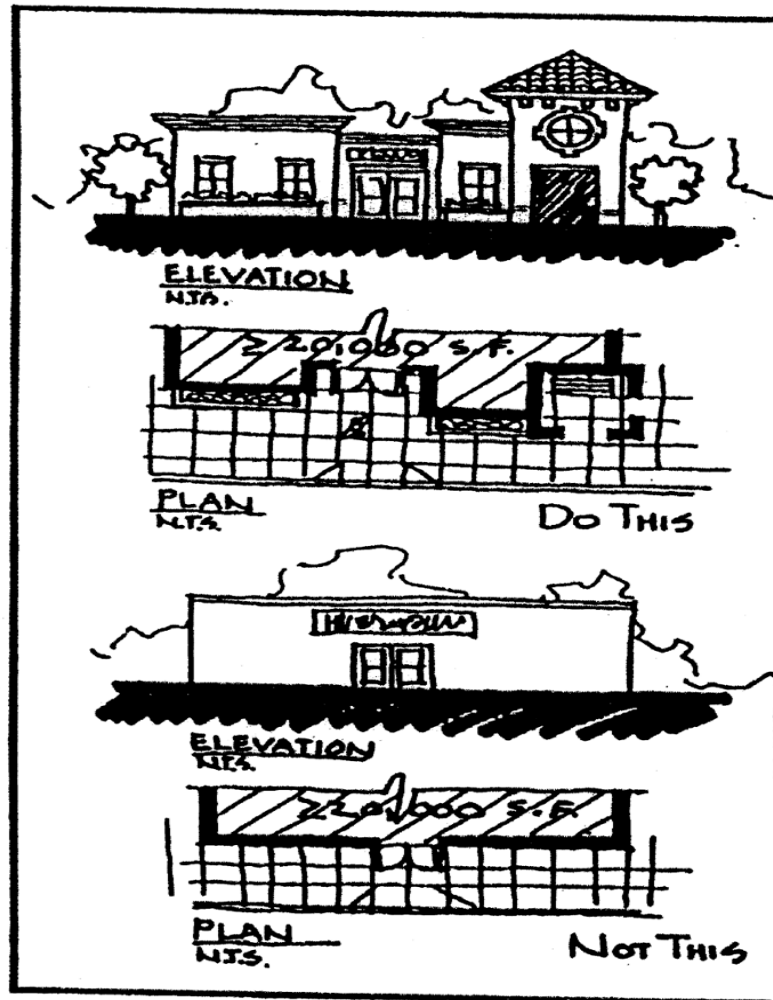


Illustration 1

f)

Building Façade. Building facades shall, on all sides that are, or will be, exposed to the general public, include a repeating pattern that shall consist of a minimum of two (2) of the elements listed below. At least one of the elements shall repeat horizontally.

e)

1. Color change;
2. Texture change;
3. Material change;
4. Pattern change;
5. Architectural banding;

6. Expression of architectural or structural bays, such as a reveal, an offset, or a projecting rib, through a change in plane of no less than 12 inches in width;
7. Building setbacks or projections, a minimum of 3 feet in width, on upper level(s).

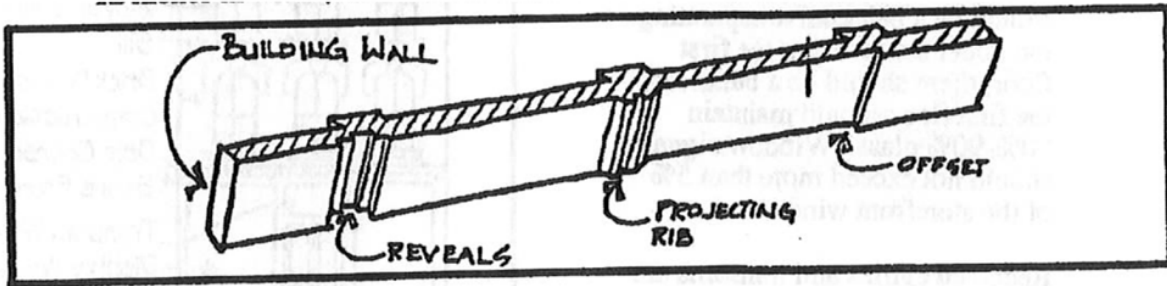


Illustration 2

8. Windows shall be compatible in scale and height with the structure. All street facing facades shall have windows covering at least 33% of the primary façade. Windows shall be recessed or shall project at least one-half inch and shall include prominent sills, shutters, stucco relief or other such forms of framing.
19. Glass shall be transparent without color, except for appropriate stained glass or art glass. The use of darkly tinted or reflective glass on windows and doors is prohibited.

g) Central Business District. -The Central Business District shall provide a storefront character. Subject to the administrative variance procedures set forth herein, Buildings shall be a minimum of two stories or provide the appearance of a two story building. Large display windows shall be provided on the ground floor. Windows shall be placed along at least fifty percent (50%) of the front facing façade. The storefront shall contain at least eighty percent (80%) glass area. Windows shall be recessed or shall project at least one-half inch and shall include prominent sills. The interior backdrop shall be a minimum of two feet (2') back allowing for use as a display window. Glass shall conform to 5, g) 1. Windows on the upper floors shall appear as recessed openings within a solid wall, rather than windows separated only by their frames or curtain walls as in the storefront. A solid wall must appear to be the structural element. For wood frame construction, cornice and sill is an acceptable alternative; ~~three-inch~~three-inch minimum projection.

g)

- 1-) Residential uses are limited to the upper floors of buildings above ground-level commercial and office uses.
- 2-) Where new buildings exceed 40 feet in width, the façade shall be visually subdivided into proportional bays, similar in scale to the

adjacent buildings. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the façade.

3) New construction and façade rehabilitation shall maintain horizontal and vertical spacing of elements similar to other buildings on the block.

4) New and reconstruction of existing storefronts shall include the basic features of a storefront. There should be a belt course separating the upper stories from the first floor; there should be a bulkhead. Recessed entries and transoms are encouraged.

5) Roof lines of new construction shall be similar to those in adjacent buildings. Gable roof shapes are acceptable if parapet walls hide the end wall.

6) Materials. Appropriate rehabilitation and new construction materials for all exposed surfaces shall include at least one of the following:

- ☐ Brick
- ☐ Masonry
- ☐ Stone
- ☐ Split-faced concrete block
- ☐ Stucco

7) Detailing materials.— Cast and molded metals, wood, fiberglass replications, gypsum detailing, structural glass when replicating a pre-1940 storefront design, architecturally detailed exterior insulation finish system (commonly known as Dryvit).

8) Prohibited materials for visible surfaces:

- ☐ Wood, vinyl or aluminum siding
- ☐ Wood, asphalt or fiberglass shingles
- ☐ Structural ribbed metal panels
- ☐ Corrugated metal panels
- ☐ Plywood sheathing
- ☐ Plastic sheathing

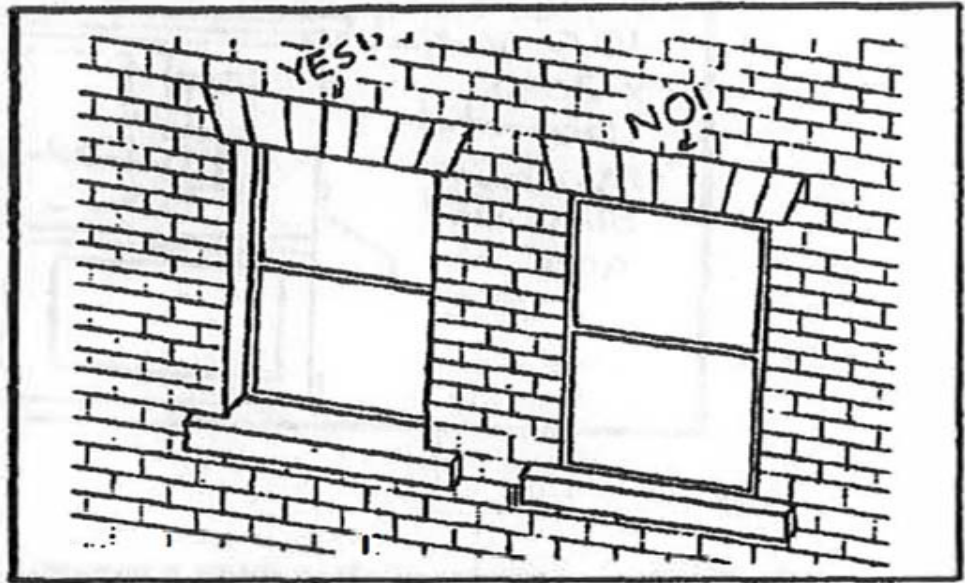


Illustration 3

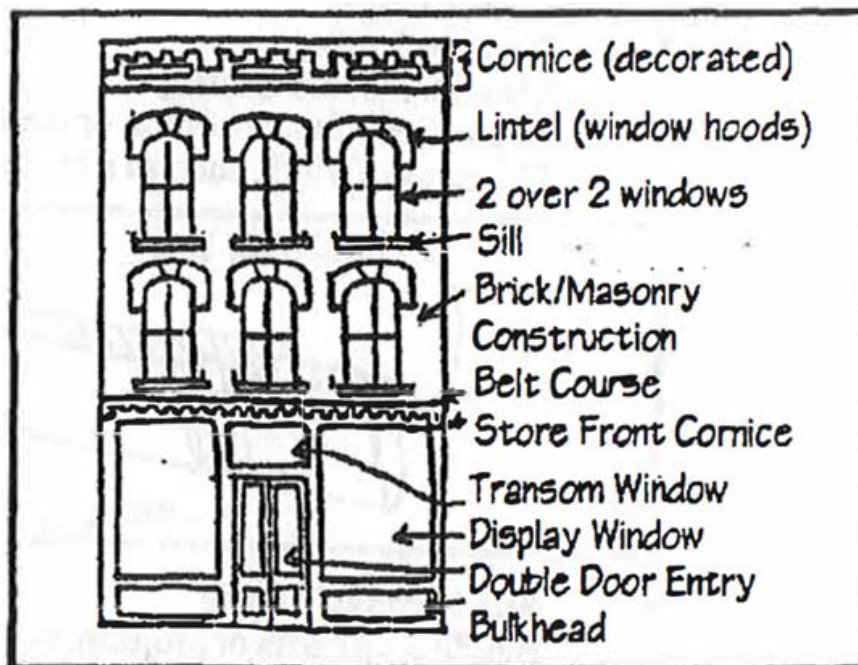


Illustration 4

h) 9) Building Mass. Building design shall be such that rectangular _____ structures and blank walls are minimized. In order to accomplish _____ this requirement, the following techniques shall be incorporated.

(4A) Building mass shall be varied by height and width so that it appears to be divided into distinct massing

_____ elements and architectural details can be viewed from
_____ a pedestrian scale.

_____ (2B) Projections and recesses from uninterrupted façade
_____ lengths shall have a minimum depth of 1.5 feet with
_____ a minimum of twenty –five percent (25%) of the
_____ uninterrupted façade being of varied length.

_____ (3C) All building shall have a minimum of one (1) offset
_____ per façade length that is visible from the public right
_____ of way.

_____ (4D) Blank wall areas may incorporate the use of
_____ landscaping or other treatments to break up the
_____ monolithic and monotonous appearance of such
_____ areas. Blank wall areas shall not exceed ten (10) feet
_____ in vertical direction or twenty (20) feet in horizontal
_____ direction of any building façade.

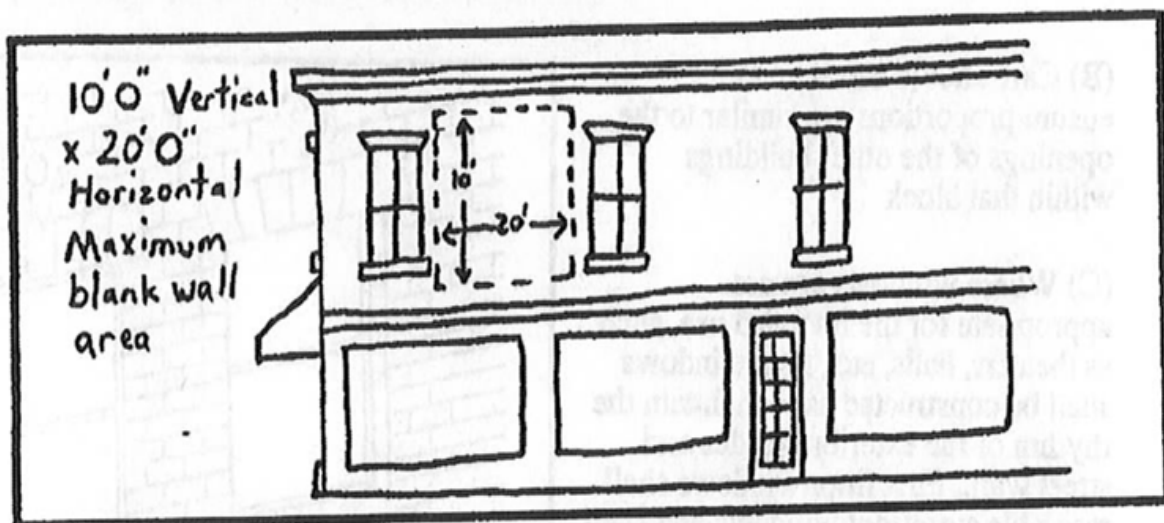


Illustration 5

6g.) Entryways/Customer Entrance Design. Entryways shall be designed to provide project focal points and to provide protection from the sun and adverse weather conditions. As such, entryways shall be designed in accordance with the techniques listed below. In the event that the entryway is not oriented toward the major road that, as determined by the City Manager or designee, provides access to the building, the side of the building facing such road shall also be designed to comply with Item a below.

- a)1) _____-Entryways shall be differentiated from the remainder of the façade through the use of color, change in materials, application of architectural features (arches, columns, colonnades, etc.), setbacks, offsets, level changes and the like.
- b)2) _____-Entryway design shall incorporate hardscape features such as low walls, decorative paving, water features and the like.
- c)3) _____-Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.
- d)4) _____-Entryway areas shall be provided with structural or vegetative shading features and benches or other seating components.

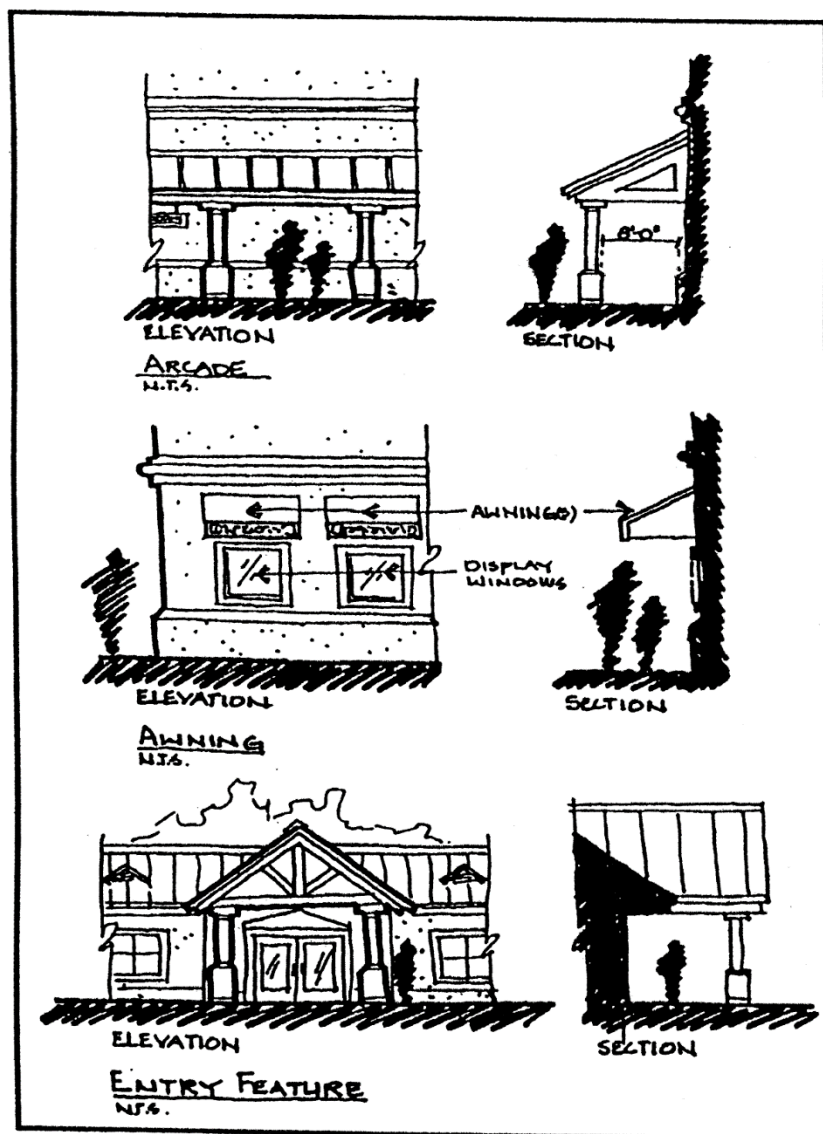


Illustration 6

7.) –Building Orientation. Buildings shall be oriented so as to enhance the appearance of the city’s streetscape. This requirement shall be met by incorporating the following techniques into project design.

a)1) —The building’s entrance shall face parallel to the public road from which driveway access is provided. In the event that access is provided by two or more roads, the building’s entrance shall face parallel to the road that is determined by the City Manager or designee to be a major road providing such access.

b)2) —The building’s primary façade shall face parallel to the public road from which driveway access is provided. In the event that access is provided by two or more roads, the building’s primary façade shall face parallel to the road that is determined by the City Manager or designee to be the major road providing such access. Where, because of site constraints or other factors, the building’s primary façade is unable to be oriented parallel to the major road providing driveway access, each façade which is clearly visible from a public right of way or public area of adjoining properties shall be designed with full architectural treatment. Such treatments shall be consistent with the design requirements of this Section and shall incorporated door and window placements, façade architectural treatments and detail, roof design and building materials applications necessary to give the appearance that each visible façade is a primary façade.

c)3) —The architectural treatment requirements of Item (b)2) above shall also be applied to any building façade which, by nature of the site layout or location, is situated where it is clearly visible from a public right of way or public area of an adjoining building, unless the City Manager or designee approves the use of landscaping as an alternative to architectural treatment.

d)4) —Building orientation shall be such that service areas are placed out of view from public rights of way, parking areas and adjacent properties. Where, because of site constraints or other factors, service areas cannot be located in accordance with this requirement, such areas shall be screened from view by vegetative or structural means. Structural screening shall be architecturally compatible with the building in terms, style, colors, construction materials and finish. Landscape screening shall be compatible with and integrated into the project’s landscape plan.

i8.) Building Transition. Façade and height transitions between buildings are key elements in creating and maintaining an attractive streetscape. Height and scale of a new development and redevelopment shall be compatible with that of surrounding development. In order to accomplish appropriate façade transitions, and to maximize city streetscape aesthetics, the following transitional techniques shall be applied to new development and redevelopment when within 300 feet of an existing commercial building.

1) a) —Buildings shall be designed to provide transitional elements and architectural features (architectural style, scale, design details, construction materials and the like) that are architecturally compatible with adjacent

structures.

~~2) b)~~—The pattern of placement, proportions and materials of windows and doors shall be harmonious with surrounding structures.

~~3) e)~~—The ratio of wall surface to openings and the ratio of width and height of _____ windows and doors shall be consistent and compatible with surrounding _____ structures.

~~4) d)~~—The requirements contained in Items (~~1a~~), (~~b2~~) and (~~3e~~) above may be waived where the City Manager or designee determines that city aesthetics would be enhanced by a change in the pattern of development that has been previously established by adjacent structures. In such a case, the City Manager or designee shall determine an appropriate style and exterior materials for the new development and redevelopment.

9j). -Exterior Materials and Colors. Exterior building materials and colors contribute significantly to the visual impact of a building on a community, which, in turn, individually and collectively reflect upon the visual character and quality of a community. In order to project an image of high quality city aesthetics, building materials and colors shall conform to the following requirements.

~~A)1)~~ All buildings shall be faced with materials that exhibit a durable, high quality— appearance.

~~B)2)~~ Materials shall be of a low maintenance type, retaining a consistent, clean appearance.

~~C)3)~~ Generally accepted exterior facing materials shall include, on all façades that are, or will be, exposed to the general public, brick, tinted and textured or split-faced concrete masonry blocks, exposed aggregate, stone, stucco, architectural concrete and cellulose fiber-reinforced cement building boards.

~~D)4)~~ Building Colors. Building colors for walls, excluding accent colors shall be determined using the Light Reflectance Value (LRV) index or an equivalent methodology. Color schemes must be submitted to the City Manager or designee for approval.

~~1.A)~~ _____ Light pastel colors and white. Acceptable light pastel colors and white shall have LRV of 80 or greater.

~~2.B)~~ _____ Earth tones. Earth tones include shades of brown, brown-taupe or sandy-taupe, beige, terra cotta, olive, sage and gray. Acceptable earth tone shades shall have a LRV of 25 or greater.

~~C)~~ Accent colors are all colors except prohibited colors as stated in Subsection ~~e-j~~ (~~34~~)(~~bB~~) of this section.

~~3.~~

~~a.~~ ~~i.~~ _____ Accent colors shall only be applied to _____ architectural elements. _____ Architectural elements _____ may include but are not limited

to, doors, _____ shutters, _____ keystones, quoins, awnings, _____ window trims, door frames, window _____ sills, _____ cornices, and banding.

ii. Prohibited Colors. Fluorescent colors shall be prohibited on all exterior surfaces. Neon _____ lighting is not included in the term _____ “fluorescent”.

iii. Accent colors shall not exceed 20 percent of _____ any one elevation.

~~b.~~

4. D) Colors without a LRV. If the LRV of a color sample is not available, the City Manager or designee shall compare the color sample to a color chip with a known LRV and determine whether the sample is lighter, darker, or equivalent LRV.

E) Corporate colors shall be allowed as provided by Chapter 553, Section 553.79(22), Florida Statutes.

5) ~~F)~~ Building materials and colors shall be consistent around the entire _____ building. Exceptions to this provision may be made for portions of a structure that are not exposed to the general public.

g6) ~~B)~~ Buildings may vary wall color vertically between building masses, horizontally between stories, or a combination thereof, but not more than three (3) colors may be used per building.

k10.) **Roof Design and Materials.** Roofs are an integral part of building design and, as such, shall be designed and constructed to add interest to and reduce the massing of buildings. Roof features shall be in scale with the buildings mass and complement the character of adjoining structures, developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below.

~~1)~~ ~~a)~~ The design of roof structures shall be of hip, gambrel, gable and true mansard styles and shall be extended to all sides of the structure. Roof-like appurtenances such as false roofs, parapets and other similar features may be allowed if, in the determination of the City Manager or designee, such features are required for mechanical equipment screening or acoustical control that cannot be accomplished through utilization of approved roof styles. Application of such roof-like features shall be accomplished in such a manner as to minimize the appearance of a flat roof design.

1)

~~2) b)~~ — Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is non-structural.

~~2)~~ _

~~3) e)~~ — The roof edge, where visible from any public right-of-way, shall have, at a minimum of two locations, a vertical change from the dominant roofline. Such change shall be a minimum of three feet (3').

~~3)~~ _

~~4) d)~~ Sloping roofs shall have a minimum of two (2) plane changes per primary façade (buildings constructed adjacent to public road intersections shall be considered to have a primary façade on each of the sides nearest the individual intersecting roads).

~~4)~~ _

~~5) e)~~ — Roof materials visible from the ground shall consist of concrete tiles, terra cotta, metal standing seam, or asphalt shingles (laminated, 25 year architectural grade or better). To allow for the introduction of new roofing materials of similar quality and appearance and that meet City building codes the City Manager or designee may maintain a list of acceptable roofing materials.

~~5)~~ _

~~6) f)~~ **Roof color.** Roof color shall be compatible with the selected wall color. Roofs may in the color of natural roofing materials (such as slate or clay) or may be finished in shades of gray, galvanized silver, copper, brown, green, red, black, blue, or white, except that a roof made of copper may be left in its natural color.

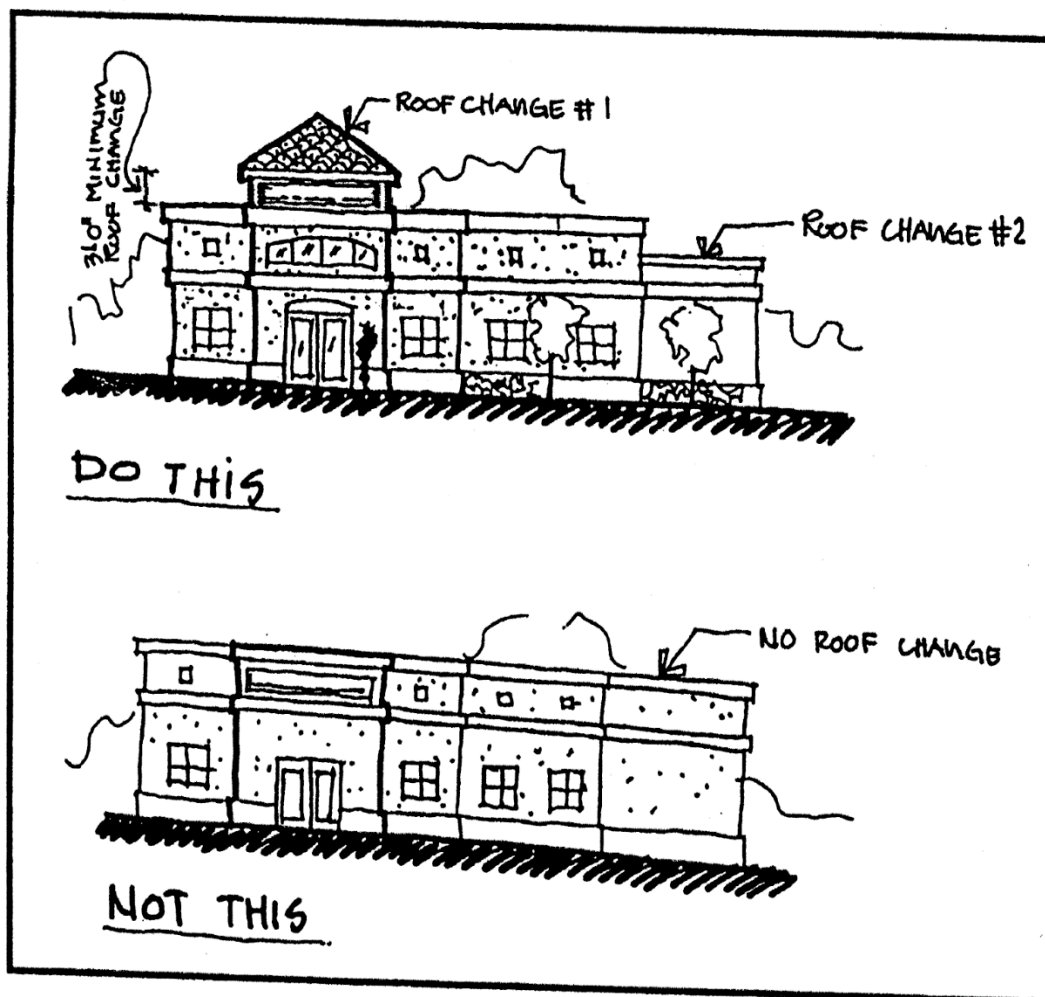


Illustration 7

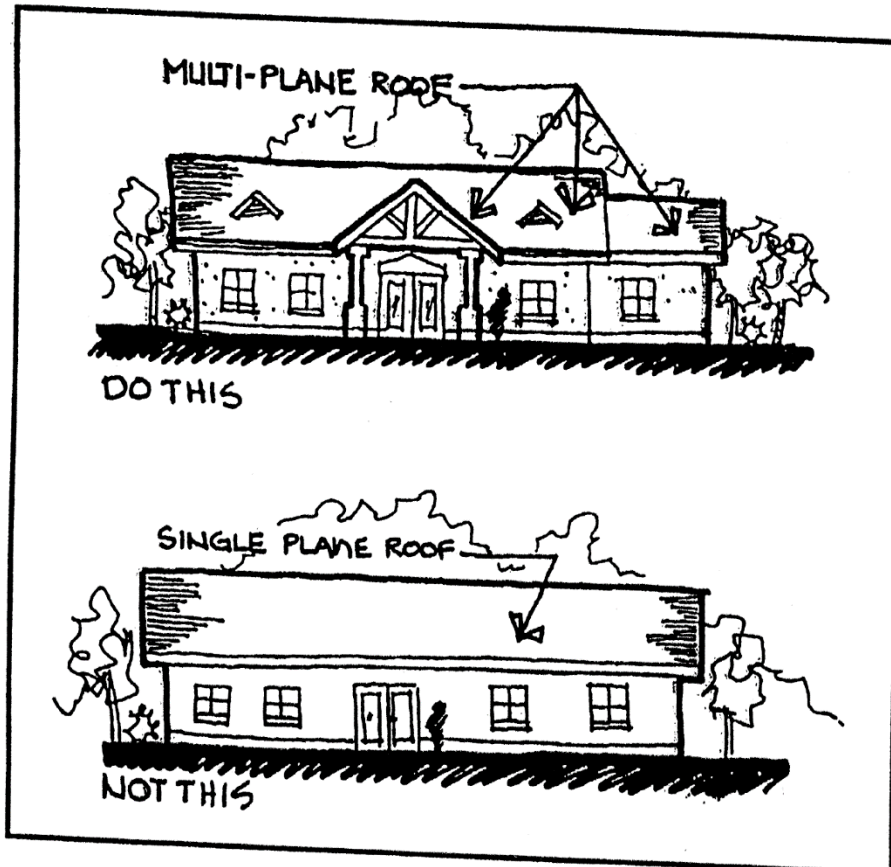


Illustration 8

441.2) Fence and Wall Design. Design and construction quality of fences and walls are important visual reflections of community character and quality. In order to promote quality site aesthetics, fence and wall design and construction shall comply with the following requirements.

- 1) ~~a)~~ Fences and walls, whether required for project approval or whether incorporated into overall project design, shall be designed as an integral part of the principal structure(s). Such design shall include the use of similar materials, colors and finished as the principal structure.
- 2) ~~b)~~ Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic or monotonous appearance.
- 3) ~~c)~~ Where chain link fencing is required or approved behind the front facade, such fencing shall be of the black vinyl type. Posts and rails shall also be black. These provisions may be modified on a case-by-case basis by the City Manager or designee where site design or location warrants the use of other colors or finishes.
- 4) ~~d)~~ Landscaped berms may be utilized in lieu of fence or wall where approved by the City Manager or designee.

~~12m.)~~ **Screening of Service Function Areas.** The purpose of these regulations are to diminish, in a safe manner, the visual impacts of service functions including loading and storage areas, mechanical equipment and solid waste disposal that may detract or have a negative impact on the streetscape, landscape and/or the overall community image.

~~1) a)~~—Buffering and screening standards. Loading or docking, outdoor storage, trash collection, mechanical equipment, trash compaction, vehicular storage excluding new and used cars, recycling, and other service function areas shall be fully screened from adjacent properties and road way corridors at ground and pedestrian levels.

~~b2)~~ Materials and design standards. Screening material and design shall be consistent with design treatment of the primary facades of the commercial building or project and the landscape plan.

~~13n.)~~ **Lighting.** Lighting fixture design and placement are important components of an attractive urban environment as well as important to public safety and shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior project lighting shall comply with the requirements listed below.

~~1) a)~~—An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project's site plan submittal.

~~2) b)~~—Recessed lighting fixtures shall be required in order to conceal the actual light source, reduce glare and direct light to specific areas while shielding other areas.

~~3) e)~~—Lighting of parking areas, access drives and vehicular circulation areas shall be as follows.

~~A)~~ Lighting shall be a full cut-off shield type fixture mounted at the top of a pole. Poles and fixtures shall not exceed 30 feet in height in vehicular areas and 15 feet in height within non-vehicular pedestrian areas and shall be anodized bronze or black in color. Should a pole other than a metal pole be used for the mounting of lights, such pole shall be constructed so that the exterior finish color is consistent throughout the pole.

~~A)B)~~

~~C)~~ Light poles shall be located in landscaped strips, buffer or plant islands.

~~B)~~

~~D)~~ The minimum setback of the light pole from the public rights-of-way shall be a horizontal distance of 20 feet.

~~E)~~

~~d4)~~ Illumination from any light source into adjacent properties shall not exceed 1.0 foot candles.

- e5) Building illumination and architectural lighting shall be indirect and with no visible light source.
- f6) Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.

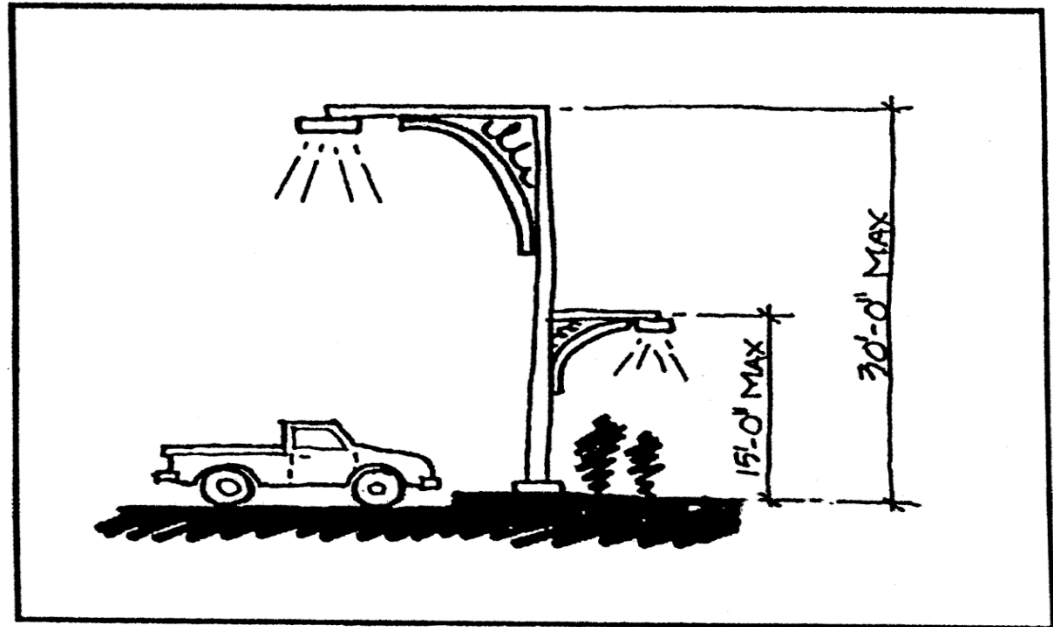


Illustration 9

o)14. Utilities. The location and aesthetic treatment of utilities is an important factor in creating an attractive urban environment. In order to enhance and maintain the image of quality in the urban environment, utilities construction and placement shall comply with the following requirements.

- a)1) All utility lines, whether new or relocated, shall be installed underground.
- b)2) Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed.
- e)3) Water and sewer lift stations, pump houses and similar features shall be located at the rear of the project site and shall be fully screened from view by structural or vegetative means. Where screening is accomplished by structural means, such screening shall be compatible in design and color with the main building.

15p) —Access, Circulation and Parking.

- a1) The use of shared driveways is required between sites. Joint access

easements will be required between adjacent property owners.

~~b~~2) Pedestrian ways, linkages and paths shall be provided from the building entry to the on-site parking areas, surrounding streets, external sidewalks and outparcels.

~~e~~3) Pedestrian walkways shall be consistent with the provisions of the Americans with Disabilities Act (ADA). ~~Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.~~

~~d~~4) Crosswalks shall be a minimum of five (5) feet wide, and are required wherever a pedestrian walkway intersects a vehicular area.

~~p16~~6). **Outdoor storage.** Outdoor storage areas shall be located behind the front façade of the main building and shall be fully screened from view by structural means, vegetative means, or a combination of earthen berms and vegetation. Where screening is accomplished by structural means, the structure shall be compatible in design and color with the main building.

~~(Ordinance 2020-H, adopted 09/01/2020)~~

CHAPTER 7

CONDITIONAL USES AND SPECIAL EXCEPTIONS

SECTION 1: ~~————~~CONDITIONAL USES

a) In General

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

b) Application Procedure

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

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

c) Hearing Procedure

The procedure for review and approval of conditional use request shall be in accordance with the rezoning procedure established in Chapter 3 of this Code.

d) General Requirements and Conditions

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

2) Review Criteria. When reviewing an application for a conditional use, the ~~Planning Commission and~~ City Council shall consider the following requirements and criteria:

- A) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;
- B) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;
- C) Required yards, screening or buffering and landscaping shall be consistent with the district in general and the specific needs of abutting land uses;
- D) Size, location and number of conditional uses in an area shall be limited so as to maintain the overall character of the district as intended by this Code.

e) Transfer or Abandonment of a Conditional Use

Conditional uses run with the property and the ownership of a conditional use may be transferred along with the property.

A conditional use that is not initiated within one (1) year of being granted shall not be established without a new application and public hearing in accordance with the rezoning procedures described in Chapter 3 of this Code. A conditional use that is abandoned for a period of six (6) months or more shall not be reestablished without a new application and public hearing in accordance with the procedures for such described in Chapter 3 of this Code.

SECTION 2: SPECIAL EXCEPTIONS

a) In General

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

b) Application Procedure

Written application shall be made to the City for a special exception in accordance with the procedures established in Chapter 3 of this Code. In addition, the applicant shall provide the following information:

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

A) The City ~~Clerk–Manager~~ may exempt an applicant from the requirements of _____ a conceptual plan, if deemed warranted.

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

c) Hearing Procedure

The procedure for review and approval of special exception request shall be in accordance with the rezoning procedure established in Chapter 3 of this Code.

d) Special Requirements and Conditions

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

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

A) Traffic generation and access for the proposed use shall not adversely impact adjoining properties and the general public safety;

B) Off-street parking, loading and service areas shall be provided and located such that there is no adverse impact on adjoining properties, beyond that generally experienced in the district;

C) Required yards, screening or buffering and landscaping shall be

consistent with the district in general and the specific needs of the abutting land uses;

D) Architectural and signage treatments shall comply with the general provisions applicable to permitted uses in the district, to the greatest extent possible, and be sensitive to surrounding development; and

E) Size, location or number of special exception uses in the area shall be limited so as to maintain the overall character of the district, avoid concentration of similar uses within the commercial corridor, as intended by this Code.

e) Transfer or Abandonment of Special Exceptions

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

f) Distance Between Special Exception Uses

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

SECTION 3: ——— SPECIAL REQUIREMENTS AND CONDITIONS ———
FOR SPECIAL EXCEPTION USES

a) In General

For those special exception uses listed below, the following special requirements shall apply in addition to those described in Section 2(d) above. Buffering requirements within this Section shall be in conformance with Chapter 15 of this Code.

b) Special Requirements and Conditions

1) ADULT CONGREGATE LIVING FACILITIES. (R-5, MF-8, MF-12)

A special exception may be granted under the following conditions:

A) The proposed site is a minimum of one (1) acre;

- B) The City shall decide if the proposed site shall front on an arterial collector, or local roadway; and
- C) Buffering shall be provided based on a Buffer Class “E” for service and loading areas, and Class “D” for the remainder of the use.

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

A special exception may be granted under the following conditions:

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

3) ARTISAN/CRAFTSMAN SHOP (C-1)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall not abut a residentially zoned lot; and
- B) The proposed activity takes places in an enclosed structure.

4) AUCTION HOUSES (C-2)

A Special Exception may be granted under the following conditions:

- ~~A)~~ The proposed site- is two thousand (2,000) feet from any other ~~such use.~~
- ~~A)~~ such use.

5) BANKS (RP) (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be directly adjacent to a commercial land ~~_____~~ use;
- C) Special buffering and screening shall be provided where drive-thru ~~_____~~ lanes are adjacent to residential uses;

6) BARS, LOUNGES AND NIGHTCLUBS (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall be at least seven hundred fifty (750) feet ~~_____~~ from the nearest house of worship, school or child care center;

- B) The proposed site shall front on an arterial or collector roadway;
- C) Buffering shall be provided based on a Buffer Class “E”;
- D) The proposed site shall be at least one thousand (1,000) feet from —any other such use;
- E) The proposed site shall be at least five hundred (500) feet from a —residential zone measured along right-of-way centerlines.

7) BED AND BREAKFAST INN. (UR- 5) (R-5)

A special exception may be granted under the following conditions:

- A) The facility must be owner occupied and managed;
- B) Off street parking shall be provided at a ratio of one (1) space per —rental room;
- C) All parking areas shall be located in the rear of the facility. If —unusual circumstances exist that prohibit the use of the rear for —parking then adequate provisions must be made to assure —compatibility with the character of the residential neighborhood;
- D) The number of rental rooms shall be limited to five (5).

8) BOAT SALES (C-2) (CBD)

A Special Exception may be granted under the following conditions:

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

9) BUSINESS SERVICES/OFFICES FOR PROFESSIONAL SERVICES/FINANCIAL SERVICES/PERSONAL SERVICES (MF-12)

A special exception may be granted under the following conditions:

- A) The City shall decide if the proposed site shall front on an arterial, collector, or local roadway, as appropriate, and
- B) A minimum lot area of one-half (1/2) acre.

10) COMMERCIAL STABLES (AR-1)

A special exception may be granted under the following conditions:

- A) ~~-~~A minimum site area of (10) acres; and
- B) Structures housing the animals shall be at least two hundred (200) feet from the nearest right-of-way line of any public street, county road, state or federal highway or the adjacent boundary of property owned by others.

11) DAY CARE CENTERS (MF-12) (R-5) (RP) (MF-8)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of fifteen thousand (15,000) ~~—~~square feet with a minimum lot width of one hundred (100) feet;
- B) A minimum of four thousand (4,000) square feet of outside play ~~—~~area shall be provided for the first twenty (20) children or less, and ~~—~~one hundred (100) square feet of play area per child for the next ~~—~~one hundred (100) children;
- C) The play area shall be completely enclosed with a minimum six (6) ~~—~~foot high opaque wall or fence to be constructed as part of the ~~-~~required bufferyard; and
- D) Buffering shall be provided based on a Buffer Class “D”.

12) (LICENSED) COMMUNITY RESIDENTIAL HOMES, GROUP HOMES AND FOSTER CARE FACILITIES WITH MORE THAN SIX (6) RESIDENTS (R-3) (UR-5) (R-5)

A special exception may be granted under the following conditions:

- A) The proposed facility shall be compatible with the neighborhood in ~~—~~its physical size;
- B) The proposed facility is not within one thousand two hundred ~~—~~(1,200) feet of an existing facility;
- C) The proposed structure would not alter the character of the neighborhood;
- D) Adequate parking and infrastructure facilities are provided; and
- E) Buffering shall be provided based on a Buffer Class “D”.

13) CONVENIENCE STORES WITH FUEL OPERATIONS (C-1) (C-2)(CBD)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site is 30,000 square feet in size.
- C) Minimum lot width of 1~~0~~50 feet along roadways;

- D) Architectural details of canopies and canopy supports shall be consistent with the principle building and building façade;
- E) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and
- F) Maximize shared ingress and egress and provide cross access between all adjoining parcels.

14) FARMERS/FLEA MARKETS (AR-1) (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be a minimum of five (5) acres with a minimum of two hundred (200) feet of frontage;
- C) A maximum of twenty (20) percent of the site shall be devoted to ~~—~~ sales area;
- D) Operation shall be restricted to daylight hours on Fridays, Saturdays and Sundays only and legal holidays which fall on a Monday;
- E) Required parking shall be provided at a ratio of two (2) spaces for ~~—~~ every one hundred (100) square feet of sales area;
- F) Buffering shall be provided based on a Buffer Class “E” with a six ~~—~~(6) foot high opaque fence or wall required along property lines which abut any residential zone;
- G) All merchandise and refuse shall be removed from the site at the ~~—~~end of each day; and
- H) Sales area must be covered and secured by a wall or fence.

15) GAME/RECREATION FACILITIES (RP) (C-1)

A special exception may be granted under the following conditions:

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

16) GUN AND ARCHERY RANGE (C-2)

A special exception may be granted under the following conditions:

- A) Proposed gun range shall be located indoors;
- B) Proposed archery range shall be located on a site of at least one (1) ~~—~~acre; and
- C) Proposed archery range shall be completely enclosed within a six ~~—~~(6) or eight (8) foot fence or wall.

17) HEALTH/EXERCISE CLUBS (RP) (C-1)

A special exception may be granted under the following conditions:

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

18) MINI-WAREHOUSES (C-1) (C-2)

A special exception may be granted under the following conditions:

- A) Warehouse buildings shall be screened from any public rights-of-~~—~~way by a six (6) foot high opaque fence or wall with a bufferyard ~~—~~planted along the street side of the fence or wall;
- B) The proposed site shall be a minimum of two (2) acres;
- C) The proposed site shall front on an arterial or collector roadway;
- D) Outside storage of boats or vehicles may be approved with site plan; and
- E) The mini-warehouses are to be used solely for the purposes of storage; wholesale, manufacturing or other commercial uses are expressly prohibited.

19) MOBILE HOME SALES (C-2)

A Special Exception may be granted under the following conditions:

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

20) MOTOR VEHICLE AND BOAT STORAGE FACILITIES (C-2) (CDB)

A Special Exception may be granted under the following conditions:

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

21) MOTOR VEHICLE SALES (C-2) (CBD)

A Special Exception may be granted under the following conditions:

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

22) MOTOR VEHICLE SERVICE AND REPAIR FACILITY (C-2) (CBD)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) All service areas shall be enclosed in such a manner that no service areas are visible from the right of way; and
- C) Demonstrate that noise, odor and fumes shall not create a nuisance for abutting property owners.

23) MULTI-FAMILY DWELLING UNITS (C-1)

A Special Exception may be granted under the following conditions:

- A) The proposed units must be compatible with the existing neighborhood; and
- B) Must meet minimum requirements of the MF-12 District.

24) NURSING HOMES (MF-12) (MF-8)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) Buffering shall be provided based on a Class “E” for service and ~~—~~loading areas, and Buffer Class “D” for the remainder of the site; ~~—~~and
- C) Proof of licensing by the appropriate jurisdictional agency will be ~~—~~required prior to final development approval.

25) OFFICE/WAREHOUSE FACILITIES (RP)

A special exception may be granted under the following conditions:

- A) General retail sales and services shall not be permitted;
- B) Warehouse space ~~shall be~~ shall be used for storage purposes only. ~~No~~ manufacturing or fabrication of any kind shall be permitted;
- C) No commercial vehicles larger than one (1) ton capacity shall be ~~—~~regularly parked on the site; and
- D) Buffering shall be provided based on a Buffer Class “E” for access drives and other areas specifically designed to service the ~~—~~warehouse facilities, and Buffer Class “D” for the remainder of the ~~—~~site.

26) ONE (1) SINGLE FAMILY DWELLING UNIT FOR OWNERS/CARETAKERS RESIDENCE (C-2)

A Special Exception may be granted under the following conditions:

- A) ~~-~~Must be located on the property in which the commercial use is located; and
- B) Must meet minimum requirements of the MF-12 District.

27) PAWN SHOPS (C-2)

A Special Exception may be granted under the following conditions:

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

28) RETAIL NURSERIES AND GARDEN SUPPLIES (AR-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; ~~and~~ and
- B) The proposed site shall be a minimum of two (2) acres.

29) SINGLE FAMILY RESIDENTIAL DWELLING UNIT (LM)

A special exception may be granted under the following conditions:

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

30) TATOO PARLOR (C-2)

A Special Exception may be granted under the following conditions:

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

31) TRANSPORTATION SERVICE (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; and
- B) The proposed site shall not abut a residentially zoned lot.

32) TRUCKING TERMINAL (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial roadway; and
- B) The proposed site shall contain at least one (1) acre.

33) RESTAURANT (C-1)

A special exception may be granted under the following conditions:

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

34) USED MOTOR VEHICLE PARTS YARD (LM)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of one (1) acre;
- B) Storage of used motor vehicle parts shall be within an enclosed building or within a six (6) to eight (8) foot high wall or fence;
- C) The proposed site shall front on an arterial or collector roadway; ~~—~~ and
- D) Buffering and landscaping shall be provided based on a Buffer Class “E”.

35) VETERINARY OFFICES, ~~KENNELS~~ AND/OR ~~ANIMAL RESCUE ORGANIZATIONS~~ ~~KENNELS~~ (AR-1) (RP) (C-1)

A special exception may be granted under the following conditions:

- A) The City shall decide if the proposed site ~~shall~~may front on an arterial or collector roadway;
- B) The proposed site shall be a minimum of one (1) acre;
- C) The proposed site shall be devoted to the sole purpose of the use~~—~~ and shall not be part of any multi-tenant complex or multi-use ~~—~~ property;
- D) All animal and confinement areas shall be in an air-conditioned and sound attenuated building; and
- E) Facilities for housing ~~on~~ not less than five (5) animals shall be maintained on the premises.

36) WHOLESALE AND DISTRIBUTORS (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway,
- B) No manufacturing, processing or craftsman of any kind shall be permitted; and
- C) The proposed site shall not abut a residentially zoned lot.

37) XEROGRAPHIC AND OFFSET PRINTING (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; ~~—~~ and
- B) The proposed facility shall contain less than one thousand five hundred (1,500) square feet of service and storage area.

38) AIRCRAFT ENGINE AND ACCESSORY MAINTENANCE REPAIR, AUTOMOBILE LEASING ESTABLISHMENTS, COMMERCIAL OFF-STREET PARKING LOTS AND GARAGES, MOTELS OR HOTELS, MUSEUMS, RESTAURANTS INCLUDING THOSE WITH OUTDOOR

DINING, VOCATIONAL, TECHNICAL, TRADE, AND INDUSTRIAL
SCHOOLS (AZ)

- A) Special exceptions may be granted for the uses above, as determined by the City Council, and in accordance with ~~Chapter 6, Section 2(q) of~~ the City Land Development ~~Regulations~~Code, after having been reviewed on an individual basis.
- B) All uses shall conform to the City of Umatilla Municipal Airport Master Plan as well as any State or Federal Laws that govern airports and areas near airports.

~~(rev. Ord 2011-U-12/06/2011)~~
~~(Ord 2017-E-09/01/2017)~~

39) RESTAURANT OR COFFEE/DONUT SHOP WITH DRIVE THROUGH FACILITIES (C-1) (C-2) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed use shall front on an arterial or collector roadway;
- B) The proposed site is 30,000 square feet in size.
- C) Minimum lot width of 150 feet along roadways;
- D) Drive thru lanes shall not be located along the roadway frontage;
- E) Architectural details of drive-thru canopies and canopy supports shall be consistent with the principle building and building façade;
- F) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and
- G) Maximize shared ingress and egress and provide cross access between all adjoining parcels.

40) PHARMACY/DRUG STORE WITH DRIVE THROUGH FACILITIES (C-1) (C-2) (CBD)

A special exception may be granted under the following conditions:

- A) The proposed use shall front on an arterial or collector roadway;
- B) Minimum lot width of 100 feet along roadways;
- C) Drive thru lanes shall not be located along the roadway frontage;
- D) Architectural details of drive-thru canopies and canopy supports shall be consistent with the principle building and building façade;
- E) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and

F) Maximize shared ingress and egress and provide cross access between all adjoining parcels.

CHAPTER 8

MISCELLANEOUS REGULATIONS

SECTION 1:- ACCESSORY USES AND STRUCTURES

a) In General. Specific accessory uses and structures shall comply with the

following regulations.

b) Principal Use Required. ~~Accessory uses and structures shall:~~

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

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

c) Permit Required. No accessory structure shall be authorized on any lot without the appropriate building permit.

d) General Provisions.

- 1) Outside storage is generally prohibited, except as permitted herein.
- 2) Signs, fences, walls, parking and loading areas, and other such features that are typically located within required yard areas shall comply with the applicable provisions of this Code for such uses and structures.
- 3) Any specific accessory use or structure that is not addressed within this Chapter shall not be located on any lot.

e) Size-Height Limitations.

~~The square footage of accessory buildings and the principal structure, together, shall not exceed forty-five percent (45%) of the total square footage of the lot.~~ The height of the accessory structure shall not exceed the height of the principal structure.

~~Ordinance 2013-D, March 5, 2013~~

f) Outside Storage.

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

- 1) Residential Uses. Unenclosed outside storage of materials and equipment shall be restricted to the rear yard and screened by an opaque fence or hedge so that such materials are not visible from any public right-of-way or adjoining lot. This provision shall not apply to the regular parking or storage of licensed and operable motor vehicles, boats, recreational vehicles and other such

vehicles that are regulated by other City codes. Specifically prohibited is the outside storage of appliances, unlicensed or inoperable motor vehicles, motor vehicle parts, and equipment and materials used as part of a business conducted off-site.

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

motor vehicles and landscape materials.

- D) No motor vehicles shall be stored for a period exceeding twenty-eight (28) consecutive days within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers.

- 5) Flea Markets. Outside storage and display is prohibited.

g) Donation Bins.

- 1) Outdoor donation bins (or boxes) which function as accessory uses or structures, semi-tractor trailers, or other temporary structures when used for the purpose of collected donated items, recyclable materials, and/or resalable goods are prohibited except when placed and permitted in compliance with this Section. Donation bins shall only be permitted, under any circumstances, in non-residential districts. This Section is not intended to apply to trash receptacles receiving routine solid waste collection service.
- 2) In addition to any other applicable ordinances or Land Development Code provision, all donation bins allowed as accessory uses under this Section shall conform to the following requirements.
 - A) A donation bin may be placed only by a non-profit organization or professional solicitor registered under the State of Florida Charitable Solicitations Act (Chapter 496 Florida Statutes) or who has demonstrated entitlement to an exemption from registration under the Act.
 - B) The donation bin must have the non-profit organization's or professional solicitor's name, contact phone number, and email address printed on the side of the bin and plainly visible to the public.
 - C) The donation bin must be an enclosed container. The overflow of donated items is not permitted, and maintenance of the location shall be the responsibility of the property owner.
 - D) The donation bin must have a statement printed on it that is plainly visible to the public that conveys that only items able to fit inside the bin may be donated at the site, and that no overflow items may be left on the ground.
 - E) The donation bin(s) must meet all setback requirements associated with the principal structure on the lot or parcel where it is located.
 - F) The donation bin(s) may not be located within any required parking spaces associated with the principal use of the lot or parcel, nor may it be located within a vehicle or pedestrian travel lanes. All donation bins must be located only upon improved, level, paved surfaces in well-

lighted areas which constitute part of a larger developed and occupied building site. No donation bin shall be permitted on any site that is developed but unoccupied. Donation bins shall not encroach on any required landscaping, and no required landscaping shall be removed to install a donation bin.

G) Signage on the donation bin may be no greater than nine square feet and must be attached directly to the container.

H) The donation bin must be maintained in good repair and appearance, with no structural damage, holes, or visible rust, and shall be free of graffiti. The donation bin (s) must be constructed of durable steel with welded seems. No wooden, plastic, or soft metal bins will be allowed. There shall be a limit of one (1) donation bin per parcel.

I) A temporary use permit shall be required prior to installation of any donation bin, subject to annual renewal. In order to obtain a Temporary Use Permit ("TUP"), for any donation bin, the applicant shall pay the permit review fee established from time to time by the City Council, and file with the city permitting clerk, in writing, the following information:

i) A completed Donation Bin TUP application with applicable fees; and

ii) A fully dimensioned site plan showing the location of the proposed donation bin and all site improvements on the property. The location of the donation bin shall comply with the requirements of this Section and shall not be changed unless the applicant obtains a new TUP; and

iii) Written consent of the property owner to establish the donation bin; and

iv) Information as to the manner and schedule for which the donation bin will be emptied and maintained and

v) Evidence that the applicant is authorized to conduct business in the State of Florida and in the City of Umatilla.

J) Applicant must obtain donation bin TUP renewal annually for each donation bin.

i) Renewal applications shall include an affidavit that all information and statements in the original application continue to be true and correct.

ii) Renewal applications shall include an affidavit that the subject

donation bin(s) are not subject to ongoing code enforcement action.

- K) Each Donation Bin must be placed and maintained in accordance with the TUP application and terms of the TUP. The TUP may be revoked if the use violates this Regulation or the TUP. Without limiting the foregoing, the donation bin must not be relocated elsewhere within the site unless the applicant obtains a new Donation Bin TUP. The relocated donation bin must meet all applicable permitting requirements.
- L) The TUP number assigned by the City of Umatilla must be printed/displayed on the side of the donation bin and clearly visible to the public.
- M) Donation bins may not be located on any parcel within the CRA district boundary.
- N) Donation bins may not be located on any residential parcel, including but not limited to any parcel where a residence exists as a nonconforming use.
- O) Each donation bin must be enclosed by the use of a receiving door or safety chute to prevent vandalism and locked so that the contents of the bin cannot be accessed by anyone other than those responsible for the retrieval of the contents. The receiving door on each donation bin must be oriented toward the interior of the building site and away from the public right of way. No donation bin shall exceed 25 square feet in floor area nor 7 feet in height.
- P) The owner of the donation bin, the permittee, and the owner of any private property upon which a violation of these regulations occur may be held individually and severally responsible and liable for such violation.

SECTION 2: ———HOME OCCUPATIONS BASED BUSINESS

- a) Intent. The purpose of this Section is to accomplish the following:
 - 1) Permit residents of the City a broad choice in the use of their homes as a place of livelihood and the production or supplementing of personal and family income.
 - 2) Protect residential areas from adverse impacts of activities associated with home-~~occupations~~based business.
 - 3) Establish criteria and development standards for home-~~occupations~~-based

~~conducted~~business conducted in residential uses.

- b) License Required. No home ~~occupation-based business~~ shall be permitted without the ~~appropriate business tax receipt (occupational license).~~

e) ~~Permitted Home Occupations:~~

- ~~1) Office Uses. Professional and business office activities that do not involve more than one (1) client, customer, or employee visiting the premises per appointment.~~
- ~~2) Off-Site Sales. Customary hobby crafts produced at hobbyist volumes in the home by family members.~~
- ~~3) Off-Site Services. Services to other homeowners that do not involve the use of tools or machinery in size or numbers beyond that customarily found in a residence of that size.~~
- ~~4) Family Child Care Home, Day Care, or Nursery. A Family child care home, Day Care, or Nursery that has no more than five (5) children, including those related to the resident caregiver, and the child care is provided for a period of less than 24 hours a day on a regular basis. Traffic and roadway conditions shall be adequate to assure safe drop-off and pick-up of children from the site.~~
- ~~5) Beauty and barber shop. Beauty and barber shop establishments that do not contain more than one chair, or involves more than one (1) client, customer, or employee visiting the premises per appointment.~~
- ~~6) Dance, non-amplified musical instrument instruction and educational instruction with the private tutoring of no more than one (1) student per session.~~
- ~~b) Real estate sales and brokerage. Real estate sales and brokerage businesses that do not involve more than one (1) client, customer, or employee visiting the premises per appointment.~~
- ~~c) Photography studios that have no more than one (1) client, customer, or employee visiting the premises per appointment. Photography studios operating as a home occupation may not include photography or photographs of a pornographic nature.~~
- ~~d) Upholstering. Upholstering businesses that do not involve more than one (1) client, customer, or employee visiting the premises per appointment.~~
- ~~e) Painting of vehicles, trailer, or boats. Business that paint vehicles, trailers, or boats provided that they do not involve more than one (1) client, customer, or employee visiting the premises per appointment.~~

d) ~~Prohibited Home Occupations:~~

- ~~1) Motor vehicle and boat repair; vehicle customization to include, but not be limited to, installation of accessories such as lights, sirens, ear phones, etc.~~
- ~~2) Amplified musical instrument instruction.~~
- ~~3) Retail sales (except garage sales).~~
- ~~4) Welding.~~
- ~~5) Taxidermy.~~

ec) Restrictions. Home ~~occupations~~based businesses ~~are permitted~~ shall be allowed as an accessory uses in dwelling unit or assessor building on the same lot as the dwelling unit, all residential ~~zones and~~ subject to the following ~~restrictions~~requirements:

- ~~1) No persons other than members of the family residing on the premises shall be engaged in the home occupation. The employees of the business who work at the residential dwelling must 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.~~
- 2) The use of the dwelling for a home occupation shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of non-residential use, except for a maximum one (1) square foot non-illuminated wall sign located adjacent to the main entrance of the structure.
- ~~3) Any business that involves storage, processes, employees, equipment or any other activity not permitted by this Section shall provide proof of a property zoned and licensed business location housing those activities.~~
- ~~4) No home occupation shall occupy more than twenty (20) percent of the air conditioned first floor area of the residence.~~
- ~~53)~~ There shall be no display of products visible in any manner from the outside of the dwelling.
- ~~64)~~ No equipment or process shall be used that creates visual or audible ~~electrical interference in any radio or television receiver off the premises~~ ~~or causes fluctuations in line voltage off the premises.~~
- ~~7) There shall be no storage of equipment or supplies associated with the home occupation outside the dwelling.~~
- ~~85)~~ No home ~~occupation-based business~~ shall generate traffic on a regular basis

greater than —that customarily generated by the type of residence involved. Parking related to the business activities of the home-based business must comply with all over parking requirements contained within these regulations and the need for parking generated by the business may not be greater in volume than would normally be expected at a similar residence where no business is conducted. Vehicles and trailers used in connection with the business must be parked in legal parking spaces that are not located within the right-of-way, on or over a sidewalk, or on any unimproved surfaces at the residence. The parking or storage of heavy equipment at the business which is visible from the street or neighboring property is prohibited. For purpose of this paragraph, the term “heavy equipment” means commercial, industrial, or agricultural vehicles, equipment, or machinery.

- 9) No equipment or process shall be used in a home ~~occupation-based business~~ that creates excessive noise, vibration, glare, fumes, or odor detrimental to the health, safety, place, morals, comfort, and general welfare of persons residing in the neighborhood.
- ~~10) — No home occupation shall cause an increase in the use of any one or more public utilities (water, sewer, electricity and garbage collection) so that the combined total use for dwelling and home occupation purposes exceeds the customary average for similar type residences within the City.~~
- 10) — No home ~~occupation-based business~~ shall adversely impact the character of the surrounding residential area. As viewed from the street, the use of the residential property must be consistent with the uses of the residential areas that surround the property. External modifications made to a residential dwelling to accommodate a home-based business must conform to the residential character and architectural aesthetics of the neighborhood. The home-based business may not conduct retail transactions at a structure other than the residential dwelling; however, incidental business uses and activities may be conducted at the residential property.
- ~~11) — Home occupations should not create noise, odor, or waste, beyond that which would be generated by the average similar type resident.~~
- ~~12) — All waste generated by a home occupation shall be disposed of according to local, state, and federal regulations, including those regulations set forth by the Environmental Protection Agency (EPA).~~
- ~~13) — All hazardous materials used by a home occupation shall be stored according to the standards set forth by the Occupational Safety and Health Administration (OSHA).~~

- ~~14) All home occupations shall uphold all requirements of the Florida State Statutes and shall not be construed to allow any activities that are against the City of Umatilla's codes or Florida State Statutes.~~
- ~~15) The City Code Enforcement officer shall retain the right to inspect a home occupation.~~
- ~~17) Any violation of a use restriction contained in this section of the code, or any other restriction herein, shall be grounds for the revocation of or the refusal to renew, a business tax receipt (occupational license) by the City Manger. The applicant can request to appeal the City Manager's decision to the City Council within 30 days from the receipt of notification~~

SECTION 3: FENCES AND WALLS

- a) In General. All fences and walls shall be constructed in compliance with applicable building codes and in accordance with the following dimensional and use regulations.
- b) Permit Required. No fence or wall shall be permitted without the appropriate building permit.
- c) General Provisions.
- 1) Restrictions.
- A) No barbed wire, razor wire, or similar material shall be allowed for residential uses. Temporary security fencing may be allowed for construction sites in residential zones.
- B) Barbed wire shall be prohibited for commercial and industrial uses, except when installed at eight (8) foot height or greater.
- C) Hog wire (field fence) or chicken wire shall be permitted in residential use if properly screened by a board, picket, cross-tie, or similar material type fencing.
- 2) Height.
- A) For residential uses, no permanent fence or wall shall exceed eight (8) feet in height in rear or side yards.
- B) For residential uses, no permanent fence or wall shall exceed four (4) feet in height (~~Ordinance 1994-C~~) within the front or side yard abutting rights-of-way.
- C) For commercial and industrial uses, no permanent fences or wall

shall exceed ten (10) feet in height unless approved as part of a development plan.

- D) For uses abutting lakes, streams or any open water body, no permanent fence or wall shall exceed four (4) feet in height.

3) Location.

- A) No permanent fence or wall shall be located within areas required to provide clearance for visibility in accordance with Section 6 of ~~_____~~this Chapter.
- B) Location of fence or wall shall be the responsibility of the owner and in no way encroach onto another property or public right-of-way.

4) Exemptions.

- A) Customary fencing around tennis courts and other approved recreational amenities shall be exempt from height restrictions.
- B) Fences required or installed to provide rear lot screening of residential uses shall be exempt from right-of-way setback requirements. ~~_____~~However, such fences shall comply with requirements to provide visibility clearance at intersections as described in Section 6 of this Chapter.

SECTION 4: ~~_____~~SETBACKS

a) ~~_____~~In General. This Section provides for accessory structures to be located within required ~~_____~~building ~~_____~~setback areas. Recorded easements and required landscape buffers shall supersede the minimum dimensions permitted by this Section.

STRUCTURE OR BUILDING FEATURE ~~_____~~ SETBACK*

Antenna Dish	5' from property line in rear yard area
Carport/Garage, Freestanding	5' from property line in rear yard area
Deck, Wood	5' from property line in rear yard area
Pool, Swimming	10' from property line in rear yard area
Screen Pool Enclosure	10' from property line in rear yard area
Screen Room	15' from property line in rear yard area
Storage Building	5' from property line in rear yard area
Tennis court (residential)	10' from property line in rear yard area

<u>STRUCTURE OR BUILDING FEATURE</u>	<u>SETBACK*</u>
Antenna Dish	5' from side and rear property lines

<u>Carport/Garage, Freestanding</u>	<u>5' from rear and side property line</u>
<u>Deck, Wood</u>	<u>5' from side and rear property lines</u>
<u>Pool, Swimming</u>	<u>10' from side and rear property lines</u>
<u>Screen Pool Enclosure</u>	<u>10' from side and rear property lines</u>
<u>Screen Room</u>	<u>15' from side and rear property lines</u>
<u>Storage Building</u>	<u>5' from side and rear property lines</u>
<u>Tennis court (residential)</u>	<u>10' from side and rear property lines</u>

* All setbacks not referenced must comply with principal structure.

SECTION 5: ———HEIGHT.

- a) In General. Unless otherwise described in this Section, the maximum permitted height for any structure shall be as outlined in the Schedule of District Regulations.
- b) Established Height for Specific Structures.

STRUCTURE	MAXIMUM HEIGHT
Antenna, Tower	
Residential Uses	40 feet
Non-Residential Uses	125 feet
Antenna, Dish (Ground Mounted)	
Residential Uses	15 feet
Non-Residential Uses	20 feet
Carports, Freestanding	Not to exceed the height of the existing principal structure
Storage Buildings	
Residential Uses	12 feet
Non-Residential Uses	18 feet

SECTION 6: ———VISUAL CLEARANCE

- a) In General.

The following areas shall be designed and maintained to allow visibility between three (3) feet and eight (8) feet above grade. Tree trunks trimmed of foliage to eight (8) feet, and newly planted landscape material with immature crown development shall be exempt.

- 1) At the intersection of two public rights-of-way, a triangle described by the intersection of the right-of-way lines extended, and a line joining points on those lines thirty (30) feet from said intersection.

- 2) At the intersection of a private driveway and a public right-of-way, a triangle described by the intersection of the edge of the driveway and the right-of-way line, and a line joining points on those lines ten (10) feet from said intersection.
- 3) In the area along all public rights-of-way measured five (5) feet perpendicular from said right-of-way.
- 4) In the area along all access driveways measured three (3) feet perpendicular to the edge of the drive.
- 5) In all cases, minimum sight distances necessary to satisfy the requirements of the Manual of Uniform Traffic Control Devices (MUTCD) and FDOT Manual of Uniform Standards for Design, Construction and Maintenance for Streets and Highways shall be maintained. Additional clear zone areas may be required based on the specific geometry of a particular location.

SECTION 87: ————— GARAGE AND YARD SALES

- a) Permit Required. It shall be unlawful for any person to engage in or conduct the business of garage or yard sales for the sale of goods, wares, merchandise or personal property of any kind whatsoever within the corporate limits of the city, without a permit to do so issued by the City Clerk.
- b) Number of Permits. A separate permit for each garage or yard sale shall be required and no more than two (2) permits shall be issued for the same location in any ~~twelve-month~~twelve-month period. No sale shall continue for more than three (3) consecutive days. Each permit is subject to the restrictions and requirements of paragraph (c) below.
- c) Application. Applicants for permits shall file with the City Clerk a sworn application on a form furnished by the City Clerk containing the following:
 - 1) Name and address of applicant and location of sale.
 - 2) Date of sale and nature of goods.
 - 3) An agreement that the applicant will not erect any signs blocking or obstructing the view of drivers, on any street right-of-way and no more than two (2) signs shall be permitted.
 - 4) An agreement that the applicant will make provision for parking to eliminate any traffic hazard.
 - 5) An agreement that each permit issued hereunder shall be displayed by the

applicant on the premises in full view from the street.

- d) Permit Issuance. Permits shall be issued at no cost to the applicant and shall not be transferable. Permits issued under this section may be revoked and new permits denied by the City Clerk for just cause. It shall be just cause, if in the opinion of the Chief of Police of the City, the sale would create a traffic hazard or become a public nuisance.
- e) Violations. Violations of this section shall subject the person, firm or property owner to a penalty of ten dollars (\$10.00) for the first violation, fifteen dollars (\$15.00) for the second violation, and twenty-five dollars (\$25.00) for each and every subsequent violation. These penalties are not an exclusive remedy and nothing herein shall preclude the City from a civil suit to enjoin any violation.
- f) Enforcement.
 - 1) Violations observed by an enforcement officer. Upon observing a violation of this section or if probable cause exists, an enforcement officer ~~may~~ commence prosecution of the violation.
 - 2) Violations not observed by an enforcement officer. Prosecution of violators of this section may be commenced by an enforcement officer ~~upon~~ receipt of an affidavit of complaint from one or more persons signed ~~and~~ sworn to under oath before an individual authorized to take ~~acknowledgements~~ setting forth the nature and date of the violation, the ~~identification~~ of the violator and his address, if known.
 - 3) The ~~Code Enforcement Board~~ Special Magistrate, as established in Chapter 3 of this Code, ~~shall~~ have jurisdiction to hear and decide cases involving alleged ~~violations~~ of this section and may levy fines pursuant to said section.

SECTION 98: ~~BACKYARD CHICKENS.~~

General Requirement. Chickens (*gallus domesticus*), other than roosters, shall be allowed for personal use as an accessory use within the Agricultural Residential (AR), Low Density Residential District (R-18), Single-Family Residential District (R-15), Urban Residential District (R-12), Residential Single Family (R-10), Single Family Medium Density Residential District (R-8) and the Multi-Family High Density Residential (R-5) Districts. For purposes of this code, any chickens that crows shall be deemed a rooster.

- A) *General Requirements.* Any person keeping, harboring, raising or maintaining chickens as an accessory to an occupied dwelling unit shall be subject to the following restrictions.
 - 1) Any person wishing to raise or maintain chickens on their property within the enumerated zoning districts must first submit an application for a permit to do so to

the City's building department and obtain a permit from the City. Application for a permit constitutes consent for the City to inspect the applicant's facilities prior to issuance permit and during the life of the permit to ensure that the facilities are adequate to meet the requirements of this section and that no nuisance has occurred. A permit may contain conditions imposed to ensure compliance with this section.

- 2) No more than five (5) chickens may be kept;
 - 3) Slaughtering of chickens is prohibited;
 - 4) Chickens must be secured within the chicken coop or other fenced enclosure, suitable to protect them from dangers associated from predators and the elements, all at one time;
 - 5) All feed and other items associated with keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container;
 - 6) No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain all accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from all property; and
 - 7) Composting of the chicken manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.
 - 8) The sale of eggs, meat, feathers or other chicken products from chickens permitted pursuant to this section is prohibited.
 - 9) The keeping of chickens shall not be considered a farm, nor is it considered the process of farming.
- B) *Chicken Enclosures.* Chicken coop or fenced enclosure shall be used to house chickens. Any chicken coop or fenced enclosure used to house chickens shall:
- 1) Not be located in the front or side yards; and
 - 2) Be set back a minimum of twenty five (25) feet from all property lines.
 - 3) Serve to protect the chickens from dangers associated with predators and the elements.
- C) *Nuisance.*

- 1) Chickens shall not run free or be found at large, and shall not damage property or deposit excretory matter upon the property belonging to anyone other than their owner.
- 2) Chicken coops and run enclosures must be kept in a manner that does not create a nuisance for neighbors, either by noise, odor, or accumulation of flies, rodents, or other pests.
- 3) Removed excrement or other wastes shall be kept in airtight containers until properly disposed.
- 4) The requirements set out in this section or set out in any pursuant to this section shall be followed.

~~5)~~—Violations of this subsection shall be enforced through the City's Code Enforcement procedures and are subject to Code Enforcement penalties. A permit issued under this section shall be revoked and chickens must be removed from the associated property after three violations of this subsection have been found on three separate events. This subsection is intended to be cumulative and supplementary to other laws and regulations and shall not preclude enforcement thereof.

~~Ordinance 2017-A, adopted June 20, 2017~~

~~5)~~

SECTION 109: —MEDICAL MARIJUANA DISPENSING FACILITIES

Medical marijuana treatment center dispensing facilities are banned and prohibited within the boundaries of the City of Umatilla.

~~Ordinance 2019-E, Adopted 2, 2019~~

CHAPTER 9

SUBDIVISIONS AND PLATS

SECTION 1: ————TITLE.

This Chapter, the terms and provisions contained herein, shall be known as the “Subdivision and Platting Ordinance” of the City of Umatilla, Florida.

SECTION 2: ————APPLICABILITY.

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

SECTION 3: ————PURPOSE AND INTENT

The public health, safety, and general welfare of the citizens of Umatilla require the harmonious and orderly development of land within the incorporated area of the City. It is

the intent of the Chapter for each new subdivision:

- a) To conform with minimum standards of subdivision design, established by this Chapter, which will result in the development of safe, stable communities, and the prevention of unhealthy living environments;
- b) To have necessary improvements to avoid such improvement being a burden upon the taxpayers of the community;
- c) To have efficient, adequate utilities and services;
- d) To have safe, adequate and convenient patterns for the circulation of vehicular and pedestrian traffic;
- e) To provide adequate protective flood control and drainage;
- f) To have designs and improvements that control pollution and erosion, safeguarding the natural resources of the city;
- g) To provide adequate open space, light, solar rights, air, privacy and recreational area and to prevent overcrowding of the land and undue congestion of the population;
- h) To provide safety from fire, flood, natural disasters and other dangers;
- i) To provide reasonable, fair and uniform application of standards of design and procedures for the subdivision and platting of land to ensure proper legal descriptions and monumenting of subdivided land;
- j) To preserve the natural beauty and topography of the city; and
- k) To provide for safe and sanitary sewage disposal, adequate potable water supplies and the protection of groundwater system.

SECTION 4: ———DEFINITIONS

See Chapter 2, “Definitions and Interpretations”

SECTION 5: ———COMPLIANCE REQUIRED; EXEMPTIONS

- a) Unlawful Activity.

