MAITLAND
FLORIDA

City of Maitland

Land Development Code Update

Land Development Code
Adopted February 28, 2022
Effective March 1, 2022









Prepared by

CLARION PlanActive Studio Stantec

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ARTICLE 1. GENERAL PROVISIONS

SECTION 1.1. TITLE

This code shall be officially entitled the "Land Development Code of the City of Maitland, Florida," and may be referred to as the "Maitland Land Development Code," the "Maitland LDC," or the "LDC."

SECTION 1.2. AUTHORITY

1.2.1. General

The Maitland City Council is authorized to adopt this LDC in accordance with Article VII, Section 2(b) of the Florida Constitution; the charter of the City of Maitland (adopted July 17, 1885, and amended July 1, 1970, and occasionally thereafter); Ch. 166, Florida Statutes (the Municipal Home Rules Powers Act), Section 163.3202, Florida Statutes; and all other relevant laws and constitutional provisions of the State of Florida.

1.2.2. References to Florida Law

Whenever any provision of this LDC refers to or cites a section of the Florida Statutes (Fla. Stat.) or Florida Administrative Code (F.A.C.), and that section is later amended or superseded, this LDC shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

SECTION 1.3. GENERAL PURPOSE AND INTENT

The general purpose of this LDC is to promote the public health, safety, and general welfare, and to implement the goals, objectives, and policies of the City's adopted comprehensive development plan and other adopted plans. More specifically, this LDC is intended to do the following, consistent with the goals, objectives, and policies of the comprehensive development plan and other adopted plans:

1.3.1. Establish comprehensive, consistent, effective, efficient, and equitable standards and procedures for the review and approval of development that implement the comprehensive development plan and other adopted plans, respect the rights of landowners, and consider the interests of the City's citizens.

1.3.2. Ensure that land uses and development are organized and located in a rational and efficient manner that is consistent with the City's comprehensive development plan and other adopted plans.

1.3.3. Protect the character of existing residential neighborhoods from incompatible development.

1.3.4. Establish zone districts that support a diversity of housing opportunities for the City's citizens.

1.3.5. Support and encourage vibrant, pedestrian-friendly, and higher density mixed-use development in Downtown Maitland.

1.3.6. Support and encourage redevelopment in the Maitland West Side and other commercial corridors with high-quality design and a mix of uses.

1.3.7. Support and encourage redevelopment that is compatible with its context and has a high quality of design.

1.3.8. Support and encourage new development that is consistent with the desired character identified in the comprehensive development plan and has a high quality of design.

1.3.9. Support and encourage new development and redevelopment that accommodates multiple forms of transportation including walking, bicycling, driving, and transit.

1.3.10. Support and encourage sustainable development practices.

1.3.11. Establish standards to protect the City's natural resources, including natural lands, Lake Maitland, and other smaller lakes and waterways, and the City's drinking water sources.

SECTION 1.4. APPLICABILITY

1.4.1. General Applicability

The provisions of this LDC shall apply to the development and redevelopment of all land within the corporate limits of the City.

1.4.2. Application to Governmental Units

The provisions of this LDC shall apply to development and redevelopment by the county, Orange County Public Schools, the State of Florida and its agencies, the federal government and its agencies and departments, to the extent allowed by law. The provisions of this LDC shall not apply to the City but shall apply to all other local governments that may own land in the City.

1.4.3. Compliance Required

No land in the City shall be developed without compliance with the requirements of this LDC, and all other applicable City, county, state, and federal laws and regulations, unless it is exempted.

1.4.4. Emergency Exemption

Consistent with state law, the City Council may, by resolution and without any otherwise required prior notice or public hearing, authorize City agencies or departments to deviate from the provisions of this LDC during an emergency declared by the mayor or governor when the need to act quickly to secure the public health, safety, or welfare makes it impossible to submit to the normal procedures and requirements of this LDC.

SECTION 1.5. CONSISTENCY WITH COMPREHENSIVE DEVELOPMENT PLAN

This LDC is intended to ensure that all development within the City is consistent with the goals, objectives, and policies of the comprehensive development plan and all other adopted plans of the City.

SECTION 1.6. RELATIONSHIP WITH OTHER LAWS, COVENANTS, OR DECREES

1.6.1. Conflicts with Other City Regulations

If a provision of this LDC is inconsistent with another provision of this LDC, or with a provision found in other codes or ordinances of the City, the more restrictive provision shall govern unless the terms of the more restrictive provision specify otherwise. The more restrictive provision is the one that imposes greater restrictions or burdens, or more stringent controls.

1.6.2. Conflicts with State or Federal Law

If a provision of this LDC is inconsistent with a provision found in the law or regulations of the state or federal government, the more restrictive provision shall control, to the extent permitted by law.

1.6.3. Relationship to Private Agreements/Conflicts with Private Agreements

Nothing in this LDC is intended to supersede, annul, or interfere with any deed restriction, covenant, easement, or other agreement between private parties, but the terms of these agreements shall not excuse any failure to comply with the requirements of this LDC. The City shall not be responsible for monitoring or enforcing any such private agreements.

1.6.4. Existing Vested Rights

Nothing in this LDC is intended to repeal, supersede, annul, impair, or interfere with any vested rights under applicable law, provided such rights are lawfully established and remain in effect.

SECTION 1.7. OFFICIAL ZONE DISTRICT MAP

1.7.1. Establishment and Maintenance

The Official Zone District Map is established by this LDC. It designates the location and boundaries of the base zone districts, planned development districts, and overlay districts established by this LDC.

1.7.2. Incorporation by Reference

The Official Zone District Map is incorporated into this LDC by reference and is on file in the Community Development Department office for public inspection during normal business hours. The City may maintain the Official Zone District Map as an electronic map layer in the City's Geographic Information System (GIS).

1.7.3. Changes to Official Zone District Map

(a) Changes to zone district boundaries on the Official Zone District Map shall be made in accordance with the appropriate provisions of this LDC, including Sec. 2.5.1(d), General Zone District Map Amendment; Sec. 2.5.1(e), Site-Specific Zone District Map Amendment; and Sec. 2.5.1(f), Planned Development.

(b) The Community Development Director shall enter changes on the Official Zone District Map within a reasonable time period after the amendment is approved by City Council. Where the ordinance enacting a zone district boundary change contains wording explaining or clarifying the location of the new boundary, the Community Development Director may enter notations reflecting the ordinance wording on the Official Zone District Map.

SECTION 1.8. TRANSITIONAL PROVISIONS

1.8.1. Transition to New Zone Districts

On March 1, 2022, land zoned with a zone district classification under the previous LDC shall be translated to one of the zone district classifications in this LDC, in accordance with Table 1.8.1: Transition to New Zone Districts. The zone districts are established in Article 3: Zone Districts.

Table 1.8.1: Transition to New Zone Districts

Zone District in Previous LDC	Zone District in this LDC
Residential Districts	
RS-1: Residential Single-family	RSF-1 Residential Single Family 1
RS-1A: Residential Single-family	
RS-2: Residential Single-family	RSF-2 Residential Single Family 2
RS-3: Residential Single-family	
RS-5: Residential Single-family	RSF-3 Residential Single Family 3
UU: Undeveloped Urban	[DELETED]
RS-D: Residential Single-family and Duplex	RSF-D Residential Single Family and Duplex
RS-D1: Residential Single-family and Duplex	
RG-2: Residential Multifamily	R-MF Residential Multifamily
RG-3: Residential Multifamily	
Mixed-Use Districts	
RS-4: Residential Single-family	MX Mixed Multifamily
RG-1: Residential Multifamily	
PO-1: Professional & Office	
PO-2: Professional & Office	
PO-3: Professional & Office	
OC: Office & Commercial	WS: West Side District

Table 1.8.1: Transition to New Zone Districts	
Zone District in Previous LDC	**Zone District in this LDC**
OC-1: Office & Commercial	• WS Research Technology Subdistrict • WS New Market Subdistrict
OC-3: Office & Commercial	
DM Downtown Maitland • DM Subdistrict • DM-E Edge Subdistrict	DM Downtown Maitland • DM Subdistrict • DM-E Edge Subdistrict
Nonresidential Districts	
CC: Cultural Corridor	[DELETED]
	GAP Government, Arts, and Public **[new]**
	NC Neighborhood Commercial **[new]**
Planned Development Districts	
PD: Planned Development	PD Planned Development
	DM-PD Downtown Maitland Planned Development **[new]** • DMPD Subdistrict • DMPD-E Edge Subdistrict
Overlay Districts	
	CHA-O: Culture, History, and Arts Overlay

1.8.2. Violations Continue

A violation of the previous LDC and other regulations replaced by this LDC shall continue to be a violation under this LDC, and subject to the penalties set forth in Article 9: Enforcement, unless the development complies with the express terms of this LDC.

1.8.3. Nonconformities

[a] If any use, structure, lot of record, sign, or site feature was legally established on the date of its development, but does not comply with the standards of this LDC, that use, structure, lot of record, sign, or site feature shall be considered nonconforming and subject to the provisions of Article 8: Nonconformities.

[b] If a use, structure, lot of record, sign, or site feature that was legally nonconforming under the previous LDC becomes conforming under this LDC, it shall no longer be deemed nonconforming and subject to the provisions of Article 8: Nonconformities.

1.8.4. Issuance of Development Orders while Amendments Pending

No development order shall be issued when a proposed amendment to this LDC which would render a proposed development nonconforming is pending before the Planning and Zoning Commission or City Council, unless otherwise required by state law or this LDC.

1.8.5. Applications for which No Final Action Taken

(a) Any development application submitted and accepted as complete before March 1, 2022, but still pending final action as of that date, shall be reviewed and decided in accordance with the regulations in effect when the application was accepted.

(b) Completed applications shall be processed in good faith and shall comply with any time frames for review, approval, and completion as established in the regulations in effect at the time of application acceptance. If the applicant fails to comply with the required time frames or any terms or conditions of approval, the application shall expire, and future development shall be subject to the requirements of this LDC.

(c) An applicant with a pending application accepted before March 1, 2022 may opt to have the proposed development reviewed and decided under the procedures and standards of this LDC by withdrawing the pending application and submitting a new application in accordance with the standards of this LDC. Any applicable application submittal fees will be waived for this new application.

(d) To the extent an application approved under this section includes development that does not comply with this LDC, the development, although permitted, shall be nonconforming and subject to the provisions of Article 8: Nonconformities.

1.8.6. Development Approvals and Permits under Prior Land Development Code

(a) All development approvals or permits approved before March 1, 2022 remain valid until their expiration date, and shall be carried out in accordance with the terms and conditions of their approval and the development standards in effect at the time of approval, so long as they remain valid and have not expired or been revoked, or been substantially modified with respect to the character of the development or the intent of the approval. If the development approval or permit expires or is revoked (e.g., for failure to comply with the terms and conditions of approval), or is substantially modified with respect to the character of the development or the intent of the approval, all subsequent development of the site shall comply with the procedures and standards of this LDC.

(b) No provision of this LDC requires any change in the plans, construction, or designated use of any structure for which a building permit was issued prior March 1, 2022.

(c) Except for those development approvals identified in subsection (d) below, to the extent a prior-approved application includes development that does not comply with this LDC, the subsequent development, although permitted, shall be nonconforming and subject to the provisions of Article 8: Nonconformities.

(d) The following development applications that were approved before March 1, 2022 and that continue to be compliant with the approved terms and conditions of the development shall be considered to be in conformance with the terms of this LDC:

(1) Village at Lake Lily (Phase I and II) (903/905 Lake Lily Dr)

(2) Maitland City Center (190 Independence Ln)

(3) Uptown Maitland (Lots I and 2) (525/425 Sybelia Pkwy)

(4) First Presbyterian Church (341 N. Orlando Ave)

(5) 400 North (400 N. Orlando Ave)

(6) Northbridge Centre (711 N. Orlando Ave)

(7) Maitland Station (955 N. Orlando Ave)

(8) Mahoney's Auto Repair (1120 N. Orlando Ave)

(9) Park Maitland School (1450 S. Orlando Ave)

(e) Any re-application for an expired development approval or permit shall comply with the requirements of this LDC.

SECTION 1.9. SEVERABILITY

It is the legislative intent of the City Council in adopting this LDC that all provisions shall be construed to implement the comprehensive development plan and other adopted City plans, and guide development in accordance with the existing and future needs of the City as established in this LDC, and promote the public health, safety, and welfare of landowners and residents of the City. It is also the legislative intent of the City Council that if any section, subsection, sentence, clause, or phrase of this LDC is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity and continued enforcement of any other provision of this LDC. The City Council hereby declares that it would have adopted this LDC and any section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases of the LDC is declared invalid by a court of competent jurisdiction.

SECTION 1.10. EFFECTIVE DATE

This LDC shall become effective on March 1, 2022.

ARTICLE 2. ADMINISTRATION

SECTION 2.1. PURPOSE AND ORGANIZATION

2.1.1. Purpose

This article sets forth the review and approval procedures and standards for all development applications under this LDC.

2.1.2. Organization

The article is organized as follows:

(a) **Section 2.1, Purpose and Organization**

Section 2.1, Purpose and Organization, summarizes the purpose of Article 2 and the article's organization.

(b) **Section 2.2, Summary Table of Development Review Responsibilities**

Section 2.2, Summary Table of Development Review Responsibilities, provides a summary table of the actions required for each body or person that reviews, advises, or make decisions on each type of development application.

(c) **Section 2.3, Advisory and Decision-Making Bodies and Persons**

Section 2.3, Advisory and Decision-Making Bodies and Persons, describes the powers and duties of the various bodies and persons that review and make decisions on development applications.

(d) **Section 2.4, Standard Application Procedures**

Section 2.4, Standard Application Procedures, describes procedures that generally apply to the review of all development applications.

(e) **Section 2.5, Application-Specific Review Procedures and Decision Standards**

Section 2.5, Application-Specific Review Procedures and Decision Standards, contains specific information for each type of development application, including applicable additions or modifications to the standard review procedures, and the review standards for making a decision on the application.

2.1.3. Other Required Approvals

In addition to the development approvals and permits required to be approved in accordance with this LDC, there may be additional permits a proposed development may be required to obtain from the City (in accordance with the City Code), county, state, or federal government before development or construction may take place.

SECTION 2.2. SUMMARY TABLE OF DEVELOPMENT REVIEW RESPONSIBILITIES

2.2.1. Summary Table

Table 2.2: Summary Table of Development Review Responsibilities, identifies the various development approvals and permits authorized by this LDC and indicates the role of City boards and staff in making recommendations or decisions on applications for each type of development approval or permit. It also identifies those applications that require a public hearing, and notes whether an informational meeting or pre-application neighborhood meeting is required.

Table 2.2: Summary Table of Development Review Procedures

A = Appeal, D = Decision, R = Recommendation, S = Staff Review, <> Public Hearing
 # Mandatory Pre-Application Conference * Mandatory Pre-Application Neighborhood Meeting
(PW) Public Works Director (FP) Floodplain Administrator

Review Procedure	Section	Other City Staff	Community Development Director	Development Review Committee	Planning and Zoning Commission	City Council
Discretionary Approvals						
Annexation	2.5.1(a)	See Ch. 171, Fla. Stat.				
Comprehensive Development Plan Adoption or Amendment	2.5.1(b)	See Ch. 163, Fla. Stat.				
LDC Text Amendment	2.5.1(c)		R		<R>	<D> [1]
General Zone District Map Amendment #* [2]	2.5.1(d)			R	<R>	<D>
Site-Specific Zone District Map Amendment # [2]	2.5.1(e)			R	<R>	<D>
Planned Development #* [3]	2.5.1(f)			R	<R>	<D>
Conditional Use Permit #*	2.5.1(g)			R	<D>	
Development Agreement						
Adoption	2.5.1(h)	See Article VIII, Section 2 of the Florida Constitution and Ch. 166, Fla. Stat (home rule powers)				
Amendment #	2.5.1(h)			R	<R>	<D>
Minor Amendment #	2.5.1(h)		D			
Site Development and Platting						
Site Plan #	2.5.2(a)			D		
Major Subdivision	2.5.2(b)					
Preliminary Subdivision Plan #*	2.5.2(b)(4)(B)			R	<D>	
Final Subdivision Plat	2.5.2(b)(4)(C)			R		D

Table 2.2: Summary Table of Development Review Procedures						
A = Appeal, D = Decision, R = Recommendation, S = Staff Review, <> Public Hearing # Mandatory Pre-Application Conference * Mandatory Pre-Application Neighborhood Meeting (PW) Public Works Director (FP) Floodplain Administrator						
Review Procedure	**Section**	**Other City Staff**	**Community Development Director**	**Development Review Committee**	**Planning and Zoning Commission**	**City Council**
Minor Subdivision	2.5.2(b)(5)			D		[5]
Lot Line Adjustment	2.5.2(c)			D		
Lot Split	2.5.2(d)			D		
Permits						
Sign Permit	2.5.3(a)		D		<A> [4]	<A> [4]
Shoreline Alteration Permit	2.5.3(b)	D (PW				<A>
Wetland Alteration Permit	2.5.3(c)	D (PW)				<A>
Waterfront Structure Permit	2.5.3(d)	D (PW)				<A>
Vegetation and Tree Removal Permit	2.5.3(e)	D (PW)				<A>
ROW/Public Easement Abandonment	2.5.3(f)			R		<D>
Short-term Rental Unit Certificate	2.5.3(g)		D			
Floodplain Development Permit	2.5.3(h)	D (FP)				<A>
Relief						
Zoning Variance	2.5.4(a)			R	<D>	<A>
Waiver	2.5.4(b)			D [6]	D [6]	
Administrative Adjustment	2.5.4(c)		D			<A>
Appeal						
Appeal to City Council	2.5.4(d)					<D>
Appeal to Planning and Zoning Commission	2.5.4(e)				<D>	
Vested Rights Determination	2.5.4(f)			R	<R>	<D>
Interpretations						
Interpretation	2.5.5		D			<A>

Table 2.2: Summary Table of Development Review Procedures

A = Appeal, D = Decision, R = Recommendation, S = Staff Review, <> Public Hearing
# Mandatory Pre-Application Conference * Mandatory Pre-Application Neighborhood Meeting
(PW) Public Works Director (FP) Floodplain Administrator

Review Procedure	Section	Other City Staff	Community Development Director	Development Review Committee	Planning and Zoning Commission	City Council

NOTES

[1] When an LDC text amendment is proposed by a party other than City government, the proposed amendment is first brought before City Council for a vote regarding whether to consider the requested change. If City Council votes in favor, the proposal is referred to staff.

[2] Neighborhood meetings are required for zone district map amendment applications not initiated by the City.

[3] After a Planned Development application is determined to be complete and sufficient, the application is brought before City Council for an initial review to allow City Council members to comment on the application before the Development Review Committee (DRC) begins its review.

[4] Appeal of a decision on a sign permit is first taken to the Planning and Zoning Commission. Further appeal may be taken to City Council.

[5] Following approval by DRC, applications for minor subdivision are placed on the consent agenda of the City Council for final approval and, if approved, the signature of the Mayor.

[6] The decision-making body on an application for a waiver of West Side (WS) or Downtown Maitland (DM) zone district requirements is either the DRC or the Planning and Zoning Commission depending on the standard sought to be waived and the extent of the waiver requested by the applicant in accordance with Table 2.5.4(b)(2)(A): Allowable WS Zone District Waivers or Table 2.5.4(b)(2)(B): Allowable DM Zone District Waivers.

2.2.2. Additional Permits May Be Required

In addition to the development orders and permits listed in Table 2.2, an applicant may be required to acquire additional permits or approvals before beginning land disturbance on a site, including but not limited to the following:

[a] Building Permit;

[b] Right-of-Way Utilization Permit;

[c] Permits and registration requirements relating to Communication Facilities and Small Wireless Facilities (see Ch. 17.5, Communications, of the City Code).

[d] Site Construction Permit (see Procedures Manual).

SECTION 2.3. ADVISORY AND DECISION-MAKING BODIES AND PERSONS

2.3.1. Mayor

In addition to the authority granted to the Mayor by the City Charter, the Mayor shall have the power to sign an approved final subdivision plat and minor subdivision (see Sec. 2.5.2(b)) following approval by City Council.

2.3.2. City Council

In addition to the authority granted to City Council by the Florida Constitution, State law, and the City Charter, the City Council shall have the following powers and duties under this LDC:

(a) To review and decide the following:

(1) Sec. 2.5.1(a), Annexations;

(2) Sec. 2.5.1(b), Comprehensive Development Plan adoptions or amendments;

(3) Sec. 2.5.1(c), LDC Text amendments;

(4) Sec. 2.5.1(d), General Zone District Map amendments;

(5) Sec. 2.5.1(e), Site Specific Zone District Map amendments;

(6) Sec. 2.5.1(f), Planned Developments;

(7) Sec. 2.5.1(h), Development Agreements;

(8) Sec. 2.5.2(b), Major Subdivisions (Final Plat);

(9) Sec. 2.5.2(b), Minor Subdivisions, on the consent agenda;

(10) Sec. 2.5.3(f), Right-of-Way/Public Easement Abandonments;

(11) Sec. 2.5.4(b), Waiver; and

(12) Sec. 2.5.4(f), Vested Rights Determinations.

(b) To hear and decide appeals for the following:

(1) Sec. 2.5.3(a), Sign Permit appeals from the Planning and Zoning Commission (P&Z);

(2) Sec. 2.5.3(b), Shoreline Alteration Permits;

(3) Sec. 2.5.3(c), Wetland Alteration Permits;

(4) Sec. 2.5.3(d), Waterfront Structure Permits;

(5) Sec. 2.5.3(e), Vegetation and Tree Removal Permit;

(6) Sec. 2.5.3(h), Floodplain Development Permits;

(7) Sec. 2.5.4(a), Zoning Variances;

(8) Sec. 2.5.4(c), Administrative Adjustments; and

(9) Sec. 2.5.5, Interpretations.

(c) To establish a schedule of fees for development applications reviewed under this LDC. The schedule of fees shall be placed in the separate Procedures Manual maintained by the Community Development Director.

(d) To appoint and remove members of the Planning and Zoning Commission in accordance with state law.

2.3.3. Planning and Zoning Commission (P&Z)

(a) Establishment

The Planning and Zoning Commission (P&Z) is hereby established in accordance with State law and the City Charter.

(b) Powers and Duties under This LDC

The P&Z shall have the following powers and duties under this LDC.

(1) To review and decide the following:

(A) Sec. 2.5.1(g), Conditional Use Permits;

(B) Sec. 2.5.2(b), Major Subdivisions (Preliminary Subdivision Plan)

(C) Sec. 2.5.4(a), Zoning Variances; and

(D) Sec. 2.5.4(b), Waiver (in certain circumstances, see Sec. 2.5.4(b)).

(2) To review and make recommendations to the City Council on the following:

(A) Sec. 2.5.1(b), Comprehensive Plan adoptions or amendments;

(B) Sec. 2.5.1(c), LDC Text amendments;

(C) Sec. 2.5.1(d), General Zone District Map amendments;

(D) Sec. 2.5.1(e), Site-Specific Zone District Map amendments;

(E) Sec. 2.5.1(f), Planned Developments;

(F) Sec. 2.5.1(h), Development Agreements; and

(G) Sec. 2.5.4(b), Waiver (in certain circumstances, see Sec. 2.5.4(b)).

(3) To hear and decide appeals for the following:

(A) Sec. 2.5.3(a), Sign Permits.

(c) Other Powers and Duties

The P&Z shall have the following additional powers and duties under this LDC:

(1) To act as the Local Planning Agency (LPA) for the City under State law, and as the LPA to:

(A) Monitor and oversee the effectiveness and status of the comprehensive development plan and recommend to the City Council changes as may be needed from time to time;

(B) Recommend a comprehensive development plan or elements or portions to the City Council for adoption; and

(C) Conduct public hearings on proposed amendments to and evaluation of the comprehensive development plan; and

(2) To recommend to the City Council principles and policies for guiding action affecting development in the City and its environs.

(d) **Membership**

(1) The P&Z shall have five members who shall be appointed by the City Council. An additional member shall be a non-voting, *ex officio* representative appointed by the Orange County School Board, who attends meetings at which the P&Z considers comprehensive development plan amendments and zone district map amendments that propose to increase residential density on the property that is the subject of the application.

(2) No member shall be appointed who has private or personal interests likely to conflict with the general public interest.

(3) Each member of the P&Z shall reside within the City.

(4) Each member shall be appointed to a single three-year term. A member may be reappointed to a second three-year term. If a member is appointed to fill a vacancy in accordance with subsection (5) below, the appointment shall count as a term for purposes of this subsection if the term of appointment is at least 18 months.

(5) When a position becomes vacant before the end of the term, the City Council shall appoint a substitute member to fill the vacancy for the duration of the vacated term.

(6) A member may be removed by an affirmative vote of three members of the City Council.

(7) A member who is absent from three consecutive regular meetings, or from 50 percent of scheduled meetings in any continuous six-month period, shall be deemed to have resigned from the P&Z. The member shall be notified of the vacancy and may reapply.

(8) The members of the P&Z shall annually elect a Chair and Vice-Chair from among its members.

(9) The Community Development Director shall provide clerical and administrative support to the P&Z as may be reasonably required for the proper performance of its duties.

(10) P&Z members shall receive no salary or fees, but may receive necessary travel, per diem, and other expenses while on official business for the City. The City Council shall make available to the P&Z such appropriations as it deems appropriate for expenses necessary in the conduct of P&Z duties.

(11) Members are bound by State law regarding government-in-the-sunshine and conflict of interest.

(e) Procedures

(1) Adoption of Rules

The P&Z shall adopt rules necessary to conduct its affairs, in keeping with the provisions of this LDC.

(2) Meetings

(A) Unless the Chair shall determine otherwise, regular meetings of the P&Z shall be held on the first Thursday of each month.

(B) Each meeting shall be held at a time determined by the P&Z, and shall take place in the City Council chambers or other appropriate meeting place in accordance with State law.

(C) Special meetings may be called by the Chair provided that 48 hours written notice is posted at City Hall. Special meetings may be held remotely provided the P&Z makes no decisions or recommendations and simultaneous live audio (and, if available, video) of the meeting is made available to the public through an online live stream.

(3) Minutes and Records

The P&Z shall keep minutes of its proceedings, showing the vote of each member upon each question. If a member is absent or fails to vote, the minutes shall reflect this fact. The P&Z shall also reflect in its minutes all official actions of the P&Z. The minutes shall be a public record and shall be filed in the office of the City Clerk.

(4) Quorum and Votes

The P&Z shall consider that a quorum is present when a simple majority of the total membership of the P&Z is in attendance. A meeting shall not be called to order unless a quorum is present. A quorum is not required for a work session provided no decisions or recommendations are made.

(5) Conflict of Interest

If a matter before the P&Z inures to the special private gain of one its members, that member shall declare a conflict of interest with the matter and, within 15 days of the declaration, shall file a memorandum of voting conflict with the Community Development Director that discloses the nature of the interest. The memorandum of voting conflict shall be attached to and made part of the P&Z's minutes.

2.3.4. Development Review Committee (DRC)

(a) Establishment

The Development Review Committee (DRC) is hereby established.

(b) Powers and Duties

The DRC shall have the following powers under this LDC.

(1) To review and decide the following:

(A) Sec. 2.5.2(a), Site Plans;

(B) Sec. 2.5.2(b), Minor Subdivisions, which if approved shall be placed on the City Council's consent agenda for final approval;

(C) Sec. 2.5.2(c), Lot Line Adjustments;

(D) Sec. 2.5.2(d), Lot Splits; and

(E) Sec. 2.5.4(b), Waiver (in certain circumstances, see Sec. 2.5.4(b)).

(2) To review and make recommendations to City Council or the P&Z on the following:

(A) Sec. 2.5.1(d), General Zone District Map amendments;

(B) Sec. 2.5.1(e), Site-Specific Zone District Map amendments;

(C) Sec. 2.5.1(f), Planned Developments;

(D) Sec. 2.5.1(g), Conditional Use Permits;

(E) Sec. 2.5.1(h), Development Agreements (Amendments);

(F) Sec. 2.5.2(b), Major Subdivisions (Preliminary Subdivision Plans);

(G) Sec. 2.5.2(b), Major Subdivisions (Final Plats);

(H) Sec. 2.5.3(f), Right-of-Way/Public Easement Abandonments;

(I) Sec. 2.5.4(a), Zoning Variances;

(J) Sec. 2.5.4(b), Waiver (in certain circumstances, see Sec. 2.5.4(b)); and

(K) Sec. 2.5.4(f), Vested Rights Determinations.

(3) To approve off-site parking arrangements (see Sec. 5.2.5(h)(2), Off-Site and Off-Site Shared Parking).

(4) To perform such other duties as from time to time may be assigned by the City Manager.

(c) **Membership**

The following persons, or their designees, shall be members of the DRC:

(1) The Community Development Director;

(2) The Chief of the Fire Department; and

(3) The Public Works Director.

(d) **Procedures**

(1) **Chair**

The Community Development Director shall serve as the Chair of the DRC.

(2) **Adoption of Rules**

The DRC shall adopt rules necessary to conduct its duties, in keeping with the provisions of this LDC.

(3) **Meetings**

Meetings shall be held at the call of the Chair and at such other times as the DRC may determine necessary. The DRC, at any meeting, may set a future meeting date. All meetings shall be open to the public.

(4) **Minutes and Records**

The DRC shall keep a summary of its proceedings including all official actions. The summary shall be a public record and shall be filed in the office of the City Clerk.

(5) **Quorum and Votes**

A quorum shall exist if a majority of the members are present at the meeting. The concurring vote of a majority of the quorum present at the meeting shall be required to take official action.

(6) **Conflict of Interest**

If a matter before the DRC inures to the special private gain of a member of the DRC, that member shall declare a conflict of interest with the matter. Within 15 days of the declaration, the member shall file a memorandum of voting conflict with the Community Development Director that discloses the nature of the interest. The memorandum of voting conflict shall be attached to and made part of the DRC meeting summary.

2.3.5. Community Development Director

(a) The Community Development Director is the head of the Community Development Department, which is responsible for the planning functions of the City and for administering this LDC. The Community Development Director, in conjunction with the Community Development Department, has the following general powers and duties under this LDC.

(1) To establish the requirements for the content and form and the submittal and review schedule for each type of development application reviewed under this LDC, and to place these requirements in a Procedures Manual.

(2) To update the Procedures Manual as needed to ensure effective and efficient development review and reflect updated fees and regulations adopted by the City Council;

(3) To serve as professional staff liaison to the City Council and the P&Z, and to provide technical assistance, as needed; and

(4) To maintain a record of all development applications reviewed under this LDC.

(b) The Community Development Director has the following additional powers and duties under this LDC.

(1) To review and decide the following:

(A) Sec. 2.5.1(f), Planned Developments (Minor Deviation)

(B) Sec. 2.5.1(h), Development Agreements (Minor Amendments).

(C) Sec. 2.5.2(a)(3)(K), approval of minor revisions to a Master Sign Plan as part of a Site Plan;

(D) Sec. 2.5.3(a), Sign Permits;

(E) Sec. 2.5.3(g); Short-Term Rental Unit Certificates; and

(F) Sec. 2.5.4(c), Administrative Adjustments.

(2) To review and make recommendations to City Council on Sec. 2.5.1(c), LDC Text Amendments;

(3) To make formal interpretations of this LDC in accordance with Sec. 2.5.5, Interpretations.

(4) To receive applications submitted in accordance with this LDC (Sec. 2.4.3, Application Submission) and conduct the determination of application completeness (Sec. 2.4.4, Determination of Application Completeness).

(5) To distribute completed applications for review in accordance with Sec. 2.4.5, Staff Review and Action.

(6) To perform staff review in accordance with Sec. 2.4.5(a), Staff Review and Opportunity to Revise Application, including making interpretations of this LDC as needed during the review of applications.