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

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

- 2) The resulting lots conform to applicable city zoning requirements and state regulations;
- 3) The resulting lots are buildable under current regulations;
- 4) No substantial adverse impacts on existing infrastructure are anticipated, as the result of the split or subsequent similar neighborhood lot splits, via the resulting increase in density or intensity of use;
- 5) The impacts of the split or potential splits will not degrade adopted levels of service to unacceptable levels, pursuant to the provisions of Chapter 4, "Concurrency Management System"; and
- 6) The applicant certifies that he knows of no recorded deed restrictions or covenants which would prohibit the division or splitting of the lots.

b) Exemptions.

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

1) Creation ~~of equal or larger~~ building sites from lots of record.

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

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

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

- 3) Conveyance to government. Any division of land for the purpose of ~~conveying land to any federal, state, or local government entity or agency~~ or public utility, provided such conveyance is accepted by the grantee by ~~an instrument recorded in the public records of Lake County.~~
- 4) Minor subdivisions. A minor subdivision shall be exempt from the review ~~and approval of a plat, however development plans meeting the requirements of this Code shall be approved as outlined in Section 5(a)(5).~~ A minor subdivision is defined as meeting all of the following criteria:
- A) An overall tract in single ownership is divided into no more than three (3) lots.
 - B) No new streets are proposed or required.
 - C) No dedication of right-of-way, drainage areas, conservation areas or other publicly maintained property is proposed or required.
 - D) All proposed lots meet or exceed the dimensional requirements of this Code, and required easements for utility, drainage, conservation, or other purposes are delineated for transfer to the City as part of the development order.
 - E) The proposed division is not part of an overall tract previously approved as a minor subdivision. ~~(1997-B-5 years)~~
 - F) The request for a minor subdivision must be made on the appropriate form accompanied by the appropriate fee and must include the following information:
 - i) Property owner name, address, and legal description of the property.
 - ii) Current zoning of subject parcel and whether a rezoning will be required.
 - iii) Size and number of proposed lots.
 - iv) Adjacent street name and classification.
 - v) Type and square footage of existing buildings on the parcel.
 - vi) Information regarding adjacent right of way or easements.
 - vii) Boundary and improvement survey.
 - viii) Source and location of water and sewer facilities.
 - G) The Technical Review Committee (TRC) shall review the request and make a recommendation to the City Council when the application is complete.

H) Lot splits. Applications for a lot split shall be made on the appropriate form accompanied by the appropriate fee. Lot splits shall be reviewed and approved administratively by the City Manager or designee. A lot split is a request to divide a lot or tract in such a manner as to make it meet the following criteria:

- i) Only two (2) lots may be created per original parcel.
- ii) Each lot created must have a minimum area of the dimensional criteria as required by the zoning designation under which it is categorized.
- iii) Each proposed lot shall front on a paved private road, or a publicly maintained road.

~~F) Flag lots are prohibited.~~

SECTION 6: PROCEDURE AND REQUIREMENTS FOR SUBMITTING AND PROCESSING SUBDIVISION APPLICATIONS

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

- 1) Pre-Application conference may be scheduled between applicant and the Technical Review Committee (See Section 6(c))
- 2) Concurrency Management (See Chapter 4)
- 3) Submission and approval of a preliminary plan, (See Section 6(d))
- 4) Application for and issuance of a land development permit (See Section 6(d)(11)).
- 5) Submission, approval, and recording of final plat (See Section 6(d)(19)).
- 6) Issuance of certificate of completion (See Section 6(d)(18)).

b) Validity of a Subdivision Not Meeting the Requirements of This Chapter. No plat ~~of any subdivision shall have any validity until it has been approved in the manner prescribed by this Chapter, unless exempted by Section 5(b).~~ In the event an unapproved plat is recorded, it shall be ~~considered invalid.~~ No person shall transfer or sell lots by reference to, exhibition ~~of or by the use of a plan or plat of a subdivision before such plan or plat has final plat approval and is officially recorded according to the terms of this Chapter.~~ ~~The description of any lot by metes and bounds shall not exempt the transaction from the provisions of this Chapter if the transaction would be subject hereto otherwise.~~ The building official shall not issue any permits for new construction on a lot in any subdivision not meeting the requirements of this Chapter unless the

— subdivision is vested pursuant to Chapter 4 or the lot is a legally created “lot of record”.

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

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

1) Scheduling. Arrangements for the pre-application conference are to be made through the City Clerk’s Office.

2) Items Required. The applicant shall submit ~~eight (8)~~ four (4) copies and one (1) CD of the ~~preliminary~~ sketch plans of the proposed subdivision. A general ~~description~~ of the proposed subdivision must be noted including the ~~number~~ of lots to be created, the approximate size and width of lots, ~~approximate~~ building size, type and use, proposed phases of development, ~~existing zoning~~ and comprehensive land use classification of the subject ~~site~~ and adjacent sites.

d) Preliminary Plan Application and Review. Application for preliminary plan approval shall be made to the City Clerk’s Office utilizing the form provided by the City for that purpose, and accompanied by the appropriate review fee. Initial application shall be accompanied by ~~foureight (84)~~ four (4) copies of the proposed plan. ~~Plans~~ shall be prepared according to the standards of this Code.

~~1) 1)~~ Review of application materials. Within two (2) working days of the ~~receipt~~ of an application, the City shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. Re-application shall be accomplished by ~~a re-application fee~~ as adopted by resolution by the City Council.

Applicants have thirty (30) days to address deficiencies by submitting the required information. Resubmittals shall be accompanied by a re-application fee as adopted by the City Council.

- 2) Initiation of development review. ~~When an application is determined to be complete, it shall be scheduled for the next scheduled staff Technical Review Committee (TRC) meeting, but no earlier than two (2) weeks from the date that the application was determined to be complete.~~When an applicant is determined to be sufficient, the City Manager or designee will distribute the package to pertinent city staff, city consultants, and required outside agencies.

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

- A) Subdivision name, date, north arrow, and the property's legal description, boundary, boundary dimensions, and area in acres.
- B) Name and address of owner, surveyor, engineer, and any other ~~professional consultants involved with the generation of the plan~~ information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.
- C) A vicinity map at a scale of one (1) inch equal to four hundred (400) feet showing the zoning of the area and the relationship of the proposed subdivision to the surrounding development.
- D) Proposed streets, common areas, drainage areas, conservation areas, lot lines and their dimensions.
- E) Proposed street names and lot numbers.
- F) Acreage in lots, drainage areas, common areas, and other uses; and the minimum lot size, average lot size, and a total number of lots.
- G) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones.
- H) Environmental assessment showing all wetlands, delineation of ~~wooded areas and vegetative communities, and tree survey~~ showing all specimen trees. (See Chapter 17 of this Code.)

- I) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within one hundred fifty (150) feet of the property boundary.
- J) A soils report delineating the soils existing on the site to be developed.
- K) A list of all jurisdictional agency permits required for the development of the subdivision.
- L) Proposed stormwater management plan and drainage control facilities and general grading plan.
- M) Utility sources, distribution and collection lines, if available, _____(including but not limited to water, sewer, electricity, cable television and telephone).
- N) Proposed locations of streetlights, sidewalks, and ~~bike~~multi-modal paths, if _____any.
- O) Maximum building heights, anticipated phasing plan and gross density.
- P) Location of all signs per Chapter 16.
- Q) Traffic Study/Traffic Statement. The traffic study shall follow the requirements of the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Concurrency Management System Traffic Impact Study Methodology Guidelines Document for Lake County.
- R) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Council.

4) Review Process.

- A) The Technical Review Committee (TRC). All applications may be reviewed by the TRC, and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than three (3) working days after the meeting. The TRC staff shall make staff recommendations to the Planning and Zoning Board and/or City Council.
 - i) Once the application package is determined sufficient, the City Manager or designee will distribute the package to pertinent city staff, city consultants, and required outside agencies within two (2) business days.

- ii) City staff and city consultants have ten (10) business days to issue comments back to the City Manager or designee.
- iii) The City Manager or designee will forward comments to the applicant within two (2) business days of receipt of all staff comments. Please note: outside agencies may not abide by the City's schedule. The city will make every effort to follow up with outside agencies for comments; however, those may be received and provided to the applicant at a later time.
- iv) A TRC (Technical Review Committee) meeting will be scheduled once all comments from city staff, city consultants, and required outside agencies have been received not less than two (2) weeks prior to the normally scheduled meeting.
- v) This process is repeated for subsequent submittals with the City Manager or designee having two (2) business days to distribute and city staff and city consultants having a maximum of ten (10) business days to return comments back to the City Manager or designee.
- vi) At each submittal four (4) original hard copies of all documents and an electronic (.pdf) submittal are required. The legal description must be submitted in Microsoft Word format. All engineered plans and renderings must be submitted on 24" X 36".
- vii) The applicant will be notified when all city staff, city sub consultants, and outside agency comments have been sufficiently addressed. Major development plans shall be scheduled for review at the next available board meeting and must be approved by the City Council.
- viii) Once the applicant receives comments from the city and outside agencies on the complete application submittal, the applicant has ninety (90) days to submit a formal response. If the applicant requires additional time, the applicant shall formally request an extension from the city. If the applicant fails to respond within ninety (90) days, the applicant may be required to submit a new application fee.

B) Planning and Zoning Board Approval. The Planning and Zoning Board shall consider the preliminary plan submittal at a regularly scheduled meeting and determine if it meets the requirements of this Code. The applicant or applicant's authorized agent shall be present at the meeting for consideration by the Planning and Zoning Board. Upon consideration of the comments of the TRC

staff and public, the Board shall make one of the following recommendations to the City Council:

- 1) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.
- 2) Disapprove the preliminary plan.
- 3) Approve the preliminary plan.
- 4) Approve the preliminary plan with conditions.

C) City Council Approval. The City Council shall consider the ~~_____~~ preliminary plan submittal at a regularly scheduled meeting and ~~_____~~ determine if it meets the requirements of this code. The applicant ~~_____~~ or applicant's authorized agent shall be present at the meeting for ~~_____~~ consideration by the City Council. Upon consideration of the ~~_____~~ comments of the TRC staff, public and recommendations of the ~~_____~~ Planning and Zoning Board, the Council shall take one of the following actions:

- 1) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of any outstanding issues.
- 2) Disapprove the preliminary plan.
- 3) Approve the preliminary plan.
- 4) Approve the preliminary plan with conditions.

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

A) Notwithstanding these limitations, an applicant may intentionally ~~_____~~ phase a project with specific ~~_____~~ development ~~_____~~ timeframes. ~~_____~~ Development phasing may not cover a period exceeding ten (10) ~~_____~~ years. ~~_____~~.

Commencement of construction must begin within thirty ~~—~~(30) months of completion and inspection of the previous phase. ~~—~~Preliminary plat approval will lapse if the approved phase ~~—~~timeframes are exceeded, unless otherwise extended by the City ~~—~~Council as provided for in Section 6(d)(6) below.

- 6) Extensions. A request for an extension of the preliminary plan approval may be submitted to the City Clerk or designee any time prior to expiration of the preliminary plan. No request for extension of preliminary plan approval will be accepted after the preliminary plat approval has lapsed or phasing schedule exceeded. The applicant may, however, reapply for preliminary plan approval under the provisions of this Code.

A) Extension requests shall be accompanied by a completed extension request form, furnished by the City.

B) The City Clerk or designee shall schedule the request on the regularly scheduled City Council agenda. The City Council ~~—~~decision shall be final.

- 7) Phasing. Subdivision projects may be phased. Phasing, if proposed, shall ~~—~~be shown on the preliminary plan and may be modified as allowed in ~~—~~Section 6(d)(8).

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

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

- 8) Modifications. Minor modifications to approved preliminary plans may ~~—~~occur between preliminary and final plat approvals. Modifications to ~~—~~roadway layout, phasing, lot configuration will require an administrative approval as provided in Chapter 3.

Modifications that require a change in ~~_____~~ the number of lots or a change in the area to be platted will require re ~~_____~~ approval of the preliminary plat and must comply with the requirements ~~_____~~ and procedures of Section 6 of this Chapter.

- 9) Land Development Prior to Land Development Permit Prohibited. No ~~_____~~ construction, with the exception of test facilities and minor underbrushing ~~_____~~ and clearing activities permitted pursuant to a valid land clearing permit, ~~_____~~ may begin until a land development permit has been issued by the City of ~~_____~~ Umatilla.

- A) Procedure. After TRC approval of the preliminary plan, (at the ~~_____~~ time the preliminary plat is scheduled for Planning and Zoning Board consideration and approval), an applicant may apply for a ~~_____~~ land development permit and follow either of the procedures ~~_____~~ identified in Section 6(d)(10) or Section 6(d)(10)(A). No ~~_____~~ construction may commence until the applicant obtains a land ~~_____~~ development permit, pursuant to Section 6(d)(11). The City Clerk ~~_____~~ or designee is hereby authorized to waive, in writing, the ~~_____~~ requirement for a land development permit, where no ~~_____~~ improvements as delineated in Section 7 of this chapter are ~~_____~~ required or where a required improvement(s) can be provided via another application and review process.

- 10) Construction Before Final Plat Approval. The applicant shall submit to the City Clerk or designee construction plans and specifications as required in Section 6(d)(11) of this Code together with a request for a land development permit. A copy of the deed and letter and authorization from owner if different from the applicant shall accompany the request. Upon issuance of a land development permit, construction may commence. The improvements required by the preliminary plan approval shall be completed prior to final plat approval, as specified in the issued land development permit.

A Certificate of Concurrency covering the area to be platted must be obtained prior to the issuance of a land development permit. (See Chapter 4, “Concurrency Management System”.)

- A) Construction after final plat approval. Upon issuance of a land ~~_____~~ development permit, an applicant may apply for final plat approval, contracting with the City to construct the improvements required in the land development permit. The contract and corresponding security as specified in Section 10 of this chapter ~~_____~~ shall be required for the performance and maintenance of all improvements which are to be constructed after final plat approval.

- 11) Plans and Specifications Required for Land Development Permit. The

applicant shall furnish to the City Clerk or designee the construction plans and specifications designed in accordance with the approved preliminary plat and the requirements of this Code for the construction of improvements. The applicant shall also furnish a complete land development permit application form as furnished by the City Clerk's office, and shall submit the review fee established by the City Council. The applicant must have obtained and shall submit copies of all jurisdictional agency permits, and all utility permits and franchises required by the utility provider, prior to the issuance of a land development permit. All construction plans and specifications must be prepared, signed and sealed by a professional engineer who is registered in the State of Florida. Engineering calculations and tests in support of any of the proposed plans and specifications may be required. The drawings and required information shall be so complete that review and analysis can be made from them without research of any outside data. Five (5) copies of the plans shall be submitted on ~~twenty-four~~twenty-four inch by thirty six inch (24" x 36") sheets unless another size is approved by the City Clerk or designee, and shall contain, but shall not be limited to:

- A) A cover sheet, including a location map;
- B) Complete details including water, sewer and storm drainage system. The proposed general location of wells and septic tanks shall be in conformity with the requirements of the Lake County Health Department and all state and local ordinances;
- C) A copy of the SJRWMD permit and a copy of the master stormwater management and flood protection plan submitted and approved by SJRWMD;
- D) Roadway typical sections and summary of quantities for all construction work;
- E) Cross Sections as needed to show site grading, walls, retention ponds;
- F) Copy of all local, state, and federal permits as required for development;
- GE) Construction details showing compliance with City standards or alternate design as approved by the City Engineer or City Clerk;
- HF) Special profile sheets, if necessary, showing special or unique situations;
- IG) Benchmark location, based on National Geodetic Vertical Datum (N.G.V.D.) with topography at 1' contour intervals shown on a certified boundary survey of the project.

JH) Soil analysis, showing the location and results of test borings of the subsurface condition of the tract to be developed. Soil Conservation Service information may be used when available and deemed adequate by the City.

KI) The plans shall contain the special conditions and specifications pertaining to the subdivision in note form on the plans, such as:

- 1) Required compliance to the subdivision requirements;
- 2) Where applicable, required compliance with state standards as currently adopted and in use;
- 3) Minimum standards for materials;
- 4) Test requirements for stabilization, base and backfill;
- 5) Source of water and sewer services;
- 6) Traffic-control devices and pavement markings.

LJ) The plan and profile of each proposed street and improvement to existing streets such as deceleration or turn lanes (indicating the existing ground surfaces and proposed street grade surfaces including extensions for a distance of fifty (5) feet beyond the tract boundary) with tentative finished grades indicated, and lot grading plan and including easement work, clearing and grubbing, and structural details of facilities of right-of-way.

MK) A typical cross-section of each type of proposed street or bikeway, showing the width of pavement. The location and width of sidewalks, where required, and right-of-way.

NL) Proposed erosion control facilities and the limits of earthwork construction, both as to final construction and for protection during construction.

OM) Plans for street lighting, landscaping, parks, recreational areas and parking area. The plans shall be applicable approvals of all governmental agencies which are affected by the construction and have jurisdiction.

NP) Projects engineered by more than one firm shall be coordinated by a single engineering firm or an engineer of record appointed by the developer.

OQ) A certificate from a surveyor registered in the State of Florida that a concrete permanent reference marker has been located in the public

right-of-way at a corner point of the subdivision near the entrance way of the proposed subdivision. The permanent reference marker shall be identified on the plat of the subdivision and shall be used to establish a primary benchmark for all improvements in the subdivision.

RP) Where the design of the subdivision includes man-made canals or waterways, plans of the proposed construction will be included and shall indicate:

- 1) All bulkhead lines;
- 2) Detailed cross-sections showing existing and proposed depths;
- 3) Location of hard pan, muck or other unique soil conditions; and
- 4) Details of bulkhead construction.

SQ) Certificate of Concurrency

- 12) Review.
- A) Within ten (10) working days of receipt of said plans and specifications, the City Clerk or designee will check the plans and specifications for completeness, maintain one (1) copy of the plans for the project file, and forward the remainder to the public works department.
- B) Within ten (10) working days of receipt of the application and materials ~~from~~ from the City Clerk, the public works department shall route the plans and specifications to the applicable departments for review. Within thirty (30) working days after receipt of such plans and specifications, the applicable departments shall submit their comments and recommendations to the City Clerk or designee. The applicant will be advised in writing by the City Clerk or designee of all applicable departmental comments within twenty-five (25) working days ~~from~~ from the date of application submittal.
- 13) Approval of plans and specifications. After the applicant has adequately addressed all departmental comments and has submitted to the City Clerk revised documents in accordance with departmental comments and has submitted copies of all required jurisdictional agency permits, the City Clerk shall, within ten (10) working days, approve or disapprove, the construction plans and specifications and issue a land development permit. Prior to disapproving any permits, the City Clerk shall provide to the applicant a second set of comments.
- 14) Appeals. Appeals of decisions from the City Clerk may be made to the City Council. The City Clerk shall schedule the meeting. The City Council can overturn the appeal only if the application is found to meet all requirements of the City standards.
- 15) Modifications. Minor modifications to approved preliminary plans may occur after the issuance of a land development permit, subject to approval by the Technical Review Committee. Any revisions to the layout of the preliminary plat are subject to the provisions of Section 6(d)(8), "Modifications", of this chapter.
- 16) Term of permit. A land development permit issued under this section shall be void if construction does not commence within one hundred eighty (180) days and shall expire eighteen (18) months from the date of its issuance, regardless of whether or not the work is complete, unless the City Council grants an extension of time, in response to the applicants written request for such an extension.
- 17) Inspections. The City Engineer, City Clerk, or their representatives, shall have the right to inspect the project for the purpose of ensuring that all improvements are being constructed in conformance with the provisions of

this Code, the approved preliminary plat, and land development permit. All required data, tests and reports specified in this Code shall be submitted and approved by the public works director prior to acceptance or final approval of improvements. Required installation of subsurface construction such as water and sewer lines, public utilities, traffic control devices and storm drainage shall be completed prior to compaction of subgrade and road construction.

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

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

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

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

189) Final Inspection; Certificate of Completion. Upon completion of construction of the improvements, the applicant shall provide the City Clerk or designee with the following:

- A) A certified letter stipulating that construction of the improvements has been completed and requesting final inspection and approval.
- B) The testing reports and certificate of compliance from material suppliers.
- C) Three (3) sets of as-built construction plans and itemized list of cost estimates or construction contract amounts.
- D) Documents from a registered engineer with his seal affixed certifying that the improvements have been constructed in conformity with the land development permit and the provisions of this Code.
- E) A document from the utility provider approving all utility installations.
- F) Release of liens and affidavit that all liens are released on all improvements required by this Code. Upon receipt of the above items, the City Engineer and City Clerk shall review said data and make a final inspection of the constructed improvements and shall notify the applicant of any items of noncompliance with the approved construction plans and specifications. A certification of completion shall be issued by the City Clerk or designee when all improvements are completed in conformity with the approved design. This certificate shall release the construction surety.

2049) Final Plat. The approved final plat is the official record of the subdivision to be filed with the City Clerk. It is verification that the subdivided land has been developed substantially in accordance with the approved preliminary plat or that a bond has been posted which will secure the development as specified in the final plat. The final plat must be approved by the City Council and recorded in the Public Records of Lake County prior to the developer selling any lot or parcel.

- A) Procedure. No final plat application shall be submitted for approval prior to the issuance of a land development permit. The plat shall be accompanied by:
 - 1) A complete final plat application furnished by the City Clerk's office;
 - 2) The appropriate filing fee and application;
 - 3) A certificate of concurrency covering the area to be platted;

- 4) When required in conjunction with a construction contract or maintenance agreement, a certified cost estimate shall be prepared by the developer's engineer and shall include the cost of surveying, engineering and construction of all required improvements. The actual contract price(s) may be substituted for the engineer's cost estimate;
- 5) Appropriate security for required improvement as specified in this Code unless a certificate of completion has been issued by the public works department;
- 6) Five (5) copies of the final plat drawing showing the required information and certifications;
- 7) Security for maintenance of improvements meeting the requirements of this Code when a certificate of completion has been issued; and improvements are dedicated to the City;
- 8) A copy of the property owner's association documents which accept the responsibility for maintenance of all private streets, rights-of-way, easements, recreation areas, stormwater management facilities or other improvements;
- 9) A copy of the final protective covenants and deed restrictions, where such covenants and restrictions are required or established by the applicant;
- 10) All applicable informational requirements of this Code.
- 11) The City ~~Manager Clerk~~ or designee shall determine whether or not an application is complete and can be routed for interdepartmental review. No incomplete application shall be routed for review.
- 12) Current opinion of title prepared by a Florida attorney-at-law or title policy.

2021) Format of drawings. The final plat shall be:

- A) Prepared by a land surveyor registered and licensed in the State of Florida;
- B) On sheets twenty-four (24) inches by thirty-six (36) inches with one-half (1/2) inch margin on three (3) sides and a three (3) inch margin on the left side for binding;
- C) To a scale of one (1) inch represents one hundred (100) feet unless otherwise approved by the City Clerk;

- D) Clearly drawn or printed with permanent black drawing ink;
- E) On linen tracing cloth or stable base film a minimum of 0.003 inches thick coated upon completion with plastic material or a nonadhered scaled print on a stable base film made by photographic processes to ensure permanency; and
- F) Printed with lettering no smaller than 1/8", with commensurate letter-line width.

2122) Information required. (All information as required in Chapter 177.091, F.S.). The final plat shall contain:

- A) A title block;
- B) The name of the proposed subdivision which shall not duplicate nor closely approximate the name of any other existing subdivision in the City. If the plat is an addition to an existing subdivision, it shall bear the same name as the existing subdivision. For planned developments, plats shall contain "PUD" within the title;
- C) The name of the city, county and state;
- D) The legal description;
- E) The date of preparation of the final plat and of any revisions;
- F) A prominent "north arrow" on each sheet showing any portion of the subdivided lands; also, the reference bearing or azimuth in the notes or legend;
- G) The scale stated and graphically illustrated on each sheet;
- H) An index sheet on page one showing the entire subdivision and indexing the area shown on succeeding sheets. Each sheet must show the particular number of the sheet and the total number of sheets as well as clearly labeled match lines;
- I) The point of beginning shown together with the letters P.O.B. in bold letters when a point of beginning is used in the legal description;
- J) The initial point in the description shall be accurately tied to the nearest section corner, quarter section corner or government lot corner, and a certified corner record must be submitted to the Department of ~~Natural Resources~~Environmental Protection (FDEP) for such corner in accordance with Florida Statutes Section 177, part III;

- K) Boundary lines of the subdivided tract shown as a heavy line;
- L) All adjacent property identified by the subdivision name, plat book and page number; if not platted, so state;
- M) County and City limit lines within or abutting the tract;
- N) Permanent reference monuments and permanent control point locations as prescribed in Chapter 177, Florida Statutes, and installed prior to submission of final plat;
- O) Survey data including all pertinent dimensions;
- P) Lot and block identification. Each lot and each block shall be identified;
- Q) Street names;
- R) The location and width of all existing or recorded streets intersecting or contiguous to the boundary of the plat by bearing and distances;
- S) “Not included” parcels to be labeled “not a part of this plat”;
- T) The intended use of all reserved areas shall be shown on the plat;
- U) All areas within the plat boundaries labeled as either lots, right-of-way, or tracts. The use and maintenance responsibilities of all tracts shall be noted on the plat;
- V) All easements including limited access easements shall be graphically depicted and dimensioned;
- W) The following statements shall be noted on the plat in a prominent place:

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

“Notice: There may be additional restrictions that are not recorded on this plat that may be found in the public records of Lake County.”;
- X) A three inch by five inch space in the upper right hand corner of each sheet to be used by the clerk of the circuit court for recording information. The following shall be depicted:

PLAT BOOK: _____

PAGE: _____

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

2423) Covenants, Restrictions, Reservations.

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

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

- A) Dedications. The purpose of all reserved areas shown or referred to on the plat and of the improvements defined in the dedication. All areas reserved for use by the residents of the subdivision and all areas or facilities intended for public use, shall be specifically dedicated by the owner of the land at the time the plat is recorded. All streets, rights-of-way, easements, recreation facilities designed to serve more than one property owner shall be dedicated to the City or to a private property owner’s association in a manner that will ensure access to and use by present and future owners of the properties to be served. Where private dedications are involved, ownership and maintenance association documents shall be submitted with the final plat. The dedication shall clearly dedicate the private facilities to the association

without recourse to the City or any other public agency. All dedicated areas shall be identified as tracts unless such areas are dedicated to one entity and clearly identifiable. All dedications shall be in the following forms or as approved by the City Attorney:

CERTIFICATE OF DEDICATION
(Corporate)
STATE OF _____
COUNTY OF _____

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

CERTIFICATE OF DEDICATION
(Individual)
STATE OF _____
COUNTY OF _____

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

(SELECT AS APPROPRIATE):

- B) Streets and ~~right-of-ways~~rights-of-way (for public streets)

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

- 1) Private streets.

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

- 2) Utility easements.

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

3) Drainage and stormwater management easements.

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

4) Park and recreation areas.

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

5) Limited access easements.

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

(ADD APPROPRIATE CONCLUSION):

(Corporate)

IN WITNESS WHEREOF, the above named corporation has caused these presents to be signed by its _____ and its corporate seal to be affixed hereto by and with the authority of its board of directors this _____ day of _____, 20____.

(FULL CORPORATE NAME), a corporation of the State of _____, By: _____
(Signature of president or ~~vice~~ vice president or chief executive) Type Name and Title of Officer (Signature must have two (2) witnesses or be under corporate seal).

(Individual)

IN WITNESS WHEREOF, (I), (we), (name(s)), have hereunto set (my) (our) hand(s) and seal(s) this _____ day of _____, 20____.

WITNESSES:

Typed Name (Signature)

(ADD ACKNOWLEDGEMENT OF THOSE EXECUTING
THE DEDICATION)

6) Conservation easements.

Conservation easements as shown are dedicated in perpetuity to the City of Umatilla for the purpose of preservation of environmentally sensitive areas.

235) Joinder and consent to dedication by mortgagee or other party in interest.

MORTGAGEE'S CONSENT
STATE OF _____
COUNTY OF _____

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

IN WITNESS WHEREOF, (I) (we), _____ do hereunto set (my) (our) hand(s) and seal(s) this _____ day of _____, 20____.

WITNESSES

(Signature)

(Typed name)

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

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

2426) Certificate of title. A title certification shall appear on the face or first page of each plat and shall state:

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

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

2527) Certification of surveyor. The plat shall contain:

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

CERTIFICATE OF SURVEYOR

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

Dated: _____ Registration No. _____,

- B) A statement that permanent reference monuments, "P.R.M.", have been set in compliance with Chapter 177, Florida Statutes, as amended; and

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

2628) Certificate of approval by the City Council. The plat shall contain the approval and signature block for the City Council and the acknowledgment and signature block of the Clerk of Circuit Court and the City Attorney. In the event the plat contains dedications to the City, this certificate shall also indicate whether the City accepts in whole or in part the dedications made. The following form is acceptable:

CERTIFICATE OF APPROVAL BY THE CITY COUNCIL

THIS IS TO CERTIFY, that on _____ the foregoing plat was approved by the City Council of Umatilla, Florida. (Address acceptance of dedications in whole or in part, as appropriate).

Mayor~~Council President~~

Attest:

City Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY

City Attorney

- ~~297) Certificate of approval by the Planning & Zoning Board. The final plat shall contain the approval and signature of the Planning and Zoning Board Chairman in the following form:~~

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

~~_____
Examined and Approved _____ Date _____~~

- ~~3028) Clerk's certification.~~

State of Florida
County of Lake

I, Clerk of Circuit Court of Lake County, Florida, do hereby certify that I have examined this plat of _____ subdivision and that it complies with all the requirements of Chapter 177 of the Laws of Florida. This plat filed for record this ____ day of _____, 20____, and recorded on Page _____ of Plat Book _____ in the office of the Clerk of Circuit Court of Lake County, Florida.

By: _____
Clerk of Circuit Court, Lake County, Florida.

- ~~3129) Instrument Prepared By. The name and address of the natural person who prepared the plat shall be contained on the plat. The name and address shall be in statement form consisting of the words "This instrument was prepared by (name), (address)."~~

- ~~320) Signatures. All signatures required shall be originals on the final plat and shall be made in permanent dark ink acceptable to the Public Works Director.~~

- C) Review of final plat documents. The City Clerk or designee may schedule all applications for review by the TRC, in the same manner as stated in Section 6(d)(4). The City Attorney must review mylars prior to scheduling the Final Plat for the City Council agenda.
- D) Approval by City Council. Upon completion of city staff review, the final plat and application along with recommendations shall be forwarded to the City Council for review and consideration of approval. The City Council shall determine whether the final plat is in substantial conformity with the

preliminary plan and meets all the requirements of the laws, rules and regulations of the City of Umatilla and after consideration shall approve, postpone for future consideration, approve subject to specified conditions or disapprove for stated reasons.

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

- E) Recording. The final plat shall be recorded by the developer in the circuit court of Lake County, and two (2) certified copies delivered to the City Clerk. After recording, the developer may sell lots.
- F) Acceptance of Public Improvements. Approval of said final plat shall constitute acceptance by the City of all public areas or improvements dedicated to the City of Umatilla according to the terms set out in the acceptance block.
 - 1) The owner shall be required to maintain the accepted improvements in good condition for a period of two (2) years from the date of final plat approval or one year from the date that a certificate of completion is issued by the City Clerk, whichever is later. At the end of the two year period, the improvements shall be such condition that they meet the requirements of this Code as it existed at the time of approval of the final plat.
 - 2) The City accepts no obligation to perform any act of construction or maintenance, except when the obligation is voluntarily and expressly assumed by the City.
 - 3) The City shall withhold all public improvements, including the maintenance of streets, from all subdivisions which have not been accepted in the manner herein provided.
 - 4) No changes, erasures, modifications or revisions shall be made in any final plat after approval unless the plat is first resubmitted for approval.
 - 5) There shall be no reference to any possible reversion of any property in the dedication of a plat
 - 6) The developer shall pay all costs of public improvements and certify that they have been paid at the time of dedication or at the time of

issuance of a certificate of completion.

- 7) All mortgages or others having a lien on the land shall join in or ratify the plat and all dedications thereon executed and shall certify that all dedicated lands are free from such mortgages or liens.
 - 8) The City will accept no obligation to repair or maintain navigable canals, waterways or bulkheads. Waterways and canals must be dedicated to and accepted by a property owner's association. Bulkheads that abut private or public streets must also be accepted for maintenance and repair by the property owner's association.
- G) Plat Vacation Requests. Plat vacation requests shall be made through the City Clerk or designee on applications furnished by that department. A filing fee established by the City Council shall accompany any request. The request will be reviewed by the Technical Review Committee (TRC) as scheduled by the City Clerk. ~~The request will be scheduled for consideration by the City Council in accordance with Florida Statutes Chapter 177.101, which governs plat vacations.~~
- H) Right-of-Way Abandonment Request. Right-of-way abandonment requests are made through the City Clerk's office on applications furnished by that department. A filing fee established by the City Council shall accompany any request. The request shall be reviewed by the Technical Review Committee (TRC) as scheduled by the City Clerk. Once the applicant has adequately addressed all TRC comments, the abandonment request will be scheduled for consideration by the City Council in accordance with the Florida Statutes, Chapter 336, which governs right-of-way abandonments.

SECTION 7: ———IMPROVEMENTS REQUIRED.

- a) All subdivisions shall provide improvements required in this Chapter. The requirements and standards of this Chapter shall be considered as the minimum required to meet the intent of this Code. Each subdivision shall contain the following improvements designed and constructed to conform to the requirements and specifications in the applicable laws of the City of Umatilla and the State of Florida, the zoning district or other land development ~~regulations~~ code provisions applicable to the subdivision.
- 1) Streets;
 - 2) Easements;
 - 3) Utility systems;
 - 4) Erosion control provisions;
 - 5) Stormwater and floodwater management system according to Chapter 10;
 - 6) Street signs and traffic control markings and signs;
 - 7) Permanent control points;
 - 8) Rights-of-way;

- 9) Tree and vegetation protection;
- 10) Bikeways;
- 11) Sidewalks;
- 12) Buffering facilities and areas;
- 13) Fire hydrants;
- 14) Parks and recreational areas and facilities;
- 15) Curbing;
- 16) Street lights;
- 17) Bridges and culverts when necessary;
- 18) Filling and drainage as necessary;
- 19) Emergency access;
- 20) Transportation system improvements (off-site and on-site);
- 21) Marginal and limited access easements;
- 22) Conservation easements for native vegetation, natural upland communities, and wetlands;
- 23) Other provisions as may be required by land development ~~regulations~~code.

SECTION 8: ———PAVING AND DRAINAGE IMPROVEMENTS.

The following paving and drainage improvements shall be constructed in all subdivisions, and shall include the complete clearing and grading of all road right-of-way, unless specifically shown otherwise on the approved plans.

a) Roadways and Streets.

All subdivisions shall construct a system of roadways and streets to provide access to proposed lots and for the through traffic needs of the project and area. In addition, any unpaved streets which provide access to the subdivision shall be improved as required in this Section.

- 1) Layout. Streets shall be laid out in consideration of topographic conditions, existing and previously approved streets, proposed roads as reflected in the Comprehensive Plan, the traffic needs for surrounding land uses, and overall traffic safety. The layout shall specifically be designed as follows:
 - A) Existing streets ending at the project boundary shall be continued into the project, if otherwise permitted by this Code.
 - B) Proposed streets shall be designed to provide access to adjoining unsubdivided streets at logical locations for future subdivision.
 - C) A minimum of two (2) points of access shall be provided into each subdivision of twenty five (25) lots or more if required by the City. Where adjoining development and Code requirements preclude the development of two (2) public street access points, an unobstructed drivable accessway may be substituted.

- D) Street jogs with centerline offset shall be prohibited.
 - E) All streets that have permanent dead ends shall terminate in a cul-de-sac.
 - F) Cul-de-sac streets shall not exceed six hundred (600) feet in length, unless granted a variance by the City Council. (See Section 11 of this chapter).
 - G) Right-of-way line intersections shall be rounded with a minimum radius of twenty five (25) feet. A greater radius may be required on collector or arterial roads, or where road construction details require.
 - H) Where a subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road.
 - I) Cul-de-sac radius not less than fifty (50) feet.
- 2) Lot and Block Layout. All lots shall be designed to meet the minimum dimensional requirements of the zoning district or any controlling development agreement. The following additional criteria shall be considered in the layout of proposed subdivisions:
- A) Where a subdivision abuts or includes an arterial or major collector road, streets and blocks shall be designed so that no lot requires access from the arterial or major collector road. Where double frontage lots are used to meet this requirement, a sufficient area shall be set aside by dedication or easement to provide the landscaped buffer required in Chapter 15 of this Code.
 - B) Double frontage lots are to otherwise be avoided, but where justified due to unusual circumstances, shall provide for the required buffer noted above.
 - C) Curvilinear street layouts are strongly encouraged, and regimented lot and block patterns are to be avoided.
 - D) Side lot lines shall be substantially at right angles or radial to right-of-way lines.
 - E) Lots on curves shall be platted to provide the minimum required lot width at the minimum building setback line.
 - F) All corner lots shall be fifteen (15) percent wider than the minimum width required by this Code.

G) Block lengths shall not exceed twelve hundred (1,200) feet, minimum length shall be six hundred (600) feet.

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

STREET TYPE

	Minor Arterial	Major Collector	Minor Collector	Local
Right of Way Width	200*	80	66	50
Min. Pavement Width	24	24	20	20
Min. Centerline Radius	750	300	150	150
Min. Grade	0.3%	0.3%	0.3%	0.3%
Min. Intersection Spacing	660	330	250	150
Min. Radius, Back of Curb at Intersection	40	40	35	35

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

- 4) Construction. Basic construction requirements for roads are as follows. See Standard Construction Details for detailed specifications.
- A) Roadway pavement shall consist of 1 ¼ inches of asphaltic concrete over a six (6) inch soil cement or limerock base, over a twelve (12) inch compacted sub-base. Alternative concrete pavements may be approved.
 - B) All roads shall have twenty four (24) inch wide concrete curbs. Where swale drainage is approved, a flat curb is required.
 - C) Minimum four (4) foot wide concrete sidewalks shall be constructed along both sides of all streets in accordance with city standards.
 - D) The remainder of the right-of-way shall be cleared, graded, and sodded or seeded and mulched.
 - F) Signs for street identification and traffic control shall be installed by the City at the developer's expense. Signs shall be based on the requirements of the Federal Highway Administration Manual of Uniform Traffic Control Devices, and standard City specifications.

b) Stormwater Drainage System.

All subdivisions shall construct a stormwater drainage system based on the requirements of Chapter of this Code.

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

Pipe Size (inches)	Max. Distance (feet)
18	150
24	250
30	300
36	300
42, 48	400
54 or larger	500

- 2) Stormwater Retention Area Design. Stormwater retention areas shall be designed to meet the requirements of Chapter 10 of this Code.
- 3) Bridge and Box Culvert Design. Bridges, box culverts, or other vehicular crossings of major waterways or drainage facilities, shall be based on the standards adopted by the Florida Department of Transportation.
- 4) Lot Grading. A lot grading plan shall be completed for all single family, duplex and other subdivisions that do not require additional development plan review prior to building construction.
 - A) The lot grading plan shall show the estimated floor elevations for structures, flow patterns for lot drainage, and swales or structures necessary to drain all lots to the public drainage system.
 - B) All structures, and any ditches or swales necessary to drain more than the immediately adjacent properties, shall be shown for construction as part of the initial subdivision improvements.
 - C) Individual lot grading and minor swales draining only adjacent lots shall be shown for construction with the attendant structures as part of the building permit site improvements.

SECTION 9: ———UTILITY IMPROVEMENTS.

a) Water and Sewer.

Utility improvements shall be constructed as outlined in Chapter 12 of this Code including potable water and sanitary sewer.

b) Electric.

The developer shall be responsible for the installation of electric utility lines, with lines to be constructed underground unless otherwise permitted in Chapter 12 of this Code.

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

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

- c) Telephone, Television Cable and Other Utilities. The developer shall be responsible for the installation of telephone, television cable, and any other utility lines, with all lines to be constructed underground unless otherwise permitted in Chapter 12 of this Code.

SECTION 10: : ———SECURITY FOR CONSTRUCTION AND FOR MAINTENANCE OF —REQUIRED IMPROVEMENTS.

a) Construction Security.

- 1) When construction of required improvements is to be completed following final plat approval, the developer shall, at or prior to final plat approval, execute a contract for construction of the required improvements and post security in the amount equal to one hundred fifteen (115) percent of the estimated total cost of improvements remaining to be constructed.
- 2) The contract shall be on a form provided by the City and shall obligate the developer to complete all required improvements in accordance with the land development permit, the approved plans and specifications, and City development regulations and standards, within a period of one (1) year from the date of final plat approval.
- 3) The estimated total cost of improvements remaining to be constructed shall include survey, engineering and construction costs and shall be approved by the public works director after review of an itemized cost estimate prepared

and certified by the developer's engineer, or an actual contract price or portion thereof for the work remaining, if available.

- 4) The surety posted to guarantee performance of the contract shall expire, if at all, no less than ninety (90) days beyond the last date for performance established by the contract, or any extension thereof. The surety shall run in favor of the City Council, must be in a form acceptable to the City Attorney, and may be either:
 - A) A performance bond underwritten by a surety insurer authorized to transact such business in this state; or
 - B) A cash deposit and escrow agreement governing control and use thereof; or
 - C) An irrevocable letter of credit (issued by a financial institution authorized to conduct business within the state); or
 - D) Other means of security acceptable to the City Attorney's office and the Public Works Department.
- 5) For good cause shown, the City Council may in its discretion grant one or more extensions of time for performance of any contract for required improvements, provided the surety supporting such contract remains valid for the required ninety-day period following the newly extended time for performance.
- 6) No certificates of occupancy for residential occupancy for any structure within a subdivision shall be issued until all required improvements of the subdivision or appropriate phase or area of the subdivision have been accepted by the City, or where required improvements are dedicated to a private association, until all required improvements have been completed, and have been inspected and approved by the City.

b) Maintenance:

- 1) At such time when the City agrees to accept the dedication of any of the public improvements in a subdivision, the developer shall execute an agreement guaranteeing the required improvements against all defects in workmanship or materials, including failure to construct in accordance with approved plans and specifications, for the period of two (2) years from the date of acceptance.
- 2) The agreement shall be on a form provided by the City Attorney's office and shall be secured by the posting of surety in an amount equal to ten (10) percent of the total actual cost of the improvements covered. The surety shall be in one of the forms specified in Section 10 for construction security. Surety other than performance bonds shall expire, if at all, no earlier than ninety (90) days

following the end of the guarantee period. Performance bonds shall expire, if at all, no earlier than ninety (90) days following the end of the guarantee period. Performance bonds shall guarantee performance without any time limitation other than the statute of limitation.

- c) Failure to Perform. In the event a developer fails to perform the obligations for construction or maintenance required under the above referenced agreements, the City Council may call upon the surety provided, or any portion thereof, to be used for completion of the necessary remaining work. If the surety is exhausted prior to completion of the work necessary to complete the required improvements, the developer shall remain liable to the City for any resulting deficiency. The City is not responsible to complete any subdivision with City funds.
- d) Release or Reduction of Security.
 - A) No construction security shall be released until a certificate of completion has been received, reviewed, and approved by the City Clerk or designee and security for maintenance has been established as required above.
 - B) Reduction in the amount of surety required, other than a final draw or reduction, may be authorized by the City Council after completion of any distinct and separable phase or portion of the required improvements. The amount of any given reduction shall not exceed eighty (80) percent of the cost of completed work as determined by the City Council following review of a cost estimate for said work prepared and certified by the developer's engineer. A reduction in construction security shall not be construed as acceptance of the improvements. Formal acceptance of the improvements, unless expressly stated otherwise by the City Council at the time of the reduction. Formal acceptance shall occur as provided elsewhere in this Code, and only upon establishment of proper maintenance security, where required.

SECTION 11: ———VARIANCES.

- a) Jurisdiction.

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

- b) Procedure.

- 1) Variance to Plat and Development Plan Review Process. Application to waive the plat and development plan review process shall be filed and processed in the same manner as Appeals to this Code, as outlined in Chapter 3.

- 2) Variance to Required Improvements or Design Criteria of this Chapter. Application to vary required improvements or design criteria shall be noted on the application form for subdivision or development plan approval as appropriate. Variances requested shall also be prominently noted on the submitted plans themselves.
- c) Criteria for Review of Variances from the Review Process. The following criteria may be considered as the basis for the approval of a variance from the review process:
- 1) Required services are already available to proposed lots without the construction of additional improvements.
 - 2) Levels of service can be reasonably provided through the site development plan review process or residential site plan review process for individual lots.
 - 3) Other methods can be arranged to assure construction of improvements, eliminating the need for formal subdivision approval.
 - 4) The granting of a variance is consistent with the overall intent of this Code, and will not be injurious to the surrounding properties or detrimental to the public welfare.
- d) Criteria for Review of Variances from Required Improvements or Design Criteria. The following criteria may be considered as the basis for the approval of a variance from required improvements or design criteria, in addition to those criteria outlined above:
- 1) Topographic or other physical conditions exist which are peculiar to the site and not a result of the actions of the applicant.
 - 2) Literal interpretation of this Code would result in unnecessary and undue hardship on the applicant.
- If the City Council approves a variance, it may attach any such conditions to the variance as will assure that the variance will not result in noncompliance with the intent and purpose of this Chapter. Violation of any condition shall be deemed a violation of this Chapter
- e) Application for Variance.
- 1) An applicant seeking a variance from this Chapter shall submit an application on the form provided by the City together with such fee as the City Council shall establish, to the City Clerk or designee. The request shall state the reasons and facts supporting the variance. Upon receipt of the request, the City Clerk shall schedule a public hearing to consider the request.
 - 2) Courtesy notice. The public hearing shall be advertised fifteen (15) days in advance. All property owners listed on the latest tax roll within two hundred

(200) feet of the property on which a variance is requested shall be notified in writing by the City Clerk's office by U.S. Mail. Lack of a property owner's receipt of such notice shall not be grounds to postpone or set aside any variance granted.

SECTION 12: ——— PENALTY.

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

SECTION 13: ——— OTHER CRITERIA SUBDIVISION COMPONENTS.

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

1. Zoning, Chapter 6
2. Landscaping and Buffering, Chapter 15
3. Trees and Vegetative Protection, Chapter 17
4. Environmentally Sensitive Area Protection, Chapter 17
5. Upland Habitat, /Chapter 17
6. Flood Plain/Stormwater Management, Chapter 10
7. Wellfield/Aquifer Protection, Chapter 18
8. Historical and Archeological Preservation, Chapter 19
9. Traffic, Chapter 14
10. Concurrency Management, Chapter 4

CHAPTER 10

STORMWATER MANAGEMENT

***Note: Code overlap Chapter 28**

SECTION 1: ————— PURPOSE AND INTENT

- a) The purpose of this Chapter is to: 1) preserve the water resources of the City, which are critical to the public health, safety and welfare of its citizens; 2) control stormwater runoff so as to prevent erosion, sedimentation and flooding; and 3) encourage recharge of the aquifer upon which the public depends for potable fresh water.
- b) The requirements hereafter are designed to allow landowners reasonable use of their property while promoting the following objectives:
 - 1) Prevent loss of life and significant loss of property due to flooding;
 - 2) To protect, restore, and maintain the chemical, physical, and biological quality of ground and surface waters;
 - 3) To encourage productive and enjoyable harmony between humanity and nature;
 - 4) To prevent individuals, business entities, and governmental entities from causing harm to the community by activities which adversely affect water resources;
 - 5) To encourage the protection of wetlands and other natural systems and the use of those natural systems in ways which do not impair their beneficial functioning;
 - 6) To minimize the transport of sediments and pollutants to surface waters;
 - 7) To protect, restore, and maintain the habitat of fish and wildlife;
 - 8) To perpetuate natural groundwater recharge;
 - 9) To encourage the use of drainage systems which minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants, or maintain the system;
 - 10) To ensure the attainment of these objectives by requiring approval and implementation of water management plans for all activities which may have an adverse impact upon groundwater and surface water;
 - 11) To implement the Surface Water Management (SWM) program of the St. Johns River Water Management District.

SECTION 2: ————— JURISDICTION

This Section shall apply in all areas of the City of Umatilla.

SECTION 3: PERMIT REQUIREMENTS

- a) No person shall conduct a development activity, subdivide or make any change in the use of land, construct any stormwater management system or structure, or change the size of an existing structure or system, except as exempted in Section 4 of this Chapter, without first obtaining a permit from the City Clerk Manager or designee as provided herein.
- b) The requirements of this section shall be implemented, and shall be satisfied completely, prior to:
 - 1) Final subdivision plat approval; or bonding of improvements.
 - 2) Issuance of a Certificate of Occupancy on approved site plan projects; and
 - 3) Final inspection for all other projects.
- c) Approval of the stormwater management permit shall be contingent on approval of any required Management and Storage of surface Waters (MSSW) Environmental Resource Permit from the St. Johns River Water Management District but obtaining a SJRWMD permit will not result in automatic approval of the stormwater management permit by the City Clerk Manager or designee.
- d) For the purposes of this section, the following activities may alter or disrupt stormwater runoff patterns and shall, therefore, unless exempt in accordance with Section 4, require a permit prior to the initiation of any project:
 - 1) Clearing and/or construction for the drainage of land;
 - 2) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;
 - 3) Changing the use of land and/or the construction of a structure;
 - 4) Changing-Increasing the size of one or more structures;
 - 5) Altering shorelines or banks of waterbodies;
 - ~~6) Increasing by five hundred (500) square feet or greater the impervious area of any parcel of land; and~~
 - ~~7) Using natural or artificial waterbodies for stormwater management purposes; and~~
 - ~~7) Any construction other than single-family or two-family (duplex).-~~
- e) Construction site operators must control waste such as discarded building material, concrete truck washout, chemicals, litter, and sanitary waste at the construction site

that may cause adverse impacts to water quality.

SECTION 4: EXEMPTIONS

For the purposes of this section, the following activities shall be exempted from further consideration under the provisions of this section. However, these exemptions do not preclude the need to comply with other sections of this Code.

a) ~~Residential Parcel Exemption~~

~~Residential parcels where such parcels are part of an overall subdivision which has been approved in accordance with this Code.~~

b) ~~Agricultural Exemptions~~

1) ~~Facilities for agricultural lands, provided those facilities are part of an approved Conservation Plan by the Soil Conservation Service, shall be exempt however, if the Conservation Plan is not implemented according to its terms, this exemption shall be void.~~

2) ~~In determining whether an exemption is available to a person engaged in the occupation of agriculture, the purpose of the topographic alteration must be consistent with the practice of agriculture and such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters. In determining consistency with the practice consistency with the practice of agriculture occupations, the Section will refer to the following publication: A Manual of Reference Management Practices for Agricultural Activities (November, 1978). The following activities, structures, and waterbodies are considered as having impoundment or obstruction of surface waters as a primary purpose.~~

A) ~~Section 1, when such practice would cause diverted water to flow directly onto the property of another landowner;~~

B) ~~Floodwater retarding structure;~~

C) ~~Irrigation pit or regulating reservoir;~~

D) ~~Pond;~~

E) ~~Structure for water control;~~

F) ~~Regulating water in drainage systems; and~~

~~G) — Pumping plant for water control, when used for controlling water levels on land.~~

~~3) — Other practices which are described in the Manual and which are constructed and operated in compliance with Soil Conservation Service standards and approved by the Lake County Soil and Water Conservation District are presumed to be consistent with agricultural activities. Activities or practices not described in the manual are presumed to be inconsistent with the practice of agriculture.~~

~~e) — Silvicultural Exemption~~

~~1) — Facilities for silvicultural lands shall be exempt, provided that the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual, (1979), published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry; and provided further that a Notice of Intent to conduct silviculture activity is received by the City Clerk Manager or designee in accordance with the provisions in Subsection (c)(5) below.~~

~~2) — In determining whether an exemption is available to a person engaged in the occupation of silviculture, the purpose of the topographic alteration must be consistent with the practice of silviculture and such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters. The following activities are presumed to be consistent with the practice of silviculture when they are undertaken to place property into silviculture use or perpetuate the maintenance of property in silviculture use:~~

~~A) — Normal site preparation for planting of the tree crop;~~

~~B) — Planting; and~~

~~C) — Harvesting.~~

~~3) — If any activity is undertaken to place the property into use other than silviculture, the activity is not considered to be consistent with the practice of silviculture and shall be subject to permitting by the City.~~

~~4) — Specifically exempt from permitting under this section are the construction, operation, maintenance, alteration, abandonment and removal of above grade, unpaved, upland silvicultural roads with up to twenty-eight (28) feet of road surface within a construction corridor of up to fifty (50) feet in width. These roads must incorporate sufficient culverts at grade and may have associated borrow ditches. Road ditches exempted under this provision are those constructed only to obtain road material for the exempt road and to provide only enough storage to maintain a dry road surface. Exempt road ditches must not be designed nor may they serve to provide drainage to the tract adjoining the road. These road ditches must not connect directly or indirectly to any~~

~~works not owned by the person who owns the exempt road and must be separated from streams, watercourses or waterbodies.~~

- 5) ~~No construction, operation, maintenance, alteration, abandonment or removal of a minor silvicultural surface water management system shall commence until a completed Notice of Intent is received by the City Clerk Manager or designee. If the activities described above are undertaken without proof of Notice of Intent to the City Clerk Manager or designee, these activities shall be considered as being undertaken without a permit. The Notice of Intent shall only authorize construction, operation, maintenance, alteration, abandonment or removal when it is received by the City Clerk Manager or designee and provided the proposed activity qualifies under this section.~~

a) Residential, Agricultural, and Silvicultural Exemptions

All exemptions within these categories shall follow the exemption criteria as set forth by the current regulations of the St. Johns River Water Management District.

db) Emergency Exemption

Emergency maintenance work performed for the protection of public health and welfare.

ec) Maintenance Exemption

Any maintenance to an existing system made in accordance with permitted plans and specifications.

fd) Single-Family Exemption

Single-family residential construction on a single lot.

SECTION 5: ————— PERFORMANCE CRITERIA

Stormwater management permit applications shall be approved by the City Clerk Manager or designee when it is demonstrated to the satisfaction of the City Clerk Manager or designee that the proposed development activity has been planned and designed, and shall be constructed and maintained, to meet the performance criteria described herein. ~~The stormwater management system design shall conform to the City of Umatilla Stormwater Design Standards approved and adopted by the City Council.~~

The stormwater management system design shall conform to the most recent regulations adopted by the St. Johns River Water Management District, and meet the Design Standards approved and adopted by the Water Management District.

- a) Criteria shall be consistent with Policy 4-2.1.1 of the City of Umatilla Comprehensive Plan.

- b) All developments within a riverine flood hazard area shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream.
- c) All residential and non-residential structures constructed in the ~~100-year~~100-year floodplain shall have the finished first floor of the building elevated a minimum of eighteen (18) inches above the elevation of the ~~100-year~~100-year flood, as determined by the City Clerk Manager or designee. For industrial development, flood proofing may be substituted in lieu of elevating the finished floor.
- d) Development shall not result in an increase in the ~~100-year~~100-year flood elevation. No fill shall be allowed to be placed in the ~~100-year~~100-year floodplain without an equivalent volume of soil removed to compensate for the loss of flood storage. Compensating storage is to be determined by the volume of material removed above the ordinary ~~high-water~~high-water table and below the 100 year flood elevation established for that area. Fill placed in the ~~100-year~~100-year floodplain shall not reduce the flow rate.
- ~~e) Projects shall be designed so that stormwater discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District and the requirements of the City of Umatilla Stormwater Design Standards in order to achieve the state water quality standards established by the Florida Department of Environmental Protection Regulation in Chapter 17-3, Florida Administrative Code.~~
- ~~f) The peak rate of flow of the discharge hydrology for the project site shall not exceed the pre-development peak rate of flow for the range of storms specified in the City of Umatilla Stormwater Design Standards, if the project area is not contributory to a land-locked area with no positive outlet. When the project area is contributory to a land-locked area with no positive outlet, the project shall provide extended detention for the difference in volume of stormwater discharge for pre-development and post-development conditions from the 25-year, 96-hour storm event.~~
- ~~g) The stormwater management system shall not create an adverse impact to upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be accommodated in the stormwater management plans for the development. No stormwater management permit application shall be approved until the applicant demonstrates that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.~~
- ~~h) The stormwater management system shall not cause adverse environmental impacts to wetlands, fish, wildlife, or other natural resources.~~
- ~~i) Wetlands shall not be used for stormwater treatment.~~
- ~~j) Wetlands shall not be used to attenuate runoff peak rates except for isolated wetlands which are wholly contained on-site, provided that the utilization of the wetlands for stormwater attenuation does not disrupt the normal range of water level fluctuation as it existed prior to construction of the wetland discharge facility.~~

ke) Stormwater facilities shall be designed to perform as follows:

- 1) Bridges. Hydraulic profile shall be below the top cord of the bridge for the 50-year, 24-hour storm.
- ~~2) Stormwater detention and retention ponds which are contributory to land-locked areas with no positive outlet shall be designed for the 25-year, 96-hour storm.~~
- ~~3) Canals, ditches, or culverts external to the development, and stormwater detention or retention basins which are part of a project that is not contributory to a land-locked area with no positive outlet, shall be designed for the 25-year, 24-hour storm.~~
- 42) Stormwater flooding for all arterial and collector roads (as classified in the City's Comprehensive Plan) shall not exceed one-half (1/2) of the roadway width. For all local roads stormwater flooding shall not exceed the crown of the road for the 10-year, 24-hour storm.
- 53) Storm sewers and roadside swales shall be designed such that the hydraulic gradient is 1.0 foot below the gutter line or edge of pavement for arterial roadways; and 0.5 feet below the gutter line or edge of the pavement for collector and local roadways for the 10-year, 24-hour storm.

lf) All proposed stormwater management systems shall be designed to prevent flooding, promote safety, and minimize health hazards.

mg) All stormwater management systems shall be designed to reduce to meet or exceed the St. John's River Water Management District's water quality standards. ~~the pollution of surface water and groundwater resources by stormwater, control erosion, and provide for recharge where appropriate. The City Clerk Manager or designee, while enforcing standards set for pollution and sedimentation control, may encourage or request innovative approaches to control pollution and erosion, and to provide for recharge.~~

SECTION 6: ~~STORMWATER MANAGEMENT SYSTEM DESIGN~~
CRITERIA

- ~~a) Stormwater management systems shall be designed in accordance with the criteria contained in the City of Umatilla Stormwater Design Standards and adopted by the City Council.~~
- ~~b) The City may periodically modify these stormwater design criteria to meet the objectives of this section or other construction codes which may be required by the City. These modifications shall be compiled by the City Clerk Manager or designee in a set of amended City of Umatilla Stormwater Design Standards and incorporated into the adopted City of Umatilla Stormwater Design Standards.~~

ae) Clearing and Grading Standards

- 1) The purpose of this section is to provide specific criteria for allowable clearing and grading in order to prevent soil erosion and any impact on adjoining properties. Specific criteria for a “clearing permit” are located within Chapter 13, “Site Development Plan Approval”.

In addition the purpose of this Section is to comply with Comprehensive Plan Policy 5-1.26 Reduce Sediments and Turbidity Associated with Shoreline Erosion and Policy 5-1.71 Implementing Erosion Control.

- 2) A clearing permit shall be secured and clearing shall be completed prior to the issuance of any other development permit. No site clearing shall take place on any subject property to an approved site development plan until a clearing permit has been issued by the City Clerk Manager or designee. Standards and criteria for a clearing permit are stated within Chapter 13 of this Code.
- 3) Standard practices shall be used to prevent erosion and the depositing of soils off-site. This shall also include the protection of bare soils from wind forces. Factors which influence erosion potential include soil characteristics, vegetative cover, topography, and climatic conditions. The following principles must be considered in planning and undertaking construction within the development (Applicant’s Handbook, Management and Storage of Surface Waters, St. Johns River Water Management District, 40C-4, as amended).
- A) Plan the development to fit topography, soils, and drainage patterns;
- B) Minimize the extent of area exposed at one time and the duration of exposure;
- C) Schedule areas with greatest erosion potential for dry, rather than wet, season exposure;
- D) Apply erosion control practices to minimize erosion from disturbed areas;

- E) Apply perimeter controls to protect the disturbed area from off-site runoff and to trap eroded material on-site to prevent sedimentation in a downstream area;
 - F) Stabilize the disturbed area immediately after the final grade has been attained or during interim periods of inactivity resulting from construction delays; and
 - G) Implement a ~~through~~ thorough maintenance and follow-up program.
- 4) A plan must be prepared and submitted to the City Clerk Manager or designee with the permit application. The plan must include consideration of the site specific erosion potential, including slopes, soil ~~erodability~~erodibility, vegetative cover, and runoff characteristics. The following is a listing of the information which must be included in the plan, to be shown on the construction or alteration plans, detail sheets or other appropriate documents.
- A) The existing and proposed topography;
 - B) A general description of the predominant soil types on the site, and the corresponding ~~erodability~~erodibility potential as described by the appropriate soil survey information or on-site investigation;
 - C) Schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed; clearing, excavation earthwork, embankment earthwork, site utilities, roads, site grading and stabilization. The schedule must include estimated starting date and duration. Description must include limits of area impacted by each phase; and
 - D) For each phase a description is required for individual erosion control measures, which are required to be shown on construction plans or detail sheets.
 - ~~i~~i) Estimated date of installation and removal;
 - ~~ii~~ii) location;
 - ~~iii~~iii) purpose of measure and areas served;
 - ~~iv~~iv) detailed construction drawings and specifications;
 - ~~v~~v) operation and maintenance schedule; and
 - ~~vi~~vi) all documentation including referenced design standards and specifications.
- 5) 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.

- 6) If construction is planned within shoreline areas all necessary measures shall be taken to minimize soil erosion and to control sedimentation in the disturbed area. The following protection shall be provided for all disturbed area:
 - A) Minimize velocities of water runoff;
 - B) Maximize protection of disturbed areas from stormwater runoff; and
 - C) Retain sedimentation within the development site as early as possible following the disturbance.
- 7) Erosion control measures must be taken to prevent detachment and transportation of soil particles. The property owner or his designee shall not adversely impact aquatic vegetation within the wetland littoral zone located between the upland area and the ordinary high water line. No such vegetation shall be disturbed without the required state and federal regulatory agency permits.

The property owner or his agent shall acquire the necessary permits, if applicable, from the ~~Department of Environmental Regulation (FDER)~~ Department of Environmental Protection (FDEP), St. Johns River Water Management District (SJRWMD), U.S. Army Corps of Engineers (ACOE), and the ~~Florida Department of Natural Resources (FDNR)~~ Fish and Wildlife Conservation Commission.

Turbidity barriers must be installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exists due to the proposed work. Turbidity barriers must remain in place at all locations until construction is completed and ~~soils are~~soil is stabilized and vegetation has been established. Thereafter the property owner will be responsible for the removal of the barriers.

The property owner or his agent must implement and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as specified in Chapters 17-3 and 17-4, F.A.C., as amended. If construction is scheduled to occur within open water areas turbidity curtains must be correctly placed to control sedimentation and turbidity within the waterbody. The property owner or his agent is encouraged to use appropriate Best Management Practices for erosion and sediment control as described in the Florida Land Development Manual: A Guide to Sound Land and Water Management, FDER, 1988, as amended.

SECTION 7: ————— DEDICATION OF DRAINAGE EASEMENTS AND ——— **————— RIGHTS-OF-WAY**

- a) Drainage easements of rights-of-way, as specified in the City of Umatilla Stormwater

Design Standards, shall be conveyed by the owner at no expense to the City for the stormwater facilities within the development.

- b) When a proposed drainage system will carry water across private land outside the development, the offsite drainage easements as specified in the City of Umatilla Stormwater Design Standards shall be secured by the owner or applicant and indicated on the plat, or in a separate recorded document approved by the City.
- c) When a development is traversed by a watercourse or open channel, the applicant shall provide a drainage easement or right-of-way conforming substantially to the lines of such watercourse or open channel, which shall be a minimum width, as specified in the City of Umatilla Stormwater Design Standards. Wherever possible, drainage shall be maintained by an open channel with landscaped banks with adequate width for the maximum potential volume of flow.
- d) Easements and rights-of-way shall include suitable access as specified in the City of Umatilla Stormwater Design Standards for maintenance equipment from public rights-of-way.
- e) All drainage easements, both on-site and off-site shall be recorded on a final plat or a separate recorded document approved by the City.

SECTION 8: —————MAINTENANCE

All stormwater maintenance shall be in conformance with the latest St. Johns River Water Management District Regulations.

- ~~a) — The City Clerk Manager or designee shall approve a written maintenance plan upon a finding that the plan meets the terms of this Section. The written operation and maintenance plan shall contain the information in this subsection as the minimum criteria that shall be accepted by the City Clerk Manager or designee. The Maintenance plan shall include:~~
 - ~~1) — Demonstration of the ability of an entity to provide adequate maintenance;~~
 - ~~2) — Written agreement of acceptance of an entity to maintain the facilities;~~
 - ~~3) — Specific maintenance activities to be performed;~~
 - ~~4) — Frequency of maintenance activity; and~~
 - ~~5) — Measurable objective of maintenance activity.~~
- ~~b) — The installed stormwater system shall be maintained by the legal entity responsible for maintenance. All stormwater management permit applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater~~

management facilities:

- 1) ~~Local governmental units including the City, County, other municipalities or Municipal Service Taxing Units.~~
- 2) ~~Active Chapter 298, Florida Statute, water control districts or drainage districts, or Chapter 190, Florida Statute, Community Development Districts, or Chapter 170, Florida Statute, Special Assessment Districts.~~
- 3) ~~Non-profit corporations including homeowners associations, property owners associations, condominium associations, or master associations under certain conditions which ensure that the corporation has the financial, legal and administrative capability to provide for the long term operation and maintenance of the facilities.~~
- 4) ~~The property owner or developer as permittee is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances:~~
 - A) ~~The property is wholly owned by permittee and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.~~
 - B) ~~The ownership of the property is retained by the permittee and is either leased to third parties (such as in some shopping centers) or rented to third parties (such as in some mobile home parks), for example.~~
- e) ~~The stormwater management system to be maintained by the legal entity shall have adequate easements, in accordance with Section 7, to permit the City to inspect, and if necessary, to take corrective action should the legal entity fail to maintain the system properly.~~
- d) ~~Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the City and other appropriate governmental agencies and as set forth in the written plan~~
- e) ~~Maintenance shall include compliance with City building and construction codes, and all other applicable City codes.~~
- f) ~~Non-Profit Corporations shall annually report to the City the maintenance performed during the year and demonstrate their financial capability to provide the required maintenance for the coming year. This shall be done to reflect compliance with their written maintenance plan.~~
- g) ~~The legal entity shall execute and record a document acceptable to the cCity Attorney~~

~~which defines its authority and responsibility for maintenance of the stormwater management system, defines how the maintenance is to be performed, defines the funding mechanisms for the required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.~~

- ~~h) In order to assure maintenance during a two (2) year maintenance period security shall be submitted before acceptance of the constructed facilities. The security shall be in the form of an approved financial instrument which may include, but not be limited to, cash or performance bonds and letters of credit. The amount of security shall be ten percent (10%) of the certified construction cost estimate or the actual construction amount. The security shall be released at the end of the two (2) year period upon inspection which confirms that the system has been properly maintained and is operating in accordance with the approved construction plans.~~

SECTION 9: INSPECTIONS

Subsequent to the permittee satisfying the requirements of Section 6, other applicable sections and the issuance of the appropriate permit, the permittee shall, during construction, arrange and schedule the following inspections by the City ~~Clerk Manager~~ or designee:

- a) During clearing operation and excavation to assure that effective control practices relative to erosion and sedimentation are being followed.
- b) All underground conveyance and control structures prior to backfilling.
- c) Final inspection when all systems required by the permittee's approved stormwater management plan have been installed.
- d) The Professional Engineer or Landscape Architect for the project shall submit a signed and sealed set of as-built plans, on reproducible Mylar brand polyester film drawing sheets, to certify the system has been constructed as designed and satisfies all conditions of the stormwater management permit. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the Professional Engineer or Landscape Architect shall submit supporting documentation with the as-built plans which proves that the stormwater systems ~~shall~~ will be in compliance with follow this section and the City of Umatilla Stormwater Design Standards (STDS). Failing to substantiate compliance with this section and STDS the project shall be modified prior to issuance of a Certificate of Occupancy (CO).
- e) Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the City, the St. Johns River Water Management District, or as complaints arise concerning the system. By seeking and obtaining a permit under this Section, the operator and Owner shall be deemed to have consented to inspections by the City and other appropriate regulatory agencies of City ~~Clerk Manager~~ or designee upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspection.

SECTION 10: ————— ENFORCEMENT

If the City Clerk Manager or designee determines that the project is not being carried out in accordance with the approved plan, or if any project subject to this Chapter is being carried out without a permit, the City Clerk Manager or designee is authorized to:

- a) Give the legal entity written notice of this corrective action required to be taken. Should the legal entity fail within thirty (30) days of the date of the notice to complete such action, the City may enter upon the property, take the necessary corrective action, bill the violator and if the bill is -not paid within ninety (90) days file a lien upon the property for the cost of such corrective action.
- b) The City may take appropriate corrective action in the event of an emergency situation which endangers persons or property, or both, as determined to exist by the City Clerk Manager or designee.
- c) Issue written notice to the Permittee specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five (5) working days.
- d) Issue a stop-work order directing the Permittee or persons in possession to cease and desist all or any portions of the work which violates the provisions of this Chapter if the remedial work is not completed within the specified time. The Permittee shall then bring the project into compliance.

SECTION 11: ————— EMERGENCY EXEMPTION

- a) This Chapter shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including but not limited to, fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity ob in obtaining a permit is impractical and would cause undue hardship in the protection of the property.
- b) A report of any such emergency action shall be made to the City Clerk Manager or designee by the ——— Owner or person in control of the property upon which emergency action was ——— taken as soon as practicable but no more than ten (10) days following such the ——— City Council subjects to appeal to the City Council in the event of a dispute.

SECTION 12: ————— VARIANCES

————— When an applicant can show that, due to no fault of his own, but, because of strict

interpretation of this Chapter, a hardship has been created, the Council may grant a variance to any of the requirements of this Chapter, in accordance with Chapter 20 of this Code.

No variance or appeal will be considered, where the action or requirement in question clearly is derived from the actions or requirements of Federal, State or regional agencies as part of their permitting process.

SECTION 13: _____ APPEALS OF CITY DECISION

_____The City Council shall have the power and authority to hear and decide appeals when it is alleged that there is error in any order, requirements, decision, or determination made by the City ~~Clerk-Manager~~ or designee in the administration of this Chapter, to determine whether the administrative determination appealed from was correct or not, and if not, to make the proper determination.

SECTION 14: _____ VIOLATIONS AND PENALTIES

_____The following penalties shall be available in the event of a violation of the provisions of this Chapter of the City of Umatilla, or any other applicable laws, rules, or regulation, or permit.

- a) Enforcement. All violations of the terms and conditions of the approved Stormwater Management System permit, this Chapter, or any other Chapter, rule, regulations, or law may be enforced by enforcement action of the City ~~Clerk-Manager~~ or designee ~~by enforcement through Ch. 162, Florida Statutes, and the City of Umatilla Code of Ordinances, including imposition of penalties as set forth in sec. 10-99 General penalty.~~
- b) Civil or Criminal Enforcement. Nothing in this Chapter precludes the City of Umatilla from seeking immediate relief or taking such other lawful action, including but not limited to, forfeiture of the financial security held by the City to prevent or remedy any violation of any approved stormwater management system permit, or any violation of the terms of this or any other City ordinance, or other law rule, or regulation. Violation of any of the terms and conditions of any approved stormwater management system permit, or any of the terms and conditions of this Chapter, may be prosecuted as provided in Chapter 162, Florida Statutes, as amended~~Chapter 125, Florida Statutes, Section 125.69.~~
- c) Cumulative Effect. The penalties provided for herein are cumulative. Use of one method of enforcement shall not preclude the City from using other methods of enforcement for the same violation.

CHAPTER 11

BUILDING AND FIRE CODES

***Code Overlap: Chapters 26, 10, 28**

SECTION 1: ——— BUILDING CODES

a) In General.

The adopted building codes regulate construction, alteration, repair, equipment, use and occupancy, location, maintenance, removal, demolition, or renovation of any building, structure, or appurtenance and any related mechanical, plumbing, or electrical device or system, within the City and as adopted by the State.

b) Adopted Building Codes.

The following building codes are effective upon adoption of this Code, unless otherwise noted:

- ~~1) Standard Building Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama. The latest edition of the Florida Building Code, as adopted pursuant to F.S. 553.73(1)(a). Florida Building Code sixth edition 2017~~
- 2) Standard Mechanical Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama. Florida Building Code Mechanical sixth edition 2017
- 3) Standard Plumbing Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama. Florida Building Code Plumbing sixth edition 2017
- 4) Standard Gas Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama. Florida Building Code Fuel Gas sixth edition 2017
- 5) Standard Housing Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama. ICC Property Maintenance Code 2017
- 6) Standard Swimming Pool Code, 1991 edition or subsequent editions, published by the Southern Building Code Congress International, Inc., Birmingham, Alabama. Florida Building Code Residential sixth edition 2017
- 7) CABO One and Two Family Dwelling Code, 1989 edition or subsequent editions. Florida Building Code Accessibility sixth edition 2017
- 8) National Electrical Code, 1990 edition or subsequent editions, published by the National Fire Protection Association, Quincy, Massachusetts, effective November 1, 1990, with one amendment (A) and two exceptions (B and C) as follows:
 - A) Conductor Protection; Raceways. All buildings, additions, and other structures shall have all electrical conductors used for the purpose of carrying lighting or power current over fifty (50) volts AC installed in a listed and approved raceway. This requirement shall not apply to single and two-family dwellings or their accessory structures.
 - B) Aluminum wiring: The use of aluminum wiring in construction in the City of Umatilla shall be prohibited.

~~C) Wiring. Any wire smaller than number twelve (12) is prohibited for use in construction in this City.~~

~~D) Electrical Disconnects.~~

~~1) All structures constructed after the date of adoption of this section shall be required to have an electrical disconnect located outside of the structure and easily accessible by the City Utilities Department and/or Fire Department. The electrical disconnect may be locked with a lock approved by the Fire Chief or appointed representative.~~

~~2) If the electrical meter is replaced, repaired or modified or if an electrical permit is obtained on an existing structure it shall be required to have installed an electrical disconnect located outside of the structure and easily accessible by the Utilities Department and/or Fire Department.~~

~~3) A structure is defined for the purpose of this chapter of the Code as any building that has electrical service. Electrical disconnect is a fused electrical disconnection or circuit breaker that will terminate the electrical current flow to the structure either from an overload situation or from being manually disengaged. The disconnect shall be a minimum of one hundred (100) amp capacity and shall be installed on the outside of the building not more than seven (7) feet or less than four (4) feet from the ground and within (7) feet of the meter.~~

~~9) Standard Unsafe Building Abatement Code, 1985 edition or subsequent editions, including all appendices, as published by the Southern Building Code Congress International Inc., Birmingham, Alabama.~~

~~8) Florida Building Code Energy Conservation sixth edition 2017~~

~~9) Florida Building Code Existing Building sixth edition 2017~~

~~10) National Electrical Code 2014~~

SECTION 2: FIRE CODES WARRANTY AND LIABILITY

The permitting plan review or inspection of any building, system or plan by this jurisdiction, under the requirements of this code, shall not be construed in any court as a warranty of the physical condition of such building, system or plan or their adequacy. This jurisdiction, its employees or agents shall not be liable in tort for damages or hazardous or illegal condition or inadequacy in such building, system or plan, nor for any failure of any component of such, which may occur subsequent to such inspection or permitting.