(7) To approve the timing of any neighborhood meeting held in accordance with Sec. 2.4.2, Neighborhood Meeting; and

(8) To assist in enforcement of this LDC in accordance with Article 9: Enforcement.

2.3.6. Public Works Director

The Public Works Director is the head of the Department of Public Works and serves under the direction of the City Manager. The Public Works Director shall have the following powers under this LDC:

(a) To review and decide the following, in conjunction with the Department of Public Works:

(1) Sec. 2.5.3(b), Shoreline Alteration Permits;

(2) Sec. 2.5.3(c), Wetland Alteration Permits;

(3) Sec. 2.5.3(d), Waterfront Structure Permits; and

(4) Sec. 2.5.3(e), Vegetation and Tree Removal Permit.

(b) To prepare and make recommendations to the City Council, P&Z, or the Community Development Director on development applications as set forth in this LDC.

(c) To serve as the Mobility Fee Administrator with responsibility for administration, implementation, and interpretation of Section 7.1, Mobility Fees, provided that the Public Works Director shall obtain approval, in writing from the City Manager, for any decisions made in accordance with Sec. 7.1.5, Mobility Fee Determination, through Sec. 7.1.8, Mobility Fee Credits, before those decisions can become effective.

(d) To make decisions on development engineering and design standards in accordance with Appendix A: Engineering and Design Manual.

2.3.7. Floodplain Administrator

See Sec. 5.7.3, Duties and Powers of the Floodplain Administrator.

SECTION 2.4. STANDARD APPLICATION PROCEDURES

2.4.1. Pre-Application Conference

(a) **Purpose**

The purpose of a pre-application conference is to provide an opportunity for the applicant to determine the submission requirements and the procedures and standards applicable to an anticipated application. A pre-application conference is also intended to provide an opportunity for City staff to become familiar with and offer the applicant preliminary comments about the scope, features, and impacts of the proposed development as it relates to the standards in this LDC.

(b) **Applicability**

(1) A pre-application conference is required to be held before submitting any of the following applications:

(A) Zone district map amendments not initiated by the City (Secs. 2.5.1(d), General Zone District Map Amendment and 2.5.1(e), Site-Specific Zone District Map Amendment);

(B) Sec. 2.5.1(f), Planned Developments;

(C) Sec. 2.5.1(g), Conditional Use Permits;

(D) Sec. 2.5.1(h), Development Agreements (Amendments and Minor Amendments);

(E) Sec. 2.5.2(a), Site Plans; and

(F) Sec. 2.5.2(b), Subdivisions (Preliminary Subdivision Plans).

(2) A pre-application conference is optional before submission of any other application.

(c) **Procedure**

(1) **Pre-Application Form**

At least ten days before the pre-application conference, the applicant shall submit to the Community Development Director a pre-application conference form in the format established by the Community Development Director. The pre-application form shall include a description of the proposed development, a conceptual site plan, and any other information requested in the form.

(2) Scheduling

Within a reasonable period of time after receipt of a request for a pre-application conference, the Community Development Director shall schedule the pre-application conference time and location.

(3) Staff Review

Prior to the pre-application conference, the Community Development Director shall review the pre-application form submitted by the applicant, and solicit input from other relevant City departments and DRC members as appropriate.

(4) Conference Proceedings

At the pre-application conference, the Community Development Director and other appropriate City staff shall seek any needed clarification from the applicant regarding the proposed application and identify any concerns, problems, or other factors the applicant should consider regarding the proposed application.

(d) Effect of Conference

The pre-application conference is intended as a means of facilitating the application review process. Any written comments or discussions held in accordance with this section are not binding on the City. Processing times for review of development applications do not begin until an application is submitted in accordance with Sec. 2.4.3, Application Submission, and determined to be complete in accordance with Sec. 2.4.4, Determination of Application Completeness.

2.4.2. Neighborhood Meeting

(a) Purpose

The purpose of the neighborhood meeting is to provide an opportunity early in the application process for landowners and neighboring residents to learn about a proposed development near their properties and provide input and concerns, and for the applicant and neighbors to resolve conflicts in an informal setting before the public review and hearing process begins.

(b) Applicability

(1) Except as provided in subsection (3) below, a neighborhood meeting shall be held before any of the following applications are submitted:

(A) Site-specific zone district map amendments not initiated by the City (Sec. 2.5.1(e), Site-Specific Zone District Map Amendment);

(B) Sec. 2.5.1(f), Planned Developments;

(C) Sec. 2.5.1(g), Conditional Use Permits; and

(D) Sec. 2.5.2(b), Subdivisions (Preliminary Subdivision Plans).

(2) A neighborhood meeting is optional before the submission of any other application.

(3) The Community Development Director may waive the requirement for a neighborhood meeting if it is determined that the application will not have a significant impact on surrounding land uses or public facilities.

(c) Procedure

(1) Meeting Location and Time

The neighborhood meeting shall be held at City Hall. An applicant shall coordinate with the Community Development Director regarding the availability of and reserving appropriate space. The meeting shall be scheduled to start between 6:00 PM and 8:00 PM on a weekday, and be held for a minimum of one hour.

(2) Notification

(A) Mailed Notice

The applicant shall mail notice of the meeting a minimum of 14 days in advance of the meeting, in a form and manner established in the Procedures Manual, to:

1. The Community Development Director;
2. The owner of land subject to the application (if different from the applicant); and
3. Any persons to whom mailed notice of a public hearing is required by Sec. 2.4.6(c)(2), Mailed Notice Requirement.

(B) Posted Notice

The applicant shall post notice of the neighborhood meeting on the land subject to the application at least 14 days before the date of the meeting, in a form established in the Procedures Manual.

(C) Content of Notice

The mailed, posted, and electronic notices shall state the time and place of the meeting, the purpose of the meeting, include a basic map identifying the land associated with the proposed development, summarize the general nature of the plan for development, provide a phone number or email address to contact to report any disabilities or interpretive services needed, and identify the type of development approval or permit sought.

(3) Conduct of the Meeting

The meeting shall be open to the public. At the meeting, the applicant shall explain the development proposal and application, describe the application review process, respond to questions and concerns that attendees raise about the proposed application, and discuss ways to resolve conflicts or concerns. City staff shall attend the meeting to answer questions about the LDC and the general development review process.

(4) Written Summary of Meeting

After the conclusion of the meeting, the applicant shall prepare a written summary of the meeting that includes a list of meeting attendees, a summary of attendee comments and issues discussed related to the development proposal, and any other information the applicant deems appropriate. The meeting summary shall be included with the application materials and shall become part of the application record.

(5) Response to Summary

Any person attending the neighborhood meeting may submit a written response to the applicant's meeting summary after the application is determined complete. The response may state that person's understanding of attendee comments, discuss issues related to the development proposal, and include any other information deemed appropriate. The written response shall be submitted to the Community Development Director. All such written responses shall be appended to the staff report.

(6) Application Submission

An application for which a neighborhood meeting is required in accordance with subsection (b) above is required to be submitted within six months of the neighborhood meeting. If the application is not submitted within six months of the neighborhood meeting, a new neighborhood meeting shall be required to be held in accordance with this section before an application may be submitted.

2.4.3. Application Submission

(a) General

All applications shall be submitted to the Community Development Director in accordance with the requirements of this section.

(b) Authority to File Applications

(1) Applications shall be submitted by:

(A) The landowner or the landowner's authorized agent; or

(B) Any other person or entity having a recognized property interest in the land upon which the development is proposed, or their authorized agent.

(2) If the applicant is an authorized agent, the applicant shall provide a notarized letter of authorization from each landowner or person or entity with a recognized property interest.

(c) Application Contents and Form

The application contents and form shall be in accordance with requirements established by the Community Development Director in the Procedures Manual.

(d) Fees

The application fees and pass-through fees required for each type of application submitted under this LDC shall be established by City Council and included in the Procedures Manual. No application is complete until all required fees are paid in full.

(e) Deposit

No application is complete until any deposit required in accordance with the Procedures Manual is paid to the City.

(f) Schedule and Review

The schedule for application submission and review, including time frames for review, shall be established for each application type by the Community Development Director and included in the Procedures Manual.

(g) Revision of Application

(1) An applicant may submit a revised application after receiving initial staff review comments on the application or on requesting and receiving permission from an advisory or decision-making body after that body has reviewed but not yet taken action on the application. Revisions shall be limited to changes that directly respond to specific requests or suggestions made by the Community Development Director or the advisory or decision-making body, as long as they constitute only minor additions, deletions, or corrections, and do not include significant substantive changes to the plan for development proposed in the application.

(2) Any other revisions to the application may be submitted at any time during the review procedure, but the revised application shall be submitted and reviewed as if it were a new application, and may be subject to additional application fees to defray the additional costs of processing the revised application, at the Community Development Director's discretion.

(h) Withdrawal of Application

(1) An applicant may withdraw an application at any time by submitting a letter of withdrawal to the Community Development Director. Application fees shall not be refunded for withdrawn applications.

(2) If an applicant requests or causes continuing postponement of submissions or actions required to complete the application review process, and such postponement causes inaction for six or more months in the review of the application, the application shall be considered withdrawn and the Community Development Director shall notify the applicant in writing.

(i) Simultaneous Processing of Applications

Whenever two or more forms of review and approval are required under this LDC, at the applicant's request and at the discretion of the Community Development Director, the applications for those development approvals or permits may be processed simultaneously

as long as all applicable state and local requirements are satisfied. Simultaneous processing of applications may result in additional fees to the applicant.

2.4.4. Determination of Application Completeness and Sufficiency

(a) Completeness Review

Within five business days after submittal of an application, the Community Development Director shall determine whether the application is complete or incomplete. A complete application is one that:

(1) Contains all application content requirements established for the particular type of application in accordance with Sec. 2.4.3(c), Application Contents and Form;

(2) Is in the form required for submittal of the particular type of application in accordance with Sec. 2.4.3(c), Application Contents and Form;

(3) Includes information in sufficient detail to evaluate the application to determine whether it complies with the appropriate substantive standards of this LDC; and

(4) Is accompanied by the application and pass-through fees established for the particular type of application in accordance with Sec. 2.4.3(d), Fees, and a deposit if required in the Procedures Manual.

(b) Application Incomplete

(1) If it is determined the application is incomplete, the Community Development Director shall send written notice to the applicant of the submittal deficiencies and advise that review of the application shall not proceed until a complete application is submitted. The applicant may correct the deficiencies and resubmit the application for completeness determination.

(2) If the applicant fails to resubmit an incomplete application within 30 days after being notified of submittal deficiencies, and the applicant has not requested and received an extension from the Community Development Director for good cause shown, the application shall be considered withdrawn.

(3) Notwithstanding the other provisions of this subsection, after an application is determined to be incomplete three times, the applicant may request, and the Community Development Director shall undertake, processing and review of the application.

(c) Application Complete

If the application is determined complete, or if the applicant has requested that the application be processed in accordance with subsection (b)(3) above, the application shall be reviewed in accordance with the procedures and standards of this Section 2.4.

2.4.5. Staff Review and Action

(a) Staff Review and Opportunity to Revise Application

(1) The Community Development Director shall distribute the completed application to appropriate City staff and review agencies for review and comment.

(2) The Community Development Director shall review the application, relevant support material, and any comments or recommendations from City staff and any other review agencies to which the application was referred. If deficiencies in complying with the applicable review standards of this LDC are identified, the Community Development Director shall notify the applicant of the deficiencies and provide the applicant a reasonable opportunity to discuss the deficiencies and revise the application to address them, in accordance with Sec. 2.4.3(g), Revision of Application.

(b) Application Subject to Staff Recommendation and Report

(1) Community Development Director or DRC Report and Recommendation

If an application is to be reviewed by or a recommendation given by the Community Development Director or the DRC, City staff designated by the Community Development or DRC, if applicable, shall, following completion of staff review, prepare a staff report that addresses the application's compliance with applicable review standards and provide the staff report to the Community Development Director or DRC, as applicable. The Community Development Director or DRC, if applicable, shall then recommend action on the application, including any recommended modifications or conditions of approval.

(2) Distribution and Availability of Application and Staff Report

After completion of the staff report in subsection (1) above, the Community Development Director shall transmit the application and staff report to the appropriate advisory or decision-making body. The Community Development Director shall also provide the applicant a copy of the staff report and make a copy of the staff report available for examination by the public within a reasonable time before the hearing on the application.

(c) Application Subject to Decision by Staff

(1) Decision

If an application is subject to a final decision by the Community Development Director, the DRC, or the Public Works Director, the Community Development Director, the DRC, or Public Works Director, as appropriate, shall make a decision on the application, consisting of one of the allowed decisions in and based on the review standards in Section 2.5, Application-Specific Review Procedures and Decision Standards, for the specific type of application.

(2) Conditions of Approval

If permitted for the particular type of application in accordance with Section 2.5, Application-Specific Review Procedures and Decision Standards, approval of an application may be subject to conditions of approval. Any conditions of approval shall be expressly set forth in the approval, shall be limited to conditions deemed necessary to ensure compliance with the requirements and particular standards of this LDC, and shall relate in both type and scope to the anticipated impacts of the proposed development.

2.4.6. Scheduling of Public Hearing and Notification

(a) Public Hearing Scheduling

(1) Table 2.4.6(a): Required Public Hearings, summarizes the types of applications that require public hearing(s) under this LDC, the review bodies responsible for conducting those public hearing(s), and the type of public hearing(s) (standard or quasi-judicial). In the table, "S" indicates that the public hearing will be a standard type that follows the procedure set forth in Sec. 2.4.7(b), Standard Public Hearings. "Q" indicates that the public-hearing will be quasi-judicial and will follow the procedure set forth in Sec. 2.4.7(c), Quasi-Judicial Hearing Procedures.

Table 2.4.6(a): Required Public Hearings
S = Standard Q = Quasi-judicial

Procedure	P&Z	City Council
Annexation	See Ch. 171, Fla. Stat.	
Comprehensive Development Plan Adoption or Amendment	See Ch. 163, Fla. Stat.	
LDC Text Amendment	S	S
General Zone District Map Amendment	S	S [1]
Site-Specific Zone District Map Amendment	Q	Q
Planned Development	Q	Q
Conditional Use Permit	Q	
Development Agreements	See Sec. 163.3220 *et seq*., Fla. Stat.	
Development Agreement Amendment	S	S
Preliminary Subdivision Plan (Preliminary Plat)	Q	
ROW/Public Easement Abandonment		Q
Zoning Variance	Q	
Waiver	Q	Q
Appeal to City Council		Q
Appeals to Planning and Zoning Commission	Q	
Vested Rights Determination	S	S

Table 2.4.6(a): Required Public Hearings S = Standard Q = Quasi-judicial		
Procedure	**P&Z**	**City Council**
NOTES [1] Two public hearings before City Council are required if the application involves a request to rezone 10 or more contiguous acres.		

(2) If an application is subject to a public hearing, the Community Development Director shall ensure that the hearing on the application is scheduled for a regularly scheduled or specially called meeting of the body conducting the hearing.

(3) The hearing on the application shall be scheduled to allow sufficient time for preparation and distribution of any required staff report (see Sec. 2.4.5(b)(2), Distribution and Availability of Application and Staff Report) and for public notification in accordance with this section and Table 2.4.6(b): Public Notification Requirements.

(b) Public Notification

Notification of a public hearing on an application shall be as required by the Florida Statutes and this LDC as shown in Table 2.4.6(b): Public Notification Requirements. Computation of the required time periods shall be in accordance with Sec. 10.1.4, Computation of Time.

Table 2.4.6(b): Public Notification Requirements			
Application Type	**Notice of Public Hearing Required [1]**		
	Published [2]	**Mailed**	**Posted [3]**
Standard Process [4]	Publish 10 calendar days before first hearing of P&Z or City Council, as applicable	Mail notice 15 days before first P&Z hearing	Posted on the property 10 days before first hearing of P&Z or City Council, as applicable
Annexation	Ch. 171, Fla. Stat.		
Comprehensive Development Plan Adoption or Amendment	Ch. 163, Fla. Stat.		
Development Agreement	Sec. 163.3220 *et seq.*, Fla. Stat.		
LDC Text Amendment, except for LDC Text Amendments to revise listed uses	Standard Process	None	None
City-initiated Zone District Map Amendment (including Planned Development) involving less than 10 contiguous acres	Standard Process	Mail notice of public hearing 30 calendar days before first City Council hearing to all land owners whose land will be rezoned	Standard Process

Table 2.4.6(b): Public Notification Requirements			
Application Type	**Notice of Public Hearing Required [1]**		
	Published [2]	**Mailed**	**Posted [3]**
City-initiated Zone District Map Amendment (including Planned Developments) involving 10 or more contiguous acres, and an LDC Text Amendment to revise listed uses	Publish 10 calendar days before first hearing of P&Z, first City Council hearing, and second City Council hearing	None	None
General and Site-Specific Zone District Map Amendment initiated by person other than City Planned Development Conditional Use Permit Preliminary Subdivision Plan	Standard Process	Standard Process	Standard Process
Right-of-way/Public Easement Abandonment	Standard Process	None	None
Development agreement amendment	Standard Process	Standard Process	None
Zoning Variance Waiver Vested Rights Determination	Standard Process	Standard Process	Standard Process

NOTES:

[1] The time requirements are minimums; notices may be published, mailed, or posted further in advance of the listed deadlines. See subsection (c) below for details of the content and other requirements applicable to each type of notice. The term "Day" is defined in Section 10.1.4, Computation of Time.

[2] A published notice shall be a notice of public hearing published in a newspaper of general circulation in the City.

[3] All notices required to be published, mailed, or posted on land shall also be posted on the City's website by the Community Development Department.

[4] Default notification requirements apply as listed below for each application type.

[c] Public Notice Requirement

All public notices required to be issued in accordance with Table 2.4.6(b): Public Notification Requirements, shall comply with the following:

[1] Published Notice Requirement

(A) The Community Development Director shall cause a required notice of a public hearing on an application to be prepared and published in a newspaper having general circulation in the City.

(B) Where published notice is required in accordance with Sec. 166.041, Fla. Stat., the size and format of the notice shall comply with the requirements of that statute.

[2] Mailed Notice Requirement

(A) Mailed notice shall be sent by the Community Development Director by first class mail to the following:

1. Owner(s) of land subject to the application (if other than the applicant); and

2. Owners of real property within 500 feet of the land subject to an application.

(B) The owner names and addresses of neighboring property shall be those shown on the current ad valorem tax rolls of Orange County.

(C) Where neighboring property is part of a townhome, condominium, or timeshare development, the notice may be mailed to the president or manager of the development's property owners association instead of individual owners.

(D) The notice shall be sent electronically to addresses that have been registered in accordance with subsection (8) below.

[3] Posted Notice Requirement

(A) The applicant shall place posted notice on the land subject to the application, at a location adjacent to each abutting street that is clearly visible to traffic along the street. If no part of the subject land abuts a street, then the notice shall be posted in the right-of-way of the nearest street, and in a manner consistent with the intent of the provisions of this LDC.

(B) Posted notice shall be in a manner established by the Community Development Director.

(C) The applicant shall make reasonable efforts to ensure that posted notice is maintained in place until after a final decision on the subject application is rendered by the decision-making body.

(D) The posted notice shall be removed by staff within 14 days after P&Z's recommendation or decision.

[4] Content of Notice

The public notice shall, at a minimum:

(A) Identify the application;

(B) Describe the nature and scope of the proposed development or action;

(C) Identify the location of land subject to the application (not applicable to notices posted on the subject property);

(D) Identify the date, time, and location of the public hearing(s) being noticed;

(E) Indicate how and where written comments on the application may be submitted before the hearing;

(F) Indicate how and where additional information about the application and review process may be obtained; and

(G) Comply with any other notice content requirements established by state law.

[5] Affidavit of Notice Posted

The applicant shall sign an affidavit affirming that any required notices of a public hearing for which the applicant was responsible for providing were provided in accordance with the requirements of this subsection and state law. The affidavit, along with any documentation that the Procedures Manual requires to prove compliance with notice requirements, shall be submitted to the Community Development Director at least three business days before the hearing date. The affidavit shall be in a form established by the Community Development Director.

[6] Availability of Hearing Notice for Public Inspection

The Community Development Director shall keep a copy of the required published and mailed notices of a public hearing and make them available for inspection by the public during normal business hours.

[7] Responsibility for Cost of Notice

The applicant shall be responsible for all costs of providing required public notices.

[8] Registration to Receive Notice Electronically

Any person or organization in the City may register to receive electronic notification (e.g., via email) of all applications that require notice in accordance with this section.

2.4.7. Public Hearing Procedures

If the application is subject to a public hearing by an advisory or decision-making body, the advisory or decision-making body shall hold the public hearing in accordance with the following procedures, as appropriate to the type of hearing.

[a] General Procedures

[1] Rights of All Persons

Any person may appear at the public hearing and submit documents, materials, and other written or oral testimony, either individually or as a representative of an organization. Persons speaking at the hearing shall identify themselves, state their home

or business address, and, if appearing on behalf of a person or organization, state the name and mailing address of the person or organization they represent.

[2] **Restrictions on Presentations**

The body conducting the public hearing may place reasonable and equitable time restrictions on the presentation of testimony and the submittal of documents and other materials.

[3] **Continuance of Hearing**

The body conducting the public hearing may, on its own motion, continue the public hearing to a fixed date, time, and place, for good cause.

[4] **Record of Hearing Proceedings**

The body conducting the public hearing shall record the proceedings by any appropriate means. If a video or sound recording is made, any person shall be entitled to watch or listen to the recording at a reasonable time.

[5] **Burden of Proof and Persuasion**

The applicant bears the burden of demonstrating that an application complies with applicable review standards. The burden is not on the City or other parties to show that the standards are met by the applicant.

[b] **Standard Public Hearings**

If the public hearing is a standard hearing, the hearing shall be subject to the following order of proceedings:

[1] **Opening of Hearing**

The person chairing the body conducting the hearing shall open the public hearing.

[2] **Staff Presentation**

The Community Development Director shall provide a brief introductory narrative and/or graphic description of the application and present the staff report and any prior staff, DRC, or P&Z findings and recommendations, as appropriate. Members of the body conducting the hearing may ask questions.

[3] **Applicant Presentation**

The applicant or the applicant's representative shall present any information the applicant deems appropriate, including testimony of witnesses. Members of the body conducting the hearing may ask questions of the applicant, the applicant's representative, or the witnesses.

[4] **Public Comment**

Any person other than the applicant or the applicant's representatives or witnesses may be permitted to speak in support of or in opposition to the application.

[5] Response to Presentations and Comments

(A) The applicant may respond to any comments, documents, or materials presented by the public.

(B) The Community Development Director may respond to any comments, documents, or materials presented by the applicant or the public.

[6] Close of Hearing

The person chairing the body conducting the hearing shall close the public hearing.

[C] Quasi-Judicial Hearing Procedures

[1] Order of Proceedings

If the public hearing is a quasi-judicial hearing, the hearing shall be subject to the following order of proceedings:

(A) Opening of Hearing

The person chairing the body conducting the hearing shall open the public hearing.

(B) Swearing in or Affirmation of Witnesses

The person chairing the body conducting the hearing or the City Attorney shall swear in or affirm all persons who will testify at the hearing, if requested by any party.

(C) Staff Presentation

The Community Development Director shall provide a brief introductory narrative and/or graphic description of the application and present the staff report and any prior DRC or P&Z findings and recommendations, including testimony of witnesses. Members of the body conducting the hearing may ask questions of each witness after the witness's presentation. The applicant and affected parties may also ask questions of each witness.

(D) Applicant Presentation

The applicant or the applicant's representatives shall present any information the applicant deems appropriate, including testimony of witnesses. Members of the body conducting the hearing may ask questions of each witness after the witness's presentation. The Community Development Director and affected parties may also ask questions of each witness.

(E) Affected Parties Presentation

A party aggrieved or adversely affected by the proposed application may present any information the party deems appropriate, including testimony of witnesses. Members of the body conducting the hearing may ask questions of each witness after the witness's presentation. The Community Development Director and the applicant may also ask questions of each witness.

(F) Public Comment

Any person other than the applicant or the applicant's representatives or witnesses may be permitted to speak in support of or in opposition to the application. Members of the body conducting the hearing may ask questions of each witness after the witness's presentation. The Community Development Director, the applicant, and affected parties may also ask questions of each witness.

(G) Responses to Presentations and Comments

1. The applicant may respond to any testimony, comments, documents, or materials presented by the Community Development Director, affected parties, or the public.
2. A party aggrieved or adversely affected by the proposed application may respond to any testimony, comments, documents, or materials presented by the Community Development Director, the applicant, or the public.
3. The Community Development Director may respond to any testimony, comments, documents, or materials presented by the applicant, a party aggrieved or adversely affected by the proposed application, or the public.

(H) Conclusions

Affected parties, the applicant, and the Community Development Director may present brief conclusionary statements.

(I) Close of Hearings

The person chairing the body conducting the hearing shall close the public hearing.

[2] Evidence

The body conducting the hearing may consider all testimony and evidence it deems competent and substantial to the application, and may exclude testimony or evidence it determines to be irrelevant, immaterial, incompetent, unreliable, or unduly repetitious.

[3] Cross-Examination

Any inquiry under cross-examination shall be limited to matters raised in the direct examination of the witness. No re-direct or re-cross shall be allowed unless requested by the applicant, an affected party, or the Community Development Director along with a statement of the desired area of inquiry, and the request is approved by the person chairing the body conducting the hearing. If re-direct or re-cross is allowed, it shall be limited to questions of the witness on issues raised in the cross-examination.

[4] Public Hearing Record

The public hearing record shall include the application, the staff report, this LDC, the comprehensive development plan, any other applicable adopted City Plans, any DRC or P&Z proceedings and recommendations on the application, all testimony offered at the hearing, and all written materials concerning the application presented or entered into

the record at the hearing by the Community Development Director, the applicant, affected parties, or the public.

2.4.8. Advisory Board Review and Recommendation

If an application is subject to a recommendation by the P&Z, the P&Z shall review and act on the application in accordance with the requirements in this subsection.

(a) General

The P&Z shall hold any required public hearing in accordance with Sec. 2.4.7, Public Hearing Procedures. At the hearing, the P&Z shall consider the application, relevant support materials, the staff report, and any public comments, and then recommend one of the decisions authorized for the particular type of application, based on the decision standards applicable for the application type, as set forth in Section 2.5, Application-Specific Review Procedures and Decision Standards.

(b) Statement of Basis for Recommended Decision

The P&Z's recommendation shall state the basis or rationale for the recommended decision.

(c) Timing

The P&Z shall take action within any time period specified in Section 2.5, Application-Specific Review Procedures and Decision Standards, for the type of application.

(d) Conditions of Approval

If permitted for the particular type of application as set forth in Section 2.5, Application-Specific Review Procedures and Decision Standards, the P&Z may recommend conditions of approval. Conditions of approval shall relate in both type and extent to the anticipated impacts of the proposed development.

2.4.9. Decision-Making Body Hearing, Review, and Decision

If an application is subject to a final decision by City Council or the P&Z, the decision-making body shall review and decide the application in accordance with the following procedures.

(a) Timing

The decision-making body shall review and decide the application within 120 days of the determination that the application is complete in accordance with Sec. 2.4.4, Determination of Application Completeness and Sufficiency, or 180 days from the determination that the application is complete if the application requires a public hearing. The applicant and the City may agree to an extension of the required time frame.

(b) Review and Decision

(1) The decision-making body shall hold any required public hearing in accordance with Sec. 2.4.7, Public Hearing Procedures, and shall consider the application, relevant support materials, the staff report, any staff, DRC, or P&Z recommendations (if applicable), and any public comments, materials, information, and testimony entered

into the record at the hearing. It shall then make one of the decisions authorized for the particular type of application, based on the review standards applicable to the application type, as set forth in Section 2.5, Application-Specific Review Procedures and Decision Standards. The decision-making body shall issue a written decision that states the factors considered in its decision and the basis or rationale for the decision.

(2) In addition, if the application is subject to a quasi–judicial public hearing, the decision-making body's review and decision shall be based on whether the application meets all applicable requirements of this LDC, based on the entirety of the record before the decision-making body.

(3) If the City Council is the decision-making body, it may remand the application to the P&Z for further consideration of any issue before making its decision.

(c) Conditions of Approval

If permitted for a particular type of application in accordance with Section 2.5, Application-Specific Review Procedures and Decision Standards, approval of an application may be with conditions of approval. Conditions of approval must relate in both type and extent to the anticipated impacts of the proposed development.

(d) Effect of Approval

Approval of an application in accordance with this LDC authorizes only the particular use, plan, or other specific activity approved, and not any other development requiring separate application and approval. In the event that one development approval or permit is a prerequisite to another development approval or permit (e.g., variance approval prior to a site plan), development may not take place until all required approvals or permits are obtained. Approval of one development application does not necessarily guarantee approval of any subsequent development application.

2.4.10. Notification to Applicant of Decision

Within 14 calendar days after a final decision on an application, or sooner if required for a particular type of application in accordance with Section 2.5, Application-Specific Review Procedures and Decision Standards, the Community Development Director or Public Works Director shall provide the applicant written notice of the decision and make a copy of the decision available to the public in the Community Development Department or the Department of Public Works.

2.4.11. Post-Decision Limitations and Actions

(a) Appeal

(1) A party aggrieved or adversely affected by a final decision may appeal the decision in accordance with the procedures and standards in Sec. 2.5.4(d), Appeals to City Council or Sec. 2.5.4(e), Appeals to Planning & Zoning Commission (P&Z), as specified in Section 2.5, Application-Specific Review Procedures and Decision Standards, for the particular type of application procedure.

(A) Appeal may be taken to City Council on final decisions on the following applications:

1. Shoreline alteration permits, see Sec. 2.5.3(b);

2. Wetland alteration permits, see Sec. 2.5.3(c);

3. Waterfront structure permits, see Sec. 2.5.3(d);

4. Vegetation and tree removal permits, see Sec. 2.5.3(e);

5. Floodplain development permits, see Sec. 2.5.3(h);

6. Zoning variance, see Sec. 2.5.4(a);

7. Administrative adjustments, see Sec. 2.5.4(c);

8. Interpretations, see Sec. 2.5.5; and

9. Sign permit appeals by the P&Z, see Sec. 2.5.3(a).

(B) Appeal may be taken to the P&Z on final decisions on the following applications:

1. Sign permits, see Sec. 2.5.3(a).

(2) A party aggrieved or adversely affected by any decision for which no further relief is provided by this LDC may seek review of the decision in the courts in accordance with applicable state law.

(b) Lapse of Development Order

(1) Development orders shall expire as provided in Section 2.5, Application-Specific Review Procedures and Decision Standards, for each type of application. If no expiration period is provided for the specific type of development order, and if no expiration period is imposed as part of the approval by the decision-making body, the development order shall expire if a building permit is not obtained within two years.

(2) A change in ownership of the land that is the subject of a development order shall not affect the established expiration time period for the development order.

(3) A one-year extension of the expiration time period for a specific development order may be awarded by the decision-making body that granted the development order upon the applicant's submission of a written request for extension to the Community Development Director before the expiration date, and a showing of good cause.

(c) Modification of Development Order

Except as otherwise provided in Section 2.5, Application-Specific Review Procedures and Decision Standards, for the particular type of application, any modifications of a development order shall require a new application for an amendment to the development order. Any such amendment shall be submitted and reviewed in accordance with the procedures in the LDC that would apply to an original approval.

(d) Limit on Subsequent Similar Applications

(1) General

If an application requiring a public hearing is denied, no application proposing the same or similar development on all or part of the same land shall be submitted within one year after the date of denial unless the decision-making body waives this time limit in accordance with subsection (2) below.