~~a) In General.~~

~~Adopted Fire Codes for the reasonable protection of life and property from the hazards of fire and explosion due to storage, use of handling of hazardous materials, substances and devices, and from conditions hazardous to life or property in the use or occupancy of buildings and premises.~~

~~b) Adoption of Standard Fire Prevention Code.~~

~~The Standard Fire Prevention Code, 1991 edition or subsequent editions, with amendments, including all appendices, promulgated by the Southern Building Code Congress International, Inc., is adopted. Florida Fire Prevention Code sixth edition~~

~~c) Adoption of Life Safety Code.~~

~~The Life Safety Code, 1988 edition or subsequent editions, including all appendices, promulgated by the National Fire Protection Association is hereby adopted. Florida Fire Prevention Code sixth edition~~

SECTION 3: BUILDING PLANS AND PERMITS POWERS AND DUTIES OF THE BUILDING OFFICIAL

~~a) The building official is hereby authorized and directed to enforce the provisions of the Florida Building Code. The building official shall have the authority to render~~

interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of the Florida Building Code. Such policies and procedures shall not have the effect of waiving requirements specifically provided in the Florida Building Code.

- b) Requirements not covered by code. Any requirements necessary for strength, stability or proper operation of an existing or proposed building, structure, electrical, gas, mechanical or plumbing system, or for the public safety, health and general welfare, not specifically covered by this or other technical codes, shall be determined by the building official.
- c) Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.
- d) Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- e) Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- f) Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department of building safety.

~~The provisions of this chapter relate to the construction and fire safety codes for development.~~

~~It shall be the duty of the Building Official to enforce this chapter.~~

SECTION 4: ———PERMIT REQUIRED

~~No building or other structure shall be erected, moved, demolished, added to, or structurally altered without a permit therefore, issued by the Building Official.~~

~~Refer to Chapter 1 of the Florida Building Code for work that constitutes a building permit.~~

SECTION 5: ———PERMIT APPLICATION

a) Application Documents.

Application for building and building related permits shall be submitted to the Building Official. Such submittal shall include the application form as provided by the City, together with all required associated documents and fees in accordance with the adopted codes and written policies of the Development and Public Services department. Additional requirements may apply, depending upon the type of permit being sought as further described below:

1) ~~1) ———Building Permit.~~ Electrical, Plumbing, and Mechanical Permits. Permit Applications for work regulated by the Florida Building Code shall include the necessary information and documentation to determine compliance with the Florida Building Code.

2) ~~Zoning Clearance.~~ As a condition precedent to the issuance of a building permit, the building permit applicant shall submit a zoning clearance application to the city for the purpose of determining whether the proposed use and building specifications comply with the city's zoning and land use classification for the property and meets all city land development regulations, including, but not limited to, building setbacks, minimum lot size, impervious surface area, wetland and shoreline protection, and minimum square footage. A zoning clearance shall expire six (6) months after the date of its issuance. The applicant shall be responsible for compliance with the terms of the zoning clearance. The City may revoke a zoning clearance after its issuance if the applicant modifies its building plans without seeking a new zoning clearance from the city. Inspections under the building permit shall be ceased upon the revocation of a zoning clearance, and shall not be resumed until a new zoning clearance is issued by the City.

~~Applications for constructing new buildings and additions to existing buildings shall include two (2) complete sets of construction plans, one (1) certified property survey for the subject property, and one (1) site development plan showing the proposed improvements to the property.~~

A) ~~Exceptions.~~ The site development plan may be omitted if the

~~proposed improvement is completely interior to an existing structure and does not alter any exterior dimensions of any improvement on the site.~~

2) ~~Electrical, Plumbing, and Mechanical Permit.~~ Applications for work which is regulated by any of the adopted codes, other than the Building Code, shall include two (2) complete sets of plans showing the proposed work in sufficient detail and clarity to allow for a thorough plan examination to determine compliance with all applicable Code provisions.

A) ~~Exceptions.~~ The plans may be omitted upon determination by the Building Official that the work is relatively minor in scope, routine in nature, and can be adequately described on the application without any additional documents.

b) Applicant's Credentials.

Each applicant for any permit shall be properly licensed and insured in accordance with current State of Florida laws and regulations. Each applicant who performs any of the acts that constitute contracting per F.S. 489 and shall have a current, valid sState of Florida certified contractor's license ~~or a Lake County Contractor Registration card.~~

1) Exception. An owner-building who meets all the criteria established by Florida Statute as determined by the City, provided that an Unlicensed Contractor Affidavit is sworn to by such owner-building and witnessed by a Notary Public.

e) Receiving Permit Applications.

~~When any permit application is submitted to the Building Official, the application and the applicant's credentials shall be verified to ensure that they are complete and are accompanied by all required information and documents. Such application must be accompanied by a notarized owner's affidavit in the event the application is made by anyone other than the owner. Once the application and the applicant's credentials have been verified, the application and all accompanying documents shall be stamped with the date. The Building Official shall not accept any applications from any person who does not have the proper credentials, nor shall the Building Official accept any application which is not complete or has any required information or document omitted. In the event the application is found to be incomplete, the Building Official shall promptly contact the applicant and assure that the application is completed, or shall return the application to the applicant.~~

d) Approving Application Documents.

~~The Building Official shall review the application and documents for compliance with applicable codes and regulations.~~

1) ~~Disapproval.~~ If the Building Official determines that the documents are not in compliance with all applicable codes and regulations, then the applicant shall be informed of the reason for disapproval, and shall maintain an ongoing dialogue with the Building Official to facilitate a resolution of the problem.

2) ~~Approval.~~ If the Building Official determines that the documents are in compliance with all application codes and regulations and there is no need for a preliminary inspection of the subject property to be conducted, the Building Official shall promptly issue the permit.

e) ~~Issuance of Permit.~~

~~Upon approval from the Building Official, the applicant shall be contacted by the City and requested that the permit be picked up and the final fees be paid.~~

SECTION 6: BUILDING PERMIT

a) License to Proceed.

A permit is simply a license to proceed with the proposed work and grants no authority to violate, cancel, alter, or set aside any applicable code, regulation, requirement, ordinance or law, regardless of what may be shown or omitted on the permit documents, and regardless of any agreement with any official.

b) Time Limits.

~~Time limits on building permits shall be as stated in the Standard Building Code Appendix a-103.15.~~ Time limits on building permits shall be stated in the Florida Building Code, as amended. sixth edition 2017 Section 105.3.2

e) ~~Fees.~~

c) ~~Fees.~~

All building permit fees and related fees shall be paid in accordance with the current fee ordinance or resolution adopted by the City Council.

d) Posting Permit on Job Site.

No work requiring a permit shall commence until the issued permit placard is conspicuously posted on the job site adjacent to the parcel's road frontage in such manner and location that affords it protection from the weather and allows the inspector to conveniently make written entries. If the placard is lost or destroyed, a duplicate replacement shall be secured from the City on the first workday after such loss.

SECTION 7: ~~INSPECTIONS~~

a) Preliminary Inspection.

Before a permit is issued, the Building Official may examine any building for which an application has been received for a permit to enlarge, alter, repair, move, demolish, or change of occupancy.

b) Required Inspections.

Inspections shall be conducted uUpon notice from the contractor of record (permit holder), ~~the following inspections shall be conducted:~~ All required inspections per the Florida Building Code shall be completed prior to the issuance of the Certificate of Occupancy or CompletionAny and all required inspections that are applicable to the construction project per the Florida Building Code sixth edition 2017 Section 110.3 shall be made by the Building Official.

~~1) Electric Service. This inspection shall be conducted after the temporary or permanent service equipment is in place, with the meter socket open, main disconnect installed, grounding installed, bracing in place, and any non-weather-tight equipment protected from rain.~~

~~2) Footer. This inspection shall be conducted after the site is excavated with the trenches open, forms in place, and reinforcement secured.~~

~~3) First Rough Plumbing and Electric. This inspection shall be conducted after the under-slab plumbing piping and electrical raceways are in place, with the piping exposed at all joints, drains holding a ten (10) foot water head, and distribution piping holding water at street pressure or air at one hundred (100) p.s.i.~~

- 4) ~~Slab Inspection.~~ This inspection shall be conducted after the excavation is back filled, compacted, and treated for pest control, with the vapor barrier in place, slab reinforcement in place, and any necessary form work in place.
 - 5) ~~Framing Inspection or Rough Structural Inspection.~~ This inspection shall be conducted after the structural members are erected and secured, with wind load ties installed, all bracing installed, firestops in place, sub-sheathing attached, and any work that will be covered or concealed prior to the next inspection, installed.
 - 6) ~~Electrical Second Rough Inspection.~~ This inspection shall be conducted after all wiring, raceways, equipment, and device boxes that will be covered or concealed prior to the next inspection, is installed.
 - 7) ~~Plumbing Second Rough Inspection.~~ This inspection shall be conducted after all piping, vents, valves, fixtures, and anything that will be covered or concealed prior to the next inspection, is installed.
 - 8) ~~Mechanical Rough Inspection.~~ This inspection shall be conducted after all duct work, fire dampers, equipment and anything that will be covered or concealed prior to the next inspection, is installed.
 - 9) ~~Insulation Inspection.~~ (Florida Energy Code) This inspection shall be conducted as required by the Building Official depending on the type of construction performed on the structure. It is the applicant's responsibility to contact the Building Official to determine the appropriate time to schedule such inspection.
 - 10) ~~Final Inspection.~~ This inspection shall be conducted after the electric, water, and sewer utilities are hooked up, heating and cooling system is functioning, all code required items are installed, grading is finished, landscaping is completed, driveways and sidewalks are installed, the property is cleared of all construction debris and waste, temporary toilet is removed, temporary electric pole is taken down, house numbers are visible from the street, any City agreements, conditions, or restrictions are complied with, and all fees are paid in full.
- e) ~~Combination Inspections ("Rough All Inspections").~~
- ~~The framing, electrical second rough, plumbing second rough, and mechanical second rough inspections shall be combined into a combination inspection, whenever possible.~~

SECTION 8: ———— CERTIFICATE OF OCCUPANCY

a) ———— Building Occupancy.

No new building or addition shall be used or occupied in whole or in part, nor shall there be any change of occupancy, change in use, or change in nature of a use, until after the Building Official issues an appropriate certificate of occupancy is issued, as outlined in the Florida Building Code, as amended.

b) ———— Contents of Certificate of Occupancy.

~~——— A certificate of occupancy shall contain the recognized street address of the subject property, the common name of the property, if any, the nature of the occupancy, the number of occupants permitted, and the maximum floor loading when it is limited. all the information that is required by the Florida Building Code sixth edition 2017 Section 111.2~~

SECTION 9: ———— FLOOD DAMAGE PREVENTION

a) ———— Statutory Authorization.

~~——— The Legislature of the State of Florida has in Chapters 125, 163 and 166, Florida Statutes, delegated the responsibility of local government units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City does ordain the following provisions as its regulations governing flood damage prevention.~~

b) ———— Findings of Fact.

~~——— The City hereby finds:~~

~~1) ——— The flood hazard areas of the City are subject to periodic inundation which results in loss of life and property; health and safety hazards; disruption of commerce and governmental services; extraordinary public expenditures for flood protection and relief; and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.~~

~~2) ——— These flood losses are caused by the cumulative effort of obstructions in floodplains causing increased in flood heights and velocities, and by the occupancy in flood hazard areas by uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed or otherwise unprotected from flood damages.~~

c) Statement of Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- 1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- 2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- 3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- 4) Control filing, grading, dredging, and other development which may increase erosion or flood damage; and
- 5) Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters of which may increase flood hazards to other lands.

d) Objectives.

The objectives of this chapter are:

- 1) To protect human life and health;
- 2) To minimize expenditure of public money for costly flood control projects;
- 3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 4) To minimize prolonged business interruptions;
- 5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, and sewer lines, and streets and bridges located in floodplains;
- 6) To help maintain a stable tax base by providing for the sound use and development of flood-prone areas in such a manner as to minimize future flood blight areas; and
- 7) To ensure that potential home buyers are notified the property is in a flood area.

SECTION 10: LANDS TO WHICH THIS CHAPTER APPLIES

This chapter shall apply to all areas of special flood hazard within the jurisdiction of the City.

SECTION 11: BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard identified by the Federal Emergency Management Agency in its flood hazard boundary map (FHBM) No. 120139, dated April 3, 1989, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this chapter.

SECTION 12: COMPLIANCE

No structure or land shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

SECTION 13: ABROGATION AND GREATER RESTRICTIONS

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION 14: INTERPRETATION

In the interpretation of this chapter, all provisions shall be considered as minimum requirements, liberally construed in favor of the City and deemed neither to limit nor repeal any other powers granted under the State Statutes.

SECTION 15: WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering consideration. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City or by any office or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

SECTION 16: DESIGNATION OF FLOOD DAMAGE PREVENTION OFFICIAL

The City Clerk Manager or designee is hereby appointed to administer and implement the provisions of this chapter.

SECTION 17: DEVELOPMENT PERMIT

~~A development permit shall be required in conformance with the provisions of this chapter; prior to the commencement of any development activities occurring within those areas of special flood hazards identified above.~~

SECTION 18: PERMIT PROCEDURES

~~a) Application.~~

~~Application for development permit for development occurring within those areas of special flood hazards shall be made to the City Clerk Manager or designee on forms furnished by the City prior to any development activities, and may include, but not be limited to, the following plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fills, storage of materials, draining facilities, and the location of the foregoing. Specifically, the following information is required:~~

~~1) Application Stage.~~

~~A) Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures;~~

~~B) Elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed;~~

~~C) Provide a certificate from a registered professional engineer or architect that the nonresidential flood-proofed structure meets the flood-proofing criteria in Section 22(a)(2); and~~

~~D) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.~~

~~2) — Construction Stage. Provide a floor elevation or flood-proofing certification after the lowest floor is completed or, in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structural members of the lowest floor. Upon placement of the lowest floor, or flood-proofing by whatever construction means, or the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the City Clerk Manager or designee a certification of the elevation of the lowest floor, flood-proofed elevation, or the elevation of the lowest portion of the horizontal structural members of the lowest floor, whichever is applicable, as built, in relation to mean sea level. Said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same. When flood-proofing is utilized for a particular building, said certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by same. Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The City Clerk Manager or designee shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make corrections required hereby, shall be cause to issue a stop-work order for the project.~~

SECTION 19: — DUTIES AND RESPONSIBILITIES OF THE CITY —
CLERK MANAGER OR DESIGNEE

~~a) — Duties:~~

~~— Duties of the City Clerk Manager or designee shall include, but not be limited to:~~

- ~~1) — Review all development permits to assure that the permit requirements of this chapter have been satisfied;~~
- ~~2) — Advise permittee that additional federal or state permits may be required, and if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit;~~
- ~~3) — Notify adjacent communities and the State Department of Community Affairs prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;~~
- ~~4) — Assure that maintenance is provided within the altered or relocated portion — of the watercourse so that the flood-carrying capacity is not diminished.~~
- ~~5) — Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with Section 18(a)(2).~~
- ~~6) — Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with Section 18(a)(2).~~

7) ~~When flood proofing is utilized for a particular structure, the City Clerk Manager or designee shall obtain certification from a registered professional engineer or architect, in accordance with Section 18(a)(2).~~

8) ~~Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Building Official shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.~~

9) ~~When base flood elevation data has not been provided in accordance with Section 11, then the Building Official shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer the provisions of this chapter.~~

10) ~~All records pertaining to the provisions of this chapter shall be maintained in the office of the City Clerk Manager or designee and shall be open for public inspection.~~

SECTION 20: VARIANCE PROCEDURES

a) ~~Procedures:~~

~~The following procedures shall apply when a variance from these regulations is sought:~~

1) ~~The Planning and Zoning Board shall hear and decide appeals and requests for variances from the requirements of this chapter.~~

2) ~~The Planning and Zoning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City Clerk Manager or designee in the enforcement or administration of this Chapter.~~

3) ~~Any person aggrieved by the decision of the Planning and Zoning Board or any taxpayer may appeal such decision to the Circuit Court of the Fifth Judicial Circuit in and for Lake County, as provided in Section 163.250, 163.3243 Florida Statutes.~~

4) ~~Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places without regard to the procedures set forth in the remainder of this section.~~

5) ~~In passing upon such an application, the Planning and Zoning Board shall consider all standards specified in other sections of this chapter, and:~~

A) ~~The danger that materials may be swept onto other lands to the injury of others;~~

B) ~~The danger to life and property due to flooding or erosion damage;~~

~~C) — The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~

~~D) — The importance of the services provided by the proposed facility to the community;~~

~~E) — The necessity to the facility of a waterfront location, where applicable;~~

~~F) — The availability of alternative locations not subject to flooding or erosion damage, for the proposed use;~~

~~G) — The compatibility of the proposed use with existing and anticipated development;~~

~~H) — The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~

~~I) — The safety of access to the property in times of flood for ordinary and emergency vehicles;~~

~~J) — The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and~~

~~K) — The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.~~

~~6) — Upon consideration of the factors listed above and the purposes of this chapter, the Planning and Zoning Board may attach such condition to the granting of variances as it deems necessary to further the purposes of this chapter.~~

~~7) — Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.~~

~~8) — Conditions for variances shall be:~~

~~A) — Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~

~~B) — Variances shall only be issued upon a showing of good and sufficient cause; a determination that failure to grant the variance would result in exceptional hardship to the applicant; and a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create a nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.~~

~~C) — Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.~~

~~D) — The City Clerk Manager or designee shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.~~

SECTION 21: ~~————~~ **GENERAL STANDARDS**

~~a) —~~ **Requirements.**

~~———— In all areas of special flood hazard, the following provisions are required:~~

~~1) — New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;~~

~~2) — New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.~~

~~3) — New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.~~

~~4) — New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters onto the system.~~

~~5) — New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.~~

~~6) — On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.~~

~~7) — Any alteration, repair, reconstruction, or improvement to a structure which is in compliance with the provisions of this chapter, shall meet the requirements of “new construction” as contained in this chapter;~~

~~8) — Manufactured Homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over the top of frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.~~

~~9) — Electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

SECTION 9-22: ~~————~~ **SPECIFIC STANDARDS**

~~a) —~~ **Requirements.**

In all areas of special flood hazard where base flood elevation data has been provided, as set forth in Section 11 or Section 19(a)(9), the following provisions are required:

- 1) Residential Construction. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated no lower than eighteen inches (18") above the ~~100-year~~100-year flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of flood waters shall be provided.
- 2) Nonresidential Construction. New construction or substantial improvement of any commercial, industrial, or other ~~nonresidential-structure~~nonresidential structure shall have the lowest floor, including basement, elevated no lower than eighteen (18") above the level of the ~~100-year~~100-year flood elevation. Structures located in all A zones may be floodproofed in lieu of being elevated provided that all areas of the structure below the required elevation are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this section are satisfied. Such certification shall be provided to the official as set forth in Section 18(a)(2).
- 3) Elevated Buildings. New construction or substantial improvements of elevated building that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.
 - A) Designs for complying with this requirement must be either certified by a professional engineer or architect or meet the following minimum criteria:
 - 1) Provide a minimum of two (2) openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - 2) The bottom of all openings shall be no higher than ~~one foot~~one-foot above grade; and
 - 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
 - B) Electrical, plumbing and other utility connections are prohibited below the base flood elevation.
 - C) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance

equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).

D) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

4) Floodways. Located within areas of special flood hazard established in Section 11, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris and potential projectiles and has erosion potential, the following provisions shall apply:

A) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments, unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during ~~occupance~~occupancy of the base flood discharge.

B) If Sub-Section 3(a) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

C) Prohibit the placement of manufactured homes (mobile homes) except in an existing manufactured home (mobile home) park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision, providing the anchoring standards of this Section, and the elevation standards of this Section are met.

SECTION 23: ~~STANDARDS FOR STREAMS WITHOUT ESTABLISHED~~ **BASE FLOOD ELEVATIONS OR FLOODWAYS**

~~Located within the areas of special flood hazard established in Section 11, where small streams exist but where no base flood data has been provided or where no floodways have been provided, the following provisions apply:~~

~~a) No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to the width of the stream at the top of the bank or twenty (20) feet on each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occupancy of the base flood discharge.~~

~~b) New construction or substantial improvements of structures shall be elevated or flood-proofed in accordance with elevations established in accordance with Section 19(a)(9).~~

SECTION 24: STANDARDS FOR SUBDIVISION PROPOSALS

The following standards shall be applied to subdivision proposals:

- a) All subdivision proposals shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, and electrical and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty (50) lots or five (5) acres.

SECTION 25: STANDARDS FOR AREAS OF SHALLOW FLOODING (AO ZONES)

Located within the areas of special flood hazard established in Section 11, are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. Therefore, the following provisions apply:

- a) All new construction and substantial improvements of residential structures shall have the lowest floor, including the basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade.
- b) All new construction and substantial improvements of nonresidential structures shall:
 - 1) Have the lowest floor, including basement, elevated to the depth number specified on the Flood Insurance Rate Map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including the basement, shall be elevated at least two (2) feet above the highest adjacent grade; or
 - 2) Together with attendant utility and sanitary facilities, be completely flood-proofed to or above that level so that any space below that level is watertight with walls structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

SECTION 26: ——— PENALTY

~~Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.~~

CHAPTER 12

UTILITIES

~~*Overlap—Code Chapter 56~~

SECTION 1: PURPOSE AND INTENT

The following requirements and regulations are intended to provide water, sanitary sewer, and solid waste facilities necessary to: 1) meet the level of service requirements of the Comprehensive Plan; 2) provide adequate service capacities for individual projects; and 3) meet the requirements of other related Codes and standards adopted by the City or required by regional, state and federal agencies.

SECTION 2: DEFINITIONS

See Chapter 2, “Definitions and Interpretations” of this Code.

SECTION 3: IN GENERAL

a) Connection to Umatilla Utility Systems

Unless specifically allowed otherwise herein, all water and sanitary sewer improvements shall be designed to connect to the City's central utility systems.

b) Adoption of Standard Construction Details

All utility construction shall comply with Standard Construction Details as adopted by the City Council. Any deviation from the adopted standards shall be clearly noted in plans and specifications as such and specifically approved by the City. If inadvertent deviations in plans are not so noted, adopted standards shall apply.

SECTION 4: WATER SERVICE

a) Minimum Service Requirements

All development shall provide new facilities, or expand existing facilities, to provide minimum service as follows:

- 1) Sites shall construct water mains necessary to provide adequate water service for domestic use and fire protection to each lot created. Minimum water main size installed shall be per the Water and Sewer Utilities Standard Specifications.
- 2) Water service taps shall be installed for each lot, with a minimum three-quarter inch (3/4") tap for single residential service, and a minimum one inch (1") tap for a double residential service.
- 3) Commercial services shall be sized based on the anticipated highest water demand of allowed land uses.

b) Water Distribution System Design

The layout of water distribution systems shall comply with the following design criteria and the adopted Water and Sewer Utilities Standard Specifications of the City.

- 1) Minimum Size. When designing water mains to meet the criteria, main size shall always be sized so that any new main is fed by an existing main of equal or larger size.
- 2) Extension of lines to project boundaries. Water mains shall be designed to "stub out" to the project boundaries to serve adjacent unserved properties. This shall include mains in all right-of-way stubs, across the entire project

frontage on existing roads without existing mains, and to the property boundary via easement when there is insufficient access to provide a looped system to adjacent unserved properties.

- 3) Looping. Except as provided below, all water mains shall be looped to ~~provide~~ ~~for~~provide adequate pressures and system redundancy. Water mains shall be designed so that in the event that water supply is interrupted on one end of the loop the flow of water to the loop shall not be entirely eliminated. ~~In order~~ ~~to~~To meet the requirement for such system looping the points of new connection to the existing distribution system shall be as far apart as possible and no closer than ~~five-hundred~~five hundred (500) feet along the existing water line(s).
- 4) Provisions for non-looped water mains: In recognition of the fact that looped water mains are sometimes unnecessary or impractical, the following applications are permitted:
 - A) In cul-de-sacs or cases where a fire hydrant is required on the opposite side of a right-of-way from an existing water main, dead-end water mains supplied by a looped water main of equal or larger size may be extended up to two hundred fifty (250) feet for required six inch (6") water mains, and up to five hundred (500) feet for required eight inch (8") and larger water mains.
 - B) Dead end mains exceeding the length allowed above may be allowed where the main is increased in size by at least two inches (2") in diameter, and design pressures can still meet the requirements of this Code.
 - C) Temporary ~~dead-end~~dead-end lines may be permitted in those areas where there is no ability to loop lines within the criteria of this Code until adjoining properties are developed. Such dead-end lines shall only be allowed when served by mains of eight-inch (8") diameter or greater, and where clearly designed to extend to adjoining properties in the future.

c) Fire Hydrants

Fire hydrants shall be installed per the Water & Sewer Utilities Standard Specifications.

- 1) Placement and Spacing. Except as provided herein, fire hydrants shall be installed at all street intersections and at intervals between street intersections not to exceed the distances listed per the Water & Sewer Utilities Standard Specifications. However, where there is an existing fire hydrant meeting the applicable sections of this Code located within one hundred (100) feet of and physically accessible to an intersection, an additional fire hydrant will not be

required.

- 2) Sprinkler or Standpipe System. Where a sprinkler or standpipe system is provided, a fire hydrant shall be located at least fifty (50) feet away from the structure but not more than one hundred (100) feet away from the Fire Department's connection for the system.
- 3) On-site Hydrants. When buildings, other than one- and two-family dwellings and farm buildings, are situated off of a road or other drive so as to cause hose lays from the nearest hydrant in excess of the permitted distances, a sufficient number of hydrants shall be provided on-site meeting all the requirements of this Chapter.
- 4) Hose Lay Measurement. Hose lay measurement shall be the distance from a hydrant, along a road, drive, or other traveled way designed to accommodate fire equipment, to the attack location approved by the Fire Official. Hose lay is not allowed across any arterial road to meet the minimum requirements.
- 5) Access and Visibility. Hydrants shall be located as stated in the Water & Sewer Utilities Standard Specifications. No hydrant shall be installed where pedestrian or vehicular traffic would interfere with the use of the hydrant.
- 6) Ownership and Maintenance. All fire hydrants located on public rights-of-way or designed to serve multiple ownerships shall be conveyed by approved instrument to the city. Once the City has accepted ownership, the city shall be responsible for the maintenance of these hydrants. All hydrants not dedicated to the city shall be maintained as required by the City at the owner's expense.

SECTION 5: IRRIGATION METERS

Any customer may have the city install one or more irrigation meters for water that will be used exclusively for irrigation purposes. No water metered through an irrigation meter may be used for any other residential or commercial purposes. Water metered through an irrigation meter shall not be considered in calculating wastewater fees.

SECTION 6: UTILITY SERVICE AGREEMENTS

- a) City Service Agreement. The customer seeking water or wastewater service from the city shall be required to execute an agreement with the city in the following form prior to utility services connections being made:

CONTRACT

No.

Umatilla Florida

Date: _____

The undersigned customer, _____, located at _____ hereby applies for connection of water and/or wastewater collection service to that premises for residential, commercial or industrial use. (Circle One). In consideration for said water and/or wastewater collection service, customer agrees to pay at the scheduled rates, until and unless notice in writing is given to the City of Umatilla that service is to be discontinued, for whatever period of time.

The undersigned customer agrees to conform to all ordinances, rates, rules and regulations of the City of Umatilla water and/or wastewater collection service as are now or hereafter in force, and which are made part of this contract.

The customer also agrees to pay the wastewater capital charge, the water capital charge, and the connection fees as provided in these ordinances. The customer further agrees that all charges for water and/or wastewater service, as they become due from time to time, shall be and are hereby made a lien upon the above property so long as said charges remain unpaid, as between the parties to this contract.

Utility Deposit _____
Date of Acceptance _____

CITY OF UMATILLA, FLORIDA

Authorized City Official

Applicant's Signature

- b) Agreement by Prospective Service Receiver Outside City Limits. Upon application for water, sewer or other utility services provided by the city to a location outside the city boundaries, the prospective service receiver shall execute an agreement in the form as follows:

I/We, _____, hereby request that the City of Umatilla, Florida, provide my/our property, located at _____ with city water service. In exchange for providing such service and paying the applicable monthly charge, I/we agree to annex my/our property above described into the City of Umatilla city limits at such time as the above described property shall become contiguous to the city boundaries. I/We shall execute such additional applications as required by Florida Statutes to effect the annexation at such time as the subject property meets the statutory requirements.

I/We further acknowledge that I/we are the lawful owners of the property and are authorized to execute this agreement. I/we further acknowledge that the property is free and clear, or if mortgaged, the mortgagee has consented to subordination by signing this application.

This application shall be recorded in the public records of Lake County, Florida, and

shall constitute an agreement running with the land.

Property Owner

Property Owner

Subordination consented to by the undersigned mortgage holder this _____ day of _____, 20____.

By: _____
as _____
of _____

State of Florida

County of Lake

~~I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared _____, to me known to be the person(s) described in and who executed the foregoing instrument and acknowledged before me the execution of same, and acknowledge(s) that _____ he/they own(s) the property described herein.~~

~~Witness my hand and official seal in the County and State last aforesaid this _____ day of _____, 20____.~~

Notary Public

My Commission Expires:

State of Florida

County of Lake

~~I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared _____, as _____, of _____, Mortgagee, and who executed the foregoing instrument and acknowledged before me the execution of same, and acknowledge(s) that _____ he/they own(s) the property interest described herein.~~

~~WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 20____.~~

Notary Public

My Commission Expires:

SECTION 7: COLLECTION OF CHARGES, LATE FEES

All water and wastewater treatment utility charges shall be due and payable at City Hall within twenty (20) days following the date of billing. There shall be added to and collected on each and every charge for water and wastewater provided by the city, and not paid within twenty (20) days from the date of billing, a late fee of ten (10) percent of the total bill.

SECTION 8: NONPAYMENT OF BILL, REINSTATEMENT FEE

The following policies and procedures shall be followed with regard to nonpayment of utility bills:

- a) After meter-reading, the customer shall be mailed a bill giving him twenty (20) days to pay after which time a penalty attaches.
- b) Approximately twenty-five (25) days after billing date, a disconnect notice shall be mailed or delivered warning of disconnection as of a preset date appearing on the notice. The preset date may vary from ten (10) to fourteen (14) days from mailing date, depending on weekends and work schedule.
- c) On or immediately after the preset date, service shall be terminated and a notice shall be left at the premises advising the customer as to how service may be restored. Service shall not be reinstated until delinquent and reconnection charges are paid. Service may, however, be reinstated at the direction of the City Administrator in instances where payment is guaranteed by a social service agency.
- d) The disconnect notice shall contain a request to contact customer service if there are questions on the accuracy, validity or correctness of the bill. If customer service cannot resolve these questions, the customer shall be referred to the City Clerk and disconnect shall be suspended until the issues are clarified. Customer service shall notify the collections manager of the disputed bill in writing immediately. In the absence of the City Clerk, the Assistant Clerk has the authority to suspend a disconnect in the event of a disputed bill.
- e) No disconnect shall result if the past due amount is a penalty amount and not a current bill, unless the penalty is over a month old and is unchallenged.
- f) No disconnect shall result if the past due amount is less than twenty-five dollars (\$25.00) unless it is a recurring amount. The City Clerk may increase this amount to a maximum of fifty dollars (\$50.00) where disconnect volume is excessive for manpower available or the billing period is characterized by unusually high bills due to rates or weather and where a need for relief is apparent.
- g) The City Clerk may delay a disconnect to the subsequent Friday where extenuating

circumstances, such as incidence of paydays, warrant such action and collection appears secure.

h) If the consumer of utility services whose bill is unpaid is not the owner of the premises, and the clerk has notice of this, then notice shall be mailed or delivered to the owner of the premises if his address is known to the clerk, whenever the bills remain unpaid for a period of sixty (60) days after it has been rendered.

i) Claim of Lien

- 1) Unpaid charges for utility service shall be a lien upon the premises. Whenever a bill for utility service remains unpaid thirty (30) days after it has been rendered, the City Clerk may file with the Clerk of the Court a statement of claim of lien. This statement shall contain the legal description of the premises served, the amount of the unpaid bill, and that the city claims a lien for this amount as well as for all charges for utility services served subsequent to the period covered by the bill. The lien shall allow recovery of all costs and legal fees incident to the collection of the unpaid charge.
- 2) The provision of filing a claim of lien is subject to Florida Statue Section 180.135 which has restrictions in providing a lien against rental property where the occupant of the rental property contracted for the utility service.
- 3) The claim of lien shall be in the following form or such other form as designated by the City Council:

CLAIM OF LIEN

The City of Umatilla hereby asserts a claim of lien for unpaid utility bills upon the following described property located in Lake County, Florida:

The name of the record owner of the above described property is:

The claim of lien is to secure payment of unpaid utility bills in the following amounts that were due upon the dates indicated:

Amounts Due:

Due Date:

CITY OF UMATILLA

By: _____
City Clerk

~~State of Florida~~
~~County of Lake~~

~~BEFORE ME, personally appeared _____, the City Clerk of the City of Umatilla, Florida, to me well known and known to me to be the~~

~~person described in and who executed the foregoing instrument, and
acknowledged to me that he/she executed said instrument for the purposes
therein expressed.~~

Witness my hand and Official Seal at _____ in said County and State on this _____ day of _____, 20_____.

Notary Public

My Commission Expires:

- 4) Failure of the Clerk to record a claim of lien or to mail a notice to the owner of the premises, or the failure of the owner to receive the notice, shall not affect the right to foreclose the lien for unpaid utility bills as mentioned in the following section.
- 5) Property subject to a lien for unpaid utility service charges shall be sold for nonpayment of the same, and the proceeds of the sale shall be applied to pay the charges, after deducting costs, as in the case of statutory lien foreclosure. The city attorney is hereby authorized and directed to institute proceedings in the name of the city in any court having competent jurisdiction over such matters against any property for which a utility service bill has remained unpaid sixty (60) days after it has been rendered.
- j) Where sewage disposal fees are not paid in accordance with the provisions outlined above, as in those instances where the owner has his own private water supply, the city shall have a right to cut off the water supply to the plumbing system and the owner shall have no right to reconnect his own private water supply until the sewage disposal fees shall have been paid in full. Any violation of this provision by reconnecting his private water supply, until the sewage disposal fees are paid in full, shall be considered a violation of this code and be subject to the penalties herein provided.

SECTION 9: TAMPERING WITH CITY WATER OR WASTEWATER COLLECTION SYSTEMS

- a) No person, unless authorized by the city, has the right to turn off or turn on water at the curb stop, corporation stop, or valve, or to in any way disconnect or remove any water meter or otherwise molest any water connection, meter or water main belonging to the city.
- b) If any person shall destroy, deface, impair, injure or wantonly force open any gate or door therein or in any way whatsoever destroy, injure, deface or wantonly destroy any part of the buildings, or the appurtenances, fences, fixtures thereunto appertaining, or any water pipes, gates, reservoirs, hydrants, fountains, standpipes, pumps, tanks or any fixtures or other property belonging to the water or wastewater collection system of the city, or if any persons shall without authority from the city remove, open hitch to dig out or curb over any fire plug or hydrant, stopcock, valve, valve box or other fixtures belonging to the water or wastewater collection system of the city, he shall be punished in accordance with the appropriate Florida Statutes.

- c) It shall be unlawful for any person to tamper with, adjust, connect, disconnect, join or sever any water meters or water lines and it shall be unlawful for any person to divert the flow of water through the water system of the City of Umatilla in any manner whatsoever without the approval and written permission of the City of Umatilla.
- d) No consumer shall furnish water to any other consumer either by use of pipes or fixtures on his own premises or be extending pipes to the premises of other persons.

SECTION 10: : — PRIVATE FIRE HYDRANTS, SPRINKLER SYSTEMS OR
HOSE HOSE RACKS

- a) Fire hydrants, fire sprinkler systems or hose racks may be established on private property by the owner thereof at his own costs for the equipment, pipes, valves, fittings and connections to water mains, etc., provided the same shall be done under the supervision and subject to the inspection of and in accordance with the requirements of the water and wastewater collection department. The maintenance of such mains, valves and hydrants shall be at the cost and expense of the owner of the property. The regular established rate for connection of such fire hydrants, fire sprinkler systems, or hose racks shall be paid and, if not, the same shall be disconnected from the water system.
- b) Any party establishing fire hydrants, fire sprinkler systems or hose racks, shall have the right to have the same connected to the city's water system and have installed and maintained at his own cost by the water and wastewater collection department a water meter, and to pay the regular established charge for water service as listed in the published rates, whether water has been used for fire or any other purpose. No fixture whatsoever, other than fire hydrants, sprinkler connections and hose racks, used for fire only, shall be connected to such fire line.
- c) The city Guarantees no certain water pressure and shall in no case be in any way liable or responsible to any person whatsoever in case of fire, for any damage that may result from any alleged insufficiency of fire protection, either from want of pressure, volume, or accessibility for fire protection or any other cause.
- ~~d)~~ ~~d)~~ — The service charge for fire sprinkler systems within the city, not metered, is hereby prescribed and fixed as follows:

- 1) Thirty-five dollars (\$35.00) per year for each four (4) inch sprinkler system connection.
- 2) Fifty-three dollars (\$53.00) per year for each six (6) inch sprinkler system connection.
- 3) Eighty-eight dollars (\$88.00) per year for each eight (8) inch sprinkler system

connection.

Charges shall be payable annually in advance on October 1, to the water and wastewater collection department of the city. No water is to be used from sprinkler systems at any point on the line except in case of fire, nor any fixtures whatsoever to be connected to such fire line.

- e) The service charge for fire hydrants on private property within or outside of the city, not metered and utilized for private fire protection, is hereby prescribed and fixed as follows:

Within the city: \$53.00 per year, per hydrant.

Outside the city: \$66.25 per year, per hydrant.

These rates are payable annually in advance on October 1, without discount to the water and wastewater collection department of the city. No water is to be used from fire hydrants, or from the service line on which they are situated, unless metered, except in case of fire; nor any other fixtures whatsoever to be connected to such fire lines.

- f) Hose racks on private property within or outside of the city, connected with the city mains but not metered, shall pay a service charge of twenty-six dollars (\$26.00) per year per hose rack if located within the city and thirty-two dollars and fifty cents (\$32.50) per year per hose rack for those located outside the city, payable annually in advance on October 1. No water shall be used from such hose rack or from the line upon which they are situated unless metered, except in case of fire, nor are any other fixtures whatsoever to be connected to such fire line.

SECTION 11:- WATER FURNISHED BY CITY AND BY PRIVATE SUPPLY

If the owner of any property shall have upon such property a supply of water other than the supply of water furnished by the city, such owner is hereby required to have a dual system of pipes upon the property, one system of pipes being for water supplied by the city and the other system of pipes being for the supply of water from the private supply, and it shall be unlawful for the two (2) systems to be connected together in any manner whatsoever.

SECTION 12: PRIVATE POTABLE WATER WELL PROHIBITED

It shall be unlawful for any person to drill, dig or use a private well to provide water for any commercial, industrial or residential use, other than for irrigation. Nothing in this Chapter shall prohibit any person from drilling, digging or boring a shallow well in the city to be used for irrigation purposes only.

SECTION 13: ABANDONED WELLS, PLUGGING

- a) It shall be unlawful for any person to have upon his property within the city limits an abandoned well which is not properly plugged in accordance with this section.
- b) Abandoned water well means a well whose use has been discontinued, a well whose water is not being put to reasonable beneficial use or a well in such a state of disrepair that its continued existence may damage the water resources in the area, as determined by the appropriate representative of the city in charge of public health and safety.
- c) All abandoned wells on property within the city limits shall be filled (properly abandoned) based on the requirements of SJRWMD.
- d) The owner of the property within the city limits on which there exists a well which is to be abandoned shall notify the city of his intent to abandon the well. A city representative shall inspect the well to ensure that it is plugged according to the requirements of subsection (b) of this section. The owner shall be fined twenty-five dollars (\$25.00) per day for each day following the sixtieth (60th) day after abandonment of the well that the well remains improperly plugged.
- e) The city may enter upon any property within the city limits to inspect for compliance with this section at any time that it receives a report, or otherwise has reasonable cause to suspect that, there exists on the property an improperly plugged or hazardous well. Upon locating an abandoned well not in compliance with this section, the city shall advise the owner of the property of the noncompliance and give the owner sixty (60) days to remedy it. The owner shall be fined twenty-five dollars (\$25.00) per day for each day following the sixtieth (60th) day after notice of noncompliance is given by the city that the well remains improperly plugged.
- f) Nothing in this chapter relieves the property owner from the need to obtain any other state or federal permits which may be required for abandoned wells.

SECTION 14: DISCHARGE INTO CITY SYSTEMS

- a) Purpose and Policy
 - 1) This section sets forth uniform requirements for direct and indirect contributors into the city systems and enables the city to comply with all

applicable state and federal laws and requirements set forth by the Clean Water Act of 1977, as amended, and the United States Environmental Protection Agency (USEPA) general pretreatment regulations, Title 40 CFR, Part 403.

- 2) The objectives of this section are to:
 - A) Prevent the introduction of pollutants into the city systems which will interfere with the operation of the systems or contaminate resulting sludge in the wastewater system.
 - B) Prevent the introduction of pollutants into the city wastewater system which will pass through the system, inadequately treated, into receiving surface or groundwaters, land application and other reuse systems, or the atmosphere or otherwise be incompatible with the system.
 - C) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
 - D) Provide for equitable distribution of the cost of the system.
- 3) This section establishes limitations and prohibitions on the quantity and quality of sewage or wastewater which may be lawfully discharged into the city systems or any of its ~~publicly-owned~~publicly owned treatment works (POTW). Pretreatment of some sewage discharge may be required to achieve the goals established by this section. The specific limitations set forth herein, and other prohibitions and limitations of this section are subject to change as necessary to enable the city to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the city to meet requirements contained in its various NPDES permits and other governmental permits.
- 4) This section provides for the regulation of direct and indirect contributors to the city systems through the issuance of permits to certain nondomestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, and provides authority and guidelines for setting fees.
- 5) Except as otherwise provided herein, the ~~e~~Director of Utilities for the ~~e~~City shall administer, ~~implement~~implement, and enforce the provisions of this section.

b) General Discharge Prohibitions

- 1) No persons shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool drainage, or unpolluted industrial process waters to any sanitary sewer.
- 2) No persons shall discharge into any natural outlet within the City of Umatilla, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this section.
- 3) No person shall discharge into any storm sewer system within the City of Umatilla, any sanitary sewage, industrial wastes, or other polluted waters (except uncontaminated cooling waters).
- 4) No persons shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or wastewater, except as herein provided.
- 5) No ~~persons~~person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the city.
- 6) A user shall not contribute the following substances to any public sewer:

- A) Any liquids, solids, or gases which, by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the city wastewater system or to the operation of said system. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into said system (or at any point in the system) be more than five (5) percent, nor any single reading be over ten (10) percent, of the lower explosive limit (LEL) of the meter.

Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, ethylene, ethers, alcohols, solvents, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the city, the ~~FDER~~, FDEP, the USEPA, or any other local, regional, state or federal agency having jurisdiction has notified the user as a fire hazard or a hazard to the system, and any other flammable or explosive liquids, solids or gases.

- B) Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the

wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half (1/2) inch in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spit lime, stone or marble, dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, ground paper products, wood, plastics, gas tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.

- C) Any sewage having a pH lower than six (6.0) or higher than eight and five-tenths (8.5), unless the individual POTW is specifically designed to accommodate such sewage or wastewater, or sewage having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the City of Umatilla wastewater system.
- D) Any sewage or wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any city POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the [Clean Water Act](#).
- E) Any noxious or malodorous liquids, gases or solids which, either singularly or by interaction with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.
- F) Any substances which may cause any city POTW's effluent or any other product of said POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to any city POTW cause said POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management method being used.
- G) Any substance which will cause any city POTW to violate its NPDES and/or FDE~~PR~~ permit or the receiving water quality standards.
- H) Any sewage or wastewater with objectionable color, not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

- 7) No persons shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the director, that such wastes can harm either sewers, wastewater treatment processes or equipment, have an adverse effect on the receiving stream or other effluent disposal facilities or systems, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:
- A) Any sewage or wastewater having a temperature which will inhibit biological activities in any city POTW treatment plant resulting in interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds one hundred (100) degrees Fahrenheit, unless the POTW treatment plant is designed to accommodate such temperature.
 - B) Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, ~~in excess of~~ more than one hundred (100) milligrams per liter or containing substances which may solidify or becomes viscous at temperatures between thirty-two (32) and one hundred (100) degrees Fahrenheit.
 - C) Any garbage that has not been properly shredded.
 - D) Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.
 - E) Any waters or wastes containing phenols or other tastes or ~~odored~~ odor ash-producing substances, in such concentrations exceeding limits which may be established by the director, as necessary, after treatment of the composite sewage, to meet the requirements of state, federal or other public agencies or jurisdictions for such discharge to the waters of the nation.
 - F) Any radioactive wastes or isotopes.
 - G) Any pollutants, including oxygen demand pollutants, (BOD, etc.) released at a flow rate and/or pollutant concentrations which a user knows or has reason to know will cause interference to any city POTW. In no case shall a sludge load be discharged to the city's wastewater system.
 - H) Waters or wastes containing substances, including nonbiodegradable detergents, which are not amenable to treatment or reduction by the

sewage treatment processes employed or are amenable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the waters of the state or nation or violates any contract, resolution, law, rule, regulation, permit or approval applicable to the industrial, commercial or agricultural reuse of reclaimed water.

I) Any concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solid (such as, but not limited to, sodium chloride and sodium sulfate).

8) No persons shall discharge sewage or wastewater ~~in excess of~~more than the concentration set forth in the table below unless an exception has been granted the user under the provisions of this Code:

PARAMETER	MAXIMUM CONCENTRATION mg/1 (24-hour flow proportional composite sample)	MAXIMUM INSTANTANEOUS CONCENTRATION Mg/1 (grab sample)
Biochemical oxygen Demand	300	
Total suspended solids	300	
Arsenic (as)	1.0	2.0
Boron (B)	1.0	2.0
Cadmium (Cd)	1.0	2.0
Chromium – Total (Cr)	1.0	2.0
Chromium Hexavalent (Cr +6)	0.05	0.10
Copper (Cu)	2.0	4.0
Cyanide (CN)	0.1	0.2
Lead (Pb)	0.05	0.1
Mercury (Hg)	0.005	0.01
Nickel (Ni)	0.2	0.4
Phenol	0.5	1.0
Selenium	1.0	2.0
Silver (Ag)	1.0	2.0
Zinc (Zn)	5.0	10.0
Oil and grease (Petroleum and/or mineral)	100.0	200.0
Total nitrogen	50.0	100.0
Total phosphorus	10.0	
Total dissolved solids	2,500.0	10,000.0
Fluoride	8.0	16.0

- 9) If any sewage, waters, or wastes are discharged, or are proposed to be discharged to the City of Umatilla systems, which waters contain the substances or possess the characteristics enumerated above, and which, in the judgment of the director, may have a deleterious effect upon the city wastewater system, processes, equipment, receiving waters or effluent disposal systems, or which otherwise create a hazard to life or constitute a public nuisance, the director may:
- A) Reject the wastes.
 - B) Require pretreatment to an acceptable condition for discharge to the city systems.
 - C) Require control over the quantities and rates of discharges.
 - D) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.
- 10) If the director permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the director, and subject to the requirements of all applicable codes, ordinances and laws. Any such approved design shall, in addition to all other requirements, provide for an access point to allow for the sampling of wastewater discharge from the user. Where preliminary treatment or flow-equalizing facilities are provided for any sewage, waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or user at this expense.
- 11) Certain industrial users are now or hereafter shall become subject to national categorical pretreatment standards promulgated by the USEPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a city POTW. All industrial users subject to a national pretreatment standard shall comply with all requirements of such ~~standard,~~ and standard, and shall also comply with any additional or more stringent limitations contained in this section. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of the process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.
- 12) State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations, or those contained in this code. The city reserves the right to establish by ordinance more stringent limitations or requirements from discharges to the city

wastewater system if deemed necessary to comply with the objectives stated at the beginning of this section.

c) Surcharges

- 1) Those users which have been granted an exception to discharge sewage or wastewater in excess of the concentrations set forth in this section shall be subject to a surcharge based upon the constituent most exceeding the allowable limit during the period involved and will be based upon the average results from a minimum of three (3) laboratory analyses taken at different times during the period involved.

- 2) The surcharge for excess concentrations of suspended solids, oxygen demanding constituents or other constituents will be determined as follows:

Actual constituent – Maximum allowable Concentration mg/l.

Concentration mg/l – 24-Hour Flow Proportional Composite = Maximum Allowable Concentration (mg/l).

The surcharge multiplier times the normal use charge for the period becomes the total surcharge to be added to the normal use charge for the period.

- 3) The director will advise the user which analyses shall be conducted on wastewater or sewage samples and the frequency of sampling required. Samples may be required to be taken and analyzed by the user at his expense in a manner and at such intervals as required by the director. Copies of tests shall be furnished by the user on forms approved by the director. Samples may also be taken and analyzed periodically by the POTW staff.

d) Special Agreements and Arrangements

No statement contained in this article shall be construed as preventing any special agreement or arrangement by and between the city and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the city subject to payment therefore by the industrial concern.

e) Dangerous Discharge Prevention and Notification Requirements

- 1) Accidental Discharge Protection. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this section. Facilities to prevent accidental discharge of prohibited material shall be provided and maintained at the owner's or user's own costs and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the city for review, and shall be approved by the city before construction of the facility. All existing industrial users or industrial users that connect within two hundred seventy (270) days from the effective date of this Code, shall complete such a

plan within sixty (60) days from connecting to the system. No industrial user who commences contribution to any city POTW or any portion of the city Wastewater system at least two hundred seventy (270) days after the effective date of this Chapter shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the city. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to maintain the industrial user's facility as necessary to meet the requirements of this Chapter.

- 2) Notification: Any person causing or suffering any discharge, whether accidental or not, which presents or may present an imminent or environment, or which is likely to cause interference with any City POTW or the City system as a whole, shall notify the director immediately by telephone. Within five (5) days following such occurrence, the user shall provide the director with a detailed written report describing the cause of the dangerous discharge and measures taken or to be taken by the user to prevent similar future occurrence. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred.

SECTION 15: SANITARY SEWER SERVICE

a) Connection Requirements

- 1) The owner or owners of all the property in the city abutting upon a public right-of-way or easement which is within one hundred (100) feet of the city wastewater system and upon which is situated a house, building or other structure used for human occupancy, employment, recreation or other related purposes is hereby required at his or their own expense to install suitable toilet facilities therein and to connect such facilities directly with said system in accordance with the provisions of this chapter within one hundred eighty (180) days after the date of official notice to do so.
- 2) All development shall provide new facilities, or expand existing facilities, to provide minimum service per the Water and Sewer Utilities Standard Specifications.

b) Private Systems

- 1) Where the city wastewater system public sanitary sewer is not available, the building sewer may be connected to a private sewage disposal system complying with the provisions of this Code. The city may, at its own expense, extend the existing wastewater system to within one hundred (100) feet of any owner requesting sewage disposal system and require the owner to connect to the city's wastewater system.
- 2) Before commencement of construction, reconstruction, enlargement, modification or improvement of a private sewage disposal system, the owner

shall first obtain written approval from the city. The application for such approval shall be made in a form acceptable to the city, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary.

- 3) Connection to a private sewage disposal system shall not be placed in service until the installation is completed and accepted by the city. The city shall be allowed to inspect the work at any stage of construction and, in any event, the applicant shall notify the city when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours (excluding Saturdays, Sundays, and holidays) of the receipt of notice.
- 4) The type, capacities, location and layout of a private sewage disposal system shall comply with all federal, state and county regulations. No septic tank or cesspool shall be permitted to discharge to any storm sewer, open drain, ditch, stream, well penetrating water-bearing formations, or natural outlet. Private ownership of a sewage disposal system shall be retained by the applicant and the facilities shall be operated and maintained by the property owner in a sanitary manner at all times, at no expense to the city.
- 5) At such time as the City of Umatilla wastewater system becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the city wastewater system and any septic tanks, cesspools and similar private sewage disposal facilities shall be removed or abandoned and filled with suitable material.

c) Classes of Sewer Connections

There shall be three (3) classes of building sewer connections: (1) Residential service, (2) commercial service, and (3) service to establishments producing industrial wastes. In either case, the owner or his agent shall make application in a form acceptable to the city. The application shall be supplemented by any plans, specifications or other information, considered pertinent.

d) Sewer Connection Costs

All ~~cost~~costs and expense incidental to the connection of the building sewer from the owner's building to the city sewer shall be borne by the owner. That owner shall indemnify the city from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer.

e) Approval

The physical connection of the building sewer at and directly into the public sewer shall be made under the direct supervision of an authorized representative of the city. All sewer construction shall comply with city construction specifications, plumbing code, and other applicable specifications and engineering criteria. No building shall

be approved for use and/or occupancy until the connection fee is paid and the connection is inspected and approved.

f) Maintenance Responsibility

- 1) Responsibility of the city for operation, maintenance, service and/or repairs of the building sewer from the public sewer shall terminate at the nearest property or easement line of the owner as served.
- 2) The owner of the property served by the wastewater system shall be responsible for the proper operation and maintenance of the building sewer; ~~specifically~~specifically, all plumbing from public wastewater system into and including the house plumbing. The city shall have the right to inspect the building sewer and to cause discontinuance of water and/or sewer service to any property where the plumbing is not maintained in a sanitary and effective operating condition or if the public sewer facilities may be harmed thereby.
- 3) Duly authorized employees of the city bearing proper credentials and identification shall be permitted to enter all private properties through which the city holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, gauging, measurement, sampling, repair and maintenance of any portion of the sewage works lying within the easement. All entry and subsequent work, if any, within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

g) Interceptors

Grease, oil and sand interceptors or traps shall be provided at the owner's expense when, in the opinion of the director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the city and shall be so located as to be readily and easily accessible for cleaning and inspection. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, and in continuously efficient operation at all times.

h) Extension of Sewer Mains

Mains shall be extended to project boundaries to serve adjoining unserved properties. Such extensions will generally be within street stubs or along existing street frontages, but may be required in easements between lots or across open space areas. Where mains are installed within one hundred (100) feet of an existing unserved building lot, a service shall be installed for that lot.

i) Lift Stations

All efforts should be made to serve projects from existing lift stations. When a new

lift station is necessary, it shall be located and designed so as to allow for the largest possible service area, generally at a project perimeter. The final location and configuration of all lift station sites shall be approved by the City, based on the requirements of the Water and Sewer Utilities Standard Specifications.

j) Sewer Force Mains

Force main sizing and routing shall be approved by the City, based on the requirements of the Water & Sewer Utilities Standard Specifications.

SECTION 16: CITY COST PARTICIPATION IN INFRASTRUCTURE IMPROVEMENTS

The City may participate in the construction of certain upsized improvements designed to serve the large needs of the City beyond the requirements for an individual development project.

a) Water Mains

- 1) Oversizing of water mains. The city will not participate in the upsizing of any water main required to be ~~eight-inch~~eight-inch (8") diameter or less. Where the City requires a water main to be sized over eight inches (8") in diameter, but the minimum service levels required by this Code can be satisfied for the project using a water main of eight inches (8") in diameter or less, the City may participate in the amount of the difference of pipe and fittings costs between an eight-inch (8") diameter line and the diameter required by the City.
- 2) Extension of lines to project boundaries. The City will not participate in the required extension of lines to project boundaries, except in the case where additional pipe size is required as outlined above.

b) Sewage Collection Facilities

- 1) Oversizing of sewer mains. Where the City requires a sewer main to be sized over eight inches (8") diameter, but the minimum service levels required by this Code can be satisfied for the project using a sewer main of eight inches (8") diameter, the City may participate in the amount of the difference of pipe costs between an eight inch (8") diameter line and the diameter required by the City.
- 2) Additional cut depth. Where the City requires depth on sewer mains, manholes, or lift stations in excess of the depth required to serve the project (including all phases), the City may participate in the additional construction cost associated with the increased depth.

- 3) Additional lift station capacity. Where the City requires additional wet well diameter or mechanical pumping equipment of greater capacity than that necessary to serve the project, the City may participate in the difference between the facilities necessary to provide service to the project and those required to be installed by the City.
- 4) Extension of lines to project boundaries. The City will not participate in the required extension of lines to project boundaries, except in the case where additional pipe size or depth is required as outlined above.
- 5) Oversizing of force mains. Where the City requires a sewer force main to be sized over six inches (6") diameter, but the minimum service levels required by this Code can be satisfied for the project using a sewer force main of six inches (6") diameter, the City may participate in the amount of the difference of pipe and fitting costs between a ~~six inches~~six-inch (6") diameter line and the diameter required by the City.

c) Drainage Facilities

- 1) In general, the City will not participate in any drainage facilities required for the development of a specific project. This includes culverts and bridges for roads, driveways, and sidewalks which cross existing or proposed swales, ditches or canals. The City will not participate in the construction of drainage facilities designed to accommodate the normal existing or natural flows from offsite watersheds.
- 2) Where the City requires drainage facilities to be increased in capacity to alleviate existing development related drainage problems and flows not normally anticipated under stormwater management requirements, the City may participate in the costs of constructing the increase in capacity above the normally anticipated flows.

d) Participation Reimbursement Requirements

- 1) Where City cost participation is allowed and desired, the developer shall obtain and submit to the City a minimum of three (3) signed and dated bids on the project from reputable contractors, qualified and capable of performing the work. The bid format should clearly delineate the construction eligible for participation. Upon review by appropriate City staff, a recommendation for the amount and form of participation will be forwarded to the City Council for approval.
- 2) City participation may be awarded in the form of cash reimbursement, impact fee credits, or a combination of the two, at the discretion of the City Council.
- 3) Participation credits or reimbursement will not be made until final inspection and acceptance of the improvements.

SECTION 17: SOLID WASTE COLLECTION SERVICE

a) Minimum Service Requirements

All townhouse, multifamily, commercial, and industrial development shall provide facilities for service as follows:

- 1) Townhouse and multifamily projects shall provide one (1) standard dumpster pad for every twenty (20) residential units. Fee simple owned townhouses with direct road frontage and individual driveways (as opposed to parking lots) are exempt from dumpster service requirements.
- 2) Commercial developments shall provide one (1) standard dumpster pad for every seven thousand five hundred (7,500) square feet of retail space and every ten thousand (10,000) square feet of office space.
- 3) Industrial developments shall provide one (1) standard dumpster pad for every ten thousand (10,000) square feet of office or manufacturing space, and one (1) standard dumpster pad for every thirty thousand (30,000) square feet of warehouse space.
- 4) Institutional buildings shall meet the requirements or combination of requirements that reflect the specific use or uses of the building.
- 5) These requirements are minimum requirements. If the number of dumpsters does not meet the regular needs of the development, the City may require the construction of additional facilities.

b) Solid Waste Facility Design

The layout and design of dumpsters and other solid waste facilities shall comply with the following criteria and the adopted Paving and Drainage details of the City.

- 1) Accessibility. Dumpster pad locations shall be designed to accommodate front loading trucks. No dumpster shall be located so as to require the truck to back up a distance of more than one hundred (100) feet. Multiple locations shall be oriented to allow the shortest route to service the group of dumpsters. All driveways that provide access to dumpsters must be able to accommodate a thirty-five (35) foot inside turning radius totally within the paved area. Dumpster pad locations should generally be angled at forty-five (45) degrees or less from access drives except when located at intersections allowing ninety (90) degree access.
- 2) Clearance. Fences, walls, landscaping, and other improvements shall be located so as to provide clearance including vertical clearance from power lines, light standards, and trees.

- 3) ~~3)~~ Enclosure. Each dumpster location shall be surrounded by an enclosure. Enclosures should remain open on the service side, except in high visibility locations where gates may be approved.

SECTION 18: CROSS-CONNECTION CONTROL AND BACKFLOW PREVENTION

~~[Modified by Ordinance 2008-S adopted August 5, 2008]~~

a) Purpose

The purpose of this section is:

1) To prevent waterborne diseases and contaminants from entering the potable water distribution system-and thus the water we drink. The program is intended to ensure that delivered water which has passed beyond the public water system and into the private distribution systems of consumers remains a safe and viable product for consumption. The program aims to protect the Department of Public Works and its consumers from those water using establishments which could possibly reduce the quality and safety of the municipal potable water supply through bBackflow and/or cCross-cConnection.

b) Responsibility

Under the Safe Drinking Water Act of 1974 and the Rules of the Florida Department of Environmental Protection (FDEP) Chapter 62-555-360 (FAC), relating to Cross-Connection, the Water purveyor has the primary responsibility of maintaining a Cross-Connection Control Program to prevent water from unapproved sources, or any other substances, from entering the public potable water system. Failure to implement such a program may result in the withdrawal of the certification of the purveyor's public potable water permit to supply public potable water. The Water purveyor for the City of Umatilla is the Public Works Director in the Utility Services Department. Upon detection of a prohibited cross-connection, the Public Works Director or his designee are directed to either eliminate the cross-connection by requiring the installation of an appropriate approved backflow prevention assembly or device or immediately discontinue service until the contaminate source is eliminated. The authorized person to act for the Water Purveyor of the City of Umatilla in relation to the Cross-Connection Control Program shall be the Cross-Connection Technician in the Utilities Department.

c) Manual of Backflow Prevention and Cross-Connection Control:

The City Council hereby adopts the City of Umatilla "Manual of Backflow Prevention and Cross-Connection Control," dated June 1, 2008, attached to this ordinance as Exhibit A. Compliance with the manual and the Cross-Connection Program contained therein is hereby required. Changes to the "Manual of Backflow Prevention and Cross-Connection Control" may be made by Resolution as deemed necessary by the

City Council.

ed) Policy

1) Cross-Connection control inspections:

1) — No water service connection to any premises shall be installed or maintained by the water purveyor unless the water supply is protected as required by state laws and regulations and this division. The Public Works Director or his designee may cause inspections to be made of all properties served by the public potable water supply where cross-connections with the public potable water supply is deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the City of Umatilla “Manual of Backflow and Cross-Connection Control” dated June 1, 2008. Any fees or charges established by the City pursuant to the regulations of requirements established herein may be changed from time to time by Resolution of the City Council.

2) Property access for Cross-Connection Control:

Duly authorized employees of the City of Umatilla, bearing proper credentials and identification, shall be permitted to enter any building, structure, or property served by a connection to the public potable water supply system of the City for the purpose of inspecting the piping system or systems on such property. Consent to such access shall be obtained from a person of suitable age and discretion therein or in control thereof. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

e) 5) — Cross-Connection Discontinued Service:

The Public Works Director or his designee are hereby authorized and directed to discontinue potable water service to any property after notice wherein any connection in violation of these regulations exists and to take such other precautionary measures deemed necessary to eliminate any danger of contamination of the public potable water supply.

f) Penalties:

Violation of any provision of this division shall be subject to the following penalties:

<u>First violation</u>	<u>written warning</u>
<u>Second violation</u>	<u>\$50.00 fine</u>
<u>Subsequent violations</u>	<u>Fine not to exceed \$500.00 plus costs of enforcement including a reasonable</u>

attorney's fee.

Each day in violation of this division shall constitute a separate offense. Law Enforcement officials shall provide violators with no more than one written warning. The City of Umatilla, Lake County, Florida, in addition to the civil sanctions contained herein, may take any other appropriate legal action, including but not limited to injunctive action, to enforce the provisions of this division.

CHAPTER 13

SITE DEVELOPMENT PLAN APPROVAL

SECTION 1: ————TITLE

This Chapter, the terms and provisions contained herein, shall be known as the “Site Plan Ordinance” of the City of Umatilla, Florida.

SECTION 2: ————PURPOSE AND INTENT

The purpose of this section is to establish uniform requirements and procedures for reviewing applications for site plan approval. It is further the intent of this section to establish procedures and standards to implement the goals and policies of the City of Umatilla Comprehensive Plan, and to ensure compliance with the intent, standards and procedures of all applicable land development regulations.

SECTION 3: ————APPLICABILITY

All construction of site improvements, and construction of building improvements for new structures, increases in the size of a structure, or changing the use of a structure, shall be required to comply with the requirements of this Chapter, except where exempted in of this Chapter of the Code.

SECTION 4: ————APPROVAL OF DEVELOPMENT PLANS

a) Designation of Plans as Major or Minor Development.

For purposes of review and approval under this Code, all plans shall be designated as Minor Development or Major Development as outlined below.

- 1) Major Development. A development plan shall be designated as a major development if it meets one or more of the following criteria:
 - A) The plan includes the final plat for the subdivision of land.
 - B) The plan is a required Conceptual Plan for the rezoning to, or development of property within the PFD and PUD district.

- C) The plan proposes the development of three (3) or more dwelling units.
 - D) The plan purposes the development of five thousand (5,000) or more square feet of non-residential floor space or new impervious surface area more than 10% of the site/area of development.
 - E) The plan is part of a larger development proposal, or poses special development issues, that in the opinion of the City Clerk or designee require the additional review of a major development.
 - F) Where two (2) or more minor site plan requests or administrative approval requests for a single project area/site have been submitted and approved over any one (1) year, the City ~~Clerk~~Manager or designee, may require —any subsequent request to be reviewed pursuant to the criteria of a major site plan.
- 2) Minor Development. A development plan shall be designated as a minor development if it fails to meet the criteria for major development.
 - 3) Exempt from site plan review. Single-family and duplex dwelling units or minor appurtenances thereto, such as private swimming pools, fences, yard, etc. shall be exempt from the requirements of this Section of the Code.

b) Pre-application Conference.

Prior to filing for development plan approval, the developer or the developer's representative may meet with the City Clerk or designee, in order to verify the steps necessary for application and review, and discuss potential issues regarding the development proposal. Comments made during the pre-application conference are totally non-binding on the formal review of the development plans.

- 1) Scheduling. Arrangements for the pre-application conference are to be made through the City Clerk's Office.
- 2) Items Required. The applicant shall submit fifteen (15) copies of the preliminary sketch plans of the proposed development. A general description of the proposed development must be noted including the approximate building size, type and use, proposed parking areas, location map, provisions for water and wastewater, proposed phasing of development, parcel size and proposed uses, environmentally sensitive areas, existing zoning and comprehensive land use classification of the subject site and adjacent sites. Requirements for conceptual plans for a PUD shall be as specified in Chapter 6, "Zoning District Regulations".

c) Application for Development Plan Approval.

Application for development plan approval shall be made to the City Clerk or designee utilizing the form provided by the Department for that purpose, and accompanied by

the appropriate review fee. Application shall be accompanied by fifteen (15) of the proposed plans, signed and sealed by a registered engineer, architect, landscape architect, as required by this Code. Plans shall be prepared according to the standards of this Code.

- 1) Review of application materials. Within two (2) working days of the receipt of an application, the City shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. Re-applications shall be accompanied by a re-application fee as adopted by the City Council.
 - 2) Initiation of development review. When an application is determined to be complete, it shall be scheduled for the next scheduled Technical Review Committee (TRC) meeting, but no earlier than one (1) week from the date the application was determined to be complete.
 - 3) Minor Development. Applicants should submit a letter indicating the intended use of the property. In addition, the letter should include all proposed improvements to the site. Attached to the letter should be one or more of the following items to serve as a “site plan” for minor development:
 - Aerial photograph of property with boundary shown
 - Survey of property showing all existing structures (a copy of a survey is accepted and it is not necessary to submit signed and sealed copies)
 - As-builts of the property
 - Existing site plan
 - Other forms of information that indicate the existing structures on the site as deemed appropriate by the City staff
- d) Development Review Process:
- 1) Technical Review Committee (TRC). All applications may be reviewed by the TRC, and members’ comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than three (3) working days after the meeting.
 - 2) Minor Development Approval. Minor development projects may resubmit plans in response to the TRC comments at any time within sixty (60) days of the TRC meeting. The plans shall be reviewed by appropriate TRC members, based on original finds, within ten (10) working days of resubmittal. Based on the outcome of this second review, the City Clerk shall take one of the following actions within fifteen (15) working days of resubmittal:
 - A) If previous comments were not addressed, or the plan modifications result in additional Code discrepancies, such comments shall be transmitted along with a reasonable deadline for resubmission based

on the number and magnitude of outstanding issues. However, in no case shall resubmittal be made more than thirty (30) days after the transmittal of comments.

- B) If all comments are satisfactorily addressed, a development order shall be issued.
- C) Sites will be evaluated for compliance with all provisions set forth in the LDR and should come into compliance with the LDR to the greatest extent possible. After the applicant receives final comments from the TRC, the applicant should submit a letter stating the intended use of the property. In addition, the letter should include all proposed improvements to the site, including elective improvements and those improvements required by the Technical Review Committee (TRC). Attached to the letter should be one or more of the following items to serve as a “site plan” for minor development:
 - Aerial photograph of property with boundary shown
 - Survey of property showing all existing structures (a copy of a survey is accepted and it is not necessary to submit signed and sealed copies)
 - As-builts of the property
 - Existing site plan
 - Other forms of information that indicate the existing structures on the site as deemed appropriate by the City staff.

- 3) Major Development Approval. Major development projects must resubmit plans in response to TRC comments within one (1) week of the TRC meeting for expedited processing before the Planning and Zoning Board and City Council. Plans may be submitted up to one (1) week after a regularly scheduled TRC meeting for inclusion on the subsequent Planning Board agenda, however, the revised plans must be submitted no later than sixty (60) days after the original TRC meeting review. The plans shall be reviewed by the appropriate TRC members, with finding reported to the Planning and Zoning Board for their consideration.

- A) Planning and Zoning Board Action. The Planning and Zoning Board shall consider the development plans at a regularly scheduled meeting, and determine if they meet the requirements of this Code. The applicant or authorized agent shall be present at the time of consideration by the planning and Zoning Board. Upon consideration of the comments of the TRC and public, the Board shall take one of the following actions:

- 1) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of outstanding issues. No project shall be tabled more than once by the Planning and Zoning Board, in the presence of the applicant or

his authorized agent.

- 2) Recommend that the proposed development plan be denied.
- 3) Recommend that the proposed development plan be approved.
- 4) Recommend that the proposed development plan be approved with conditions.

B) City Council Approval. The City Council shall consider the development plans at a regularly scheduled meeting, and determine if they meet the requirements of this Code. Upon consideration of the comments of the TRC and public, and the recommendations of the Planning and Zoning Board, the City Council shall take one of the following actions:

- 1) Table the consideration of the proposed development plan to allow for the resolution of outstanding issues.
- 2) Deny the proposed development plant.
- 3) Approve the proposed development plan.
- 4) Approve the proposed development plan with conditions. Revised plans reflecting conditions of the City Council approval shall be submitted to the TRC within thirty (30) days of that approval. Plans shall be reviewed by the TRC within five (5) working days of resubmittal to determine compliance with those conditions.
- 5) Refer the proposed development plan back to the Planning and Zoning Board for further review and recommendation based on new or additional information or circumstances.

C) Issuance of Development Order. The City ~~Clerk~~ Manager or designee shall issue a development order within five (5) working days of unconditional TRC approval, or verification that TRC conditions have been met.

e) Failure to Provide Timely Plan Resubmission. Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees. However,

~~1) Extension of resubmittal deadlines.~~ The City ~~Manager~~ Clerk or designee may extend the deadlines cited above, when warranted by unforeseeable events. A request for ~~extension~~ an extension must be filed in writing ~~with~~ to the City ~~Clerk~~ Manager explaining the circumstances justifying the extension.

SECTION 5: ———TIME LIMITATIONS ON SITE PLAN APPROVAL

All site plan approvals shall terminate and become null and void automatically without notice if construction has not commenced within twelve (12) months from the date of approval.

- a) Extensions of Site Plan Approval. Site plan approval may be extended once upon approval by the City Council for a period not to exceed twelve (12) months. All requests for extensions must be in writing and must be submitted to the City Clerk prior to the expiration of the site plan.
 - 1) The City Council shall consider the following:
 - A) The effect any delay in proposed project construction and completion has on the concurrency management system.
 - B) The impacts of having any new and existing regulations applied to the project.
 - 2) The City Council may attach conditions to a site plan extension approval that further the intent and purpose or satisfy the requirements of any comprehensive plan policies or land development requirements.
- ~~A)~~ — No extensions may be granted unless the City Council determines that an _extension satisfies the applicable requirements of the concurrency regulations of Chapter 4 “Concurrency Management System”.

SECTION 6: ———IMPROVEMENTS REQUIRED.

All final site development plans for new construction shall provide improvements required in this Code and as outlined in this Chapter.

- a) Completion of Improvements Prior to Issuance of Certificate of Occupancy. A certificate of occupancy shall not be issued by the Building Department until required improvements have been inspected and accepted by the Department. An agreement and acceptable performance bond may be accepted for the completion of certain minor improvements where specifically outlined in this Code.
- b) Adoption of Standard Construction Details. All construction shall comply with the Standard Construction Details as adopted by the City Council. Any deviation from adopted standards shall be clearly noted as such in all plans and specifications. If inadvertent deviations in plans are not so noted, adopted standards shall apply.
- c) Improvement or Expansion of Existing Development. All construction regardless of scope shall comply with the specific requirements of this Code relating to such construction. Final development plans for improvements or expansion of existing

development may be exempt from certain requirements as outlined in this Code.

SECTION 7: ———MINIMUM SITE IMPROVEMENTS.

All site development plans shall reflect the installation of all improvements required in this Code, in a manner consistent with standards of this Code. Improvements include stormwater management systems, utilities, parking and loading areas, sidewalks, and landscaping and buffering, and any other facility required by this Code.

a) Easements and Miscellaneous Dedications.

The following minimum number and size of easements or other dedications shall be reflected on the plan drawing, and shall be conveyed to the City prior to issuance of final approval or certificate of occupancy. Larger easements may be specifically required based on size, depth, or special maintenance requirements of a facility.

- 1) Drainage Facilities. A drainage easement shall be dedicated to the City when required by City staff where a proposed development is traversed by any existing or proposed watercourse, canal, ditch, storm sewer, or other drainageway that serves an area-wide drainage function. Minimum size shall be as follows:
 - A) Lake or retention areas shall be covered by an easement extending to ten (10) feet beyond the top of bank.
 - B) Canals or ditches of over twenty five (25) feet in width at the top of bank, or over four (4) feet in depth shall be covered by an easement extending to ten (10) foot beyond the top of bank on one side, and twenty (20) feet beyond the top of bank on the other side.
 - C) Ditches smaller than described in (b) above shall be covered by an easement extending to ten (10) feet beyond the top of bank on both sides.
 - D) Swales or any other facility with side slopes no greater than 4:1 shall be covered by an easement extending to the top of bank.
 - E) Storm sewers shall be covered by an easement of no less than twenty (20) feet, centered on the centerline of the pipe.
- 2) Utilities. A utility easement shall be dedicated to the City wherever a proposed publicly owned and maintained utility line or other facility is planned or located on or adjacent to any property not otherwise dedicated to or owned by the City. Minimum size shall be as follows:

- A) Potable water, sanitary sewer, or reclaimed water lines shall be covered by an easement of no less than twenty (20) feet, centered on the centerline of the pipe.
 - B) Sewer lift stations shall be located in a minimum thirty (30) foot square area located adjacent to a dedicated public road.
- 3) Conservation Easements. A conservation easement shall be dedicated to the City or, if requested by the City, to a separate entity, as follows:
- A) ~~Over all~~Overall required tree preservation areas that are outside of required landscaped buffers.
 - B) Around all individual specimen trees required to be preserved. The size of the easement shall be based on the criteria of Chapter 15, “Landscape and Tree Protection”.
 - C) Over all wetlands, wetland buffers, and wetland mitigation areas, as required by Chapter 17, “Environmental Protection Standards”.
 - D) Over all areas of vegetative communities and/or wildlife habitats as required Chapter 17 of this Code, if applicable.

SECTION 8: ——— SITE DEVELOPMENT PLANS.

The approval process for site development plans is outlined in Section 4(d), “Development Review Process”. Approval of the final site development plans results in the issuance of a development order.

- a) Site Development Plan Exhibits. The following information and documentation shall be shown on or enclosed with the plans submitted for approval. The plans shall be drawn at the largest scale feasible, based on the size of the project, however in no case shall the scale be smaller than one (1) inch equal to fifty (50) feet. Site Development Plans or any portion thereof involving engineering shall be certified by a professional engineer (or architect for buildings on lots less than twenty thousand square feet) registered to practice that profession in the State of Florida.
 - 1) General Information
 - A) Name of project.
 - B) Statement of intended use of site.
 - C) Legal description of the property and size of parcel in acres or square feet.
 - D) Name, address and phone number of owner or owners of record.
 - E) Name, address and phone number of owner’s agent.
 - F) Name, address, signature and registration of the professionals

- preparing the plan.
- G) Date, north arrow and scale shall be designated and, where appropriate, the same scale shall be used on all sheets.
- H) Vicinity map, showing relationship of proposed development to the surrounding streets and thoroughfares, shall be at a scale of not less than one inch equals two thousand feet (1" = 2,000').
- I) Linear dimensions of the site.
- J) Existing topography with a maximum of one (1) feet contour intervals for the proposed site.
- K) Finished grading elevation.
- L) All existing and proposed building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way, and building setback lines).
- M) Percent of open space of site.
- N) Location of proposed signs.

2) Building and Structure

- A) Intended use.
- B) Number of stories
- C) Height of building.
- D) Number of dwelling units and density.
- E) Projected number of employees.
- F) If ~~restaurant~~ restaurant, show number of seats and occupancy load.
- G) Square footage for proposed development – Gross square footage, non-storage area, square footage of each story, gross square footage of sales area, etc.
- H) Photograph or sketch of proposed sign with dimensions and material type.

3) Street, sidewalks, driveways, parking areas and loading spaces.

- A) Engineering plans and specifications for streets, sidewalks and driveways.
- B) All parking spaces designated.
- C) Number of parking spaces.
- D) Number ~~of~~ and location of handicapped spaces.
- E) Number of square feet of paved parking and driveway area.
- F) Surface materials of driveways.
- G) Cross-section of proposed street improvements.
- H) Fire lanes.
- I) Location of proposed driveway(s) and median cut(s).
- J) Internal traffic control circulation plan, including directional arrows and signs to direct traffic flow.
- K) Location of traffic-control signs and signalization devices.
- L) Designate location of sidewalks.
- M) All proposed streets and alleys.

4) Soils

- A) Indicate soil classifications on the site plan as identified by the United States Department of Agriculture Soil Conservation Service (SCS) in the "Lake County Area Soil Survey". An applicant may provide a soils study.
- B) Soil analysis by a qualified soil engineer shall be furnished upon request of the City Clerk or City Engineer.

5) Erosion Control

- A) Provisions for the adequate control of erosion and sediment, indicating the location and description of the methods to be utilized during and after all phases of clearing, grading and construction.

6) Limits of Floodplain

- ~~A)~~ — Indicate flood elevation for 100-year flood on the site plan.

7) Proposed Water and Sewer Facilities

- A) Water: Size, material and location of water mains, plus valves and fire hydrants, fire flow calculations plus engineering plans and specifications.
- B) Sanitary Sewer System: Size, material and location of lines plus engineering plans and specifications, with submittal of a profile where required; or
Septic Tank: Size, location, size and location of drainfield and copy of HRS permit.

8) Solid Waste

- A) Location(s) and access provisions for refuse service, including pad screening, fencing and landscaping.
- B) Verification from the City Clerk or designee that adequate capacity is available for solid waste.

9) Landscaping and Tree Protection

- ~~—~~A) Landscaping plan, irrigation system plan and provisions for ~~—~~maintenance, including size, type and location of all landscaping, ~~—~~screens, walls, fences, and buffers per the requirements of Chapter 15 of this Code.
- B) Recreation and open space areas, if applicable.

C) Tree survey per the requirements of Chapter 17 of this Code.

10) Environmental Protection

A) Natural features such as waterbodies, wetlands, native vegetative communities, etc.

B) Environmental assessment per the requirements of Chapter 17 of this Code, if applicable.

C) Conservation easements per the requirements of Chapter 17 of this Code, if applicable.

11) Concurrency Management

~~A)~~ — A concurrency certificate or evidence of application for a
— certificate.

12) Construction Cost Estimate

~~A)~~ — A construction cost estimate prepared by the engineer of record, of
any proposed improvements to be maintained by the City.

13) Additional Data

~~A)~~ — Any additional data, maps, plans or statements, as may be required,
— which is commensurate with the intent and purpose of this Code.

SECTION 9: — ISSUANCE OF DEVELOPMENT PERMITS.

Once a development order has been issued, the developer may request the issuance of development permits. No final development permit shall be issued unless a “Certificate of Concurrency” has been obtained.

a) Clearing Permit. A clearing permit shall be secured and clearing shall be completed prior to the issuance of any other development permit. No site clearing shall take place on any property subject to an approved site development plan except as provided below.

1) Application. Application shall be made to the City Clerk or designee on the form provided by the City. The application shall include:

A) The name and location of the project.

B) The name, address, and phone number of the general

contractor, surveyor, and land clearing operator.

- C) Proof that all development order contingencies have been met. The receipt of certain agency permits may be waived by the City Clerk or designee, only if not relevant to the clearing process.
 - D) Three (3) copies of the approved composite utility plan and landscape plan sheets shall be attached, if applicable.
 - E) Proof of compliance with Chapter 15, Landscape and Tree Protection.
- 2) Building Site Clearing Permit; Parking Area Clearing Permit. A building site or parking area clearing permit shall be obtained from the City by an owner or developer prior to the cutting of trees or further removal of any vegetation within the previously approved and staked out site. This permit shall be issued only after an authorized representative of the City has inspected the site to verify that no unauthorized clearing has taken place, and to ascertain whether field modification of the plan is justified in order to enhance tree preservation of the site. This permit will allow removal of the trees and vegetation within the previously approved staked out building site, including approved access to the proposed building location. This permit generally allows clearing of the area ten (10) feet outside the actual building wall, except for those trees or areas specifically delineated on the approved site plan or by the City after field inspection. Unless specifically authorized on this permit, no filling or excavation on the site shall take place until the final inspection of previously permitted clearing has been completed and such work is found to be in compliance with the provisions of city ordinances and permit requirements and conditions.
- 3) Phasing of Clearing Process. On those large projects, where feasible, clearing for additional buildings or parking areas may be permitted as a second phase of development, whereupon a second complete permitting process shall be required. Those areas not covered under the initial permit shall be clearing delineated or barricaded so as to prohibit any disturbance or use of the area.
- 4) Final Inspection. After all proposed clearing has been completed, and all required tree and soil preservation measures have been implemented, an authorized representative of the City shall make a final inspection to verify that all work has been completed in compliance with the permit and this Code. If all work has been satisfactorily completed a building permit may be issued. While this Code shall not be construed so as to preclude the review and approval of building plans, no building permit shall be issued until the terms of

this Code have been met.

- b) Preconstruction Submittals. The following exhibits or documents shall be submitted to the City Clerk prior to holding a preconstruction meeting for the issuance of development permits after clearing:

- 1) Proof that all development order contingencies have been met, if applicable.
- 2) Copies of all contracts for the construction of any public improvements.
- 3) Copies of Certificates of Insurance for all site improvement contractors providing Workman's Compensation as required by law. Contractors for construction of public improvements shall also provide comprehensive liability insurance covering bodily injury, death, and property damage with limits of not less than \$100,000 per person and \$300,000 per occurrence, with the City listed as an additional insured and held harmless.
- 4) Copies of all applicable federal, state, regional, and county agency permits for construction.
- 5) Plans for management of traffic and dewatering activities, if applicable.
- 6) Construction schedule.
- 7) Fifteen (15) copies of the approved development plans, signed and sealed by the engineer of record.

- c) Preconstruction Meeting. The requirements of this Section may be modified by the City ~~Clerk-Manager~~ or designee in cases where size, scope, or relative lack of complexity of development plans suggests a lesser need for coordination.

- 1) Attendance. Upon request of the developer, the City ~~Clerk-Manager~~ or designee shall schedule a preconstruction meeting to be attended by the following individuals or their representatives:

- A) The developer or authorized agent, and the developer's engineer(s) and surveyor(s).
- B) All contractors for the construction of site improvements, and the general contractor for building improvements.
- C) All franchised utility companies affected by the proposed construction.
- D) TRC members and appropriate City inspectors.

It shall be the responsibility of the developer to notify all of the above parties of the meeting, except for City employees.

- 2) Agenda. The meeting shall include discussion of the construction schedule, procedures for inspection and testing, coordination with the City and utility companies, traffic maintenance, dewatering, access for construction, stockpiling areas, and other details deemed necessary to assure safe construction in compliance with this Code, and with minimum disturbance to surrounding areas.

- d) Issuance of Development Permits.

- 1) Site Improvements. Upon receipt of all required documents and completion of the preconstruction meeting, the City shall issue a development permit for site improvements. The development permit is issued contingent upon compliance with the development order. In addition, the Department may attach procedural contingencies on construction based on the discussion at the preconstruction meeting.
- ~~2)~~ ~~2)~~ Building Improvements. Development permits for building improvement may be issued after compliance with the requirements of Chapter 11, "Building and Fire Codes".

SECTION 10: ~~INSPECTIONS AND ACCEPTANCE~~

Inspection and acceptance of building improvements shall be as outlined in Chapter 11 of this Code. The following procedures shall apply to site improvements, and the overall acceptance for issuance of a certificate of occupancy.

- a) Inspections. The City shall inspect construction for conformance with the terms of the development permits. The City shall have the authority to reject materials or suspend work when construction is not in conformity with the terms of the development permits. The developer shall notify the City of the commencement of major phases of construction as discussed in the preconstruction meeting.
- b) Testing: The developer shall provide laboratory test to verify specifications of materials as required by the Standard Construction Details of this Code. The City reserves the right to require additional testing based on unusual circumstances encountered in the field.
- c) Request for Final Inspection. Final inspection of site improvements shall be scheduled no more than five (5) working days after receipt of the following information, unless a later date is requested by the developer:
 - 1) Certification of Completion by the Engineer of Record. Upon completion of the public improvements, the developer's engineer shall submit a certificate stating that the work was constructed under his supervision, and has been completed in substantial conformance with the approved development plans and in compliance with the requirements of this Code.
 - 2) As-built Drawings. One (1) mylar reproducible and ten (10) copies of as-built drawings, signed and sealed by the engineer of record and surveyor.
 - 3) Testing Reports. Copies of all required testing reports shall be submitted.
- d) Final Inspection Report. A final inspection report will be issued noting any discrepancies from the development permit, corrective actions required, and any re-inspection fee required. In addition, the report shall review final documentation

required for acceptance and issuance of a certificate of occupancy, once any necessary corrections are made.

- e) Re-Inspection. Re-inspection may be requested at any time, subject to remittance of a re-inspection fee, when required. Re-inspection will be scheduled within three (3) working days, and an inspection report issued, if necessary.
- f) Acceptance of Site Improvements and Issuance of Certificate of Occupancy. Upon completion of any corrective actions required upon inspection, site improvements shall be accepted by the City upon receipt of the following:
 - 1) All required certifications of completion under federal, state, regional and county agency permits.
 - 2) Improvement warrant in the amount of twenty-five percent (25%) of the cost of construction on any facility to be owned or maintained by the City or other public agency. The improvement warranty period shall commence on the date of issuance of the certificate of occupancy of the attendant structure.
 - 3) Construction guarantee in the amount of one hundred fifteen percent (115%) of the estimated construction cost of any uncompleted improvement, where allowed by this Code.
 - 4) Recording of any additional on or off-site easements required by the development permit or this Code.
 - 5) Certificate of occupancy shall be issued upon acceptance of site improvements and compliance with the provisions of this Code.

CHAPTER 14

TRANSPORTATION STANDARDS

SECTION 1:- PURPOSE AND INTENT

The purpose and intent of this section is to ensure effective, efficient and safe design of motorized and non-motorized transportation facilities through the adoption of criteria as outlined in the City's Comprehensive Plan. The following specifies criteria for all development as stated herein. This chapter is intended to serve the following purposes:

- a) Maintain functional roadway capacity and travel speeds by requiring traffic analyses for new development to determine the need for transportation improvements;
- b) Promote safe and well-designed traffic patterns and enhance functional roadway capacity by maintaining standards for access control;
- c) Provide adequate parking and loading spaces for specific uses within the City;
- d) Establish design standards for traffic areas which promote safe and logical traffic patterns;
- e) Provide for construction of bike paths and sidewalks to maintain safe bicycle and pedestrian movements and to encourage alternative modes of transportation; and
- f) Establish right-of-way widths and protection of rights-of-way within the City network.
- g) Purpose and Intent.

The purpose of this ordinance is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in

a manner consistent with §163.3180(16), Florida Statutes. This ordinance also provides methods and procedures for Lake County and the City of Umatilla (“City”) to coordinate the Proportionate Fair-Share Program.

SECTION 2: ———GENERAL PROVISIONS

a) Traffic Analysis Required.

New development proposed within the City shall be required to provide a traffic analysis in accordance with the requirements for concurrency review in Chapter 4, “Concurrency Management System”, of this Code.

b) Transportation Improvements Required.

1) Turn Lanes.

Turn lanes consist of left turn lanes and right turn lanes (deceleration lanes). Turn lanes shall be installed on the road which is being accessed at the proposed entrance(s) to the development, as deemed necessary by the City Clerk or designee. The City Clerk or designee may also require turn lanes at adjacent or nearby intersections in lieu of, or in addition to, turn lanes at the development entrances.

Conditions which are to be considered in determining the need for turn lanes include the following:

- A) If the property accessing the road is projected to generate five hundred (500) or more vehicle trips per day, or fifty (50) vehicle trips in any hour;
- B) If a traffic analysis indicates that turn lanes would be necessary to maintain capacity on fronting roads and/or on adjacent or nearby intersections;
- C) If entrances are proposed at locations where grade, topography or other unusual conditions, including traffic, indicate that turn lanes would be needed for traffic safety.

The need for turn lanes to accommodate right turn movements and left turn movements shall be based upon anticipated traffic distribution and projected turning movement volumes among other considerations, including traffic safety.

c) Major Driveway – Signalized. Any major drive requiring a traffic signal shall conform to those warrants specified in the Manual of Uniform Traffic Control Devices

(MUTCD) in addition to the following minimum requirements:

- 1) The installation of any traffic signal shall be subject to the approval of the appropriate jurisdiction responsible for the roadway upon which the signal is to be installed.
 - 2) A continuous right turn lane shall be provided at all driveway locations where posted speeds are 35 mph or greater and the total driveway volume of the development meets or exceeds twenty (20) percent of the ~~one-way~~ one-way directional flow on the street from which the driveway is provided access.
- d) Traffic Control Signs. Traffic control signs shall be provided on-site and off-site in accordance with ~~the Manual of Uniform Traffic Control Devices (MUTCD).~~
- e) Pavement Markings. Pavement markings shall be provided in accordance with the ~~Manual of Uniform Traffic Control Devices (MUTCD).~~
- f) Classification of Streets. For purposes of this Code, streets shall be classified as they are identified for Functional Classification in the Comprehensive Plan. The City Council may, by subsequent resolution(s), designate, identify, and/or classify certain streets or roads as being arterial, major collector, minor collector or local streets.

SECTION 3: ——— PROPORTIONATE FAIR SHARE PROGRAM

a) ~~Section 3(1).~~———Applicability:

The Proportionate Fair-Share Program shall apply to all proposed developments in the City that have been notified by the City Manager or his designee of a lack of capacity to satisfy transportation concurrency on a transportation facility in the County Concurrency Management System (CMS) or the CMS of the City, including transportation facilities maintained by FDOT, Lake County, City, or another jurisdiction, that are relied upon for concurrency determinations, pursuant to the requirements of Section 4 of this Ordinance. The Proportionate Fair-Share Program does not apply to developments exempted from concurrency as may be provided herein or by state law. ~~Ord 2006-L adopted November 21, 2006.~~

b) ~~Section 3(2).~~——Definitions:

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

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

County is defined as Lake County.

Municipality is defined as any affected municipality within Lake County.

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

c) ~~Section 3(3).~~ General Requirements:

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

~~aA.~~ The five-year schedule of capital improvements in the Capital Improvements Element (CIE) or the long-term schedule of capital improvements for the long-term CMS includes a transportation improvement(s) that, upon completion, will satisfy the then existing requirements of the applicable CMS. The provisions of Section 106-5(4)(2) of this chapter may apply if a project or projects needed to satisfy concurrency are not presently contained within the applicable CIE(s) or the adopted long-term schedule of capital improvements.

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

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

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

comprehensive plan, and in compliance with the provisions of this ordinance.

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

bB. If the funds allocated for the schedule of capital improvements in the CIE are insufficient to fully fund construction of a transportation improvement required by the CMS, the City may still enter into a binding proportionate fair-share agreement with the applicant. The agreement may authorize construction of that amount of development if the proportionate fair-share amount in such agreement is determined to be sufficient to pay for one or more improvements that will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system. The improvement or improvements funded by the proportionate fair-share component must, for each affected local jurisdiction, be adopted into the capital improvements schedule of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system at the next annual capital improvements element update.

3. ~~3.~~ Any improvement project proposed to meet the developer's fair-share obligation must meet design standards of the state or local governmental agency maintaining the improvement(s).

4. Pursuant to Chapter 163.3177, F.S., the CIE must include transportation improvements included in the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Improvement Plan (TIP) to the extent that such improvements are relied upon to ensure concurrency and financial feasibility. If City relies upon scheduled improvements to a County facility to ensure concurrency and financial feasibility, the scheduled improvements from the County's Work program must be included in the City's CIE. All CIEs must also be coordinated with the adopted Lake-Sumter MPO's Long Range Transportation Plan (LRTP) for planning purposes.

Section 3(4).

d) Intergovernmental Coordination.

- ~~1.1.~~ In the interest of intergovernmental coordination and to reflect the shared responsibilities for managing development and concurrency, City may enter into an agreement with one or more adjacent local governments to address cross-jurisdictional impacts of development on regional transportation facilities. Such agreement shall provide for application of the methodology in this section to address the cross-jurisdictional transportation impacts of development.
2. A development application shall be subject to this section when a transportation concurrency determination is made by City that indicates the development will have an adverse impact on the adopted level of service standard on one or more facilities in a neighboring jurisdiction.
3. Upon identification of an impacted facility, City shall notify the applicant and the other affected jurisdictions in writing of the potential proportionate fair-share agreement, based on the projected impacts of the proposed development on the adjacent facility.
4. ~~_____~~ Pursuant to policies in the Intergovernmental Coordination Element of the County and Municipality's comprehensive plan(s) and applicable policies in the Lake-Sumter MPO 2025 Long Range Transportation Plan, City, upon receipt of an application for proportionate fair-share mitigation, shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of City. Proportionate fair-share contributions should be applied toward the impacted facility. However, impacted facilities within City may be maintained by an agency other than the local government executing the proportionate fair-share agreement (e.g., a county or state road within the city limits). Therefore, the City should work with other affected agencies to establish a procedure for coordinating mitigation to impacted facilities that are maintained by another agency. An interlocal agreement may be established with other affected jurisdictions for this purpose.

e) ~~Section 3(5).~~ Application Process:

- ~~1.~~ ~~1.~~ Upon notification by the City Manager or designee of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing by City of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 4 of this Ordinance.
- ~~2.~~ ~~2.~~ Prior to processing an application for a proportionate fair-share agreement, City shall conduct a pre-application meeting with all affected jurisdictions to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is a state facility, then City shall invite FDOT to participate in the pre-application meeting. ~~—~~ City shall include, for purposes of such pre-application meeting,

the jurisdiction maintaining the transportation facility that is subject to the agreement, if other than City.

~~3.~~ ~~3.~~—The City Manager or designee shall review the application and certify that the application is sufficient and complete within 10 business days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the Proportionate Fair-Share Program, then City shall notify the applicant in writing of the reasons for such deficiencies within 10 business days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 days of receipt of the written notification, then the application will be deemed abandoned. The City Manager or designee may, in his discretion, grant an extension of time not to exceed 60 days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

4. Pursuant to §163.3180(16) (e), F.S., proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the approval of FDOT. Accordingly, City shall require the applicant to submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.

~~5.~~ ~~5.~~—When an application is deemed sufficient, complete, and eligible by City Manager or his designee, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the City and delivered to the appropriate parties for review, including a copy to the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, no later than 60 days from the date at which the applicant received the notification of a sufficient application and no fewer than 14 days prior to the City Council meeting at which the agreement is to be considered.

~~6.6.~~ City shall notify the applicant of the date of the City Council meeting at which the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City ~~Commission~~Council.

~~a. Section 3(6).~~—Determining Proportionate Fair-Share Obligation.

1. Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively: private funds, contributions of land, and construction of and contribution of facilities.
2. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.
3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), F. S., as follows:

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

Where:

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

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

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

- a. For the purposes of determining proportionate fair-share obligations, the City shall determine improvement costs based upon the actual cost of the improvement as obtained from cost estimates contained in the CIE, the Lake County Transportation Construction Program or the FDOT Work Program, as deemed applicable by City. Where such information is not available, improvement cost shall be determined by the following method: an analysis conducted by the jurisdiction maintaining the facility of costs by cross section type that incorporates data from recent projects and is updated annually and approved by such maintaining jurisdiction. In order to accommodate increases in construction material costs, project costs shall be adjusted.
4. If City has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.
5. If City has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the Lake County property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by City and at no expense to City. The applicant shall supply a survey and legal description of the land and a certificate of title or title search of the land to City at no expense to City. If the estimated value of the right-of-way dedication proposed by the applicant is less than City’s calculation of the total proportionate fair-share obligation for that development, then the applicant shall pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the FDOT for essential information about compliance with federal law and regulations.

~~Section 3(7).~~ Impact Fee Credit for Proportionate Fair-Share Mitigation.

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

~~Section 3(8).~~ Proportionate Fair-Share Agreements.

1. Upon execution of a proportionate fair-share agreement City shall provide the applicant with a certificate of concurrency. Should the applicant fail to apply for a development order within 12 months of the execution of the Agreement, then such certificate of concurrency shall be considered null and void, and the applicant shall be required to reapply for a concurrency determination. In addition, if the proposed development's impacts were the only impacts causing the potential deficient operation of the facility, the specific project may be removed from the CIE.
2. Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order which for the purposes of this section shall be recording of the final plat if the property to be developed is being subdivided, approval of the final site plan for a development which entails multiple residential or commercial units but is not being subdivided, and issuance of a building permit if the development consists of a single use structure on land not being subdivided. Once paid, contributions shall be non-refundable. If the payment is submitted more than six (6) months from the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to Section 7 of this Ordinance and adjusted accordingly.
3. All transportation improvements undertaken by the developer authorized under this ordinance must be completed prior to issuance of a final development order, or as

otherwise established in a binding agreement that is accompanied by a security instrument sufficient to ensure the completion of all required improvements.

4. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to City's approval of a final plat or final development order.
5. Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent that the proposed change would generate additional traffic that would require mitigation.
6. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the County or City will be non refundable.
7. City may enter into proportionate fair-share agreements for selected corridor improvements to facilitate collaboration among multiple applicants on improvements to a shared transportation facility.

~~SECTION 3(9).~~ Appropriation of Fair-Share Revenues.

1. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in City's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the City, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50% local match for funding under the FDOT Transportation Regional Incentive Program (TRIP).
2. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of Section 106-5(4)(2)(b) of this chapter.
3. Where an impacted regional facility has been designated as a regionally significant transportation facility on the Lake-Sumter MPO Regionally Significant Corridors Map, then the City may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the FDOT TRIP. Such coordination shall be ratified by the City through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.
4. Where an applicant constructs a transportation facility that exceeds the applicant's proportionate fair-share obligation calculated under Section 7 of this Ordinance, the City, at City's option, shall reimburse the applicant for the excess contribution using one or more of the following methods:

- a. An impact fee credit account may be established for the applicant in the amount of the excess contribution, a portion or all of which may be assigned and reassigned under the terms and conditions acceptable to City; or
- b. An account may be established for the applicant for the purpose of reimbursing the applicant for the excess contribution with proportionate fair-share payments from future applicants on the facility.
- c. The City may compensate the applicant for the excess contribution through payment or some combination of means acceptable to both City and applicant.

SECTION 4: ———ACCESS CONTROL

a) In General.

The following regulations are designed to promote the safety of vehicular and pedestrian traffic, minimize traffic congestion, promote roadside aesthetics and enhance the functional capacity of roads and highways in the City of Umatilla. These regulations shall be in addition to those imposed by the Florida Department of Transportation (Rule Chapters 14-96 and 14-97, F.A.C., as amended) and Lake County (Ordinance 1991-13) on roads under their jurisdiction. A pre-application with the City Clerk or designee is recommended to determine the regulations applicable to a particular development.

When proposed projects will front on City streets, the City may require the use of joint driveways and/or cross-access easements in order to minimize the number and maximize the spacing of access connections.

b) Cross-Access Easements

Whenever cross-access corridors, coordinated or joint parking designs are provided to accomplish access management, each applicant for development approval shall provide such easements or agreements as may be necessary to ensure that adjoining properties shall be appropriately connected in order to implement a unified system allowing general cross-access to and from the other properties in the affected area. Such easements or agreements shall be recorded in the Public Records of Lake County and shall constitute a covenant running with the land.

c) Distance Between Access Point and Property Line.

The minimum distance between the nearest edge of an access drive and any property line without a cross-access easement shall be as follows:

<u>MAJOR LAND USE</u>	<u>MINOR ARTERIAL</u>	<u>COLLECTOR</u>	<u>COLLECTOR</u>	<u>LOCAL</u>
Residential	*	*	7.5'	5'
Commercial	25'	20'	15'	10'

Industrial 25' 22.5' 17.5' 10'

*Undesirable uses on roads of this classification and generally not permitted.

d) Width and Radii of Access Drives.

Width of two-way driveway access and radii shall be within the dimensions specified below. Actual width and radii shall be based on: Classification of the roadway; number of entrances to the parcel; and, expected traffic demand, including truck traffic.

<u>LAND USE</u>	<u>WIDTH</u>		<u>RADIUS</u>	
	<u>MIN.</u>	<u>MAX.</u>	<u>MIN.</u>	<u>MAX.</u>
Residential	20'	24'	5'	10'
Commercial	20'	30'	20'	35'
Industrial	24'	35'	25'	40'

e) Intersection Spacing.

The minimum intersection spacing shall be six hundred sixty feet (660) for minor arterial roadways, three hundred thirty feet (330) for major collector roadways, two hundred fifty feet (250) for minor collector roadways and one hundred fifty feet (150) for local roadways.

SECTION 5: ———PARKING

a) General Provisions.

1) Off-Street Parking Required. Off street parking facilities shall be provided for all development within the City pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

2) Computation.

A) Number of Spaces. When the number of off-street spaces required by this Code results in a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.

B) Places of Public Assembly.

1) Fixed Seats and Assembly Areas. In cases where a place of assembly has both fixed seats and open assembly area, requirements shall be computed separately for each type and added together.

- 2) Benches. In Stadiums, sports arenas, churches, and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, each eighteen (18) inches of seating facilities shall be counted as one seat.
- 3) Square Feet. Unless otherwise stated herein, square feet shall be defined as gross floor area. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

b) Required ~~Off Street~~Off-Street Parking Space.

- 1) Minimum Requirements. The matrix below specifies the required minimum number of off-street motor vehicle and bicycle parking spaces, the percentage of motor vehicle spaces that must be allotted for compact vehicles, and in the notes, any special requirements that may apply.
- 2) Uses Not Listed. The number of parking spaces required for uses not listed in the matrix shall be determined by the City based upon information provided by the applicant. Applicable information shall include requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.
- 3) Multiple Uses. Where a combination of uses is proposed for development, parking shall be provided for each of the uses as prescribed by the matrix, unless a reduction is granted pursuant to (d) (3) of this Section.
- 4) Ratio of Full Size to Compact Size. The ratio of full size to compact spaces shall be maintained for the total number of parking spaces provided. Developers may increase this ratio thus increasing the number of full size spaces, however, in no case shall the ratio of compact spaces be permitted to exceed that as specified for each use.
- 5) Matrix.

RESIDENTIAL			
USE	MINIMUM OFF STREET PARKING	RATIO OF FULL SIZE/COMPACT CARS	BICYCLE SPACES
SINGLE FAMILY (DUPLEX)	1,2 and 3 bedrooms: 2 spaces/unit (a)(b) 4 + bedrooms: 3 spaces/unit (a)(b)	100/0	0
MULTI-FAMILY Resident Parking	Studio: 1.5 space/unit	100/0	.10 per required parking space

	1 bedroom: 1.5 spaces/unit 2,3 or more bedrooms: 2 spaces/unit		
MULTI-FAMILY Visitor Parking	.25 spaces/unit	100/0	0

NOTES:

- (a) If on-street parking is not permitted or is restricted on the unit's street frontage, then one visitor parking space shall be required. The visitor space shall be located not more than two hundred (200) feet from the unit's street frontage.
- (b) Resident parking spaces may be tandem. See Section 6 of this Chapter for the definition and dimensions of a tandem space.
- (c) Townhouse parking spaces may be tandem to driveways when such driveways provide access to attached garages. See Section 6 of this Chapter for the definition and dimensions of a tandem space.

COMMERCIAL

USES LOCATED IN SHOPPING CENTERS	1 space/250 square feet	75/25	.10 per required parking space
FREESTANDING COMMERCIAL AND SERVICE USES	1 space/300 square feet	75/25	.10 per required parking space

AUTO WASH (Attendant Service)	1 space/wash lane plus 2 spaces for fuel operation	75/25	0
BANK Main Office	1 space/200 square feet	75/25	.10 per required parking space
CONVENIENCE STORE WITH OR WITHOUT FUEL OPERATIONS	1 space/200 square feet	75/25	6
HOTEL, MOTEL, AND BED AND BREAKFAST INN	1 space/bedroom plus .10 per required space for employees	75/25	0
MOTOR VEHICLE/BOAT SALES	1 space/1000 square feet inside showroom plus 1 space/3000 square feet outdoor sales	75/25	0

	area		
MOTOR VEHICLE REPAIR FACILITY	1 space/service bay plus 2 spaces for fuel operation	75/25	0
MOTOR VEHICLE SERVICE CENTER: QUICK OIL CHANGE	2 spaces/service bay	75/25	0
MOTOR VEHICLE SERVICE STATION	3 spaces/service bay plus 2 spaces for fuel operation	75/25	0
MOTOR VEHICLE AND BOAT STORAGE FACILITIES	1 space/10 storage stalls plus 1 space/employee at largest shift and 2 spaces if resident manager living quarters are provided	75/25	0

PERSONAL SERVICES	1 space/150 square feet	75/25	.10 per required parking space
RESTAURANTS	1 space/3 seats, +1 space/each 2 employees	75/25	.10 per required parking space
RETAIL: FURNITURE AND APPLIANCE	1 space/500 square feet	75/25	.05 per required parking space
RETAIL: GENERAL	1 space/200 square feet	75/25	.10 per required parking space
RETAIL: GROCERY AND DRUG	1 space/200 square feet	75/25	.10 per required parking space
RETAIL: HOME BUILDING SUPPLY	1 space/250 square feet of gross floor area for retail sales plus 1 space/1,000 square feet of area devoted to bulk storage of building and landscaping materials	75/25	0
RETAIL: NURSERIES AND GARDEN SUPPLY	See Retail Home Building Supply Above	75/25	0
RETAIL: VIDEO RENTALS	1 space/250 square feet	75/25	.25 per required parking space

NOTES:

~~(a)~~—Required parking in shopping centers shall be 1 space/250 square feet of area, excluding movie theaters, grocery stores, drug stores, convenience stores and health/exercise clubs. The required parking for these uses within shopping centers shall be as stated for each use herein.

<u>OFFICE</u>			
OFFICE AND FINANCIAL SERVICES	1 space/200 square feet of gross leasable area	75/25	.10 per required parking space
OFFICE: MEDICAL OFFICE/CLINIC, VETERINARY CLINIC	1 space/180 square feet of gross leasable area	75/25	.05 per required parking space
<u>INSTITUTIONAL</u>			
CHILD CARE CENTER	1 space/state required staff person plus 1 space/5 children or 1 space/10 children if adequate drop off facilities are provided (a)	75/25	0
HOUSES OF WORSHIP, FUNERAL HOMES AND CULTURAL FACILITIES	1 space/3 seats within the main area or, if there are no fixed seats, 1 space/30 square feet of gross floor area within the main auditorium	75/25	.05 per required parking space
LIBRARY, COMMUNITY CENTER, RECREATION CENTER AND OPEN FLOOR AREA USES	1 space/100 square feet of public area	75/25	.20 per required parking space
NURSING HOME	1 space/employee on largest shift plus 1 space/2 beds	75/25	0

NOTES:

~~(a)~~—Drop-off facilities shall be designed to accommodate a continuous flow of passenger

vehicles to load and unload children safely. The adequacy of drop-off facilities proposed shall be determined by the City based on traffic safety principles and the stacking lane requirements of this Chapter.

EDUCATIONAL (PRIVATE)			
ADULT/VOCATION EDUCATION	1 space/staff member plus 1 space/2 adult students	75/25	.10 per required parking space
ELEMENTARY AND MIDDLE SCHOOLS	1 space/staff member plus 1 space/3 seats in largest assembly	75/25	.50 per required parking space
SENIOR HIGH SCHOOLS	1 space/staff member plus 1 space/3 students	75/25	.10 per required parking space
INDUSTRIAL			
MANUFACTURING	1 space/600 square feet of gross floor area devoted to manufacturing plus the required parking for square footage devoted to other uses	75/25	0
MINI-WAREHOUSES	1 space/ 5 10 cubicles plus continuous loading spaces clear of through traffic access plus 2 spaces/if resident manager living quarters are provided	75/25	0
WAREHOUSES: COMMERCIAL/ INDUSTRIAL DEAD STORAGE	1 space/4000 square feet	75/25	0
WAREHOUSES: CONSTRUCTION AND CONTRACTORS YARDS AND	1 space/1000 square feet	75/25	0

STORAGE			
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ENTERTAINMENT AND RECREATION			
BARS, LOUNGES AND NIGHTCLUBS	1 space/3 seats plus 1 space/employee on largest shift	75/25	0
BOWLING ALLEYS AND POOL HALLS	4 spaces/alley plus 3 spaces/pool tables plus required parking for other uses on the site	75/25	.20 per required parking space
COMMERCIAL STABLES	1 space/5 horses boarded on site	75/25	0
GOLF: DRIVING RANGE	1 space/tee plus required parking for any other uses on site	75/25	0
GOLF: MINIATURE	3 spaces/hole plus required parking for any other uses on site	75/25	.10 per required parking space
GOLF: REGULATION	6 spaces/hole plus required parking for any other uses on site	75/25	0
HEALTH/EXERCISE CLUBS	1 space/100 square feet of public floor area (swimming pool shall be counted as floor area)	75/25	.20 per required parking space
MARINAS	1 space/boat slip plus 10 boat trailer spaces/boat ramp plus required parking for any other uses on site	75/25	0
MOVIE THEATERS	1 space/3 seats plus 5 spaces for employees	75/25	.10 per required parking space
SKATING RINKS	1 space/100 square feet of public floor area	75/25	.20 per required parking space

TENNIS,	3 spaces/court plus	75/25	.20 per required
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HANDBALL AND RACQUETBALL FACILITIES	required parking for any other uses on site		parking space
VIDEO ARCADES, GAMEROOMS	1 space/200 square fee	75/25	.20 per required parking space

c) Special Parking Spaces.

- 1) Parking for handicapped Persons. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. Accessible parking spaces serving a particular building shall be located the shortest accessible route of travel from adjacent parking to an accessible entrance. Accessible parking spaces shall be at least eleven (11) feet wide and twenty (20) feet long. An access aisle, minimum of five (5) feet is required adjacent to all accessible parking spaces, however, two spaces may share a common access aisle. The total number of required accessible spaces to be provided is as follows:

Total Parking in Lot	Required Minimum Number of Accessible Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 – 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20 plus 1 for each 100 over 1000

Parking spaces required for the handicapped may be counted as parking spaces in determining compliance with this Chapter. All spaces for the handicapped shall be paved and appropriately marked.

2) Bicycle Parking.

A) Bicycle racks or other acceptable bicycle parking devices shall:

- 1) Be designed to allow each bicycle to be supported by its frame.
- 2) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
- 3) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.

- 4) Be located to prevent damage to bicycle by cars.
- 5) Be located in convenient, highly-visible, active, well-lighted areas.
- 6) Be located so as not to interfere with pedestrian movements.
- 7) Be located as near the principal entrance of the building as practical.
- 8) Provide safe access from the spaces to the right-of-way or bikeway.

d) Adjustments to Requirements.

1) Vehicle Parking Deferral.

- A) To avoid requiring more parking spaces than actually needed to serve a development, the City may defer the provision of some portion of the off-street parking spaces required by this code if previous experience within the City for such a use or information supplied by the developer suggests that the required number of parking spaces may not be necessary. In such a case, the developer shall provide a deferred parking plan in accordance with (b) below.
- B) A deferred parking plan:
 - 1) Shall be designed to contain sufficient space to meet the full parking requirements of this Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
 - 2) Shall not assign deferred spaces to areas required for landscaping, transition zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of physical characteristics of the land or other requirements of this Code.
 - 3) Shall include a landscaping plan for the deferred parking area.
 - 4) Shall include a written agreement with the City that, one (1) year from the date of issuance of the certificate of occupancy, the deferred spaces will be converted to parking spaces that conform to this Code at the developer's expense should the City determine from experience that the additional parking spaces are needed.
 - 5) Shall include a written agreement that the developer shall incur

the expense of a traffic study to be undertaken by a registered transportation engineer to determine the advisability of providing the full parking requirement should the City determine from experience that the additional parking spaces are needed.

- C) When authorized by the City upon a preliminary finding that the parking is inadequate, but not sooner than one (1) year after the date of issuance of the certificate of occupancy for the development, the City shall request a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking as discussed in (b)(5) above.
 - D) Based upon the study and the recommendations of the transportation engineer and the City Clerk, the City shall determine if the deferred spaces shall be converted to operable parking spaces by the developer or retained as deferred parking area.
 - E) The developer may at any time request that the City approve a revised development plan to allow converting the deferred spaces to operable parking spaces.
- 2) Bicycle Parking Deferral. The City may authorize deferral of required bicycle parking spaces when the nature of the use, information supplied by the developer or previous experience for similar uses in the city suggests that the bicycle parking is not necessary. The developer shall note on the development plan the number and location of spaces to be deferred, and an obligation to provide the bicycle parking when its need has been determined by the City. Deferred bicycle parking spaces shall comply with requirements of this Code at the time of installation.
- 3) Reduction for Mixed or Joint Use of Parking Spaces. The City may authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use may be approved if the following conditions are met:
- A) The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
 - B) The developer submits a legal instrument approved by the City Attorney guaranteeing the joint use of the off-street parking spaces as long as the uses required parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.

- C) The structures and facilities provided for one or both of the uses are specialized to the degree that no change in use resulting in greater parking demand could take place without expensive reconstruction necessitating a development permit and development plan review.
- D) If the properties are under separate ownership and control, a written easement and agreement shall be recorded at the applicant's expense, specifying the conditions of such joint use. This agreement shall be approved by the City Attorney.

SECTION 6: ———LOADING

- a) In General. Spaces to accommodate off-street loading of business vehicles shall be provided as required below.

REQUIRED LOADING SPACES		
LAND USE	SQUARE FOOTAGE OF FLOOR AREA	NUMBER OF SPACES
AUDITORIUMS, GYMNASIUMS, STADIUMS, THEATERS, AND OTHER BUILDINGS FOR PUBLIC ASSEMBLY	10,000 – 50,000	1
	50,001 – 100,000	2
	Over 100,000	3
CONVENIENCE STORES & RESTAURANTS	0 to total floor area	1
HOTELS, MOTELS, AND OTHER SIMILAR USES	30,000 to 60,000	1
	Each additional 30,000 or fraction thereof	1
INDUSTRIAL, MANUFACTURING AND WAREHOUSE USES	3,000 – 15,000	1
	15,001 – 30,000	2
	Each additional 15,000 or fraction thereof	1
MULTI-FAMILY USES	50,000 in one building for each building	1
OFFICES AND FINANCIAL INSTITUTIONS	10,000 – 30,000	1
	30,001 – 60,000	2
	Each additional 30,000 or fraction thereof	1
RETAIL COMMERCIAL, SERVICE AND COMMERCIAL ENTERTAINMENT USES	5,000 – 10,000	1
	10,001 – 30,000	2
	Each additional 20,000, or fraction	1

	thereof	
SCHOOLS, HOSPITALS, NURSING HOMES AND OTHER SIMILAR INSTITUTIONAL USES	10,000 – 50,000 Each additional 50,000 or fraction thereof	1 1

**SECTION 7: —————DESIGN STANDARDS FOR OFF-STREET PARKING AND
LOADING AREAS.**

a) Location.

- 1) Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.
- 2) The City may approve a special exception for off-site parking facilities as part of the parking required by this Code if:
 - A) The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
 - 1) Proximity of the off-site spaces to the use that they will serve.
 - 2) Ease of pedestrian access to the off-site parking spaces.
 - 3) Whether off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
 - B) The location of off-site parking spaces will not create unreasonable:
 - 1) Hazards to pedestrians.
 - 2) Hazards to vehicular traffic.
 - 3) Traffic congestion
 - 4) Interference with access to other parking spaces in the vicinity.
 - 5) Detriment to any nearby use.
 - C) The developer supplies a written agreement or attaches off-site parking by deed to the parcel to which such parking is designed to serve, approved in form by the City Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

- 3) All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:

Resident parking: 200 feet
Visitor parking: 200 feet

Distances shall be measured from the dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

b) Size.

1) Parking Spaces.

- A) A standard parking space shall be ten (10) feet wide and twenty (20) feet long.
- B) Compact parking spaces shall be eight and one-half (8 ½) feet wide and seventeen (17) feet long.
- C) Parallel parking spaces shall be a minimum of ten (10) feet wide and twenty two (22) feet long.
- D) A standard motorcycle parking space shall be four and one-quarter (4 ¼) feet long.
- E) Accessible parking spaces shall be at least eleven (11) feet wide and twenty (20) feet long. An access aisle, minimum of five (5) feet is required adjacent to all accessible parking spaces, however two spaces may share a common access aisle.
- F) A tandem parking space is a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space. Tandem parking spaces shall be a minimum of eight (8) feet wide and twenty (20) feet long, and may only be used for residential uses in accordance with requirements of this Chapter.

- 2) Loading Spaces. The standard off-street loading space shall be twelve (12) feet wide, twenty five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The City may require the length of one or more of the loading spaces to be increased up to fifty five (55) feet if full-length tractor trailers are anticipated to be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

c) Layout.

1) General Requirements.

- A) Pedestrian and bicyclist circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
- B) Parking and loading areas, isles, pedestrian walks, bikeways, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
- C) Buildings, parking and loading areas, landscaping and open space shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
- D) Each off-street parking space shall open directly onto an aisle or driveway that, except for single family and two family residences, is not a public street.
- E) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single family or two family residence or townhouse with an attached garage shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the City based on the size and accessibility of the driveway.
- F) The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
- G) Parking spaces for all uses, except single family and two family residences and townhouse units with attached garages, shall be designed to permit entry and exit without moving any other motor vehicles.
- H) No parking space shall be located so as to block access by emergency vehicles.
- I) Compact parking spaces shall be distributed evenly throughout the parking area to the greatest extent possible.
- J) No designated off-street parking or loading space or drive shall be located within ten (10) feet of any multi-family structure or within three (3) feet of any other building or structure which such vehicular

facility is intended to serve.

- K) Dead end aisles with adjoining parking spaces shall have an extension of the aisle a minimum of five (5) feet beyond the last space to provide for vehicular maneuvering.

- 2) Dimensions. The following table and illustration prescribe the required minimum dimensions of all parking spaces.

Reductions in required width and length may be permitted under the following conditions. Such reductions shall be utilized to reduce pavement area, preserve significant trees or vegetation or increase landscaped areas. The unpaved area resulting from such reductions shall not be credited towards required vehicular use landscaping or be included within required buffers.

- A) Reduced Width. An unlimited number of spaces may be approved to be reduced to nine (9) feet wide to increase internal landscaped area above the minimums specified by this Code, and to preserve existing specimen trees.
- B) Reduced Length. Designers are encouraged to reduce paved areas by reducing the length of standard parking spaces to eighteen (18) feet of pavement with two (2) feet of grassed overhand area. Continuous curbing or wheel stops shall be used at the end of the eighteen (18) foot dimension.

- d) Grass Parking.

Designers are encouraged to provide grassed overflow parking areas where the number of spaces desired is greater than the Code minimums. Additionally, those uses that anticipate less parking demand than the Code minimum requires may utilize grassed overflow parking areas for up to twenty five (25) percent of the requirements for general office, commercial, and industrial uses, and up to fifty (50) percent for recreational or institutional uses with weekly or less frequent peak demand. The provision for grassed parking to satisfy minimum parking requirements shall comply with the following standards:

- 1) Grassed parking shall be shown on the development plan. Stormwater, landscaping, buffer, setback and other applicable provisions of this Code shall be complied with as though the area was being paved.
- 2) No grassed parking area shall be established within any required open space of landscape area, and no such area shall be credited toward required buffers and landscaping.
- 3) Spaces shall be delineated in some manner, such as use of railroad ties or wheel stops.

- 4) Grass may be substituted with cypress mulch, bark, gravel or other similar material provided such material is a minimum of two (2) inches deep, placed upon porous weed barrier and effectively contained within a boarder of concrete, railroad ties, or other rigid material.
 - 5) If grassed parking areas utilized to satisfy the minimum number of parking spaces are regularly used so as to become rutted, uneven, unable to drain properly, unsightly or unmaintained, the City may require that the area be paved as specified in this Chapter.
- e) Access to Loading Spaces.
- 1) Each required loading space shall be accessible to street, service drive, or alley in a manner that will not interfere with the movement of vehicles passing the loading space.
 - 2) No loading space shall be located so that a vehicle must back onto a public street or extend into any street right-of-way while being loaded or unloaded.
- f) Surfacing.
- 1) In General. All parking and loading spaces, drives, access, aisles, and other means of vehicular access required under this Code shall be graded and paved in accordance with the specifications described in Standard Paving and Drainage Details of the City of Umatilla, except as otherwise permitted.
 - 2) Alternative Surfaces.
 - A) The City may allow specified parking spaces or areas to be surfaced with paver blocks, aggregate concrete, or other semi-impervious material in order to reduce adverse impacts to existing vegetation and trees shown to be preserved on a development plan.
 - B) The City may allow grass parking in accordance with provisions of Section 6(d) above.
 - C) The City may allow alternative surfaces such as brick, decorative block, or other material for decorative purposes provided such materials are determined to be acceptable substitute by the Department.
- g) Curbing, Wheel Stops and Speed Bumps.
- 1) Curbing, wheel stops, or barriers to protect sidewalks, walls, fences, or landscaped areas, and to prevent parking or loading where not permitted, shall be provided in accordance with the Code except for parking areas for single family or ~~two family~~two-family dwellings.

- 2) Wheel stops shall be installed at least thirty (30) inches from an adjacent sidewalk, fence, wall or hedge. The stops shall be of the standard concrete curb, or other appurtenance or design feature that keeps a vehicle from obstructing a sidewalk or making contact with a wall, hedge, or fence.
 - 3) Speed bumps shall not be permitted within the City.
- h) Marking.
- 1) Designated parking and loading spaces shall be marked on the surface of the parking space with paint or permanent marking material in accordance with the Manual of Uniform Traffic Control Devices (MUTCD), and maintained in a clear and visible condition.
 - 2) Compact Spaces. Labeled wheel stops or pavement markings shall be used to distinguish compact car spaces from full size car spaces.
- i) Directional Arrows
- In parking facilities containing twenty (20) spaces or more all aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows and lines to expedite traffic movement in accordance with the Manual of Uniform Traffic Control Devices (MUTCD).
- j) Signs.
- The City may require a developer to install signs in addition to directional arrows and consistent with sign regulations in this code and the ~~Manual of Uniform Traffic Control Devices~~ (MUTCD) to ensure the safe and efficient flow of vehicles, both on-site and off-site as warranted.
- k) Landscaping.
- All off-street parking and loading areas shall be landscaped in accordance with the landscaping and tree protection regulations in this Code.
- l) Lighting.
- Parking lots of twenty (20) spaces or more that are to be used after dark shall be lighted. The lighting shall not shine directly upon any adjacent residence of street, and shall not produce excessive glare.

SECTION 8: **REQUIRED STACKING AREA FOR DRIVE THROUGH FACILITIES.**

All commercial and office uses utilizing drive through facilities shall provide vehicle stacking area based on the following criteria:

a) Size of Space.

Stacking area shall be designed on a ten (10) foot by ~~twenty-two~~twenty-two (22) foot space per required vehicle.

b) Design of Stacking Area

The stacking area required below shall be designed so as to operate independently of other required parking and circulation areas. The required number of vehicle spaces shall include the vehicle served.

LAND USE	NUMBER OF SPACES
FINANCIAL INSTITUTIONS	5 spaces per service lane
RESTAURANT	6 spaces per service lane with a minimum of 3 spaces behind the order station or menu
UTILITY BUSINESS OFFICE	8 spaces per service lane
AUTO WASH (SELF SERVICE)	3 spaces per service lane
AUTO WASH (ATTENDANT SERVICE OR DRIVE THROUGH AUTOMATIC SERVICE)	8 spaces per service lane
SERVICE STATIONS (GASOLINE, QUICK LUBE, AND OTHER DRIVE THROUGH FACILITIES	3 spaces per service lane
ALL OTHER DRIVE THROUGH FACILITIES	3 spaces per service lane

SECTION 9:- PEDESTRIAN/BICYCLE ACCESS.

a) In General

—All new development shall be required to provide for pedestrian/bicycle access in —accordance with this Section. Such access shall be separate from general —vehicular traffic and directed to provide safe access ~~o-bicycle~~to bicycle parking areas, main —entrances and other appropriate focal points.

1) Location. All new development shall construct the following when required by the City:

A) Bikeways shall be constructed on the side of the right-of-way designated by the city, regardless of which side new development is proposed.

—B) Bikeways on both sides of any right-of-way which exceeds one —hundred fifty (150) feet in width.

C) Bikeway connectors between bicycle parking areas, main entrances or other areas and the bikeway within the right-of-way when the required numbers of bicycle parking spaces ~~exceed~~exceed five (5). Such connectors shall be a minimum of five (5) feet in width.

D) Bikeways required as specified contingency of any subdivision site or planned development approval.

b) Sidewalks

1) Location. All new development shall construct the following as required by the ~~City~~.

 A) Sidewalks which would logically extend and connect to an existing sidewalk.

 B) Sidewalks to connect new development with existing or proposed sidewalks or bikeways within the right-of-way when the total required number of parking spaces for the development exceeds thirty five (35).

 C) Complete internal sidewalk systems within multi-family developments which connect buildings, parking areas and common facilities.

 D) Sidewalks which separate parking areas from buildings, and provide safe pedestrian access from parking areas to buildings.

 E) Sidewalks required as part of any subdivision, site or planned development approval.

 F) Sidewalks in adjacent right-of-way.

 G) Sidewalks shall be constructed on both sides of the street.

 H) Sidewalks shall abut the front property line.

 I) The adjacent property owner shall maintain the sidewalk abutting the property.

2) Specifications. The minimum specifications for sidewalks shall be in accordance ~~with~~ the Standard Paving and Drainage Details of the City of Umatilla.

c) Design of Bikeways and Sidewalks

 ~~1)~~ Bikeways should be designed to take advantage of natural areas and

through landscape bikeway provide a visually pleasurable route by meandering around and natural undisturbed areas, landscape buffers and man-made features. The minimum radius of any curve in the layout of a shall be twenty five (25) feet

SECTION 10: ROADWAYS

- a) In General. The following Section describes the City's program for ensuring an effective, efficient and attractive roadway network. All new development shall be required to comply with these regulations as applicable in order to promote the purposes and determinations stated herein.
- b) Right-of-Way. ~~Following~~The following are generalized right-of-way width requirements for new development within the City.

<u>Road Classification</u>	<u>Width</u>
Rural Arterial	200
Major Collector	80
Minor Collector	66
Local	50

These are generalized width requirements and have may be increased, at the request of the appropriate jurisdiction, if the proposed project fronts on a State or County road.

- c) Additional Right-of-Way

A proposed subdivision or site plan that abuts or encompasses an existing public road that does not conform to the minimum right-of-way requirements shall provide for the dedication of additional right-of-way along either one (1) or both sides of said road to meet the minimum right-of-way required by these regulations.

~~—~~If the proposed subdivision abuts only one (1) side of said road, then a minimum of one-half of the required right-of-way shall be dedicated or reserved by such ~~—~~subdivision or site plan.

CHAPTER 15

LANDSCAPE, IRRIGATION, AND TREE PROTECTION

SECTION 1: ———PURPOSE AND INTENT

The purpose of this chapter is to establish minimum standards for landscaping, buffers, and tree protection within the city. This Section is to be implemented to achieve the following intents and purposes:

- a) To improve the appearance of the community;
- b) To provide shade for the ground surfaces;
- c) To buffer adjacent land uses;
- d) To preserve natural and native vegetation;
- e) To screen vehicular movement from pedestrian and public view;
- f) To provide for the protection and preservation of trees and vegetation; and
- g) To encourage water-efficient (xeriscape) landscaping principles.

SECTION 2: ———DEFINITIONS

See Chapter 2, “Definitions and Interpretations”.

~~*Address means the house number of a physical location of a specific property. This includes “rural route” numbers but excludes post office box numbers. If a lot number in a mobile home park or similar community is used by the U.S. Postal Service to determine a delivery location, the lot number shall be the property’s address. An “even numbered address” means*~~

an address ending in the numbers 0, 2, 4, 6, 8 or the letters A-M. An “odd numbered address” means an address ending in the numbers 1, 3, 5, 7, 9 or the letters N-Z.

~~*Agriculture—Field crops/wholesale nursery* shall mean the production, keeping, or maintenance, for sale, lease, or personal use, of plants useful to man, and may include, but not be limited to, forage and sod crops, grain and seed crops, fruits of all kinds, vegetables, and nursery, floral, ornamental, and greenhouse products.~~

~~*Agriculture—Processing/hatcheries* shall mean the production, keeping, maintenance, or processing, for sale, lease, or personal use, of animals and plants useful to man, and may include, but not be limited to, dairy animals and dairy products, grain mills, poultry and poultry products.~~

~~*Caliper* shall mean the minimum trunk diameter of a replacement tree as measured at a predetermined point measurement.~~

~~*Clearing* shall mean the removal of any trees or vegetation from the land, but shall not include mowing of lawn and field grasses.~~

~~*Diameter at breast height (DBH)* shall mean the trunk diameter of a tree measured four and one-half (4.5) feet above the average ground level at the base of the tree. Provided, however, if the tree forks four and one-half (4.5) feet above ground level, it is measured below the swell resulting from the double stem.~~

~~*District* means the St. Johns River Water Management District.~~

~~*Dripline* shall mean 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 spear, 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.~~

~~*Landscaping* shall mean areas set aside from structures and parking which are developed with natural materials (i.e., lawns, trees, shrubs, vines, hedges, bedding plants, rock) and decorative features, including paving materials, walls, fences, and street furniture.~~

~~*Landscape irrigation* means the outside watering of plants in a landscape such as shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens and other such flora that are situated in such diverse locations as residential areas, public, commercial, and industrial establishments, and public medians and rights-of-way. “Landscape irrigation” does not include agricultural crops, nursery plants, cemeteries, golf course greens, tees, fairways, primary roughs, and vegetation associated with recreational areas such as playgrounds, football, baseball and soccer fields.~~

~~*Non-residential landscape irrigation* means the irrigation of landscape not included within the definition of “residential landscape irrigation,” such as that associated with public, commercial and industrial property, including commercial or transient housing units, hotel and motel units, and public medians and rights-of-way.~~

~~Person means any person, firm, partnership, association, corporation, company, or organization of any kind.~~

Plant List for the City of Umatilla shall mean a listing of recommended canopy trees, understory trees, shrubs, ~~groundcover~~, and grasses for The City of Umatilla approved by the Umatilla City Council. The publication shall also contain a listing of prohibited exotic plants, prohibited invasive plants and drought tolerant plants.

Remove or Removal as used in Section 9 of these regulations, the cutting down, destruction, or damaging of a tree or trees, or to cause the cutting down, destruction, or damaging of a tree or Trees. (Ord 2011-V, 12/06/2011)

~~Residential landscape irrigation means the irrigation of landscape associated with any housing unit having sanitary and kitchen facilities designed to accommodate one or more residents, including multiple housing units and mobile homes.~~

~~Tree shall mean any living, self-supporting, woody perennial plant that has a trunk diameter of at least four (4) inches at breast height. (Ord 2011-V, 12/06/2011)~~

~~Wetlands shall mean lands which are identified by being inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The definition includes all contiguous and non-contiguous or isolated wetlands to waters, water bodies, and watercourses. Wetlands include, but are not limited to, swamp hammocks, hardwood hybrid hammocks, riverine cypress, cypress ponds, bayheads, bogs, wet prairies, and freshwater marshes. Dominant wetland vegetation shall be determined as provided in Rule 17-3.022, Florida Administrative Code. In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear. In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other historical information as appropriate. (Ord. No. 96-17, § 1, 5-13-96)~~

SECTION 3: ———NONCONFORMING LANDSCAPING

- a) Nonconforming Landscaping. For landscaping that is nonconforming, the following shall apply:
 - 1) Existing development shall comply with the landscape regulations of this Chapter to the best extent possible when the floor area of a structure or parking area is increased by twenty (25) percent or more.
 - 2) Increases in area of a new structure, an additional structure, parking area or vehicular use area is less than any of the requirements of subsection (1) above, only the new structure, addition, increased parking area or increased vehicular use area shall be buffered in accordance with the provisions of Section.

- 3) Nonconforming landscaping shall not be required to be brought into compliance as a result of a natural disaster.

3)

CHAPTER 15

LANDSCAPE, IRRIGATION, AND TREE PROTECTION

SECTION 4: LANDSCAPING STANDARDS

Updated Ordinance 2019-B adopted 02.05.2019

The purpose of this Section is to provide minimum standards for landscaping, buffering and site clearing within ~~The~~the City of Umatilla. This Section shall be implemented so as to promote the preservation of native plant species, to provide for aesthetic landscaping complements to proposed development and to encourage the use of plants that qualify as Florida Friendly Landscaping. The provisions of this Section may be cited as the Landscape Code. The City of Umatilla's Technical Review Committee (TRC) may determine if the plant material and placement of plant material meets the intent of the code and is appropriate for a specific site.

- a) General Requirements and Exemptions. It shall be unlawful for any person to clear, develop or increase the developed area of any site or lot unless in compliance with the terms of this Section. No development order or development permit shall be issued unless it complies with these requirements or unless such development is specifically exempted as specified below. The following activities are exempt from the provisions of this Section:
- 1) Agriculture and Silviculture so long as the operation qualifies as a bona fide farm operation on land classified as agricultural pursuant to Section 193.461, Florida Statutes, or if such activity is regulated through implemented best management practices, interim measures, or regulations developed through the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services or a water management district and adopted under Chapter 120, Florida Statutes under a regional program; or if such activity is expressly regulated by the U.S. Army Corps of Engineers or U.S. Environmental Protection Agency.
 - 2) Emergency maintenance work performed for the protection of public health and welfare.
 - 3) Any maintenance to an existing approved landscaped area made in accordance with approved landscape plan.
 - 4) Conservation lands with an approved Land Management Plan shall be exempt from complying with the Landscaping Standards.

- 5) Landscaping. All ground surface areas of any lot shall maintain landscaping to eliminate erosion, reduce the generation of dust particles and other windborne particles, provide aesthetic relief, and further the objectives of this Section.

b) Waterwise and Florida Friendly Landscaping.

Mandatory Waterwise and Florida Friendly Landscape Measures with Site-Appropriate Plants. All required landscaping shall be installed and maintained to meet the following purposes:

- 1) To conserve and use water efficiently.
- 2) To encourage creative landscape design.
- 3) To use Waterwise and Florida Friendly Landscaping, implementing right plant-right place principles.
- 4) To use native vegetation.
- 5) To re-establish native plant communities.
- 6) To recognize the need to protect groundwater as a natural resource.
- 7) To use site appropriate plants.
- 8) To reduce energy costs and maintenance.

c) Water Efficiency. All required landscaping shall be installed and maintained to be consistent with the water-efficient landscaping requirements established herein. Landowners are additionally encouraged to follow Waterwise Florida Landscapes and Florida Irrigation Society standards. The water-efficient requirements are as follows:

- 1) *Use of mulch.* Organic mulches shall be used and maintained around all trees located in turf grass areas, in landscaped areas not planted or not appropriate for growing turf grass, and in all planted areas. Due to slow growth rate, low renewability as a natural resource, and impacts to wetlands, cypress mulch shall be discouraged. Mulch shall be installed two (2) to four (4) inches deep, kept off the root ball, and shall be kept a minimum of one (1) foot from the base of a tree trunk, or as required by the plant species.
- 2) *Limit irrigated lawn areas.* The use, type, and location of lawn area in the landscape shall be selected in a planned manner and not used as a fill-in material. Since most lawn varieties used in the landscape require supplemental watering more frequently than other types of landscape plants, turf shall be placed so that it can be irrigated separately. It is encouraged that drought-tolerant turf be used.
- 3) *Low water use plants.* Landscape plants shall be selected based on appropriateness to the site considering conditions such as soil type, moisture, and sunlight using the principle of “right plant-right place,” as described in “Waterwise Florida Landscaping” published by the St. Johns River Water Management District. The plants shall be grouped in accordance with their

respective water needs. A list of low water use plants is contained in The Plant List for ~~The~~the City of Umatilla.

- 4) *Efficient and well-designed irrigation.* Up to 3,000 square feet of the lot on any single family or duplex residential lot may be irrigated with an installed irrigation system, excluding micro-irrigation, drip systems and temporary irrigation necessary to establish new plantings. Golf course fairways and greens, public active recreation fields, greenhouses, landscape nurseries, retail nurseries, and agricultural production systems are exempt from meeting these requirements. Landscape production and retail centers shall comply with the watering restrictions for any landscape that is required under these regulations that is not related to the production or selling of landscape material on site. The following criteria for irrigating a site shall be used in the design of the system.
 - 5) *Rain Sensors.* Functioning rain sensor devices shall be required on all automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. Sensors shall be of the “instant off” type designed to prevent operation of the installed irrigation system during a rain event.
 - 6) *Irrigation Overthrow.* The irrigation system shall be designed to minimize irrigation overthrow onto impervious surfaces and to avoid any ponding effects.
 - 7) *Temporary Irrigation.* Minimum size canopy trees requiring irrigation prior to becoming established shall use tree bubblers or micro-irrigation on a separate zone. Hand watering or a temporary irrigation system may be allowed to ensure the plants become established. Temporary irrigation lines shall be covered by mulch or buried.
- d) General Landscaping Requirements. Plant Materials. All required landscaping shall meet the following general requirements:
- 1) *Quality.* All required plant materials shall be installed and maintained in conformance with the provisions of this Section and shall conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee (97T-05, second edition, February 1998), which is hereby adopted and included by reference herein. All plant material shall be planted in suitable soil to permit its survival. Any plant materials not contained in The Plant List for The City of Umatilla and not prohibited by Section 9 must be shown to be suitable for planting. (~~Ord 2011-V-12/06/2011~~)
 - 2) *Soil Analysis.* The existing soils on the site should be analyzed, when appropriate, to help determine the appropriate plant types for the site.
 - 3) *Native Plants.* A minimum of fifty (50) percent of the required trees and shrubs shall be native species suitable for the site.

- 4) *Canopy Trees.* All required canopy trees shall be a minimum of two and one-half (2.5) caliper inches and in a thirty (30) gallon container or greater. Equivalent ball and burlap trees may be used but container trees shall be preferred. The minimum height of trees is ten (10) feet and the minimum spread is four (4) feet. Trees that are not required by this Section are not subject to this provision. New tree calipers shall be measured six (6) inches above grade for trees that are under four (4) inches caliper and measured twelve (12) inches above grade for trees larger than four (4) inches tree caliper. Existing tree calipers are measured at Diameter at Breast Height (DBH) or fifty-four (54) inches height from grade. Additional tree credits for new canopy trees planted:

- A. Minimum 4-inch caliper x 12-foot Height x 5-foot Spread = 2 Canopy Tree Credits
- B. Minimum 6-inch caliper x 14-foot Height x 6-foot Spread = 3 Canopy Tree Credits

Canopy trees shall be provided with a minimum one hundred (100) square foot pervious planting area around the trunk with a minimum height of ten (10) feet. Large maturing canopy trees will need more planting area typically. Each planting area shall be landscaped with a mulch ring, groundcover, or other landscape material, in addition to the required tree.

Clustering may be utilized if needed for design intent. Special precautions shall be taken to not locate canopy trees under or near utility easements.

- 5) *Understory trees.* Understory trees may be used in place of canopy trees in situations where height restrictions or root zone intrusion issues are shown to be a concern, such as under power lines at a ratio of two (2) understory trees to replace each canopy tree. All required understory trees shall be a minimum of two (2) caliper inches and in a fifteen (15) gallon container or greater. Equivalent ball and burlap trees may be used, but container trees shall be preferred. The minimum height of trees is eight (8) feet and the minimum spread is three (3) feet. Trees that are not required by this Section are not subject to this provision. New tree calipers shall be measured six (6) inches above grade for trees that are under four (4) inches caliper and measured twelve (12) inches above grade for trees that are larger than four (4) inches tree caliper. Existing tree calipers are measured at Diameter at Breast Height (DBH) or fifty-four (54) inches height from grade. For multi-trunk trees, trunks shall have an average cumulative caliper of two (2) inches. Credits for new understory trees planted:

- A. Minimum 3-inch caliper x 10-foot Height x 5-foot Spread = 2 Understory Tree Credits
- B. Minimum 4-inch caliper x 14-foot Height x 6-foot Spread = 3 Understory Tree Credits

Adequate spacing shall be maintained to protect and allow for the growth of the root systems of each tree. Special precautions shall be taken to not locate understory trees under or near utility easements.

Required understory trees shall have a maximum spacing of fifty (50) feet. However, clustering may be utilized if needed for design intent. Spacing of tree groupings shall not exceed 150-feet.

- 6) *Palms.* Palms may be used in place of understory or canopy trees to meet the minimum tree requirements. The minimum size of palms is six (6) feet of clear trunk for tree form palms. In perimeter buffers, two (2) palm trees count as one (1) canopy tree unless it is a large specimen palm tree such as a Medjool or Date Palm, which may be counted as one (1) palm tree to one (1) canopy. One (1) palm tree counts as one (1) understory tree.
- 7) *Shrubs.* Shrubs shall be used for all visual screens that are required pursuant to the provisions of this Section and shall be planted on minimum centers no greater than forty-eight (48) inches. The minimum installed height of shrubs shall be two (2) feet in height by eighteen (18) inches spread. Their spread shall be appropriate for their size and species. The following standard applies:
 - A. In Type A, B, or C landscape buffer, shrubs shall be a minimum of two (2) feet in height at the time of planting and in a minimum of a three (3) gallon container. Shrubs planted to fulfill the requirements of the Type A, B, or C Buffer shall be able to obtain a height of three (3) feet within twelve (12) months of planting under normal growing conditions.
 - B. In Type D and E landscape buffer, shrubs shall be a minimum of three (3) feet tall at the time of planting and in a minimum of a seven (7) gallon container. Small or shrub-form palms shall be a minimum of three (3) feet from the ground surface to the apical bud. Shrubs planted to fulfill the requirement of a Type D and E buffer shall be able to obtain a height of four (4) feet in twelve (12) months, under normal growing conditions.
- 8) *Ground Covers.* Ground covers shall be used when required pursuant to the provisions of this Section and shall be planted on minimum centers no greater than thirty-six (36) inches. The minimum installed size of groundcovers shall be one (1) gallon. Their spread shall be appropriate for their size and species. Required groundcovers shall be planted to provide complete coverage planted to industry standards.
- 9) *Lawn Grass.* Required grass areas are required to be sodded, plugged, sprigged, or seeded prior to issuance of a certificate of occupancy (CO) or prior to final plat approval or site plan approval. The area that is sodded, plugged, sprigged, or seeded shall provide complete coverage planted to

industry standards within 90 days. Complete coverage shall mean that, once established, not more than ten (10) square feet cumulative of bare ground per one-quarter (1/4) acre of grass area are exposed. Nothing herein shall be construed to prevent the conversion of lawn grass areas to Florida Friendly landscapes. Solid sod shall be used on slopes greater than fifteen (15) percent.

- 10) *Site Appropriateness.* All landscape material shall be suited to soil and climate conditions of the site in order to conserve water.
- 11) *Synthetic Lawns and Plants.* Synthetic or artificial turf, trees, and plants shall be prohibited from use in lieu of required live plantings.
- 12) *Architectural Planters.* The use of permanent or moveable architectural planters may be permitted. The planters shall be adequately sized for palms, understory trees, and shrubs, shall not cause the roots to bind and shall permit water to drain through the base of the planter. Required canopy trees are prohibited from being planted in moveable planters.
- 13) *Existing Trees.* Existing trees may be used to meet tree requirements in accordance with the following criteria:
 - A. The tree shall be in very good health and free of pests, disease, or injury.
 - B. The tree shall meet the requirements above for canopy, understory and palms.
 - C. The tree shall not be a prohibited species.
 - D. To count for buffering or interior landscape requirements; the tree shall be located within the appropriate corresponding area.
 - E. Tree credits shall be given for existing qualifying canopy trees are as follows:

Existing Tree Size based on DBH	Number of Trees Credited for required landscape (not used for replacement trees)
2"-6.99"	1 Canopy Tree Credits
7"-12.99"	2 Canopy Tree Credits
13"or greater	3 Canopy Tree Credits

- F. Understory trees meeting a minimum cumulative caliper shall be credited as one (1) existing understory tree = 1 replacement [Minimum two-inch (2") Caliper x eight (8) foot height x three (3) foot spread].

14) *Existing Shrubs.* Existing shrubs may be used to meet shrub requirements in accordance with the following criteria:

- A. The shrub shall be in very good health and free of pests, disease, or injury.
- B. The shrub shall not be a prohibited species.
- C. To count for buffering or interior landscape requirements; the shrub shall be located within the appropriate corresponding area.

15) *Plant Substitutions to approved plans.* Changes to the landscape section of the approved site plan shall require an amendment to the site plan, unless:

- A. The change affects five (5) percent or less of any plant species; or
- B. A buffer is moved less than twenty (20) feet.

Any change authorized by subsection (a) and (b) above shall require written notification by the applicant to the City Manager, or designee, including plans indicating the change.

e) Diversity. In order to guard against disease susceptibility, all required landscaping shall meet the requirements below. When 12 or more trees are planted, no more than twenty-five (25) percent of the trees or shrubs required shall be of the same species unless the design is based on a theme of consistency, such as a tree covered walkway.

f) Installation. All landscaping shall be installed according to "Selecting and Planting Trees and Shrubs," published by the University of Florida/Florida Cooperative Extension Service (Institute of Food and Agricultural Sciences, Circular 858, October 2003) or to "Waterwise Florida Landscapes" published by the St. Johns River Water Management District, which describes the principles of "right plant, right place." These publications are hereby adopted and included by reference herein. The natural growth habit of a tree shall be considered in advance of conflicts that might arise (i.e. view, signage, lighting and similar conflicts). Plantings in close proximity to roadways and intersections shall meet the site distance requirements of the Florida Green Book.

g) Irrigation Systems. All installed irrigation systems shall be designed to provide irrigation appropriate to meet the needs of the landscape area to be served. An irrigation plan shall be required for other than single family lots. In evaluating irrigation plans, the primary consideration shall be water conservation. Irrigation systems shall be designed to provide the minimum irrigation necessary to ensure the survival of the plant material and shall be designed to avoid runoff and promote optimal percolation.

- 1) Temporary irrigation is the preferred method of irrigation and installed irrigation shall be discouraged, unless it is deemed that plants would not thrive without a permanent system because of site conditions.
 - 2) The irrigation system shall be in compliance with the Florida Irrigation Society Standards, Florida Building Code and Section 373.62, Florida Statutes, for rain sensor shut-off devices. The use of micro-irrigation shall be encouraged to conserve water resources, provided it is in compliance with the Florida Building Code. All irrigation systems shall use zones, automatic timers, back-flow preventers, soil-moisture sensors and rain sensors. Landscaped areas less than five (5) feet in width shall incorporate micro-irrigation, if irrigated.
 - 3) Irrigation shall be limited as required by the applicable Water Management District irrigation rule.
 - 4) To conserve potable water, reclaimed water, storm water ponds and cistern collection shall be encouraged for irrigation water if the water quality will meet the needs of the landscape. Developments seeking to use water from retention ponds or natural lakes shall comply with all requirements of the appropriate Water Management District.
- h) Maintenance. All landscaping shall be maintained so as to present a neat, healthy, and orderly appearance free of refuse and debris. Use of high amounts of fertilizer and pesticides is discouraged. See Chapter 17, Section 39 regarding the application and use of fertilizers.
 - i) Pruning. All pruning shall be in accordance with Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance, ANSI 300 of the National Tree Care Association. Trees shall not be severely pruned in order to permanently maintain growth at a reduced height or spread. Excessive pruning (hat racking, topping, etc.) is prohibited.
 - j) Notification. In any residential plat where landscaping is proposed on individual lots, the final plat and restrictive covenants shall contain a provision that notifies prospective lot purchasers of the landscape maintenance requirements.
 - k) Revegetation Required.
 - 1) Revegetation shall be required within six (6) months of expiration of any development order if natural vegetation was disturbed and if the landscaping has not been completed in accordance with the landscape plan.
 - 2) If work ceases for six (6) months on a site, then the entire site shall be revegetated if natural vegetation was disturbed and if the landscaping has not been completed in accordance with the landscape plan.
 - 3) If revegetation is required, the property owner shall submit and have approved an interim landscape plan within thirty (30) days by the City Manager or designee for revegetation of the subject property, which shall provide for stabilized vegetative groundcover of trees, grasses, forbs, or legumes

consistent with the original condition of the site. The revegetation plan shall indicate the method and location of tree replacement required by any tree removal permit.

- 4) The City has the authority to require the re-vegetation of a lot at the expense of the property owner.

SECTION 5: ——— LANDSCAPE BUFFER REQUIREMENTS

- a) General Buffer Requirements. Any approved development order, other than for a single-family or duplex lot, shall provide for the following buffers.

- 1) *Buffering from adjacent Properties.* Landscape buffering shall be required at the time of development as specified in Table 1 below.

- A. If no buffer exists on the adjoining property or if the existing buffer fails to meet the requirements of the table below, buffering shall be required. In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the adjoining property must have been required by a development order issued by The City of Umatilla.
- B. Commercial parcels within a master planned commercial center, or mixed use Planned Unit Developments (PUD) may utilize the buffer installed on adjacent parcels within the same development if such buffers were required by a development order issued by The City of Umatilla.
- C. Single-Family residential subdivisions of less than ten (10) lots and a density of less than one (1) dwelling unit per net acre shall be exempt from this buffer requirement.

- 2) *Buffering from Public Roadways.* Any parcel adjacent to a public right-of-way shall have a landscape buffer along its right-of-way that reflects the landscape requirements of the zoning district across the road/street or a Type A landscape buffer, whichever is greater. A Type A Landscape Buffer is required for parcels along SR 19.

- 3) *Internal Roadway Buffering.* Any development order shall require that:

- A. All single-family and multifamily development shall provide internal tree-lined roads. Street trees shall be selected from the canopy tree list, as listed in the Plant List for The City of Umatilla, at an average spacing of fifty (50) feet on center spacing along both sides of roads. The canopy trees required for residential lots may also be used as

required street trees as long as they are no more than twenty (20) feet away from the right-of-way line unless prohibited by an easement.