(2) Exception

The owner of land subject to the time limit provided in subsection (1) above, or the owner's authorized agent, may submit a written request for waiver of the time limit to the Community Development Director, who shall transmit the request to the decision-making body. The decision-making body may grant a waiver of the time limit only on a finding by two-thirds of its membership that the owner or agent has demonstrated one of the following:

(A) There is a substantial change in circumstances relevant to the issues or facts considered during review of the prior application that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application;

(B) New or additional information is available that was not available at the time of review of the prior application and that might reasonably affect the decision-making body's application of the relevant review standards to the development proposed in the new application;

(C) The new application proposed to be submitted is materially different from the prior application; or

(D) The final decision on the prior application was based on a material mistake of fact.

SECTION 2.5. APPLICATION-SPECIFIC REVIEW PROCEDURES AND DECISION STANDARDS

2.5.1. Discretionary Approvals

(a) Annexation

See Ch. 171, Fla Stat.

(b) Comprehensive Development Plan Adoption or Amendment

See Ch. 163, Fla. Stat., including the Community Planning Act, Sec. 163.3161 *et. seq*.

(c) LDC Text Amendment

(1) Purpose

The purpose of this section is to provide a uniform mechanism for amending the text of the LDC whenever the public necessity, convenience, general welfare, comprehensive development plan, or appropriate land use practices justify or require doing so.

(2) LDC Text Amendment Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an LDC text amendment. Figure 2.5.1(c)(2) identifies key steps in the LDC text amendment procedure.

Figure 2.5.1(c)(2): Summary of LDC Text Amendment Procedure



(A) Pre-Application Conference

Optional for a proposed LDC text amendment submitted by a person other than the City, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Not applicable. Instead, an applicant other than the City may submit a proposed LDC text amendment to the Community Development Department along with supporting material.

(D) Determination of Application Completeness and Sufficiency

Not applicable.

(E) Initial City Council Review

For a proposed LDC text amendment submitted by a person other than the City, the City Council shall decide at a meeting whether to consider the requested amendment. If the City Council votes to consider the requested amendment, review of the application shall continue in accordance with subsection (F) below. If the City Council does not vote to consider the requested amendment, the application fee shall be returned to the applicant and the application shall not be further considered.

(F) Staff Review and Action

Applicable for a proposed LDC text amendment submitted by a person other than the City, see Sec. 2.4.5, if the City Council decides to consider the application. In

such a case, the Community Development Director shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (3) below.

(G) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(H) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(I) Advisory Board Review and Recommendation

Applicable, see Sec. 2.4.8. The P&Z reviews the application at a standard public hearing and makes a recommendation based on the review standards in subsection (3) below.

(J) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The City Council reviews the application at one standard public hearing (or two standard public hearings if required by Sec. 166.041, Fla. Stat.) and makes a decision based on the review standards in subsection (3) below. The City Council's decision shall be one of the following:

1. Adopt the text amendment as proposed;

2. Adopt the text amendment with modifications; or

3. Deny adoption of the text amendment.

(K) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(L) Post-Decision Limitations and Actions

Not applicable. If the LDC text amendment is adopted by the City Council, the Community Development Director shall place the amendment in the LDC within a reasonable period of time after its adoption. Approval of the LDC text amendment shall not expire, but the amended text of the LDC is subject to further amendment in accordance with the procedures and standards of this section.

(3) LDC Text Amendment Review Standards

The advisability of amending the text of the LDC is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed text amendment, the City Council shall weigh the relevance of and consider whether and the extent to which the proposed text amendment:

(A) Is consistent with the comprehensive development plan and furthers its goals, objectives, and policies;

(B) Is in conflict with any provision of this LDC and the City Code;

(C) Is required by changed conditions;

(D) Addresses a demonstrated community need;

(E) Is consistent with the purpose and intent of the zone districts, or would improve compatibility among uses;

(F) Would result in a logical and orderly development pattern;

(G) Would result in significantly adverse impacts on the natural environment, including but not limited to water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

(H) Would adversely impact the availability of public facilities to accommodate new growth and development.

[d] General Zone District Map Amendment

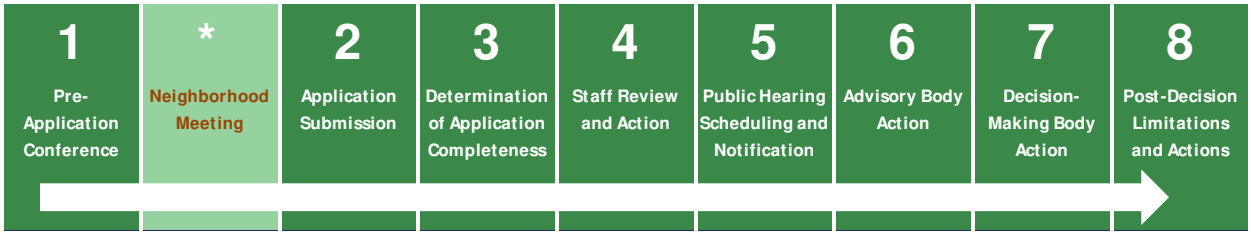
[1] Purpose

The purpose of this section is to provide a uniform mechanism for reviewing and deciding proposed general amendments to the Official Zone District Map whenever the public necessity, convenience, general welfare, comprehensive development plan, or appropriate land use policies justify or require doing so.

[2] General Zone District Map Amendment Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a general zone district map amendment. Figure 2.5.1(d)(2) identifies key steps in the general zone district map amendment procedure.

Figure 2.5.1(d)(2): Summary of General Zone District Map Amendment Procedure



(A) Pre-Application Conference

Applicable, see Sec. 2.4.1.

(B) Neighborhood Meeting

Applicable if submitted by a person other than the City, see Sec. 2.4.2.

(C) Application Submission

Applicable, see Sec. 2.4.3. Applications may also be submitted by the City.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (3) below.

(F) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(H) Advisory Board Review and Recommendation

Applicable, see Sec. 2.4.8. The P&Z reviews the application at a standard public hearing and makes a recommendation based on the review standards in subsection (3) below.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The City Council shall review the application at one standard public hearing or two public hearings if the application proposes to rezone 10 or more acres, and make a decision based on the review standards in subsection (3) below. The City Council's decision shall be one of the following:

1. Approval of the application as submitted;
2. Approval of the application with a reduction of the area proposed to be amended;
3. Approval of an amendment to a base zone district or districts that limits development to lower intensities than the base zone district or districts initially proposed; or
4. Denial of the application.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. If a general amendment to the Official Zone District Map is adopted by the City Council, the Community Development Director shall place the amendment on the Official Zone District Map within a reasonable period of time after its adoption. Designation of a zone district on the Official Zone District Map shall note the ordinance approving the zone district classification.
2. Approval of a general amendment to the Official Zone District Map shall not expire, but the Official Zone District Map is subject to further amendment in accordance with the procedures and standards of this LDC.

[3] General Zone District Map Amendment Review Standards

The advisability of amending the Official Zone District Map is a matter committed to the legislative discretion of the City Council and is not controlled by any one factor. In determining whether to adopt or deny the proposed amendment to the Official Zone District Map, the City Council shall weigh the relevance of and consider whether and the extent to which the amendment:

(A) Is consistent with the comprehensive development plan and furthers its goals, objectives, and policies;

(B) Is consistent with the goals, objectives, and policies of other City plans;

(C) Is not in conflict with any provisions of this LDC;

(D) Is required by changed conditions;

(E) Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land;

(F) Would result in a logical and orderly development pattern;

(G) Would not result in significant adverse impacts on the natural environment—including but not limited to water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

(H) Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).

[e] Site-Specific Zone District Map Amendment

[1] Purpose

The purpose of this section is to provide a uniform mechanism for reviewing and deciding proposed site-specific amendments to the Official Zone District Map whenever the public necessity, convenience, general welfare, comprehensive development plan, or appropriate land use policies justify or require doing so.

[2] Site-Specific Zone District Map Amendment Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a site-specific zone district map amendment. Figure 2.5.1(e)(2) identifies key steps in the site-specific zone district map amendment procedure.

Figure 2.5.1(e)(2): Summary of Site-Specific Zone District Map Amendment Procedure



(A) Pre-Application Conference

Applicable, see Sec. 2.4.1.

(B) Neighborhood Meeting

Applicable, see Sec. 2.4.2.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (3) below.

(F) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(H) Advisory Board Review and Recommendation

Applicable, see Sec. 2.4.8. The P&Z shall review the application at a quasi-judicial public hearing and make a recommendation based on the review standards in subsection (3) below.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The City Council shall review the application at a quasi-judicial public hearing and make a decision based on the review standards in subsection (3) below. The City Council's decision shall be one of the following:

1. Approval of the application as submitted;

2. Approval of the application with a reduction of the area proposed to be amended; or

3. Denial of the application.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. If a site-specific zone district map amendment to the Official Zone District Map is adopted by the City Council, the Community Development Director shall place the amendment on the Official Zone District Map within a reasonable

period of time after its adoption. Designation of a zone district on the Official Zone District Map shall note the ordinance approving the zoning district classification.

2. Approval of a site-specific zone district map amendment to the Official Zone District Map shall not expire, but the Official Zone District Map of the LDC is subject to further amendment in accordance with the procedures and standards of this LDC.

[3] Site-Specific Zone District Map Amendment Review Standards

Site-specific amendments to the Official Zone District Map are a matter subject to quasi-judicial review by the City Council and constitute the implementation of the general land use policies established in this LDC and the comprehensive development plan. In determining whether to adopt or deny a proposed site-specific zone district map amendment, the City shall consider:

(A) Whether the applicant has provided, as part of the record of the public hearing(s) on the application, competent substantial evidence that the proposed amendment:

1. Is consistent with the comprehensive development plan and furthers its goals, objectives, and policies;

2. Is consistent with the goals, objectives, and policies of other City plans;

3. Is not in conflict with any provisions of this LDC;

4. Is compatible with existing and proposed uses surrounding the subject land, and is the appropriate zone district for the land;

5. Addresses a demonstrated community need;

6. Would result in a logical and orderly development patterns;

7. Would not adversely affect the property values in the area;

8. Reflects a change in circumstances or conditions in the vicinity of the property which would prevent its reasonable use as currently zoned;

9. Would not result in significant adverse impacts on the natural environment—including, but not limited to, water, air, noise, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment; and

10. Would result in development that is adequately served by public facilities (e.g., streets, potable water, sewerage, stormwater management, solid waste collection and disposal, schools, parks, police, and fire and emergency medical facilities).

(B) Whether the current zone district designation accomplishes a legitimate public purpose.

(f) Planned Development

(1) Purpose

Planned developments are amendments to the Official Zone District Map that accommodate developments that are planned and developed under unified control. They allow for flexible standards and procedures conducive to creating more mixed-use, pedestrian-oriented, and otherwise higher quality development than could be achieved through base zone district regulations, as well as offering enhanced community benefits and amenities. The purpose of this subsection is to provide a uniform mechanism for amending the Official Zone District Map to reclassify land to either the PD district (Sec. 3.5.4, PD: Planned Development District) or the DM-PD district (Sec. 3.5.5, DM-PD: Downtown Maitland — Planned Development District).

(2) Scope

A planned development is established by amendment of the Official Zone District Map to a planned development zone district classification (PD or DM-PD) that is defined by a PD Plan and PD Agreement. Subsequent development within the PD or DM-PD district occurs through the approval of a site plan (major or minor) and subdivision (plat) review, as appropriate, which ensure substantial compliance with the PD Plan/PD Agreement.

(3) Planned Development Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a planned development application or amendment. Figure 2.5.1(f)(3) identifies key steps in the planned development procedure.

Figure 2.5.1(f)(3): Summary of Planned Development Procedure



(A) Pre-Application Conference

Applicable, see Sec. 2.4.1.

(B) Neighborhood Meeting

Applicable, see Sec. 2.4.2.

(C) Initial City Council Review

Following the neighborhood meeting, the applicant shall submit to the Community Development Department a conceptual plan for the proposed Planned Development along with any required fee. The conceptual plan shall include general information about the proposed intensity and density of the proposed development, as well as any information required in the Procedures Manual and

information suggested by staff during the Pre-Application Conference. The conceptual plan will be reviewed at a meeting before the City Council. At the meeting, the applicant may present the conceptual plan, and the Council shall have an opportunity to ask questions of the applicant and staff and provide comments on the conceptual plan. No other action shall be taken by the Council at the meeting.

(D) Application Submission

Applicable, see Sec. 2.4.3. The application shall include a PD Plan and PD Agreement in accordance with Sec. 3.5.3(c)(1), PD Plan, and Sec. 3.5.3(c)(3), PD Agreement.

(E) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(F) Staff Review and Action

Applicable, see Sec. 2.4.5. After referral of the application back to staff after the initial City Council meeting, the DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (4) below.

(G) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(H) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(I) Advisory Board Review and Recommendation

Applicable, see Sec. 2.4.8. The P&Z reviews the application at a quasi-judicial public hearing and makes a recommendation based on the review standards in subsection (4) below.

(J) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The City Council shall review the application at a quasi-judicial public hearing, or two quasi-judicial public hearings if the application proposes to rezone 10 or more contiguous acres, and make a decision based on the review standards in subsection (4) below. The City Council's decision shall be one of the following:

1. Approval of the application as submitted, subject to the PD Plan and PD Agreement;
2. Approval of the application subject to additional or modified conditions related to the PD Plan and PD Agreement;
3. Denial of the application.

(K) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(L) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. If a planned development amendment to the Official Zone District Map is adopted by the City Council, the Community Development Director shall place the amendment on the Official Zone District Map within a reasonable period of time after its adoption. Designation of a PD or DM-PD district on the Official Zone District Map shall note the ordinance approving the zoning district classification.

2. Lands amended to a PD or DM-PD zone district shall be subject to the approved PD Plan/PD Agreement. The PD Plan/PD Agreement is binding on the land as an amendment to the Official Zone District Map, shall be binding on the landowners and their successors and assigns, and shall constitute the development regulations for the land. Development of the land shall be limited to the uses, intensity and density, configuration, and all other elements and conditions set forth in the PD Plan/PD Agreement. The applicant may apply for and obtain subsequent development approval and permits necessary to implement the PD Plan/PD Agreement in accordance with the appropriate procedures and standards set forth in this LDC. Any subsequent development approvals or permits shall be in substantial compliance with the PD Plan/PD Agreement.

3. Approval of a PD zone district does not lapse, except approval of the PD Plan/PD Agreement shall automatically lapse unless a site plan (major or minor) or subdivision (plat) for any portion of the PD is approved within five years after approval of the PD district or any other expiration period approved as part of the PD Plan/PD Agreement—or an extension of such time period that is authorized in accordance with provisions in the PD Plan/PD Agreement. If a PD Plan/PD Agreement lapses, the owner of the land in the PD district may apply to amend the planned development zoning classification to incorporate a new PD Plan/PD Agreement, or apply to reclassify the site to another base district.

4. Subsequent applications for a development approval or permit within an approved PD district may include minor deviations from the PD Plan/PD Agreement, provided such deviations are limited to changes that the Community Development Director (or, at the Community Development Director's option, the DRC), in consultation with the Public Works Director, determines:

a. Address technical considerations that could not reasonably be anticipated during the PD approval process;

b. Comply with the LDC and other applicable City Code provisions; and

c. Have no material effect on the character of the approved PD district, and the basic concept and terms and conditions of the PD Plan/PD Agreement. Minor deviations may include, but are not limited to, the following:

i. Realignment of internal roadways or driveways that improve traffic flow, turn movements, or other safety considerations;

ii. Relocation of parking or retention areas within the site to increase percolation or reduce runoff;

iii. Structural alterations that do not significantly affect the basic, form, style, and appearance of principal structures and do not increase or reduce the structural square footage of the project by more than five percent;

iv. Relocation of the orientation of the footprint of a building, provided it maintains the same distance from existing single-family development.

v. Revisions that do not increase or decrease density, height, intensity, or building coverage, unless a minimum density or intensity has been specified within the PD Plan/PD Agreement, in which case the deviation may only be considered minor if the decrease is less than 15 percent; and

vi. Revisions to signage that do not increase overall sign area by more than ten percent.

5. A development order for a planned development district and PD Plan/PD Agreement may be amended only in accordance with the procedures and standards for its original approval.

[4] Planned Development Review Standards

Review of and the decision on an application for a planned development district shall be based on compliance of the application with the following:

(A) The review standards in Sec. 2.5.1(e)(3), Site-Specific Zone District Map Amendment Review Standards;

(B) The standards for development in a PD district set forth in in Sec. 3.5.3(c)(1), PD Plan; and

(C) The provision of community benefits, as identified in Sec. 3.5.3(c)(4), Compensating Community Benefits, to compensate for the increased development flexibility of the PD district.

(g) Conditional Use Permit

(1) Purpose

A use that is identified as a conditional use in Table 4.2.2: Principal Use Table, is a use that may be appropriate in a particular zone district but that requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings because of its nature, extent, and external effects. The purpose of this section is to establish a uniform mechanism for the review of conditional uses to ensure they are appropriate for the location where they are proposed.

(2) Conditional Use Permit Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a conditional use permit. Figure 2.5.1(g)(2) identifies key steps in the conditional use permit procedure.

Figure 2.5.1(g)(2): Summary of Conditional Use Permit Procedure



(A) Pre-Application Conference

Applicable, see Sec. 2.4.1.

(B) Neighborhood Meeting

Applicable, see Sec. 2.4.2.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (3) below.

(F) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The P&Z shall review the application at a quasi-judicial public hearing and make a decision based on the review standards in subsection (3) below. The P&Z's decision shall be one of the following:

1. Approval of the application as submitted;

2. Approval of the application subject to modification and/or conditions of approval; or

3. Denial of the application.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. A development order approving a conditional use permit authorizes the submittal of an application for any other applications that may be required before the development authorized by the permit is constructed or established.

2. A development order approving a conditional use permit shall automatically expire if the development authorized by the permit is not established or substantially commenced within two years after the date of the development order approval, unless an extension of this time period is authorized in accordance with Sec. 2.4.11(b), Lapse of Development Order. Following the establishment or substantial commencement of the authorized development, the conditional use permit shall not expire and shall run with the land.

3. Subsequent applications for other permits for the development authorized by a conditional use permit may include minor deviations from the approved plans and conditions. Such deviations are limited to changes that the Community Development Director finds:

a. Address technical considerations that could not reasonably be anticipated during the conditional use permit approval process; and

b. Would not:

i. Materially alter drainage, streets, or other engineering design;

ii. Adversely impact the management of stormwater quality or stormwater quantity;

iii. Substantially affect the terms of the original approval; or

iv. Result in significant adverse impacts on the surrounding lands or the City at large.

[3] Conditional Use Permit Review Standards

A conditional use permit shall be approved only on a finding there is competent substantial evidence in the record that the proposed use:

(A) Will be consistent with the goals, objectives, and policies of the comprehensive development plan;

(B) Will be appropriate for its location and compatible with the general character of surrounding lands and the uses permitted in the zone district;

(C) Will not result in significant adverse odor, noise, glare, and vibration impacts on surrounding lands due to refuse collection, service delivery, parking and loading, signs, lighting, and other site elements; and

(D) Will maintain safe ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site.

[h] Development Agreement

[1] Purpose

The purpose of this section is to establish the procedure for the City to enter into and amend development agreements in accordance with Sec. 163.3220 *et seq*., Fla. Stat., the Florida Local Government Development Agreement Act, as well as the City's home rule powers under Article VIII, Section 2 of the Florida Constitution and Ch. 166, Fla. Stat.

[2] Applicability

(A) The City Council, at its discretion, may enter into a development agreement in accordance with the City's home rule powers under Article VIII, Section 2 of the Florida Constitution, and Ch. 166, Fla. Stat.

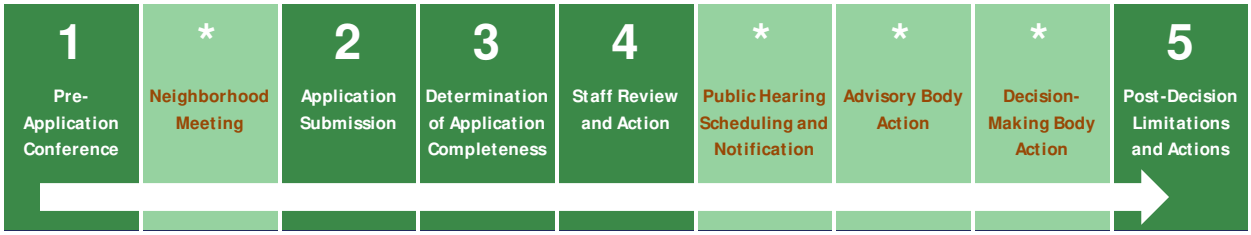
(B) The City may amend an existing development agreement in accordance with subsection (3) below.

(C) Minor amendments to a development agreement may be approved as a non-statutory development agreement pursuant to the City's home rule powers under Article VIII, Section 2 of the Florida Constitution, and Ch. 166, Fla. Stat, after review by the Community Development Director, in accordance with subsection (3) below.

[3] Development Agreement Amendment Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to review of an amendment to a development agreement. Figure 2.5.1(h)(3) identifies key steps in the development agreement amendment procedure.

Figure 2.5.1(h)(3): Summary of Development Agreement Amendment Procedure



(A) Pre-Application Conference

Applicable, see Sec. 2.4.1.

(B) Neighborhood Meeting

Optional, see Sec. 2.4.2.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5, except:

1. The Community Development Director shall review the application. If the Community Development Director determines that the requested amendment meets the standards for a minor amendment in subsection (5) below, the Community Development Director may, following any necessary consultation with the DRC, approve the amendment and record it in the public records of Orange County.

2. If the Community Development Director determines that the requested amendment does not qualify as a minor amendment, the DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (4) below.

(F) Scheduling of Public Hearing and Notification

Applicable if the application does not qualify as a minor amendment, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable if the application does not qualify as a minor amendment, see Sec. 2.4.7.

(H) Advisory Board Review and Recommendation

Applicable if the application does not qualify as a minor amendment, see Sec. 2.4.8. The P&Z shall review the application at a standard public hearing and make a recommendation based on the review standards in subsection (4) below. At the public hearing on the amendment, the P&Z shall also announce the date, time, and place of the City Council public hearing.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable if the application does not qualify as a minor amendment, see Sec. 2.4.9. The City Council shall review the application at a standard public hearing and make a decision based on the review standards in subsection (4) below. The City Council's decision shall be one of the following:

1. Approval of the application;
2. Approval of the application subject to modification and/or conditions of approval; or
3. Denial of the application.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. The amended development agreement shall be recorded in the public records of Orange County after City Council approval.

[4] Development Agreement Amendment Standards

An amendment to a development agreement that does not qualify as a minor amendment shall only be approved upon a finding that the amendment meets all of the following standards:

(A) The amendment is consistent with the comprehensive development plan;

(B) The amendment is in the best interests of public health, safety, welfare, economic order, and aesthetics of the region and City;

(C) The amendment will not adversely affect the orderly development of property in the area of the parcel of land subject to the development agreement; and

(D) The amended development agreement complies with the requirements of Sec. 163.3227, Fla. Stat.

[5] Minor Amendment to Development Agreement Standards

An amendment to a development agreement shall qualify as a minor amendment only upon a finding there is competent substantial evidence in the record that all of the following standards are met:

(A) The change is substantially consistent with the overall purposes and intent of the approved development agreement;

(B) The change conforms to this LDC, the City Code, and all other City regulations;

(C) The change is consistent with the comprehensive development plan; and

(D) The change is limited to one or more of the following:

1. It adds less than five percent of the approximate structural square footage to the project, if the approved development agreement states an approximate maximum square footage.
2. It changes provisions regarding easements or utilities so that more effective service levels can be achieved.
3. It corrects scriveners' errors.
4. It changes provisions which are specifically provided for as minor in the approved development agreement.
5. It changes time frames for development application review, as long as the modified schedule does not trigger any default dates that may exist within the development agreement, and the modified review time frames and all required improvements can be accomplished without an extension of the expiration date of the agreement.
6. The changes result from changes to any section or subsection numbers of the Florida Statutes, Florida Administrative Code, or any other state or local law, as long as the substance of the state or local law has not changed.
7. The change adds that the City official "or a designee" may execute the action when the development agreement provides that a City official take certain action.
8. It changes provisions that allow administrative site plan reviews by providing that site plan reviews be processed in accordance with Sec. 2.5.2(a), Site Plan.
9. It extends the effective date of a current, unexpired development agreement if state law applicable to the development agreement requires such extension, as long as the developer follows the requirements of state law.
10. The changes allow other forms of security interest when a development agreement requires a letter of credit or maintenance bond, as long as any surety is approved by the City staff; provided, however, that any stated amount or percentage of the security interest shall remain the same.
11. It changes the corporate name or address of a developer when such changes have been accomplished through the state.
12. It changes the name of the subject property or project, unless the name of the subject property listed in the development agreement is the same as an already-platted subdivision.

2.5.2. Site Development and Platting

(a) Site Plan

(1) Purpose

The purpose of this section is to provide a uniform mechanism for review and approval of proposed development to ensure that it complies with the development standards in this LDC.

(2) Applicability

(A) Unless exempted in accordance with subsection (B) below, all development in the City shall receive approval of a site plan, in accordance with the procedures and standards of this section, prior to submitting an application for a building permit or site construction permit.

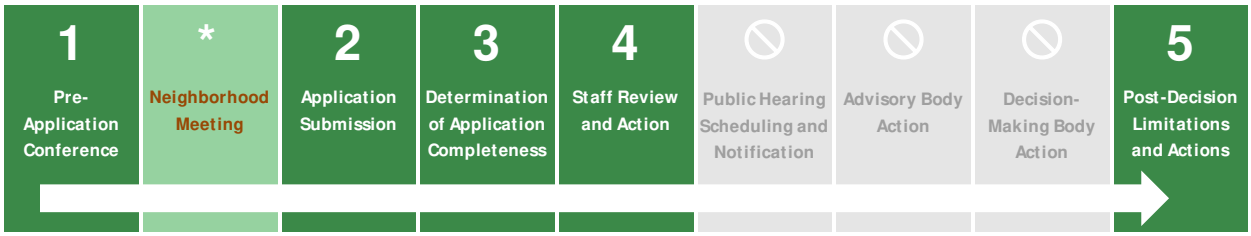
(B) The following development is exempt from the requirements of this section:

1. A single-family, two-family (duplex), three-family, or four-family dwelling, and associated appurtenances (e.g. a private swimming pool);
2. Redevelopment that does not add to the total square footage or footprint of a structure;
3. Installation of generators or other mechanical equipment for operation of a permitted use on site;
4. Construction of fences and walls;
5. Ordinary maintenance; and
6. Resurfacing, restriping, or adding landscaping to existing parking and loading facilities.

(3) Site Plan Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to review of a site plan application. Figure 2.5.2(a)(3) identifies key steps in the site plan review procedure.

Figure 2.5.2(a)(3): Summary of Site Plan Procedure



(A) Pre-Application Conference

Applicable, see Sec. 2.4.1.

(B) Neighborhood Meeting

Optional, see Sec. 2.4.2.

(C) Application Submission

Applicable, see Sec. 2.4.3. In addition, if the proposed development includes signage subject to Section 5.14, Signs, the application shall include a Master Sign Plan prepared in accordance with the Procedures Manual that identifies:

1. The types of signs proposed and their number, size, height, and copy area;
2. The proposed style and color palette for all letter colors, background colors, and text;
3. The proposed general location(s) for freestanding signs on a lot, as well as the proposed location(s) for building signs on a building façade;
4. The type and description of illumination, if any, proposed for all signs; and
5. A description of any structure (i.e., any wall or fence base) upon which a sign face is proposed to be placed.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application and make a decision on the application based on the review standards in subsection (4) below. The DRC's decision shall be one of the following:

1. Approval of the application;
2. Approval of the application subject to modifications and/or conditions of approval; or
3. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. A development order approving a site plan shall automatically expire if the development authorized by the permit is not established or substantially commenced within one year after the date of the development order approval, unless an extension of this time period is authorized in accordance with Sec. 2.4.11(b), Lapse of Development Order.

2. A minor revision to an approved Master Sign Plan that does not increase the sign area by more than ten percent is subject to the following:

   a. The proposed revision may be approved by the Community Development Director without requiring an amendment to the approved site plan if the Director determines the proposed revision is substantially consistent with the purpose and intent of the approved Master Sign Plan, and the revised Master Sign Plan conforms to all other regulations in this LDC.

   b. If the Community Development Director is uncertain whether the proposed revision is substantially consistent with the purposes and intent of the approved Master Sign Plan, the Community Development Director may refer the proposed minor revision to the DRC for review. The DRC may either approve the proposed revision if it determines the proposed revisions is substantially consistent with the approved Master Sign Plan, deny the request, or refer the matter to the P&Z for its review and decision.

   c. The P&Z may approve the proposed revision if it determines the proposed revision is substantially consistent with the approved Master Sign Plan.

   d. The applicant may appeal to the City Council any decision rendered by the Community Development Director, DRC, or P&Z regarding minor revisions to the Master Sign Plan in accordance with Sec. 2.5.4(d), Appeals to City Council.

(4) Site Plan Review Standards

A site plan shall be approved only on a finding there is competent substantial evidence in the record that all of the following standards are met:

(A) The proposed development is consistent with the goals, policies, and objectives of the comprehensive development plan;

(B) The proposed development and uses in the site plan comply with Article 3: Zone Districts and Article 4: Use Regulations;

(C) The proposed development and its general layout and design comply with all applicable standards in Article 5: Development Standards; and

(D) The proposed development complies with all other applicable standards in this LDC, the City Code, and all other City regulations.

(b) Subdivision

(1) Purpose

The purpose of this section is to provide a uniform mechanism for the approval of divisions of land and to ensure that subdivisions promote the health, safety, convenience, order, prosperity, and welfare of the present and future inhabitants of the City by:

(A) Providing for the orderly growth and development of the City;

(B) Coordinating streets within proposed subdivision plats with the City's street system and transportation plans, and with other public facilities;

(C) Ensuring there is adequate potable water, sewer, and drainage;

(D) Providing rights-of-way for streets and utility easements;

(E) Avoiding congestion and overcrowding;

(F) Preserving valuable and scenic natural features;

(G) Ensuring there is adequate open space and recreation facilities to serve development; and

(H) Ensuring there is proper recordation of land ownership or property owner association records, where applicable.

(2) Applicability

(A) Except as provided in subsection (B) below, any land in the City divided into two or more lots shall receive subdivision approval in accordance with the procedures and standards of this section prior to its conveyance, sale, or development.

(B) The following shall be exempt from the requirements of this section:

1. The sale or exchange of small parcels of land to or between adjoining property owners where the sale or exchange does not create additional lots.

2. Property that has never been subdivided, that meets the requirements of a minor subdivision in subsection (3)(A) below, and that is proposed to be divided into two lots; such property may be subdivided as a lot split in accordance with Sec. 2.5.2(d), Lot Split.

(3) Major and Minor Subdivisions Distinguished

(A) Minor Subdivision

A minor subdivision is the subdivision of land that:

1. Abuts an existing standard street which the Public Works Director determines does not require improvements such as additional width, resurfacing, curbing, or street drainage;
2. Requires no new improvements for potable water, sewer, or drainage; and
3. Includes no more than four lots for commercial development that have common access to existing public streets, or no more than 10 lots for residential development.

(B) Major Subdivision

All other division of land subject to this section shall constitute a major subdivision.

[4] Major Subdivision Procedure

(A) Overview

The procedure for review of and decision on a major subdivision consists of the following two steps:

1. First, review of and decision on a preliminary subdivision plan (preliminary plat) by the P&Z.
2. Then, following required site improvements or receipt by the City of sufficient surety bonds for site improvements that have not been completed, review of and decision on a final subdivision plat by the City Council.

(B) Preliminary Subdivision Plan (Preliminary Plat) Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an application for a preliminary subdivision plan (preliminary plat). Figure 2.5.2(b)(4)(B) identifies key steps in the preliminary subdivision plan (preliminary plat) procedure.

Figure 2.5.2(b)(4)(B): Summary of Preliminary Subdivision Plan (Preliminary Plat) Procedure



1. **Pre-Application Conference**

   Applicable, see Sec. 2.4.1.

2. **Neighborhood Meeting**

   Applicable, see Sec. 2.4.2.

3. **Application Submission**

   Applicable, see Sec. 2.4.3.

4. Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

5. Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (D)1 below.

6. Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

7. Public Hearing Procedures

Applicable, see Sec. 2.4.7.

8. Advisory Board Review and Recommendation

Not applicable.

9. Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The P&Z shall review the application at a quasi-judicial public hearing and make a decision based on the review standards in subsection (D)1 below. The P&Z's decision on the preliminary plat application shall be one of the following:

a. Approval of the application;

b. Approval of the application with modifications and/or conditions of approval; or

c. Denial of the application.

10. Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

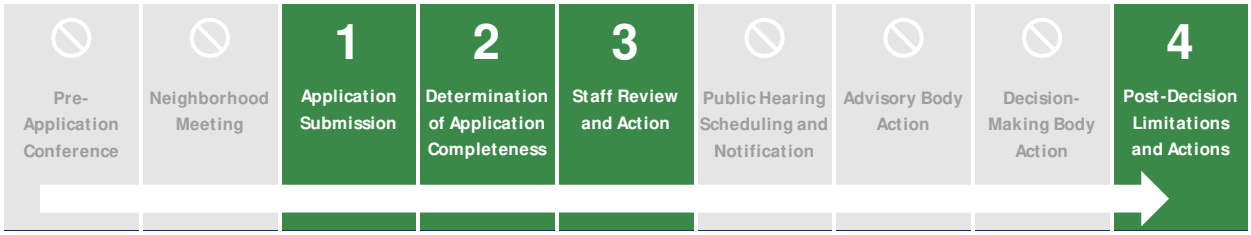
11. Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. The approval of a preliminary plat shall automatically expire at the end of 12 months from approval unless a final subdivision plat has been submitted in accordance with subsection (C) below. The applicant may apply in writing to the P&Z for an extension of time.

(C) Final Subdivision Plat Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a final subdivision plat. Figure 2.5.2(b)(4)(C) identifies key steps in the final subdivision plat procedure.

Figure 2.5.2(b)(4)(C): Summary of Final Subdivision Plat Procedure



1. **Pre-Application Conference**

   Not applicable.

2. **Neighborhood Meeting**

   Not applicable.

3. **Application Submission**

   Applicable, see Sec. 2.4.3.

4. **Determination of Application Completeness and Sufficiency**

   Applicable, see Sec. 2.4.4.

5. **Staff Review and Action**

   a. Applicable, see Sec. 2.4.5. The DRC shall review the application. If the DRC determines that the proposed final plat does not comply with the requirements of this LDC, the applicant may submit a revised final plat within 60 days to address the concerns of the DRC. The applicant may request in writing an extension to the 60-day resubmittal time frame. The DRC shall review and make a recommendation on the application based on the review standards in subsection (D)2 below.

   b. Minor changes to an approved preliminary plat and/or construction drawings may be approved, provided such changes are limited to changes the Community Development Director (or, at the Community Development Director's option, the DRC), in consultation with the Public Works Director, determines are consistent with the comprehensive development plan and comply with this LDC and other applicable City Code provisions. A decision approving or denying minor changes may be appealed to the City Council in accordance with Sec. 2.5.4(d), Appeals to City Council. Modifications that qualify as minor changes include, but are not limited to, the following:

      i. Realignment of internal roadways or driveways that improve traffic flow, turn movements, or other safety considerations;

      ii. Relocation of parking or retention areas within the site to increase percolation or reduce runoff;

      iii. Relocation of easements of utilities to provide more effective service levels;

iv. Changes that add or delete less than five percent of the square footage of any lot, or add or delete less than five percent of street frontage or lot width for any lot, as long as the approved preliminary plat or construction drawings conform to the development standards of the zone district;

v. Changes that decrease density, height, intensity, or permeable surface coverage; and

vi. Realignment of an approved wall or fence, to avoid existing trees or attempt to resolve a problem peculiar to the site.

6. Scheduling of Public Hearing and Notification

Not applicable.

7. Public Hearing Procedures

Not applicable.

8. Advisory Board Review and Recommendation

Not applicable.

9. Decision-Making Body Hearing, Review, and Decision

Applicable. The City Council shall review the application and make a decision based on the review standards in subsection (D)2 below. The City Council's decision on the final plat application shall be one of the following:

a. Approval of the application; or

b. Denial of the application.

10. Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

11. Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. Following approval of the final subdivision plat, the plat shall be signed by the Mayor, and its acceptance and recordation shall be contingent on the following:

a. All required work shall be completed and ready for acceptance or approval by the City within 24 months after City Council's approval of the final subdivision plat. The City may extend the acceptance or approval period by 12 months at the discretion of the City Council, following a written request sent to the Community Development Director at least 30 days prior to the expiration of the 24-month period.

b. Any performance bond shall be used and released in accordance with Section 6.4, Administration and Enforcement.

(D) Major Subdivision Review Standards

1. Preliminary Subdivision Plan (Preliminary Plat)

A preliminary subdivision plan (preliminary plat) shall be approved only on a finding there is competent substantial evidence in the record that that all of the following standards are met:

a. The preliminary plat and its general layout and design complies with all applicable standards in Article 5: Development Standards, and Article 6: Subdivision Standards.

b. The preliminary subdivision plat (preliminary plat) complies with any site plan of which it is a part.

c. The preliminary plat, including any proposed phases, conforms with the applicable levels of service in the comprehensive development plan.

d. Existing utility services and transportation systems are adequate for the proposed development.

e. The preliminary plat is consistent with the comprehensive development plan.

f. The preliminary plat complies with all other applicable requirements of this LDC, the City Code, and other City regulations.

2. Final Subdivision Plat

A final subdivision plat shall be approved only on a finding that there is competent substantial evidence in the record that all of the following standards are met:

a. There is substantial conformity with the approved preliminary subdivision plan (preliminary plat), including any changes approved by the Community Development Director or the DRC in accordance with subsection (C)5 above.

b. The final subdivision plat conforms to the requirements of Ch. 177, Fla. Stat.

c. The engineering plans for the final subdivision plat have been approved by the City, as applicable.

d. The final subdivision plat complies with any site plan of which it is a part.

e. The final subdivision plat complies with all other requirements of this LDC and other City regulations.

f. A performance bond and maintenance bond has been provided to the City in accordance with subsection (6) below, as applicable.

(5) Minor Subdivision Procedure

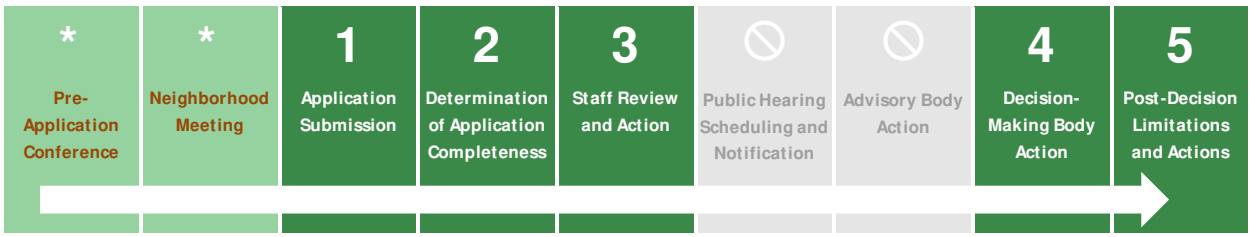
(A) Overview

The procedure for review of and decision on a minor subdivision consists of review of and decision on a final subdivision plat by the City Council, following the provision of required site improvements or receipt by the City of sufficient surety bonds for site improvements that have not been completed.

(B) Minor Subdivision Review Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a minor subdivision. Figure 2.5.2(b)(5)(B) identifies key steps in the minor subdivision procedure.

Figure 2.5.2(b)(5)(B): Summary of Minor Subdivision Procedure



1. **Pre-Application Conference**

   Optional, see Sec. 2.4.1.

2. **Neighborhood Meeting**

   Optional, see Sec. 2.4.2.

3. **Application Submission**

   Applicable, see Sec. 2.4.3.

4. **Determination of Application Completeness and Sufficiency**

   Applicable, see Sec. 2.4.4.

5. **Staff Review and Action**

   Applicable, see Sec. 2.4.5. The DRC shall review the application, prepare a staff report, and make a decision on the application based on the review standards in subsection (C) below. The DRC's decision shall be one of the following:

   a. Approval of the application; or

   b. Denial of the application. A denial shall include a statement of the reasons for the denial.

6. **Scheduling of Public Hearing and Notification**

   Not applicable.

7. Public Hearing Procedures

Not applicable.

8. Advisory Board Review and Recommendation

Not applicable.

9. Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. If approved by the DRC, the application shall be referred to the City Council for approval on the consent agenda. Following approval, the Mayor shall sign the approved minor subdivision.

10. Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

11. Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11.

(C) Minor Subdivision Review Standards

A minor subdivision plat shall be approved only on a finding there is competent substantial evidence in the record that all of the following standards are met:

1. The minor subdivision plat complies with all applicable standards in Article 5: Development Standards, and Article 6: Subdivision Standards.

2. The minor subdivision plat conforms to the requirements of Ch. 177, Fla. Stat.

3. The minor subdivision plat conforms to any site plan of which it is a part.

4. The minor subdivision plat is consistent with the comprehensive development plan.

5. The minor subdivision plat complies with all other applicable requirements of this LDC, the City Code, and other City regulations.

6. If applicable, a performance bond and maintenance bond has been provided to the City in accordance with subsection (6) below.

(6) Required Bonds

(A) When Required

1. A performance bond is required to be provided to the City as a condition for approval of the final plat in accordance with Section 6.3, Required Improvements.

2. A maintenance bond is required to be provided to the City prior to the release of the performance bond.

(B) The performance bond and maintenance bond required in accordance with approval of a final subdivision plat or minor subdivision plat shall be in the form of a

surety bond issued by a bonding company from the United States Treasury's list of approved bonding companies, or such other guarantee acceptable to the City.

(C) The amount of a required bond shall be based on the sum of engineering and construction cost, including landfill, as determined by the construction contract proposal submitted by a properly licensed contractor and confirmed by the Public Works Director.

(D) The amount of the performance bond shall be equal to 110 percent of the cost calculated in subsection (C) above. The bond shall remain in force and effect until such time as all required improvements have been inspected and accepted by the City in accordance with Sec. 6.4.2, Inspection, Report, and Acceptance.

(E) The amount of the maintenance bond shall be equal to 20 percent of the cost calculated in subsection (C) above. The bond shall remain in force and effect until two years after the City has accepted the improvements.

[c] Lot Line Adjustment

[1] Purpose

The purpose of this section is to provide a uniform mechanism for approving requests for minor adjustments to the boundaries of platted lots.

[2] Applicability

Changes may be made to the boundaries of platted lots without the necessity of subdivision approval (see subsection (b) above) if:

(A) No additional lot is created;

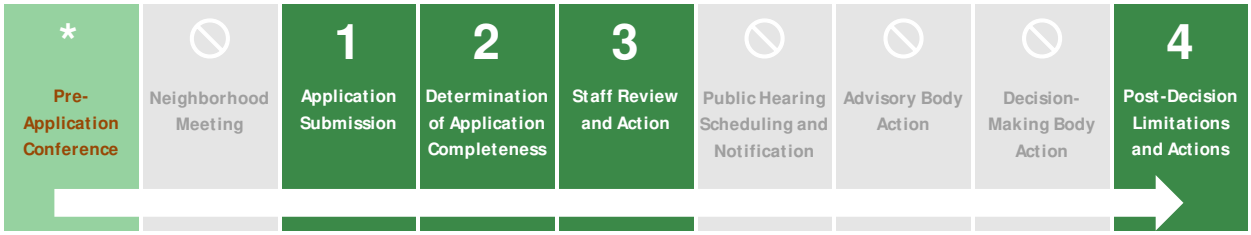
(B) The lot line adjustment involves only two lots; and

(C) The lot line adjustment does not impact the length of any boundary line or the area of either lot by more than 15 percent.

[3] Lot Line Adjustment Review Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to review of an application for a lot line adjustment. Figure 2.5.2(c)(3) identifies key steps in the lot line adjustment review procedure.

Figure 2.5.2(c)(3): Summary of Lot Line Adjustment Review Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not Applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application and make a decision on the application based on the review standards in subsection (d)(4) below, The DRC's decision shall be one of the following:

1. Approval of the application; or

2. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. The applicant shall record all required documentation of the approved lot line adjustment in the public records of Orange County within 12 months of approval and prior to the submission of an application for a building permit on the lots subject to the lot line adjustments.

[4] Lot Line Adjustment Review Standards

A lot line adjustment shall be approved only on a finding there is competent substantial evidence in the record that the following standards are met:

(A) All lots that conform to the dimensional lot area standards of this LDC shall conform with those standards after the lot line adjustment;

(B) If one lot is nonconforming, the lot line adjustment does not increase the nonconformity of the existing nonconforming lot or make the conforming lot nonconforming;

(C) If both lots are nonconforming, the lot line adjustment does not increase the nonconformity of either lot; and

(D) The proposed lot line adjustment complies with all other requirements of this LDC and other City regulations.

[d] Lot Split

[1] Purpose

The purpose of this section is to provide a uniform mechanism for approving proposals to split a single lot into two lots where such lot split would comply with the requirements for a minor subdivision. A lot split may, but is not required to, include the division of a single two-family (duplex) dwelling on a single lot into an optional conjoined dwelling on two lots.

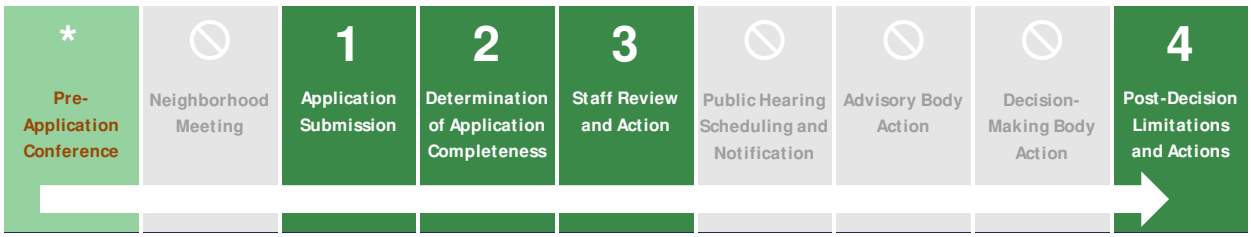
[2] Applicability

Land that has never been subdivided, that meets the requirements of a minor subdivision in subsection (b)(3)(A) above, and that is proposed to be divided into two lots may be subdivided in accordance with the procedures and standards of this section.

[3] Lot Split Review Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to review of an application for a lot split. Figure 2.5.2(d)(3) identifies key steps in the lot split review procedure.

Figure 2.5.2(d)(3): Summary of Lot Split Review Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not Applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3. In addition, an applicant proposing to create an optional conjoined dwelling shall also:

1. Include a request for approval of the optional conjoined dwelling in the application;
2. Provide documentation that demonstrates the two-family (duplex) dwelling use is allowed in the zone district or is a legal nonconforming use;
3. Provide documentation that demonstrates the unified parcel boundary for the optional conjoined dwelling conforms to the zone district regulations and development standards of this LDC, or is a legal nonconforming lot of record; and
4. Attest that a declaration of covenants and restrictions has been executed by all holders of any interest in or lien upon the land upon which the optional conjoined dwelling is constructed, and will be recorded in the public records of Orange County following approval of the lot split. An applicant proposing an optional conjoined dwelling shall be responsible for any costs incurred from any review of the declaration by the City Attorney. The City shall have no responsibility to enforce, interpret, nor verify the enforceability of any provision within the declaration and shall have no liability or obligation with regard to any legal action or dispute arising from the declaration.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. Within 21 days of the date the application is determined complete, the DRC shall review and make a decision on the application based on the review standards in subsection (4) below, The DRC's decision shall be one of the following:

1. Approval of the application; or
2. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. The applicant shall record all required documentation in the public records of Orange County within 12 months of approval of the lot split and prior to the submission of an application for a building permit for development on a lot on which the lot split occurred.

[4] Lot Split Review Standards

A lot split shall be approved only on a finding there is competent substantial evidence in the record that all of the following standards are met:

(A) The proposed lot split and its general layout and design complies with all applicable standards in Article 5: Development Standards, and Article 6: Subdivision Standards.

(B) The proposed lot split complies with all other applicable requirements of this LDC, the City Code, and other City regulations.

(C) The proposed lot split is consistent with the comprehensive development plan; and

(D) The requirements of subsection (3)(C) above have been met if the lot split will result in an optional conjoined dwelling.

2.5.3. Permits

[a] Sign Permit

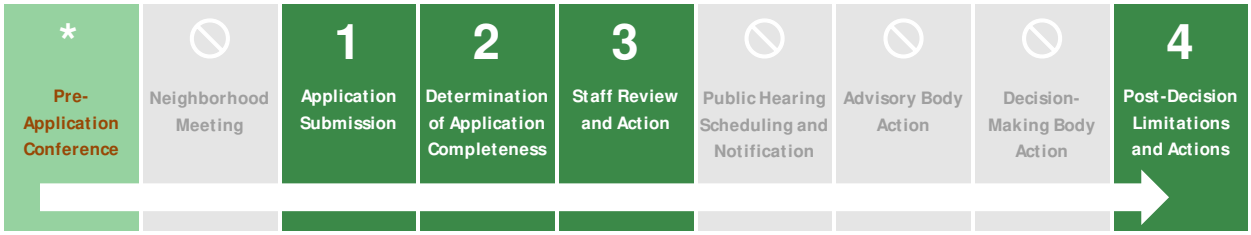
[1] Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that signs that require a permit in accordance with Sec. 5.14.3, Applicability, comply with the standards in Section 5.14, Signs.

[2] Sign Permit Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a sign permit. Figure 2.5.3(a)(2) identifies key steps in the sign permit procedure.

Figure 2.5.3(a)(2): Summary of Sign Permit Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

1. Applicable, see Sec. 2.4.5. Within 10 days of the date the application is determined complete, the Community Development Director shall review the application, receive a recommendation from the Public Works Director, and make a decision on the application based on the review standards in subsection (3) below. The Community Development Director's decision shall be one of the following:

a. Approval of the application;

b. Approval of the application subject to modifications and/or conditions of approval; or

c. Denial of the application. A denial shall include a statement of the reasons for the denial.

2. A failure to render a decision within 10 days of the date the application is determined complete shall be deemed a denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10, except the applicant shall be notified within the timeframe established in subsection (E) above.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition, a sign permit shall expire if no substantial physical action is taken to construct the sign approved by the sign permit within 180 days of the date the sign permit is approved.

(3) Sign Permit Review Standards

An application for a sign permit shall be approved only on a finding there is competent substantial evidence in the record that the application complies with Section 5.14, Signs, any adopted Master Sign Plan, all other applicable standards in this LDC, the City Code, all other City regulations, and the standards of the Florida Building Code.

(b) Shoreline Alteration Permit

(1) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that shorelines along the City's lakes are maintained in accordance with the standards in Sec. 5.3.7, Shoreline Protection Standards.

(2) Applicability

(A) Unless exempted in accordance with subsection (B) below, a shoreline alteration permit is required before altering any shoreline within the City. Activities which require a permit include digging or adding of fill which alters or changes the shoreline or existing topography of the shoreline or waterfront of any water body within the City, or any trimming, cutting, or removal of any shoreline or waterfront vegetation.

(B) The following activities are exempt from the requirements of this section:

1. Clearing the lesser of 50 feet in width or 50 percent of a shoreline frontage for an access corridor (the access corridor may be cleared of vegetation from the normal high-water elevation of the lake out to navigable open water);

2. Clearing vegetation within the physical footprint of a dock, gazebo, or boathouse that the City has approved for construction;

3. Lawn mowing, trimming of landscape, and other lawn maintenance activities which do not result in the clearing of vegetation below the normal high water elevation;

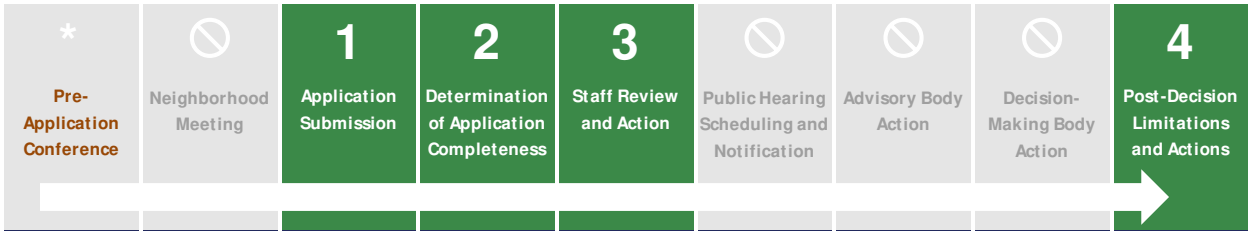
4. Repair or maintenance of an existing stormwater or drainage control system; and

5. Routine shoreline maintenance.

(3) Shoreline Alteration Permit Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a shoreline alteration permit. Figure 2.5.3(b)(2) identifies key steps in the shoreline alteration permit procedure.

Figure 2.5.3(b)(2): Summary of Shoreline Alteration Permit Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4. In addition, a shoreline alteration permit application shall not be determined to be complete until the applicant has received all permits required for the proposed shoreline alternation from other governmental authorities having jurisdiction.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The Public Works Director shall review the application and make a decision on the application based on the review standards in subsection (4) below. The Public Works Director's decision shall be one of the following:

1. Approval of the application; or
2. Approval of the application with modifications and/r conditions of approval; or
3. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11.

[4] Shoreline Alteration Permit Review Standards

An application for a shoreline alteration permit shall be approved only on a finding there is competent substantial evidence in the record that:

(A) The application complies with Sec. 5.3.7, Shoreline Protection Standards, all other applicable standards in this LDC, the City Code, and all other applicable City regulations; and

(B) The applicant has acquired all other permits required for the proposed shoreline alteration from other governmental authorities having jurisdiction.

[c] Wetland Alteration Permit

[1] Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that wetlands in the City are maintained in accordance with the standards in Sec. 5.3.8, Wetland Protection Standards.

[2] Applicability

(A) Unless exempted in accordance with subsection (B) below, a wetland alteration permit (which includes a wetlands management plan) is required prior to engaging in any activity to remove, fill, drain, dredge, clear, destroy, or alter any part, portion, or entirety of any wetland protection zone.

(B) The following activities are exempt from the requirements of this section:

1. Non-mechanical removal of non-native or invasive wetland or buffer vegetation, provided the vegetation is removed from the wetland and disposed of on a suitable upland site outside of a wetland protection zone;

2. Maintenance of existing structures that does not result in additional damage to the wetland protection zone;

3. Clearing of walking trails that do not require fill and that do not exceed four feet in width;

4. Overhead utility crossings;

5. Maintenance and incidental dredge and fill activities in ditches, retention and detention areas, public roads and other rights-of-way, and other related drainage systems;

6. Development where a federal, state, regional, or local agency completed dredge and fill or wetland application was tendered to said agency on or before May 8, 2017, or where said agencies have previously determined that no permit was required for a proposed development by May 8, 2016. A person

aggrieved by the decision of the City on this issue may appeal directly to the City Council;

7. Construction or alteration of a single-family dwelling;

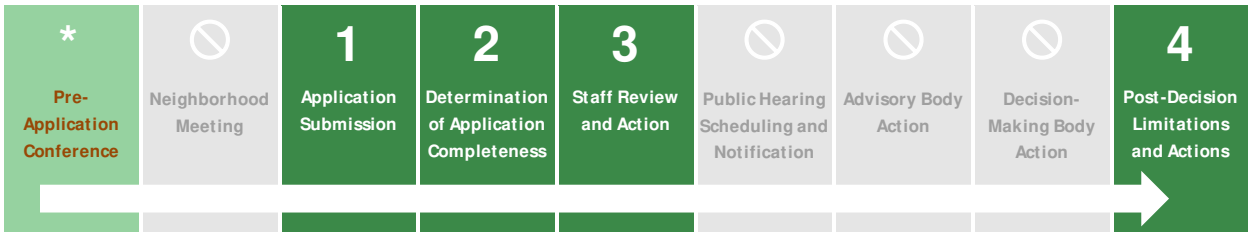
8. City maintenance; and

9. Projects allowing access to, on, or through a wetland protection zone or wetlands including walkways, boardwalks, and trails.

[3] Wetland Alteration Permit Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a wetland alteration permit. Figure 2.5.3(c)(2)(B)1 identifies key steps in the wetland alteration permit procedure.

Figure 2.5.3(c)(2)(B)1: Summary of Wetland Alteration Permit Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4. In addition, a wetland alteration permit application shall not be determined to be complete until the applicant has received all permits required in accordance with Sec. 5.3.8(e)(5).

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The Public Works Director shall review the application and make a decision based on the review standards in subsection (4) below. The Public Works Director's decision shall be one of the following:

1. Approval of the application as submitted;

2. Approval of the application with modifications and/or conditions of approval; or

3. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11.

[4] Wetland Alteration Permit Review Standards

A wetland alteration permit shall be approved only on a finding there is competent substantial evidence in the record that the applicant has received permits from appropriate state and federal agencies authorizing the proposed activity, and that the proposed activity:

(A) Would not adversely impact:

1. The ability of the wetland to receive, store, and discharge surface water runoff so that it may contribute to hydrological stability and control of flooding and erosion;

2. The ability of the wetland to recharge the groundwater as demonstrated by reliable available information;

3. The ability of the wetland to provide filtration and nutrient assimilation from surface water runoff;

4. The ability of the wetland to provide habitat and significant ecological function in the life cycle for fish, wildlife, or other forms of animal or plant life; and

5. The ability of the wetland to function as an integral part of any waters, water body, or watercourse; and

(B) Considers and appropriately accounts for the following:

1. The cumulative impacts of the proposed alteration on the wetland system in combination with other developments previously permitted or constructed in the same drainage basin;

2. The technical feasibility of any proposed wetland mitigation plan and the likelihood of success in restoring or replacing the environmental benefit altered by the development;

3. The capacity of the existing wetland to provide environmental benefits because of such factors as maturity, size, degree of prior alteration, physical relationship to other water systems, and adjacent land uses;

4. The degree or magnitude of the impact of the proposed alteration on the wetland and how such impact shall be minimized through mitigation measures, and recommendations concerning the appropriate location of the mitigation;

5. Whether and the extent to which a proposed project is required to be located within a wetland or water body in order to perform the project's basic functions;

6. Whether the wetlands impacted by the proposed activity are protected or used in a manner which does not adversely impact their beneficial functions;

7. The ability of the wetland to continue to function after development is completed;

8. Whether the proposed alteration and the wetland impacts are consistent with the policies in the comprehensive development plan; and

9. The availability and feasibility of alternatives including:

   a. Avoiding the impact altogether by not taking a certain action or parts of an action;

   b. Minimizing the impact by limiting the degree or magnitude of the action or its implementation;

   c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

   d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or

   e. Mitigating the impact on-site by replacing or providing substitute resources or environments through creation of new wetlands, enhancement of existing wetlands, or reestablishment of wetlands which are no longer functioning due to significant alteration in the past.

(d) Waterfront Structure Permit

(1) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that structures built along the waterfront in the City do not create boating hazards, minimize water pollution from stormwater runoff, preserve views of water from adjoining

properties, and maintain the natural appearance of the shore to the maximum extent possible.

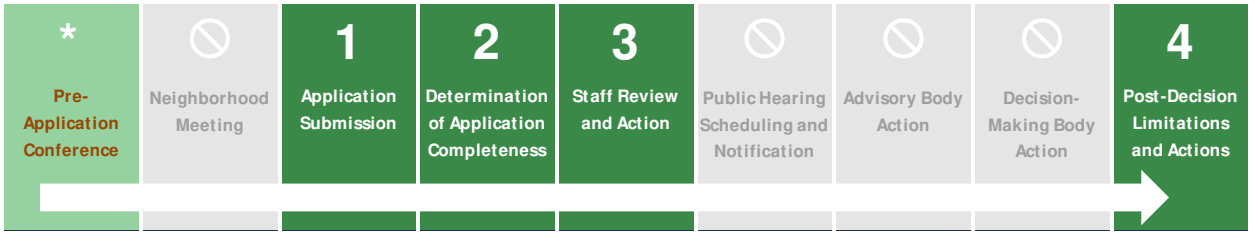
[2] Applicability

A waterfront structure permit is required before construction of any stationary or floating boat dock, boathouse, boat ramp, boardwalk, observation deck, or seawall within the City, whether temporary or permanent, on all natural and artificial bodies of water, including bodies of water owned by the City.

[3] Waterfront Structure Permit Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a waterfront structure permit. Figure 2.5.3(d)(3) identifies key steps in the waterfront structure permit procedure.

Figure 2.5.3(d)(3): Summary of Waterfront Structure Permit Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4. In addition, following the determination that the application is complete, the Public Works Director shall provide notice as follows:

1. Notice shall be sent to the owners of the five properties on each side of the applicant along the shoreline of the waterbody where the waterfront structure is proposed to be constructed. The owner names and addresses shall be those shown on the current ad valorem tax rolls of Orange County.

2. The content of the notice shall:

   a. Identify the application;

   b. Describe the proposed waterfront structure;

   c. Identify the location of land subject to the application;

d. Indicate how and where additional information about the application and review process may be obtained; and

e. Identify a member of the City staff who may be contacted with questions or concerns about the application.

3. The notice shall be sent via first-class certified mail, return receipt requested.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The Public Works Director shall review the application, and perform an onsite inspection. No less than 14 days after the notice in subsection (D) above has been mailed, the Public Works Director shall make a decision on the application based on the review standards in subsection (4) below. The Public Works Director's decision shall be one of the following:

1. Approval of the application as submitted;

2. Approval of the application with modifications and/or conditions of approval; or

3. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not Applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition, the Public Works Director shall provide notice of the decision to the property owners required to be notified in subsection (D) above via first-class certified mail.

(4) Waterfront Structure Permit Review Standards

An application for a waterfront structure permit shall be approved only on a finding there is competent substantial evidence in the record that the standards listed in subsections (A) and (B) below are met:

(A) Demonstrates the waterfront structure complies with the following standards:

1. There is a minimum side setback of 10 feet from any property line that abuts shoreline property, measured at the point where the property lines intersect the lake elevation identified in Table 5.3.7(d)(2): Normal High Water Elevations.
2. The structure length does not unreasonably interfere with the riparian or littoral rights of other persons and property, including but not limited to navigation, lake access, and safety issues. In no event shall a boat dock exceed a distance of 50 feet into the lake (measured from the lake elevation identified in Table 5.3.7(d)(2): Normal High Water Elevations) unless otherwise approved by City Council as part of a planned development or development agreement.
3. The structure is not built on, over, or under areas which constitute easements for ingress or egress, conservation, or for drainage.
4. The structure is not used for living purposes.
5. The structure complies with the following minimum and maximum height requirements, with reference to the lake elevation identified in Table 5.3.7(d)(2): Normal High Water Elevations, unless exceptions are approved by City Council as part of a planned development or development agreement:
    a. Boat docks and boardwalks shall have a minimum finished floor at least one foot above the lake elevation, and a maximum waterward finished floor of no more than two feet above lake elevation.
    b. Observation decks shall have a minimum finished floor at least one foot above the lake elevation, and a maximum waterward finished floor of no more than ten feet above lake elevation.
    c. Except for seawalls, the maximum finished floor of any structure landward shall not exceed two feet above existing grade.
    d. The maximum boathouse height shall not exceed 13 feet above lake elevation, and must have a pitched roof.
6. The terminal platform of any boathouse, boat dock, boat slip, boardwalk (not including the main access walkway), or other structure does not exceed 800 square feet in total area, does not exceed 30 feet in width, and has no enclosed areas. (These standards apply unless exceptions are approved by City Council as part of a planned development or development agreement.)
7. The width of the landward portion of any structure does not exceed 72 inches.
8. The width of the waterward portion of any structure is at least 44 inches, except a minimum width of 17 inches shall be required for secondary access around boathouses or boat slips.
9. Boards used to construct the surface of the structure, whether landward or waterward, shall not exceed eight inches in width and shall be spaced at least one-quarter (¼) inch apart.