- B. Canopy trees shall be planted a minimum of ten (10) feet and a maximum of twenty (20) feet outside the right-of-way (R.O.W.) with an alternating pattern on each side of the road. When the proposed development is only on one side of the road, then street trees shall be required for that side of the road. Developers may plant trees in the right-of-way or within ten (10) feet of the R.O.W., with a R.O.W. Utilization Permit. Any tree planted within the R.O.W. shall comply with the Florida Green Book. Canopy trees shall be planted a minimum of an eight (8) foot distance from public sidewalks, when possible to prevent future damage to sidewalks.
- 4) *Access Roads adjacent to Subdivisions.* A Type A landscape buffer shall be installed between any internal subdivision road and the property line of the adjacent subdivision or lot(s). The buffer shall be installed within seventy-five (75) feet of the adjacent property line.

Figure A – Typical Street Tree Section

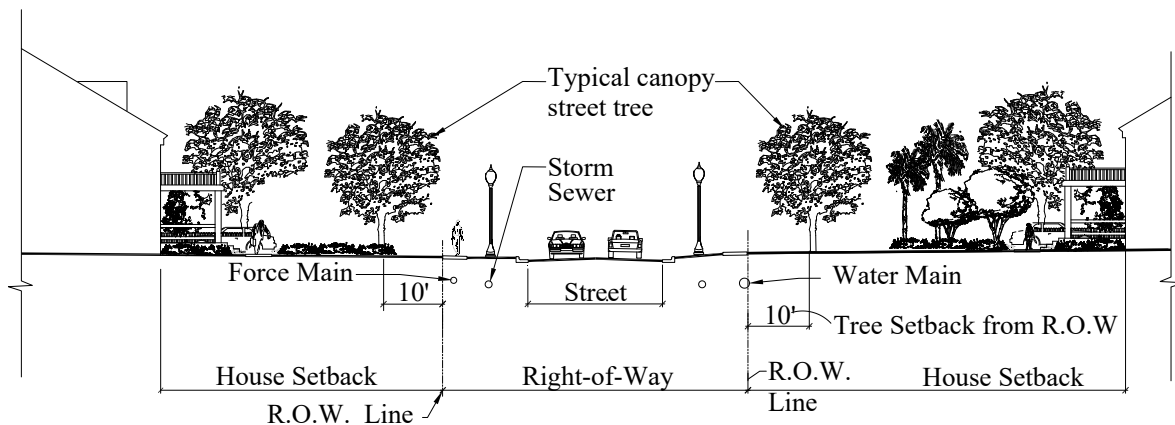
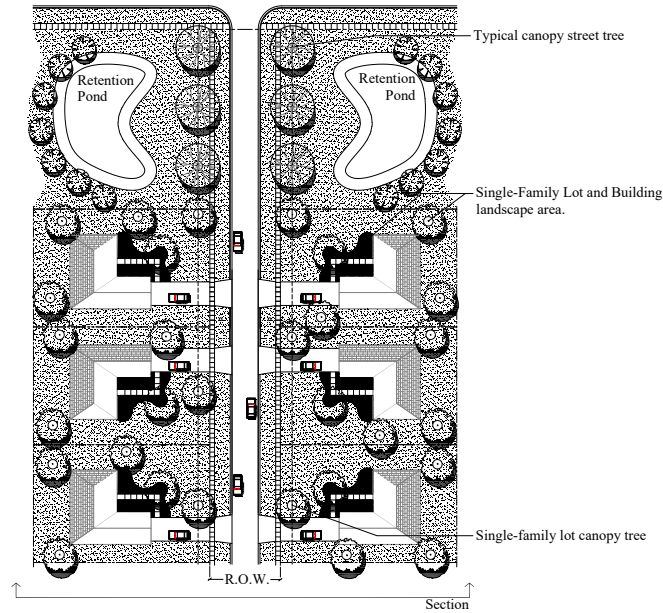


Figure B – Typical Street Tree Plan



b) Landscape Buffers. The table below provides the required buffer and specific requirements. The buffers below shall be required except where lesser buffers are deemed acceptable by the City Manager or designee. The City Manager or designee shall consider the following factors in making this determination:

b)

- ~~i.~~—Surrounding uses
- ~~ii.~~—Intent to preserve native vegetation or habitat within a certain area on the property
- ~~iii.~~—Opportunity to share buffers with adjacent development

(Ord 2011-V 12/06/2011)

Table 1 - Landscape Buffers Surrounding and Between Zoning Districts.

	Type A buffer required for adjacent properties with like zoning, in lieu of a more stringent buffer outlined below
AR	Type A
R18	Type A
R15	Type A
R12	Type A
R10	Type A
R8	Type A
R5	Type A
MHRP	Type B
MHS	Type B

PFD	Type B
RP	Type A
PUD	Type B (subject to review)
C1	Type C
C2	Type C
TC	Type C
LM	Type D
AZ	Type C

(Ord 2011-V 12/06/2011)

Table 2 - Land Use Buffer Area Requirements

Buffer area Type	Buffer Width	Landscape Requirements (per 100 linear feet)
A	15 Feet	• Three (3) canopy trees; • Two (2) understory trees; • Two (2) foot high hedge; and • 15 % of landscape groundcover other than turf.
B	20 Feet	• Four (4) canopy trees; • Three (3) understory trees; • Two (2) foot high hedge; • 15 % of landscape groundcover other than turf.
C	25 Feet	• Five (5) canopy trees; • Four (4) understory trees; • Two (2) foot high hedge; • 15 % of landscape groundcover other than turf.
D	30 Feet	• Six (6) canopy trees; • Seven (7) understory trees; • Two (2) foot high hedge; • Six (6) foot wall or berm or combo thereof; and

		• 15 % of landscape groundcover other than turf.
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- c) Supplemental Requirements for Subdivisions and Site Plans. The following requirements supplement the tables above and shall be used to install and maintain the required buffer.

1) Separately platted or phased developments shall require a landscape buffer pursuant to the landscape buffer requirements between internal plats or phases in order to offer internal buffering, unless this intent of this requirement can be met with other means.

1)

2) Required walls shall be solid, and surfaces shall be finished. Allowed wall types mean solid walls and include Exterior Insulation Finish Systems (EIFS) with stucco, brick, finished or textured block, vinyl plastic, pre-cast and poured-in-place concrete wall with a finished surface. Solid fences where required shall be opaque. One-sided wood fences shall be installed with wood posts to the inside of the property that is installing the fence. Chain-link and barbwire fencing may not be used to meet the screening requirement.

2)

3) Additional requirements:

A. Seventy-five (75) percent of the required landscape buffer shall be located on the right-of-way side of any required fencing, walls, or any other screening structures. In addition, at least one row of required screening shrubs shall be located on the right-of-way side of any screen, wall, or other screening structures.

B. Any wall, fence, or other screening structure built along a public right-of-way for property which requires a landscape plan shall consist of harmonious screening material that has a consistent and uniform texture, color, and pattern along all major collector or arterial roadways.

4) All pervious areas shall have six (6) Canopy trees per acre minimum. Some parts of the site may be left as open space, but the total number of trees shall average six (6) canopy trees per acre for pervious areas. Other landscape requirements may be used to meet this requirement such as required landscape buffering and retention pond landscaping. Permanent water bodies, wetlands and wet retention ponds shall be excluded in calculating the amount of pervious area requiring six (6) canopy trees per acre.

5) Subdivisions greater than ten (10) lots shall place the required landscape buffers in a separate tract or easement that shall be maintained by a homeowners association.

6) Landscape materials within buffers along rights-of-way shall be designed to display variety, color, form, and texture, by emphasizing native and drought tolerant plants. Such variety and color may be accomplished by using a combination of shrubs and understory from the Plant List for The City of Umatilla. The placement of landscape materials within landscape

buffers shall have a rational relationship to the existing patterns and densities of adjoining areas which have been designed or preserved. Arrangements shall replicate natural conditions and shall not be linear unless dimensional limitations necessitate such an arrangement or linear arrangement are part of a formal landscape directly related to the architecture of the building(s) or are part of a formal street tree landscape.

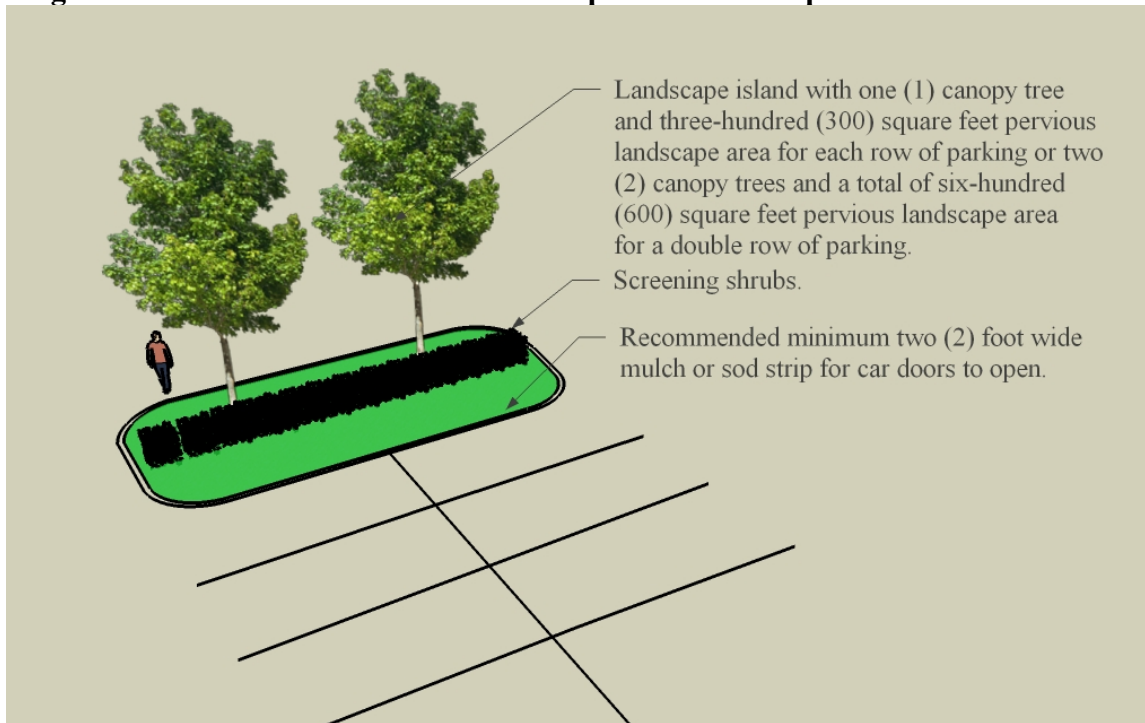
SECTION 6: —INTERNAL LANDSCAPING.

Internal Landscaping in Parking Areas and other Site Areas, other than Single-Family and Duplex Lots.

Any development order other than for single-family or duplex dwellings shall require that all ground surface areas used on commercial, institutional, community facility, industrial, condominium, recreational vehicle parks, or multifamily sites shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and channelize and define logical areas for pedestrian and vehicular circulation. The following special landscaping requirements apply to commercial, institutional, community facility, industrial, condominium, recreational vehicle parks and multifamily sites.

- a) Interior Parking Areas. Landscape islands shall be provided within parking areas, as described below to prevent excessively long, contiguous runs of parking spaces. These areas shall use curbs, wheel stops, bollards or other control measures to prevent encroachment or damage to trees and vegetation. This requirement shall not apply to parking garages, staging and storage areas at distribution centers.
 - 1) *Single-Row Terminal Landscape Islands.* A single row parking bay shall not contain more than ten (10) contiguous parking spaces or extend more than one hundred and twenty (120) feet, whichever is more restrictive. One single-row terminal landscape island, with a minimum pervious area of three hundred (300) square feet and a minimum width of ten (10) feet, shall be provided at each end of a single-row parking bay. Each single-row terminal landscape island shall contain at least one (1) canopy tree. Required maximum two (2) foot high screening shrubs or groundcover (other than sod) shall be utilized the entire length of the landscape island, or as limited by sight distances. Please see below *Figure C – Single and Double-Row Terminal Landscape Island*

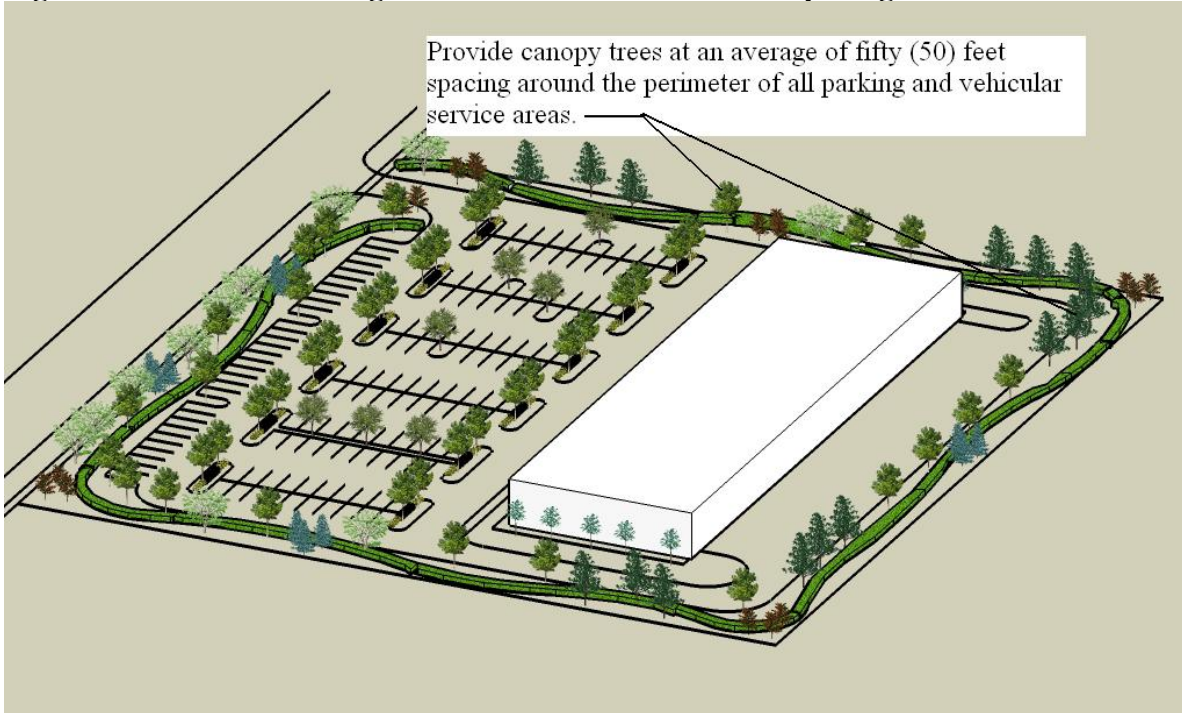
Figure C – Interior Parking Areas
Single and Double-Row Terminal Landscape Island – Perspective View



- 2) *Double-Row Terminal Landscape Islands.* A double-row parking bay with head-to-head parking shall not contain more than twenty (20) contiguous parking spaces in a two (2) rows x 10 space configuration or extend more than one hundred and twenty (120) feet, whichever is more restrictive. One double-row terminal landscape island, with a minimum pervious area of four hundred (400) square feet and a minimum width of ten (10) feet, shall be provided at each end of a double-row parking bay. Each double-row terminal landscape island shall contain at least two (2) canopy trees. Required maximum two (2) foot high screening shrubs shall be utilized the entire length of the landscape island, or as limited by sight distances.
- 3) *Limited Off-Street Paved Parking areas.* Interior portions of off-street parking facilities, which are not specifically designed as parking spaces or maneuvering areas, shall not be paved for vehicle use.
- 4) *Parking Lot Trees and Substitutions.* All trees in the parking lots shall be canopy trees, unless otherwise provided. A maximum of twenty (20) percent of the required canopy trees in the parking lots may be substituted with palm trees. Palm trees used as substitutions in parking lots shall be planted at a 2:1 ratio (Cabbage Palms, *Washingtonia* Palms and Windmill Palms) in relation to canopy trees with the exception of Canary Island Palms, Date Palms and *Paurotis* Palms, which may be planted at a 1:1 ratio.
- 5) *Perimeter Trees and Spacing.* Canopy trees shall be planted an average of fifty (50) foot centers around the total perimeter of the parking lot and all vehicular

service areas. Clustering may be utilized, but spacing shall not exceed one hundred and fifty (150) foot spacing. The canopy trees shall be planted between eight feet (8) and thirty (30) feet from the edge of pavement, when possible. Canopy trees within the landscape buffers may be used if they fall within thirty (30) feet from the edge of paving or vehicular service area as shown in *Figure D – Perimeter Trees and Spacing*.

Figure D – Interior Parking areas – Perimeter Trees and Spacing



b) Building Landscapes, other than industrial.

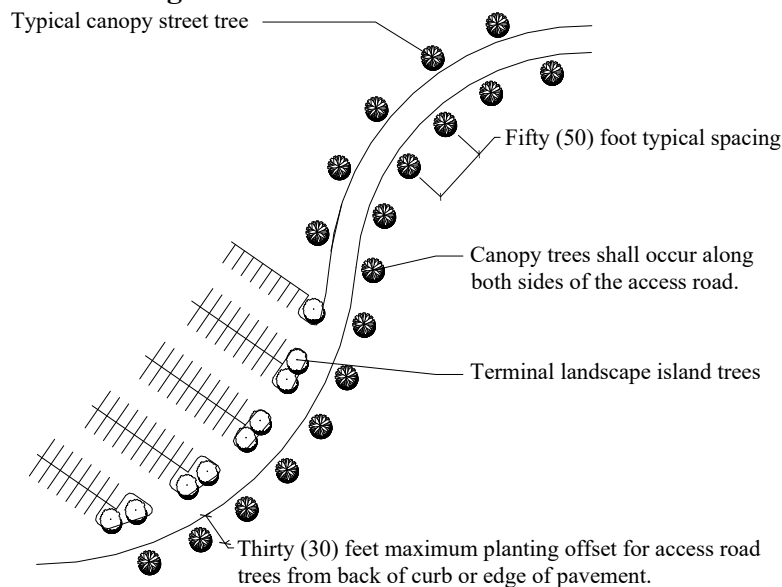
- 1) Buildings shall have landscape areas planted with trees, shrubs or groundcovers, other than sod, around the building as follows:
 - A. *Building Perimeter landscaping.* A minimum three (3) foot wide landscape area, with an average of five (5) feet or more, around a minimum of forty (40) percent of the total building perimeter and within twenty-five (25) feet of the building walls.
 - B. *Minimum planting requirement.* One (1) canopy tree or three (3) understory trees, and twenty-eight (28) shrubs shall be required for every three hundred and fifty (350) square feet of planting area in (a) above. Trees installed for any other requirement of this Section may be credited towards this requirement if in the required location.

c) Pervious Parking. Parking spaces provided in excess of the minimum required shall be constructed of pervious materials, such as turf blocks or grassed parking areas.

Additional pervious parking may be provided, if not otherwise prohibited by other provisions of the City of Umatilla Code, in the following areas:

- 1) Adjacent to parking lot landscape islands to allow for the percolation of water and the exchange of oxygen for the tree roots.
 - 2) In low impact areas or infrequent use areas such as churches or the outlying parking areas of malls or other shopping areas.
- d) Internal Access Roads. Developments with internal access roads shall be required to plant one (1) canopy tree on each side of the road approximately every fifty (50) feet. Access roads immediately in front of commercial structures and other buildings do not have to meet the access road tree requirement but do have to meet other parking landscape requirements. Parking lot island canopy trees may be used to meet this requirement if they fall within thirty (30) feet from the edge of the pavement along the internal access road. *Figure E – Internal Access Roads.*

Figure E – Interior Parking areas – Internal Access Roads



- e) Accommodations for Lighting and Other Features. Islands shall be enlarged beyond the minimum requirement if necessary to accommodate light poles, fire hydrants, or other necessary features. Light poles may be located within the parking area rather than in landscape islands if necessary to ensure that the lighting placement does not conflict with the location or normal growth of landscape island trees. *Figure F – Parking Lot Light Placement below.*

Figure F – Interior Parking areas – Parking Lot Light Placement



- f) Rain Gardens. Parking lot islands are encouraged to use curb breaks and create swale or depression areas to allow for the percolation of rainwater and parking storm water. Attention shall be given to the selection, placement and durability of landscape material within rain garden areas to ensure their long-term viability. Any proposed rain garden areas must comply with all storm water requirements. Smaller rain gardens that serve as landscape islands shall adhere to all canopy and understory requirements for landscape islands. *Figure G – Rain Garden Photo* below

Figure (Photo) G – Interior Parking areas – Rain Garden Example

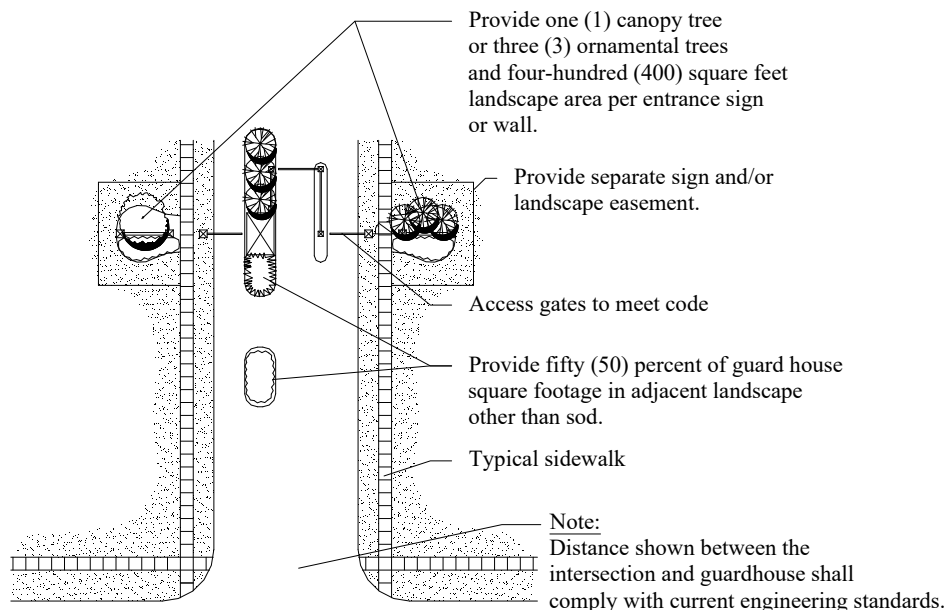


- g) Guardhouses. An area greater than or equal to fifty (50) percent of the footprint of any guardhouse shall be landscaped immediately adjacent to the guardhouse to create an aesthetic landscape. When the guardhouse is located within the roadway median, the required landscaping shall also be planted in the median. Clear zones and clear sight

lines must be maintained for any landscape within the road right of way. The clear zone shall consist of an area between two (2) feet and eight and one half (8.5) feet height from the road elevation. The landscape area shall consist of shrubs, groundcovers, and trees. Sod or other ornamental landscaping may be utilized in the remaining area around the guardhouse as long as fifty (50) percent of the guardhouse square footage area has been landscaped as described (see *Figure H Vehicular Gates and Associated Security Walls*).

- h) Vehicular Gates and Associated Security Walls. Landscaping shall be required on the entrance side of gates and walls as follows (see Figure H):
- 1) A minimum of four hundred (400) square feet of landscape area shall be provided on each side of an entrance road.
 - 2) Within each entrance area of four hundred (400) square feet, one (1) canopy tree or three (3) understory trees shall be provided.
 - 3) The landscape area shall have shrubs, perennials, vines or other ornamental plantings other than sod. When a utility easement or other restrictive condition restricts the use of trees, then the tree portion of this requirement may be waived or limited by the City Manager or designee.

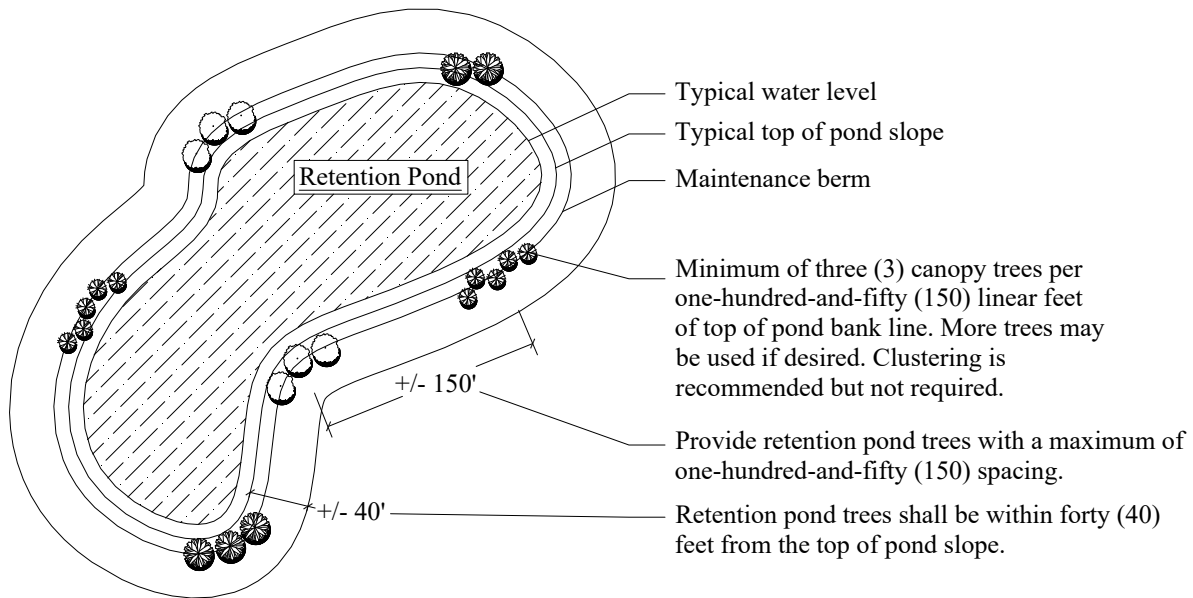
Figure H – Vehicular Gates and Associated Security Walls



- i) Retention Ponds Landscaping. Three (3) canopy trees for every 150 linear feet of retention pond bank shall be required as measured at the top of pond bank. Trees shall be planted within forty (40) feet from the top of bank line and include a ten (10) foot clear zone for maintenance. A minimum of three (3) canopy trees shall be required at

retention ponds. Curvilinear retention ponds, rather than geometric or rectangular ponds, are required, when possible. (See *Figure I Retention Ponds*).

Figure I – Retention Ponds (Landscaping)



- j) Screening of Heating/Ventilation/Air Conditioning Units. Where heating/
~~V~~ventilation/air conditioning units are located on the ground surface area, they shall be screened from view. A combination of a fence and a berm or shrubs shall be required.

SECTION 7: LANDSCAPE REQUIREMENTS FOR INDIVIDUAL SINGLE-FAMILY RESIDENTIAL AND DUPLEX LOTS.

No development permit or Certificate of Occupancy shall be issued unless in compliance with this Section. The requirements of this Section shall be noted on the development permit; however this Section shall not require the submittal of a Single Family Residential Landscape Plan unless required by other provisions in the City of Umatilla Code or any other development order. While Single Family Residential and duplex lots do not require a landscape plan, no Certificate of Occupancy will be issued until the landscape requirements for Single Family Residential or duplex lot are met.

- a) Canopy tree requirements. Each single-family or duplex lot shall provide canopy trees as follows:
- 1) A minimum of two (2) canopy trees for lots 6,000 square feet or less.

- 2) A minimum of three (3) canopy trees for lots between 6,001 and 10,000 square feet.
 - 3) A minimum of four (4) canopy trees for lots between 10,001 square feet to 15,000 square feet.
 - 4) A minimum of five (5) canopy trees for lots between 15,001 square feet to 43,560 square feet (1 acre).
 - 5) A minimum of eight (8) canopy trees for lots between one (1) acre and less than two (2) acres.
 - 6) A minimum of eleven (11) canopy trees for lots between two (2) acres and less than three (3) acres.
 - 7) A minimum of fifteen (15) canopy trees for lots between three (3) acres and less than five (5) acres.
 - 8) A minimum of twenty-five (25) trees for lots five (5) acres or greater.
- b) Street trees within lots. One (1) or more of the required trees shall be planted at a minimum of ten (10) feet and maximum of twenty (20) feet outside of the right-of-way for lots less than or equal to one-half (1/2) acre. More canopy trees may need to be planted along the road right-of-way to satisfy other requirements of the code.
- c) Other landscaping requirements. Any principal dwelling unit shall have landscape areas planted with shrubs or groundcovers other than sod, around the perimeter of the building as follows.
- 1) Minimum planting based on size of building. For purposes of this Section, the ~~first floor~~first-floor footprint shall include the area of the first floor of all principal and accessory structures. All buildings shall require a landscaped area on the lot of thirty-five (35) percent of the building footprint.
- d) Preservation of existing trees. Existing trees that are classified as protected trees in Section 9 (A) and greater than three (3) inches in diameter shall be preserved unless within the areas required for access, infrastructure, building footprint or within a five (5) foot offset of the footprint for the residence. Stem wall construction shall be used where necessary to achieve this requirement. The following exceptions may be allowed to this requirement: ~~(Ord 2011-V-12/06/2011).~~
- 1) Trees in fire prone areas, such as pine forests, or in rural communities with a density of less than two (2) dwelling units per acre, may remove trees with the appropriate permit, a distance of up to thirty (30) feet from a building upon written authorization by the City of Umatilla Fire Chief or designee.
 - 2) Existing fire-prone vegetation may also be removed up to thirty (30) from the structure's wall with permission granted by the City of Umatilla Fire Chief or designee. The minimum landscaping required by this Section shall be provided.

- 3) Any trees or vegetation that are protected by other laws such as wetland trees shall not be removed without the prior written approval from the Water Management District or the appropriate jurisdictional agency.
- e) Avoid damage by structures. Structures shall be located to avoid removing or damaging protected trees to the maximum extent possible.

SECTION 8: ——— PROHIBITED PLANT SPECIES.

The control and elimination of invasive, non-native plant species helps protect the natural vegetative communities existing within The City of Umatilla.

- a) Planting. Prohibited plant species shall not be planted or counted toward minimum tree or vegetation requirements.
- b) Prohibited Plants. Prohibited vegetation shall be listed in the Plant List for ~~t~~The City of Umatilla based on the following sources:
 - 1) Florida Exotic Pest Plant Council *Category I & II List of Invasive Plant Species.*
 - 2) Prohibited Aquatic Plants per F.A.C. 5B-64.011
- c) Removal. Removal and eradication of Prohibited Plant Species listed below shall be a condition of development approval on the parcel within one-hundred (100) feet of principal structure(s) or up to fifty (50) feet from the overall limits of construction, whichever is greater.
 - 1) *Plants to be Removed.* All Prohibited Plants listed in the following resources require removal as a condition of development approval. The Plant List for The City of Umatilla lists the plant to be removed based on the following specific sources:
 - A. Plants listed on the Noxious Weed List developed by The Florida Department of Agriculture and Consumer Services 5B-57.007 Florida Administrative Code;
 - B. Plants listed in Florida Statutes 369.251 (1);
 - C. Chinaberry (*Melia azedarach*); Ear Tree (*Enterlobium cyclocarpum*); Eucalyptus species, (*Eucalyptus spp.*); Paper Mulberry (*Broussonetia papyrifera*); and Silk Oak (*Grevillea robusta*).
 - D. All other Prohibited Plants are encouraged, but not required, to be removed.

- 2) Prohibited vegetation shall not be required to be removed from wetlands or natural water bodies that are regulated or protected by the Water Management Districts or other regulatory agencies without approval.

SECTION 9: ———TREE PROTECTION.

- a) Purpose. The purpose of this Section is:
 - 1) To encourage the proliferation of trees and palms.
 - 2) To establish rules and regulations governing the protection and replacement of trees and palms within the City of Umatilla; and
 - 3) To recognize the importance of trees and palms and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands and the general promotion of the health, safety, welfare and well-being of the community.
- b) Designation of Protected Trees. The following trees and palms are designated protected trees:
 - 1) All trees and palms native to Florida or Florida Friendly, including, but not limited to those identified within *The Plant List for The City of Umatilla*, three (3) inches or larger in diameter at breast height.
 - 2) Sand Pine and Xeric Oak Scrub community trees two (2) inches diameter or larger at breast height.
 - 3) Wetland trees of any size.
 - 4) Historic, Specimen, and Heritage trees.
- c) Exemptions to Protected Trees. Prohibited trees, invasive trees, citrus or non-native fruit trees of any species shall not be considered a protected tree.
- d) Tree Removal Permit. It shall be unlawful and a violation of this Section to clear, kill or remove a protected tree or palm by any method without first obtaining a tree removal permit. When a development order is issued for a site plan, subdivision or master park plan, a separate tree removal permit shall not be required if the trees to be removed are identified and mitigated on the approved landscape plan. Approval of a preliminary plat does not authorize approval for the removal of trees or other

vegetation. Any tree removal permit shall require replacement trees in compliance with this Section and shall specify the schedule when trees will be removed and when such replacement trees will be planted.

1) **Application for Permit.** An application for tree removal shall be filed on official forms provided by the City Manager or designee. The City Manager or designee shall approve a tree removal permit if the application is in compliance with all requirements of these regulations. Completed applications shall be returned to the department along with the following:

- A. A tree inventory consisting of an aerial photograph no older than the most recent aerials available from the City Manager or designee or drawing at a scale of one (1) inch equals two hundred (200) feet or a scale that is legible for the area in which trees are being removed indicating:
- B. Property boundaries.
- C. The location of protected trees to be removed, Diameter Breast Height (DBH) caliper, and common name.
- D. Reason for removal of trees.
- E. Mitigation Plan indicating location, size and species of trees used for replacement.

e) **Tree Removal with Development Project.** When the removal of trees is associated with a development project, the removal of trees authorized pursuant to the City of Umatilla Tree Removal Permit shall not commence until one (1) of the following has been approved or issued:

- 1) Subdivision construction plan;
- 2) Final master site plan;
- 3) Master park plan; (only applicable within parks);
- 4) Building permit; or
- 5) Lot grading / site alteration plan.

~~f)~~ **Violations.** Each tree damaged or destroyed without a permit required under Section 9 shall be considered a separate violation punishable pursuant to Chapter 8, The City of Umatilla Code. Determinations of the number of cleared trees shall be based on best available data that may include surveys of adjacent property or aerial photographs taken prior to clearing. (~~Ord 2011-V-12/06/2011~~)

~~4)6)~~ **If a specimen tree, an historic tree or a heritage tree is removed without a tree removal permit, each tree shall be replaced at a ratio of 1.25:1 of the mitigation requirement. If three (3) or more protected trees are removed without a tree removal permit, each tree shall be replaced at a ratio of 1:1 for mitigation. Any**

other tree removal without a tree removal permit shall be replaced in accordance with the replacement requirements stated for a permitted removal.

~~2)7)~~ If a protected tree is removed without a permit, a restoration plan shall be prepared and submitted within thirty (30) days for approval by the City Manager or designee. All trees shown of the approved site restoration plan must be installed on the property.

~~g)f)~~ Exemptions to Tree Removal Permit Requirements. The following protected trees and palms may be removed without a tree removal permit and required mitigation:

1) Trees located within new or existing recorded or prescriptive public road or drainage rights-of-way and easements that are to be removed as part of a Umatilla City Council approved project. However, all protected trees removed under this exemption shall be avoided or relocated whenever feasible.

~~2)~~ Any tree determined to be in a hazardous or dangerous condition so as to endanger the public health, safety or ~~welfare and welfare~~ requires immediate removal. ~~Authorization may be given by the City Manager or designee pursuant to the following procedures:~~

~~A.~~ Photo documentation of the hazardous tree(s) by property owner is required prior to removal and shall be submitted to the City Manager or designee.

~~B.~~ If the tree, due to immediate danger, is removed prior to obtaining written authorization, a letter and photo documentation demonstrating the immediate danger shall be submitted to the City Manager or designee within fifteen (15) days of the removal.

~~2)~~

3) Agriculture and Silviculture so long as the operation qualifies as a bona fide farm operation on land classified as agricultural pursuant to Section 193.461, Florida Statutes, if such activity is regulated through implemented best management practices, interim measures, or regulations developed through the Florida Department of Environmental Protection, Florida Department of Agriculture and Consumer Services or a water management district and adopted under Chapter 120, Florida Statutes under a regional program; or if such activity is expressly regulated by the U.S. Army Corps of Engineers, or U.S. Environmental Protection Agency.

~~4)~~ Trees that are dead through natural causes or diseased trees shall not require a replacement or relocation. Trees killed or toppled by Acts of God such as lightning, hurricanes and tornadoes shall not be required to be replaced or mitigated unless the tree(s) are required as part of a Development Order issued by The the City of Umatilla. ~~(Ord 2011-V-12/06/2011)~~

~~5)~~ Trees for which a property owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses

an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices--Tree Risk Assessment, Second Edition (2017).

4)

h)g) Criteria for Issuance of Tree Removal Permit.

Tree Removal Permit. A tree removal permit may be issued when one (1) or more of the following circumstances exist:

- 1) *Street opening.* The location of a tree restricts the opening of a street or right-of-way. Streets and rights-of-way shall be located to minimize the loss of trees, especially historic, specimen and heritage trees;
- 2) *Utilities and drainage.* The location of the tree restricts the construction of utility lines or drainage facilities. Utility lines and drainage facilities shall be located to minimize the loss of trees, especially historic, specimen and heritage trees;
- 3) *Property access.* The location of the tree prevents access to the property. Exit and entry shall be located to minimize the loss of trees, especially specimen, historic and heritage trees;
- 4) *Property use.* The location of the tree restricts use of the property consistent with all other City and state codes, statutes, ordinances, and resolutions, and site location modifications are not feasible or reasonable;
- 5) *Hazards.* The tree constitutes a potential hazard to life or property that cannot be mitigated without removing the tree;
- 6) *Poor tree health.* The tree is dying or dead so that its restoration to sound condition is not practical, or it has a disease that can be expected to be transmitted to other trees and to endanger their health. Diseased trees should be identified by a horticulturist, biologist, arborist, or other individual deemed qualified by the City Manager;
- 7) *Thinning of trees.* For non-bona fide silviculture operations, thinning of trees in order to increase light and air circulation for the purpose of improving health conditions, or to prevent disease, of a group of trees, the selective removal of up to twenty-five (25) percent of the group of trees may be permitted. Thinning shall include any removal of trees from the lot and shall not exceed the maximum clearing allowed in this Section. Thinning shall follow Best Management Practices (BMP's) published by a government agency or the National Tree Care Industry Association.

i)h) Tree Removal Procedure. The tree removal permit, when issued, shall specifically identify which trees shall be permitted to be removed. Each tree permitted for removal

shall be physically marked with an "X" using brightly colored paint or surveyor's tape; or if a group of trees are permitted for removal, the outside perimeter trees of the group may be designated with brightly-colored rope or tape in lieu of each tree. Such permit shall automatically expire six (6) months after issuance. 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.

j)i) Removal not required. Tree removal permits merely authorize the removal of trees specified therein. Nothing in this Section shall be construed to require the removal of protected trees by the permittee.

k)j) Replacement Requirements. When a tree removal permit is issued, the City Manager, or designee, shall require the replacement of removed trees and palms as a condition of the issuance of a permit, as follows:

l)k) Replacement Requirement of Protected Trees. Thirty-three (33) percent of the total number of caliper inches measured at diameter breast height (DBH) for qualifying trees as listed in the Plant List of the City of Umatilla. (~~Ord 2011-V-12/06/2011~~)

m)l) Replacement Requirement of Specimen Trees. Fifty (50) percent of the total caliper inches of specimen trees. (~~Ord 2011-V-12/06/2011~~)

n)m) Replacement Requirement of Historic and Heritage Trees. One-hundred (100) percent of the total caliper inches of Heritage and Historic Trees. (~~Ord 2011-V-12/06/2011~~)

o)n) Regulations regarding replacement trees.

1) More than one (1) tree may be used to replace a tree or trees that are removed, but the minimum caliper of the replacement canopy trees shall be no less than two-and-one-half (2.5) inches and two (2) inches for replacement understory trees.

2) Minimum of seventy-five (75) percent of the replacement trees shall be canopy trees.

3) Twenty-five (25) percent maximum of the replacement trees may be understory trees.

4) Palm trees and pine trees may be used but shall not exceed four (4) inches credit per tree given as replacement regardless of their installed size.

5) Replacement trees may be used to meet the landscape requirements. (~~Ord 2011-V-12/06/2011~~)

p)o) Tree Sampling for Large Sites. Sites over fifty (50) acres may identify and sample trees to be removed as follows:

- 1) The locations of all historic, specimen and heritage trees protected or proposed for removal shall be located.
- 2) Other protected trees shall be surveyed as follows:
 - A. The first fifty (50) contiguous acres shall be surveyed by accounting for all protected trees to be removed.
 - B. The remaining acreage may be surveyed using sample plots. The sample plots shall be a minimum area of twenty (20) percent of the remaining part of the site to be developed and twenty (20) percent of each vegetative community within the remaining part of the site to be developed. Each of the sample survey plots shall be a minimum of one hundred feet by one hundred feet (100 x 100) in size and shall conform to current forestry practices.
 - C. All protected trees three (3) inch DBH caliper or greater, unless the trees are part of a wetland, sand pine or xeric oak scrub community in which case trees two (2) inches DBH and larger shall be counted.
- 3) The tree survey shall be conducted by a registered Landscape Architect, certified arborist, certified forester, surveyor, horticulturist, or other individual deemed qualified by the City Manager.
- 4) A tree survey report detailing all findings, including the number and caliper of trees surveyed, estimates of trees surveyed, estimates of protected trees and distribution based on survey plots, and the size and location of specimen, historic, or heritage trees, shall be prepared and submitted to the City as part of the site plan review process. The methods of the tree survey shall be clearly detailed in the written report provided to The City of Umatilla.
- 5) The City of Umatilla reserves the right to require more detailed tree sampling if the City Manager or designee determines that the information provided is insufficient or that site-specific considerations warrant additional information.

q)p) Landscape credit. The replacement trees may be used to meet the requirements of the landscape standards. All replacement trees shall be provided even if the total number exceeds the landscape requirement. (Ord 2011-V-12/06/2011)

r)q) Replacement maintenance. The replacement trees shall be maintained in good condition in perpetuity, and the property owner shall guarantee survival.

s)r) Restriction on use of palm trees. Palm trees shall not account for more than twenty (20) percent of the required replacement trees.

t)s) Replacement size. Replacement trees shall conform to the size and planting requirements of the Landscape Code. Understory trees may not exceed twenty-five (25) percent of the total caliper replacement inches required.

u)t) Location of Tree Replacement Sites. Replacement trees shall be mitigated on the lot, if possible.

- 1) If replacement trees cannot be placed on the lot, they shall be located in common areas of the development such as: open space areas, areas adjacent to stormwater management facilities, landscape buffer areas, or entrances of the development in which the site is located, if possible.
- 2) If replacement cannot be made on the lot or in a common area of the development, the owner or applicant may replace the required trees on a designated conservation or park property within ~~The-the~~ City of Umatilla. The recipient property shall be acceptable to the City and shall be suitable for the replacement trees. Mitigated replacement trees shall not count toward meeting minimum landscaping requirements of the recipient site for development purposes. The request to utilize this option shall be submitted to the City Manager or designee in writing and shall include the following justifications and information:
 - A. Explanation why the trees cannot be replaced on site;
 - B. A legal description and a copy of the property record information from the ~~the~~ Lake County Property Appraiser for the proposed recipient site;
 - C. If the property is not City owned, an affidavit from the owner of the recipient site agreeing to the terms of accepting the mitigated trees as listed above. A conservation easement or similar legally-binding instrument approved by the City shall be required to ensure that mitigation trees planted at the recipient site will be protected and maintained in perpetuity; and
- 3) The applicant shall be responsible for paying for all the costs for installation and maintenance of the tree(s), including planting and any necessary irrigation.

v)u) Voluntary Planting. This Section shall not be interpreted to restrict, regulate, or limit the voluntary planting of any protected tree in ~~The-the~~ City of Umatilla. Any size tree may be voluntarily planted. The provisions of this Section govern only the planting of trees that are required to be planted or retained.

SECTION 10: _____ HISTORIC TREES.

- a) Purpose. It is the purpose of this Subsection to acknowledge the existence of certain trees that portray a notable historical association or significance to ~~The-the~~ City of Umatilla, to protect such trees through their designation as historic trees, and by requiring compliance with the protection measures. Designation of historic trees by

the City of Umatilla shall be in accordance with the standards and procedures in this Subsection. (~~Ord 2011-V-12/06/2011~~)

b) Application procedures. Applications may be initiated by:

- 1) Owners of the property, developers as part of their development plan, or the City Manager or designee as part of a tree removal permit application, a development plan or a City tree protection planning program.
- 2) Applications on forms provided by the City Manager or designee shall be completed and submitted to the City Manager or designee.
- 3) Completed applications shall be provided to the City of Umatilla Historical Society with a request for review and written recommendation for approval or denial.

c) Historical Society Recommendation. The City of Umatilla Historical Society or the State Historic Preservation Officer of Florida or their designee may recommend approval of the designation of a historic tree for a tree that is considered to have a notable historical interest and value to the City due to its historical association or significance. The City of Umatilla Historic Society or the State Historic Preservation Officer of Florida or their designee may recommend denial or approval; provided, however, that recommendation or the lack of any recommendation does not preclude the City from denying or approving an application.

d) Designation Procedure and Protection.

- 1) Upon review and approval by the City Manager or designee, the application shall be scheduled for a public hearing before the Umatilla City Council.
- 2) The Umatilla City Council shall approve or deny the request. Approval by the Council shall be in the form of a resolution.
- 3) Removal of historic trees shall be prohibited, unless an exemption is granted by the Umatilla City Council. A tree designated as a historic tree shall be protected by the property owner to ensure its long-term health.

SECTION 11: ——— SPECIMEN TREES:

a) Purpose. It is the purpose of this Subsection to acknowledge the existence of certain trees within the City that are rare or unique due to factors such as age, size, or type, and to protect such trees through their designation as specimen trees. Designation of specimen trees by the Council shall be in accordance with the standards and procedures in this Subsection.

b) Designation Standards. At least one (1) of the following standards shall apply in order for a tree to be designated a specimen tree:

- 1) *Size.* Trees with a thirty (30) inch caliper or greater or a circumference of eight (8) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground.
- 2) *Age.* Trees that are determined to be at least one hundred (100) years old or to be at approximate half-life maturity and are in good health.
- 3) *Form.* Trees that are determined to have a unique form or shape, due to geography, climate, environmental or natural growth habitat conditions, and are in good health.
- 4) *Ecological Value.* Trees that are determined to have an ecological value to the City in terms of soil or water conservation and management, wildlife habitat, or endemic native flora habitat, and are in good health.
- 5) *Rarity.* Trees that are determined to be non-indigenous, rare, or unique to the City, and are in good health.

c) Prohibited Trees are excluded from designation as a Specimen Tree.

d) Application Procedures.

- 1) Applications may be initiated by owners of the Property or developers as part of their development plan.
- 2) Applications on forms provided by the City Manager or designee shall be completed and submitted to the City Manager or designee.
- 3) The City Manager or designee may request assistance from State Division of Forestry, in determining compliance with any of the designation standards.

e) Mandatory Recognition of Specimen Trees Any non-prohibited trees with thirty (30) inch caliper or greater, or a circumference of eight (8) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground shall be recognized as a specimen tree without application. The applicant shall identify the location, number and size of all specimen trees on the required tree survey submitted to the City for site plan or plat review. In addition, the City may identify specimen trees that are found to meet this criterion.

f) Approval and Protection.

- 1) Any non-prohibited tree satisfying one or more of the size criteria in this subsection as specified above shall be recognized and recorded as a specimen tree by the City Manager or designee without approval by the Umatilla City Council.

- 2) Upon review and approval by the City Manager or designee, any tree that has been submitted for consideration as a specimen tree and does not automatically qualify because of size shall be scheduled for a public hearing before the Umatilla City Council.
- 3) The Umatilla City Council shall approve or deny the request. Approval by the Umatilla City Council shall be in the form of a resolution.
- 4) The property owner shall be encouraged to protect any tree designated as a specimen tree to ensure its long-term health.

SECTION 12: ——— HERITAGE TREES.

- a) Purpose. It is the purpose of this Subsection to acknowledge the existence of certain trees within the City that are significant or unique due to factors such as age, size, or type and to protect such trees through their designation as heritage trees. Designation of heritage trees by the Council shall be in accordance with the standards and procedures in this Subsection.
- b) Designation Standards. At least one (1) of the following standards shall apply in order for a tree to be designated a heritage tree:
 - 1) *Size.* Trees with a forty (40) inch caliper or greater, or a circumference of ten (10) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground.
 - 2) *Age.* Trees that are determined to be at least one hundred (100) years old or to be at approximate half-life maturity and are in good health.
 - 3) *Form.* Trees that are determined to have a unique form or shape, due to geography, climate, environmental or natural growth habitat conditions, and are in good health.
 - 4) *Ecological Value.* Trees that are determined to have an ecological value to the City in terms of soil or water conservation and management, wildlife habitat, or endemic native flora habitat, and are in good health.
 - 5) *Rarity.* Trees that are determined to be non-indigenous, rare, or unique to the City, and are in good health.
- c) Prohibited Trees are excluded from designation as a Heritage Tree.
- d) Application Procedures.
 - 1) Applications may be initiated by owners of the Property or developers as part of their development plan.

- 2) Applications on forms provided by the City Manager or designee shall be completed and submitted to the City Manager or designee.
 - 3) The City Manager or designee may request assistance from the State Division of Forestry in determining compliance with any of the designation standards.
- e) Mandatory Recognition of Heritage Trees. Any non-prohibited trees with forty (40) inch caliper or greater, or a circumference of ten (10) feet or greater, singly or with a combined trunk, measured at fifty-four (54) inches from the surface of the ground shall be recognized as a heritage tree without application. The applicant shall identify the location, number and size of all heritage trees on the required tree survey submitted to the City for site plan or plat review. In addition, the City may identify heritage trees that are found to meet this criterion.
- f) Approval and Protection.
- 1) Any non-prohibited tree satisfying one or more of the size criteria for a heritage tree as specified above shall be recognized and recorded as a heritage tree by the City Manager or designee, without approval by the Umatilla City Council.
 - 2) Upon review and approval by the City Manager or designee, any tree that has been submitted for consideration as a heritage tree and does not automatically qualify because of size shall be scheduled for a public hearing before the Umatilla City Council.
 - 3) The Umatilla City Council shall approve or deny the request. Approval by the Umatilla City Council shall be in the form of a resolution.
 - 4) Removal of heritage trees shall be prohibited, unless a variance is granted by the Board of Adjustment. The property owner shall protect any tree designated as a heritage tree to ensure its long-term health.

SECTION 13: ~~§~~—TREE PROTECTION STANDARDS.

-The following standards shall apply to all protected trees during construction.

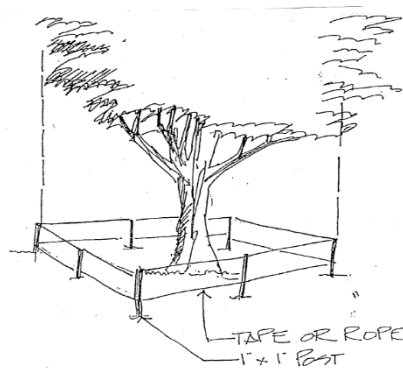
- a) Tree Protection Standards. The protection measures described in this Subsection are based on those in the Tree City USA Bulletins published by The National Arbor Day Foundation: How to Save Trees During Construction (No. 8, 1998), A Systematic Approach to Building with Trees (No. 20, 1998), and How to Protect Trees During Underground Work (No. 35, 1998). These publications are hereby adopted and included by reference herein. These publications shall be used to supplement the required protection measures. They also provide information on the economic value of trees to developments and their incorporation into designs as well as guidelines on professional tree care, tree planting and tree transplanting.
- b) Drip line protection. Solvents, materials, construction machinery or temporary soil deposits shall not be placed within the drip line of any protected tree. This includes

soil that is placed in the drip line permanently for the purpose of a grade change, unless the grade is changed as allowed with ~~thisese~~ Land Development RegulationsCode.

- c) Protection from injury. In order to protect against mechanical injuries to roots, trunks and branches, and injuries by chemical poisoning, grade changes, excavations, paving, and attachments or wires, the applicable protection measures set out below shall be implemented prior to commencement of any construction.
- 1) A protective barrier (See Figure J – *Tree Protection Barricades*) shall be placed around all protected trees prior to any land preparation or construction of structures or other improvements in accordance with this Section. No equipment, construction material, chemicals or debris of any kind shall be placed within the protection barrier.
 - 2) Posts shall be placed at points not closer than at the natural drip-line of the tree unless the structure or improvement has been permitted by the City Manager or designee to be erected within the drip-line of the tree with a wide canopy. The structure or improvement may be placed within the drip line of the tree only if the tree has been root pruned, as supervised by a licensed registered landscape architect or arborist certified by the International Society of Arboriculture. For palm trees, the posts shall be placed at points not closer than six (6) feet from the trunk.
 - 3) The posts shall be connected with clearly visible plastic tape or ribbon, or rope.

Figure J – Tree Protection Barricades

(Properly constructed tree barricade protects the entire natural drip line area)



- 4) With the exception of identification ribbons, no attachments, wires, signs, nails, or permits shall be fastened to a protected tree other than supportive wires, if applicable, which shall be attached in compliance with the guidelines set forth in the Tree City USA Bulletins published by The National Arbor Day Foundation: How to Save Trees During Construction (No. 8, 1998), A

Systematic Approach to Building with Trees (No. 20, 1998), and How to Protect Trees During Underground Work (No. 35, 1998).

- 5) Landscaping activities within the bounds of the protective barrier (before and after it is removed) shall be accomplished with light machinery (such as, aerators and mowers) or manual labor. No grubbing, root rakes or similar activities are permitted.
 - 6) In lieu of constructing the barriers required in this Section, large areas containing protected trees where no land preparation or other development activities of any kind will occur may be designated on a tree removal application. The designated area shall be protected by placing stakes a maximum of twenty-five (25) feet apart along the outside perimeter of the area and tying clearly visible plastic tape or ribbon, or rope from stake to stake. The perimeter line shall be outside of the drip line of any protected tree within the designated area.
 - 7) Protective barriers and perimeter lines shall remain in place until all construction activity is terminated, except for landscaping.
-
- d) Avoiding tree injury due to root impacts. Construction within the drip line, such as changes in grade and installation of underground utilities, commonly causes extensive root damage or death of a tree. Construction shall not be permitted within the drip line unless protective measures are taken and supervised by a registered landscape architect or certified arborist, to ensure the health of the tree.
 - e) Avoiding injuries due to paving within the drip line. When approved by the City Manager or designee, paving may be placed within the drip line, so long as no damage is inflicted to the tree by grade change, compaction of soil, or any other cause and protective measures are taken and supervised by a registered landscape architect or certified arborist, to ensure the health of the tree.

SECTION 14: ——— LANDSCAPE PLANS.

- a) Landscape plan. The plan shall be prepared by a registered landscape architect if the plan proposes development of three (3) or more dwelling units or any commercial, industrial, or community facility project over three (3) acres. A landscape architect may not be required if staff feels it is not necessary. The plan shall include the following:
 - 1) A detailed plan illustrating the irrigation system shall be provided to meet the requirements of Section 4. Irrigated areas shall be graphically shown, including areas not irrigated, and their areas quantified in square feet or acres in relative percentages on the landscape plan. Single-family residential and duplex lots shall indicate that only up to 3,000 square feet of the pervious area

of any lot shall be irrigated with an installed irrigation system with a note or graphic depiction on the landscape or irrigation plan.

- 2) Designation by common and botanical (scientific) name, including applicable cultivar name, size, and location of plant material to be installed or preserved in a natural state in accordance with the requirements of this Section;
- 3) Location of all required buffers, showing width and number of required trees, shrubs, and landscape features;
- 4) Location of preserved trees, or clusters of trees, intended to count for landscape credits with the species and Diameter at Breast Height Caliper called out or a certification by a registered Landscape Architect or Arborist stating that a group of trees will meet the minimum size for required trees;
- 5) A tree removal permit application for any protected trees proposed to be removed, showing their location.
- 6) Restrictions pertaining to the type and use of existing or proposed improvements, waterways, stormwater systems, water and wastewater systems, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature shall require the establishment of restrictive covenants and such covenants shall be submitted with the final plat for recordation. Additionally, in any residential plat where landscaping is proposed on individual lots, the following statement shall be included on the plat: Individual lot purchasers shall be required to comply with all landscape maintenance requirements. (~~Ord 2011-V-12/06/2011~~)

SECTION 15: ——— LANDSCAPE IRRIGATION SCHEDULES.

It is the intent and purpose of this Ordinance to implement procedures that promote water conservation through more efficient landscape irrigation.

- a). When Daylight Savings Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
 - 1). Residential landscape irrigation at odd numbered addresses or no address may occur only on Wednesday and Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 2). Residential landscape irrigation at even numbered addresses may occur only on Thursday and Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and

- 3). Non-residential landscape irrigation may occur only on Tuesday and Friday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 4). No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
- b). When Eastern Standard Time is in effect, landscape irrigation shall occur only in accordance with the following irrigation schedule:
- 1). Residential landscape irrigation at odd numbered addresses or no address may occur only Saturday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 2). Residential landscape irrigation at even numbered addresses may occur only on Sunday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 3). Non-residential landscape irrigation may occur only on Tuesday and shall not occur between 10:00 a.m. and 4:00 p.m.; and
 - 4). No more than $\frac{3}{4}$ inch of water may be applied per irrigation zone on each day that irrigation occurs, and in no event shall irrigation occur for more than 1 hour per irrigation zone on each day that irrigation occurs.
- c). All landscape irrigation shall be limited in amount to only that necessary to meet landscape needs.

SECTION 16: EXCEPTIONS TO THE LANDSCAPE IRRIGATION SCHEDULES

Landscape irrigation shall be subject to the following irrigation schedule exceptions:

- a). Irrigation using a micro-spray, micro-jet, drip or bubbler irrigation system is allowed anytime.
- b). Irrigation of new landscape is allowed at any time of day on any day for the initial 30 days and every other day for the next 30 days for a total of one 60-day period, provided that the irrigation is limited to the minimum amount of necessary for such landscape establishment.
- c). Watering in of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed at any time of day on any day within 24 hours of application. Watering in of chemicals shall not exceed $\frac{1}{4}$ inch of water per application except as otherwise required by law, the manufacturer, or best management practices.

- d). Irrigation systems may be operated at any time of day on any day for maintenance and repair purposes not to exceed 20 minutes per hour per zone.
- e). Irrigation using a hand-held hose equipped with an automatic shut-off nozzle is allowed at any time of day on any day.
- f). Discharge of water from a water-to-air air-conditioning unit or other water-dependant cooling system is not limited.
- g). The use of water from a reclaimed water system is allowed anytime. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented from another source during peak demand periods.
- h). The use of recycled water from wet detention treatment ponds for irrigation is allowed anytime provided the ponds are not augmented from any ground or off-site surface water, or public supply sources.

SECTION 17. — ADDITIONAL REQUIREMENT

Any person who irrigates landscape with an automatic lawn sprinkler system installed after May 1, 1991, shall install, maintain and operate a rain sensor device or switch that overrides the irrigation system when adequate rainfall has occurred.

SECTION 18. — VARIANCE FROM SPECIFIC DAY OF THE WEEK LIMITATIONS

A variance from the specific landscape irrigation days or day set forth in Section 15 may be granted if strict application of the scheduled days or day would lead to unreasonable or unfair results in particular instances, provided that the applicant demonstrates with particularity that compliance with the scheduled days or day will result in a substantial economic, health or other hardship on the applicant requesting the variance or those served by the applicant. Where a contiguous property is divided into different zones, a variance may be granted hereunder so that each zone may be irrigated on different days or day than other zones of the property. However, in no event shall a variance allow a single zone to be irrigated more than two days per week during Daylight Savings Time or more than one day per week during Eastern Standard Time.

SECTION 19. — APPLICATION OF ORDINANCE

The provisions of this Ordinance shall apply to each person located within the City of Umatilla.

SECTION 20. — ENFORCEMENT OFFICIALS

Law enforcement officials having jurisdiction in the area governed by this Ordinance are hereby authorized to enforce the provisions of this Ordinance. In addition, the City Manager may also delegate enforcement responsibility for this ordinance to agencies and department of City of Umatilla government.

SECTION 21. — PENALTIES

Violation of any provision of this Ordinance shall be subject to the following penalties:

First violation	Written Warning
Second violation	\$50.00
Subsequent violations	Fine not to exceed \$500.00

Each day in violation of this Ordinance shall constitute a separate offense. Enforcement officials shall provide violators with no more than one written warning. In addition to the civil sanctions contained herein, the City may take any other appropriate legal action, including, but not limited to, injunctive action to enforce the provisions of this Article.

CHAPTER 16

SIGN REGULATIONS

SECTION 1: GENERAL

a) Purpose and Scope of Chapter

The City is a primarily single family residential community in central Florida and is considered “The Gateway to the Ocala National Forest”. In order to preserve and promote the City as a community in which people wish to live, work, visit, vacation, and retire, the City must maintain a visually aesthetic and safe environment. The regulation of signs within the City is an effective means by which to achieve this desired end. These sign regulations are prepared with the intent of promoting the public health, uniformity, safety and general welfare in the City through a comprehensive system of reasonable, consistent, and nondiscriminatory sign standards and requirements. This Sign Code regulates signs, as defined in this Land Development Code, which are placed on private property, or on property owned by public agencies including the City of Umatilla, and over which the City has zoning authority. These sign regulations are intended to:

- 1) Encourage the effective use of signs as a means of communication in the City;
- 2) Maintain and enhance the aesthetic environment and the City's ability to attract sources of economic development and growth and maintain uniformity;
- 3) Improve pedestrian and traffic safety;
- 4) Minimize the possible adverse effect of signs on nearby public and private property;
- 5) Foster the integration of signage with architectural and landscape designs;
- 6) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- 7) Allow signs that are compatible with their surroundings and aid orientation, while precluding the placement of signs that contribute to sign clutter or that conceal or obstruct adjacent land uses or signs;
- 8) Encourage and allow signs that are appropriate to the zoning district in which they are located and consistent with the category of use and function to which they pertain;
- 9) Curtail the size and number of signs and sign messages to the minimum reasonably necessary to identify a residential or business location and the nature of any such business;
- 10) Establish sign size in relationship to the scale of the lot and building on which the sign is to be placed or to which it pertains;
- 11) Categorize signs based upon the function that they serve and tailor the regulation of signs based upon their function;

- 12) Preclude signs from conflicting with the principal permitted use of the site and adjoining sites;
- 13) Regulate signs in a manner so as to not interfere with, obstruct the vision of, or distract motorists, bicyclists or pedestrians;
- 14) Except to the extent expressly preempted by state or federal law, ensure that signs are constructed, installed and maintained in a safe and satisfactory manner, and protect the public from unsafe signs;
- 15) Preserve, conserve, protect, and enhance the aesthetic quality and scenic beauty of all districts of the City;
- 16) Allow for traffic control devices consistent with national standards and whose purpose is to promote highway safety and efficiency by providing for the orderly movement of road users on streets and highways, and that notify road users of regulations and provide warning and guidance needed for the safe, uniform and efficient operation of all elements of the traffic stream;
- 17) Protect property values by precluding, to the maximum extent possible, sign-types that create a nuisance to the occupancy or use of other properties as a result of their size, height, illumination, brightness, or movement;
- 18) Protect property values by ensuring that sign-types, as well as the number of signs, are in harmony with buildings, neighborhoods, and conforming signs in the area;
- 19) Regulate the appearance and design of signs in a manner that promotes and enhances the beautification of the City and that complements the natural surroundings in recognition of this City's reliance on its natural surroundings and beautification efforts in retaining economic advantage for its eco-tourism community, as well as for its major subdivisions, shopping centers and industrial parks;
- 20) Enable the fair and consistent enforcement of these sign regulations;
- 21) To promote the use of signs which positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and to advance the City's goals of quality development;
- 22) To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of city, county, state and federal law;
- 23) To provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design; and
- 24) Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs.

SECTION 2: REGULATORY INTERPRETATIONS

- a) It is the City's policy to regulate signs in a constitutional manner, which is content and viewpoint neutral as to non-commercial signs and viewpoint neutral as to commercial signs. All regulatory interpretations of this Sign Code are to be exercised in light of the City's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this Sign Code, or whenever a sign does not qualify as a "structure" as defined in the Florida Building Code or the City Code, then the City Manager or his designee shall approve, conditionally approve, or disapprove the application based on the most similar sign type that is expressly regulated by this Sign Code. All rules and regulations concerning the non-communicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process. The policies, rules and regulations stated in this Sign Code apply to all signs within the regulatory scope of this Code, and to all provisions of this Code, notwithstanding any more specific provisions to the contrary. This Sign Code states the policy decisions regarding display of signs, made by the City Council after carefully balancing many competing factors and interests. This Sign Code consolidates all general provisions relating to the installation, regulation and amortization of signs throughout the City of Umatilla. The City further makes the following findings:

- 1) The City Council further specifically finds that the policies, rules and regulations stated in this Sign Code apply to all signs within the regulatory scope of this Code, and to all provisions of this Code, notwithstanding any more specific provisions to the contrary. This Sign Code states the policy decisions regarding display of signs, made by the City Council after carefully balancing many competing factors and interests. This Sign Code consolidates all general provisions relating to the installation, regulation and amortization of signs on all property throughout the City of Umatilla;
- 2) The City Council finds and intends that the maximum height and size for structures and any setback provisions found in the Umatilla Land Development Code shall apply to signs in the City even if the provisions of this sign code cannot apply due to any valid court order;
- 3) The City Council desires that there be an ample record that it intends for safety and aesthetic reasons, each prohibited sign-type continue to be prohibited regardless of the invalidity or unconstitutionality of any, or even all other, provisions of the City's Sign Ordinance, other ordinances, code provisions, or other laws for any reason(s) whatsoever;
- 4) The City Council recognizes that limitations on various types of signs are also related to the zoning districts for the properties on which they are located. Various signs that serve a function as signage for particular land uses, such as theaters, or hospitals and medical facilities are allowed some additional

features in recognition of the differing special functions served by those land uses. These differences are in no way intended to favor any particular viewpoint or content, or to control the subject matter of public discourse.

SECTION 3: ———GENERAL PROVISIONS

- a) *Relationship to building and electrical codes.* These sign regulations are intended to complement the requirements of the building and electrical codes of the city. Wherever there is inconsistency between these regulations and the Florida Building Code, the Florida Building Code shall apply.
- b) *No defense to nuisance action.* Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.
- c) *Maintenance.* All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with this Code and the building and electrical codes of the city, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

SECTION 4: SUBSTITUTION CLAUSE

Notwithstanding anything contained in this Code to the contrary, any sign erected pursuant to the provisions of this Code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a non-commercial message. The non-commercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to non-commercial messages, or from one non-commercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback, and other dimensional criteria contained in this and Code have been satisfied.

SECTION 5: PROHIBITED SIGNS

- a) The following signs shall be prohibited:

- 1) **Abandoned signs** that, among other things, are no longer maintained pursuant to the terms of this Ordinance. In determining whether a sign is abandoned, the factors considered include, but are not limited to, the following:
 - A. Whether the sign identifies incorrect directions to, location of, or description of the goods or services available on the premises where the sign is located;
 - B. The existence or absence of a current business tax receipt for the premises where the sign is located;
 - C. Whether utility service is being provided to the premises where the sign is located;
 - D. The use of the premises where the sign is located;
 - E. The condition of the sign;
 - F. Whether ad valorem property taxes have been paid on the premises where the sign is located or on the sign itself;
 - G. Any other facts or circumstances which would indicate whether the owner of the sign has intentionally or voluntarily relinquished further use of the sign.
- 2) Wall wrap or building wrap signs.
- 3) Snipe signs.
- 4) Flashing signs.
- 5) **Animated signs.**
- 6) Beacon lights, except when required by the Federal Aviation Agency.
- 7) Wind signs, except temporary special event signs permitted pursuant to this Sign Code.
- 8) Signs that obstruct, conceal, hide, or otherwise obscure from view any official traffic or government sign, signal, or device.
- 9) Off-premises signs except as specifically provided otherwise herein.
- 10) Pavement markings, except official traffic control-markings and street addresses or as provided elsewhere in this Ordinance.
- 11) Signs attached to docks, tie poles or seawalls, other than emergency, warning or safety signs as otherwise allowable under this Sign Code, or required by State or Federal Law.
- 12) Signs in or upon any lake, or other body of water within the limits of the City, other than emergency, warning or safety signs as otherwise allowable under this Sign Code, or required by State or Federal Law.
- 13) Billboards.
- 14) Projecting signs, other than projecting signs as allowed within the ~~Primary Downtown and Five Points Overlay District~~ Central District Overlay Zone zoning districts, pursuant to this Sign Code.
- 15) Portable signs, except as specifically provided otherwise herein.
- 16) Any sign other than a traffic control device sign that uses the word "stop" or "danger," or presents or implies the need or requirement of stopping or the

- existence of danger, or which is a copy or imitation of a traffic control device sign and which is adjacent to the right-of-way of any road, street, or highway.
- 17) Any sign prohibited by State or Federal Law.
 - 18) Signs that emit sound, vapor, smoke, odor, particles, flame or gas.
 - 19) Signs that are not effectively shielded as to prevent beams or rays of light from being directed at any portion of the traveled public rights-of-way thereby creating a potential traffic or pedestrian hazard or a nuisance to inhabitants of an adjacent neighborhood. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures an official traffic sign, device, or signal.
 - 20) Vehicle sign or signs with a total sign area on any vehicle in excess of ten (10) square feet, where the vehicle is not, "regularly used in the conduct of the business" and
 - A) Is visible from a street right-of-way within one hundred (100) feet of the vehicle, and
 - B) Is parked for more than six (6) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of any street right-of-way.

A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business and which is currently licensed, insured and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm or calling attention to the location of a business establishment or firm.
 - 21) Any sign located on real property without the permission of the property owner.
 - 22) Any feather or flutter flag.
 - 23) Any sign which obstructs any fire escape, required exit, window, or door opening intended as a means of egress.
 - 24) Any sign that interferes with any opening required for ventilation.

SECTION 6: EXEMPTIONS

- a) The following signs are exempt from the permitting requirements of this Code provided they must still meet all other applicable code requirements and provided further they are not placed or constructed so as to create an immediate threat to the

public health, safety, or welfare. The exemptions contained herein indicate the City's recognition that during certain times, more speech is demanded by the citizenry because of the event (e.g., a real estate transaction or election) but the City does not limit the substance of this speech in any way. The exemptions contained herein, including for temporary signs, does not manifest the City's desire to prefer certain types of speech or regulate signage by its content. Accordingly, the exemptions contained herein are content neutral.

- 1) A sign (except a window sign which shall be subject to the provisions of this section) located entirely inside the premises of a building enclosed space, or otherwise entirely internal to a property and that are not visible from the right of way or public parking lot, including but not limited to a baseball stadium or field.
- ~~2) 2) —~~ Signs authorized by statute or ordinance when erected on public property by governmental agencies having jurisdiction.
- ~~3) 3) —~~ Legal notices and official instruments when required by law.
- 4) A traffic control device sign.
- 5) Holiday or seasonal decorations.
- 6) Signs located on benches placed for public comfort and convenience located in a commercial and/or industrial zoned area.
- 7) Electronic changeable message board signs within a PFD zoning district.
- 8) Warning signs and safety signs not exceeding four (4) square feet in sign area shall be allowed in all zoning districts. The maximum height for these signs shall be six (6) feet unless otherwise required by applicable law.
- 9) *Signs located on bus stops.* Signs located on bus stops up to four (4) square feet in area shall be allowed in all districts. These signs shall have a maximum height of eight (8) feet unless otherwise required by applicable law.
- 10) *Construction signs, temporary.* One temporary construction sign shall be allowed on each parcel within the City. Temporary construction signs shall not exceed four (4) square feet in sign area, and six (6) feet in height for residential properties. The sign shall be constructed of metal, plastic, wood or pressed wood and shall be fastened to a support not exceeding four (4) inches by four (4) inches. These signs shall be removed at the time of the final inspection.

- 11) *Construction signs, temporary - Multi-family and Non-residential properties.* One temporary construction sign shall be allowed and shall not exceed sixteen (16) square feet in sign area, and six (6) feet in height for nonresidential properties. These signs shall be removed at the time of the final inspection. The sign shall be constructed of metal, plastic, wood or pressed wood and shall be fastened to a support not exceeding four (4) inches by four (4) inches.
- 12) *Flags.*
- A) For each detached dwelling unit in a residential district or for each parcel in a multi-family residential district, one flag not greater than twenty-four (24) square feet in sign area may be displayed. One (1) flagpole is allowed for each parcel in the City zoned for single family residential use not to exceed 25 ft in height.
 - B) For each parcel in a non-residential districts, except ~~Primary Downtown and Five Points Overlay~~ Central Business District Overlay Zones, two flags not greater than forty (40) square feet in sign area (each) may be displayed. Two (2) flagpoles are allowed for each parcel in the City that is zoned for non-residential use not to exceed 35 ft in height.
 - C) For each business/storefront within the ~~Primary Downtown and Five Points Overlay Zones~~ Central Business District Overlay Zone, one flag not greater than fifteen (15) square feet in sign area may be displayed. One (1) flagpole is allowed for each business/storefront.
- 13) *Free expression signs.* For each parcel within the City, one free expression sign not exceeding four (4) square feet in sign area may be displayed on each street frontage per parcel of land. The free expression sign may be displayed as an attached sign, window sign, or as a freestanding sign; if displayed as a freestanding sign, the freestanding sign shall not exceed four (4) feet in height. A free expression sign is in addition to any other sign permitted under this Subsection and Code and is permitted in any zoning district.
- 14) *Garage or yard sale signs.* For each parcel within the City, one temporary garage-yard sale sign may be displayed per parcel of land. A temporary garage-yard sale sign shall not exceed four (4) square feet in sign area, and four (4) feet in height. A temporary garage or yard sale sign may not be displayed for a period longer than two days, during which the active sale is occurring, and shall be removed upon the conclusion of the sale.

15) *Machinery and equipment signs.* Machinery and equipment signs shall be allowed in all districts.

~~16) 16)~~ *Nameplate or occupant identification signs.* For each residence, business or other occupancy within the City, one attached wall nameplate sign may be displayed. For residences the nameplate or occupant identification signs shall not exceed one (1) square feet in sign area. For any non-residential use, the nameplate or occupant identification sign shall also not exceed two (2) square feet in sign area.

~~17) 17)~~ *Parking space signs, non-residential.* Onsite parking space number or identification signs, not exceeding two (2) square foot of sign face per sign, shall be allowed on each parcel of non-residential use having multiple parking spaces onsite. One such sign shall be allowed for each parking space. The maximum height for a freestanding or attached wall sign shall be six (6) feet unless otherwise required by applicable law.

18) *Political signs.* For each parcel within the City, one election sign may be displayed on each street frontage per parcel of land. An election sign may be displayed as an attached sign or as a freestanding sign. On parcels that are in residential use, the election sign shall not exceed four (4) square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed four (4) feet in height. On parcels that are in non-residential use, the election sign shall not exceed sixteen (16) square feet in sign area; and, if the election sign is displayed as a freestanding sign on the parcel, the election sign shall not exceed six (6) feet in height. An election sign shall be removed within seven (7) calendar days following the election to which it pertains. Election signs shall not be placed in the public Right of Way or located on utility poles or publicly owned property. All political candidates running for office or their representative are required to post a bond for all political signs prior to displaying such sign as follows:

A) A ~~one hundred dollar~~one-hundred-dollar (\$100.00) cash bond shall be posted with the City prior to erecting any sign to ensure removal of the sign within seven (7) calendar days following the election. The cash bond will be released after removal of signs if done within the specified time period.