10. An electrical permit is obtained before installing any electrical device.

11. Except for seawalls, the natural shoreline is not changed in the construction of the structure.

12. During construction:

a. No soil or sediments shall be allowed to enter a waterway from adjacent upland areas.

b. No sediments within a water body which are disturbed in the process of construction of waterfront structures shall be allowed outside of the approved containment area identified in the permit.

c. Floating turbidity barriers and upland erosion controls shall be installed and approved prior to any other activity, including any site preparation or demolition.

13. If the structure is a seawall:

a. It shall not be constructed on the lake side of the elevation identified in Table 5.3.7(d)(2): Normal High Water Elevations.

b. It shall have received a permit from DEP prior to application for a waterfront structure permit.

c. The vertical height shall not exceed the 100-year flood elevation identified in Table 5.3.7(d)(2): Normal High Water Elevations.

d. Existing seawalls requiring maintenance and repair shall be faced with rip-rap for stabilization and prevention of undercutting and erosion.

e. New vertical seawalls are prohibited except along canals or stream banks that do not allow sufficient area for sloped seawalls.

f. Sloped riprap type structures or geotextile tube-type structures that allow wave energy to dissipate, and allow shoreline vegetation to propagate, may be permitted; and

14. House numbers are prominently displayed.

(B) Demonstrates that the waterfront structure will not have any of the following significant impacts:

1. Obstruction to navigability;

2. Hazard or safety conditions; or

3. Unreasonable interference with the riparian or littoral rights of other property owners. “Unreasonable interference” shall include but not be limited to:

a. Proximity to docks of abutting property owners;

b. Access for boaters and swimmers; and

c. Any unusual configuration of the shoreline, which would cause the proposed dock to restrict access to sections of the waterway, or impair visibility of the lake from living areas of abutting properties.

(e) Vegetation and Tree Removal Permit

(1) Purpose

The purpose of this section is to establish a uniform mechanism for ensuring that existing vegetation in the City is maintained and only removed in accordance with the standards in Section 5.5, Vegetation Removal, and that development complies with the standards for tree coverage and protection in Section 5.6, Residential Tree Protection.

(2) Applicability

(A) Except as exempted in accordance with subsection (B)1 below, a vegetation and tree removal permit is required in the following circumstances:

1. For all development on land other than single-family, two-family (duplex), three-family, and four-family dwellings, before any vegetation outside the shoreline protection zone (see Sec. 5.3.7, Shoreline Protection Standards) is removed or destroyed.

2. On a lot on which there is located a single-family, two-family (duplex), three-family, or four-family dwelling, before any tree is removed.

(B) The following actions are exempt form the requirements of this section:

1. Removal of vegetation or a tree if the vegetation or tree endangers health, safety, or property in a manner that requires immediate removal. In such cases, the Public Works Director shall provide verbal approval, and subsequent to the removal of the vegetation or tree, a vegetation and tree removal permit shall be issued in accordance with this subsection (e).

2. Tree removal on residential property when the land owner obtains documentation from an arborist certified by the International Society of Arboriculture or a Florida licensed landscape architect that the tree presents a danger to persons or property, in accordance with Sec. 163.045, Fla Stat.;

3. Tree removal when the tree proposed to be removed is listed in Sec. 5.3.4(g)(8), Prohibited Species;

4. Tree removal during City-declared emergencies when the City Manager waives the permitting requirements for trees that pose an imminent threat to health, safety, or property, so as not to hamper public and/or private work to restore order; and

5. Tree removal when 48 hours advance notification has been given to the City in the following circumstances:

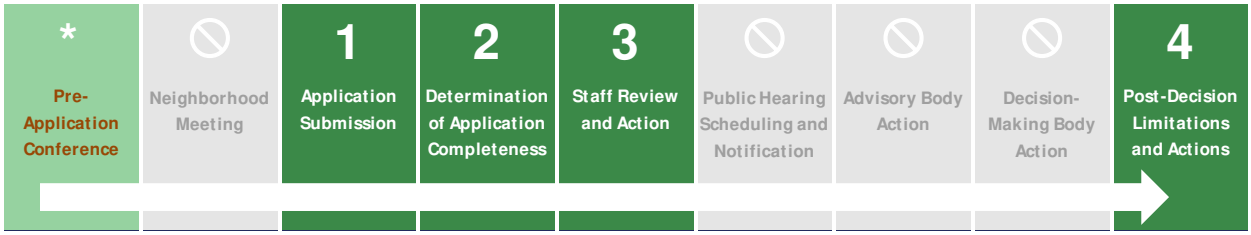
a. Removal by a public utility of a tree that may achieve a height greater than 14 feet in an established electric utility right-of-way, or that intrudes from the side of the electric utility right-of-way closer than the clearance distance specified in Table 2 of ANSI Z133.1 for lines affected by the North American Electric Reliability Council Standard, FAC 003.1 requirement R1.2; or

b. Tree pruning or trimming conducted by an electric utility in conformance with ANSI A300 (Part I) pruning standards and ANSI Z133.1 Pruning, Repairing, Maintaining, and Removing Trees, and Cutting Brush—Safety Requirements.

(3) Vegetation and Tree Removal Permit Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a vegetation and tree removal permit. Figure 2.5.3(e)(3) identifies key steps in the vegetation and tree removal permit procedure.

Figure 2.5.3(e)(3): Summary of Vegetation and Tree Removal Permit Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3. The application shall be for multiple parcels only if the parcels are contiguous and under the same ownership.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The Public Works Director shall review the application and make a decision on the application based on the review standards in subsection (4) below. The Public Works Director's decision shall be one of the following:

1. Approval of the application as submitted;

2. Approval of the application with modifications and/or conditions of approval; or

3. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. If replacement of vegetation in accordance with Sec. 5.5.3, Vegetation Relocation or Replacement, Is not accomplished within 90 days of permit issuance, the applicant shall be deemed in violation of this LDC and subject to the enforcement provisions of Article 9: Enforcement.

[4] Vegetation and Tree Removal Permit Review Standards

(A) A vegetation and tree removal permit authorizing removal of vegetation shall be issued with respect to the removal of the vegetation on land that does not contain a single-family, two-family (duplex), three-family, or four-family dwelling unit only on a finding there is competent substantial evidence in the record that:

1. The landscaping proposed to be installed as part of site landscape plan will improve the environment compared to the existing site conditions;

2. Issuance of the permit is consistent with the purpose and intent of Section 5.3, Landscape, Buffer, and Tree Protection Standards;

3. One of the following circumstances apply:

   a. Due to natural circumstances, a tree is no longer viable or is in danger of falling;

   b. The vegetation's proximity to an existing structure endangers the structure;

   c. The vegetation interferes with utility services;

   d. The vegetation creates unsafe vision clearance, such as within the sight triangle; or

2. The vegetation constitutes a health hazard; and

4. The applicant proposes relocation or replacement in accordance with Sec. 5.5.3, Vegetation Relocation or Replacement, within 90 days of permit issuance.

(B) A vegetation and tree removal permit authorizing removal of trees shall be issued with respect to the removal of the trees on a lot with a single-family, two-family (duplex), three-family, or four-family dwelling unit only on a finding there is competent substantial evidence in the record that:

1. The quantity and caliper of trees remaining on the site comply with the standards of Sec. 5.6.3, Required Tree Quantities; or

2. A unique lot configuration, geographic feature, or other constraint exists; the applicant has demonstrated that the site features prevent full compliance with the requirements of Section 5.6, Residential Tree Protection; and the application includes an alternate landscape plan that demonstrates compliance with the requirements of Section 5.6 to the maximum extent practicable.

(f) Right-of-Way/Public Easement Abandonment

(1) Purpose

The purpose of this section is to establish a uniform mechanism for the review of rights-of-way or public easements that are proposed to be closed, vacated, or abandoned, in a manner that ensures coordination with the utility needs and public interests of the City, and compliance with the Florida Statutes.

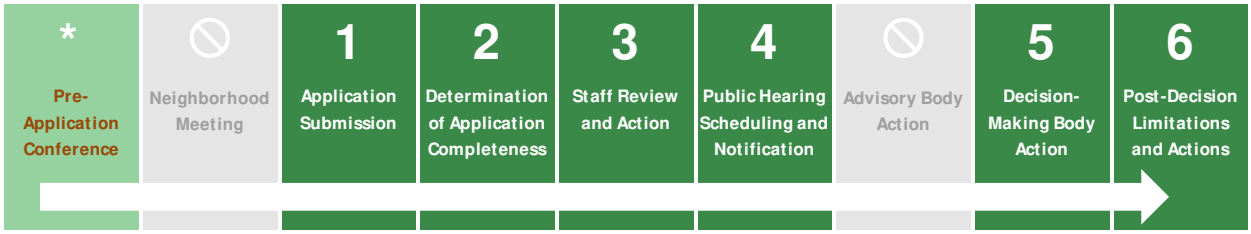
(2) Applicability

Any person other than the City proposing to close, vacate, or abandon a right-of-way or public easement in the City shall receive approval of Right of Way/Utility Easement Abandonment in accordance with the procedures and standards of this section, prior to the closing, vacation, or abandonment of the right-of-way or public easement.

(3) Right-of-Way/Public Easement Abandonment Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an application for Right-of-Way/Public Easement Abandonment. Figure 2.5.3(f)(3) identifies key steps in the right-of-way/public easement abandonment permit procedure.

Figure 2.5.3(f)(3): Summary of Right-of-Way/Public Easement Abandonment Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (4) below.

(F) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The City Council shall review the application at a quasi-judicial public hearing and make a decision based on the review standards in subsection (4) below. The City Council's decision shall be one of the following:

1. Approval of the application;
2. Approval of the application with modifications and/or conditions of approval; or
3. Denial of the application.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11.

[4] Right-of-Way/Public Easement Abandonment Review Standards

A request to close, vacate, or abandon a right-of-way or public easement shall be approved only on a finding there is competent substantial evidence in the record that all of the following standards are met:

(A) The right-of-way or public easement is no longer required for public use and the abandonment will not adversely affect the City.

(B) The closing, vacation, or abandonment will not hinder public access to a body of water.

(C) All utilities or other entities that use the right-of-way or public easement do not object to the proposed closing, vacation, or abandonment.

[g] Short-Term Rental Unit Certificate

[1] Purpose

The purpose of this section is to establish a uniform mechanism for issuance of a short-term rental certificate.

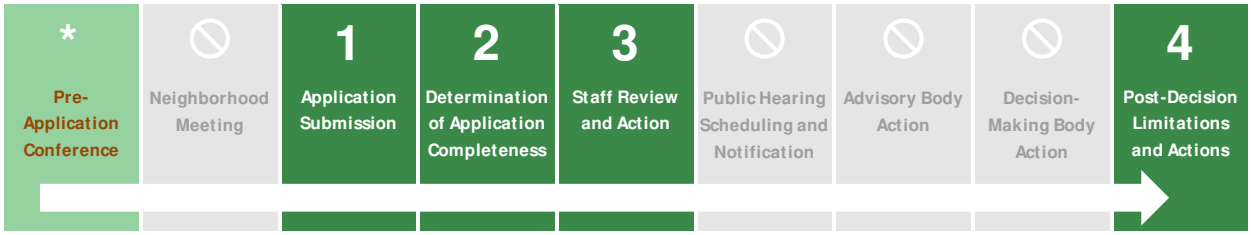
[2] Applicability

A short-term rental certificate is required before operating any short-term rental unit.

[3] Short-Term Rental Unit Certificate Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an application for a short-term rental unit certificate. Figure 2.5.3(g)(3) identifies key steps in the short-term rental unit certificate procedure.

Figure 2.5.3(g)(3): Summary of Short-Term Rental Unit Certificate Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The Community Development Director shall review the application, conduct the inspection required by Sec. 4.2.4(d)(6)(B)5, Inspections, and make a decision on the application based on the review standards in

subsection (4) below. The Community Development Director's decision shall be one of the following:

1. Approval of the application;
2. Approval of the application with modifications and/or conditions of approval; or
3. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. Any short-term rental unit certificate shall apply only to the dwelling unit described in the application.
2. An amendment to a short-term rental unit certificate is necessary when there is an increase in the gross square footage of the unit, the number of sleeping areas/bedrooms, or overall occupancy. No modifications in facility usage may occur until after a City inspection. Short-term rental use is not permitted while a building permit for the dwelling unit expansion is open and until the amendment of the certificate is approved by the City. If the existing certificate is still valid, there is no fee for an amendment to the certificate. However, if the certificate has expired, a new application and fee is required.

[4] Short-Term Rental Unit Certificate Review Standards

An application for a short-term rental unit certificate shall be approved only on a finding there is competent substantial evidence in the record that:

(A) The standards in Sec. 4.2.4(d)(6)(B)2, Certificate Standards are met;

(B) The applicant demonstrates proof of liability insurance coverage on the short-term rental unit.

(C) The applicant demonstrates that the owner of the short-term rental unit is a permanent resident of either the proposed short-term rental unit or a dwelling unit within the same two-family (duplex) dwelling, three-family dwelling, or four-family dwelling as the proposed short-term rental unit. Permanent residency shall be proven through a copy of a valid, current government-issued I.D. showing the unit address or two months of bills sent to the owner or host-stay contact at the unit address within the previous four months.

[h] Floodplain Development Permit

A floodplain development permit shall only be issued in accordance with the procedures in Sec. 5.7.4, Floodplain Development Permit.

2.5.4. Relief

[a] Zoning Variance

[1] Purpose

The purpose of this section is to establish a uniform mechanism to allow variances from certain of the dimensional standards (such as yard setback and lot area in Article 3: Zone Districts) and development standards (in Article 5: Development Standards) of this LDC when literal application of those requirements would result in unnecessary hardship.

[2] Applicability

(A) Available Variances

An applicant may apply for a zoning variance to secure relief from the following standards:

1. The numerical dimensional standards in Article 3: Zone Districts, except for minimum lot size requirements.
2. The numerical standards that apply to uses in Article 4: Use Regulations.
3. The following numerical standards in Article 5: Development Standards.
    a. Sec. 5.1.4(b)(1), Vehicular Cross-Access;
    b. Sec. 5.1.4(b)(2), Pedestrian Cross-Access ;
    c. Sec. 5.2.4(d), Dimensional and Marking Standards;
    d. Sec. 5.2.5, Off-Street Vehicular Parking Standards;
    e. Sec. 5.2.6, Vehicle Stacking Standards; and
    f. Sec. 5.2.8(a), Minimum Number of Off-Street Loading Berths

(B) Variances Not Permitted

Variances through the zoning variance procedure are not permitted for the following:

1. The uses allowed in a zone district in Article 4: Use Regulations (including Table 4.2.2: Principal Use Table, Table 4.3.2(e): Accessory Use and Structure Table, and Table 4.4.2(c): Temporary Use and Structure Table). No principal use or accessory or temporary structure or use shall be permitted in a zone district where it is prohibited.

2. The standards of Section 5.7, Flood Damage Prevention (variances from the standards in that section are available in accordance with Sec. 5.7.7, Variances and Appeals).

[3] Zoning Variance Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to a zoning variance application. Figure 2.5.3(a)(2) identifies key steps in the zoning variance procedure.

Figure 2.5.3(a)(2): Summary of Zoning Variance Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Optional, see Sec. 2.4.2.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC reviews the application and prepares a staff report based on the review standards in subsection (4) below.

(F) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The P&Z shall review the application at a quasi-judicial public hearing and make a decision based on the review standards in subsection (4) below. The P&Z's decision shall be one of the following:

1. Approval of the application;
2. Approval of the application subject to modifications and/or conditions of approval; or
3. Denial of the application.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. Unless it expires (See Sec. 2.4.11(b), Lapse of Development Order), or is revoked (see Sec. 9.5.4(d)(2), Revocation of Development Order or Permit), a recorded development order approving a zoning variance, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.
2. Approval of a zoning variance does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by the LDC and any other applicable laws, and does not indicate that the development for which the zoning variance is granted should necessarily receive approval of other applications required under the LDC unless the relevant and applicable portions of the LDC or any other applicable laws are met.

[4] Zoning Variance Review Standards

A zoning variance shall be approved only on a finding there is competent substantial evidence in the record that all of the following standards are met. The existence of nonconforming uses of lands, structures, or buildings shall not be considered as grounds for the authorization of a zoning variance:

(A) There are extraordinary and exceptional conditions (such as topographic conditions, narrowness, shallowness, or the shape of the parcel of land) pertaining to the particular land or structure for which the zoning variance is sought, that do not generally apply to other lands or structures in the vicinity.

(B) Those extraordinary and exceptional conditions are not the result of the actions of the landowner.

(C) Because of those extraordinary and exceptional conditions, the application of this LDC to the land or structure for which the zoning variance is sought would

effectively prohibit or unreasonably restrict the utilization of the land or structure and result in unnecessary and undue hardship.

(D) The zoning variance would not confer any special privilege on the landowner that is denied to other lands or structures that are similarly situated.

(E) The extent of the zoning variance is the minimum necessary to allow a reasonable use of the land or structure.

(F) The zoning variance is in harmony with the general purpose and intent of this LDC and preserves its spirit.

(G) The zoning variance would not adversely affect the health or safety of persons residing or working in the neighborhood, be injurious to property or improvements in the neighborhood, or otherwise be detrimental to the public welfare.

(H) The zoning variance is consistent with the comprehensive development plan.

[b] Waiver

[1] Purpose

Because of the individual and unique characteristics of development in the Maitland West Side (WS) and Downtown Maitland (DM) zone districts, and the City's goal of supporting the desired types of development character and form established in the WS and DM districts, this section establishes a uniform mechanism for waiver from specific standards established in the WS district in Sec. 3.3.4(c), Intensity and Dimensional Standards, and Sec. 3.3.4(e), Design and Form Standards, and specific standards established in the DM district in Sec. 3.3.5(c), Intensity and Dimensional Standards, and Sec. 3.3.5(e), Design and Form Standards, in accordance with the procedures and standards of this section.

[2] Applicability

(A) Waivers to standards in the WS district may be requested in accordance with this section for the standards identified in Table 2.5.4(b)(2)(A): Allowable WS Zone District Waivers, up to the limits set forth in the table.

Table 2.5.4(b)(2)(A): Allowable WS Zone District Waivers

Standard	Decision-Making Body	
	DRC	P&Z
Sec. 3.3.4(c), Intensity and Dimensional Standards	Less than 50%	50% or more
Sec. 3.3.4(e)(3), Building Width	Less than 50%	50% or more
Sec. 3.3.4(e)(5), Building Standards Specific to WS-NM Subdistrict [1]	Less than 50%	50% or more
Sec. 3.3.4(e)(6)(B), Activity Area [1]	Less than 50%	50% or more
Sec. 3.3.4(e)(7)(B), Block Configuration	Yes	
Sec. 3.3.4(e)(11), Parking Lot Landscaping and Screening	Less than 50%	50% or more

Table 2.5.4(b)(2)(A): Allowable WS Zone District Waivers		
Standard	**Decision-Making Body**	
	DRC	**P&Z**
Sec. 3.3.4(e)(14), Stormwater Design (Amenities/Landscaping only)	Yes	
Sec. 3.3.4(e)(15)(A), Signs Erected on Buildings [2]	Less than 50%	50% or more
NOTES: [1] Only waivers of numerical standards are allowed. [2] Only waivers of dimensional and maximum copy area standards are allowed.		

(B) Waivers to standards in the DM zone district may be requested in accordance with this section for the standards identified in Table 2.5.4(b)(2)(A): Allowable DM Zone District Waivers, up to the limits set forth in the table.

Table 2.5.4(b)(2)(B): Allowable DM Zone District Waivers		
Standard	**Decision-Making Body**	
	DRC	**P&Z**
Sec. 3.3.5(c), Intensity and Dimensional Standards	Less than 25%	25% or more
Sec. 3.3.5(e)(2), Building Placement and Orientation	Yes	
Sec. 3.3.5(e)(3), Building Along Frontage	Less than 25%	25% or more
Sec. 3.3.5(e)(4), Public Frontage Standards	Yes	
Sec. 3.3.5(e)(5), Site Access and Circulation [1]	Less than 25%	25% or more
Sec. 3.3.5(e)(6), Pedestrian and Bicycle Circulation and Access		Yes
Sec. 3.3.5(e)(7), Parking Lot Location	Yes	
Sec. 3.3.5(e)(8), Parking Lot Landscaping and Screening [2]	Less than 25%	25% or more
Sec. 3.3.5(e)(9)(B), Maximum Height	Less than 25%	25% or more
Sec. 3.3.5(e)(16), Building Windows	Less than 25%	25% or more
Sec. 3.3.5(e)(19)(B)4, Signs Erected on Buildings (Dimensions only) [3]	Less than 25%	25% or more
Sec. 3.3.5(e)(21), Stormwater Design (Amenities/Landscaping only)	Less than 25%	25% or more
Sec. 5.2.5, Off-Street Vehicular Parking Standards [4]	Less than 25%	25% or more
NOTES: [1] P&Z shall decide on waivers requested in accordance with Sec. 3.3.5(e)(5)(H) relating to site vehicular access. [2] DRC may only authorize waivers to the dimensional requirements of Sec. 3.3.5(e)(8), Parking Lot Landscaping and Screening. P&Z is also authorized to grant waivers to the planting requirements. [3] Only waivers of dimensional standards are allowed. [4] The provision of off-street vehicular parking spaces in excess of the maximum allowed is subject to the requirements of Sec. 5.2.5(b), Maximum Number of Off-Street Vehicular Parking Spaces.		

(C) Waivers may be approved when nonconforming structures (see Article 8: Nonconformities) will be enlarged or altered as a result of the waiver.

[3] Waiver Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an application for wavier of WS or DM zone district requirements. Figure 2.5.4(b)(3) identifies key steps in the waiver procedure.

Figure 2.5.4(b)(3): Summary of Waiver Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application. Each requested waiver shall be evaluated separately. If the P&Z is the decision-making body in accordance with Table 2.5.4(b)(2)(A): Allowable WS Zone District Waivers, or Table 2.5.4(b)(2)(B): Allowable DM Zone District Waivers, the DRC shall make a recommendation on the application based on the review standards in subsection (4) below. If the DRC is the decision-making body, the DRC shall review the application and make a decision based on the review standards in subsection (4) below. The DRC's decision on each waiver request shall be one of the following:

1. Approval of the waiver;
2. Approval of the waiver subject to modifications and/or conditions of approval (including but not limited to approval of a lesser waiver than requested); or
3. Denial of the waiver.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7, if the decision is made by the P&Z.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. If the P&Z is the decision-making body in accordance with Table 2.5.4(b)(2)(A): Allowable WS Zone District Waivers, or Table 2.5.4(b)(2)(B): Allowable DM Zone District Waivers, the P&Z shall review the application and make a decision based on the review standards in subsection (4) below. The decision on each waiver request shall be one of the following:

1. Approval of the waiver;

2. Approval of the waiver subject to modifications and/or conditions of approval (including but not limited to approval of a lesser waiver than requested); or

3. Denial of the waiver.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. An approved waiver and any conditions of approval shall be included on the face of or attached to the development order or permit and development plan.

[4] Waiver Review Standards

An application for waiver of WS or DM zone district requirements shall be approved only if there is competent substantial evidence in the record that all of the following standards are met:

(A) The requested waiver is allowed by Table 2.5.4(b)(2)(A): Allowable WS Zone District Waivers, or Table 2.5.4(b)(2)(B): Allowable DM Zone District Waivers, as applicable.

(B) The requested waiver is consistent with the comprehensive development plan.

(C) The requested waiver is generally consistent with the purpose of this LDC and the standards of the applicable zone district.

(D) For proposals in the DM zone district, the requested waiver is generally consistent with the Downtown Maitland Master Plan.

(E) For proposals in the WS zone district, the requested waiver is generally consistent with the West Side Redevelopment Plan.

(F) Compliance with the requirement from which the waiver is requested is technically impractical or undesirable based on site conditions, or approval of the waiver will result in superior design.

(G) The grant of a waiver will better achieve the purposes of the applicable zone district and the purposes and intent of this LDC.

(H) The requested waiver will not have a materially negative impact on adjacent and surrounding uses, or mitigation is proposed that will address any negative impacts created by the waiver.

(I) The requested waiver will not have a materially negative effect on the public health, safety, and welfare.

[c] Administrative Adjustment

[1] Purpose

The purpose of this section is to establish a uniform mechanism to allow minor adjustments or modifications from certain dimensional or development standards of the LDC, based on specific standards, in order to better accomplish the purposes of the LDC.

[2] Applicability

Administrative adjustments may be requested and granted in accordance with this section for the standards identified in Table 2.5.4(c)(2): Allowable Administrative Adjustments, up to the limits set forth in the table.

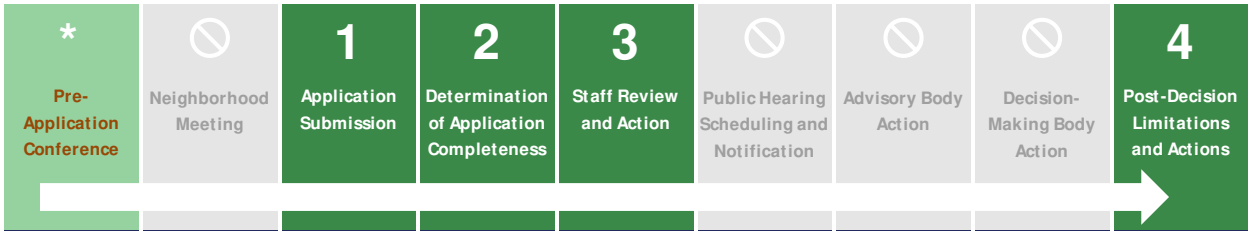
Table 2.5.4(c)(2): Allowable Administrative Adjustments

Standard	Maximum Adjustment (percentage)
Lot Width and/or Depth (Minimum)	25
Front Yard Setback (Minimum)	25
Side Yard Setback (Minimum)	25
Rear Yard Setback (Minimum)	25
Height (Maximum)	25
Setback Area Encroachment (Maximum)	25
Off-Street Parking, Loading, or Stacking Space Number (Minimum)	25
Stacking Lane Distance for Vehicular Surface Area Entrance Driveway	40

[3] Administrative Adjustment Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an administrative adjustment application. Figure 2.5.4(c)(3) identifies key steps in the administrative adjustment procedure.

Figure 2.5.4(c)(3): Summary of Administrative Adjustment Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The Community Development Director reviews the application in conjunction with the Public Works Director and makes a decision based on the review standards in subsection (4) below. The Community Development Director's decision shall be one of the following:

1. Approval of the application;
2. Approval of the application subject to modifications and/or conditions of approval (including but not limited to approval of a lesser modification than requested); or
3. Denial of the application.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Not applicable.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

Not applicable.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10. In addition, the Community Development Director shall provide written notice of the decision to adjacent property owners by first-class

mail. The notice shall contain information about the process to appeal the decision, in accordance with Sec. 2.5.4(d)Appeals to City Council, including the applicable time limitations in Sec. 2.5.4(d)(3)(C), Application Submission. A copy of the decision, along with a narrative of the relief sought and granted, shall be sent electronically to the City Manager and City Council.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11. In addition:

1. Unless it expires (See Sec. 2.4.11(b), Lapse of Development Order), or is revoked (see Sec. 9.5.4(d)(2), Revocation of Development Order or Permit), a recorded development order approving an administrative adjustment, including any conditions of approval, shall run with the land, shall be binding on the landowners and their successors and assigns, and shall not be affected by a change in ownership.

2. Approval of an administrative adjustment does not exempt the applicant from the responsibility to obtain all other development approvals and permits required by the LDC and any other applicable laws, and does not indicate that the development for which the administrative adjustment is granted should necessarily receive approval of other applications required under the LDC unless the relevant and applicable portions of the LDC or any other applicable laws are met.

[4] Administrative Adjustment Review Standards

An application for administrative adjustment shall be approved only on a finding there is competent substantial evidence in the record that all of the following standards are met:

(A) The proposed administrative adjustment is permitted by Table 2.5.4(c)(2): Allowable Administrative Adjustments;

(B) The proposed administrative adjustment:

1. Is required to compensate for some unusual aspect of the development site;

2. Supports an objective from the purpose statements of the zone district where the adjustment is proposed to be located;

3. Proposes to protect sensitive natural resources, protect water source quality, or manage water source demand; or

4. Proposes to save healthy existing trees;

(C) The proposed administrative adjustment is consistent with the comprehensive development plan;

(D) The proposed administrative adjustment is consistent with the character of development in the surrounding area, and will not result in incompatible uses or development;

(E) Any adverse impacts resulting from the proposed administrative adjustment will be mitigated to the maximum extent practicable; and

(F) The proposed administrative adjustment will not substantially interfere with the convenient and enjoyable use and development of adjacent lands, and will not pose a danger to the public health or safety.

[d] Appeals to City Council

[1] Purpose

The purpose of this section is to provide a uniform mechanism for the appeal of certain decisions under this LDC to the City Council.

[2] Types of Appeal

A party aggrieved or adversely affected by decisions on any of the following applications may appeal the decision to the City Council in accordance with this section (see Table 2.2: Suggested Development Review Procedures):

(A) Sign permit appeals from the P&Z, see Sec. 2.5.3(a);

(B) Shoreline alteration permits, see Sec. 2.5.3(b);

(C) Wetland alteration permits, see Sec. 2.5.3(c);

(D) Waterfront structure permits, see Sec. 2.5.3(d);

(E) Vegetation and tree removal permit appeals, see Sec. 2.5.3(e).

(F) Floodplain development permits, see Sec. 2.5.3(h);

(G) Zoning variance, see Sec. 2.5.4(a);

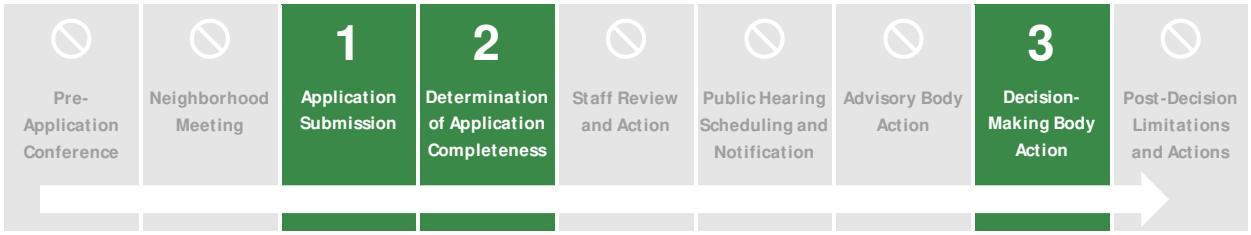
(H) Administrative adjustments, see Sec. 2.5.4(c); and

(I) Interpretations, see Sec. 2.5.5.

[3] Appeals to City Council Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an appeal to City Council. Figure 2.5.4(d)(3) identifies key steps in the appeals procedure.

Figure 2.5.4(d)(3): Summary of Appeals to City Council Procedure



(A) Pre-Application Conference

Not applicable.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3. An appeal application shall be submitted to the Community Development Director within 30 days after the date of the decision being appealed. The appeal application shall include:

1. A statement of the decision to be reviewed, and the date of the decision;
2. A statement of the interest of the person seeking review; and
3. The specific error alleged as the grounds of the appeal.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Not applicable. Instead, on accepting an appeal application, the Community Development Director shall transmit the application and all documents and other written materials relating to the appealed decision to the City Council. These materials, plus the comprehensive development plan, other applicable City adopted plans, and this LDC, shall constitute the record of the appeal.

(F) Scheduling of Public Hearing and Notification

Not applicable.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7. In addition, the public hearing shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

1. Applicable, see Sec. 2.4.9. The City Council shall consider the appeal at a quasi-judicial public hearing and make a decision based on the review standards in subsection (4) below. The City Council shall have the authority to hear argument on behalf of any party.
2. The City Council shall base its decision solely on the record of the appeal, as supplemented by arguments presented at the public hearing.
3. The final decision shall be one of the following:
    a. Affirmation of the decision or interpretation being appealed (in whole or in part);

b. Modification of the decision or interpretation being appealed (in whole or in part);

c. Reversal of the decision or interpretation being appealed (in whole or in part); or

d. Remand of the appeal back to the decision-making person or body appealed from, with direction for further action.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Not applicable.

[4] Appeals to City Council Review Standards

The City Council may modify or reverse (in whole or in part) the decision or interpretation being appealed only on finding there is competent substantial evidence in the record of the appeal that a clear and demonstrable error was made in the decision or interpretation.

[5] Effect of Pending Appeal

A pending appeal stays all City actions in furtherance of the decision being appealed unless the Community Development Director certifies to the City Council that because of facts stated in the certificate, a stay would cause imminent peril to life or land. In that case, proceedings shall not be stayed other than by an order issued by the City Council.

[e] Appeals to Planning & Zoning Commission (P&Z)

[1] Purpose

The purpose of this section is to provide a uniform mechanism for the appeal of certain decisions under this LDC to the P&Z.

[2] Types of Appeal

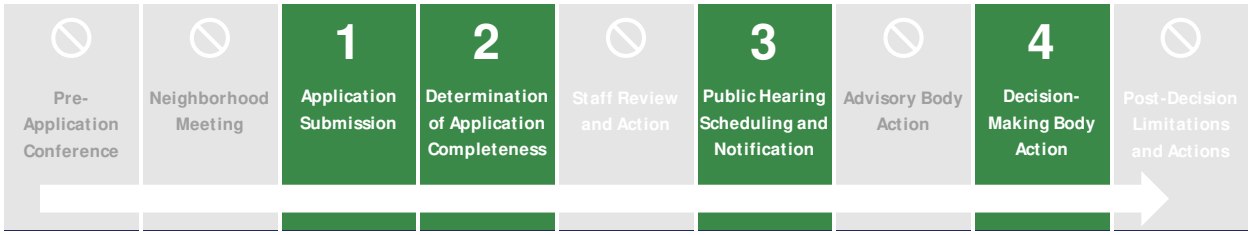
A party aggrieved or adversely affected by decisions on any of the following applications may appeal the decision to the P&Z in accordance with this section (see Table 2.2: Suggested Development Review Procedures):

(A) Sign permits, see Sec. 2.5.3(a).

[3] Appeals to P&Z Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an appeal to the P&Z. Figure 2.5.4(e)(3) identifies key steps in the appeals procedure.

Figure 2.5.4(e)(3): Summary of Appeals to P&Z Procedure



(A) Pre-Application Conference

Not applicable.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3. An appeal application shall be submitted to the Community Development Director within 30 days after receipt of notice of the decision being appealed. The appeal application shall include:

1. A statement of the decision to be reviewed, and the date of the decision;
2. A statement of the interest of the person seeking review; and
3. The specific error alleged as the grounds of the appeal.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Not applicable. Instead, on accepting an appeal application, the Community Development Director shall transmit the application and all documents and other written materials relating to the appealed decision to the P&Z. These materials, plus the comprehensive development plan, other applicable City adopted plans, and this LDC, shall constitute the record of the appeal.

(F) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7. The public hearing shall be on the record of the appeal, with presentations limited to arguments on the record of the appeal as it relates to the grounds for appeal specified in the appeal application.

(H) Advisory Board Review and Recommendation

Not applicable.

(I) Decision-Making Body Hearing, Review, and Decision

1. Applicable, see Sec. 2.4.9. The P&Z shall consider the appeal at a quasi-judicial public hearing and make a decision based on the review standards in subsection (4) below. The P&Z shall have the authority to hear argument on behalf of any party.
2. The P&Z shall base its decision solely on the record of the appeal, as supplemented by arguments presented at the public hearing.
3. The final decision shall be one of the following:
   a. Affirmation of the decision being appealed (in whole or in part);
   b. Modification of the decision being appealed (in whole or in part);
   c. Reversal of the decision being appealed (in whole or in part); or
   d. Remand of the appeal back to the decision-making person appealed from, with direction for further action.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Not applicable.

(4) Appeals to P&Z Review Standards

The P&Z may modify or reverse (in whole or in part) the decision being appealed only on finding there is competent substantial evidence in the record of the appeal that a clear and demonstrable error was made in the decision.

(5) Effect of Pending Appeal

A pending appeal stays all City actions in furtherance of the decision being appealed unless the Community Development Director certifies to the P&Z that because of facts stated in the certificate, a stay would cause imminent peril to life or land. In that case, proceedings shall not be stayed other than by an order issued by the P&Z.

(f) Vested Rights Determination

(1) General

This section provides a procedure for the City Council to issue a determination authorizing an exception to the otherwise applicable provisions of the comprehensive development plan or this LDC where the City Council finds that the applicant has demonstrated the existence of a preexisting vested right to commence and complete a specific level, type, nature, density, intensity, or other form of development.

(2) Applicability

(A) Any person with an ownership interest in land in the City may file an application for a vested rights determination that documents whether the applicant's right to

commence and complete a specific type, level, nature, intensity, density, or other form of development on that parcel of land has vested under the provisions of this section.

(B) Anyone claiming a vested right to commence and complete any type, level, nature, intensity, or other form of development of a specific parcel of land, who does not file an application for determination under this section within two years of the effective date of an amendment to the LDC that changes the zone district classification or the land uses allowed on the land, or otherwise materially and adversely affects the applicant's land (or portion thereof) so as to prohibit the nature, type, level, intensity, density or other form of development, in whole or in part, shall be deemed to have waived the right to seek such a determination.

[3] Vested Rights Determination Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to an application for vested rights determination. Figure 2.5.4(f)(3) identifies key steps in the vested rights determination procedure.

Figure 2.5.4(f)(3): Summary of Vested Rights Determination Procedure



(A) Pre-Application Conference

Optional, see Sec. 2.4.1.

(B) Neighborhood Meeting

Not applicable.

(C) Application Submission

Applicable, see Sec. 2.4.3. In addition to any application requirements established by the Community Development Director in accordance with Sec. 2.4.3(c), Application Contents and Form, the submission shall include an affidavit executed by the applicant under penalty of perjury before a notary public attesting to the truth, accuracy, and veracity of the application and all attachments.

(D) Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4.

(E) Staff Review and Action

Applicable, see Sec. 2.4.5. The DRC shall review the application, prepare a staff report, and make a recommendation on the application based on the review standards in subsection (4) below.

(F) Scheduling of Public Hearing and Notification

Applicable, see Sec. 2.4.6.

(G) Public Hearing Procedures

Applicable, see Sec. 2.4.7.

(H) Advisory Board Review and Recommendation

Applicable, see Sec. 2.4.8. The P&Z reviews the application at a standard public hearing and makes a recommendation based on the review standards in subsection (4) below.

(I) Decision-Making Body Hearing, Review, and Decision

Applicable, see Sec. 2.4.9. The City Council shall review the application at a standard public hearing and make a decision based on the review standards in subsection (5) below. The City Council's decision shall be one of the following:

1. Approval of the application;

2. Approval of the application subject to modifications and/or conditions of approval); or

3. Denial of the application.

(J) Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

(K) Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11.

[4] Vested Rights Determination Review Standards

The DRC and the P&Z shall make a recommendation on an application for vested rights determination based on a consideration of the following:

(A) Whether there has been an act or omission to act by the City;

(B) What City official acted or omitted to act and the personnel rank, job duties, or official position of the official;

(C) Whether the City official acted or omitted to act within the course and scope of the official's personnel rank, job duties, and official position;

(D) The nature and date of the act committed, or the nature and approximate date of the omission to act;

(E) Whether the applicant made a substantial change in position or has an investment-backed expectation, based upon the City's act or omission to act;

(F) The nature of the applicant's change in position or investment-backed expectation, including expenditure of money or obligation to incur expenditures, acts

committed which represent a change in position, and dates of the expenditures or other acts;

(G) The applicant's good faith in substantially changing position, or in incurring extensive obligations and expenses based upon the City's actions or omissions to act;

(H) Any acts of the applicant (and the dates thereof) associated with physical improvements on the land in question such as grading, dedication of land to the City or any other governmental entity, payment of fees such as impact fees, installation of utility infrastructure or public improvements, or the design of specific buildings and improvements to be constructed on the site;

(I) The extent to which the applicant has secured building permits for, and commenced or completed, the construction of subdivision improvements and buildings upon part but not all of the development that was contemplated to extend over a period of months or years;

(J) Whether the applicant, prior to or on the date of notice of an applicable amendment to this LDC, has made contractual commitments to complete structures and deliver title or occupancy of those structures, and the dates of and amounts of money involved in any such commitments;

(K) Whether prior to or on the date of notice of an applicable amendment to this LDC, the comprehensive development plan, or any other City Code provision, the applicant incurred financial obligations to a lending institution which, despite a thorough review of alternative solutions, the applicant will be unable to meet, or that it would be inequitable and unjust to require the applicant to meet, unless the applicant is permitted to proceed with the previously permitted type, nature, level, density, intensity or other form of development;

(L) Whether enforcement of the terms of the current comprehensive development plan or this LDC will expose the applicant to substantial monetary liability to third persons, or will leave the applicant completely unable, after thorough review of alternative solutions, to earn a reasonable return on investment in the land;

(M) Whether the applicant has a vested right to commence and complete a proposed development or portion of a proposed development on all or a portion of the applicant's property;

(N) Whether the applicant owned an interest in the parcel of land proposed to be developed on the date of notice of a change in this LDC and that the specific nature, type, level, density, intensity, or other form of development proposed for the parcel of land was lawful and permitted at that time;

(O) That the applicant has continuously owned the parcel of land since the date of notice of change in this LDC until the date of the public hearing before the City Council on this application; and

(P) Any other information relevant to discerning the applicant's claim to vested rights to develop land in a particular manner that may be pertinent under state or federal law, including the existence of an imminent peril to the public health, safety, welfare, economic prosperity, general order, aesthetics, or appearance which should preclude affording the applicant a vested rights permit.

[5] Vested Rights Determination Decision Standards

The City Council shall issue a vested rights determination that recognizes that the applicant's right to commence or complete construction or development of a type, level, nature, density, intensity, or other form of development, on all or part of a parcel of land, is vested only on a finding there is competent substantial evidence in the record that all of the following standards are met:

(A) The current comprehensive development plan or this LDC complained of by the applicant as being counter to the applicant's vested right to commence and complete construction of a certain level, type, nature, density, intensity, or other form of development, has a material and adverse effect upon the applicant's vested right to develop the subject parcel of land;

(B) By application of the considerations set out in subsection (4) above, the applicant in good faith and based upon some act or omission of the City has made such substantial change in position or has an investment-backed expectation that would make it inequitable and unjust to destroy the right of the applicant to commence and complete a certain level, type, nature, density, intensity, or other form of development upon all or a portion of the applicant's land;

(C) Requiring that the applicant's land be developed in accordance with the current comprehensive development plan or the applicable LDC restrictions will, considering the substantial change in position of the applicant or the creation of an investment-backed expectation prior to or on the date on which the applicant was subject to a notice of change in the comprehensive development plan or applicable LDC provisions, deprive the applicant of a reasonable rate of return on the applicant's investment or substantial change in position, or otherwise unjustly deprive the applicant of vested rights. In determining the reasonableness of the projected rate of return, the following categories of expenditures shall not be included in the calculation of the applicant's investment:

1. Expenditures for professional services that are unrelated to the design or construction of the improvements for the level, type, nature, density, intensity, or other form of development proposed to be vested;

2. Expenditures for taxes, except for any increases in tax expenditures which result from issuance of a development order which would now be contrary to the current comprehensive development plan or applicable LDC provisions;

3. Expenditures which the applicant has allocated to the particular proposed development, but which the applicant would have been obligated to incur as

an ordinary and necessary business expense (for example, employees' salaries, equipment rental, chattel mortgage payments) had the plan for the particular development not been formulated or a development order not been issued, for the type, level, nature, density, intensity, or other form of development now claimed by the applicant to be vested; and

(D) The fact that the property has been or is in a zone district or a land use classification in the current comprehensive development plan, or any prior comprehensive development plan or LDC, shall not, in and of itself, establish that an applicant's right to commence and complete construction of a certain level, type, nature, density, intensity, or other form of development has been vested. If it is determined that there is imminent peril to the public health, safety, welfare, general order, economic prosperity, aesthetics, or appearance or that the public cost outweighs the applicant's vested rights, the determination may be denied.

2.5.5. Interpretations

(a) Purpose

The purpose of this section is to provide a uniform mechanism for issuing formal written interpretations of the LDC.

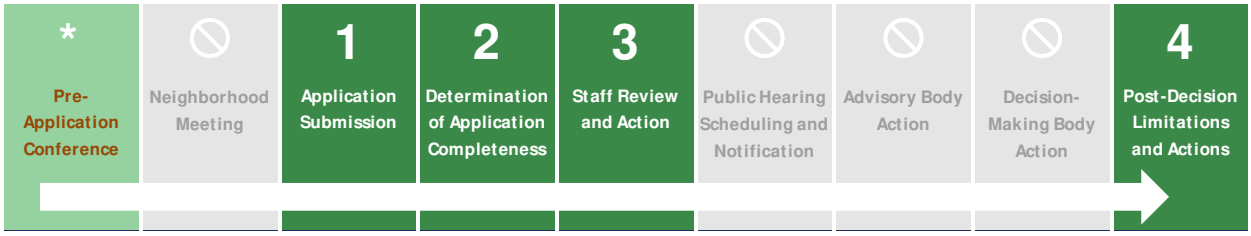
(b) Applicability

The Community Development Director shall be responsible for making formal written interpretations of all provisions of the LDC—including but not limited to interpretations of the text of the LDC, the zone district boundaries, compliance with conditions of approval, and whether an unspecified use falls within a use classification, use category, or use type allowed in a zone district. In making written interpretations, the Director may seek guidance from the City Attorney and assistance from other City staff, as appropriate.

(c) Interpretations Procedure

This subsection identifies additions or modifications to the standard review procedures in Section 2.4, Standard Application Procedures, that apply to interpretations. Figure 2.5.5(c) identifies key steps in the interpretation procedure.

Figure 2.5.5(c): Summary of Interpretations Procedure



(1) Pre-Application Conference

Optional, see Sec. 2.4.1.

[2] Neighborhood Meeting

Not applicable.

[3] Application Submission

Applicable, see Sec. 2.4.3.

[4] Determination of Application Completeness and Sufficiency

Applicable, see Sec. 2.4.4, except that an application for a formal written interpretation may be initiated by the City Council, P&Z, any resident or landowner, or any person having a contractual interest in land in the City.

[5] Staff Review and Action

Applicable, see Sec. 2.4.5. After receipt of the formal written request for an interpretation, the Community Development Director shall review the request, consult with the City Attorney and other City staff as appropriate, and render a formal written interpretation based on the standards in subsection (f) below. The interpretation shall be in a form approved by the City Attorney and shall constitute the formal written interpretation. A written interpretation is binding on subsequent decisions by the Community Development Director or other City staff and officials in applying the same provision of the LDC or the Official Zone District Map in the same circumstance(s), unless the interpretation is modified in accordance with this section, or the text or the Official Zone District Map of the LDC is amended.

[6] Scheduling of Public Hearing and Notification

Not applicable.

[7] Public Hearing Procedures

Not applicable.

[8] Advisory Board Review and Recommendation

Not applicable.

[9] Decision-Making Body Hearing, Review, and Decision

Not applicable.

[10] Notification to Applicant of Decision

Applicable, see Sec. 2.4.10.

[11] Post-Decision Limitations and Actions

Applicable, see Sec. 2.4.11.

[d] Record of Interpretations

The Community Development Director shall maintain a complete copy of all written interpretations, which shall be available in the Community Development Department office for public inspection during normal business hours.

[e] Amendment of Formal Written Interpretations

The Community Development Director may amend or repeal a formal written interpretation on the Director's own initiative, or upon a request for interpretation submitted in accordance with this section, based upon new evidence or discovery of a mistake in the original interpretation, a change in state or federal law, an amendment to the LDC, or an amendment to the City Code that relates to the original formal written interpretation.

[f] Interpretations Review Standards

[1] Text Provisions

Interpretation of a provision's text and its application shall be based on Section 10.1, Rules of Construction and Interpretation; Section 1.6, Relationship with Other Laws, Covenants, or Decrees; and other considerations including, but not limited to, the following:

(A) The plain meaning of the provision's wording, considering any terms specifically defined in Sec. 4.2.3, Classification of Principal Uses; Section 10.3, Definitions; and the common and accepted usage of terms; and

(B) The purpose of the provision, as indicated by:

1. Any purpose statement in the section(s) where the text is located;

2. The provision's context and consistency with surrounding and related provisions;

3. Any legislative history related to the provision's adoption;

4. The general purposes served by the LDC, as set forth in Section 1.3, General Purpose and Intent; and

5. The comprehensive development plan.

[2] Unspecified Uses

Interpretation of whether an unspecified use is similar to a use identified in Article 4: Use Regulations, Table 4.2.2: Principal Use Table, or is prohibited in a zone district, shall be based on Sec. 10.1.12(a), Procedure for Interpreting Unlisted Uses and Sec. 10.1.12(c), Standards for Allowing Unlisted Accessory Uses and Structures.

[3] Zone District Boundaries

Interpretation of zone district boundaries shall be based on Sec. 10.1.13, Rules of Interpretation of Zone District Boundaries.

ARTICLE 3. ZONE DISTRICTS

SECTION 3.1. GENERAL PROVISIONS

3.1.1. Compliance with Zone District Standards

Land in the City shall not be developed except in accordance with the zone district regulations of this article and all other regulations of this LDC.

3.1.2. Establishment of Zone Districts

This LDC establishes the zone districts identified in Table 3.1.2: Establishment of Zone Districts. The boundaries of each zone district are identified on the Official Zone District Map (see Section 1.7, Official Zone District Map).

Table 3.1.2: Establishment of Zone Districts

Zone Districts
Residential Districts
RSF-1: Residential Single Family 1
RSF-2: Residential Single Family 2
RSF-3: Residential Single Family 3
RSF-D: Residential Single Family and Duplex
R-MF: Residential Multifamily
Mixed-Use Districts
MX: Mixed Multifamily and Office
WS: West Side *WS-RT: West Side Research and Technology Subdistrict* *WS-NM: West Side New Market Subdistrict*
DM: Downtown Maitland *DM: Downtown Maitland Subdistrict* *DM-E: Downtown Maitland — Edge Subdistrict*
Nonresidential Districts
GAP: Government, Arts and Parks
NC: Neighborhood Commercial
Planned Development Districts
PD: Planned Development
DM-PD: Downtown Maitland Planned Development
Overlay Districts
CHA-O: Culture, History, and Arts Overlay

SECTION 3.2. RESIDENTIAL DISTRICTS

3.2.1. General Purpose of Residential Districts

The purpose and intent of Residential zone districts are to:

[a] Provide appropriately located lands for residential development that are consistent with the goals, policies, and objectives of the comprehensive development plan and other adopted City plans;

[b] Support and preserve the development patterns and character of established residential neighborhoods;

[c] Provide a range and diversity of housing choices, with varying densities, residential uses, and development form, to meet the needs of the City's citizens;

[d] Provide for safe and efficient pedestrian, bicycle, and vehicular access and circulation through neighborhoods that promote multiple forms of mobility;

[e] Protect the character of residential neighborhoods from incompatible development;

[f] Protect residential zone districts from flooding and other adverse environmental impacts;

[g] Provide for the public services and facilities needed to serve residential development;

[h] Maintain the City's neighborhoods as safe and convenient places to live;

[i] Ensure compatible infill development; and

[j] Promote sustainable development practices in terms of energy efficiency and conservation, the use of alternative energy, greenhouse gas reduction, water supply and water quality protection, food security, materials recycling, and similar goals.

3.2.2. Established Residential Districts

The residential zone districts established by this LDC are identified in Table 3.2.2: Established Residential Districts.

Table 3.2.2: Established Residential Districts
RSF-1: Residential Single Family 1
RSF-2: Residential Single Family 2
RSF-3: Residential Single Family 3
RSF-D: Residential Single Family and Duplex
R-MF: Residential Multifamily

3.2.3. RSF-1: Residential Single Family 1 District

(a) Purpose

The purpose of the RSF-1: Residential Single Family 1 District is to provide lands that accommodate low-density, single-family detached dwellings on lots with a minimum lot area of 12,500 square feet. The district also accommodates certain group living arrangements as conditional uses, accessory uses such as home occupations and home-based child care, and other compatible uses. District regulations discourage development that negatively impacts the quiet residential nature of the district.







(b) Use Standards

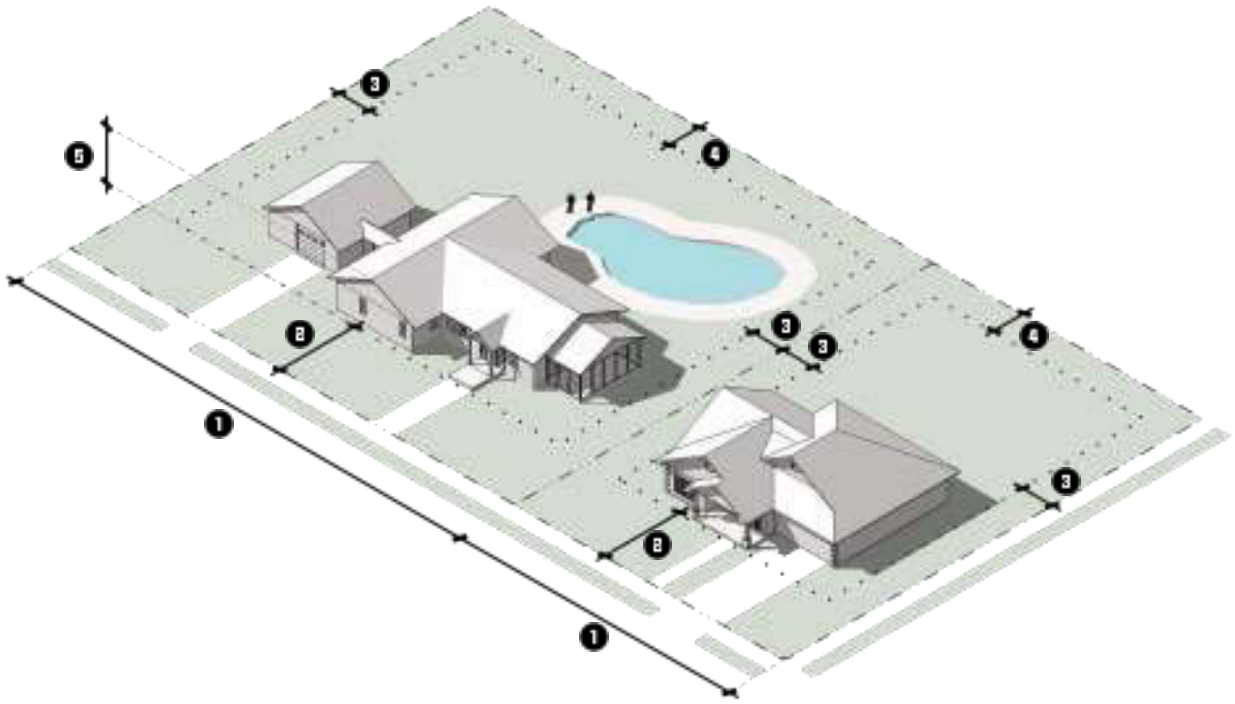
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

	Standard	All Uses
	Lot area, min. (sf)	12,500
1	**Lot width, min. (ft) [1]**	90
2	**Front yard setback, min. (ft)**	25
3	**Side yard setback, min. (ft)**	10
4	**Rear yard setback, min. (ft)**	10
5	**Building height, max. (ft)**	35
	Living area, min. (sf)	1,800
	Impervious coverage, max. (percent)	70

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

[1] Minimum lot width is measured along the road frontage as well as along property fronting a lake, canal, or creek, if applicable.



[d] Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

3.2.4. RSF-2: Residential Single Family 2 District

(a) Purpose

The purpose of the RSF-2: Residential Single Family 2 District is to provide lands that accommodate low-density single-family detached dwellings on lots with a minimum lot area of 7,500 square feet. The district also accommodates certain group living arrangements as conditional uses, accessory uses such as home occupations and home-based child care, and other compatible uses. District regulations discourage development that negatively impacts the quiet residential nature of the district.







(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

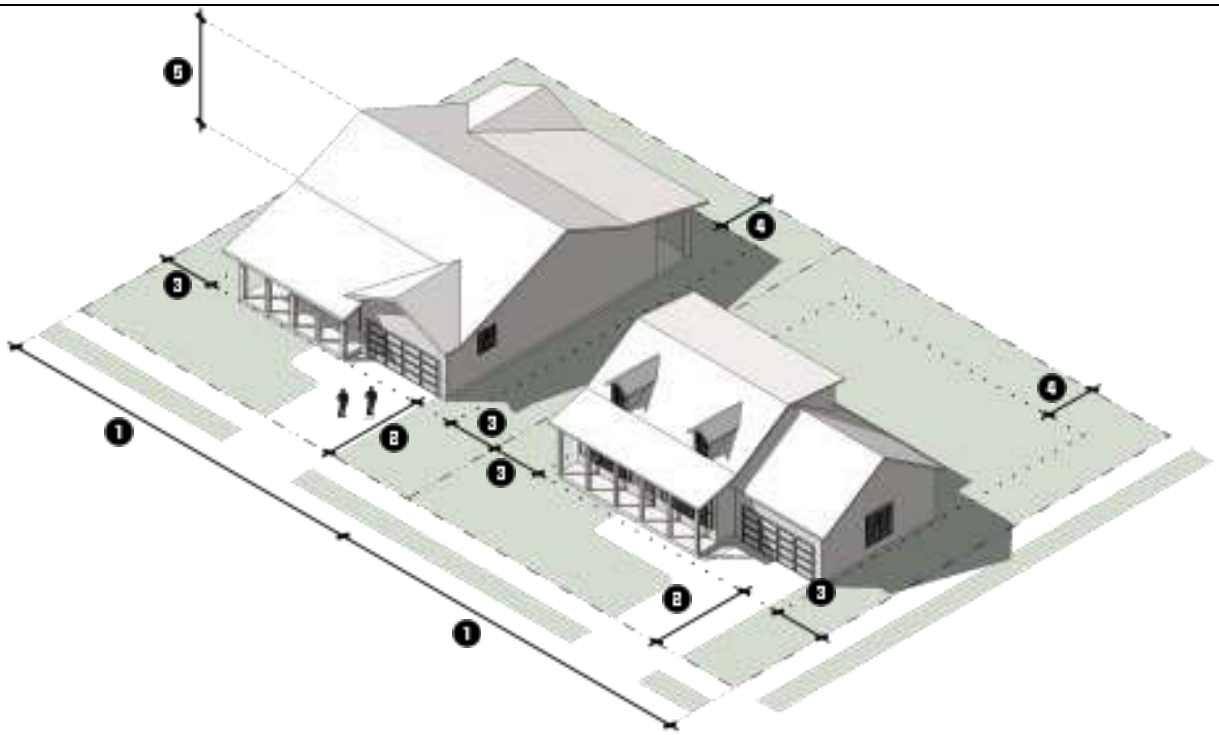
(c) Intensity and Dimensional Standards

Standard	All Uses
Lot area, min. (sf)	7,500
1 Lot width, min. (ft) [1]	75
2 Front yard setback, min. (ft)	20
3 Side yard setback, min. (ft)	7.5
4 Rear yard setback, min. (ft)	10
5 Building height, max. (ft)	35
Living area, min. (sf)	950
Impervious coverage, max. (percent)	70 [2]

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

[1] Minimum lot width is measured along the road frontage as well as along property fronting a lake, canal, or creek, if applicable.

[2] Any buildings in the Mayo Avenue Area Annexation (defined in Ordinance No. 799), the Druid Annexation Area (defined in Ordinance No. 859), and the Dommerich Hills Annexation Area (defined in Ordinance No. 1023) that were constructed before June 27, 2005, that exceed the maximum impervious coverage standard of the district may be rebuilt up to the impervious coverage of the destroyed structure.



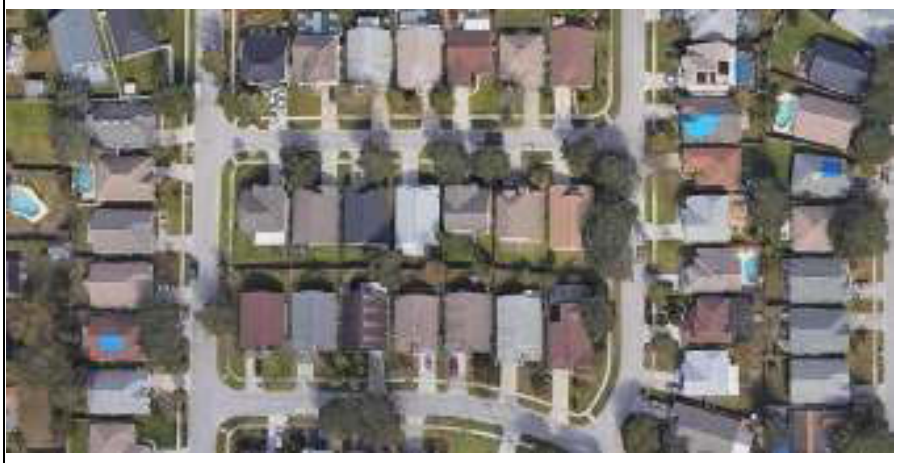
[d] Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

3.2.5. RSF-3: Residential Single Family 3 District

(a) Purpose

The purpose of the RSF-3: Residential Single Family 3 District is to provide lands that accommodate moderate-density, single-family detached dwellings on lots with a minimum lot area of 4,500 square feet. The district also accommodates certain group living arrangements as conditional uses, accessory uses such as home occupations and home-based child care, and other compatible uses. District regulations discourage development that negatively impacts the quiet residential nature of the district. It is the intent of the City Council that this zone district classification shall not be applied to any lands other than those classified RSF-3 on March 1, 2022.