B) The City may remove and destroy any sign erected and for which a bond has not been posted, or any sign that is remaining seven (7) calendar days following an election

- 19) *Real estate signs, temporary.* For each single-family residential parcel within the City, one (1) temporary real estate sign, and one (1) temporary open house sign may be displayed on each lot for each street frontage. Temporary real estate signs shall not exceed four (4) square feet in sign area, and six (6) feet in height for residential properties. The temporary real estate sign shall be removed no later than ten (10) business days following the sale, lease or rent of the real estate that was offered for sale, lease, or rent.
- 20) *Real estate signs, temporary.* For each multi-family and non-residential parcel within the City, one (1) temporary real estate sign sixteen square (16) feet in sign area, and six (6) feet in height may be displayed on each lot for each street frontage. However, when more than one dwelling unit or non-residential space on a parcel of land is for sale, lease, or rent, there shall only be one temporary window or attached real estate sign for each such unit or space that is separately owned. The temporary real estate sign shall be removed no later than ten (10) business days following the sale, lease or rent of the real estate that was offered for sale, lease, or rent. Signs shall maintain a ten foot (10') setback from the Right of Way.
- 21) *Street address signs and residential mailboxes.* For each parcel within the city, one (1) attached wall street address sign may be displayed. For parcels in residential use, the street address sign shall not exceed one (1) square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the city.
- 22) *Street address signs, non residential.* For each parcel in non-residential use, the street address sign shall not exceed two (2) square feet in sign area. In addition to street address signs, a residential mailbox with the address of the property affixed to it such that the address is no larger than one side of the mailbox shall be allowed for each residence in the city.
- 23) *Warning signs and safety signs.* Warning signs and safety signs, not exceeding four (4) square feet in sign area, shall be allowed in all districts. The maximum height for these signs shall be four (4) feet unless otherwise required by applicable law.
- 24) *Waterfront identification signs.* Each lot abutting the waters of Lake Umatilla or other lakes shall be allowed one attached wall identification sign that is visible from the water. Waterfront identification signs shall not exceed four (4) square feet in sign area.

- 25) *Wayfinding signs.* Non-commercial wayfinding signs when erected as a part of the City of Umatilla's wayfinding system.
- 26) *Window signs, temporary.* For each commercially zoned or commercially used or light manufacturing zoned parcel within the City, one or more temporary window signs may be displayed on the inside of the window for a period not to exceed 90 days. The temporary window sign(s) shall not exceed an aggregate of twenty-four (24) square feet in sign area, and shall not cover more than twenty-five (25) percent of any window surface, whichever is less.
- 27) Umbrella signs.

SECTION 7: ———NONCONFORMING SIGNS

- a) Definition. Any sign within the City on the effective date of this Sign Ordinance which is prohibited by, or does not conform to the requirements of, this Code. A sign shall not be considered to be a nonconforming sign if it was erected contrary to the provisions or limitations of a building permit or the existing building code at the time of construction, and shall instead be an unlawful sign and shall be subject to removal in accordance with the provisions of this chapter.
- b) All non-conforming signs shall be subject to the following restrictions:
 - 1) No nonconforming sign may be enlarged or altered in a way which increases its nonconformity, but any sign or portion thereof may be altered to decrease its nonconformity.
 - 2) No nonconforming sign shall be structurally altered to prolong the life of the sign, but work may be done in any period of 12 consecutive months on ordinary repairs, or on repair and replacement of non-structural components to an extent not exceeding 50 percent of the current replacement cost of the non-conforming sign.
 - 3) Should a nonconforming sign be destroyed or detached by any means to an extent of more than 50 percent of its value at the time of destruction or detachment as reflected on the personal property tax return filed by the owner, it shall not be reconstructed except in compliance with these regulations.
 - 4) Should a nonconforming sign be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 8: PERMITS AND FEES

- a) *Fees.* All sign permit fees shall be paid in accordance with the current fee ordinance or resolution adopted by the City Council.
- b) *Permits Generally.* Signs subject to this sign code shall be designed, constructed, and maintained in compliance with the City's building, electrical, maintenance, and all other applicable codes and ordinances and in compliance with all applicable state and federal law, codes and regulations.
- c) *Permit requirements.* No sign shall be erected, constructed, altered or relocated without a permit issued, except as otherwise provided in this chapter. Where electrical permits are required, they shall be obtained at the same time as the sign permit. Sign permits shall be obtained separate from building permits. The requirement of a building or electrical permit is separate and independent of the requirement for a sign permit under this Code. No sign shall be erected, constructed, relocated, altered or maintained without compliance with all permit requirements under local ordinance, state or other applicable law.
- d) *Penalty.* Five (5) times the normal fee shall be paid for a sign erected, replaced, reconstructed, structurally altered, expanded, or relocated without a permit if a permit is required by this section. The sign erected, replaced, reconstructed, relocated, expanded, or structurally altered must be brought into conformity of all laws of the City.
- f) *Signage plan.* For any site on which the owner proposes to erect one or more signs requiring a permit the owner, or representative, shall submit to the City Manager or designee two copies of a signage plan containing the following:
 - 1) An accurate plan of the site, at such scale as the City Manager or designee may reasonably require;
 - 2) Location of buildings, parking lots, driveways, and landscaped areas on such site;
 - 3) Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the site under this Code;
 - 4) An accurate indication on the plan of the proposed location of each present and future sign of any type, whether requiring a permit or not;
 - 5) Detailed drawings to show the dimensions, design, structure and location of each particular sign (when depicting the design of the sign it is not necessary to show the content of the sign as the sign reviewer is prohibited from taking this factor into consideration);
 - 6) Name of person, firm, corporation or association erecting the sign;
 - 7) Written consent to the permit application, by the owner, or authorized designee, of the building or lot on which the sign is to be erected. Consent of

an authorized agent of an owner, contractor or other agent of the lessee shall be sufficient for purposes of this provision; and

- 8) Such other information as the City Manager or designee shall require to show full compliance with this chapter and all other applicable laws and ordinances. As part of the application the applicant or the applicant's authorized representative must certify in a legally sufficient notarized signed statement that all information provided in the application is true and correct.

~~f) g)~~ *Nullification.* A sign permit shall become null and void if the work for which the permit was issued has not been completed within a period of six months after the date of the permit. If the sign is an integral part of a new building structure, then the permit shall be valid until a certificate of occupancy is issued for the building.

~~g) h)~~ *Permit exceptions.* The following shall not require a sign permit:

- 1) *Replacing.* The changing of the advertising copy or message on a previously permitted similarly approved sign which is specifically designed for the use of replaceable copy.
- 2) *Maintenance.* Painting, repainting, cleaning and other normal maintenance and repair of a sign structure unless a structural change is made.

~~4) 3)~~ *Exempted signs.* Exempted signs, Section 6, unless permits are specifically required, are exempt from the permit requirements of this section.

- i) Upon the receipt of a completed permit application and upon payment of the appropriate permit fee by the applicant, the City Manager or designee shall promptly conduct an investigation of the application, the proposed sign, and the premises. The City Manager or designee shall grant or deny the permit application within 30 days from the date the completed application with application fee was filed with the City Manager. A failure to approve or deny the application within thirty (30) days from the date the application was filed with the City Manager shall be deemed an approval.
- j) If, after review and investigation as required herein, the City of Umatilla determines that the application meets the requirements contained in this section and determines the proposed sign will not violate any building, electrical, or other adopted codes of the city, the City of Umatilla shall issue the permit.
- k) If, after review and investigation as required herein, the City of Umatilla determines that one or more reasons for denial exist, the permit shall be denied and the City shall make a written report of the denial and the reasons therefore. A copy of the report shall be sent by certified mail to the designated return address on the application. The application for a permit shall be denied if one or more of the following conditions are found to exist:

- 1) The application does not comply with the requirements of this ordinance; or
 - 2) The application is not complete; or
 - 3) The application fee is not provided; or
 - 4) The applicant is legally incompetent to contract; or
 - 5) The application would violate any building, electrical, or other adopted codes of the city.
- l) Appeals. Any person denied a permit for signs may file a written appeal to the City Council within 30 calendar days after rendition of the denial pursuant to the provisions of this section.

SECTION 9: INSPECTION; REMOVAL; SAFETY

- a) *Inspection.* Signs for which a permit is required under this Section may be inspected periodically by the City Manager or his designee for compliance with this chapter, other codes of the City, and all terms upon which the sign permit may have been conditioned.
- b) *Maintenance.* All signs, including temporary signs and components thereof shall be kept in good repair and in a safe, neat, clean and attractive condition with no fading, fraying, cracking or chipping visible. No consideration, however, shall be given to the content of the sign copy when making the determination that the sign should be removed due to a violation of this subsection.
- c) *Removal of sign.* The City Manager or designee, may order the removal of any sign erected or maintained in violation of this chapter, or that are declared a nuisance either by court order or under the provisions of the Umatilla Code. In non emergency situations where the sign is not an imminent danger to the health and safety of the residents of the City, he or she shall give 30 days' notice in writing to the owner of such sign, at the address reflected on the Lake County Property Appraiser's website. If the sign is not removed within the 30-day notice period, the City shall cause the sign to be removed at the cost of the owner. The criminal penalties, which are incurred by the failure to remove the sign, shall not be affected by the removal of the sign at the direction of the City Manager or designee. The City may additionally take the steps set forth in this subsection for any violation of this section.
- d) *Unsafe Sign.* Absent an emergency where a sign poses an imminent danger to the health or safety of the public (in which case no notice is needed), if the Building Official determines any sign or sign structure to be in an unsafe condition, he shall immediately notify, in writing, the owner of such sign who shall correct such condition within forty-eight (48) hours. If the correction has not been made within forty-eight (48) hours, the Building Official may have the sign removed if it creates a danger to the public safety or have any necessary repairs or maintenance performed

at the expense of the sign owner or owner or lessee of the property upon which the sign is located. If in his professional opinion the sign poses an immediate risk to the public the City may take the necessary steps to remedy the condition following a reasonable attempt to notify the owner of the sign of the hazardous condition.

SECTION 10: ——— INTERPRETATION OF SECTION PROVISIONS

Where there is an ambiguity or dispute concerning the interpretation of this chapter, the decision of the City Manager or designee, shall prevail, subject to the right of appeal as provided in Section 8(l) above.

SECTION 11: ——— VARIANCES

Variances might be granted for hardships that could include, but not be limited to, creation of visibility issues, lack of space, historical significance of signage, required setbacks or spacing requirements. Variance requests will follow the procedure outlined in Chapter 20 of the Land Development Regulations Code.

SECTION 12: ——— REVOCATION OF SIGN PERMIT

If the work under any sign permit is proceeding in violation of this Sign Code, Florida Building Code, any other ordinance of the City, or should it be found that there has been any false statement or misrepresentation of a material fact in the application or plans on which the permit was based, the permit holder shall be notified of the violation. If the permit holder fails or refuses to make corrections within ten days, it the City Manager or designee may revoke such permit and serve notice upon such permit holder. Such notice shall be in writing and signed by the City Manager or designee. It shall be unlawful for any person to proceed with any part of work after such notice is issued.

SECTION 13: ——— GENERAL STANDARDS FOR ALL ZONING DISTRICTS

The purpose of this section is to establish general signage standards for all zoning districts within the city.

- a) *Sign Illumination.* Sign illumination may not create a nuisance to residential areas and shall be compatible with the surrounding neighborhood.
 - 1) *Residential Signs.* Signs located on property used for residential purposes in any zone shall not be illuminated.

- 2) *General Rule for All Nonresidential Uses.* Other than signs on property used for residential purposes, signs may be non-illuminated, or illuminated by internal, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified. Signs may not be illuminated in a manner which leaves the illumination device exposed to public view except with the use of neon tubing as provided in Section 13, a) 6. Any portion of the sign face or sign structure that is illuminated shall count against the total square footage of allowable sign area.
- 3) *Internal Illumination.* Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether freestanding or building mounted), changeable copy panels of permitted signs, or service island signs, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.
- 4) *External Indirect Illumination.* Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon), used for illuminating a sign, shall not be visible from the adjacent public rights-of-way or residential zoned or used properties.
- 5) *Illumination of Signs Adjacent to Single-Family Uses.* No sign located within 50 feet of a property with a residential zoning shall be internally or externally illuminated.
- 6) *Exposed Neon.* Exposed neon tube illumination is not permitted in residential zones, or on property used for residential purposes in any zone.
- b) *Sign Construction Specifications.*
 - 1) Construction and erection of signs shall be in accordance with the Florida Building Code.
 - 2) Materials. Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event or temporary outside sale and display as provided herein.
 - 3) Construction standards. All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated or made of rust inhibitive material.
- c) *Design Requirements.*

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

- 1) The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the same opacity as would have been achieved with the monument base.
- 2) All panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, and illumination.
- 3) All freestanding monument signs shall be landscaped around the base of the sign structure. Landscaping (e.g. ornamental trees, shrubs, and ornamental plants) shall meet the requirements for landscaping as prescribed in Section 17, i) 4.
- 4) All signs over thirty-two (32) square feet shall be designed in accordance with the Standard Building Code and approved by a registered architect or engineer.
- 5) The height of a freestanding monument sign shall be measured as the vertical distance from the average finished grade of the ground below the sign excluding any filling, **berming**, mounding or excavating having the effect of or for the purpose of increasing the height of the sign, to the top edge of the highest portion of the sign.
- 6) Visual clearance and sight triangle shall be maintained pursuant to Section 14 (g) below.

SECTION 14: ——— GENERAL SIGN PROVISIONS

- a) Signs shall maintain a minimum of six feet horizontal and twelve feet vertical clearance from electrical conductors and from all communications equipment or lines.
- b) Signs and their supporting structures shall maintain clearance and non-interference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Placement shall not interfere with natural or artificial drainage or surface or underground water.
- c) No sign shall be attached to a standpipe, gutter, drain, or fire escape, nor shall any sign be installed so as to impair access to a roof.

- d) Artwork is allowed in all districts and is not intended to be regulated by this Sign Code.
- e) Roof Signs within commercial zoning districts if such a sign is attached to the lower vertical section of a gambrel roof. Any other type of roof sign may be allowed if there is no reasonable place to put a free-standing or structure sign due to issues of visibility or lack of ground space. All roof signs must be approved by the City Council.
- f) Painted Signs. Any sign that is painted on or attached to any fence or wall that is not structurally part of a building, except to identify a residence by means of posting the name of the occupant or structure and the street address. These types of signs may be approved by City Council with proper support documentation and renderings of such signs.
- g) To assure adequate sight distance at the intersection of two public roadways and at the intersection of a public roadway or other private roadway and an access way or driveway the visual clearance and sight triangle will be provided and shall follow the criteria of the current Florida Department of Transportation's Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways or its equivalent amended document, or criteria otherwise specified by the City Manager.
- h) No sign shall exceed 10 feet in height along SR 19, CR 450, or CR 42 and 6 feet in height in commercial or light manufacturing zoned areas of the City. All signs shall have an enclosed base, skirting around the base, or landscaping around the base.

SECTION 15: ——— VIOLATIONS AND PENALTIES

- a) Any violation of this chapter or of any condition or requirement adopted pursuant to this chapter may be restrained, corrected, or abated, as the case may be, by injunction or any other legal or equitable means available to the City. The remedies of the City shall include, but not be limited to, the following:
 - 1) Issuance of a stop-work order;
 - 2) Seek an injunction or other order of restraint or abatement that requires the removal or the correction of the violation;
 - 3) Seek a court order imposing appropriate penalties from any court of competent jurisdiction;
 - 4) In the case of a violation that poses an imminent danger to the public health or safety, taking such measures as are available to the City;
 - 5) Seek compliance through the City's code enforcement procedures.

SECTION 16: SEVERABILITY

- a) *Generally.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code.
- b) *Severability where less speech results.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (a), above, or elsewhere in this Sign Code, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- c) *Severability of provisions pertaining to prohibited signs.* Without diminishing or limiting in any way the declaration of severability set forth above in subsection (b), above, or elsewhere in this Sign Code, this Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under section, Prohibited Signs, of this Sign Code. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of section thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.
- d) *Severability of prohibition on billboards.* If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Sign Code and/or any other Code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the prohibition on billboards as contained in this Sign Code or Code.

SECTION 17: STANDARDS BY ZONES

- a) It is the intent of this section to regulate outdoor signs in a manner that is consistent with the land use classification which establishes the character of the area in which the signs are located and in keeping with the overall character of the community.
- b) The sign standards in this section are intended to include every zone in the City. The zones are defined by the zoning ordinance and official zoning map. Only signs as described in this division and as may be described under temporary signs and exemptions will be permitted in each particular zone.
- c) If any zone is omitted from this division, or if a new zone is created after the enactment of this division, only exempt signs as described in Section 6 shall be permitted in such zone until this division shall be amended to include that zone.
- d) In order to assist public safety and emergency service vehicles to rapidly locate addresses and to assist the traveling public to locate specific addresses, residential and nonresidential structures shall conform to county ordinances.
- e) Signs shall not be located on publicly owned land or easements or inside the street rights-of-way except emergency, safety or warning signs, including directional signs as allowed under this Sign Code, or as otherwise allowed by license agreement approved by the City Council. Nothing shall prohibit a duly authorized local official from removing a sign from public property as allowed by law. Signs shall include, but not be limited to, handbills, posters, advertisements, or notices that are attached in any way to lampposts, telephone poles, utility poles, bridges, telecommunication towers, and sidewalks.
- f) Nothing in this division shall be construed to prevent or limit the display of legal notices, warnings, informational, direction, traffic, or other such signs which are legally required or necessary for the essential functions of government agencies.
- g) All signs shall comply with the applicable building and electrical code requirements. Sign face replacements not requiring a permit shall comply with all applicable building and electrical code requirements; this includes sign face replacements when the permitted sign is not structurally or electronically altered, like materials are used, the sign face is the same size within the frame as the permitted sign, and is installed in the same manner as originally permitted.
- h) Any sign which is allowed pursuant to this chapter must obtain a permit prior to installation, erection or creation except for exempt signs and as otherwise specifically set forth herein.

- i) **All Districts.** The following general provisions apply to signs and sign types described in this Sign Code, except where otherwise noted in this division.
 - 1) Permanent monument signs may be placed on the owner's private property up to the right of way line in recognition of this sign type's aesthetic desirability to the City. The setback shall be measured from the nearest protrusion of the sign or sign face to the property line.
 - 2) All manufactured signs requiring a sign permit from the City shall have a permanent weatherproof identification plate affixed to the exterior of the sign structure such that it may be readily seen after the sign is installed and shall indicate the following:
 - A) The name of the manufacturer;
 - B) The name of the installer;
 - C) The date of installation;
 - D) The sign permit number; and
 - E) The electric permit number (if any) with the input VA (Volt Amperes) at full load for electric.
 - 3) All new freestanding signs must be monument signs.
 - 4) Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of Chapter 15 of the Land Development Regulations.
 - 5) No business shall have more than two (2) exterior wall signs on any street it faces; or one (1) Permanent Window sign per window. Permanent Window signs shall not cover more than 25% of the total glass area of the window and shall not cause a violation of fire safety codes. The sign area of the Permanent Window signs shall be included in the total allowable signage. Wall signs may not project more than twelve (12) inches from a wall. Any wall sign that projects more than two and one-half (2.5) inches from a wall shall be mounted so that the bottom of the sign is no closer than eight (8) feet to the ground at the finished grade immediately below the sign.
 - 6) In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows:

- A) Residential uses shall be treated as if they were located in the residential zoning district where that type of use would be allowed as a permitted use.
- B) Nonresidential uses shall be treated as if they were located in a zoning district where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

j) **Signs Allowed In All Districts, Permit Required**

- 1) ***Wind Signs, temporary.*** For each parcel within the City, wind signs shall be allowed for special events (carnivals, craft fairs, festivals, parades, reunions, sidewalk sales, weddings, etc.), grand openings, and tent sales (auto, boat, RV, etc.) for up to one (1) week and not to exceed three (3) times per year.
- 2) ***Temporary Vertical Pole Banners.*** Restricted to the promotion of civic, charitable, or non-profit special events, holiday or community milestone not to exceed 6 months in duration. Temporary vertical pole banners for display on light poles shall not exceed fifteen (15) square feet in area or twenty (20) feet in height. The bottom of the banner must be at least 14 ft above the pavement surface and not extend more than 36" from the streetlight pole. The banner may include the sponsor's name and logo using up to 15% of the surface area of the vertical street light banner. A non-commercial ornamental or decorative vertical pole banner may be displayed when the pole is not being used for a permitted vertical pole banner. The City may remove any banner signage that rips or becomes a hazard. The City shall not be responsible for damage caused by exposure to the elements or poor craftsmanship or damage that may occur to the banner during the installation, display period or removal.
- 3) ***Temporary Horizontal Pole Banners.*** Restricted to the promotion of civic, charitable, or non-profit special events, holiday or community milestone not to exceed fourteen (14) days in duration. Temporary horizontal pole banners for display shall be a minimum of twenty-four and one-half square feet or two and one-half feet in height, and shall not exceed ninety-six (96) square feet in area or four (4) feet in height. The bottom of the banner must be at least ten (10) ft above the ground surface. The banner shall include metal grommets spaced a minimum of every two (2) ft. for installation purposes and shall contain wind vents a minimum of every three (3) ft. The banner shall be constructed of quality vinyl or printable mesh material. The banner may include the sponsor's name and logo using up to 15% of the surface area of the horizontal banner. The City may remove any banner signage that rips or

becomes a hazard. The City shall not be responsible for damage caused by exposure to the elements or poor craftsmanship or damage that may occur to the banner during the installation, display period or removal.

4) ***Temporary Public Service and Non-Profit Signs.*** Restricted to the promotion of civic, charitable, or non-profit special events, holidays or community milestone. Signs may be placed offsite two (2) times a year, not consecutively, for a maximum of a 48 hour period per event. Such events, include, but are not limited to, religious special events, Chamber of Commerce, service or fraternal clubs, medical, or institutional facility events.

5) ***Temporary Development Signs.*** One (1) temporary sign not to exceed sixty-four (64) square feet in sign area, and six (6) feet in height may be displayed. Any such sign shall be removed by the developer within fourteen (14) days of the completion or abandonment of the project. The sign shall maintain a ten foot (10') setback from the right of way line.

k) **Residential Zoning Districts, Permit Required**

1) The following districts are identified as residential or residentially zoned districts for the purpose of this article: AR, R-18, R-15, R-12, R-10, R-8, R-5, MHRP, MHS, Residential PUD with approval. Except for those signs and sign-types allowed in residential and residentially-zoned districts in accordance with Section 17, i) and Section 17, j) above, no additional signs or sign-types shall be permitted in residential or residentially-zoned districts, except for the following sign-types:

A) Permanent monument identification/subdivision sign as follows: A maximum of two (2) permanent monument or wall residential entrance or gate signs may be located at the main entrance to a single-family, multifamily, or mobile home subdivision. In the alternative, one double faced identification monument sign may be permitted when placed in the median of a private entrance road. The maximum allowable sign surface area per wall or sign shall not exceed thirty-five (35) square feet per face and shall not exceed a height of six (6) feet.

1. Secondary entranceways shall be restricted to one permanent monument sign, not to exceed twenty (20) square feet per face.

2. Identification/Subdivision signs shall maintain a fifteen foot (15') setback from all property and right of way lines, with the exception of identification signs which are part of a masonry wall and which may be located along the property lines.

3. Developments with over three hundred (300) feet entrance way frontage and more than one (1) entrance street are allowed one (1) additional single faced sign per street frontage.
 4. The City shall not accept any liability or responsibility for maintenance of decorative entrances, structures or landscaping features. Sign construction and maintenance shall be at the expense of the developer or the property owners association and their successors, assigns, and heirs.
- B) On a parcel with an apartment building or condominium complex, one permanent wall sign is allowed for each such building or complex not to exceed twenty-four (24) square feet in area.
 - C) For permitted land uses other than residential uses in PUD or Mixed Use zones, signs shall be allowed pursuant to the commercial zoning district sign criteria as outlined in Section 17, m) below. Sandwich board signs shall be allowed, pursuant to the regulations of Section 17, o), 2 (A) through (K).
 - D) ~~Home -Based BusinessOccupation~~. The use of the dwelling for a ~~home home-based business occupation~~ shall be clearly incidental and subordinate to its residential use, and there shall be no change in the appearance of the dwelling or outside evidence of non-residential use, except for a maximum one (1) square foot non-illuminated wall sign located adjacent to the main entrance of the structure.
 - E) Off-premises signs are not permitted.
- 2) Residential Professional (RP). Except for those signs and sign-types allowed in residential and residentially-zoned districts in accordance with Section 17, i) and Section 17; ~~u~~j) above, no additional signs or sign-types shall be permitted except for the following sign-types:
 - (A) One monument sign per abutting roadway. A maximum of twenty-four (24) square feet shall be allowed per each monument sign face (sign must be back to back) or two (2) single faced permanent wall signs not to exceed twelve (12) square feet per face. The monument sign shall not exceed six feet (6’).

- (B) The monument sign shall maintain a five foot (5') setback from the right-of-way line.
- (C) On a parcel with an apartment building or condominium complex, one permanent wall sign is allowed for each such building or complex not to exceed twenty-four (24) square feet in area.
- (D) Sandwich board signs shall be allowed, pursuant to the regulations of Section 17, o), 2 (A) through (K).
- (E) Off-premises signs are not permitted.

l) Institutional Zoning Districts – Permit Required

- 1) The following district is defined as an institutional zoned district for the purpose of this article: Public Facilities District (PFD) and Airport Zoning (AZ). Except for those signs and sign-types allowed in commercial and commercially-zoned districts in accordance with Section 17, i) and Section 17, j) above, no additional signs or sign-types shall be permitted in institutional zoned districts, except for the following sign-types:
 - A) Institutional onsite directional signs. Onsite monument sign may not exceed sixteen (16) square feet in the aggregate directional signs, not exceeding four (4) square feet in sign area, and four (4) feet in height shall be allowed on each parcel or lot.
 - B) One monument sign per abutting roadway. A maximum of thirty-five (35) square feet shall be allowed per each monument sign face (sign faces must be back-to-back). The monument sign shall not exceed ten (10) feet in height along SR 19, CR 450 or CR 42 and shall not exceed six (6) feet elsewhere. The sign must not be a traffic visibility hazard as determined by the city's traffic engineer.
 - C) A maximum of two (2) single faced wall signs not to exceed thirty-five (35) square feet per sign face. An additional single faced wall sign not to exceed twenty-five (25) square feet per face shall be allowed if property has more than one (1) street frontage.
 - D) Sandwich board signs shall be allowed, pursuant to the regulations of Section 17, o), 2 (A) through (K) below.

- E) The monument sign shall maintain a minimum five-foot (5') setback from the right-of-way line. The sign must not be a traffic visibility hazard as determined by the city's traffic engineer.
- F) Off-premises signs are not permitted except for off-premises directional signs within the AZ zoning district. If the proposed directional sign is within an active commercial operation it must remain within the total allowable signage of the zoning district in which it is located. If the property is vacant or non-commercial in use, the off-premises directional sign shall be limited to one (1) and a total size of thirty-two (32) square feet.
- G) The monument sign within the AZ zoning district shall maintain a twenty-five (25) foot setback from any residentially zoned property.

m) **Commercial Zoning Districts, Except ~~Primary Downtown and Five Points District Overlay Zones~~Central Business District Zone – Permit Required**

- 1) The following districts are defined as commercial or commercially zoned districts for the purpose of this article: C-1, C-2, and Tourist Commercial (TC). Except for those signs and sign-types allowed in commercial or commercially-zoned districts in accordance with Section 17, i) and Section 17, j), above, no additional signs or sign-types shall be permitted on any lot or parcel in commercial or commercially-zoned districts, except the following sign-types shall be allowed for each lot or parcel with a non-residential use:
 - A) One monument sign per abutting roadway within the C-1 and C-2 zoning districts. The monument sign shall not exceed ten (10) feet in height along SR 19, CR 450 or CR 42 and shall not exceed six (6) feet elsewhere. The monument sign shall maintain a minimum five foot (5') setback from the right of way line. The sign must not be a traffic visibility hazard as determined by the city's traffic engineer. For shopping center or business center multi-tenant developments, the maximum sign area and height shall follow the regulations of Section 17(n).
 - B) One monument sign per abutting roadway within the CT zoning district. A maximum of thirty-five square feet shall be allowed per each monument sign face (sign face must be back to back). The monument sign shall not exceed ten (10) feet in height along SR 19,

CR 450 or CR 42 and shall not exceed six (6) feet elsewhere. The monument sign shall maintain a minimum five foot (5') setback from the right of way line. The sign must not be a traffic visibility hazard as determined by the city's traffic engineer.

C) Signage copy area within the C-1 and C-2 zoning districts. The signage copy area allowed shall be allocated at 1 square foot per linear foot of building frontage not to exceed a maximum of 150 square feet. On properties where the building is setback greater than 250', the total signage copy area shall be allocated at 1.5 square foot of building frontage not to exceed a maximum of 200 square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

1. Multiple signs allowed as long as it does not exceed maximum allowable copy area.

D) Signage copy area within the CT zoning district. A maximum of two single faced wall signs not to exceed thirty-five (35) square feet per face. An additional single faced wall sign not to exceed twenty-five (25) square feet per face shall be allowed if property has more than one (1) street frontage.

E) In the event the parcel contains a multi-tenant development on the second floor level, each individual business use may have one attached wall sign and shall not exceed fifteen (15) square feet in area.

F) Each restaurant shall be allowed one attached display sign of no more than three (3) square feet of sign face area, located at the entrance, or service window of a restaurant.

G) Restaurant drive-through sign. The drive-through sign shall be placed so as to be viewed from the drive-through lane and may provide a mechanism for ordering products while viewing the drive-through menu sign. The drive-through menu sign shall have a surface area not exceeding forty (40) square feet. The top of the sign and its surrounding or supporting framing/structure shall not exceed eight (8) feet above ground level. If an additional drive-through station is utilized, one additional menu sign is authorized; and total square footage for all menu signs shall not exceed sixty (60) square feet in surface area, but no single sign may exceed forty (40) square feet.

H) In any commercial or industrial district, a canopy or awing sign may be permitted in lieu of a wall sign at an individual, single-occupant,

premises. The canopy or awning signage square footage combined shall not exceed the total permissible square footage for a wall sign. The height of the canopy or awning shall not exceed sixteen (16) feet (first floor) or twenty-five (25) feet (second floor) or the height of the structure on which it is attached, whichever is less.

- I) Directional signs such as entrance, exit and parking directions on commercial property provided such signs do not exceed four (4) square feet in area. The directional sign may be displayed as an attached sign, window sign, or as a monument sign; if displayed as a monument sign, the monument sign shall not exceed four (4) feet in height.
- J) Sandwich board signs shall be allowed, pursuant to the regulations of Section 17, o), 2 (A) through (K).
- K) Temporary Commercial Mascots and Commercial Message signs shall be allowed for special events (carnivals, craft fairs, festivals, parades, reunions, sidewalk sales, weddings, etc.), grand openings, and tent sales (auto, boat, RV, etc.) for up to one (1) week and not to exceed three (3) times per year.
- L) Off-premises signs are not permitted except for off-premises directional signs within the C-1 or C-2 zoning districts. If the proposed directional sign is within an active commercial operation it must remain within the total allowable signage of the zoning district in which it is located. If the property is vacant or non-commercial in use, the off-premises directional sign shall be limited to one (1) and a total size of thirty-two (32) square feet.

n) **Additional Signage Shopping Center or Business Center Multi-Tenant Development-Permit Required**

- 1) Individual storefront canopies or awnings are not permitted in the Commercial Planned Development District or at shopping centers unless the canopy or awning is an integral architectural element of the entire center storefront. In a shopping center or business center, the following additional signage shall be permitted:
 - A) One monument sign per abutting roadway. One monument identity sign shall be permitted. Size shall not exceed eight (8) square feet multiplied by the total number of businesses in the center per sign face for either a single-faced or double-faced sign. Signage may be

apportioned to each tenant business as determined by the landlord; however, each tenant's portion of the monument sign must be clearly visible from the street. The monument sign shall not exceed ten (10) feet in height along SR 19, CR 450, CR 42, and shall not exceed six (6) feet elsewhere and must not be a traffic visibility hazard as determined by the city's traffic engineer. Multiple monument signs may replace a single monument identity sign as long as the total square footage does not exceed the maximum allowable monument signage for the shopping center or business center, and the name and address of the shopping or business center only appears on one sign.

- B) The shopping center or business center shall be permitted up to one directory sign for each separate building housing multiple tenants. The directory signs shall be wall-mounted or a monument sign with the top of the sign and its surrounding or supporting framing/structure not exceeding six (6) feet above ground level. The size of the directory signs shall be a maximum of sixteen (16) square feet per sign face for either a single-faced or double-faced sign.

o) **~~Primary Downtown District and Five Points~~ Central Business District Overlay Zones – Permit Required**

- 1) Except for those signs and sign-types allowed in commercial or commercially-zoned districts in accordance with Section 17, i) and Section 17, j), above, no additional signs or sign-types shall be permitted on any lot or parcel in the ~~primary downtown and five points~~ Central Business dDistrict Overlay, except the following sign-types shall be allowed for each lot or parcel with a non-residential use:

- A) The restrictions of Section 17 (e) prohibiting signs projecting beyond the property line, shall not apply.
- B) No sign erected, subject to the provisions of this division, shall project more than five feet from the front of the building to which it is fastened, nor more than five feet into the public right-of-way in the event that a portion of the building intrudes into the public right-of-way.
- C) No sign erected, subject to the provisions of this division, shall project to within two (2) feet of the edge of vehicular roadway pavement.

- D) The bottom of any sign projecting from a building structure shall be no less than eight (8) feet above grade at any point.
- E) Any sign projecting into the public right-of-way or other public lands may be required to be removed with no right of compensation for such removal, the continuation of such licensed usage to be entirely within the discretion of the City, and such removal shall be completed within 30 days of the notice of the required removal of any such sign. The status of any sign projecting into the airspace of a public right-of-way or other public lands shall be a temporary, revocable license which may be terminated at any time, without compensation and such sign shall not be a property right.
- F) All permits for new signs issued in ~~Central Business District the Primary Downtown and Five Points~~ Overlay District shall be subject to the public's use of the public right-of-way whether or not any such specific notation is made on the permit.
- G) One attached wall sign shall be allowed on the first floor level and shall not exceed twenty (20) square feet in area. In the event the parcel contains a multi-tenant development, each individual business use may have one attached sign. An additional single faced wall sign not to exceed twenty-five (25) square feet in area on the first floor level shall be allowed if property has more than one (1) street frontage.
- H) One attached wall sign shall be allowed on the second floor level and shall not exceed fifteen (15) square feet in area. In the event the parcel contains a multi-tenant development on the second floor level, each individual business use may have one attached sign.
- I) The thickness of the projecting sign shall not exceed twelve (12) inches, the height of the projecting sign shall not exceed sixty (60) inches in height, and the width of the principal faces of any projecting sign shall not exceed thirty-six (36) inches. The projecting sign area is in lieu of the wall signage allowed. The projecting sign shall not exceed fifteen (15) square feet per face.
- J) All signs erected within the district or now existing in the district shall comply with all other provisions of this section (including total sign area limits) and the Florida Building Code as to safety, except as is otherwise specifically excepted or modified.
- K) Temporary signs shall be permitted pursuant to Chapter 6, Section 3, b) 11, B.

- L) Each business shall be allowed one attached display sign of no more than three (3) square feet of sign face area, located at the entrance, or service window.
 - M) The restrictions of Section 17, i) 5) prohibiting permanent window signs covering more than 25% of any window shall not apply. The maximum permanent window sign shall not cover more than 50% of any window. Permanent window signs are in addition to any wall or canopy/awning sign.
 - N) A canopy or awning sign may be permitted in addition to a wall sign at an individual, single-occupant, premises. The signage square footage shall not exceed the total permissible square footage for a wall sign. The height of the canopy or awning shall not exceed sixteen (16) feet (first floor) or twenty-five (25) feet (second floor) or the height of the structure on which it is attached, whichever is less.
 - O) On parcels where a free-standing monument sign may be located in accordance with all applicable setback requirements, one monument sign per abutting roadway is allowed. A maximum of thirty-five (35) square feet shall be allowed per each monument sign face (sign faces must be back-to-back). The monument sign shall not exceed ten (10) feet in height along SR 19 and shall not exceed six (6) feet elsewhere. The monument sign shall maintain a minimum five foot (5') setback from the right of way line. The sign must not be a traffic visibility hazard as determined by the city's traffic engineer.
 - P) Temporary Commercial Mascots and Commercial Message signs shall be allowed for special events (carnivals, craft fairs, festivals, parades, reunions, sidewalk sales, weddings, etc.), grand openings, and tent sales (auto, boat, RV, etc.) for up to one (1) week and not to exceed three (3) times per year.
 - Q) Off-premises signs are not permitted except for off-premises directional signs. If the proposed directional sign is within an active commercial operation it must remain within the total allowable signage of the zoning district in which it is located. If the property is vacant or non-commercial in use, the off-premises directional sign shall be limited to one (1) and a total size of thirty-two (32) square feet.
- 2) Sandwich Board Signs
- A) The placement of sandwich board signs by the owners of lessees of properties may be allowed on any commercial property.

- B) One sandwich board sign shall be allowed on each street frontage per retail or restaurant use.
- C) Sandwich board signs shall be freestanding and moveable. They may be single-sided or double-sided. They shall be removed during inclement weather and high winds.
- D) Sandwich board signs shall not exceed an overall height of four feet (4') or width of two feet (2').
- E) The use of sandwich board signs shall be limited to the business establishments' working hours and shall be taken inside at the end of each business day.
- F) All sandwich board signs within the public right-of-way, and more specifically on public sidewalks, shall maintain an unobstructed width of five (5) feet at all times.
- G) Any sandwich board sign located in the public right-of-way or on other public lands may be required to be removed with no right of compensation for such removal, the continuation of such licensed usage to be entirely within the discretion of the City, and such removal shall be completed within 5 days of the notice of the required removal of any such sign. The status of any sandwich board sign in the public right-of-way or on other public lands shall be a temporary, revocable license which may be terminated at any time, without compensation and such sign shall not be a property right.
- H) No sandwich board sign may be lit either internally or externally.
- I) Any sandwich board sign which encroaches upon pedestrian or vehicular movement or safety or interferes with the lawful use of the public right-of-way or violates the Florida Building Code shall be prohibited and removed or relocated.
- J) Sandwich board signs shall be readable, properly maintained, and kept in good working condition.
- K) The use of a sandwich board sign shall require an annual fee in accordance with the current fee ordinance adopted by City Council.

p) **Industrial Zoning Districts – Permit Required**

- 1) The following districts are defined as industrial or industrially zoned districts for the purpose of this article: Light Manufacturing (LM). Except for those signs and sign-types allowed in commercial or commercially-zoned districts in accordance with Section 17, i) and Section 17, j), above, no additional signs or sign-types shall be permitted on any lot or parcel in industrially zoned districts, except the following sign-types shall be allowed for each lot or parcel with a non-residential use:

- A) One monument sign per abutting roadway. A maximum of thirty-five (35) square feet shall be allowed per each monument sign face (sign faces must be back-to-back). The monument sign shall not exceed ten (10) feet in height along SR 19, CR 450, CR 42 and shall not exceed six (6) feet elsewhere. The monument sign shall maintain a minimum five foot (5') setback from the right of way line. The sign must not be a traffic visibility hazard as determined by the city's traffic engineer.
- B) A maximum of two (2) single faced wall signs not to exceed Thirty-five (35) square feet per face. An additional single faced wall sign not to exceed twenty-five (25) square feet per face shall be allowed if property has more than one (1) street frontage.
- C) In the event the parcel contains a multi-tenant development on the second floor level, each individual business use may have one attached wall sign and shall not exceed fifteen (15) square feet in area.
- D) Directional signs are permitted provided such signs do not exceed four (4) square feet in area. The directional sign may be displayed as an attached sign, window sign, or as a monument sign; if displayed as a monument sign, the monument sign shall not exceed four (4) feet in height.
- E) The monument sign shall maintain a twenty-five (25) foot setback from any residentially zoned property.
- F) Off-premises signs are not permitted.

q) **Commercial and Industrial Planned Unit Developments (PUD) – Permit Required**

- 1) The types of signs, size, height, and setbacks within the PUD District are flexible and are negotiated at the time of zoning approval.

SECTION 18: — QUICK REFERENCE GUIDE

Table 1 provides for a quick-reference of permitted sign types. In the event of a conflict between the table and the text of this chapter, the text prevails.

Table 1
SIGN CODE QUICK REFERENCE

SIGN TYPE (Refer to Appendix A-1 for definitions)	NUMBER AND LOCATION	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	ADDITIONAL REQUIREMENTS
SECTION 6 EXEMPT SIGNS ALLOWED IN ALL ZONING DISTRICTS, NO PERMIT REQUIRED:				
1. Sign located on bus stops	One per bus stop	4 sf	8 ft unless otherwise required by applicable law.	Non-illuminated. •
2. Construction signs, temporary (single family residential districts)	One	4 sf	6 ft	Non-illuminated. • Must be removed by developer within 10 working days of project completion or abandonment.
3. Construction signs, temporary (multiple family residential and non-residential districts)	One	16 sf	10 ft along SR 19, CR 450, CR 42 6 ft elsewhere	Non-illuminated. • Must be removed by developer within 10 working days of project completion or abandonment.
4. Flags (single family detached residential and multi-family residential)	One flag and one flagpole	24 sf	25 ft Maximum flagpole height	For the purpose of determining the flag size, only one side of the flag shall be counted as display surface. • Must be displayed in accordance with U.S. flag regulations (USC Title 4 • Chapter 1). U.S. flag to be illuminated during hours of darkness.
5. Flags (non-residential except for Primary Downtown and Five Points Central Business)	Two flags and two flagpoles	40 sf each	35 ft Maximum flagpole height	For the purpose of determining the flag size, only one side of the flag shall be counted as display surface. • Must be displayed in accordance with U.S.

<u>District</u> Overlay Zones)				flag regulations (USC Title 4 • Chapter 1). U.S. flag to be illuminated during hours of darkness.
Flags (Non-residential in the <u>Primary Downtown and Five Points Central Business District</u> Overlay Zones)	One flag and one flagpole per business/storefront	15 sf		For the purpose of determining the flag size, only one side of the flag shall be counted as display surface Must be displayed in accordance with U.S. flag regulations (USC Title 4 • Chapter 1). U.S. flag to be illuminated during hours of darkness.
SIGN TYPE (Refer to Appendix A-1 for definitions)	NUMBER AND LOCATION	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	ADDITIONAL REQUIREMENTS
SECTION 6 EXEMPT SIGNS ALLOWED IN ALL ZONING DISTRICTS, NO PERMIT REQUIRED				
6. Free expression signs	One, attached to the wall of the building, placed in a window, or freestanding.	4 sf	4 ft	Non-illuminated. • A free expression sign is in addition to any other sign permitted under this Code and is permitted in any zoning • district.
7. Garage or yard sale signs, temporary	One	4 sf	4 ft	Non-illuminated. • A temporary garage or yard sale sign may not be displayed for a period not longer than two days during any calendar month and shall be removed upon the conclusion of the sale. •
8. Machinery and equipment signs	Not restricted	Not restricted	Not restricted	Non-illuminated. •

9. Nameplate or occupant identification signs	One	1 sf	Wall mounted	Non-illuminated. •
10. Parking space signs, non-residential on-site	One per parking space	2 sf	6 ft unless otherwise required by law	Non-illuminated. • All handicapped parking spaces shall be marked and signed in accordance with the applicable laws. •
11. Political campaign or election signs (residential uses) Political candidate or representative are required to post bond for all political signs prior to displaying	One per candidate or issue per road frontage	4 sf	4 ft	Non-illuminated. • May be displayed as an attached sign or as a freestanding sign. • Political campaign or election signs must be removed within 7 days following the campaign or election to which it pertains. •
12. Political campaign or election signs (non-residential uses) Political candidate or representative are required to post bond for all political signs prior to displaying	One per road frontage, attached to the wall of the building, placed in a window, or freestanding	16 sf	10 ft along SR 19, CR 450, CR 42 6 ft elsewhere	Non-illuminated. • May be displayed as an attached sign or as a freestanding sign. • Political campaign or election signs must be removed within 7 days following the campaign or election to which it pertains •

SIGN TYPE (Refer to Appendix A-1 for definitions)	NUMBER AND LOCATION	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	ADDITIONAL REQUIREMENTS
SECTION 6 EXEMPT SIGNS ALLOWED IN ALL ZONING DISTRICTS, NO PERMIT REQUIRED				
13. Real estate signs (single-family residential detached)	One	4 sf	6 ft	Non-illuminated. • Shall be removed within two (2) weeks after sale or rental of property
14. Real estate signs (multiple family residential and non-residential districts)	One	16 sf	10 ft along SR 19, CR 450, CR 42 6 ft elsewhere	Non-illuminated. • When more than one dwelling unit or non-residential space on a parcel of land is for sale, lease, or rent, there may be one additional temporary window or attached real estate sign for each such unit or space. • The temporary real estate sign shall be removed immediately upon the sale, lease or rent of the real estate that was offered for sale, lease, or rent.
15. Street address signs (residential uses)	One, attached to the wall of the building or divided tenant space	1 sf	Not higher than the wall of the building	May be illuminated. •
16. Street address signs (non-residential uses)	One, attached to the wall of the building or divided tenant space	4 sf	Not higher than the wall of the building	May be illuminated. •
17. Warning and safety signs	Not restricted	4 sf	6 ft unless otherwise required by law	May be illuminated. •
18. Waterfront Identification Signs	One per parcel	3 sf	4 ft	Non-illuminated. •
19. Wayfinding signs, City of Umatilla	Not restricted	36 sf	10 ft – SR 19, CR 450, CR 42	May be illuminated. •

			6 ft - elsewhere	
20. Window or door signs, temporary (non-residential uses)	Not restricted	Window signs of all types shall not cover more than 25% of any window surface	Not higher than the top of the window or door	Non-illuminated. •

SIGN TYPE (Refer to Appendix A-1 for definitions)	NUMBER AND LOCATION	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	ADDITIONAL REQUIREMENTS
SECTION 17(j) SIGNS ALLOWED IN ALL ZONING DISTRICTS - PERMIT REQUIRED:				
1. Temporary wind signs				Special events, grand openings, and tent sales. 1 week duration not to exceed 3 times per year.
2. Temporary Vertical Pole banners	Two per streetlight pole on designated roadways	15 sf	20 ft	Non-illuminated. • Restricted to the promotion of civic, charitable, or non-profit special events holiday or community milestone not to exceed 6 months in duration. • Must be at least 14 ft above the pavement surface and not extend more than 36" from the streetlight pole. • May include the sponsor's name and logo using up to 15% of the surface area of the vertical street light •banner A non-commercial ornamental or decorative vertical pole • banner may be displayed when the pole is not being used for a permitted vertical pole banner
3. Horizontal Pole Banners, temporary	Two per pole	96sf	4 ft	Non-illuminated. •
				Must be at least 10 ft above the ground surface Restricted to the promotion of civic, charitable, or non-profit special events holiday or community milestone not to exceed 2 weeks in duration.
4. Public Service or non-profit				May be allowed by the approval of City Manager or Designee with a permit. Signs may be placed off-site two (2) times a year, not consecutively for a maximum of a 48 hour period per event
5. Temporary	One per parcel	64 sq. ft.	6 ft.	Must maintain a 10' setback from

Development Signs		(8' x 8')		right of way. Must be removed within 14 days of completion or abandonment of the project.
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SIGN TYPE (Refer to Appendix A-1 for definitions)	NUMBER AND LOCATION	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	ADDITIONAL REQUIREMENTS
SECTION 17 (k) SIGNS ALLOWED RESIDENTIAL ZONING DISTRICT — PERMIT REQUIRED:				
1. Identification Subdivision Sign	Two ground mounted monument sign or wall entrance signs. In the alternative, one (1) double faced monument sign placed in the median of a private road entrance	35 sf per sign face	6 ft for a monument sign. Not higher than the wall for a wall sign.	Signs shall maintain a 15' setback with the exception of the wall sign. Secondary entranceways shall be restricted to one permanent monument sign not to exceed 20 sf. Developments with over 300' feet entrance way frontage are allowed 1 additional single faced sign.
2. Residential development identification signs (Multiple family development)	One ground-mounted monument sign or one wall sign.	24 sf per sign face	6 ft for a monument sign Not higher than the wall of the building for a wall sign	May be internally or indirectly illuminated. •
3. Permitted uses other than Residential	One ground-mounted monument sign	35 sf per sign face	6 ft	May be internally or indirectly illuminated. •
4. Institutional on-site directional signs.	Ground-mounted monument signs	4 sf	4 ft	May not exceed sixteen (16) square feet in the aggregate. •
SECTION 17 (m) SIGNS ALLOWED COMMERCIAL ZONING DISTRICTS (C-1 & C-2)- PERMIT REQUIRED:				
1. Ground-mounted monument sign	One per abutting roadway	See note below	10 ft SR 19, CR 450, CR 42 6 ft elsewhere	Sign faces must be back-to-back • See note below
2. Attached sign (first floor)	Wall sign	1 sf. per linear foot of building frontage ; however, total maximum allowable sign area shall not exceed 150 sf. Buildings	1st floor height	Maximum signage copy area can be utilized for wall or monument sign or a combination of both. Multiple signs allowed.

		setback greater than 250' – 1.5 sf per linear foot of building frontage, however, total maximum allowable sign area shall not exceed 200 sq sf		
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SIGN TYPE (Refer to Appendix A-1 for definitions)	NUMBER AND LOCATION	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	ADDITIONAL REQUIREMENTS
SECTION 17 (m) SIGNS ALLOWED COMMERCIAL ZONING DISTRICTS (C-1 & C-2)- PERMIT REQUIRED:				
3. Attached sign (second floor)	Wall sign	15 sf	2nd floor height	One sign per business multi-tenant. •
4. Marquee sign		Conditional use permit	Conditional use permit	Approved by the City Council •
5. Restaurant menu sign	Window or wall	3 sf	Not restricted	May be illuminated •
6. Restaurant drive-thru menu sign	One ground-mounted monument sign	40 sf	6 ft	May be illuminated •
7. Canopy or awning		See wall sign	See wall sign	May be illuminated •
				In lieu of and not in addition to other allowed wall signage •
8. Directional signs, commercial parcels	One per entrance to the parcel	6 sf (2ft x 3ft)	3 ft	A non-commercial on-site directional sign may contain the logo or name of the business or development project. The size of the logo or business name shall not exceed 25% of sign area. •
				May be internally illuminated. •
				May not exceed sixteen (16) square feet in the aggregate. •
SECTION 17 (n) ADDITIONAL SIGNAGE SHOPPING CENTER OR BUSINESS CENTER MULTI-TENANT DEVELOPMENT - PERMIT REQUIRED				
1. Ground-mounted monument signs (multiple occupant or tenant development)	One per abutting roadway.	8 sf multiplied by the total number of tenants, to be apportioned to those tenants as seen fit.	10 ft SR 19, CR 450, CR 42 6 ft elsewhere	In lieu of sign area and height regulations of Section 20, o)•
				May be internally or externally lit. •
				A ground-mounted monument sign may bear the name of the shopping center only, the name of the center and major tenants, or a grouped directory of all occupants of the center at the discretion of the owner or developer of the center. •
				If the owner or developer

				chooses to install a grouped directory of occupants, the design of the individual signs and the support components shall be coordinated to provide an attractive and unified grouping •
2. Directory sign	One per multi-tenant building.	16 sf	6 ft	May be internally or externally lit. •
SIGN TYPE (Refer to Appendix A-1 for definitions)	NUMBER AND LOCATION	MAXIMUM SIGN AREA	MAXIMUM HEIGHT	ADDITIONAL REQUIREMENTS
<u>SECTION 17 (o) SIGNAGE ALLOWED DOWNTOWN AND FIVE POINTS CENTRAL BUSINESS DISTRICT OVERLAY DISTRICT – PERMIT REQUIRED:</u>				
1. Attached sign (first floor)	Wall sign	20 sf	1 st floor height	One sign per business multi-tenant. •
2. Attached sign (second floor)	Wall sign	15 sf	2 nd floor height	One sign per business multi-tenant. •
3. Projecting signs	One, perpendicular to the building frontage.	15 sf	Not higher than the wall of the building	May be illuminated. • have a minimum of 9 ft of vertical clearance. • May not project within 2 feet of a vehicular roadway. • The projecting sign area is in lieu of the wall signage allowed.
4. Canopy/Awning sign	One per business establishment	20 sf	16 ft – 1 st floor 25' – 2 nd floor	One canopy/awning sign per business multi-tenant
5. Permanent Window Sign	One per window	Shall not cover more than 50% of any window	No higher than height of window	Window signs are in addition to any wall or canopy/awning sign
6. Marquee sign		Conditional use permit	Conditional use permit	Approved by the City Council •
7. Sandwich board signs	One per business establishment	Not more than 24" wide	48"	Non-illuminated. • Must allow 5 linear feet of unobstructed sidewalk. • If the business is a corner property, the sign may only be placed in one location. •
8. Restaurant or bakery menu sign	Window or wall	3 sf	Not restricted	May be illuminated •
9. Temporary signs		32 sf	See Chp 6, Section 3(b) (11)(B)	Non-illuminated. • 90 day max

10. Temporary window or door signs	Window	Shall not exceed 50% of any window surface	Not restricted	Non-illuminated. •
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Appendix A - SIGN CODE DEFINITIONS

Advertising, for the purposes of the Sign Code means a sign copy intended to aid, directly or indirectly, in the sale, use or promotion of a product, commodity, service, activity, entertainment, or real or personal property.

Architectural detail or embellishment, for the purposes of the Sign Code means any projection, relief, change of material, window or door opening, exterior lighting, inlay, or other exterior building features not specifically classified as a sign. The term includes, but is not limited to, relief or inlay features or patterns that distinguish window or door openings, exterior lighting that frames building features, and changes in facade materials to create an architectural effect.

Artwork, for the purposes of the Sign Code means a three-dimensional representation of a creative idea that is expressed in a form and manner as 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 on the property which the artwork is displayed. All outdoor artwork shall conform to the maximum height and size restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building and safety standards.

Awning, means any secondary covering attached to the exterior wall of a building. It is typically composed of canvas woven of acrylic, cotton or polyester yarn, or vinyl laminated to polyester fabric that is stretched tightly over a light structure of aluminum, iron or steel, or wood.

Banner means any sign of lightweight fabric or similar material that is mounted to a pole, a wire or a building at one or more edges. Flags and wall-mounted flags shall not be considered banners.

Beacon means a stationary or revolving light that flashes or projects illumination, single color or multicolored, in any manner which is intended to attract or divert attention; except, however, this term is not intended to include any kind of lighting device which is required or necessary under safety regulations described by the Federal Aviation Administration or similar agency.

Building official, for the purposes of the Sign Code means the individual responsible for the administration, interpretation and enforcement of the building codes of the city.

Business establishment, for the purposes of the Sign Code means any individual person, nonprofit organization, partnership, corporation, other organization or legal entity holding a valid city occupational license and/or

occupying distinct and separate physical space and located in a business activity zoning district.

Canopy means an overhead roof or structure that is able to provide shade or shelter.

Character, for the purposes of the Sign Code means any symbol, mark, logo, or inscription.

City means the City of Umatilla, Florida.

Color, for the purposes of the Sign Code means any distinct tint, hue or shade including white, black or gray.

Commercial mascot means humans or animals used as advertising devices for commercial establishments, typically by the holding of a separate sign or wearing of insignia, masks or costumes associated with the commercial establishment. This definition Includes sign twirlers, sign clowns, etc.

Commercial message means any sign wording, logo, or other representation or image that directly or indirectly names, advertises, or calls attention to a product, service, sale or sales event or other commercial activity. Text or letters displayed in an artistic format that do not spell a business name or commercial message shall not be calculated as a component of the commercial message.

Copy, for the purposes of the Sign Code means the linguistic or graphic content of a sign.

Drive-in establishment, for the purposes of the Sign Code means a business establishment wherein patrons are usually served while seated in parked vehicles on the same lot. This definition shall be deemed to include "drive-in restaurants," which are more completely described in this section, as well as drive-in service establishments, including banks and dry cleaners that provide this service, and automobile service stations.

Drive-in restaurant or refreshment stand, for the purposes of the Sign Code means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverages in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises and/or in other than a completely enclosed building on the premises. A restaurant which provides drive-in facilities of any kind in connection with regular restaurant activities shall be deemed a drive-in restaurant for purposes of these zoning regulations. A barbecue

stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Erect, for the purposes of the Sign Code means to construct, build, raise, assemble, place, affix, attach, create, paint, draw, or in any way bring into being or establish: but it does not include any of the foregoing activities when performed as an incident to the change of advertising message or customary maintenance or repair of a sign.

Façade, for the purposes of the Sign Code means the exterior wall of a building exposed to public view or that wall viewed by persons not within the building.

Flag, means any fabric, or similar material, attached to or designed to be flown from a flagpole or similar device, but not a feather or flutter flag.

Feather or Flutter Flag means a flag extending in a sleeve like fashion down a metal telescoping or fixed pole that is mounted in the ground or on a stand. The flag is usually shaped like a sail or feather and attached to the metal pole support on one vertical side.

Flagpole means a pole on which to raise a flag.

Florida Statutes, for the purposes of the Sign Code means the general law of Florida and any amendments thereto enacted by the Florida Legislature.

Frontage, The length of the property line of any one (1) premises parallel to and along each public right of way it borders.

Height, for the purposes of the Sign Code means the vertical distance measured from the ground level nearest the base of the sign to the highest point of the sign structure.

Home ~~Occupation~~Based business Sign, a 1 square foot non-illuminated wall sign located adjacent to the main entrance of the structure.

Holiday and seasonal decorations means decorations that pertain to legal or other recognized holidays or to a season of the year.

Land, for the purposes of the Sign Code means "land" including "water", "marsh" or "swamp."

Location, for the purposes of the Sign Code means a lot, premises, building, wall or any place whatsoever upon which a sign is located.

May. The use of the word "may" means permissive.

Multi-story building, for the purposes of the Sign Code means a structure with more than one floor.

Pennant means any pieces or series of pieces of cloth, plastic, paper or other material attached in a row at only one or more edges, or by one or more corners (the remainder hanging loosely) to any wire, cord, string, rope, or similar device. The term includes, but is not limited to, string pennants, streamers, spinners, ribbons and tinsel.

Permanent interior sign means that if located on a window or within a distance equal to the greatest dimension of the window and if able to view from the exterior, it shall be considered an exterior sign for purposes of this chapter, excluding window sign allowance.

Person means any individual, corporation, association, firm, partnership, and the like, singular or plural.

Property, for the purposes of the Sign Code means the overall area represented by the outside boundaries of a parcel of land or development containing one or more business establishments and/or residential units.

Property lines, for the purposes of the Sign Code mean the lines which bound a property.

Roofline, for the purposes of the Sign Code means either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette and, where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building on whose wall the sign is located.

Shall. The word "shall" is mandatory.

Shopping center and business center, for the purposes of the Sign Code mean a group of three or more business establishments within a single architectural plan, with common ownership of property, or cooperative or condominium ownership.

Sign means any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. For the purposes of these regulations, the term "Sign" shall include all structural members. A sign shall be construed to be a display surface or device containing organized and related elements composed to form a single unit. 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. 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 the Code. However, the following are not within the definition of a "Sign" for regulatory purposes of this chapter:

1. Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);
2. Symbols embedded in architecture: Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;
3. Personal appearance: Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);
4. Manufacturers' marks: Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;
5. Fireworks, etc.: The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;
6. Certain insignia on vehicles and vessels: On-street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages;
7. Grave stones or grave markers;
8. News racks and newsstands;
9. Artwork that does not function as a sign or meet the definition of "Sign" herein, but is purely decorative in nature.

Sign, additional, means any sign allowed by this chapter for specific purposes over and above that otherwise permitted.

Sign, animated, means a sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including 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 or surface area, means the area, in square feet, enclosed by a rectangle, parallelogram, triangle, circle, semicircle, cross, other geometric figure(s), or other architectural design, the sides of which make contact with the extreme points or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display. Unless otherwise indicated, area means area per sign face. Illuminated portions of a sign structure shall be considered part of the sign area. Supporting structures for any sign shall not be included in determining the area of the sign provided that the supporting structure does not carry any lettering. The area of a sign for attached signs is based on the smallest geometric shape(s) around the graphics/text; area for sign cabinets used as attached signs shall be based on the entire sign cabinet.

Sign, attached, means any sign attached to, on or supported by any part of a building (e.g. walls, integral roof, awning, windows, or canopy), which encloses or covers useable space.

Sign, awning, or canopy, means any sign that is a part of or printed, stamped, stitched or otherwise applied onto a protective awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Sign, bench/bus shelter sign, means a bench or bus shelter upon which a sign is drawn, painted, printed, or otherwise affixed thereto.

Sign, canopy, means a permanent sign which is suspended from, attached to, supported from, printed on, or forms a part of a canopy.

Sign, changeable message, means a sign or portion of a sign where the message copy is changed manually, electronically, or automatically through the utilization of attachable, reflective, illuminated, or holographic letters, numbers, symbols, images and other similar characteristics. Changeable message signs shall include electronic reader boards and changing copy on freestanding signs.

Sign, changeable copy, means a sign that is designed so that characters, letters or illustrations can be manually changed or rearranged without altering the face or the surface of the sign.

Sign, construction, means a temporary on-premise sign identifying the ongoing construction activity during the time that a building permit is active and prior to completion of the work for which the permit was issued, and containing sign copy that is limited to the ongoing construction activity and identifying the contractor and/or any subcontractor engaged to perform construction activity on the

site. Construction signs shall not exceed three (3) square feet in sign area, and three (3) feet in height for residential properties, and sixteen (16) square feet in sign area, and six (6) feet in height for nonresidential properties.

Sign, damaged, means a sign missing more than ten percent of one or more sides of a sign face.

Sign, directional, means any sign which exclusively contains information providing direction or location of any object, place, or area including but not limited to those signs indicating avenues of ingress/egress.

Sign, directory, means a freestanding sign containing only the names of some or all of the business establishments within a shopping center or business center and/or a map of such.

Sign, double-faced, means a sign which has two display surfaces backed against the same background, one face of which is designed to be seen from one direction and the other from the opposite direction, every point on each face being either in contact with the other face or in contact with the same background.

Sign, election, means a temporary sign erected or displayed for the purpose of expressing support for or opposition to a candidate or stating a position regarding an issue upon which the voters of the City shall vote.

Sign, exempt(ed), means a sign for which a permit is not required, but which must, nonetheless, conform to the other terms and conditions of this chapter and all other relevant ordinances, statutes and laws.

Sign, face, means the part of the sign, including trim and background, that is or can be used to identify, display, advertise, communicate information, or for visual representation which attracts or intends to attract the attention of the public for any purpose.

Sign, free expression, means a sign, not in excess of six square feet in size (area) and the top of which is not more than four feet off the ground, communicating information, ideas or views, or containing any other noncommercial message that is otherwise lawful.

Sign, freestanding, means any sign supported by structures or supports that are placed on or anchored in the ground or at ground level and which are independent of any building or other structure. Signs on legally constructed perimeter and entry walls and fences are freestanding signs where such signs are located adjacent to a property or subdivision entrance.

Sign, garage or yard sale, or garage-yard, means any on-site temporary 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 all such sales, 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, lawn sale, yard sale, front yard sale, back yard sale, attic sale, rummage sale, patio sale, moving sale, or any similar designation.

Sign, gasoline price, means a changeable message sign, typically mounted on a freestanding sign, which displays the prices of gasoline for sale.

Sign, holiday decoration, means any display during a holiday season which shall be removed within 14 days of the conclusion of the holiday.

Sign, holographic display, means an advertising display that creates a three-dimensional image through projection, OLED (organic light emitting diode), or any similar technology.

Sign, identity, means any sign which indicates no more than the name, address, company logo and occupation or function of an establishment or premises.

Sign, Illuminated, means any sign or portion thereof which is illuminated by artificial light, either from an interior or exterior source, including outline, reflective or phosphorescent light (including but not limited to plasma or laser), whether or not the source of light is directly affixed as part of the sign, and shall also include signs with reflectors that depend upon sunlight or automobile headlights for an image.

Sign, indirectly illuminated, means any sign, the facing of which reflects light from a source intentionally directed upon it.

Sign, internally illuminated, means any sign which has the source of light entirely enclosed within the sign not visible to the eye.

Sign, integral, means any sign which specifies the name of the building, date of erection, monumental citations and similar historical facts when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent construction and made an integral part of the building.

Sign, LED, means any 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, marquee, means any sign attached to a marquee.

Sign, menu, means any sign placed so as to be viewed from a drive-through lane or an attached sign located at the entrance, or service window of a restaurant, and containing only a listing of products, with prices, offered for sale by the business. A menu sign may include a mechanism for ordering products while viewing the sign.

Sign, monument, means a freestanding sign in which the enclosed base is a minimum width of two-thirds the width of the sign and is subject to all other restrictions as applicable elsewhere in this Code.

Sign, multi-prism or tri-vision, means a sign made with a series of triangular sections that rotate and stop, or index, to show three (3) images or messages in the same area at different times.

Sign, nonconforming, means any sign that does not conform to the requirements of this Code. Prohibited signs are not nonconforming signs.

Sign, permanent monument identification/subdivision sign, means a permanent monument sign that identifies a residential subdivision

Sign, off-premises, means a commercial sign not located on the site of the establishment or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs.

Sign, on-premises, means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this chapter, all signs with noncommercial speech messages shall be deemed to be "on-site," regardless of location.

Sign, permanent, means a sign which is firmly supported or attached by means of bolts, foundations, etc., and must be maintained in a safe condition at all times and must meet all requirements under the city building and other applicable codes, ordinances, provisions and laws.

Sign, portable, means any sign that is not permanently attached to the ground or to a structure that is attached to the ground or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels, and signs converted to A or T frames.

Sign, projecting, means any sign affixed perpendicular, or at any angle to a building or wall in such a manner that its leading edge extends more than twelve (12) inches beyond the surface of such building or wall.

Sign, real estate, means any sign advertising the sale, rental or lease of premises, or part of the premises, on which the sign is displayed.

Sign, roof, means a sign located on or projecting above the roof or building.

Sign, sandwich board, means a portable, freestanding, movable and double-faced sign not exceeding thirty-two (32) inches wide and forty-eight (48) inches high.

Sign, snipe, means any small sign of any material, including paper, cardboard, wood and metal, when tacked, posted, glued, nailed or otherwise attached in any way to trees, telephone poles, fences, walls, temporary structures, or other objects.

Sign, subdivision or other residential development, means a sign which contains only the name of a platted subdivision or other residential development. An affidavit stating who will be responsible for the maintenance of permitted subdivision signs shall be filed with the application for a sign permit.

Sign, statutory, means a sign required by any statute of the United States, State of Florida, or any agency or subdivision thereof such as the Florida Department of Transportation.

Sign, structure, means any structure which is designed specifically for the purposes of supporting a sign, and contains no copy. This definition shall include decorative covers, braces, wires, supports, or components attached to or placed around the sign structure.

Sign, temporary, means a sign which is displayed for a limited period of time, usually less than one year but not to exceed the time limit authorized by this Code for a particular temporary sign use.

Sign, traffic control device, means any 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) and approved by the Federal Highway Administrator as the National Standard. A traffic control device sign

includes 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, time and temperature, means any sign whose only function is the display of current information about current time and/or temperature at the approximate location of the sign.

Sign, trailer, means any sign that is affixed or placed on a trailer or other portable device that may be pulled by a vehicle.

Sign, umbrella, means 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, unsafe, means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property.

Sign, vehicle, means a sign which covers more than ten (10) square feet of the vehicle, which identifies a business, products, or services, and which is attached to, mounted, pasted, painted, or drawn on a motorized or drawn vehicle, and is parked and visible from the public right of way; unless said vehicle is used for transporting people or materials in the normal day to day operation of the business and otherwise does not violate the provisions of the Sign Code.

Sign, wall flush, means a sign affixed directly to or painted on or otherwise inscribed on an exterior wall and confined within the limits thereof of any building and which projects from that surface less than 12 inches at all points.

Sign, wall wrap, means a sign composed of fabric, plastic, vinyl, mylar or a similar material that drapes or hangs over the side of a building, wall or window.

Sign, warning, means a sign located on a property posting such property for warning regarding, or prohibitions on, parking, trespassing, hunting, fishing, swimming, or other activity, or condition provided such signs do not carry any commercial message or identification.

Sign, wind, means a sign which uses objects or material fastened in such a manner as to move upon being subjected to pressure by wind, and shall include, pennants, ribbons, spinners, streamers or captive balloons, however, the term wind sign shall not include flags.

Sign, window, means any sign placed in a window or affixed thereto in such a manner as to be observable from the exterior of the premises.

Street means a public right-of-way used for vehicular and pedestrian traffic.

Structure. The word "structure" includes the word "building", 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.

Vehicle means any boat, camper, automobile, motorcycle, motorized van, recreation vehicle, bicycle, truck, trailer, construction equipment and other such mobile equipment whose major purpose is other than the display of advertising. Vehicle shall include any device on or in which any person or property is or may be transported upon a roadway or right-of-way, except devices used exclusively on stationary rails or tracks.

Wall is the exterior surface of a building capable of being occupied, including surfaces free of windows or devoid of occupants behind the area where the mural is to be placed. Surfaces constructed on roof tops (other than a roof parapet) shall not be considered walls for purposes of this article.

Windows mean panels of transparent material surrounded by a framing structure and placed into the construction material comprising the building facade.

CHAPTER 17

ENVIRONMENTAL PROTECTION

SECTION 1: ———WETLANDS PROTECTION

The purpose of this chapter is to preserve, protect and enhance the wetlands within the City, based on a policy of no net loss of wetland function, in acknowledgement of the important natural function of wetlands in flood control, water quality and wildlife preservation.

SECTION 2: ———PERMIT REQUIREMENTS FOR WETLAND ALTERATION

It is hereby unlawful for any person to engage in any activity which will remove, fill, drain, dredge, clear, destroy, or alter any wetland or buffer, without obtaining a wetlands alteration permit from the appropriate jurisdictional agency.

a) Application Procedure.

Application shall be made to the City as part of the application for development plan approval, when applicable. Application submittal shall include the following information:

- 1) Name, address, and phone number of applicant, and of any biologists, engineers, or other consultants providing information or acting as agent for the applicant.
- 2) A survey of the property which delineates existing structures, pavement, adjacent streets, and other improvements.
- 3) A sketch, map or survey with the type and extent of wetland area as designated by the St. Johns River Water Management District (SJRWMD) mapped to scale, or a copy of any previously submitted permit application to other agencies depicting the subject wetlands.
- 4) A detailed description of any proposed activity within the jurisdictional

wetlands and buffer zones.

5) Copies of permit applications made to all Federal, State and regional agencies with jurisdiction over the wetlands on the site.

b) Permit Issuance.

The City shall accept wetland alteration permits issued by Federal, State or regional agencies where such permits are deemed to completely address the requirements of this chapter. No final development order shall be issued by the City until any or all such other permits are issued.

SECTION 3: ~~WETLANDS~~ WETLANDS PROTECTION STANDARDS

Applications for ~~a~~ wetland~~ss~~ alteration permit shall meet the following wetlands protection standards:

- a) There shall be no net loss of wetland function, and wetlands shall be protected or used in a manner that does not adversely impact their beneficial functions. Passive recreation activities such as, but not limited to, boardwalks, fishing piers and boat docks; and nature trails are allowed within wetlands.
- b) Wetlands shall be protected from sedimentation during development activities.
- c) Where impacts on wetlands are determined to be unavoidable, mitigation shall be required based on the appropriate jurisdictional agency.
- d) Wetlands shall be buffered through preservation or planting of a suitable width of upland vegetation, based on the criteria of Section 4 of this ~~C~~chapter.
- e) Non-altered wetlands or created wetlands shall be placed in a conservation easement in accordance with Chapter 704.06, F.S. and recorded in the Public Records of Lake County. Dedication of the conservation easement shall be to the City of Umatilla or a State of Florida regulatory agency.

SECTION 4: ~~BUFFER~~ BUFFER REQUIREMENTS

Buffer zones shall be established upland of the landward extent of the wetland jurisdictional line as determined by the St. Johns River Water Management District criteria.

- a) The following buffers shall be required for isolated wetlands, non-isolated wetlands, and wetlands, hydrologically connected (contiguous to) to rivers or ~~streams~~ streams:

<u>TYPE</u>	<u>WIDTH</u>
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Isolated	15 feet
Non-Isolated	25 feet
Rivers and Streams	50 feet

- b) The buffer may be modified along the perimeter of the wetland system to accommodate the development design. In this case, the upland buffer shall be located such that no less than an average and minimum buffer, as listed below, exists along the perimeter of the wetland system.

<u>TYPE</u>	<u>AVERAGE WIDTH</u>	<u>MINIMUM WIDTH</u>
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Isolated	25 feet	10 feet
Non-Isolated	50 feet	15 feet
Rivers and Streams	100 feet	35 feet

- c) The buffer may coincide with a portion of the required setback on a developable lot, however, no building or primary structure shall be permitted within ten (10) feet of the buffer boundary.
- d) In such cases where limited vegetation cover and/or lack of native vegetation occurs within the upland extent of the wetland system stormwater swales and sodding will be permitted to occur within the upland buffer zone. The extent of the stormwater swales encroachment within the upland buffer shall be limited to 50%.
- e) In no case shall a buffer impede reasonable access to a body of water.

SECTION 5: ———EXEMPTIONS

Activities which are exempt from the requirements of this subsection include:

- a) Minor maintenance or emergency repair to existing structures or improved areas.
- b) Timber catwalks and docks four feet (4) or less in width.
- c) Recreational fishing or hunting, and creation and maintenance of temporary blinds.
- d) Selective cutting or hand-removal of non-native problematic vegetation including cattails (Typha spp.), primrose willow (ludwigia spp.), wild taro (Colocasia esculenta), giant reed (Phragmites spp.), paragrass (Panicum purpurascens), punk tree (Malaleuca quinquenervial), and pepper tree (Schinus terebinthifolius).
- e) Clearing of native vegetation within any shoreline shall be limited to 25 feet in width as measured parallel to the shoreline pursuant to Section 10 of this Code.

- f) Stormwater structures limited to outfall structures such that the installation of the structures does not adversely affect the function of the wetland.
- g) Cleared walking trails four (4) feet or less in width and having no structural components of impervious surface.
- h) Utility crossings.
- i) Maintenance, together with incidental dredge and fill activities in ditches, retention and detention areas, public road and other rights-of-way, and other related drainage systems.
- j) Bonafide mosquito control activities.
- k) Activities within artificial wetlands which are created as part of a man-made treatment system.
- l) Constructing fences where no fill is required and where navigational access will not be hindered.

SECTION 6: ———VIOLATIONS

The following remedies and penalties shall apply to violations of this chapter:

- a) Where unauthorized removal or destruction of wetland vegetation has taken place in an otherwise undisturbed wetland or buffer area, it shall be replaced based on any information from approved permits, or based on surrounding undisturbed vegetation.
- b) A stop work order shall be issued for all sites in violation where any construction has been previously authorized. No further City permits shall be issued for the subject site, nor any attendant inspection made, until such violations are corrected or a restoration mitigation plan has been approved by the appropriate jurisdictional agency. This shall include a certificate of occupancy for any attendant structure.
- c) Where violations of the dredge and fill or wetland rules and regulations imposed by Federal, State or regional agencies are noted by the City, such violations will be reported in writing to the appropriate agency.