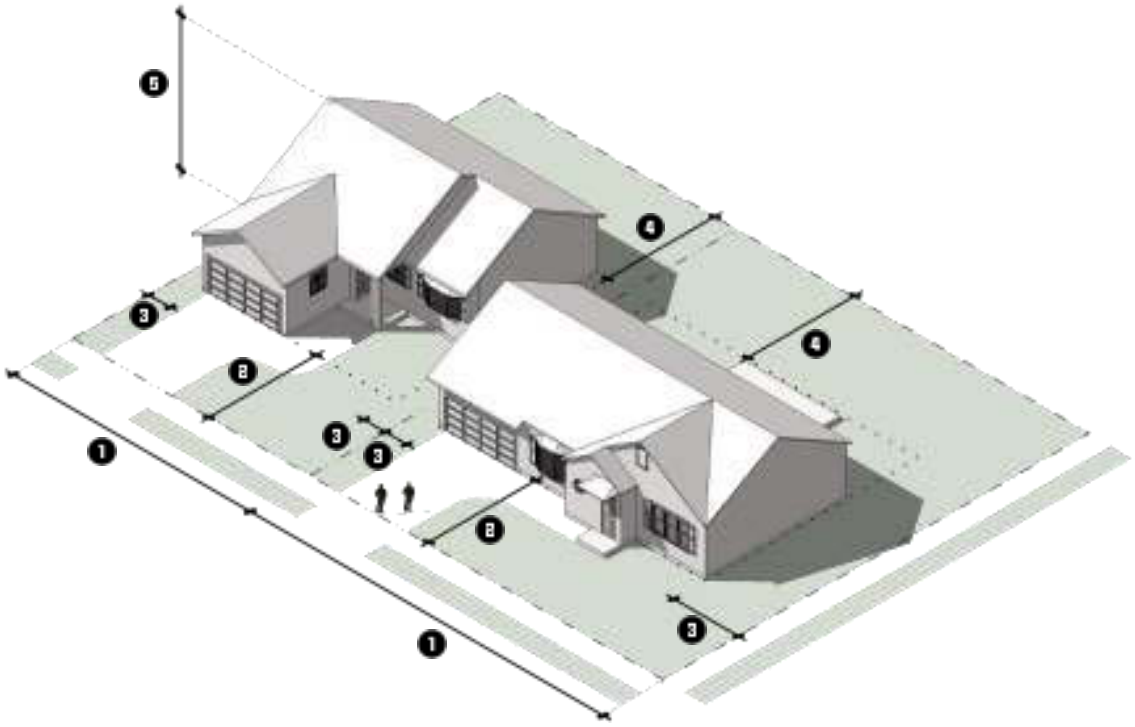
(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

Standard	All Uses
Lot area, min. (sf)	4,500
1 Lot width, min. (ft)	45
2 Front yard setback, min. (ft)	25
3 Side yard setback, min. (ft)	5
Street-side yard setback, min. (ft)	15
4 Rear yard setback, min. (ft)	25
5 Building height, max. (ft)	35
Living area, min. (sf)	900
Impervious coverage, max. (percent)	70

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum



[d] Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

3.2.6. RSF-D: Residential Single Family and Duplex District

(a) Purpose

The purpose of the RSF-D: Residential Single Family and Duplex District is to provide lands that accommodate single-family detached and two-family (duplex) dwellings of moderate density on lots with a minimum lot area of 4,500 square feet. The district also accommodates certain group living arrangements as conditional uses, accessory uses such as home occupations and home-based child care, and other compatible uses. District regulations discourage development that negatively impacts the quiet residential nature of the district.







(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

Standard	Single-Family or Two-Family Residence	Townhouse
Lot area, min. (sf)	4,500	3,000
Density, max. (du/acre)	[1]	
1 Lot width, min. (ft)	50 [2]	50 [3]
2 Front yard setback, min. (ft)	20	20
3 Side yard setback, min. (ft)	5	5 [4]
4 Rear yard setback, min. (ft)	10	10
5 Building height, max. (ft)	35	35
Living area, min. (sf)	900 (single-family detached residence) 700 (townhouse or two-family residence)	
Impervious coverage, max. (percent)	70	70 [3]

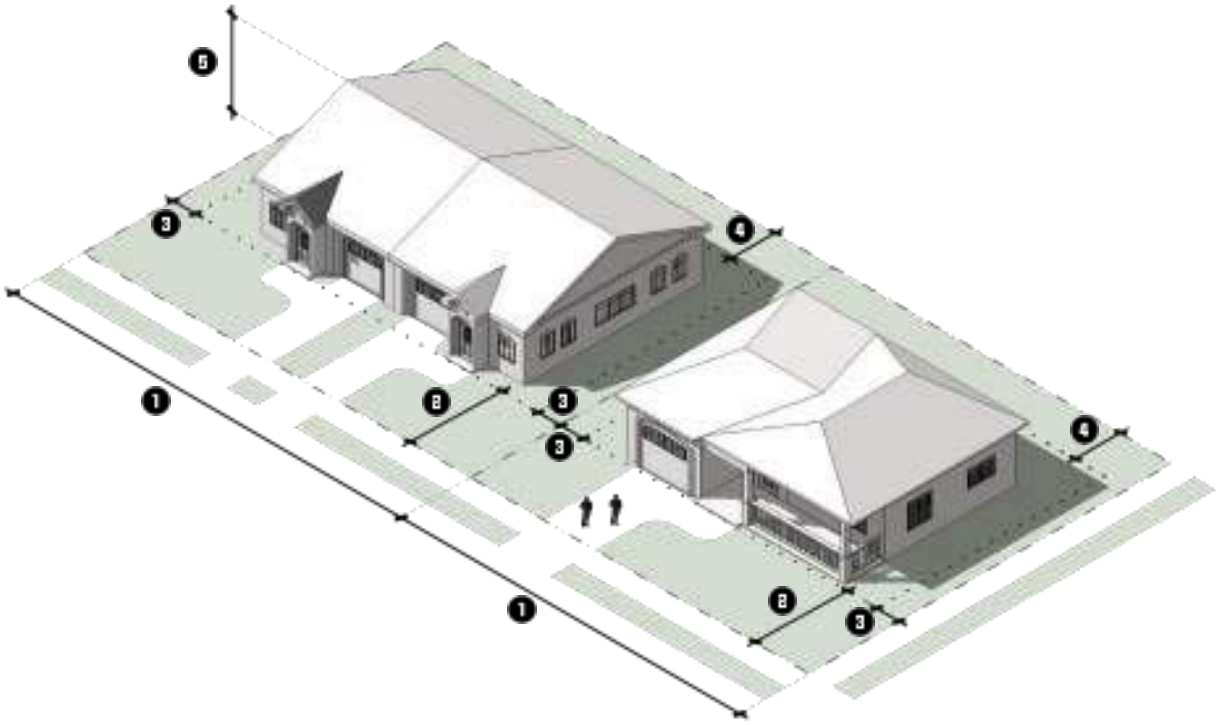
NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

[1] Development is allowed up to the maximum residential density permitted for the property in accordance with the comprehensive development plan.

[2] Minimum lot width is measured along the road frontage as well as along property fronting a lake, canal, or creek, if applicable.

[3] Applicable to the development lot as a whole rather than individual lots under townhouse units

[4] Townhouse side-yard setback only applies to the exterior units.



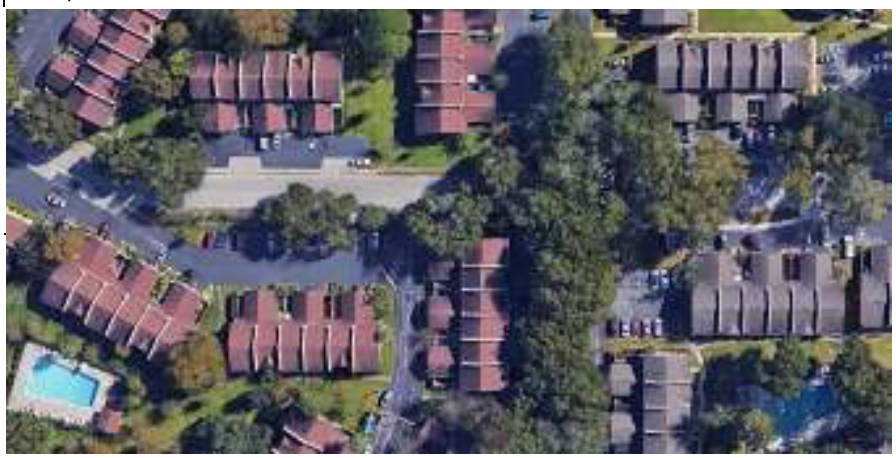
[d] Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

3.2.7. R-MF: Residential Multifamily District

(a) Purpose

The purpose of the R-MF: Residential Multifamily District is to provide lands that support multifamily residential development of moderate to high density. The district also accommodates limited and small-scale professional office and personal services uses that are compatible with the residential nature of the district, and other compatible uses.







(b) Use Standards

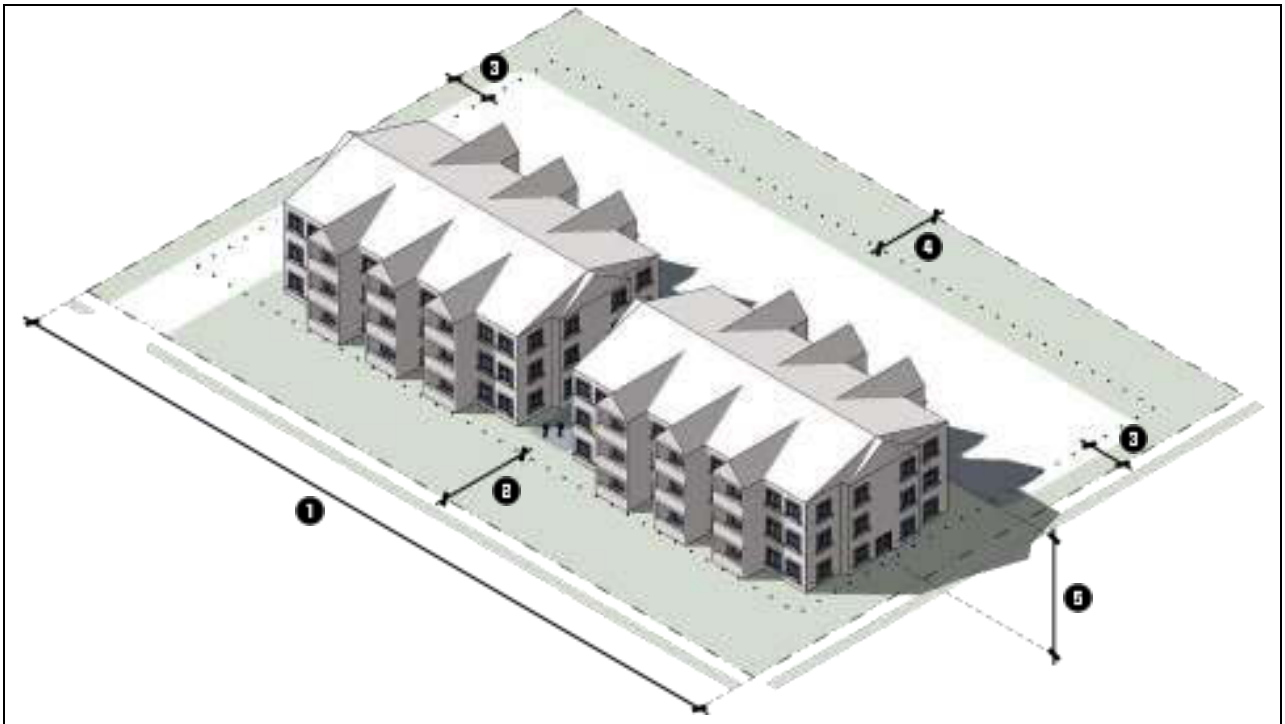
Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

Standard	All Uses
Lot area, min. (sf)	43,560
Density, max. (du/acre)	[1]
❶ **Lot width, min. (ft)**	150
❷ **Front yard setback, min. (ft)**	35
❸ **Side yard setback, min. (ft)**	15
❹ **Rear yard setback, min. (ft)**	25
❺ **Building height, max. (ft)**	55
Living area, min. (sf)	500 (studio apartment) 725 (one-bedroom du) 925 (two-bedroom du) + 150 for each additional bedroom above two
Impervious coverage, max. (percent)	70
Open space, min. (percent)	20

NOTES: sf = square feet; ft = feet; du = dwelling unit; min.= minimum; max.= maximum

[1] Development is allowed up to the maximum residential density permitted for the property in accordance with the comprehensive development plan.



Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

SECTION 3.3. MIXED-USE DISTRICTS

3.3.1. General Purpose of Mixed-Use Districts

The base mixed-use zone districts are established for the general purpose of ensuring there are lands in the City that provide a wide range of retail, office, service, employment, and related development to meet the needs of the City's residents and attract large-scale regional employers, in conjunction with supportive, higher-density residential uses. More specifically, the purpose of the mixed-use zone districts is to:

(a) Strengthen the City's economic base and provide employment opportunities close to home for City residents;

(b) Provide appropriately located lands for a full range of business and commercial uses needed by the City's residents, businesses, and workers, consistent with the goals, objectives, and policies of the comprehensive development plan and other adopted City plans;

(c) Sustain and support the redevelopment of existing office parks into revitalized office space with supportive ancillary uses such as commercial and multifamily residential development to improve the City's reputation as a key destination within the Greater Orlando office park market;

(d) Create suitable environments for various types of mixed-use development designed to integrate business, office, retail, and residential development in compatible ways;

(e) Encourage and support high-quality design in retail, office, service, employment, and mixed-use development in the City;

(f) Accommodate new infill development and redevelopment that is consistent with the goals, objectives, and policies of the comprehensive development plan and other adopted City plans, especially along the Maitland Avenue corridor and near existing single-family neighborhoods; and

(g) Ensure commercial development is located and designed to protect and preserve the character of single-family neighborhoods.

3.3.2. Established Mixed-Use Districts

The base mixed-use zone districts established by this LDC are identified in Table 3.3.2: Established Mixed-Use Districts.

Table 3.3.2: Established Mixed-Use Districts
MX: Mixed Multifamily
WS: West Side
DM Downtown Maitland

3.3.3. MX: Mixed Multifamily District

(a) Purpose

The purpose of the MX: Mixed Multifamily District is to provide lands that support a range of moderate-density residential uses, including single-family detached, townhouse, two-family (duplex), and multifamily dwellings, as well as community-serving professional and business office development and small-scale retail that is compatible in size and scale with the residential uses in the district, and that is located adjacent to residential neighborhoods.







(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

Standard	Single- & Two-Family	Townhouse	Multifamily	Non-residential [1]	Maitland Ave. Multifamily & Non-Residential.
Lot area, min. (sf)	7,500	3,000	43,560	7,500	
Density, max. (du/acre)	[2]	[2]	9.1	[2]	12
Floor Area Ratio (FAR), max.	—	—	—	—	0.5
❶ Lot width, min. (ft)	70	75 [3]	150	60	100
❷ Front yard setback, min. (ft)	10	35	35	25	N/A
❸ Build-to-zone, min. | max. (ft.) [4]	N/A	N/A	N/A	N/A	10 | 30
Building width in build-to zone, min. (% of lot width)	N/A	N/A	N/A	N/A	65
❹ Side yard setback, min. (ft)	10	15 [5]	15	15	5
❺ Rear yard setback, min. (ft)	10	25	25	10	10
❻ Building height, max. (ft)	35	35	45	45	45

Living area, min. (sf)	950	900	725 (1-br du) 925 (2-br du) + 150 each add'l br	N/A	725 (1-br du) 925 (2-br du) + 150 each add'l br
Impervious coverage, max. (%)	70				
Open Space, min. (%)	—	20	20	40	25
Buffer/yard building separation, min. (ft)	—	—	15	15	—

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

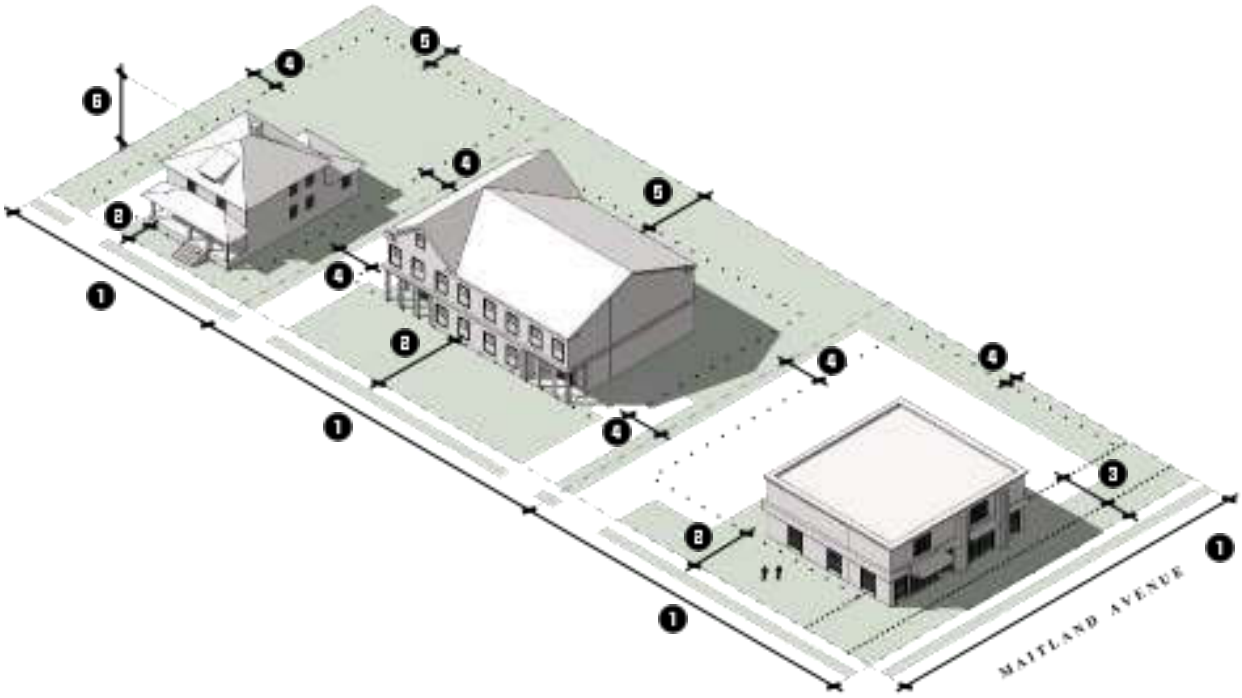
[1] Personal Service or Retail Sales uses as a principal use are allowed only on lots along Maitland Avenue.

[2] Development is allowed up to the maximum residential density permitted for the property in accordance with the comprehensive development plan.

[3] Applicable to the development lot as a whole rather than individual lots under townhouse units.

[4] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone. The minimum and maximum build-to lines are measured from back of curb.

[5] Required side-yard setback is 25 when property abuts the RSF-1, RSF-2, or RSF-3 districts. Side-yard setback requirement for townhouses only applies to the exterior units.



Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards

Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

3.3.4. WS: West Side District

(a) Purpose



The purpose of the WS: West Side District is to provide lands that support an economically vibrant mix of well-connected, walkable, and high intensity/density employment, retail, and residential uses, both in a redevelopment and new development context, in a form that is consistent with the development goals of the City as expressed in the comprehensive development plan and other adopted plans.

The WS District consists of two subdistricts. The West Side Research Technology (WS-RT) subdistrict provides for a high intensity/density mix of office and other employment uses primarily in an office park setting, with supporting retail and residential uses. The West Side New Market (WS-NM) subdistrict supports a high intensity/density mix of office, research and development, other employment, and residential uses with a strong pedestrian form.

Generally, the intent of the district is that development and redevelopment:

(1) **Include an Economically Vibrant Mix of Uses with Sufficient Flexibility to Adapt to Market Demands**

Include a vibrant mix of uses that allow sufficient flexibility to adapt to future market demands in ways that maintain the form and character of development that is consistent with the development goals of the district.

(2) **Adopt a Diverse Approach to Mobility**

To the maximum extent practicable, establish a well connected, accessible place with diverse options for mobility including strong pedestrian, bicycle, transit, and automotive connections.

(3) **Provide Housing Choices in Close Proximity to Employment**

Provide housing choices that are reasonably attainable to the workforce employed in the district, within close proximity to the places of employment.

(4) Provide Neighborhood Serving Commercial Uses that are Proximate to Housing and Employment

Provide neighborhood serving commercial uses in close proximity and that preferably are within walking distance from housing and employment uses, and to the maximum extent practicable, are located at mixed-use nodes that are accessible to transit.

(5) Maintain a High Quality of Development that Establishes the Westside District as a Unique and Special Place

Maintain a high quality of development that establishes the West Side District as a unique and special place for high density/intensity, walkable, mixed-use development.

(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards		
Standard	**WS-RT**	**WS-NM**
Density, max. (du/acre) [1]	65	
Floor Area Ratio, max.	3.0	
❶ **Build-to zone, min. | max. (ft) [2]**		
Main Street	[3]	15 | 50
Primary Street	25 | 80	15 | 50
Secondary Street	50 | ---	15 | 50
❷ **Side yard setback, min. (ft)**	10	
❸ **Rear yard setback, min (ft)**	25	15
Building width in front yard setback, min. (% of lot width)	40	75
❹ **Building height, max. (ft)**	No maximum	150
Living area, min. (sf)	500 (studio apartment) 725 (1-br du) 925 (2-br du) + 150 for each additional br above two	500 (studio apartment) 725 (one-br du) 925 (two-br du) + 150 for each additional br above two
Impervious Coverage, max. (%)	75	85
Open Space set aside, min. (%)	30 [4]	

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum br= bedroom

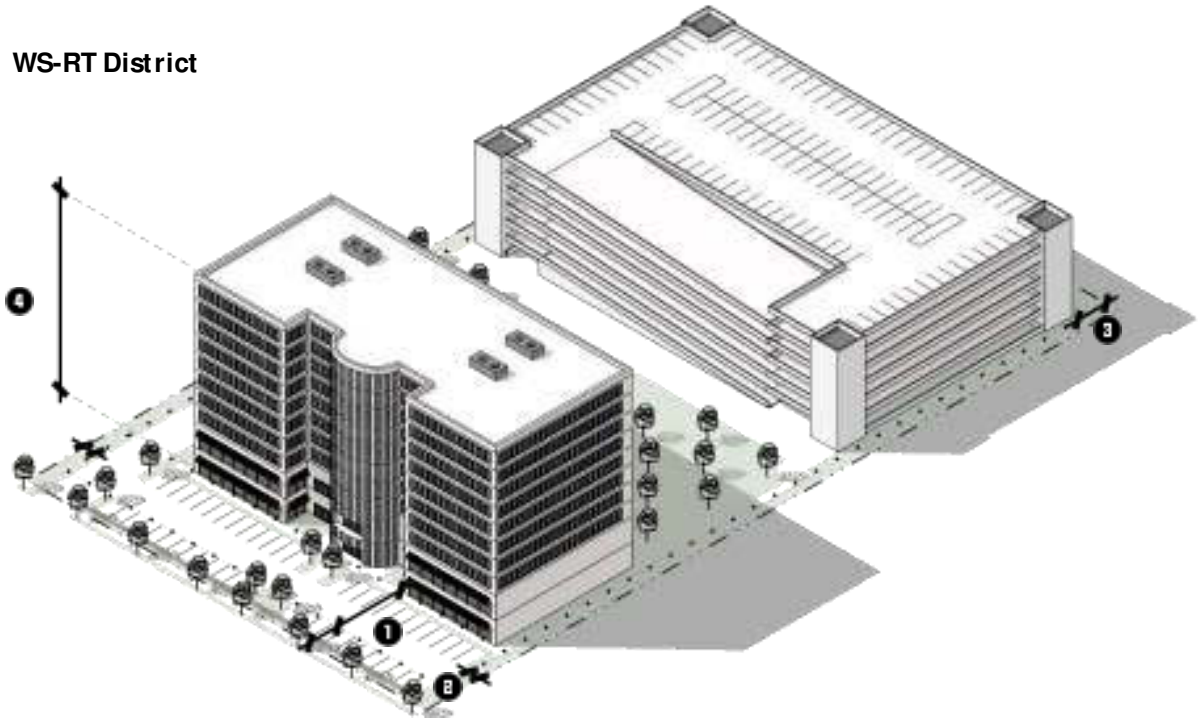
[1] Residential units do not count against the Floor Area Ratio maximum. They can be developed in addition to the Floor Area Ratio maximum.

[2] See Sec. 10.2.1(d), Build-to Zone. The applicant may request modifications from the Community Development Director for the purpose of preserving existing tree canopy or easements.

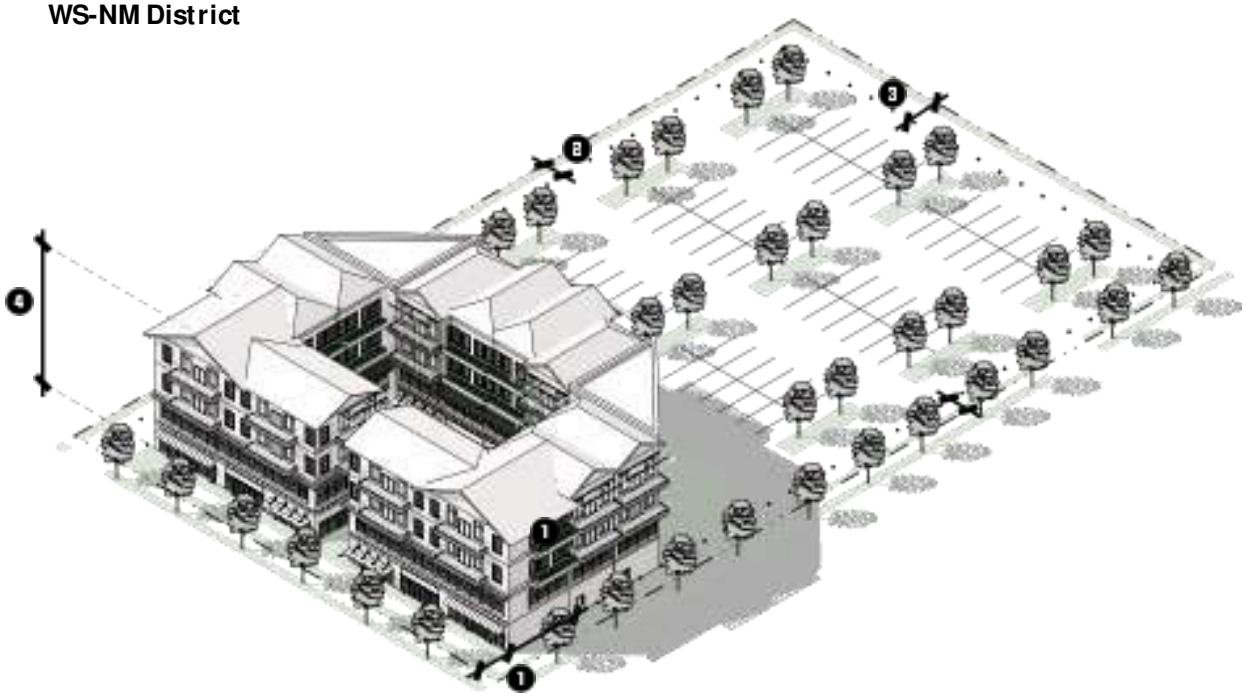
[3] Main Street is only located in the WS-NM district.

[4] Up to 50 percent of the land credited towards meeting the open space set-aside requirements may be used as a solar energy collection facility, provided that the facility is installed in such a away that at least 85 percent of the land underneath is permeable.

WS-RT District



WS-NM District



(d) Reference to Other Standards			
Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
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Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

(e) Design and Form Standards

(1) Applicability

(A) General

Unless exempted in part, in accordance with subsection (B) below, all development in the WS district shall comply with the standards of this subsection.

(B) Existing Development

The following development that is not part of an approved planned development existing prior to March 1, 2022 is exempt from some of the requirements of this section, as noted below:

1. The expansion or alteration of development existing prior to March 1, 2022, if the development increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area over the five years prior to the submission of an application, is only required to comply with the following subsections (compliance with the other subsections is encouraged, where practicable):
    a. Subsection (4), Parking Lot Location, to the maximum extent practicable;
    b. Subsection (6), Public Frontage Standards;
    c. Subsection (7), Circulation Network, to the maximum extent practicable;
    d. Subsection (8), Street Design;
    e. Subsection (9), Perimeter Buffers;
    f. Subsection (11), Parking Lot Landscaping and Screening; and
    g. Subsection (15), Signs.
2. The expansion or alteration of development existing prior to March 1, 2022, if the development increases the building's floor area by less than 50 percent, or

the alteration involves less than 50 percent of the building's gross floor area, over the five years prior to the submission of an application, is only required to comply with the following subsections (compliance with the other subsections is encouraged, where practicable):

a. Subsection (4), Parking Lot Location, to the maximum extent practicable;

b. Subsection (8), Street Design, regarding street trees, to the maximum extent practicable;

c. Subsection (9), Perimeter Buffers, to the maximum extent practicable;

d. Subsection (11), Parking Lot Landscaping and Screening, to the maximum extent practicable; and

e. Subsection (15), Signs.

3. To the extent any design and form standards in this subsection conflict with standards elsewhere in this LDC, the standards in this subsection control.

4. To the extent any design and form standards in this subsection conflict with standards in an approved Development of Regional Impact (DRI), the standards in the DRI control.

[2] Building Placement and Orientation

Building orientation refers to the location of the building wall facing a public right-of-way and entrances to a building (including a building located on an outparcel).

(A) Buildings shall orient toward the public right-of-way.

(B) If a site fronts on more than one public right-of-way, such as a corner or double frontage lot, the buildings shall be designed to comply with the setbacks and frontage requirements on all rights-of-way. If the Community Development Director determines this is not feasible, the buildings shall front the public right-of-way which is located on the highest-level street type (e.g., Main Street versus a Primary Street or a Primary Street versus a Secondary street).

[3] Building Width

Buildings shall comply with the building width within the front yard setback requirements in Sec. 3.3.4(c), Intensity and Dimensional Standards, above. (The standards are stated as a percentage of lot width.) Up to one-third of the required percentage may consist of arcades or frontage walls. A frontage wall shall be a minimum height of 18 inches with a maximum height of 24 inches, with a minimum width of eight inches. The wall shall be constructed of stone, brick, decorative metal, or stucco. If the knee wall is constructed with decorative metal, the minimum width standards shall not apply. The material shall complement the primary building's architecture. No portion of any building or wall shall interfere with the sight triangle.

[4] Parking Lot Location

(A) To the maximum extent practicable, the placement of a new parking lot shall avoid conflicts between vehicular and pedestrian activities.

(B) A parking lot in the WS-NM subdistrict shall be located at the side or rear of the building. Parking is prohibited when located between the front façade of the building and the street and pull-off, or as parallel parking directly off a road except in properly designated public parking spaces.

(C) A parking lot in the WS-RT subdistrict shall be located at the side or rear of the building, except a maximum of two rows of parking served by a single drive aisle is permitted in the front of the building between the front façade of the building and the street.

[5] Building Standards Specific to WS-NM Subdistrict

(A) Building Façade

A building façade shall not exceed 20 horizontal feet and ten vertical feet without including at least one of the following elements to establish clearly defined, highly visible, primary building entrances: canopies, recesses, arcades, raised parapets, roof forms, or adjacent display windows. Building façades along public streets shall maintain a pedestrian scale and integrate the public and private spaces in a harmonious way using architectural elements.

(B) Building Massing and Façade Articulation

Building façades shall not exceed 60 feet along a street frontage without providing a substantial volume break such as a volume recess, a tower or bay, or an architecturally prominent public entrance. The recesses and projections shall have a minimum depth of three feet.

(C) Building Entrances

All primary pedestrian entrances into principal buildings shall be clearly defined and emphasized using changes in the wall plane or façade material, pilasters, awnings, canopies, porches, or other architectural elements. Where the building façade of a principal building abuts or faces a street, at least one operable pedestrian entrance providing both ingress and egress shall be provided. If the façade includes multiple tenant spaces, at least one such entrance shall be provided for each street-level tenant space. These required pedestrian entrances shall open directly to the street sidewalk without requiring pedestrians to pass through a garage, parking lot, or other non-pedestrian area located between the entrance and the street.

(D) Transparency

1. Where the façade of a building abuts or faces a street or an adjoining public gathering space, a minimum of 65 percent of the street–level façade area along local streets and a minimum of 50 percent along all other streets shall be

comprised of transparent window or door openings to allow views of interior spaces and merchandise so as to enhance safety and create a more inviting environment for pedestrians.

2. Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a visible light transmittance measured between 0.2 and 0.65.