SECTION 7: VARIANCES AND APPEALS

Variances and appeals to this chapter shall be considered as follows:

- a) No variance or appeal will be considered, where the action or requirement in question clearly is derived from the actions or requirements of Federal, State or regional agencies as part of their permitting process.
- b) Minor technical variances, where clearly within the intent of this chapter, may be authorized by the City Manager.
- c) Variances shall be considered based on the procedures of Chapter 20 “Variance Procedures”.
- d) Appeals shall be considered based on the procedure of Chapter 2 “Administration”.

SECTION 8: —SHORELINE PROTECTION STANDARDS

—The purpose of this section of the chapter is to protect the shoreline areas of the City and, specifically, to regulate the land use development of these shorelines.

SECTION 9: SETBACKS

~~a)~~—Setbacks from the Ordinary ~~High-Water~~High-Water Line (OHWL) shall be as follows:

- 1) All habitable structures shall be located no closer than fifty (50) feet.
- 2) Septic tanks shall be located a minimum of one hundred (100) feet from the OHWL or as far landward from the shoreline as possible based on the depth of the lot.

SECTION 10: —CLEARING LIMITATIONS

- a) No more than a total of twenty-five (25) feet of the shoreline vegetation of any lot measured parallel to the shoreline may be removed for the creation of a beach, or for any other purpose or structure.
- b) Exotic and nuisance plant species such as cattails, primrose willow, elderberry, wild taro, giant reed, paragrass, punk tree, and pepper tree may be removed from the entire shoreline.

SECTION 11: ~~WASTE DISPOSAL~~

~~a)~~ Disposal of any wastes, including but not limited to, liquid, solid, construction materials, debris, including yard trash, is prohibited within the shoreline buffer.

SECTION 12: ~~PERMIT REQUIRED~~

~~a)~~ New development or substantial improvements to existing development at a shoreline shall provide copies of all State and Federal regulatory agency permits to the City prior to construction or clearing. These regulatory agencies include, but are not limited to, U.S. Army ~~Corps~~ Corps of Engineers (ACOE), St. Johns River Water Management District (SJRWMD), ~~and the Florida Department of Environmental~~ ~~Regulation Protection~~ (FDEPR) ~~and the Florida Department of Natural Resources (FDNR)~~. Compliance with the “Best Management Practices”, erosion control methods, shall be necessary for all shoreline development to limit chemical and sediment pollutant discharge to the adjacent water body.

SECTION 13: ~~BUFFERS~~

- a) A buffer zone of native upland vegetation shall be provided around lakefronts and open water bodies which are constructed or preserved on new development sites.
- b) The buffer zone may consist of preserved or planted vegetation, but shall include canopy, understory, and ground cover of native species, if present.
- c) The edge of the buffer zone shall begin at the upland limit of the wetland or littoral zone, whichever is greater.
- d) A minimum of twenty-five (25) feet of such buffer shall be provided that lies adjacent to uplands.

SECTION 14: ~~WHOLLY OWNED LAKES AND OPEN WATER BODIES~~

~~a)~~ If the lake or open water body is wholly owned and contained within a single lot or parcel then the buffer may be modified to allow for greater access. In this case, the upland buffer shall be located such that not less than an average of twenty-five (25) feet of total upland buffer with a minimum of ten (10) feet exists along the perimeter or the wetland littoral zone.

SECTION 15: CONSERVATION EASEMENT

- a) All areas preserved or conserved under this chapter shall be recorded with the Public Records of Lake County as a conservation easement in accordance with Chapter 704.06, F.S.
- b) Dedication of the conservation easement shall be to the City of Umatilla or a State of Florida regulatory agency.

SECTION 16: CONSTRUCTION STANDARDS

- ~~a)~~ Standards for construction activities within shoreline areas are stated within Chapter 10, "Stormwater Management".

SECTION 17: EXEMPTIONS

- ~~A)~~ Individual ~~single-family~~single-family dwellings constructed within existing lot or parcels of record are exempt from the upland buffer requirement.

SECTION 18: LISTED SPECIES AND NATIVE VEGETATION PROTECTION

The purpose of this section is to protect the natural resources of the City for the benefit of its citizens and specifically to prevent destruction of listed plant and animal species in the City and to preserve areas of native vegetation.

SECTION 19: APPLICATION

- ~~a)~~ Application shall be made as part of the application for development plan approval, when applicable. Application submittal shall include the following information:
 - 1) An environmental assessment and wildlife survey shall be required for projects which are more than ten (10) acres in size and/or exceed two (2) acres of impervious surface. The environmental assessment shall be prepared by a qualified biologist and/or environmental scientist. ~~The environmental survey shall delineate and label the vegetative community types observed on the site, in accordance with the "Natural Communities Listing" in the Appendix to this Code.~~
 - 2) Indication of the presence of listed species evidence.
 - 3) Delineation of the field surveying method applied, such as transect, arrays, etc.

- 4) For projects less than ten (10) acres and/or less than two (2) acres of impervious surface in size and located within the Native Vegetation Communities as designated on Map I-5 of the Future Land Use Element, the applicant shall submit a Florida Land Cover Classification System (FLUCFCS) map delineating the extent of the native vegetation on site.
- 5) A Habitat Management Plan shall be required for all developments if listed species are found on the property if on-site preservation is warranted. The Management Plan shall be prepared as outlined later in this chapter. The Habitat Management Plan must receive approval from Florida Game and Fresh Water Fish Commission and U.S. Fish and Wildlife Service (if applicable) before final construction plan approval.

SECTION 20: ——— NATURAL COMMUNITY

The vegetation of the natural community shall be preserved through project site design. A minimum of ten (10) percent of the total cumulative acreage of natural upland communities which occur on-site shall be preserved. In no case, shall the required set aside areas exceed the open space requirements for the proposed development. The preserved set aside area(s) shall be allowed as credit toward landscape requirements, landscape buffers, wetland buffers, habitat protection areas and open space requirements.

SECTION 21: ——— HABITAT MANAGEMENT PLAN

- a) The Habitat Management Plan must be prepared by a qualified biologist and/or environmental scientist. This management plan must document the species targeted for preservation, population estimate, the habitat needs of the species and the management techniques which will be utilized to preserve the habitat. The management plan shall include:
 - 1) A map at the scale of the development application to include the following:
 - A) Habitat classifications depicted by using FLUCFS codes;
 - B) location of individuals, nest sites, burrows, feeding areas, roosting areas, etc.; and
 - C) areas to be preserved, including habitat and buffers.
 - 2) Management Plan
 - A) Implementation plan;
 - B) schedule; and
 - C) responsible parties.
- b) The applicant or his successor in interest is fully responsible for all aspects of the implementation of the management plan. A monitoring report as to the condition of

the habitat and the results of the management techniques applied to the habitat shall be submitted to Florida Game and Fresh Water Fish Commission for review on an annual basis from the date when Authorization for Construction was approved.

- c) The Preservation Areas and associated buffers shall exist as “open space” for the development and will be credited toward open space requirements. Development within these areas shall be limited to passive recreational activities which do not degrade the habitat and may include picnic areas and mulched trails. A conservation easement shall be granted to the City for the preserved areas and associated buffers as a condition of the Final Development Order. In addition, the transfer of density from the Preservation Area to an unoccupied area is permitted within a Planned Unit Development (PUD).
- d) In the event that adjacent parcels include conservation easements or other public lands, the City shall propose to connect the easements to provide wildlife corridors.

SECTION 22: OFF-SITE MITIGATION

The property owner and/or developer may contribute funds in lieu of protecting critical habitat on-site. The funds may be allocated toward a county or regional mitigation park or contributed to the “Fish and Wildlife Trust Fund” administered and managed by the Florida Fish and Wildlife Conservation Commission (FWC). Contributions will be based on the acreage of on-site suitable habitat that would otherwise be required to be preserved. The amount of the contribution will be determined by either the administration of the designated mitigation bank and/or FWC.

SECTION 23: RELOCATION

The property owner and/or developer may relocate individual utilizing the standards and criteria developed by FWC and/or U.S. Fish and Wildlife Service.

A copy of the Relocation Permit shall be forwarded to the City prior to initiation of the relocation effort.

SECTION 24: ——— PRIME RECHARGE AREAS AQUIFER PROTECTION
N ——— STASTANDARDS

The purpose of this section is to comply with Policy 5-1.2.1 Restrict Activities Known to Adversely Affect the Quality of Surface and Ground Water within the Goals and Objectives of the Conservation Element for the City of Umatilla. It is the intent of this section to prohibit Large Quantity Generators of hazardous wastes within the areas designated as High or Prime Recharge Areas as designated by the St. Johns River Water Management District.

SECTION 25: ——— DETERMINATION OF HIGH OR PRIME RECHARGE
AREAS

High or Prime ground water recharges areas shall be those areas designated by St. Johns River Water Management District pursuant to Section 373.0395 F.S.

SECTION 26: ——— PROHIBITIONS

Large Quantity Generators of hazardous waste as designated by the U.S. Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) shall be prohibited within areas designated at High or Prime recharge areas.

SECTION 27: ——— HAZARDOUS SUBSTANCES

All new development involving the handling, generation or storage of hazardous wastes shall meet the following standards for permitting approval:

- a) Environmental Protection Agency, 40 CFR Parts, 260, 261, 262, 263, 270 and 271, dated March 24, 1986, as amended.
- b) Florida Department of Environmental Regulation, including the submittal of the approved state permits, relating to rule 17-730, F.A.C., Hazardous Waste; rule 17-761, F.A.C., underground storage tank systems; and rule 17-762, F.A.C., above ground storage tank systems.

SECTION 28: ——— SINKHOLE PROTECTION STANDARDS

The purpose of this subsection is to comply with Policy 5-8.1 Designation of Environmentally Sensitive Areas, Policy 5-8.6 Development Restrictions Within and Adjacent to Sinkholes and Policy 5-2.9 Groundwater Contamination Introduced through Sinkhole Passages within the Goals and Objectives of the Conservation Element for the City of Umatilla.

SECTION 29: — PROTECTION STANDARDS

- a) When the sudden collapse of the land surface develops due to the effects of sinkhole development there are also other environmental hazards involved. Proper planning and engineering to repair or alleviate damages are needed to reduce adverse environmental impacts.
- b) A geological/geotechnical investigation to evaluate potential sinkhole hazards may be required either in the planning phase of a site plan or as a remedial action. If a sinkhole hazard is significant, then it is warranted that a detailed site specific investigation be conducted.

SECTION 30: — DEVELOPMENT STANDARDS

- a) For all development proposals whether residential or non-residential, a geologic investigation may be warranted to determine the potential for development. This investigation must be prepared and conducted by a certified geologist or professional engineer and submitted to the City Council for consideration. The geologic investigation shall be designed to produce information and provide recommendations for site planning, engineering design and construction techniques.
- b) The City Council shall make recommendations upon the approval or denial of the development proposals based upon the scale of the development and the hazards revealed within the investigation.

SECTION 31: — PROTECTION STANDARDS FOR SINKHOLE AREAS

- a) No stormwater structures other than stormwater swales shall be placed within 50 feet of any existing sinkhole area.
- b) No utility structures, above or beneath ground, shall be placed adjacent to an existing sinkhole unless approved by the City Engineer.
- c) No buildings, structures or impervious surface shall be located adjacent to an existing sinkhole unless approved by a certified geologist or professional engineer following a completed geologic investigation.
- d) No septic systems or drain fields, swimming pools, solid waste disposal areas, or chemical storage shall occur within 100 feet of the existing sinkhole unless approved by a certified geologist or professional engineer following a completed geologic

investigation.

- e) All stormwater designs located adjacent to existing sinkholes must receive approval from the St. Johns River Water Management District.

SECTION 32: CONSERVATION EASEMENT

All existing sinkholes and/or any new sinkhole areas shall be placed into a conservation easement, if warranted. The conservation easement shall be recorded with the Public Record of Lake County in accordance with Chapter 704.06 F.S.

Dedication of the conservation easement shall be to the City of Umatilla or a State of Florida regulatory agency.

SECTION 33: AIR QUALITY AND OPEN BURNING

The purpose of this subsection is to comply with Policy 5-1.1 Promote Activities Conducive to Safe Air Quality within the Goals and Objectives of the Conservation Element for the City of Umatilla.

The City Council finds that it is in the best interest of the public health and safety, and of the environment, to prohibit the open burning of material discarded incidental to land clearing or construction practices. It is the purpose of the subsection to regulate open burning.

SECTION 34: EXEMPTIONS

The following activities are exempt from the provisions of this subsection.

- a) Burning activities incidental to agricultural and silvicultural operations as set forth in the State of Florida Department of Agriculture and Consumer Services, Division of Forestry (Chapter 51-2, Florida Administrative Code).
- b) Burning activities associated with the use of above ground refractory air curtain incinerators permitted by the Florida Department of Environmental Regulation (FDEP) and operated by governmental entities.
- c) Open burning activities to reduce yard trash and household paper products generated on occupied residential premises of not more than two (2) family dwelling units, subject to setbacks, time frames, and other conditions and restrictions as stated within Chapter 17-256, Open Burning and Frost Protection Fires, Florida Administrative Code (F.A.C.).
- d) Open burning activities associated with control burns of native vegetative

communities and habitat management. These activities must be supervised by either the Division of Forestry or a qualified consultant.

SECTION 35: PROHIBITIONS

All land uses in all zoning districts shall be constructed and operated in a manner which is not injurious or offensive to the adjacent land uses due to the emission or creation of smoke, dust or other particulate matter, toxic or noxious waste material and fire.

- a) Air pollutants. Air pollutants, including smoke and particulate matter shall be regulated by the standards cited below.
 - 1) Smoke. Every use shall be so operated as to prevent the emission of smoke as specified in Chapter 17-2 F.A.C. Florida Department of Environmental Regulation, Air Pollution and Chapter 17-256, Open Burning and Frost Protection Fires.
 - 2) Particulate matter. Every use shall be operated as to prevent the emission of solid matter into the air as specified in Chapter 17-2 F.A.C. air Pollution.

SECTION 36: HAZARDOUS WASTE AND MATERIALS

Hazardous substance shall mean any substance which is defined as a hazardous substance in 42 USC Section 9601 (14) and which is designated as a hazardous substance in 40 CFR Section 302.4

SECTION 37: FACILITY

Facility shall mean (a) any building structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or (b) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

SECTION 38: HAZARDOUS WASTE GENERATORS

All users and generators of hazardous waste and materials located in the City of Umatilla shall submit plans, procedures and necessary government permits to the City Council to insure that such waste and materials are properly stored, disposed and processed. The City Council shall have the authority to require that such plans, procedures and permits include but not limited to the following:

- a) Construction Plans, Procedures and Facilities – Explanation of procedures, processes and facilities to be utilized for the storage, disposal and processing of hazardous waste and materials.
- b) Federal, State and Local Governmental Agencies – Documentation from responsible governmental agencies that approved the construction plans, procedures and programs for the premises in question. Such responsible agencies shall include one or more of the following:
 - U.S. Environmental Protection Agency
 - U.S. Department of Transportation
 - Florida Department of Environmental Protection
 - Florida Department of Transportation
 - ~~Florida Department of community Affairs~~
 - Florida Department of Labor and Security
 - Florida Department of Law Enforcement
 - Florida Department of State
 - St. Johns River Water Management District
- c) Private Agencies – Documentation from private agencies and businesses may include information, contracts, agreements, procedures and similar materials from private waste management companies employed by the owner to dispose of hazardous waste and materials from the premises in question.

SECTION 39: ~~_____~~ APPLICATION AND USE OF FERTILIZERS

- a) Legislative Findings. As a result of impairment to the City's surface waters caused by excessive nutrients, or, as a result of increasing levels of nitrogen in the surface and/or ground water within the aquifers or springs, the City has determined that the use of fertilizers on lands within the City of Umatilla has the potential for adverse effects on surface and/or ground water. Accordingly, the City finds that management measures contained in the "*Florida-Friendly Best Management Practices/or Protection of Water Resources by the Green Industries*", as amended, may be required by this Section.
- b) Purpose and intent. This section regulates the proper use of fertilizers by any applicator; requires proper training of Commercial and Institutional Fertilizer Applicators; establishes training and licensing requirements; establishes a Prohibited Application Period; specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices that provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on the City of Umatilla's- natural and constructed stormwater conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and

economic well-being of Umatilla residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater conveyances. Regulation of nutrients, including both phosphorous and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

- c) Scope of Application. This Ordinance shall be applicable to and shall regulate any and all Applicators of fertilizer and areas of Application of fertilizer within the incorporated portions of the City of Umatilla, Lake County, Florida, unless such Applicator is specifically exempted under this section from the regulatory provisions of this section. This ordinance shall be prospective only and shall not impair any contracts existing before adoption of this ordinance.
- d) Definitions. The following words, terms and phrases, when used in this section, will have the meaning set forth below unless the context clearly indicates otherwise.

Administrator means the City Manager or designee who has the authority to administer and enforce the provisions of this section.

Application or Apply means the actual physical deposit of fertilizer to turf or landscape plants.

Applicator means any Person who applies fertilizer on turf and/or landscape plants in the City of Umatilla, Lake County, Florida.

Best Management Practices means turf and landscape practices 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 and protecting natural resources.

Commercial Fertilizer Applicator, except as provided in F.S. § 482.1562(9), means any person who applies fertilizer for payment or other consideration to property not owned by the person or firm applying the fertilizer or the employer of the applicator.

Fertilize, Fertilizing, Fertilization means the act of applying fertilizer to turf, specialized turf, or landscape plants.

Fertilizer means any substance or mixture of substances, that contains one of more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides either soil enrichment, or provides other collective measures to the soil.

Guaranteed Analysis means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a fertilizer.

Institutional Applicator means any person, other than a private, non-commercial or a Commercial Applicator (unless such definitions also apply under the circumstances),

that applies fertilizer for the purpose of maintaining turf and/or landscape plants. Institutional Applicators shall include, but shall not be limited to, owners, managers or employees of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.

Landscape Plant means any native or exotic tree, shrub, or groundcover (excluding turf).

Low Maintenance Zone means an area a minimum of ~~ten (10)~~ fifteen (15) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.

Person means any natural person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.

Prohibited Application Period means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of Lake County, issued by the National Weather Service.

City of Umatilla Approved Best Management Practices Training Program means a training program approved per F.S. § 403.9338, as amended, or any more stringent requirements set forth in this section, that includes the Florida Department of Environmental Protection's *Florida-Friendly Best Management Practices/or Protection Water Resources by the Green Industries, 2008*, as amended.

Saturated soil means a soil in which the voids are filled with water. Saturation does not require flow. For the purposes of this ordinance, soils shall be considered saturated if standing water is present or the pressure of a person standing on the soil causes the release of free water.

Slow Release, Controlled Release, Timed Release, Slowly Available, or Water Insoluble Nitrogen means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

Turf, Sod, or Lawn means a piece of grass-covered soil held together by the roots of the grass.

Urban landscape means pervious areas on residential, commercial, industrial, institutional, highway rights-of-way, or other nonagricultural lands that are planted with turf or horticultural plants.

e) General Requirements.

1. Timing of Fertilizer Application.

A.

A. No Applicator shall apply Fertilizers containing nitrogen or phosphorus or both to turf or landscape plants during the Prohibited Application Period, or to saturated soils.

~~A.~~

B. Fertilizers containing nitrogen or phosphorus may not be applied to Turf from June 1st to and including September 30th of each year.

~~B.~~

C. Fertilizers containing iron, manganese and other micronutrients (excluding nitrogen, phosphorus, or both), commonly referred to as summer blends, may be applied to Turf

D. From June 1st to and including September 30th of each year as recommended by Florida Yards & Neighborhood/Florida Friendly Landscape Program.

B.2. Fertilizer Free Zones.

A. Fertilizer shall not be applied within fifteen (15) feet of any pond, stream, watercourse, lake, canal, or wetland as defined in Chapter 62-340, F.A.C., as amended, or from the top of a seawall, unless a deflector shield, drop spreader, or liquid applicator with a visible and sharply defined edge is used, in which case a minimum of three (3) feet shall be maintained. Newly planted (turf and/or landscape plants) may be fertilized in this zone only for a sixty (60) day period beginning thirty (30) days after planting if need to allow the plants to become well established. Caution shall be used to prevent direct deposition of nutrients into the water.

3. Low Maintenance Zones.

A. A voluntary fifteen (15) foot low maintenance zone is strongly recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. If more stringent regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material may be deposited or left remaining in this zone or deposited in the water. Care shall be taken to prevent the over-spray of aquatic weed products in this zone.

4. Fertilizer Content and Application Rates.

A. Fertilizers applied to turf within incorporated City of Umatilla shall be applied in accordance with requirements and directions provided by Section 5E-1 .003, F.A.C, as amended.

B. Fertilizers containing nitrogen shall not be applied before seeding or sodding a site, and shall not be applied for the first thirty (30) days after seeding or sodding, except when hydro-seeding for temporary or permanent erosion control in an emergency situation (wildfire, etc.), or in accordance with the Stormwater Pollution Prevention Plan for that site.

C. Fertilizers containing nitrogen or phosphorus shall not be applied to Turf or landscape plants except as provided in subsection (I) above for Turf, or in UF/IFAS recommendations for landscape plants, vegetable gardens, and fruit trees and shrubs. Furthermore, fertilizers containing phosphorus shall not be applied to Turf unless a soil or issue deficiency has been verified by an approved test.

D. Fertilizers containing nitrogen applied to Turf or landscaping plants during the period of October 1st through May 31st must contain no less than fifty percent (50%) slow release nitrogen.

~~D.~~

5. Application Practices.

A. Spreader deflector shields are required when fertilizing via rotary (broadcast) spreaders. Deflectors must be positioned such that Fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.

B. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.

C. Any Fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.

D. Fertilizer released on an impervious surface must be immediately contained and either legally applied to Turf or any other legal site, or returned to the original or other appropriate container.

E. In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditched, conveyances, or water bodies.

~~E.~~

6. Management of Grass Clipping and Vegetative Matter.

A. In no case shall grass clippings, vegetative material, and/or vegetative debris be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways. Any material that is accidentally so deposited shall be immediately removed to the maximum extent practicable.

- f. Exemptions. The provisions set forth above in this Ordinance shall not— apply to:
1. Bona fide farm operations as defined in the Florida Right to Farm Act, F.S. § 823.14, as amended;
 2. Other properties not subject to or covered under ~~the~~ subsection I above that have pastures used for grazing livestock;
 3. Any lands used for bona fide scientific research, including, but not limited to, research on the effects of ~~fertilizer~~ fertilizer use on ~~ul-ban~~ stormwater, water quality, agronomics, or horticulture; and

4. Golf courses, athletic fields and Turf managed for active recreation, whose owners implement best management practices as described in Section 5E-L003(2)(d), F.A.C. entitled "Fertilizers Labeled, for Sports Turf at Golf Courses, Parks and Athletic Fields", as amended.

4.

g. Training

1. All commercial and institutional applicators of Fertilizer within the incorporated area of the City of Umatilla shall abide by and successfully complete the training program in the "*Florida Best Management Practices for Protection of Water Resources by the Green Industries*" offered by the Florida Department of Environmental Protection through the University of Florida Extension "*Florida Friendly Landscaping*" program, or an approved equivalent.

1.

2. Private, non-commercial applicators are encouraged to follow the recommendations of the University of Florida IFAS *Florida Yards and Neighborhoods* program when applying fertilizers.

h. Licensing of Commercial Applications.

1. All commercial applicators of Fertilizer within the incorporated area of the City of Umatilla shall have and carry in their possession at all times when applying fertilizer, evidence of certification by the Florida Department of Agriculture and Consumer Services as a Commercial Fertilizer Applicator per Section 5E-14.11 7(18), F.A.C. All businesses applying Fertilizer to Turf and/or landscape plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has a "*Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*" training certificate.

CHAPTER 18

WELLFIELD AND AQUIFER PROTECTION

SECTION 1: ———PURPOSE

This Chapter shall be known as the “Umatilla Wellfield and Aquifer Protection Aquifer Protection Ordinance”.

All provisions of this Chapter shall be effective within the incorporated areas of Umatilla, Florida, and shall set restrictions, constraints and prohibitions on inappropriate development and land use to protect existing and future public water supply wells from degradation by contamination from deleterious substances. The provisions of this Chapter shall apply to all public wells supplying potable water by public utilities. Public supply Well shall be defined as a community or noncommunity system for the provision to the public of piped water provided that such system has at least fifteen (15) service connections or regularly serves at last twenty-five (25) individuals daily at least sixty (60) days out of the year. The provisions of this Chapter shall also apply to the Surficial Aquifer.

SECTION 2: ———LEGISLATIVE INTENT

- a) The intent and purpose of this Chapter is to protect and safeguard the health, safety, and welfare of the citizens of Umatilla, Florida, by providing criteria for restricting deleterious substances and contaminants, and for regulating the design, location and operation of development, land use activities which may impair existing and future public water supply wells.
- b) The prohibitions of the ordinance shall not apply to:

- 1) Residential activity, except as set out in Section 5 of this Chapter.
- 2) Nonresidential activity which has received prior development approval as set out in the exemptions in Section 7 of this Chapter.

SECTION 3: ———DEFINITIONS

All terms defined in Chapter 2, “Definitions and Interpretations” of the Code are -applicable
e-in this Chapter.

SECTION 4: ———MAPS OF PUBLIC WATER SUPPLY WELLS

- a) Regulated Areas pertaining to public wellfield protection shall be shown on Map I-2 of the Future Land Use element of the Comprehensive Plan, as adopted by the City Council, and incorporated herein by reference. This map shall be maintained by the Public Works Director, and copies shall be provided to the Lake County ~~Public Health Department of Health (DOH)-(HRS)~~, East Central Florida Regional Planning Council (~~ECFRPC~~), St. John's River Water Management District (~~SJRWMD~~), and other agencies requesting said maps.
- b) The Regulated Area Map shall illustrate existing and future public water supply wells and their zones of protection on zoning maps on file in the City Hall.
- c) The Regulated Area Map shall be reviewed annually and, if necessary, updated. Any amendments, additions or deletions shall be adopted by the City Council by ordinance and shall be shown on the Regulated Area Map.

SECTION 5: ———PROHIBITED ACTIVITIES/LAND USES

- a) Any nonresidential land use which stores, handles, produces or uses any regulated substances (as defined in Chapter 2 of the Code) is prohibited within regulated areas unless exempt pursuant to Section 7 of this Chapter.
- b) The following uses or structures are also prohibited within regulated areas:
 - 1) The location of septic systems within two hundred (200) feet of a public water supply well, unless otherwise approved by ~~DER-FDEP~~ or ~~HRSDOH~~;
 - 2) The location of stormwater wet retention/detention areas, as defined by SJRWMD, within three hundred (300) feet of a public water supply well, unless otherwise approved by SJRWMD;
 - 3) The location of wastewater treatment plant effluent discharges, including but not limited to, percolation ponds, surface water discharge, spray irrigation, or drainfields, within five hundred (500) feet of a public water supply well, unless otherwise approved by ~~FDEPDER~~;
 - 4) The location of a landfill and/or collection center within five hundred (500) feet of a public water supply well;
 - 5) The location of feed lots or other concentrated animal facilities within five hundred (500) feet of a public water supply well;

- 6) The location of mining and/or excavation of waterways or drainage facilities which intersect the water table within one thousand (1000) feet of a public water supply well, unless otherwise approved by SJRWMD; and
- 7) The location of underground or above ground stationary tanks containing regulated substances, including fuel storage tanks, within five hundred (500) feet of a public water supply well.

SECTION 6: ———PROTECTION OF FUTURE PUBLIC WATER SUPPLY WELLS

a) ———The prohibitions and restriction set forth in this Chapter, and any regulations promulgated pursuant thereto, shall apply to any future public water supply well sites adopted by the City Council by ordinance, provided, however, that the restrictions shall not apply to residential or nonresidential land uses that have received development approval prior to the effective date of the ordinance.

SECTION 7: ———EXEMPTIONS

- a) The following activities or land uses shall be exempt from the regulated area prohibitions set forth in Section 5 of this Chapter.
 - 1) Exemption for public potable water facilities. Public potable water facilities shall be exempt regarding the routine operation and maintenance of potable water systems. This exemption does not apply to land uses involving the maintenance and refueling of vehicles or the storage of regulated substances.
 - 2) Exemption for continuous transit and deliveries. The transportation of any regulated substance through regulated areas shall be exempt, provided the regulated substances are not being stored, handled, produced, or used within the regulated area in violation of this Chapter, and the delivery of regulated substances to nonresidential land uses that have received final development approval prior to the effective date of this chapter, provided that these land uses require such substances for the continued operation and maintenance of the land uses as approved.
 - 3) Exemption for ~~the vehicular~~vehicular fuel and lubricant use. The use in a vehicle of any regulated substance, solely as operating fuel in that vehicle or as lubricant in that vehicle shall be exempt.
 - 4) Exemption for application of pesticides, herbicides, fungicides, and rodenticides. The application of those regulated substances used as pesticides, herbicides, fungicides and rodenticides in recreation, agriculture, pest control, and aquatic weed control activities shall be exempt provided that:

- A) In all regulated areas the application is in strict conformity with the use requirement as set forth in the EPA registries for substances and as indicated on the containers in which the substances are sold; and
 - B) In all regulated areas the application is in strict conformity with the requirements as set forth in Chapters 5E-2 and 5E-9, Florida Administrative Code. This exemption applies only to the application of pesticides, herbicides, fungicides and rodenticides.
- 5) Exemption for the use of fertilizers containing any form of nitrogen. The use of fertilizers containing any form of nitrogen shall be exempt provided that:
- A) For nonresidential recreation areas, including private golf courses, the application of nitrogen containing materials shall be in accordance with manufacturer's directions or recommendations of the Lake County Agriculture Extension Agent, provided, however, the amount of fertilizer applied shall not exceed forty (40) pounds of nitrogen per acre per month average for the total area or two (2) pounds per thousand (1000) square feet per month or any localized area within the activity. Notwithstanding, the amount of applied fertilizer shall not exceed two hundred (200) pounds of nitrogen per acre per year.
 - B) For agricultural areas, the application of nitrogen containing materials shall be in accordance with manufacturer's direction or recommendations of the Lake County Agricultural Extension Agent.
 - C) For nonresidential landscape areas, the application of nitrogen-containing materials shall be in accordance with manufacturer's directions or the recommendations of the Lake County Agricultural Extension Agent or areas on areas of ten thousand (10,000) square feet or less.
- 6) Exemptions for existing retail sale and wholesale activities. Retail sale and wholesale establishments in regulated areas shall be exempt provided that the establishments in only store and handle regulated substances for resale in their original unopened containers.
- 7) Exemptions for office uses. Regulated substances for the maintenance and cleaning of office buildings and regulated substances associated with office equipment such as copiers or blueprint machines shall not be allowed onsite in quantities greater than the quantities exempted in Section 8(C).
- 8) Exemptions for approved nonresidential activities. The following nonresidential activities are exempted:
- A) Nonresidential land uses existing as of the effective date of this

Chapter which have received site plan, subdivision or similar development approval and building permits.

- B) Nonresidential land uses existing as of the effective date of this Chapter which have received occupational licenses, or similar forms of annual development approval and which do not require site plan, subdivision, or similar development approval and building permits. For the purposes of this exemption, renewal of annual development approval shall also be exempt, provided, however, that there are not expansions, modifications or alterations that would increase the storage, handling, production, or use of the regulated substance.
- C) Only those nonresidential land uses which store, handle, produce, or use the following quantities of regulated substances shall be exempt from the regulated prohibition set out in Section 5.
 - 1) Whenever the aggregate sum of all quantities of any one regulated substance for any one nonresidential activity at a given facility/building or property at any one time does not exceed six (6) gallons where said substance is a liquid, or twenty-five (25) pounds where said substance is a solid.
 - 2) Whenever the aggregate sum of all regulated substances for any one nonresidential activity at one facility/building or property at any one time does not exceed one hundred (100) gallons if said substances are liquids, or five hundred (500) pounds if said substances are solids, and the aggregate sum of all quantities of any one regulated substance does not exceed the reference limits. Any facility or building which stores, handles, produces, or uses more than one hundred (100) pounds of liquid regulated substances or five hundred (500) pounds of solid regulated substance shall be designed to prevent contamination of wellfields in case of accidents, ruptures, or leaks.
 - 3) Where regulated substances are dissolved in or mixed with other non-regulated substances, only the actual quantity of the regulated substance present shall be used to determine compliance with the provisions of this ordinance. The actual quantity of the regulated substance present shall be the total quantity of the original unopened container(s) regardless of concentration or purity.
- D) Special Exemptions
 - 1) Request for exemption. Any person subject to the prohibitions set out in Section 5 may apply to the City Council for a special exemption.

- 2) Information and fee required. The application for special exemption shall include, at a minimum, payment of an application fee and provision of the following information on a form provided by the City ~~Manager~~ Clerk or designee:
 - a) A concise statement detailing the circumstances which the applicant feels demonstrates the need for a special exemption.
 - b) A description of the mechanisms that will be utilized to meet the criteria required for issuance of the exemption as set out in paragraph D(5) below;
 - c) A written verification by a qualified Florida professional engineer or Florida certified hydro-geologist that the proposed use or activity will not result in adverse impacts, to the protected wellfield potable water supply; and
 - d) An agreement to indemnify and hold the City of Umatilla harmless from any and all claims, liabilities, causes of action, or damages arising out of the issuance of the Special Exemption. The City shall provide reasonable notice to the ~~exemptee~~ applicant of any such claim.
- 3) Review by the City ~~Clerk~~ Manager and Public Works Director.
 - a) Within ten (10) working days of receipt of an application for special exemption, the City ~~Clerk~~ Manager or designee, shall inform the applicant in writing whether such application contains sufficient information for a proper determination to be made. If the application is found to be insufficient, the City ~~clerk~~ Manager or designee shall provide to the applicant a written statement by certified mail or hand delivery requesting the additional information required. The applicant shall inform the City ~~clerk~~ Manager or designee within ten (10) working days of the date of the written statement of his intent to either furnish the information or have the application processed as it stands.
 - b) Prior to notifying the applicant, the City ~~Clerk~~ Manager or designee shall request the following from the Public Works Director and/or Lake County

~~Environmental~~ Department of Health ~~Department~~:

- 1) Written comments regarding the sufficiency of the application; and
 - 2) A written recommendation for issuance with applicable conditions or denial.
- c) The Public Works Director and/or Lake County ~~Environmental-Health~~ Department of Health shall make appropriate surveys, tests and inspections of property, facilities, equipment and processed proposed or operating under the provisions of this section to determine compliance with the provisions of this section. At a minimum, a written inspection report from the ~~Lake County EnvironmentalDOH-Health Department and~~ and/or Public Works Director to the City ~~Clerk~~ Manager shall be required prior to the issuance of a Certificate of Occupancy.
- 4) Issuance or denial. At the end of said ten (10) day period or receipt of the additional information, the City ~~Clerk~~ Manager or designee shall schedule the request for special exemption at a regularly scheduled City Council meeting.
- 5) Criteria for issuance. The City Council shall grant an exemption if the person applying for the exemption demonstrates that adequate technology exists to isolate the facility or land use from the potable water supply within the Zone of Protection wherein the proposed facility of land use would be located. At a minimum, the following issues shall be addressed.
- a) substance inventory;
 - b) containment;
 - c) emergency collection devices;
 - d) emergency plan;
 - e) daily monitoring;
 - f) equipment maintenance;
 - g) reporting of spills;
 - h) potable water well monitoring;
 - i) groundwater monitoring;
 - j) alterations/expansions;
 - k) reconstruction after catastrophe (fire, vandalism, flood, explosion, collapse, wind war or other); and
 - l) others, as applicable to groundwater protection

All costs associated with providing protective measures as referenced above shall be borne by the applicant ~~or exemptee~~,

as applicable.

- 6) Revocation or revision. Any special Exemption granted by the City Council pursuant to this Chapter shall be subject to revocation or revision by the City Council for violation of any condition of said Special Exemption after issuance of a written notice of intent to revoke or revise (certified mail return receipt requested or hand delivery). The applicant shall have the right to a hearing before the City Council prior to revocation or revision in accordance with the procedures set out in Section. Upon revocation or revision, the activity will immediately be subject to the enforcement provisions of this ordinance.
- 7) Other agency requirements. Any special Exemption granted by the City Council pursuant to this ordinance shall not relieve the ~~exemptee-applicant~~ of the obligation to comply with any other applicable federal, state, regional, or local regulation, rule, ordinance or requirement. Nor shall said exemption relieve any ~~exemptee-applicant~~ of any liability for violation of such regulations, rules, ordinances or requirements.
- 8) New regulations. Upon adoption of any amendment to this Chapter or any regulation that supersedes this Chapter, the Special Exemption shall be subject to the newly adopted regulations.

SECTION 8: ———ENFORCEMENT AND PENALTIES

- a) Enforcement, penalties, appeals, and remedy of matters related to this Chapter shall be regulated pursuant to procedures established in Chapter 3, “Administration”.
- b) Each person who commits, attempts to commit, conspires to commit, or aids and abets in the commission of any act in violation of the Chapter whether individually or in connection with one or more persons, or as a principal, agent or accessory, shall be subject to prosecution for such offense and every person who falsely, fraudulently, forcibly or willfully entices, causes, coerces, requires, permits or directs another to violate any provision of this Chapter is likewise subject to prosecution for such offense.
- c) Each day that a violation of this Chapter is continued or permitted to exist without compliance shall constitute a separate offense.
- d) No development orders, site plan approvals, building permits, occupational licenses, zoning compliances, or certificates of occupancy shall be issued to any violator of this chapter for a subject property in violation until such violation of this Chapter has been properly abated to the satisfaction of the City.

- e) Notwithstanding any other penalty provisions set forth herein, the City of Umatilla may file an action for injunctive relief in the Circuit Court in Lake County in order to prevent any violation of this ordinance.

CHAPTER 19

HISTORIC AND ARCHAEOLOGICAL RESOURCE PROTECTION

SECTION 1:— PURPOSE AND INTENT

It is the purpose of this chapter:

- a) to protect and perpetuate the natural and cultural heritage of significant historic and/or archaeological sites and structures for the benefit, education and enjoyment of future generations;
- b) to protect the public interest in historic and/or archaeological sites and structures from adverse activities, land uses, excavations, construction, destruction and other impacts, and to prevent the unnecessary removal of historic structures of archaeological artifacts;
- c) to stabilize and improve property values, while providing attractions to residents, tourists and visitors, a stimulus to business and industry and a mode to preserve the beauty and historical past of the City of Umatilla; and
- d) to implement policies of the Comprehensive Plan regarding such protection.

SECTION 2: —PROHIBITED ACTIVITY

Within the City of Umatilla, it shall be unlawful for any person, group, organization or agency to knowingly and/or willfully damage, alter, destroy, deface, renovate, relocate, excavate or otherwise disturb any known or designated historic or archaeological resource without prior and appropriate authorization from the City of Umatilla, City ~~Clerk~~Manager and from any additional state or federal regulatory agency with applicable jurisdiction.

SECTION 3: —PETITIONS, DESIGNATIONS AND APPEALS

A Historic or Archaeological designation request may be initiated by a written petition from a property owner or by an appropriate authorized agency of the U.S. Government and/or the State of Florida.

- a) Written petitions for Historic or Archaeological designations may be initiated by, or authorized by, the property owner(s). This request shall be submitted to the City of Umatilla, City ~~Clerk~~Manager and shall be accompanied by any additional information

necessary, as requested by the City ClerkManager. The City ClerkManager shall review all potential historic designations, and provide additional information, comments and recommendations to the public.

- b) Upon petition/request for historic or archaeological resource designation, the City ClerkManager shall provide written notification to the property owner(s) of the intent to consider a proposed historic designation at least thirty (30) calendar days prior to the date of a City Council public hearing as provided for in Chapter 3, "Administration".
- c) Upon request for historic resources designation involving human burial remains, all issued or pending permits pertaining to the affected portion of the subject property shall be suspended, and no new permits shall be issued or reinstated for a period of up to fifteen (15) consecutive days or until a final report is received from the State archaeologist or district medical examiner.
- d) The City ClerkManager shall hold public hearings to consider petitions/requests for historic designations pursuant to the criteria of this Chapter.
- e) All petitions and requests for Historic designations approved by a majority vote of the City Council shall designate an area, site artifact, excavation, structure or other resource as an historic resource, regulated by the provisions of this chapter.

SECTION 4: ———APPEALS

Decisions and/or designations by the City ClerkManager concerning historic resources within the City of Umatilla are subject to the procedures and provisions of the City Council as set forth by Chapter 3, "Administration". Appeals of the Council's decision may be initiated by the subject property owner or authorized agent.

Upon any appeal of the City Council's decision, the City ClerkManager may continue the suspension of all activities and permits within that portion of the site associated with the historic or archaeological resources in question, pending a final decision or agreement between the City ClerkManager and the subject property owner(s) or a rendering of a decision of appeal, whichever occurs first. Any property owner(s) may waive the deadlines set forth in this ordinance or request an earlier hearing by written request to the City ClerkManager, which shall approve, deny or approve with conditions all waiver requests.

SECTION 5: ———EXEMPTIONS

Duly authorized agents of the State of Florida or the Federal Government or organizations authorized by the City of Umatilla conducting bona fide scientific surveys, investigations, excavations or explorations for the purpose of identification, protection or exhumation of historical resources of the City of Umatilla, may be exempted from the provisions of this ordinance, provided such exemptions are deemed to be in the best interest of the citizens of the City of Umatilla, the State of Florida or the nation.

SECTION 6: ———ARCHAEOLOGICAL PROTECTION

a) ———Archaeological survey requirements

———Within the City of Umatilla, any person(s), company, organization or governmental agency engaged or promoting activities which unearth, uncover, or otherwise reveal any suspected archaeological site, burial, artifact, or other remains, shall be required to immediately notify the City of Umatilla, City ~~Clerk~~Manager's office, as to the nature, size and exact location of the suspected find. In addition, staff shall have authority to request an archaeological survey form a representative of an authorized agency or qualified archaeologist for development in any area known or documented to contain historic resources. If the presence of historic resources is confirmed, all activities, permits and/or exemptions associated with that portion of the subject site shall be temporarily suspended for a period of three (3) working days, or until initial site inspection, subsequent evaluation and site release to continue work is issued by staff, whichever occurs first. However, following the initial site inspection, if human burial remains are found, staff shall have authority to temporarily suspend for up to fifteen (15) days all activities, permits and/or exemptions concerning the subject site until a subsequent inspection and evaluation is conducted by a representative of a qualified agency with experience in archaeological identifications or by the medical examiner. Any known or suspected archaeological sites, artifacts, remains or other resources shall be reported to staff, which shall have the following authority:

- 1) To request that the property owner conduct a scientific excavation and evaluation———of the site under the direction of an archaeologist;
- 2) To make recommendations to the City ~~Clerk~~Manager as to the nature, importance and ———possible preservation and/or protection of the known or suspected archaeological- remains;
- 3) To review for consistency all proposed mitigation procedures and potential adverse impacts to the subject site;
- 4) To recommend/comment on variance requests for archaeological protection; and
- 5) To recommend/comment on potential public acquisitions for archaeological preservation.

SECTION 7: ———EXCAVATIONS

All subsequent excavations, removals, preservations, designations, displays or mitigation concerning a potential, known, or designated archaeological site, must be approved by the City ~~Clerk~~Manager upon recommendation by the appropriate state or federal authorities. All approved excavations shall be in strict accordance with the recommendations, permits, approvals or authorizations of the City ~~clerk~~Manager and any appropriate state or federal

agencies with jurisdiction and knowledge of archaeological resources.

SECTION 8: ———HUMAN BURIALS

Chapter 872 of the Florida Statutes (Offenses Concerning Dead Bodies and Graves, 1987) effects a third-degree felony for persons who willfully and knowingly disturb any human burial remains. Any person who knows or has reason to know that an unmarked human burial is being unlawfully disturbed, destroyed, defaced, mutilated, removed, excavated or exposed shall immediately notify the local law enforcement agency with jurisdiction in the areas where the unmarked human burial is located. Persons with knowledge of the disturbance who fail to notify the local law enforcement agency will be guilty of a misdemeanor of the second degree. All subsequent actions concerning the subject human burial shall be in compliance with Chapter 872 of the Florida Statutes.

SECTION 9: ———ENFORCEMENT & PENALTY

Violation of the provisions of this Chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exceptions, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), or imprisoned for not more than sixty (60) days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

CHAPTER 20

VARIANCE PROCEDURES

SECTION 1: VARIANCES

a) In General

Requests for variances from requirements of the Land Development Code shall generally be considered for those provisions which regulate site development and the requirements applicable to existing development. Requests for variances to permit a use which is not allowed as a permitted use or by special exception within the specific zoning district shall not be considered. In addition, request for variances to permit the nonconforming use of any land or structure, or the continuance of any nonconforming use shall not be considered.

b) Specialized Variance Procedures and Requirements

Specialized variance procedures and requirements in lieu of, or in addition to, the requirements of this Chapter, are outlined in the following locations:

~~1)~~ ~~C~~Chapter 9, “Subdivisions and Plats”.

c) Application for All Other Variances

Application for variance shall be made on the appropriate forms provided by the City for that purpose, and shall be accompanied by the appropriate review fee. The applicant shall submit one (1) hard copy and one (1) electronic copy of the application and supporting documents to address items 2) and 3) below and the review criteria of Section 1 (f). Variances shall be considered as follows:

- 1) Applications for variance shall be submitted no later than two (2) weeks in advance of the regularly scheduled Technical Review Committee (TRC) Planning and Zoning Board meeting in order to be considered at that meeting.
- 2) Applications for variance shall include a legal description of the property, sketch or survey of the property, proof of ownership, and authorization of the owner if represented by an agent or contract purchaser.
- 3) In addition, the applicant shall provide a written statement which explains the conditions and circumstances of the alleged hardship, the proposed action by the applicant should the variance be granted, and the necessity of the action. The written statement shall clearly justify the granting of relief from requirements of the Land Development Code, and satisfactorily address the review criteria of this Chapter.

d) Notification of Public Hearing

All variance requests shall be considered at public hearings, which shall be noticed as follows:

- 1) Adjoining Owners. The City shall send notice of the proposed variance to the owners of all adjoining properties within two hundred (200) feet of the subject property. Such notice shall include the date, time and place of the public hearing, along with a clear and concise description of the proposed variance.
- 2) Posting of Property. At least one (1) week prior to the City Council hearing, ~~The City applicant~~ shall post ~~every property~~ the property that is subject of a public hearing with signs notifying the public of the proposed variance, date of public hearing, and the department to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
- 3) Public Advertisement. Notice of public hearing shall be published in a newspaper of general circulation within the City at least two (2) weeks prior to the hearing. Notice shall also be posted in a conspicuous location at City Hall, and may be posted at other public locations at the discretion of the City.

e) Procedure for Public Hearing.

1) TRC. The Technical Review Committee will review all applications for ~~_____~~ compliance with the review criteria and make a recommendation to the ~~_____~~ Planning and Zoning Board ~~City Council~~. A recommendation to the Board will ~~_____~~ consider and specify in what manner such variation or modification is ~~_____~~ made, the conditions upon which it is made, and the reasons for ~~_____~~ compliance with the criteria specified.

~~2) Planning and Zoning Board Action. The Planning and Zoning Board shall consider and make recommendations to the City Council on every variance request at the public hearings as noticed in subsection (d) above. A decision of the Board to vary the application of any provision of this Code shall specify in what manner such variation or modification is made, the reasons therefore.~~

~~32)~~ City Council Action. The City Council shall consider the recommendation of the ~~Planning and Zoning Board~~ TRC before taking action on proposed variances. ~~A decision shall then be made by the City Council whether or not to approve any variation from the Code. Any variance shall specify in what manner such variation or modification is to be made, the conditions upon which it is made, and reasons therefor.~~

f) Review Criteria. When reviewing an application for a variance, the ~~Planning and Zoning Board and the~~ City Council shall consider the following requirements and criteria:

- 1) No diminution in value of surrounding properties would be suffered;
- 2) Granting the permit would be of benefit to the public interest;
- 3) Denial of the permit would result in unnecessary hardship to the owner ~~_____~~ seeking ~~it~~;
- 4) By granting the permit, substantial justice will be done; and
- 5) The use must not be contrary to the spirit of the ordinance.

The above criteria shall be used to determine the justification for granting of relief from requirements of the Land Development Code. All variance requests shall demonstrate the application of each criterion to the specific case.

g) Financial Hardship. Financial disadvantage or inconvenience to the applicant shall not of themselves constitute conclusive evidence of unnecessary and undue hardship and be grounds to justify granting of a variance.

h) Physical Hardship. Physical hardships such as disabilities of any applicant may be considered grounds to justify granting of a variance at the discretion of the Planning

and Zoning Board and the City Council.

i) Conditions of Approval.

- 1) Conditions and Safeguards. In granting any variance, ~~the Planning and Zoning Board may recommend and~~ the City Council may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and the Land Development Code in general. Such conditions may include time limits for initiation of the variance, specific minimum or maximum limits to regular Development Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.
- 2) Transfer of Variances. Variances run with the property and the use of a variance may be transferred to another party for use on the same property.
- 3) Expiration of Variance Approval. A variance that has not been utilized within two (2) years of being granted shall not be utilized without a new public hearing in accordance with requirements of this Chapter.

CHAPTER 21

ALTERNATIVE WATER SUPPLY

SECTION 1. **PURPOSE AND INTENT**

The purpose of this chapter is to establish an Alternative Water Supply Program and establish regulations, procedures and fees associated with this program. This also includes providing definitions; establishing authority and enforcement; compliance; and an effective date for the implementation of the program.

SECTION 2: **DEFINITIONS**

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alternative Water Supply: means salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.

Augmentation Water: means water from an additional source, such as, stormwater retention ponds, surface water, brackish water, groundwater or from an approved wetland and blended with the final effluent of a City wastewater treatment plant

Backflow device: means either a dual check device composed of two single independently active check valves, as described in the American Water Works Association Standard C506-78 (R83), and the American Society of Sanitary Engineering Standard 1024, and/or a reduced pressure principle device, as described in the American Water Works Association Standard C506-78 (R83), and/or the American Society of Sanitary Engineering Standard 1013.

Billing: means the charge made for alternative water supply service. The charge shall be included on the monthly utility bill.

Charges: means those charges set by the City Council for costs of providing service, pursuant to this ordinance.

Cross connection: refers to any physical connection or arrangement that would allow the movement of contaminants or fluids between any non-potable water system, such as the alternative water supply system, and a potable water system.

Customer: means the actual user of the alternative water supply system.

DEP: means the Florida Department of Environmental Protection, or its successor in function.

Development: means a material change in the use or character of the land, including but not limited to the placement of any structure or substantial alteration on the land.

Discontinuation of service: means cessation of a service by physical separation from the system's service lines to ensure that no service can be received.

PE: means polyethylene.

Public eating, drinking, bathing facility: means water fountains, picnic tables, swimming pools, spas, and food service facilities, such as tables and beverage counters that are open to and provide service for the public.

PVC: means polyvinyl chloride.

Reclaimed water: means treated effluent from a City wastewater treatment plant supplied through the reclaimed water distribution system.

Reclaimed water reuse system: means those reclaimed water mains, lines, fittings, valves and appurtenances installed in public rights-of-way or utility easements that are owned by the City.

Service valve: means the manually operated valve that controls total reclaimed water flow to the customer's property located at the point where the alternative water supply service line crosses the property line.

Well: means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater.

SECTION 3: ~~_____~~ PURPOSE OF ORDINANCE

This ordinance establishes that the City's existing utility will be expanded to include alternative water supply services, if feasible, and responsibilities for facilities owned by the City.

SECTION 4: CREATION OF PROGRAM

The purpose of this ordinance is to create an alternative water supply and reclaimed water reuse program for the City. The purposes of the program are to utilize highly treated reclaimed wastewater and other alternative water supply sources within the City for environmentally suitable purposes and to conserve groundwater supplies for future generations by minimizing the use of potable water from groundwater sources by appropriate uses of alternative water supplies.

The City has elected to create an alternative water supply program in order to reduce demand on the potable water system through reuse/disposal of highly treated reclaimed water by land application or other suitable purposes.

SECTION 5: ADOPTION OF STATE REGULATIONS

The construction, maintenance and use of the alternative water supply system shall be in accordance with the provisions of F.A.C. 62-610. If any of the provisions of that chapter are more restrictive than the provisions of this code, the applicable provisions of F.A.C. 62-610 shall prevail.

SECTION 6: PROMULGATION AND ENFORCEMENT OF ALTERNATIVE -WATER -SUPPLY SERVICE PROCEDURES AND REGULATIONS.

- a). The City Manager or designee shall have the power to promulgate procedures and regulations. The procedures and regulations shall become effective upon a resolution adopted by the City Council:
 - 1). All uses pertaining to application procedures, forms and requirements, and allowable uses other than irrigation must be in accordance with applicable DEP regulations.
 - 2). Installation requirements, including specification of acceptable materials, devices and regulations to prevent backflow or cross connections with other systems.
 - 3). Procedures for enforcement of the ordinances and regulations pertaining to reclaimed water, including procedures for inspection of the customer's system.
 - 4). Procedures for the orderly expansion of the alternative water supply system.
 - 5). Procedures and regulations for the efficient operation of the alternative water supply system.

- b). Notwithstanding the provisions of this section, the City Manager or Designee may, when necessary for the efficient operation of the alternative water supply system or for the health or safety of the general public or the customer, establish regulations regarding the following matters that shall become effective at the time of promulgation without the need for City Council approval:
- 1). The times of day or night during which the alternative water may be used by customers.
 - 2). The maximum rate of use of the alternative water.
- c). No person shall construct, operate, maintain, or allow to remain present on property owned or controlled by him any device or system that is connected to or that controls a device or system connected to the City's alternative water supply system and that is not in compliance with all provisions of FDEP regulations and this ordinance related to alternative water and with all procedures and regulations promulgated pursuant to this section. Alternative water shall not be directed or piped into any residence or commercial building. The person who owns or controls the property upon which such a non-complying device or system is found shall be liable to the City for the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance of service. These excess costs shall constitute a lien against the property upon which the non-complying device or system is located.
- d). Any customer whose alternative water supply system is in violation of any City ordinance, regulation, or procedure shall be subject to immediate discontinuance of alternative water supply service. The City shall disconnect alternative water supply service to any user due to tampering with any service, plumbing cross connections with another water source, nonpayment of bills, or for any other reason that is deemed by the City to be detrimental to the system. The City shall disconnect service until the condition is corrected and all costs due the City are paid. These costs shall include delinquent billings, disconnection and reconnection charges, and payment for any damage caused to the system. At no time during the period of disconnection shall the monthly service charges be abated. Should service be turned on without authorization, the City shall remove the service. The City shall have the authority to lien the real property of any user for nonpayment; and if the nonpayment continues for a period of three months following the recording of the lien, the City shall have the right to foreclose the lien. Such discontinuance of service shall not relieve any person of liability for civil actions or for criminal or municipal ordinance violation prosecution.
- e). Upon being connected to the City's alternative water supply system, any existing wells on the subject property shall not continue to be used for irrigation and shall be disconnected from the irrigation system.
- f). All connections shall be made in accordance with policies and regulations adopted by the City Council. This provision shall not be construed to entitle any person to cross the property of another to make such connections.

SECTION 7: ——— ALTERNATIVE WATER SUPPLY SYSTEM CHARGES AND FEES

- a). Any user of the services of the alternative water supply system shall pay to have the water installed. Once the service is connected, the user shall pay a minimum monthly availability charge and a usage charge. These charges will be set by resolution of the City Council, and are on file in the City clerk's office.
- b). Bills for alternative water supply service shall be rendered as a part of the regular City bill for utility services.
- c). For purposes of this section, an alternative water availability charge is a charge established by the City Council for the availability of alternative water supply service provided by the City to a property. Alternative water supply service is deemed available to a property if an alternative water meter is located at the property regardless of whether the property is actively receiving alternative water supply service. The charge shall be billed in the City utility bill of the consumer for those accounts that are actively receiving alternative water supply service and in a utility bill to the owner of the property for those properties not actively receiving alternative water supply service.

SECTION 8: ——— PUBLIC EASEMENT/ RIGHT OF WAY REQUIREMENTS

No facilities will be installed under the provisions outlined in this ordinance and accepted by the City for maintenance unless it is in dedicated public right-of-way or dedicated public easement. Any new easement shall be adequately sized as approved by the City Manager or designee to accommodate construction and maintenance of any alternative water supply system component. No obstruction of whatever kind shall be planned, built or otherwise created within the limits of the easement or right-of-way without written permission of the City Manager or designee.

SECTION 9: ——— OWNERSHIP

All alternative water facilities and appurtenances within dedicated public easements, when constructed or accepted by the City shall become and remain the property of the City. No person shall, by construction of facilities accepted by the City, acquire any interest or right in any of these facilities or any portion of such facilities, other than the privilege of having their property connected for alternative water service in accordance with this ordinance.

SECTION 10: ——— RIGHT TO REFUSE SERVICE

The City shall have the right, at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of alternative water, lack of payment of required service charge, or for any other reason that, in the judgment of the City Manager or designee, will cause the extension not to be to the benefit of the City.

SECTION 11: SERVICE INTERRUPTION

- a). The City reserves the right to temporarily discontinue service to any portion of, or the entire, alternative water supply system as deemed necessary by the City Manager or designee.
- b). The City Manager or designee shall have the authority to establish schedules to control the use of the water reuse system in order to reduce maximum pressure demands on the system and to regulate usage of reused water to balance with supply and storage availability.

SECTION 12: CROSS CONNECTION CONTROL

Prior to connecting a user to the alternative water supply system, the public potable water supply shall be protected by installation, at the user's expense, of an approved cross connection control assembly.

SECTION 13: UNAUTHORIZED WORK ON ALTERNATIVE WATER SUPPLY SYSTEM

- a). No person, unless expressly authorized by City Manager or designee, shall tamper with, work on, or in any way alter or damage any City alternative water facility. Tampering or work shall include but is not limited to opening or closing of valves, or causing of any water to flow from the system. No unauthorized person shall cut into or make any connection with the system. The offending person shall be liable for the cost of all charges attributable to the correction of such tampering, including legal expenses; but payment of or correcting of such damage shall not relieve the offending person from civil or criminal penalties the City or a court of law may impose for a violation of a City ordinance.
- b). The service valve located between the alternative water customer's irrigation system and the City's distribution system may be operated by the customer only when his private valve, required on the customer's premises, requires repair.

SECTION 14: INSPECTION

- a). To ensure that all provisions of City ordinances, regulations and procedures are being observed, the City reserves the right and privilege of inspecting, removing and/or

securing any or all devices installed by the customer that connect to or control the alternative water.

- 1). Inspections without cause to believe that an ordinance or regulation is being violated shall be at reasonable times and shall not exceed a reasonable frequency.
 - 2). Inspections where there is reasonable cause to believe that an ordinance or regulation is being violated shall be at such times and shall occur with such frequency as is necessary to establish that an ordinance or regulation is or is not being violated.
- b). Each customer of alternative water shall, by application, give prior written consent to entry upon his premises, and thereby waives any other written notice for such inspection. Failure of the City to obtain such a written waiver shall not affect the right of the City to proceed pursuant to subsection (a) of this section.
- c). Refusing to permit an authorized City agent or employee to enter onto the premises for the purpose of inspecting the customer's alternative water supply system pursuant to this section shall constitute a violation of this section and shall be grounds for immediate discontinuance of the alternative water supply service by the City to the subject premises.

**SECTION 15:— ALTERNATIVE WATER SERVICE FOR NEW
SSUBDIVISIONS**

- a). *Minimum service requirements.*
- 1). All new subdivisions located within the existing City Utility Service shall construct alternative water mains to provide irrigation and other non-potable service to all lots based on the projected amount of property to be irrigated, as well as other potential non-potable uses, including common elements. Alternative water supply service including required back flow prevention devices and taps shall be installed for each lot, with a minimum service tap size of three-fourths inch in diameter. Actual service tap size and potential sharing of service lines shall be reviewed and approved. These improvements shall be completed and in place regardless of whether City alternative water is available to the project at the time of development. At such time as City alternative water is available to each lot and to other property to which a tap was required City alternative water supply service shall be accepted.
 - 2). Site development plans for all new development on previously vacant property where the City alternative water lines adjoin the property shall show irrigation systems connected to alternative water mains where available. Where such service is not currently available, site plans shall show irrigation systems that shall be configured for ultimate connection to alternative water mains by

locating pumps or potable water system connections adjacent to the right-of-way or other planned alternative water main location.

- 3). Alternative Water Supply Systems shall be required within all subdivisions receiving final plats after January 1, 2010.
- b). *Existing Landscape Irrigation System.* Existing landscape irrigation system located within the City shall accept City alternative water supply service when available as follows:
- 1). If the existing irrigation system on such property is using City potable water for irrigation the property shall connect to the City's alternative water supply service when available.
 - 2). If the existing irrigation system on such property is using a private well located on the property or lake water for irrigation then such property shall connect to the City's alternative water supply service when available.
 - 3). No new irrigation system for landscaping use shall be allowed in the City unless it connects to the City's alternative water lines if such lines are available to the property seeking irrigation.
- c). *System design.* The layout of alternative water supply systems shall comply with the following design criteria and the adopted standard utility details of the City:
- d). *General standards.* Design and installation practices, materials and methods shall conform with requirements for potable water systems, except where specifically modified by policies or details adopted for the alternative water supply system.
- e). *Main size.* Mains shall be sized based on the anticipated demand for alternative water use based on land use, soil characteristics and potential non-irrigation use. Minimum main size shall be six inches in diameter.
- f). *Extension of lines to project boundaries.* Alternative water mains shall be designed to stub out to the project boundaries to serve adjacent unserved properties. This shall include mains in all rights-of-way, across the entire project frontage on existing roads without existing mains, and to the property boundary via easement when no other access is available to unserved properties.
- g). *Color coding of alternative water appurtenances.* All alternative water supply materials shall be color coded purple from the manufacturer.
- h). *Availability.* Availability shall mean the City having sufficient capacity to provide service to a subject property and the alternative water lines being physically located within 120 feet of the subject property.

CHAPTER 22

COMMUNICATION FACILITIES IN PUBLIC RIGHTS-OF-WAY

SECTION 1: ———PURPOSE AND INTENT

The City hereby makes and declares the following findings and declares its legislative intent as follows: (1) The Public Rights-of-Way within the City are a unique and physically-limited resource and an important amenity that are critical to the travel and transport of Persons and property in the City; (2) the demand for telecommunications services has grown exponentially in recent years, which may include the placement of telecommunications equipment and facilities in the Public Rights-of-Way; and (3) the use and occupancy of the Public Rights-of-Way by providers of Communications Services must be subject to regulation which can ensure minimal inconvenience to the public, coordinate users, maximize available space, reduce maintenance and costs to the public, and facilitate entry of an optimal number of providers of cable, telecommunications, and other services in the public interest.

In order to promote the health, safety, and general welfare, the City finds that it is necessary to: (1) provide for the Placement or Maintenance of Communications Facilities in the Public Rights-of-Way within the City limits; (2) adopt and administer reasonable rules, regulations, and general conditions not inconsistent with applicable State and Federal law; (3) manage the Placement and Maintenance of Communications Facilities in the Public Rights-of-Way by all Communications Services Providers; (4) minimize disruption to the Public Rights-of-Way; and (5) require the restoration of the Public Rights-of-Way to the delineated specifications stipulated in the Permit.

SECTION 2: ——— DEFINITIONS

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~(1)~~ *Abandonment* means the cessation of all uses of a Communications Facility for a period of one hundred eighty (180) or more consecutive days; provided that, this term shall not include cessation of all use of a Facility within a physical structure where the physical structure continues to be used. By way of example, and not limitation, cessation of all use of a cable within a conduit, where the conduit continues to be used, shall not be “Abandonment” of a Facility in the Public Rights-of-Way. The terms Abandonment or Abandoned are not intended to include a Dropped Line from a potential or existing customer in the event the Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider reasonably anticipates future use of the Dropped Line.

~~(2)~~ *Antenna* means communications equipment that transmits or receives electromagnetic radio frequency signals used in providing wireless services.

~~(3)~~ *Affiliate* means each Person, directly or indirectly, controlling, controlled by, or under common control with a Communications Services Provider that is Registered with the City; provided that Affiliate shall in no event mean any limited partner, member, or shareholder holding an interest of less than fifteen (15) percent in such Communications Services Provider.

~~(4)~~ *Applicable Codes* means uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or local amendments to those codes enacted solely to address threats of destruction of property or injury to persons, or local codes or ordinances adopted to implement this Chapter. The term includes objective design standards adopted by ordinance which may require that a new Utility Pole replacing an existing Utility Pole be of substantially similar design, material, and color, or that ground-mounted equipment meet reasonable spacing requirements. The term includes objective design standards adopted by ordinance which may require a Small Wireless Facility to meet reasonable location context, color, stealth, and concealment requirements.

~~(5)~~ *Applicant* means any Person who submits an Application to the City for a permit to locate a Communications Facility or Utility Pole within the Public Rights-of-Way or to Collocate Small Wireless Facilities within the Public Rights-of-Way.

~~(6)~~ *Application* means a request submitted by an Applicant to the City for a permit to locate a Communications Facility or Utility Pole within the Public Rights-of-Way or to Collocate Small Wireless Facilities within the Public Rights-of-Way.

~~(7)~~ *As-built Plans* means a set of drawings in a format as specified by the Department Director submitted upon completion of a project and such drawings reflect all changes made during

the construction process, and show the exact dimensions, depth, geometry, and location of all elements of the work completed under the permit.

~~(8)~~ *Cable Service* means the one-way transmission to subscribers of Video Programming or any other programming service; and subscriber interaction, if any, that is required for the selection or use of such Video Programming or other programming service.

~~(9)~~ *Cable Service Provider* means a Person that provides Cable Service over a Cable System.

~~(10)~~

Cable System means a Facility consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide Cable Service that includes Video Programming and that is provided to multiple subscribers within a community, but such term does not include: a Facility that serves only to retransmit the television signals of one or more television broadcast stations; a Facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control, or management, unless such Facility uses any Public Rights-of-Way; a Facility that serves subscribers without using any Public Rights-of-Way; a Facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Federal Communications Act of 1934 except such Facility shall be considered a Cable System other than for purposes of 47 U.S.C. § 541(c) to the extent such Facility is used in the transmission of Video Programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services; any Facilities of any electric utility used solely for operating its electric utility systems; or an open video system that complies with 47 U.S.C. § 573.

~~(11)~~ *City* means the City of Umatilla, a municipal corporation organized and existing under the laws of the State of Florida. Under this section:

~~a.~~ *City Manager* means the City Manager or designee.

~~b. *Department Director* means the Public Works Director, or person retained by the Public Works Director, qualified to take the specific actions as required for in this article.~~

~~(12)~~ *City Utility Pole* means a Utility Pole owned by the City in the Public Rights-of-Way.

~~(13)~~ *Collocate* or *Collocation* means to install, mount, maintain, modify, operate, or replace one or more Wireless Facilities on, under, within, or adjacent to a Wireless Support Structure or Utility Pole. The term does not include the installation of a new Utility Pole or Wireless Support Structure in the Public Rights-of-Way.

~~(14)~~ *Communications Facility, Facility, or Facilities* means any portion of a Communications System located in the Public Rights-of-Way.

~~(15)~~ *Communications Services* means the definition ascribed thereto in Section 202.11(1), Florida Statutes, as may be amended, and also includes, but is not limited to, Wireless Services as defined herein.

~~(16)~~ *Communications Services Provider* means: (a) any Person, municipality, or county providing Communications Services through the use and operation of a Communications System or Communications Facilities installed, placed, and maintained in the Public Rights-of-Way, regardless of whether such System or Facilities are owned or leased by such Person, municipality, or county and regardless of whether such Person, municipality, or county has registered with the Florida Department of Revenue as a provider of Communications Services in Florida pursuant to Chapter 202, Florida Statutes; and (b) any Person, municipality, or county who constructs, installs, places, maintains, or operates Communications Facilities in the Public Rights-of-Way but who does not provide Communications Services, including, for example, a company that places “dark fiber” or conduit in the Public Rights-of-Way and leases or otherwise provides those Facilities to another company that does provide Communications Services.

~~(17)~~ *Communications System* or *System* means any permanent or temporary plant, equipment, and property placed or maintained in the Public Rights-of-Way that is occupied or used, or is capable of being occupied or used, by a Communications Services Provider for the purpose of producing, conveying, routing, transmitting, receiving, amplifying, distributing, providing, or offering Communications Services, including, but not limited to, cables, wires, lines, conduits, fiber optics, antennae, radios, and any associated poles, converters, splice boxes, cabinets, hand holes, manholes, vaults, drains, surface location markers, and other plant, equipment, and pathway.

~~(18)~~ *Construct* or *Construction* means to construct, install, place, or excavate Utility Poles, utility facilities, Communications Facilities, or other physical features on, above, within, or under any part of the Public Rights-of-Way.

~~(19)~~ *Dealer* means any Person, municipality, or county providing Communications Services to an end user within the City through the use and operation of Communications Facilities installed, Placed, and Maintained in the Public Rights-of-Way, whether owned or leased, and who has registered with the Florida Department of Revenue as a provider of Communications Services pursuant to Chapter 202, Florida Statutes.

~~(20)~~ *Department* means the Public Works Division of the City of Umatilla.

~~Department Director means the Public Works Director, or person retained by the Public Works Director, qualified to take the specific actions as required for in this article.~~

~~(21)~~ *Dropped Line* means a Wireline Facility leading from a Utility Pole to a building and terminating in said building at a height of 13’6”.

~~(22)~~ *Emergency* means a condition that poses clear and immediate danger to the life, safety, or health of one or more persons, or poses clear and immediate danger of significant damage to property.

~~(23)~~ *Excavation* or other similar formulation of that term means the cutting, trenching, or other disturbance to the Public Rights-of-Way intended to change the grade or level of land

or which causes any cavity, gap, depression, penetration, or hole in the surface of the Public Rights-of-Way.

~~(24)~~ *Existing Structure* means a structure within the Public Rights-of-Way that exists at the time an Application to place a Communications Facility on the preexisting structure is filed with the City.

~~(25)~~ *FCC* means the Federal Communications Commission.

~~(26)~~ *Government* means the United States of America, the State of Florida, counties, municipalities, and any of their respective agencies, departments, or bureaus.

~~(27)~~ *In the Public Rights-of-Way* means in, along, on, over, under, across, or through the Public Rights-of-Way.

~~(28)~~ *Micro Wireless Facility* means a Small Wireless Facility having dimensions no larger than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height and an exterior antenna, if any, no longer than eleven (11) inches.

~~(29)~~ *Pass-through Facilities* means the Facilities for a Communications System that merely pass through the City from one point to another point and from which no revenues are directly attributable to subscribers or other carriers within the City.

~~(30)~~ *Pass-through Provider* means any Person, municipality, or county that places or maintains a Communications System or Communications Facilities in the Public Rights-of-Way but who does not provide Communications Services to an end user within the corporate limits of the City.

~~(31)~~ *Person* means any individual, firm, joint venture, partnership, estate, trust, business trust, syndicate, fiduciary, association, corporation, company, organization, or legal entity of any kind, including any Affiliate, successor, assignee, transferee, or personal representative thereof, and all other groups or combinations, and shall include the City to the extent that the City acts as a Communications Services Provider.

~~(32)~~ *Placement or Maintenance* shall be broadly construed to include, among other things, Construction, erection, extension, expansion, grading, inspection, installation, location, maintenance, occupation, operation, placement, reconstruction, reconfiguration, relocation, removal, repair, replacement, undergrounding, trenching, or Excavation. Any Communications Services Provider that owns, leases, or otherwise controls the use of a Communications System or Facility in the Public Rights-of-Way, including the physical control to maintain and repair, is “placing or maintaining” a Communications System or Facility. A Person providing service only through buying wholesale and then reselling is not “placing or maintaining” the Communications Facilities through which such service is provided. The transmission and receipt of radio frequency signals through the airspace of the Public Rights-of-Way does not constitute “placing or maintaining” Facilities in the Public Rights-of-Way.

~~(33)~~ *Public Rights-of-Way* means a road, street, highway, bridge, tunnel, or alley that is owned by the City, publicly held by the City, or dedicated to the City for public use and over which the City has jurisdiction and control and may lawfully grant access pursuant to applicable law, and includes the space above, at, or below the surface of such right-of-way. “Public Rights-of-Way” shall not include: (a) county, State, or Federal right-of-way; (b) property owned by any Person other than the City; (c) platted utility easements that are not part of dedicated Public Rights-of-Way; (d) service entrances or driveways leading from the road or street onto adjoining property; or (e) except as described above, any real or personal property of the City, such as, but not limited to, City parks, buildings, fixtures, conduits, sewer lines, facilities, or other structures or improvements, regardless of whether they are situated in the Public Rights-of-Way.

~~(34)~~ *Public Service Commission* or *PSC* means the agency for the State of Florida charged with the powers and duties conferred upon it by Chapter 364, Florida Statutes.

~~(35)~~ *Record Drawings* means a final and complete drawing accurately depicting the improvements as constructed. Record Drawings are not required to be signed and sealed by a Professional Surveyor and Mapper.

~~(36)~~ *Registration* or *Register* means the process described in Section 3 herein whereby a Communications Services Provider provides certain information to the City. A Registrant is the Communications Services Provider filing for Registration with the City.

~~(37)~~ *Reseller* means a Person who has entered into an agreement with a Registrant to utilize the Registrant’s Communications Facility to provide Communications Services.

~~(38)~~ *Shroud* means a covering or enclosure of a Utility Pole, Small Wireless Facility, and/or equipment associated with a Communications Facility other than the Antenna.

~~(39)~~ *Signage* means any display of characters, ornamentation, letters, or other display such as, but not limited to, a symbol, logo, picture, or other device used to attract attention, or to identify, or as an advertisement, announcement, or to indicate directions, including the structure or frame used in the display. The term Signage shall not include identification of the owner and contact information of the Communications Services Provider, or identification of wires, cables, etc., necessary to aid in safety or hazard work or maintenance or repair work of the Communications Facility.

~~(40)~~ *Small Wireless Facility* means a wireless facility that meets the following qualifications: (a) each Antenna associated with the Facility is located inside an enclosure of no more than six (6) cubic feet in volume or, in the case of Antennas that have exposed elements, each Antenna and all of its exposed elements could fit within an enclosure of no more than six (6) cubic feet in volume; and (b) all other wireless equipment associated with the Facility is cumulatively no more than twenty-eight (28) cubic feet in volume. The following types of associated ancillary equipment are not included in the calculation of equipment volume: electric meters, concealment elements, telecommunications demarcation boxes, ground-based enclosures, grounding equipment, power transfer switches, cutoff switches, vertical cable runs for the connection of power and other services, and Utility Poles or other support structures.

~~(41)~~ *Stealth Design* means a method of camouflaging any tower, Antenna, or other Communications Facility, including, but not limited to, supporting electrical or mechanical equipment, or Utility Pole which is designed to enhance compatibility with the surrounding neighborhood and to be as visually unobtrusive as possible.

~~(42)~~ *Utility Pole* means a pole or similar structure used in whole or in part to provide Communications Services or for electric distribution, lighting, traffic control, signage, or a similar function. The term includes the vertical support structure for traffic lights, but does not include any horizontal structures upon which are attached signal lights or other traffic control devices, and does not include any pole or similar structure fifteen (15) feet in height or less unless the City grants a waiver for the pole.

~~(43)~~ *Video Programming* means programming provided by, or generally considered comparable to programming provided by, a television broadcast station as set forth in 47 U.S.C. § 522(20).

~~(44)~~ *Video Service* means Video Programming services, including cable services, provided through Wireline Facilities located at least in part in the Public Rights-of-Way without regard to delivery technology, including Internet protocol technology. This definition does not include any Video Programming provided by a commercial mobile service provider as defined in 47 U.S.C. § 332(d), or Video Programming provided as part of and via a service that enables end users to access content, information, electronic mail, or other services offered over the public Internet.

~~(45)~~ *Video Service Provider* means an entity providing Video Service.

~~(46)~~ *Wireless Facilities* means equipment at a fixed location which enables wireless communications between user equipment and a communications network, including radio transceivers, Antennas, wires, coaxial or fiber-optic cable or other cables, regular and backup power supplies, and comparable equipment, regardless of technological configuration, and equipment associated with wireless communications. The term includes Small Wireless Facilities. The term does not include: (a) the structure or improvements on, under, within, or adjacent to the structure on which the equipment is collocated; or (b) wireline backhaul facilities; or (c) coaxial or fiber-optic cable that is between wireless structures or Utility Poles or that is otherwise not immediately adjacent to or directly associated with a particular Antenna.

~~(47)~~ *Wireless Infrastructure Provider* means a Person who has been certificated to provide telecommunications service in the State of Florida, and who builds or installs wireless communication transmission equipment, Wireless Facilities, or Wireless Support Structures, but is not a Wireless Services Provider.

~~(48)~~ *Wireless Provider* means a Wireless Infrastructure Provider or a Wireless Services Provider.

~~(49)~~ *Wireless Services* means any services provided using licensed or unlicensed spectrum, whether at a fixed location or mobile, using Wireless Facilities.

~~(50)~~ *Wireless Services Provider* means a Person who provides Wireless Services.

~~(51)~~ *Wireless Support Structure* means a freestanding structure, such as a monopole, a guyed or self-supporting tower, or another existing or proposed structure designed to support or capable of supporting Wireless Facilities. The term does not include a Utility Pole.

~~(52)~~ *Wireline Facilities* means an aerial facility used to provide Communications Services.

~~(53)~~ *Wrap* means an aesthetic covering depicting scenic imagery such as vegetation, which blends with the surrounding area. Imagery in a Wrap may not contain any advertising.

SECTION 3: _____REGISTRATION

A Communications Services Provider, Wireless Infrastructure Provider, or a Pass-through Provider that desires to Place or Maintain a Communications Facility in the Public Rights-of-Way shall first, before being eligible to receive a permit to conduct work in the Public Rights-of-Way or perform any work exempt from the permitting requirements pursuant to this Chapter, Register with the City in accordance with this Section. Subject to the provisions prescribed in this Chapter, a Communications Services Provider that has properly Registered may apply for a permit to Place or Maintain a Communications System or Facilities in the Public Rights-of-Way.

(a) ~~(a)~~ Every Communications Services Provider that desires to Place or Maintain Communications Facilities in the Public Rights-of-Way, including any Pass-through Provider, shall register with the City's Public Works Office and shall submit the following information and documentation:

- (1) _____ The name of the Applicant under which it will transact business in the City and, if different, in the State of Florida;
- (2) _____ The name, address, and telephone number of the Applicant's primary contact Person and the Person to contact in case of an Emergency;
- (3) _____ A statement of whether the Applicant is a pass-through provider as defined in Section 2 of this Chapter;
- (4) _____ The Applicant's federal employer identification number;
- (5) _____ The number of the Applicant's certificate of authorization or license to provide Communications Services issued by the Florida Public Service Commission, the Federal Communications Commission, or the Department of State;

- (6) Evidence of the Applicant's insurance coverage as required under this Chapter.
- (b) The City shall review the information submitted by the Applicant. Such review shall be by the City Manager or his or her designee. If it is found that the Applicant complied with the requirements in subsection (a) above, the Registration shall be effective and the City shall notify the Applicant of the effectiveness of Registration in writing. If the City determines that the Applicant is not in compliance, the City shall notify the Applicant in writing of the non-effectiveness and denial of Registration and the reasons therefor. The City shall so reply to an Applicant within thirty (30) days after receipt of the Registration and all required information from the Applicant. Non-effectiveness and denial of Registration shall not preclude an Applicant from reapplying or filing subsequent applications for Registration under the provisions of this section.
- (c) An effective Registration does not, and shall not be construed to, convey equitable or legal title in the Public Rights-of-Way to any Communications Services Provider. Registration under this Chapter governs only the Placement or Maintenance of a Communications System or Communications Facilities in the Public Rights-of-Way. Other ordinances, codes, or regulations may apply to the Placement or Maintenance in the Public Rights-of-Way of facilities that are not part of a Communications System. Registration does not excuse a Communications Services Provider from obtaining appropriate access or pole attachment agreements before locating its Facilities on those facilities or property belonging to the City or another Person. Registration does not excuse a Communications Services Provider from complying with all other applicable City ordinances, codes, or regulations, including the rules, regulations, and general conditions set forth in this Chapter.
- (d) A Communications Services Provider may cancel a Registration upon written notice to the City stating that it will no longer Place or Maintain a Communications System or any Communications Facilities in the Public Rights-of-Way and will no longer have a need to apply for a permit to perform Construction or other work in the Public Rights-of-Way. A Communications Services Provider cannot cancel a Registration if it intends to continue Placing or Maintaining a Communications System or any Communications Facilities in the Public Rights-of-Way.
- (e) Registration, in and of itself, does not establish a right to Place or Maintain or a priority for the Placement or Maintenance of a Communications System or any Facility in the Public Rights-of-Way, but shall establish for the Communications Services Provider a right to apply for a permit from the City. Registrations are expressly subject to any future amendment to or replacement of this Chapter and further subject to any additional City ordinances, as well as any State or Federal laws that may be enacted.
- (f) Each Communication Services Provider that has complied with the Registration requirements of this Chapter shall renew their registration once every five years. In addition, within thirty (90) days of any change in the information required to be submitted pursuant to subsection (a) above, a Communications Services Provider

shall provide updated information to the City. If no information in the then-existing Registration has changed, the renewal may state that no information has changed. Failure to renew a Registration may result in the City restricting the issuance of additional permits until the Communications Services Provider has complied with the Registration requirements of this section.

- (g) ~~_____~~ -In accordance with applicable City ordinances, codes, or regulations, a permit is required for a Communications Services Provider to Place or Maintain a Communications Facility in the Public Rights-of-Way. An effective Registration shall be a condition of obtaining such a permit. Notwithstanding an effective Registration, all permitting requirements shall apply, including the requirement to pay for any such permits, unless otherwise provided by resolution or ordinance of the City. A permit may be obtained by or on behalf of the Communications Services Provider having an effective Registration if all permitting requirements of the City and other provisions of this Chapter are met.

SECTION 4: ~~_____~~ UNREGISTERED PROVIDERS

To the extent that a Communications Services Provider, Wireless Infrastructure Provider, or Pass-through Provider is not Registered consistent with Section 3 above, said Person shall register with the City within ninety (90) days from the effective date of this Ordinance. No new permits shall be issued to unregistered Persons with Communications Facilities within the Public Rights-of-Way and such Persons may be subject to the enforcement remedies set forth in this Chapter.

SECTION 5: ~~_____~~ NOTICE OF TRANSFER, SALE, OR ASSISGMENT OF ASSETS

If a Communications Services Provider transfers, sells, or assigns its System or any Facilities located in the Public Rights-of-Way incident to a transfer, sale, or assignment of the Communications Services Provider's assets, the transferee, buyer, or assignee shall be obligated to comply with the provisions set forth in this Chapter. Written notice of any such transfer, sale, or assignment shall be provided by the Communications Services Provider to the City Manager within thirty (90) days after the effective date of such transfer, sale, or assignment. If the transferee, buyer, or assignee is not currently Registered with the City, then the transferee, buyer, or assignee must Register as provided in Section 3 within sixty (90) days of the effective date of such transfer, sale, or assignment. If any Applications for a permit are pending under the Communications Services Provider's name as of the date the City receives written notice of the transfer, sale, or assignment, then the City shall consider the transferee, buyer, or assignee as the new Applicant unless otherwise notified by the Communications Services Provider.

SECTION 6: ~~_____~~ RULES, REGULATIONS, AND GENERAL CONDITIONS TO PLACEMENT OF COMMUNICATIONS SYSTEMS AND FACILITIES IN THE PUBLIC RIGHTS-OF-WAY.

As a condition of allowing the Placement or Maintenance of a Communications System or any Communications Facility in the Public Rights-of-Way, and under additional authority granted pursuant to Chapter 337, Florida Statutes, the City hereby imposes the following rules, regulations, and general conditions. Unless otherwise provided in this section, these rules, regulations, and general conditions shall apply to all Communications Services Providers, including those that are Pass-through Providers, irrespective of whether they place and maintain only conduit, dark fiber, or Pass-through Facilities.

(a) Rules on Utilization of the Public Rights-of-Way.

(1) Compliance with Laws. A Communications Services Provider shall at all times be in full compliance with and abide by all applicable Federal, State, and local laws, codes, and regulations in Placing or Maintaining a Communications System or Communications Facilities in the Public Rights-of-Way.

(2) Due Care. A Communications Services Provider shall use and exercise due caution, care, and skill in performing work in the Public Rights-of-Way and shall take all reasonable steps to safeguard work site areas.

(3) Permits. A Communications Services Provider shall not commence to Place or Maintain a Communications Facility in Public Rights-of-Way until all applicable permits have been issued by the City and other appropriate authority, with the exception of the activities specifically listed below that do not cause any obstruction or redirection of normal traffic flow in excess of four (4) hours:

~~a~~A. Emergency actions, with the City reserving authority to require an after-the-fact permit based upon plans and Record Drawings and As-built Plans, if required by the Department Director, showing the placement or relocation of a Communications Facility undertaken in connection with the Emergency;

~~b~~B. Routine maintenance and/or repair of Communications Facilities and/or Utility Poles authorized to be located within the Public Rights-of-Way;

~~e~~C. Replacement of existing Wireless Facilities with Wireless Facilities that are substantially similar in design, material, and color, and of the same or smaller size; or

~~d~~D. Installation, Placement, Maintenance, or replacement of Micro Wireless Facilities that are suspended on cables strung between existing Utility Poles in compliance with Applicable Codes by or for a Communications Services Provider authorized to occupy the Public Rights-of-Way and who is remitting taxes pursuant to Section 202.19, Florida Statutes.

eE. A Person shall be allowed to Place or Maintain a Dropped Line within the Public Rights-of-Way without first obtaining a permit if such proposed work does not involve Excavation, or the closure of a sidewalk or vehicle lane.

fF. Notwithstanding this section, the City may require a right-of-way permit for work that involves Excavation, or closure of a sidewalk and/or vehicular lane(s).

(4) **Emergency action.** Any Person who performs work in the Public Rights-of-Way in connection with an emergency action without a permit shall immediately notify the City of the emergency action. The Person shall cease all work immediately upon completion of the emergency action. The Person shall also cease all work immediately upon receipt of a City stop work order determining the situation does not involve an Emergency or that the emergency action is no longer warranted.

(5) **Unlawful continuance.** Any Person who actively continues any work after having been served with a stop work order, except such work as that Person is directed by the City to perform to remove a violation or unsafe condition, shall be subject to penalties as provided by the City Code. The City retains all available legal remedies to abate the work.

(6) **Application for a Permit.** Prior to the issuance of a Permit to allow the Placement or Maintenance of a Communications System or Facility in the Public Rights-of-Way, the City has the right to first review and consider, and the Communications Services Provider shall provide, all of the following:

aA. The expected dates and times when the Communications Facility will be installed and the estimated time needed for Construction and Placement of the proposed Communications Facility;

bB. The location of the proposed Communications Facility, the Public Rights-of-Way affected, and a description of the Communications Facility, including the type of Communications Facility (*e.g.*, conduit, fiber, twisted pair, etc.), the number of fibers or other cable being installed, the depth, and the approximate size of the Communications Facility (*e.g.*, length, height, width, depth, and diameter); and

cC. Plans, drawings, photographs, and schematics (including cross section layout) prepared by a qualified engineer or technician showing where the Communications Facility is proposed to be located in the Public Rights-of-Way and showing any known Communications Facilities or utility facilities in such Public Rights-of-Way.

dD. Temporary sidewalk closure plan. The Applicant shall provide a temporary sidewalk closure plan, if appropriate, to accommodate Placement or Maintenance of the Communications Facility.

eE. Temporary maintenance of traffic plan. The Applicant shall provide a temporary traffic lane closure and maintenance of traffic plan, if appropriate, to accommodate Placement or Maintenance of the Communications Facility.

fF. Restoration plan and cost of restoration of the Public Rights-of-Way. A restoration plan and a good faith estimate of the cost of restoration of the Public Rights-of-Way to accommodate Placement and Maintenance of the Communications Facility shall be provided. Such good faith estimate shall be accepted by the City unless the City determines such estimated costs are not representative of the actual costs of the restoration of the Public Rights-of-Way.

gG. Timetable for construction or installation and intended areas of service. A timetable for Placement or Maintenance of the proposed Communications Facility, or each phase of the proposed Placement or Maintenance such Communications Facility, shall be provided, together with a description of the intended areas of service.

hH. Registrant agrees to indemnification. A statement shall be included within the Application that, by execution of the Application and by applying for the permit, the Registrant agrees to be bound to the City with respect to the indemnification provisions set forth in Section 15 as though such indemnification provisions are set forth verbatim in the Application.

iI. Airport Airspace Protection. The Applicant shall comply with Chapter 333, Florida Statutes, and all Federal regulations pertaining to airport airspace protections.

jJ. Information regarding height limitations. For a Wireless Support Structure, the Applicant shall provide information regarding the heights of other Utility Poles located in the same Public Rights-of-Way, measured from grade in place within five hundred (500) feet of the proposed location of the Wireless Support Structure. If there is no Utility Pole within five hundred (500) feet of the proposed location of the Wireless Support Structure, the Applicant shall certify the same. Upon such certification by the Applicant, approval of the proposed location shall be in the discretion of the Department. The maximum height of wireless support structures shall be fifty (50) feet measured from grade.

Kk. Additional information as reasonably required for review of an Application. Such additional information as the Department Director finds reasonably necessary to demonstrate the Applicant's compliance with Applicable Codes, local laws, and regulations, and State and Federal law with respect to the Placement or Maintenance of the Communications Facility that is the subject of the Application may be required to be submitted for the City to complete a review of such Application.

(7) -Waiver of Standards for At-grade Communications Facilities, Below-grade Communications Facilities, Wireline Facilities, Utility Poles, and Wireless Support Structures.

aA. The waiver provisions listed in this subsection apply in those circumstances where a Communications Services Provider or Pass-through Provider's use of the Public Rights-of-Way is impaired by strict application of the requirements of this Chapter.

bB. A request for a waiver shall be filed contemporaneously with the Application. The request for a waiver shall contain each section or subsection of this Chapter for which a waiver is being sought. A request for a waiver shall include the following information:

1i. A detailed explanation, with supporting engineering or other data, as to why a waiver from the requirements of this Chapter is required, including a detailed explanation addressing the relevant criteria to be considered by the City Council as provided in subsection (d) below;

ii2. Distances of the proposed Communications Facility from the edge of pavement, sidewalks, and/or multi-purpose trails;

iii3. Design of the proposed Communications Facility with particular reference to achieving compatibility with the surrounding neighborhood and eliminating adverse visual impacts on the surrounding neighborhood; and

iv4. Any other information the City Manager may reasonably require to process the request for a waiver.

eC. The City Manager shall review the request for a waiver and shall prepare a recommendation for the City Council on the request for the waiver.

dD. The City Council shall grant or deny a request for a waiver within forty-five (45) days after the date of the request unless the Applicant consents to a later date. The City Council shall consider the following criteria when determining whether to grant or deny a waiver:

1i. Any special conditions and circumstances affecting the proposed site which prevent compliance with the section or subsection for which a waiver is being sought;

2ii. The compatibility of the proposed Communications Facility for which the waiver is sought with adjacent properties and the surrounding neighborhood;

3iii. Whether there are excessive expenses associated with compliance with the section or subsection for which a waiver is being sought; and

4iv. Whether the proposed waiver preserves to the City flexibility in its management of its Public Rights-of-Way.

Ee. In granting any waiver, the City Council may impose conditions to the extent the City Council concludes such conditions are necessary to minimize any adverse effects of the proposed Communications Facility on the surrounding neighborhood, or to protect the health, safety, and welfare of the public.

(8) Revised Plans. If the plans or drawings submitted showing the proposed location for installation of the Facility in the Public Rights-of-Way require revision for any reason prior to commencing Construction, the Communications Services Provider shall promptly submit revised plans and drawings to the Department Director.

(9) Power to Restrict Area. To the extent not otherwise prohibited by State or Federal law, the City shall have the power to prohibit or limit the Placement of new or additional Communications Facilities within a particular area of the Public Rights-of-Way and deny the issuance of a permit.

(10) Limited Purpose of Permit. A permit issued by the City constitutes authorization to undertake only certain activities in Public Rights-of-Way in accordance with this Chapter, and does not create any property right or other vested interest, or grant authority to impinge upon the rights of others who may have an interest in the Public Rights-of-Way. A permit shall be granted only for specific routes or locations in the Public Rights-of-Way and for such term as described in the permit. The City's issuance of a permit shall not be construed as a warranty that the Placement of any Communications Facility is in compliance with Applicable Codes, regulations, or laws.

(11) Responsibility for Contractors. Every Communications Services Provider that is Registered with the City shall be liable for the actions of contractor(s) hired by them to perform the Placement or Maintenance of Facilities in the Public Rights-of-Way and shall be responsible for making sure that such contractor meets and complies fully with the rules, regulations, and general conditions set forth in this Chapter.

(ab) Regulations on the Placement or Maintenance of Communications Facilities.

(1) ~~(4)~~ Provision and Form of Record Drawings and As-built Plans. Within forty-five (45) days after completion of any Placement or Maintenance of a Communications Facility in the Public Rights-of-Way, the Communications Services Provider shall provide the City with Record Drawings showing the final location of such Facility in the Public Rights-of-Way, including exact GPS coordinates. Upon request by the Department Director, the Communications Services Provider shall also provide the City with As-built Plans within forty-five (45) days after completion of any Placement or

Maintenance of a Communications Facility in the Public Rights-of-Way. The Record Drawings and As-built Plans shall be provided to the City at no cost.

(2) ~~(2)~~ Removal of Facilities Placed Without Permit. Any Communications Facilities placed in the Public Rights-of-Way by the Communications Services Provider without first having obtained the required permit shall be removed by the Communications Services Provider within thirty (30) days of written notice from the City to remove the same and, in default of compliance with such notice, such Facilities may be removed by order of the Department Director and the cost of removal shall be borne and paid by the Communications Services Provider upon demand.

(3) ~~General Stealth Design requirements for Communications Facilities within Public Rights-of-Way.~~

~~aA.~~ Antennae(s) shall be slim design and shall not exceed the diameter of the pole at the point of attachment to which it/they are attached;

~~Bb.~~ Electric meters and disconnect switches may be mounted on the exterior of the pole and shall be concealed with use of Shrouds that are similar to the pole color and texture;

~~eC.~~ To the maximum extent possible, exposed wires, cables, conduits, and other electronic or mechanical attachments shall be placed internal to the pole or concealed with use of a Shroud or Wrap that is similar to the color and texture of the pole;

~~dD.~~ Other components, such as back-haul or cooling equipment, where housed above-ground, shall be placed within a cabinet, box, or other container that is concealed with a Wrap or Shroud that is similar to the pole color or includes other imagery in context with the location of equipment (*i.e.*, imagery of vegetation, architectural/geometrical patterns, or equivalent);

~~eE.~~ Aerial electrical power and fiber connections for new Communications Facilities are not permitted where the majority of utilities have been undergrounded; and

~~fF.~~ The use of wooden poles for Placement or Maintenance of new Communications Facilities is prohibited.

(3) ~~Placement in relation to adjacent uses of property and building facades. Where parking and/or loading spaces are not permitted between a building façade and the corresponding property line (*i.e.*, front façade and front property line, side street façade and side street property line), or such spaces do not exist in those locations on existing properties, new Communications Facilities and new Utility Poles shall be placed in-line with the common, interior side lot lines~~

and shall not be placed in-line with the front/principal façade of a residence, place of business, or any other principal use building, as defined in this Code.

- (4) Location context. A proposed Communications Facility shall utilize the following location context requirements:

~~a~~A. Installation at outermost boundary of Public Rights-of-Way. At-grade Communications Facilities, Utility Poles, and Wireless Support Structures shall be placed at the farthest distance practicable from the edge of pavement unless the proposed type of Facility has a designated corridor within the Public Rights-of-Way.

~~b~~B. Equidistant requirement. Utility Poles and Wireless Support Structures shall be placed equidistant between existing Utility Poles or Wireless Support Structures, if any, within the Public Rights-of-Way; provided that, this requirement shall not limit the placement of Small Wireless Facilities by imposing minimum separation distances.

~~C~~c. Common property line. For Placement within residential blocks, Utility Poles shall be placed at the common property line of the parcels that abut the Public Rights-of-Way.

~~d~~D. Prohibition against Placement that significantly impairs view from principal structures within residential blocks. At-grade Communications Facilities, Utility Poles, and Wireless Support Structures shall be located such that views from principal structures within residential blocks are not significantly impaired.

~~e~~E. Prohibition against Placement within a location subject to homeowners' association restrictions. Wireless Support Structures shall not be placed in a location subject to covenants, restrictions, articles of incorporation, or bylaws of a homeowners' association unless specifically authorized by the homeowners' association.

~~f~~F. Prohibition against Placement in location where Facilities are placed underground. To the fullest extent permitted by law, at-grade Communications Facilities, Wireline Facilities, and Utility Poles in the Public Rights-of-Way shall comply with nondiscriminatory undergrounding requirements of the City that prohibit aboveground structures in the Public Rights-of-Way.

- (5) Grounding rods and pull boxes. The grounding rod may not extend above the top of sidewalk and must be placed in a pull box, and the ground wire between the pole and ground rod must be inside an underground conduit. All pull boxes shall be vehicle load bearing, comply with FDOT Standard specification 635, and be listed on the FDOT Approved Products List. A concrete pad shall be installed around all pull boxes not located in the sidewalk. No new or replacement pull boxes shall be located in pedestrian ramps.

(6) ___ Other associated ground-mounted facilities and equipment. Ground-mounted equipment for Small Wireless Facilities shall be located within a ten (10) foot radius of the Utility Pole supporting such Facility and, if possible, in areas with existing foliage or other aesthetic features to obscure the view of the ground-mounted equipment. The ground-mounted equipment shall use Wrap that is similar to the pole color. If the City has a planned future project to replace Facilities or equipment in the subject Public Rights-of-Way, the replacement Facilities or equipment proposed in the Application shall conform to the City's updated design, material, and color.

(7) ___ Signs. No signs shall be permitted on or attached to Communications Facilities or Utility Poles in Public Rights-of-Way, unless otherwise required by Federal or State law. Any Existing Structure or Facility that lawfully supports signs on the effective date of this Ordinance may continue to support such signs, as otherwise permitted by City code or State or Federal law, as may be amended.

(8) ___ Separation from driveways and hydrants. Communications Facilities and Utility Poles shall be located at least ten (10) feet from a driveway apron and at least thirty (30) feet from a fire hydrant.

(9) ___ Additional Placement and Maintenance Standards. The Placement or Maintenance of Communications Facilities in the Public Rights-of-Way shall be performed in accordance with the standards and requirements of the following, as is applicable and as each is in force at the time of the respective Placement or Maintenance of a Communications System or Facility:

~~a~~A. ~~t~~The Florida Department of Transportation Utilities Accommodation Guide;

~~b~~B. ~~t~~The State of Florida Manual of Uniform Minimum Standards for Design Construction and Maintenance for Streets and Highways;

~~C~~e. ~~T~~the Trench Safety Act (Chapter 553, Florida Statutes);

~~d~~D. ~~t~~The Underground Facility Damage Prevention and Safety Act (Chapter 556, Florida Statutes);

~~e~~E. ~~t~~The National Electrical Code or the ANSI National Electrical Safety Code; and

~~F~~f. ~~T~~the "Safety Rules for the Installation and Maintenance of Electrical Supply and Communication Lines" established by the Department of Commerce, Bureau of Standards of the United States.

(10) ___ Sunshine State One-Call. Every Communications Services Provider shall utilize and, if permissible, maintain membership in the utility notification one-call system administered by Sunshine State One-Call of Florida, Inc.

(11) Sufficiency of space. An Application for a permit for Placement of Communications Facilities is also subject to the City's consideration of the following standards and minimum requirements regarding present and future use of the Public Rights-of-Way:

aA. Sufficiency of space to accommodate present and pending Applications for use of the Public Rights-of-Way. The sufficiency of space to accommodate all of the present and pending Applications to place Wireless Support Structures, Utility Poles, and other at-grade and below-grade structures within the subject area of the Public Rights-of-way;

bB. Sufficiency of space to accommodate the need for projected public improvements. The sufficiency of space to accommodate City plans for public improvements or projects adopted as part of the City's schedule of capital improvements or other approved capital improvements lists as part of the Comprehensive Plan; and

eC. Impact on traffic and traffic and pedestrian safety. The impact on traffic and traffic and pedestrian safety will be evaluated by the City. The evaluation will include, without limitation, potential traffic interference on the safe and efficient movement of people and property that will endanger the health, safety, and general welfare of the public, and interference with sight lines or clear zones for transportation, pedestrians or public safety purposes.

(12) Safety and Minimal Interference. All Placement and Maintenance of Communications Facilities in the Public Rights-of-Way shall be subject to this Code and other regulations of the City pertaining thereto, and shall be performed with the least possible interference with the use and appearance of the Public Rights-of-Way and the rights and reasonable convenience of the property owners who abut or adjoin the Public Rights-of-Way and in compliance with the rules and regulations of the Florida Department of Transportation. The Communications Services Provider shall at all times employ reasonable care and use commonly-accepted methods and devices for preventing failures and accidents which are likely to cause damage or injury or be a nuisance to the public. Suitable barricades, flags, lights, flares, or other devices shall be used at such times and places as are reasonably required for the safety of all members of the public. All Placement and Maintenance shall be done in such a manner as to minimize to the greatest extent any interference with the usual travel on such Public Rights-of-Way. The use of trenchless technology (*i.e.*, microtunneling and horizontal directional drilling techniques) for the installation of Communications Facilities in the Public Rights-of-Way, as well as joint trenching or the co-location of Facilities in existing conduit, is strongly encouraged, and should be employed wherever and whenever feasible.

(13) Correction of Harmful Conditions. If, at any time, the City or other authority of competent jurisdiction reasonably determines that any Communications Facility is causing, or has caused, a condition that is harmful to the health,

safety, or general welfare of any Person, then the Communications Services Provider shall, at its own expense, promptly correct or eliminate all such Facilities and conditions. In an Emergency, as determined by the Department Director, when the Communications Services Provider is not immediately available or is unable to provide the necessary immediate repairs to any Communications Facility that is damaged or malfunctioning, or has caused a sunken area or other condition which, in the Department Director's sole discretion, is deemed a threat to public safety, then the Department Director, when apprised of such an Emergency, shall have the right to remove, make repairs to, or eliminate same with the total cost being charged to and paid for by the Communications Services Provider upon demand.

(14) ~~Remedy of Hazardous Conditions.~~ If, at any time, a condition exists that the City or other authority of competent jurisdiction reasonably determines is an Emergency that is potentially hazardous or life threatening to any Person or is a threat to the health or safety of the general public, and to remedy such condition the City or other authority of competent jurisdiction reasonably determines that a Communications Services Provider must temporarily relocate or temporarily shut off service or transmissions through a specific Facility, then the City, as an appropriate exercise of its police powers, may order the Communications Services Provider to immediately perform such temporary relocation or shut off until the condition has been remedied, and to do so at its own expense and without liability to or recourse against the City. In such an Emergency, when the Communications Services Provider is not immediately available or is unable to provide the necessary immediate relocation or shut off of the specific Communications Facility, then the Department Director shall have the right to perform, or cause to be performed, such temporary relocation or shut off until the condition has been remedied with the total cost being charged to and paid for by the Communications Services Provider upon demand.

(15) ~~Interference with Other Facilities.~~ A Communications Services Provider shall not, in violation of any applicable laws or regulatory standards, design, Place, or Maintain its Communications Facilities in a manner that will interfere with the signals or facilities of any municipal or county police, fire, or rescue department, the facilities of any public utility, or the Communications Facilities of another Communications Services Provider, including any cable service provider.

(16) ~~Relocation or Removal of Facilities.~~ Except in cases of an Emergency, a Communications Services Provider, at its own expense, shall:

~~aA.~~ Upon thirty (30) days written notice, relocate or remove, as specified in said notice, its Communications Facility in the event the City finds that the particular Facility is unreasonably interfering in some way with the convenient, safe, or continuous use, or the maintenance, improvement, extension, or expansion of any Public Rights-of-Way. The City shall provide the Communications Services Provider with a notice and order as provided for

in Section 337.404, Florida Statutes, or any subsequently enacted law of the State of Florida, in the event it charges the Communications Services Provider for the cost and expense of relocating or removing such Facility pursuant to this paragraph.

bB. Within a reasonable period of time from the date of written notice from the City, but not more than 120 days thereafter, relocate or remove, as specified in said notice, its Communications Facility in the event the Department Director determines it necessary for the construction, completion, repair, relocation, or maintenance of a City project, because the particular Communications Facility is interfering with or adversely affecting the proper operation of street light poles, traffic signals, or any communications system belonging to the City or an agency thereof or because the particular Communications Facility is interfering with the signals or facilities of the City police department, City fire rescue, or any municipal public utility. In the event the City issues any such written notice to the Communications Services Provider pursuant to this paragraph, and the Communications Services Provider fails to cause the aforementioned relocation or removal as required herein, the City shall be entitled to relocate or remove such Facilities without further notice to the Communications Services Provider and the total cost and expense shall be charged to the Communications Services Provider.

(17) -Temporary Raising or Lowering of Facilities. A Communications Services Provider, upon request of any Person holding a validly-issued building or moving permit from the City to temporarily encroach on or perform moving operations in or across the Public Rights-of-Way, shall temporarily raise or lower its Communications Facilities to accommodate such temporary encroachment or move. The expense of such temporary raising or lowering of Facilities shall be paid by the Person requesting the same, and the Communications Services Provider shall have the authority to require such payment in advance. The Communications Services Provider shall be given not less than twenty (20) days advance written notice from such Person to arrange for the temporary relocation, which notice must detail the time and location of the permitted activity, and not less than twenty-four (24) hours advance notice from the permit holder advising of the actual operation. The City is not subject to, nor shall it be liable for, any such expense or notice requirement for the moving of houses or structures performed by the City or its contractors.

(18) Coordination. In an effort to minimize the adverse impact on the Public Rights-of-Way and other municipal improvements, a Communications Services Provider may be required by the Department Director to coordinate the Placement or Maintenance of its Facilities with any work, Construction, installation in or repairs of the subject Public Rights-of-Way or other Communications Facilities therein that is occurring or is scheduled to occur within a reasonable time from Application for a permit as determined by the Department Director. Every Communications Services Providers shall make space in its trench and/or conduit within the Public Rights-of-Way available

to other providers consistent with the Federal requirements of 47 U.S.C. § 224. Every Communications Services Provider shall utilize existing conduits, pathways, and other Communications Facilities whenever possible, and shall not Place or Maintain any new, different, or additional poles, conduits, pathways, or other Communications Facilities, whether in the Public Rights-of-Way or on privately-owned property, until written approval is obtained from the City or other appropriate governmental authority, and, where applicable, from the private property owner.

(19) Co-location and Joint Use. A Communications Services Provider, in an effort to minimize the adverse impact on the useful life of the Public Rights-of-Way, shall, whenever possible, enter into joint use agreements with the City and other parties who have Registered with, or who are expressly authorized by, the City to use its Public Rights-of-Way; provided that, the terms of such agreements are satisfactory to the Communications Services Provider. Nothing herein contained shall mandate that the Communications Services Provider enter into joint use agreements with parties other than the City or an agency of the City. However, prior to placement of any new or additional conduit or fiber in the Public Rights-of-Way, a Communications Services Provider is required to certify in writing to the Department Director that it has made appropriate inquiry to all existing utilities and other entities possessing a right to occupy the Public Rights-of-Way as to the availability of existing or planned conduit or fiber that the particular Communications Services Provider could reasonably utilize to meet its needs, and that no such conduit or fiber is available or planned at a reasonable cost by any other entity on the time schedule reasonably needed. The Communications Services Provider shall not be permitted to perform any Placement or Maintenance of Communications Facilities in those segments of the Public Rights-of-Way where there exists vacant or available conduit, dark fiber, or surplus fiber owned by the City, an agency of the City, or another governmental body which is or, through a reasonable amount of effort and expense, can be made compatible with the Communications Services Provider's System or network. Under such circumstances the Communications Services Provider shall have the opportunity to enter into a use agreement or lease arrangement with the City or an agency of the City at or below reasonable and prevailing market rates for such conduit or fiber or, where owned by another governmental body, shall, in good faith, first exhaust all means of obtaining use of such conduit or fiber before applying for a permit from the City.

(20) Maintenance of Traffic. In the event that Placement or Maintenance of Communications Facilities conducted by the Communications Services Provider requires streets, traffic lanes, or bicycle lanes, sidewalks, or multimodal paths to be closed or obstructed, the Communications Services Provider must, pursuant to the requirements of existing or subsequently-enacted City ordinances, obtain all necessary permits from the City, and shall obtain approval of its maintenance-of-traffic plan from the Department Director.

(21) Restoration of the Public Rights-of-Way. After completion of any Placement or Maintenance of a Communications Facility in the Public Rights-of-Way or each phase thereof, the Communications Services Provider shall, at its own expense and in a manner reasonably acceptable to the City, restore without delay the Public Rights-of-Way so disturbed in accordance with the delineated specifications stipulated in the Permit. If the Communications Services Provider fails to make such restoration within thirty (30) days following the completion of such Placement or Maintenance, the City may perform such restoration and charge the costs of the restoration to the Communications Services Provider in accordance with Section 337.402, Florida Statutes, as it may be amended. The Communications Services Provider shall, to the satisfaction of the Department Director, maintain and correct any restorations made pursuant hereto for a period of twelve (12) months following the date of its completion. Failure to comply with this subsection shall be deemed sufficient grounds for denial of any future permit for the Placement or Maintenance of Communications Facilities.

(22) Disruption or Destruction of Other Facilities or Property. A Communications Services Provider shall not knowingly Place or Maintain any Communications Facility in a manner that shall in any way disrupt, displace, damage, or destroy any sewer line, gas line, water main, pipe, conduit, wires, fiber-optics or other Facilities, or property belonging to the City or any other Person lawfully occupying the Public Rights-of-Way, without first obtaining the consent of the City. The Communications Services Provider shall bear all responsibility and costs for any such conduct where City consent has not been obtained and shall pay such costs upon demand.

(23) Placement within a Scenic or Gateway Corridor. Unless otherwise authorized by a franchise agreement or for public safety purposes, no new Utility Poles or above-ground Communications Facilities shall be placed within a designated Scenic or Gateway Corridor, as described in the Comprehensive Plan.

(b) ~~(b)~~ General Conditions on the Utilization of the Public Rights-of-Way and the Placement or Maintenance of Communications Facilities.

(1) ~~(1)~~ City Not Liable. Except for acts of willful misconduct or gross negligence and to the extent permitted by applicable law, neither the City nor its officials, boards, commissions, consultants, agents, employees, or independent contractors shall have any liability to the Communications Services Provider for any claims for any damages, costs, expenses, or losses resulting from the City's breakage, removal, alteration, or relocation of any Facilities of any Communications Services Provider which arose out of, or in connection with, any Emergency or disaster situation or was, in the sole discretion of the Department Director, deemed necessary to facilitate any public works project, public improvement, alteration of a City structure, change in the grade or line of any Public Rights-of-Way, or the elimination, abandonment, or closure of any Public Rights-of-Way, or was found by the City Council to be in the best

interest of the health, safety, or general welfare of the public; nor shall any charge be made by the Communications Services Provider against the City for any damages, costs, expenses, or losses related thereto.

- (2) ~~(2)~~ No Exemption from Permits. Nothing in this Chapter shall exempt any Communications Services Provider from obtaining a permit for work done within the Public Rights-of-Way.
- (3) Subject to Police Powers. The rights of the Communications Services Provider shall be subject to all lawful exercise of police powers by the City, and to such other reasonable regulation of the Public Rights-of-Way as the City shall hereafter by resolution or ordinance provide in the interest of the health, safety, and general welfare of the public. Any inconsistency or ambiguity between the provisions of this Chapter and any lawful exercise of the City's police powers shall be resolved in favor of the latter.
- (4) City Inspection. The City shall have the right to make such inspections of a Communications System or Facilities Placed or Maintained in the Public Rights-of-Way as it finds necessary to ensure compliance with this Chapter. This Chapter shall not be construed to create or hold the City responsible or liable for any damage to Persons or property by reason of any inspection by the City of the Placement or Maintenance of a Communications System or Facility as authorized herein or the failure by the City to so inspect.
- (5) Access to Manholes. The City, in the proper exercise of its municipal powers and duties with respect to the Public Rights-of-Way, shall have access at any time to all hand holes and manholes in the City belonging to a Communications Services Provider. Before accessing any hand hole or manhole, the City will make a reasonable good faith effort to provide the Communications Services Provider prior notice to afford an opportunity to have trained personnel present, unless determined by the City to be an emergency situation.
- (6) Compatibility, Capacity, and Interference Issues. To properly manage and control the use of the Public Rights-of-Way, and to protect the health, safety, and general welfare of the public, the City, in its legislative and regulatory role, shall be the final authority on permitting a Communications System or Facility to be placed in the Public Rights-of-Way and shall exercise such authority in a nondiscriminatory manner. It shall be in the sole discretion of the City whether an easement is compatible with or allows for its use by a Communications System or Facility. It shall be in the sole discretion of the Department Director, based on the nature, design, size, configuration, or proposed location of any Communications System or Facility, whether there is sufficient capacity in a particular section of the Public Rights-of-Way or whether such Communications System or Facility will interfere with the Facilities or equipment of any municipality, county, public utility, cable operator, or other Communications Service Provider.

- (7) No Warranty of Fitness or Suitability. The City makes no express or implied warranties or representations regarding the fitness, suitability, or availability of the Public Rights-of-Way for any Communications System or Facility or its right to authorize the Placement or Maintenance of any Communications System or Facility in the Public Rights-of-Way. Any performance of work, costs incurred, or services rendered by a Communications Services Provider shall be at such Provider's sole risk. Nothing in this Chapter shall affect the City's authority to acquire or add Public Rights-of-Way, or to vacate or abandon Public Rights-of-Way as provided for in this Code or applicable law. The City makes no express or implied warranties or representations regarding the availability of any acquired, added, vacated, or abandoned Public Rights-of-Way for a Communications System or Facility.
- (8) Annexations. Upon the annexation of any territory to the City, the provisions of this Chapter and the rules, regulations, and general conditions contained herein shall extend to the territories so annexed; and all Facilities Placed, Maintained, owned, or operated by any Communications Services Provider extending into or already located in the Public Rights-of-Way of the territory so annexed shall thereafter be subject to all terms hereof, as the same may be amended from time to time.

SECTION 7: ~~DUTY TO NOTIFY CITY OF RESELLERS; CONDITIONAL USE~~ **OF ~~PUBLIC RIGHTS-OF-WAY~~**

Within thirty (30) days of any Registered Communications Services Provider using its Communications Facilities to carry the Communication Services of any Reseller, such Communications Services Provider shall notify the City of the name and address of such Reseller. A Reseller's lease, interconnection, or other use of Communications Facilities belonging to a Communications Services Provider duly Registered in accordance with Section 3 above and properly permitted to Place or Maintain its Facilities in the Public Rights-of-Way does not, and shall not, afford such Reseller any right, claim, or cause of action to impede the lawful exercise of the City's rights or police powers, including, but not limited to, requiring the Registered Communications Services Provider to remove such Communications Facilities from the Public Rights-of-Way.

SECTION 8: ~~WIRELESS FACILITIES~~

(a) Generally. The Placement of telecommunication towers and Antennae anywhere in the corporate limits of the City located outside of the Public Rights-of-Way shall in all cases be subject to the City's zoning and land use regulations. Where Placement of Wireless Facilities in the Public Rights-of-Way has been approved by the City and to the extent not inconsistent with any City zoning and land use regulations, Wireless Facilities attached to a permitted and legally-maintained vertical structure in the Public Rights-of-Way, such as a light pole or Utility Pole, shall, unless otherwise agreed to by the City in writing:

- (1) ~~Not~~ extend more than ten (10) feet above the highest point of the vertical structure;
- (2) ~~Not~~ have any type of lighted signal, lights, or illuminations unless required by an applicable Federal, State, or local rule, regulation, or law;
- (3) ~~Ce~~omply with any applicable FCC Emissions Standards;
- (4) ~~comply~~ Comply with any applicable local building codes in terms of design, construction, and installation; and
- (5) ~~Not~~ contain any commercial advertising thereon.

(b) Small Wireless Facilities in the Public Rights-of-Way. The City hereby adopts the following rules that will apply to the Collocation of Small Wireless Facilities in the Public Rights-of-Way for all Applications filed on or after July 1, 2017:

- (1) General Conditions. Applicants seeking permission to Collocate or install Small Wireless Facilities within Public Rights-of-Way shall comply with the Registration, permitting, rules and regulations, insurance coverage, indemnification, performance bonds, security funds, force majeure, Abandonment, City liability, and City warranties provisions contained in this Chapter; provided, however, that the Application process, review timeframes, and denial criteria of this subsection shall control when otherwise in conflict.
- (2) Filing, Review, and Processing of Applications. The City shall accept Applications for permits and shall process and issue permits for the Collocation of Small Wireless Facilities in Public Rights-of-Way subject to the following requirements:

~~a~~A. The Applicant shall as a part of its Application provide information necessary to demonstrate the Applicant's compliance with the applicable provisions of this Chapter for the Placement of Small Wireless Facilities in the locations identified in the Application, and shall bear the burden of demonstrating compliance with this Chapter.

~~b~~B. Within fourteen (14) days after the date of filing the Application, the City may request that the proposed location of a Small Wireless Facility be moved to another location in the Public Rights-of-Way and Placed on an alternative City Utility Pole or support structure or may place a new Utility Pole. The City and the Applicant may negotiate the alternative location, including any objective design standards and reasonable spacing requirements for ground-based equipment, for thirty (30) days after the date of the request. At the conclusion of the negotiation period, if the alternative location is accepted by the Applicant, the Applicant must notify the City of such acceptance and the Application shall be deemed granted for any new location for which there is agreement. If an agreement is not reached, the Applicant must notify the City of such non-agreement and the City must grant or deny the original

Application within ninety (90) days after the date the Application was filed. A request for an alternative location, an acceptance of an alternative location, or a rejection of an alternative location must be in writing and provided by electronic mail.

eC. The City hereby limits the height of a Small Wireless Facility to ten (10) feet above the Utility Pole or structure upon which the Small Wireless Facility is to be collocated. Unless waived by the City, the height for a new Utility Pole is limited to the tallest existing Utility Pole as of July 1, 2017, located in the same Public Right-of-Way, other than a Utility Pole for which a waiver has previously been granted, measured from grade in place within 500 feet of the proposed location of the Small Wireless Facility. If there is no Utility Pole within 500 feet, the City shall limit the height of the new Utility Pole to fifty (50) feet.

dD. Within fourteen (14) days after receiving an Application, the City must determine and notify the Applicant by electronic mail as to whether the Application is complete. If an Application is deemed incomplete, the City must specifically identify the missing information. An Application is deemed complete if the City fails to provide notification to the Applicant within fourteen (14) days.

eE. The City shall process all Applications on a nondiscriminatory basis. If the City fails to approve or deny a complete Application within sixty (60) days after receipt of the Application, the Application is deemed approved. If the City does not use the 30-day negotiation period provided herein, the parties may mutually agree to extend the 60-day Application review period. The City shall grant or deny the Application at the end of the extended period.

fF. A permit issued pursuant to an approved Application shall remain effective for one (1) year unless extended by the City.

gG. The City shall notify the Applicant of approval or denial by electronic mail. The City shall approve a complete Application unless it does not meet the applicable provisions of this Chapter.

hH. If the Application is denied, the City shall specify in writing the basis for denial, including the specific Code provisions on which the denial is based, and shall send the documentation to the Applicant by electronic mail on the day the City denies the Application.

iI. The Applicant may cure the deficiencies identified by the City and resubmit the Application within thirty (30) days after notice of the denial is sent to the Applicant. Failure by the Applicant to timely resubmit the Application shall result in a final denial of the Application. The City shall approve or deny a timely filed revised Application within thirty (30) days after receipt or the Application is deemed approved. Any subsequent review shall be limited to the deficiencies cited in the denial.

jJ. An Applicant seeking to Collocate Small Wireless Facilities within the City's boundaries may, at the Applicant's discretion, file a consolidated Application with the City and receive a single permit for the Collocation of up to thirty (30) Small Wireless Facilities. If the Application includes multiple Small Wireless Facilities, the City may separately address Small Wireless Facility Collocations for which incomplete information has been received or which are denied.

Kk. The City may deny a proposed Collocation of a Small Wireless Facility in the Public Rights-of-Way if the proposed Collocation:

(1i) Materially interferes with the safe operation of traffic control equipment.

(2ii) Materially interferes with sight lines or clear zones for transportation, pedestrians, or public safety purposes.

(3iii) Materially interferes with compliance with the Americans with Disabilities Act or similar Federal or State standards regarding pedestrian access or movement.

(4iv) Materially fails to comply with the 2010 edition of the Florida Department of Transportation Utility Accommodation Manual.

(5v) Fails to comply with Applicable Codes and the applicable provisions of this Chapter.

L. Notwithstanding anything to the contrary contained herein, the City may reserve space on City Utility Poles for future public safety uses. If replacement of a City Utility Pole is necessary to accommodate the Collocation of the Small Wireless Facility and the future public safety use, the Utility Pole replacement is subject to the make-ready provisions of this Chapter and the replaced Utility Pole shall accommodate the future public safety use.

mM. A structure granted a permit and installed pursuant to this Chapter shall comply with Chapter 333, Florida Statutes, and Federal regulations pertaining to airport airspace protections.

nN. The City does not require approval or fees for: (i) routine maintenance; (ii) replacement of existing Wireless Facilities with substantially similar Wireless Facilities; or (iii) installation, Placement, Maintenance, or replacement of Micro Wireless Facilities that are suspended on cables strung between existing Utility Poles in compliance with Applicable Codes by or for a Communications Services Provider authorized to occupy the Public Rights-of-Way and who is remitting taxes under Chapter 202, Florida Statutes.

(3) Collocation of Small Wireless Facilities on City Utility Poles. The Collocation of Small Wireless Facilities on City Utility Poles is subject to the following requirements:

aA. The City shall not enter into an exclusive arrangement with any Person for the right to attach equipment to City Utility Poles.

bB. The rates and fees for Collocations on City Utility Poles must be nondiscriminatory, regardless of the services provided by the collocating person.

cC. The City hereby levies, establishes, and sets an annual rate that shall be paid by all those Applicants who file an Application to Collocate Small Wireless Facilities on City Utility Poles in the amount of \$150 per pole per year. The initial payment shall be made as a condition of the granting of the permit, with remaining annual payments to be made in all subsequent years on the same date.

dD. Agreements between the City and Wireless Providers that are in effect on July 1, 2017, and that relate to the Collocation of Small Wireless Facilities in the Public Rights-of-Way, including the Collocation of Small Wireless Facilities on City Utility Poles, remain in effect, subject to applicable termination provisions. The Wireless Provider may accept the rates, fees, and terms established under this Chapter for Small Wireless Facilities and Utility Poles that are the subject of an Application submitted after the rates, fees, and terms become effective.

eE. For a City Utility Pole that supports an aerial facility used to provide Communications Services or electric service by another, the parties shall comply with the process for make-ready work under 47 U.S.C. § 224 and its implementing regulations. The good faith estimate of the Person owning or controlling the Utility Pole for any make-ready work necessary to enable the Utility Pole to support the requested Collocation must include Utility Pole replacement if necessary.

fF. For a City Utility Pole that does not support an aerial facility used to provide Communications Services or electric service by another, the City shall provide a good faith estimate for any make-ready work necessary to enable the Utility Pole to support the requested Collocation, including necessary Utility Pole replacement, within sixty (60) days after receipt of a complete Application. Make-ready work, including any Utility Pole replacement, must be completed within sixty (60) days after written acceptance of the good faith estimate by the Applicant. Alternatively, the City may require the Applicant seeking to Collocate a Small Wireless Facility to provide a make-ready estimate at the Applicant's expense for the work necessary to support the Small Wireless Facility, including Utility Pole replacement, and perform the make-ready work. If Utility Pole replacement is required, the scope of the make-ready estimate is limited to the design, fabrication, and installation of a

Utility Pole that is substantially similar in color and composition. The City may not condition or restrict the manner in which the Applicant obtains, develops, or provides the estimate or conducts the make-ready work subject to usual construction restoration standards for work in the Public Rights-of-Way. The replaced or altered Utility Pole shall remain the property of the City.

gG. The City may not require more make-ready work than is required to meet Applicable Codes or industry standards. Fees for make-ready work may not include costs related to preexisting damage or prior noncompliance. Fees for make-ready work, including any Utility Pole replacement, may not exceed actual costs or the amount charged to Communications Services Providers other than Wireless Services Providers for similar work and may not include any consultant fee or expense.

(4) **Placement of Utility Poles in the Public Rights-of-Way in Support of Collocation of Small Wireless Facilities.** A Wireless Infrastructure Provider may apply to the City to place Utility Poles in the Public Rights-of-Way to support the Collocation of Small Wireless Facilities. The Application must include an attestation that Small Wireless Facilities will be Collocated on the Utility Pole or structure and will be used by a Wireless Services Provider to provide service within nine (9) months after the date the Application is approved by the City. The City shall accept and process the Application in accordance with this Chapter and any Applicable Codes and other local codes governing the placement of Utility Poles in the Public Rights-of-Way.

(5) **Application and Enforcement of Historic Preservation Zoning Regulations.** Consistent with preservation of local zoning authority under 47 U.S.C. § 332(c)(7), the requirements for facility modifications under 47 U.S.C. § 1455(a), and the National Historic Preservation Act of 1966, as amended, this Chapter is subject to the provisions of City codes and ordinances regarding historic preservation.

(6) **Prohibited Collocations, Attachments, Installations, and Services Not Authorized by this section.** This section does not authorize, and the City hereby prohibits, the following:

aA. This section does not authorize a Person to Collocate or attach Wireless Facilities, including any Antenna, Micro Wireless Facility, or Small Wireless Facility, on a privately-owned Utility Pole, a Utility Pole owned by an electric cooperative or a municipal electric utility, a privately-owned Wireless Support Structure, or other private property without the consent of the property owner.

bB. The approval of the installation, Placement, Maintenance, or operation of a Small Wireless Facility pursuant to this section does not authorize the provision of any voice, data, or Video Services or the installation, Placement, Maintenance, or operation of any Communications Facilities other than Small Wireless Facilities in the Public Rights-of-Way.

eC. This section does not affect provisions relating to Pass-through Providers contained in this Chapter and contained in Section 337.401(6), Florida Statutes.

dD. This section does not apply to the installation, Placement, Maintenance, or replacement of Micro Wireless Facilities on any existing and duly authorized aerial communications facilities, provided that once aerial facilities are converted to underground facilities, any such collocation or construction shall be only as provided by this Chapter.

eE. This section does not authorize a Person to Collocate Small Wireless Facilities or Micro Wireless Facilities on a City Utility Pole or erect a Wireless Support Structure in a location subject to covenants, conditions, restrictions, articles of incorporation, and bylaws of a homeowners' association. This paragraph does not apply to the installation, Placement, Maintenance, or replacement of Micro Wireless Facilities on any existing and duly authorized aerial communications facilities.

SECTION 9: ~~REVOCA~~TION OR SUSPENSION OF PERMITS

Subject to the provisions of Section 11 below, the City Manager may revoke any permit currently issued to a Communications Services Provider for work in the Public Rights-of-Way or suspend the issuance of a permit in the future to a Communications Services Provider for, in addition to any other circumstances provided for in this Chapter, one or more of the following reasons:

(a) a violation of permit conditions, including conditions set forth in the permit, or a violation of the requirements of this Chapter or other Applicable Codes or regulations governing the Placement or Maintenance of Communications Facilities in the Public Rights-of-Way;

(b) a misrepresentation or fraud made or committed on the part of the Communications Services Provider in the Registration process or in the Application for a permit;

(c) the failure to properly renew the Registration or the ineffectiveness of Registration;
or

(d) the failure to relocate or remove Communications Facilities as may be required by the City Manager pursuant to this Chapter.

The City Manager shall provide notice and an opportunity to cure to the Communications Services Provider of any violation of paragraphs (a) through (d) above, each of which shall be reasonable under the circumstances.

SECTION 10: ~~INVOLUNTARY~~ TERMINATION OF REGISTRATION

(a) The City may terminate a Registration if:

(1) a Federal or State authority suspends, denies, or revokes a Communications Services Provider's certification or license to provide Communications Services;

(2) the Communications Services Provider's Placement or Maintenance of a Communications Facility in the Public Rights-of-Way presents an extraordinary danger to the general public or other users of the Public Rights-of-Way and the Communications Services Provider fails to remedy the danger promptly after receipt of written notice;

(3) the Communications Services Provider ceases to use all of its Communications Facilities in the Public Rights-of-Way and has not complied with Section 20 below;
or

(4) the Communications Services Provider fails to comply with any of the rules, regulations, or general conditions set forth in this Chapter.

(b) Prior to termination of a Registration, the Communications Services Provider shall be notified by the City Manager with a written notice setting forth all matters pertinent to the proposed termination, including which of paragraphs (1) through (4) above is applicable as the reason therefore. The Communications Services Provider shall have thirty (30) days after receipt of such notice within which to eliminate the reason or within which to present a plan, satisfactory to the City Manager, to accomplish the same. If not eliminated or if the plan presented is rejected, the City Manager shall provide written notice of such rejection to the Communications Services Provider and a final determination to terminate Registration. A final determination to terminate Registration may be appealed in accordance with the procedures set forth in Section 11 below.

(c) In the event of termination, following any appeal period, the Communications Services Provider formerly Registered shall: (i) notify the City of the assumption or anticipated assumption by another Registrant of ownership of the Communications Services Provider's Facilities in the Public Rights-of-Way; or (ii) provide the City with an acceptable plan for disposition of its Communications Facilities in the Public Rights-of-Way. If a Communications Services Provider fails to comply with this subsection (c), which determination of non-compliance is subject to appeal as provided in Section 11, the City may exercise any remedies or rights it has at law or in equity, including, but not limited to, taking possession of the Communications Facilities where another Person has not assumed the ownership or physical control of the Facilities or requiring the Communications Services Provider within ninety (90) days of the termination, or such longer period as may be mutually agreed to between the City and the Communications Services Provider, to remove some or all of the Communications Facilities from the Public Rights-of-Way and restore the Public Rights-of-Way to their original condition prior to such removal.

(d) In any event, a Communications Services Provider whose Registration has been terminated shall take such steps as are necessary to render safe every portion of the Communications Facilities remaining in the Public Rights-of-Way.

(e) In the event of termination of a Registration, this section does not authorize the City to cause the removal of Communications Facilities used to provide another service for which the Communications Services Provider or another Person who owns or exercises physical control over the Communications Facilities holds a valid certification or license with the governing Federal or State agency, if required for provision of such service, and who is Registered with the City, if required.

(f) The City's right to terminate a Registration shall be in addition to all other rights of the City, whether reserved in this Chapter, or authorized by other law, and no action, proceeding, or exercise of the right to terminate Registration will affect or preclude any other right the City may have.

SECTION 11: ——— APPEALS

Final determinations by appropriate City staff denying an initial Registration; denying an application for renewal of a Registration; terminating a Registration; or denying, revoking, or suspending any permit are subject to appeal to the City Council. A notice of appeal of such decision may be filed with the City Manager within thirty (30) days of the date of the final, written decision to be appealed. The City Manager shall have thirty (30) days from the date the appeal is filed to review the matter and render a written decision to uphold or reverse the final decision made by staff. If the City Manager upholds the final decision of staff, the appellant may file a notice of appeal with the City Clerk within thirty (30) days of the date of the written decision of the City Manager. The City Clerk shall set the matter for hearing before the City Council at any regular meeting of the City Council scheduled within forty-five (45) days of the date that the notice of appeal is filed with the City Clerk, unless waived by the Communications Services Provider. A ruling may be made at the hearing or at the next regularly scheduled City Council meeting and the Communications Services Provider shall be notified of the decision in writing within thirty (30) days thereof. Where a notice of appeal to the City Manager or the City Clerk is not timely filed as provided herein, such right to appeal shall be waived. Upon correction by the Communications Services Provider of the circumstances that gave rise to a suspension or denial of a permit, the suspension or denial shall be lifted (the same does not apply to the revocation of a permit).

SECTION 12: ——— EXISTING COMMUNICATIONS FACILITY

The provisions of this Chapter shall be applicable to all Communications Facilities placed in the Public Rights-of-Way on or after the effective date of this Ordinance and shall apply to all existing Communications Facilities placed in the Public Rights-of-Way prior to the effective date of this Ordinance to the full extent permitted by Federal and State law, except that any provision of this Chapter regarding the size, Stealth Design, concealment, or location of Communications Facilities shall not apply to existing Communications Facilities lawfully

placed within the Public Rights-of-Way prior to the effective date of this Ordinance, to the extent that such Communications Facilities may be Maintained, repaired, and replaced with a Communications Facility substantially similar in size and for the same purpose.

SECTION 13: ————— INSURANCE

(a) At all times during the use or occupancy of the Public Rights-of-Way, including any time during Placement or Maintenance of Communications Facilities, the Communications Services Provider shall obtain, pay all premiums for, and maintain satisfactory to the City the types of insurance policies and coverage limits described in this Chapter. Nothing contained in this section shall limit a Communications Services Provider's liability to the City to the limits of insurance certified or carried.

(1) Commercial general liability insurance valid in the State of Florida, including contractual liability and products-completed operations liability coverage on an occurrence basis, which policy limit shall be in an amount not less than One Million and No/00 Dollars (\$1,000,000.00) per occurrence, combined single limit, for bodily injury, personal injury or death, or property damage and in an amount not less than Two Million and No/00 Dollars (\$2,000,000.00) policy aggregate for each personal injury liability, broad form property damage (without exclusions related to explosion, collapse and underground ("XCU") exclusions), contractual liability and products-completed operations liability.

(2) Business automobile liability insurance valid in the State of Florida which policy limit shall be in an amount not less than One Million and No/00 Dollars (\$1,000,000.00) combined single limit, including bodily injury and property damage covering owned, leased, hired, and non-owner vehicles.

(3) Workers' Compensation valid in the State of Florida which policy limit shall be in an amount not less than the statutory limit for Workers' Compensation.

(4) Employer's liability insurance valid in the State of Florida which policy limit shall be in an amount not less than One Million and No/00 Dollars (\$1,000,000.00) each accident for employer's liability.

(b) All insurance providers used shall be admitted and duly authorized to do business in the State of Florida and shall have assigned by A. M. Best Company a minimum Financial Strength Rating of "A" and a minimum Financial Size Category of "IX" (*i.e.*, a size of \$250,000,000.00 to \$500,000,000.00 based on capital, surplus, and conditional reserve funds). Insurance policies and certificates issued by non-admitted insurance companies are not acceptable. All liability policies shall name the City, its council members, officers, and employees as additional insureds with respect to any covered liability arising out of the Placement or Maintenance of Communications Facilities in the Public Rights-of-Way or other activities under this Chapter. Each Communications Services Provider shall furnish annually to the City certificates showing proof of all required insurance coverage. All liability coverage must be in occurrence form and in accordance with the limits specified. Claims made policies are not acceptable. No insurance policy shall be canceled, nor shall the occurrence or

aggregate limits set forth herein be reduced, until the City has received at least thirty (30) days' advance written notice by registered, certified, or regular mail or facsimile of any cancellation, intent not to renew, or reduction in policy coverage. Each Communications Services Provider shall be responsible for notifying the City of such cancellation, intent not to renew, or reduction in coverage. All Certificate(s) of Insurance, including all endorsements and riders, evidencing insurance coverage shall be submitted to the City within thirty (30) days after the date of Registration with the City in order for a Communications Services Provider to obtain a permit required for Construction in the Public Rights-of-Way. Each Communications Services Provider shall, in the event of any such notice described above, obtain, pay all premiums for, and file with the City written evidence of the issuance of replacement policies within thirty (30) days following receipt by the City or the Communications Services Provider of such notice.

(c) The Certificate(s) of Insurance forms must be properly executed by the authorized representative of the insurance provider and must include all endorsements, riders and notices. Each Communications Services Provider shall file and maintain with the City on an annual basis the required Certificate(s) of Insurance. The Certificate(s) of Insurance must indicate the following:

(1) the policy number; name of insurance company; name and address of the agent or authorized representative; name and address of insured; that the policy coverage "pertains to the requirements of Section 13"; policy expiration date; and specific coverage amounts;

(2) any applicable deductibles or self-insured retentions;

(3) that the City, its council members, officers, and employees are additional insureds;

(4) that the City shall receive thirty (30) days' advance written notice of cancellation, intent not to renew, or reduction in coverage; and

(5) that the commercial general liability insurance policy is primary as respects any other valid or collectible insurance that the City may possess, including any self-insured retentions the City may have; and any other insurance the City does possess shall be considered excess insurance only and shall not be required to contribute with this insurance.

(d) Under extraordinary circumstances a Communications Services Provider may satisfy the insurance requirements of this section by providing documentation of self-insurance that, in the sole discretion of the City's Director of Human Resources and Risk Management, demonstrates incontrovertibly the adequacy to defend and cover claims of any nature that might arise from the Placement and Maintenance of Facilities in the Public Rights-of-Way. The Communications Services Provider must be authorized as a self-insurer by the Department of Insurance under the laws of the State of Florida.

SECTION 14: _____ INDEMNIFICATION

(a) Except with respect to the willful misconduct, negligence, or gross negligence of the City, a Communications Services Provider, by act of Registering with the City as such, shall be obligated, at its sole cost and expense, to defend, indemnify and hold harmless the City, its Council members, officials, commissioners, agents, and employees, from and against any and all claims, suits, causes of action, proceedings, liabilities, and judgments for damages or equitable relief, and costs and expenses, arising out of or in connection with the Placement or Maintenance of its Communications Facilities in the Public Rights-of-Way by the Communications Services Provider or its agent or hired contractor. This indemnification provision shall include, but not be limited to, such damages and penalties arising out of claims: (1) by any Person whatsoever on account of: (i) bodily injury to a Person or Persons; (ii) death of a Person or Persons; or (iii) property damage, where any of the foregoing is occasioned by the operations of the Communications Services Provider, or alleged to have been so caused or occurred; or (2) involving the Communications Services Provider's violation of any easement or private property rights.

(b) Nothing contained in this section shall prohibit the City from participating in the defense of any litigation by its own counsel if in the City's reasonable belief there exists or may exist a conflict, potential conflict, or appearance of a conflict.

(c) Indemnified costs and expenses shall include, but not be limited to, all out-of-pocket expenses and reasonable attorneys' fees in defending against any such claim, suit, or proceeding, and shall also include the reasonable value of any services rendered by the City Attorney and his/her assistants, or any consultants, agents, and employees of the City. The City will attempt to notify the Communications Services Provider, in writing, within a reasonable time of the City's receiving notice of any issue it determines may require indemnification.

(d) Nothing contained in this section shall be construed or interpreted: (1) as denying the City, the Communications Services Provider, or any Person any remedy or defense available to them under the laws of the State of Florida; or (2) as a waiver of sovereign immunity beyond the waiver provided in Section 768.28, Florida Statutes, as it may be amended.

(e) The indemnification requirements shall survive and be in effect after the termination or cancellation of a Registration.

SECTION 15: CONSTRUCTION BOND

(a) Prior to issuance of any permit where the type of work allowed under the permit will require restoration of the Public Rights-of-Way, the Communications Services Provider or the contractor performing such work on its behalf shall obtain, pay for, and file with the City a construction bond. The construction bond shall serve to guarantee the timeliness and quality of the Construction and restoration work and to secure, and enable the City to recover, all costs related to the restoration of the Public Rights-of-Way in the event the Communications Services Provider or its contractor fails to make such restoration to the City's satisfaction or causes damage to the Public Rights-of-Way during Construction. The construction bond must name the City as Obligee and be in the face amount of either Fifteen Thousand and No/00 Dollars (\$15,000.00) or 110% of the estimated cost of the project, whichever is greater,

conditioned upon the full and faithful completion of Construction and restoration of the Public Rights-of-Way to the delineated specifications stipulated in the Permit. Six (6) months following completion and inspection of the restoration of the Public Rights-of-Way satisfactory to the City Manager, the Communications Services Provider or its contractor, as the case may be, may reduce the face amount of the construction bond to Five Thousand and No/00 Dollars (\$5,000.00) and, thereafter, may allow the bond to lapse in accordance with its terms. However, for any subsequent work in the Public Rights-of-Way, the Communications Services Provider or its contractor will be required to replenish any existing construction bond or provide a new construction bond in the face amount of Fifteen Thousand and No/00 Dollars (\$15,000.00). The construction bond shall be in a form acceptable to the City Attorney and must be issued by a surety having a rating reasonably acceptable to the City Manager and authorized by the Florida Department of Insurance to issue surety bonds in this State.

(b) The construction bond must be issued as non-cancelable and be for a term of not less than twelve (12) months but not more than eighteen (18) months after completion of construction. In the event the term of any construction bond expires, or is reasonably expected to expire, prior to the completion of Construction, restoration, and City inspection, the Communications Services Provider, or the contractor acting on its behalf, shall immediately obtain, pay for, and file with the City a replacement bond.

(c) The City's requirement of a construction bond is not in lieu of any additional bonds that may be required under this Chapter or through the permitting process. The City's right to recover under the construction bond shall be in addition to all other rights of the City, whether reserved in this Chapter, or authorized by other law, and no action, proceeding, or exercise of a right with respect to the construction bond will affect or preclude any other right the City may have.

SECTION 16: ——— PERMORMANCE BOND

(a) Before any Communications Services Provider is permitted to begin the Placement or Maintenance of an initial build, any substantial rebuild, upgrade, or extension of its Communications System, or when construction plans show that there would be at least 1,000 feet of open trenching in the Public Rights-of-Way at any given time, the Communications Services Provider is required to obtain, pay for, and file with the City a performance bond. The performance bond must name the City as Obligee and be in the face amount of Two Hundred Fifty Thousand and No/00 Dollars (\$250,000.00) conditioned upon the full and faithful compliance by the Communications Services Provider with all requirements, duties, and obligations imposed by the provisions of this section during, and through completion of, the Placement or Maintenance project. The performance bond shall be in a form acceptable to the City Attorney and must be issued by a surety having a rating reasonably acceptable to the City Manager and authorized by the Florida Department of Insurance to issue performance bonds in this State.

(b) The performance bond must be issued as non-cancelable and be for a term consistent with the reasonably expected duration of the particular Placement or Maintenance project (including restoration and City inspection), but in no event less than eighteen (18) months. In the event the term of any performance bond expires, or is reasonably expected to expire, prior

to the completion of such Placement or Maintenance project, including restoration and City inspection, the Communications Services Provider shall immediately obtain, pay for, and file with the City a replacement bond.

(c) The City's requirement of a performance bond is not in lieu of any additional bonds that may be required under this Chapter or through the permitting process. The City's right to recover under the performance bond shall be in addition to all other rights of the City, whether reserved in this Chapter, or authorized by other law, and no action, proceeding, or exercise of a right with respect to the performance bond will affect or preclude any other right the City may have. Any proceeds recovered under the performance bond may be used to reimburse the City for such additional expenses as may be incurred by the City as a result of the Communications Services Provider's failure to comply with the responsibilities imposed by this Chapter, including, but not limited to, attorney's fees and costs of any action or proceeding, and the cost of removal or abandonment of any property.

SECTION 17: ——— SECURITY FUND

Every Communications Services Provider shall make a Twenty-Five Thousand and No/00 Dollar (\$25,000.00) cash deposit, or shall file with the City an irrevocable letter of credit or acceptable equivalent in the same amount, which shall serve, and be referred to, as the "Security Fund." The Security Fund shall be conditioned upon the full and faithful compliance with and performance by the Communications Services Provider of all requirements, duties, and obligations imposed by the provisions of this Chapter at all times. The letter of credit shall be in a form and issued by an institution acceptable to the City Manager. Should the City draw upon the Security Fund, it shall promptly notify the Communications Services Provider, and the Communications Services Provider shall promptly restore the cash deposit or letter of credit to the full amount. The Security Fund shall be maintained until the later of: (a) the effective date of transfer, sale, or assignment by the Communications Services Provider of all its Facilities in the Public Rights-of-Way; (b) twelve (12) months after the removal or Abandonment by the Communications Services Provider of all of its Facilities in the Public Rights-of-Way; or (c) six (6) months after the termination of Registration, including any appeals undertaken pursuant to Section 11 above. Upon the later of these events, the cash deposit will be returned without interest or the letter of credit may be cancelled. In the event a Communications Services Provider fails to perform any requirement, duty, or obligation imposed upon it by the provisions of this Chapter, there shall be recoverable, jointly and severally from the Security Fund, any damages or losses suffered by the City as a result, including the full amount of any compensation, indemnification, or cost of removal, relocation, or Abandonment of any Facilities in Public Rights-of-Way, plus a reasonable allowance for attorneys' fees, up to the full amount of the Security Fund.

SECTION 18: ——— ENFORCEMENT REMEDIES

(a) No provision of this Chapter shall be deemed to bar the right of the City to seek or obtain judicial relief from a violation of any provisions of this Chapter, the Registration provisions, or any rule, regulation or general condition provided for hereunder, whether administratively,

judicially, or both. Neither the existence of other remedies identified in this Chapter nor the exercise thereof shall be deemed to bar or otherwise limit the right of the City to recover fines, penalties, or monetary damages (except where liquidated damages are otherwise prescribed) for such violation by the Communications Services Provider. The remedies available to the City shall be cumulative and in addition to any other remedies provided by law or equity. The laws of the State of Florida shall govern with respect to any proceeding in law or equity pertaining to the enforcement of this Chapter or any cause of action arising out of or in connection herewith.

(b) A Communications Services Provider's failure to comply with provisions of this Chapter shall constitute a City Code violation and shall subject the Communications Service Provider to the code enforcement provisions and procedures as provided in Chapter 162 of the Florida Statutes and Chapter 2, Article VI, Division 2 of the Umatilla City Code or Land Development Regulations Code, as applicable, and may be punishable as provided in Section 162.22, Florida Statutes, as it may be amended.

(c) In any proceeding before the City Council where there exists an issue with respect to a Communications Services Provider's performance of its obligations pursuant to this Chapter, the Communications Services Provider shall be given the opportunity to provide such information as it may have concerning its compliance with the terms and conditions of this Chapter. The City may find a Communications Services Provider who does not demonstrate compliance with the terms and conditions of this Chapter in default and apply any appropriate remedy or remedies as authorized by this Chapter. In determining which remedy is appropriate, the City Council shall take into consideration the nature of the violation, the Person bearing the impact of the violation, the nature of the remedy required in order to prevent further violations, and such other matters as the City Council determines are appropriate to the public interest.

(d) The City Manager, or his/her designee, shall be responsible for administration and enforcement of this Chapter, and is authorized to give any notice required herein or by law.

(e) Failure of the City to enforce any requirements of this Chapter shall not constitute a waiver of the City's right to enforce that violation or subsequent violations of the same type or to seek appropriate enforcement remedies.

SECTION 19: — ABANDONMENT OF A COMMUNICATIONS FACILITY

(a) Upon Abandonment of any Facility owned by a Communications Services Provider in the Public Rights-of-Way, the Communications Services Provider shall notify the City within sixty (60) days.

(b) The City may direct the Communications Services Provider, by written notice, to remove all or any portion of such Abandoned Communications Facility at the Communications Services Provider's sole expense if the City determines that the Abandoned Communications Facility's presence interferes with the public health, safety, or welfare, which shall include, but shall not be limited to, a determination that such Communications Facility: (1) compromises safety at any time for any Public Rights-of-Way user; (2) compromises the

safety of other Persons performing Placement or Maintenance of Communications Facilities in the Public Rights-of-Way; (3) prevents another Person from locating other facilities in the area of the Public Rights-of-Way where the Abandoned Communications Facility is located when other alternative locations are not reasonably available; or (4) creates a maintenance condition that is disruptive to the use of the Public Rights-of-Way. In the event condition (2) is present, the City may require the third Person to coordinate with the Communications Services Provider who owns the existing Communications Facility for joint removal and Placement, where agreed to by the Communications Services Provider.

(c) If the Communications Services Provider fails to remove all or any portion of an Abandoned Communications Facility as directed by the City within the time period specified in the written notice, which time period must be reasonable under the circumstances, the City may perform such removal and charge the cost of the removal against the Communications Services Provider.

(d) In the event that the City does not direct the removal of the Abandoned Communications Facility, the Communications Services Provider, by its notice of Abandonment to the City, shall be deemed to consent to the alteration or removal of all or any portion of such abandoned Facility by the City or other Person, provided that the cost of the alteration or removal is not borne by the Communications Services Provider.

SECTION 20: ———RESERVATION OF RIGHTS

The City hereby expressly reserves all of the following rights:

(a) To exercise its municipal home rule powers, now or hereafter, to the fullest extent allowed by law with regard to the access, use, and regulation of the Public Rights-of-Way.

(b) To amend this Chapter as it shall find necessary in the lawful exercise of its municipal authority.

(c) To adopt or enact by resolution or ordinance, in addition to the provisions contained herein and in any existing applicable ordinances, such additional reasonable regulations as the City Council finds necessary in the exercise of the City's police powers.

(d) To exercise the power of eminent domain, consistent with applicable Federal and State law, to acquire property that may include that property owned or leased by a Communications Services Provider.

(e) As and when deemed necessary by the City Council to be in the interest of the City or its residents, to abandon or vacate portions of the Public Rights-of-Way within the proper exercise of its municipal authority and without notice to or the consent of any Communications Services Provider. The City shall not be responsible for any costs, damages, loss, or other expense to the Communications Services Provider as a result of the City's abandonment or vacation of any Public Rights-of-Way.

(f) To place and maintain, and franchise or permit to be placed or maintained, sewer, gas, water, electric, storm drainage, communications, and other types of facilities, cables, or conduit, and to do, and to permit to be done, any underground and overhead installation or improvement that may be deemed necessary or proper by the City in the Public Rights-of-Way occupied by any Communications Services Provider.

(g) Without limitation, the right to alter, change, or cause to be changed, the grading, installation, relocation, or width of any Public Rights-of-Way within the City limits and within said limits as the same may from time to time be altered.

(h) To require a Reseller to Register in accordance with Section 3 above to the extent such Reseller wants the right to place or maintain Facilities in the Public Rights-of-Way. Any Person using or leasing Facilities owned by a Registered Communications Services Provider is not, therefore, entitled to any rights to Place or Maintain Communications Facilities in the Public Rights-of-Way, unless such Person individually Registers with the City.

SECTION 21: ——— FORCE MAJEURE

In the event the City's or Registrant's performance of or compliance with any of the provisions of this Chapter is prevented by a cause or event not within the City's or Registrant's control, such inability to perform or comply shall be deemed excused and no penalties or sanctions shall be imposed as a result, provided, however, that such Registrant uses all practicable means to expeditiously cure or correct any such inability to perform or comply. For the purposes of this section, cause or events not within the City's or Registrant's control shall include, but not be limited to, acts of God, floods, earthquakes, landslides, hurricanes, fires and other natural disasters, acts of public enemies, riots or civil disturbances, sabotage, strikes, and restraints imposed by order of a governmental agency or court. Causes or events within a Registrant's control, and thus not falling within this section shall include without limitation, Registrant's financial inability to perform or comply, economic hardship, and misfeasance, malfeasance or nonfeasance by any of Registrant's directors, officers, employees, contractors, or agents.