[6] Public Frontage Standards

(A) Outdoor Dining

Any outdoor dining facilities included within the development shall comply with the following:

1. Outdoor dining shall be immediately adjacent to the façade of the dining establishment with which it is associated. See Figure 3.3.4(e)(6)(A): Outdoor Dining.

2. Alterations to or the covering of sidewalks in outdoor dining areas is prohibited (including but not limited to the use of paint, carpet, turf, platforms, etc.).

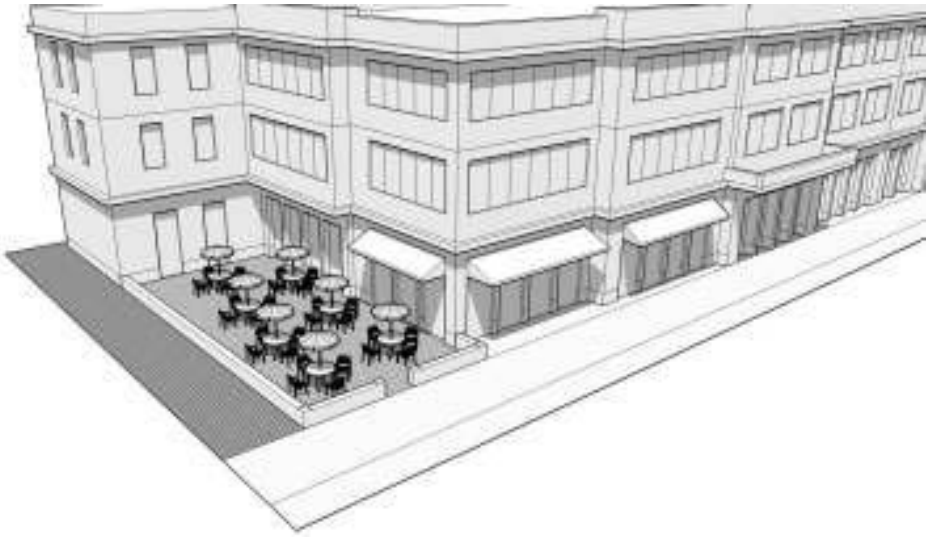
3. Menu boards, planters, booths, and other associated furniture shall be placed within the outdoor seating envelope.

4. Outdoor seating for all establishments serving alcohol shall be surrounded by a 36-inch high free-standing, removable barrier, if required by law or license, and shall not impede pedestrian access and circulation.

5. If required, barriers shall not include chain link, chain rail, rope rail, or any material not specifically designed for fencing.

6. Outdoor dining and associated furniture and barriers may encroach into City-maintained right-of-way upon execution of a right-of-way encroachment agreement approved by the DRC.

Figure 3.3.4(e)(6)(A): Outdoor Dining



(B) Activity Area

The activity area is intended to serve as a transition between the sidewalk and a building. Structures and activities allowed within the activity area include balconies, canopies, awnings, overhangs, arcades, porches, stoops, outdoor dining/sitting areas, and public plazas. An activity area that includes an arcade/gallery or an awning or canopy shall comply with the following:

1. Arcade and Galleries

a. Arcades and galleries shall provide a 12-foot vertical clearance on the first floor and have a minimum depth of eight feet (see Figure 3.3.4(e)(6)(B)1: Arcade).

b. Floors above an arcade or gallery are allowed to encroach into the activity area for the entire depth of the arcade.

Figure 3.3.4(e)(6)(B)1: Arcade



2. Awnings and Canopies

Awnings and canopies shall:

a. Have a minimum depth of five feet.

b. Have a minimum vertical clearance of 12 feet from the lowest point of the awning to the sidewalk.

c. Be made of fabric (high-gloss or fabrics that resemble plastic are prohibited).

d. Not cover architectural elements such as cornices or ornamental features.

e. Not be back-lit.

f. Be sized to match the corresponding window openings.

g. If in a multi-story building, have the highest point of a first-floor awning or canopy be no higher than the midpoint between the top of the first story window and the bottom of the second story windowsill.

(7) Circulation Network

(A) Street Types

Certain streets existing on March 1, 2022 are designated Main Streets or Primary Streets as set forth in Table 3.3.4(e)(7)(A): Existing Street Designations. Streets existing on March 1, 2022 that are not identified in Table 3.3.4(e)(7)(A) shall be

considered Secondary Streets. The Community Development Director shall assign each new street created as part of a development as a Primary Street or Secondary Street in accordance with the criteria below.

1. Primary Street

A primary street is a street that is designed as part of the loop system designed to connect the four quadrants of the WS district (north and south of Maitland Boulevard and east and west of Keller Road). A primary street shall generally be designed as a minor arterial (see Table 3.3.4(e)(8): WS District Street Standards).

2. Secondary Street

All other new streets within the WS district that are not primary streets shall be designated as secondary streets. A secondary street shall generally be designed as a collector road (see Table 3.3.4(e)(8): WS District Street Standards).

Table 3.3.4(e)(7)(A): Existing Street Designations

Street Designation	Street Name	From	To
Main	Keller Road	City Limits (Gateway Drive)	City Limits (Lucien Way)
	Maitland Summit Boulevard	Pembrook Drive	Keller Road
Primary	Maitland Center Parkway	North Keller Road	North Lake Destiny Road
	Southhall Lane	South Keller Road	North Lake Destiny Road
	Lake Destiny Drive	Maitland Boulevard	Maitland Center Parkway
	Fennell Street	Flagler Promenade Way	North Keller Road
	Summit Tower Boulevard	Pembrook Drive	Maitland Summit Boulevard

(B) Block Configuration

Any new development, including additional buildings that are constructed on an existing parcel with existing constructed buildings, shall provide a continuous drive aisle that complies with the standards in subsection (C) below for connections to adjacent parcels.

(C) Vehicular Access

1. General

a. Development sites under the same ownership or that are consolidated for the purposes of development, and that are comprised of more than one building site, shall not be considered separate properties for purposes of the vehicular access standards of this LDC.

b. The number of connections permitted shall be the minimum number necessary to provide reasonable access to the site and comply with subsection 2 below. This shall also apply to phased development plans.

c. Vehicular access to outparcels shall be internalized using the shared circulation system of the principal development. Access to outparcels shall be designed to avoid excessive movement across parking aisles and queuing across surrounding parking and driving aisles.

2. Joint-Use Driveways and Cross-Access Easements

A system of joint-use driveways and cross-access connections to adjacent parcels shall be established on the development site and shall incorporate the following:

a. A unified access and circulation system plan that includes coordinated or shared parking areas, wherever feasible.

b. A continuous service drive and cross access to adjacent sites. Where adjacent parcels are vacant, stub-outs and other design features shall be used to make it visually obvious where the cross-access/service drive connections will be connected when development occurs on the adjacent parcel(s). Where development already exists on the adjacent parcel, the cross-access connection(s) shall be made at a location where it is most practicable to make cross connections. Cross-access connections are not required where they are infeasible to establish due to environmental factors like wetlands, lakes, the location of environmentally sensitive lands, protected trees, or similar features.

(D) Pedestrian Connectivity

1. General

The pedestrian network shall provide direct pedestrian and bicycle pathways to surrounding buildings, adjacent parcels, surrounding streets, external sidewalks, adjacent trails, transit stops, parking areas, and future phases of development.

2. Design

The design of pedestrian facilities shall comply with the following standards:

a. Sidewalks or pedestrian pathways shall be well lit and physically separated from driveways and parking spaces by landscaping, other vegetative barriers, grade separations, or other methods to protect pedestrians from vehicular traffic.

b. A crosswalk shall be required at all points where a sidewalk crosses a lane of vehicular travel, including a street, public driveway, cross access, or paved area accessible to vehicles. Crosswalks shall be designed and coordinated to move people safely across the vehicular path.

c. Sidewalks shall be a minimum of eight feet wide in the WS-RT Subdistrict, and a minimum of six feet wide in the WS-NM Subdistrict.

(8) Street Design

New streets shall comply with the standards in Table 3.3.4(e)(8): WS District Street Standards. The street designations are adapted to meet the context of the WS District and modify the standards in Section 3, Roads, in Appendix A: Engineering and Design Manual.

Table 3.3.4(e)(8): WS District Street Standards

Street Configuration	Minor Arterial	Collector
Travel Lanes (each way), min. | max.	1 | 2	1 | 1
Bike Facility	On-Street Bike Lane	
Lane Dimensions		
Travel lane width, min. | max. (ft)	10 | 12	
Bike lane width, min. (ft)	7	
Parking lane width, min. | max. (no bike lane) (ft)	8 | 10	
Landscape/Pedestrian Area		
Street Trees	Refer to Sec. 6.3.4, Street Trees	
Street Tree planting area width (ft)	8 [1]	
Sidewalk width, min. (each side of street) (ft)		
NM District	6	
RT District	8	
Total street width		
Right-of-way width, min. (ft) [2] [3]	48 [4]	

Table 3.3.4(e)(8): WS District Street Standards		
Street Configuration	**Minor Arterial**	**Collector**

NOTES:

[1] Size of planting area varies based on type of tree.

2] Additional right-of-way may be required in very high density/intensity mixed-use or commercial or residential areas to ensure safe and adequate access and circulation, and adequate on-street parking.

[3] Rights-of-way for marginal access streets may be reduced where conditions warrant as provided in Sec. 3.2, Streets, in Appendix A: Engineering and Design Manual.

[4] Minimum right-of-way width without bike lane(s).

[9] Perimeter Buffers

The standards and requirements of Sec 5.3.4(c), Perimeter Buffer Standards, including Table 5.3.4(c)(3): Buffer Types, apply to development in the WS District except that proposed Commercial or Office Uses (either new development or redevelopment) are not required to provide a buffer next to existing Public/Semi-Public or Institutional Uses.

[10] Large Parking Lots

The standards of Sec. 5.2.4(h), Large Parking Lots, apply.

[11] Parking Lot Landscaping and Screening

Parking lots shall be designed to minimize direct views of parked vehicles from streets and sidewalks and avoid spill-over light, glare, noise, and exhaust fumes onto adjacent properties through layout, landscaping, buffering, and screening.

(A) Landscape Strips Between Parking Aisles

The standards of Sec. 3.3.5(e)(8)(A), Landscape Strips Between Parking Aisles, apply within the WS district except trees within the landscape strip shall comply with Table 3.3.4(e)(11)(A): Parking Lot Landscape Strip Tree Standards.

Table 3.3.4(e)(11)(A): Parking Lot Landscape Strip Tree Standards				
Tree Type	**Spacing of Trees (min., ft)**	**Caliper (min., in)**	**Clearance (min., ft)**	**Soil Volume**
Species to be established that meets the minimum criteria [1]	30	3	14 vehicular; 8 pedestrian	10' root diameter

NOTES:

[1] Tree types shall be chosen from the landscape palette maintained by the Community Development Director in the Procedures Manual. All proposed trees and plant materials shall be graded as Nursery Grade No. 1 or better as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry Grades and Standards for Nursery Plants (latest edition as revised from time to time)

(B) Landscape Islands

The standards of Sec. 3.3.5(e)(8)(B), Landscape Islands, apply within the WS district.

(C) Parking Lot Perimeter Screening

The standards of Sec. 3.3.5(e)(8)(C), Parking Lot Perimeter Screening, apply within the WS district except the use of cast stone squares is not encouraged.

[12] Parking Structures

The following standards apply to parking structure façades:

(A) Vehicle entrances to a parking structure shall be distinct and separate from and coordinated with safe design for pedestrian access.

(B) Pedestrian access to a parking structure shall be provided directly from adjacent streets.

(C) Those areas of the building that do not include ground floor active uses shall provide landscaping instead of paved activity areas.

(D) Parking structures shall comply with all building design standards for building façade, scale, building features, and lighting, compatibility, and placement on the site. The architectural design of a parking structure façade shall be consistent with neighboring structures and all buildings it is intended to serve. See Figure 3.3.4(e)(12): Parking Structure Façade Examples.

Figure 3.3.4(e)(12): Parking Structure Façade Examples



[13] Service Areas/Utilities

The following standards apply to all utility and service areas:

(A) Outdoor storage, trash collection, and loading areas shall not be located adjacent to land in a residential development or Residential zone district. If site constraints exist, outdoor storage, trash collection, and loading areas may be located adjacent to lands in a residential development or Residential zone district if:

1. The service areas are screened from view by a wall that is at least one foot higher than the largest object being screened, but no more than eight feet high, on all sides where access is not needed. Where access is needed, an opaque gate of the same height as the wall shall be provided;

2. The wall shall be obscured by landscaping. Sufficient planting materials shall be used such that no more than two-thirds of the surface area of the screening

wall is visible from the street within three years of the wall's erection. Plant materials used to fulfill these requirements shall be a minimum of four feet in height when planted, and planted so that there is no gap greater than two feet between plant foliage. Alternatively, the required landscape screening may be provided by a natural evergreen plant material which can be expected to reach six feet or greater within two years of planting;

3. Deliveries and collections are prohibited between 10 p.m. and 7 a.m.; and

4. Commercial vehicular idling is prohibited.

(B) Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties.

(C) Areas for outdoor storage, trash collection, and loading areas shall be incorporated into the primary building design, and construction for these areas shall be of materials of comparable quality and appearance as that of the primary building.

(D) Shopping cart storage shall be located inside the building or shall be screened by a wall at least four feet in height consistent with the building architecture and materials.

[14] Stormwater Design

(A) The preferred method of accommodating stormwater impacts is through use of regional stormwater facilities in-lieu of accommodating stormwater on site.

(B) All stormwater management areas should be incorporated into the overall design of the project.

(C) Ponds are encouraged to not be located adjacent to public rights-of-way, but to the side or rear of a development.

(D) Wet stormwater areas shall be designed as amenities. Features such as fountains or aerators shall be required to accent the ponds and provide adequate aeration to prevent stagnation and fish kills.

(E) Landscaping is required to soften the visual appearance of a pond's edges. Florida friendly trees and shrubs shall be used for landscaping. No exotic invasive plants are permitted.

(F) Subject to the requirements of the St. Johns River Water Management District, other governmental agencies, and a consideration of safety related issues, stormwater facilities shall be prohibited from having fencing unless it is demonstrated it is necessary due to the configuration and topography of the lot. Any fence shall be designed in accordance with Sec. 2.9(e)(7), Fencing, in Appendix A: Engineering and Design Manual.

(G) Whether stormwater is provided onsite or offsite, low-impact design concepts such as rainwater harvesting, green roofs, bio-swales, rain gardens, parking lot water capture, and pervious pavement are encouraged to be used. The goal of encouraging the use of these mechanisms is to reduce stormwater runoff, capture contaminants closer to the source, and reduce the use of potable water for irrigation and grey water activities.

[15] Signs

The following standards apply in the WS-NM district:

(A) Signs Erected on Buildings

Building signs refer to any sign physically attached to the building. In addition to the requirements of Section 5.14, Signs, the following apply to all development within the WS district:

1. The maximum allowable sign copy area for signs erected on a building (including on a canopy or awning) on a particular street frontage shall not exceed one square foot per every linear foot of street frontage up to 80 square feet per sign. This maximum allowable copy area may be increased by ten percent for any building higher than 35 feet. Specific requirements apply for different types of signs as follows:

a. Projecting or Blade Signs

The area of a projecting sign shall be no more than six square feet, with a maximum width of 36 inches and a maximum height of 36 inches. The minimum clearance of the base of the sign shall be eight feet above the sidewalk. See Figure 3.3.4(e)(15)(A)1.a: Projecting Sign.

b. Wall or Arcade Signs

The maximum width of a wall or arcade sign shall be the width of the shopfront; the minimum copy area height shall be one foot and the maximum shall be three feet. The minimum clearance of the base of the sign shall be eight feet above the sidewalk. See Figure 3.3.4(e)(15)(A)1.b: Wall Sign.

c. Canopy or Awning Signs

The maximum area of a sign on a canopy or awning shall not exceed 30 percent of the canopy or awning face area. The minimum copy area shall be one foot and the maximum shall be three feet.

Figure 3.3.4(e)(15)(A)1.a: Projecting Sign



Figure 3.3.4(e)(15)(A)1.b: Wall Sign



2. Window signs may not cover more than 25 percent of the minimum amount of area required to be provided by subsection (5)(D), Transparency, above. One window sign per storefront is permitted. Each such window sign shall be no larger than five feet in width and three feet in height and shall consist of individual letters and designs that are not made of temporary materials and are part of the overall design of the signage. Gold leaf, professional painting, and decals are permitted materials.

3.3.5. DM: Downtown Maitland District

(a) Purpose





The purpose of the DM: Downtown Maitland zone district is to implement the comprehensive development plan and Downtown Maitland Master Plan by providing lands that accommodate downtown Maitland as the center of commerce, government, entertainment, and culture in the City. Principal types of development include higher intensity government, commercial, entertainment, and employment uses, as well as higher density residential and mixed use development, all in a form that is pedestrian friendly, architecturally attractive, consistent with the desired character of the city, supportive of multiple modes of mobility, and protective of the character of adjacent residential lands. Allowed uses include retail services, personal services, recreation/entertainment, offices, hotels and motels, restaurants, microbreweries, health care, multifamily and townhome dwellings, and mixed-use development.

The Downtown Maitland (DM) zone district consists of two subdistricts. The Downtown Maitland (DM) subdistrict supports pedestrian-friendly, mixed-use development at the greatest intensities and densities in the City. The Downtown Maitland Edge (DM-EDGE) Subdistrict, which is located on lands adjacent and proximate to existing residential neighborhoods is supportive of pedestrian-friendly, mixed use, and other similar types of development as the DM subdistrict, but at less intense densities/intensities, and in a form that ensures the character of the adjacent residential neighborhoods is maintained.





(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. In a PD located in the DM district, an ongoing use that existed prior to June 22, 2020 may continue. However, any change to a use in a planned development that existed prior to June 22, 2020 shall only be to a use allowed in the DM-PD district in accordance with Table 4.2.2: Principal Use Table.

(c) Intensity and Dimensional Standards

(1) Unless exempted in subsections (2) or (3) below, all development in the DM zone district shall comply with the following intensity and density standards.

(2) The expansion or alteration of development existing prior to June 22, 2020 that is not approved as a planned development, that increases the building's floor area by less than 50 percent or alterations that involve less than 50 percent of the building's gross floor area, over the five years prior to the submission of an application, is exempt from the requirements of this section, except for the following:

(A) The existing building that is expanded or altered is first expanded or altered toward the street frontage if it does not comply with the build-to-zone standards of this section, to bring the building into greater compliance with those standards;

(B) The expansion or alteration makes reasonable efforts to comply with the building width in build-to zone and building façade fenestration/transparency standards of this section; and

(C) The expansion or alteration complies with the maximum density and maximum FAR standards.

(3) A planned development existing prior to June 22, 2020 may continue to develop consistent with the terms and conditions of approval of the approved planned development, except that any expansion or alteration that increases the building's floor area by less than 30 percent or alterations that involve less than 30 percent of the building's gross floor area over the five years prior to the submission of an application, shall comply with the following:

(A) The existing building that is expanded or altered shall first be expanded or altered toward the street frontage, to the maximum extent practicable, if it does not comply with the build-to-zone standards of this section, to bring the building into greater compliance with those standards;

(B) The expansion or alteration shall make reasonable efforts to comply with the building width in the build-to zone and building façade fenestration/transparency standards of this section; and

(C) The expansion or alteration shall comply with the maximum density/intensity requirements of the approved planned development, but under no circumstances shall exceed the maximum density and maximum FAR standards of this section.

[4] A planned development existing prior to June 22, 2020 that expands or is altered in a way that increases the building's floor area by 30 percent or more, or alters the building's gross floor areas by 30 percent or more over the five years prior to the submission of an application, shall comply with all of the following intensity and dimensional standards.

Standard	DM	DM-EDGE
1 **Block length, min. | max. (ft.)**	330 | 660	
2 **Build-to zone (ft.) [1]**		
Type I Street	26 | 41	
Type II Street	25 | 40	
Type III Street	18 | 33	
Front yard setback, min. (ft.)	—	
Side yard setback, min. (ft.)	—	
Rear yard setback, min (ft.)	—	
Building width in build-to zone, min. (% of lot width) [2]	75	60
Building façade fenestration/transparency, min. (percentage of street-level façade area) [3]	50	40 for non-residential and mixed use 25 for residential
Density, min. | max. (du/acre of net lot area) [4] [5]		
Parcels less than 2 acres	10 | 20	5 | 14
Parcels 2 acres or greater and less than 3 acres	12 | 30	8 | 21
Parcels 3 acres or greater	16 | 40	12 | 28
Floor Area Ratio (FAR), min. | max. [6]		
Parcels less than 2 acres	0.60 | 1.20	0.40 | 0.85
Parcels 2 acres or greater and less than 3 acres	0.70 | 1.40	0.50 | 1.00
Parcels 3 acres or greater	1.00 | 2.00	0.70 | 1.40
3 **Building height, max. (ft)**	78 (6 stories) [7]	48 (3 stories) [7]
Open space set-aside, min. (%)	10	15
Impervious surface, min. | max. (%)	50 | 90	40 | 80

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

[1] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone. The minimum and maximum build-to lines are measured from back of curb. They differ based on the street type on which the building fronts. The area between the minimum build-to-line and curb shall include the parkway, the sidewalk, and the activity area. See Table 3.3.5(e)(4)(B): Public Frontage Standards. If the minimum required parkway and/or activity area width is reduced in accordance with Sec. 3.3.5(e)(4)(B), Public Frontage Standards, the minimum build-to line shall be reduced accordingly.

[2] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, stormwater management facilities that use environmental site design techniques.

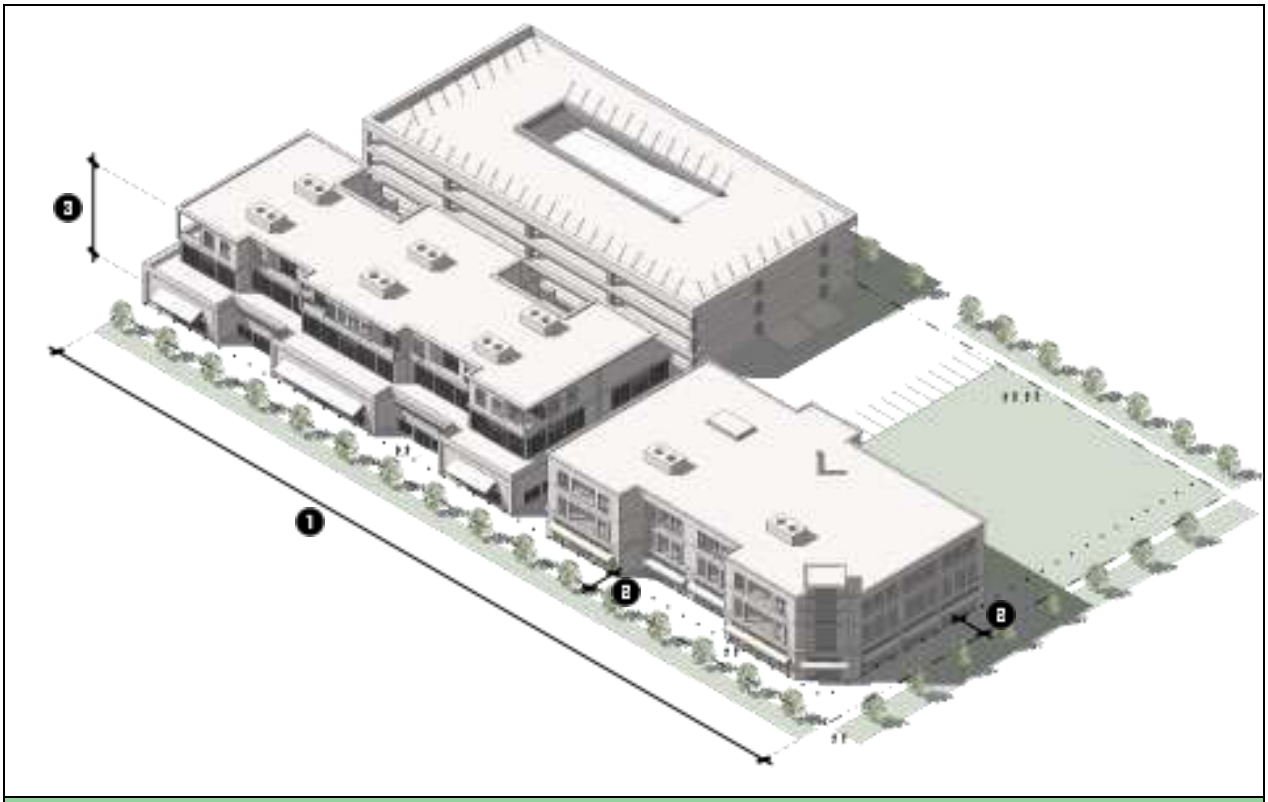
[3] Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and non-reflective, with a minimum visible light transmittance of 0.65 and maximum visible light reflectance of 0.2.

[4] Maximum density varies based on parcel size as outlined in the comprehensive development plan.

[5] A development can potentially achieve maximum residential densities and maximum nonresidential FARs. For purposes of calculating permitted density, a group home use shall be considered as a nonresidential use subject to the FAR requirements.

[6] Maximum FAR varies based on parcel size as outlined in the comprehensive development plan.

[7] The first floor of all buildings shall be a minimum of 14 feet in height.



[d] Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

[e] Design and Form Standards

[1] Applicability

(A) General

Unless exempted in part, in accordance with subsections (B) or (C) below, all development in the DM district shall comply with the standards of this Sec. 3.3.5(e).

(B) Existing Development

The following development that is not part of an approved planned development existing prior to June 22, 2020 is exempt from some of the requirements of this section, as noted below:

1. The expansion or alteration of development existing prior to June 22, 2020, if the development increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area over the five years prior to the submission of an application, is only required to comply with the following subsections (compliance with the other subsections is encouraged, where practicable):
    a. Subsection (4), Public Frontage Standards;
    b. Subsection (6), Pedestrian and Bicycle Circulation and Access;
    c. Subsection (7), Parking Lot Location;
    d. Subsection (8), Parking Lot Landscaping and Screening, to the maximum extent practicable;
    e. Subsection (9), Exterior Lighting;
    f. Subsection (10), Landscaping and Screening;
    g. Subsection (19), Signs;
    h. Subsection (20), Parking ; and
    i. Subsection (21), Stormwater Design, to the maximum extent practicable.
2. The expansion or alteration of development existing prior to June 22, 2020, if the development increases the building's floor area by less than 50 percent, or the alteration involves less than 50 percent of the building's gross floor area, over the five years prior to the submission of an application, is only required to comply with the following subsections (compliance with the other subsections is encouraged, where practicable):
    a. Subsection (7), Parking Lot Location;
    b. Subsection (8), Parking Lot Landscaping and Screening, to the maximum extent practicable;
    c. Subsection (9), Exterior Lighting;
    d. Subsection (10), Landscaping and Screening, to the maximum extent practicable;
    e. Subsection (19), Signs;

(C) Existing Planned Development

The following development that is part of an approved planned development existing prior to June 22, 2020 and is located within the Main Street designation on

the Future Land Use Map shall be exempt from some of the requirements of this section, subject to the following:

1. The expansion or alteration of development that increases the building's floor area by 30 percent or less, or alterations that involve 30 percent or less of the building's gross floor area, over the five years prior to the submission of an application, is exempt from the requirements of this section.
2. The expansion or alteration of development that increases the building's floor area by more than 30 percent, or alteration that involves more than 30 percent of the building's gross floor area, over the five years prior to the submission of an application, is required to comply with the following subsections (compliance with the other subsections is encouraged, where practicable):
    a. Subsection (7), Parking Lot Location;
    b. Subsection (8), Parking Lot Landscaping and Screening, to the maximum extent practicable;
    c. Subsection (9), Exterior Lighting;
    d. Subsection (10), Landscaping and Screening, to the maximum extent practicable;
    e. Subsection (19), Signs;
3. To the extent any design and form standards in this subsection conflict with standards elsewhere in this LDC or the City Code, the standards in this subsection control.

(2) Building Placement and Orientation

Building orientation refers to the location of the primary and secondary façades and entrances to a building.

(A) Buildings pads shall comply with the public frontage requirements to reinforce street edges along all public rights-of-way.

(B) Buildings shall orient toward the public right-of-way.

(C) If a site fronts on more than one public right-of-way, such as a corner or double frontage lot, the development shall be designed to comply with the setbacks and frontage requirements on all rights-of-way. If the Community Development Director determines this is not feasible, the development shall front the public right-of-way which is located on the highest-level street type (e.g., the Type I street versus the Type II street).

(D) Outparcels are not exempt from these requirements.

[3] Building Along Frontage

Buildings shall comply with the building width within the build-to zone requirements in Sec. 3.3.5(c), Intensity and Dimensional Standards. (The standards are stated as a percentage of lot width.)

[4] Public Frontage Standards

Public frontage standards are generally referred to as the area from the back-of-curb to building face, also known as the build-to line within the build-to zone. See Figure 3.3.5(e)(4): Public Frontage Standards and Table 3.3.5(e)(4): Public Frontage Standards Key.

Figure 3.3.5(e)(4): Public Frontage Standards

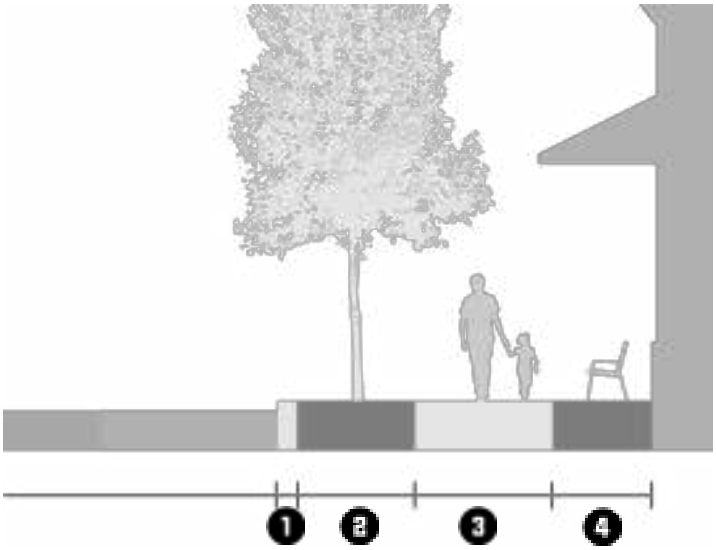


Table 3.3.5(e)(4): Public Frontage Standards Key

Key	Portion of Public Frontage
1	Curb
2	Parkway
3	Sidewalk
4	Activity Area

(A) Street Types

Existing streets within the DM district are assigned the following street types. The Community Development Director shall assign each new street created as part of a development in accordance with the criteria below.

1. Type I Street

A Type I street is primarily intended to facilitate the movement of vehicular traffic through the DM district. There are two Type I streets in the DM district, both of which are major commercial streets — Orlando Avenue (US 17-92) and

Horatio Avenue (east of Orlando Avenue). No new Type I streets shall be developed within the DM district.

2. Type II Street

A Type II street is designed to accommodate traffic accessing destinations within the DM district and also relieves traffic on the Type I streets. Type II streets support the most urban style of development and are recommended for new streets within the DM district. There are 14 Type II streets in the DM district. They are Maitland Avenue, Horatio Avenue (West of Orlando Avenue), Sybelia Avenue, Sybelia Parkway, George Avenue, Independence Lane, Swoope Avenue, Packwood Avenue, Ventris Avenue, Manor Road, Lake Avenue, Park Avenue, Monroe Avenue, Lewis Drive, and Elvin Avenue.

3. Type III Street

A Type III street has constrained right-of-way or connects directly into residential neighborhoods. There are six Type III streets in the DM district. They are Versailles Drive, Circle Drive, Magnolia Road, Tangerine Place, Orange Place and Alpine Drive.

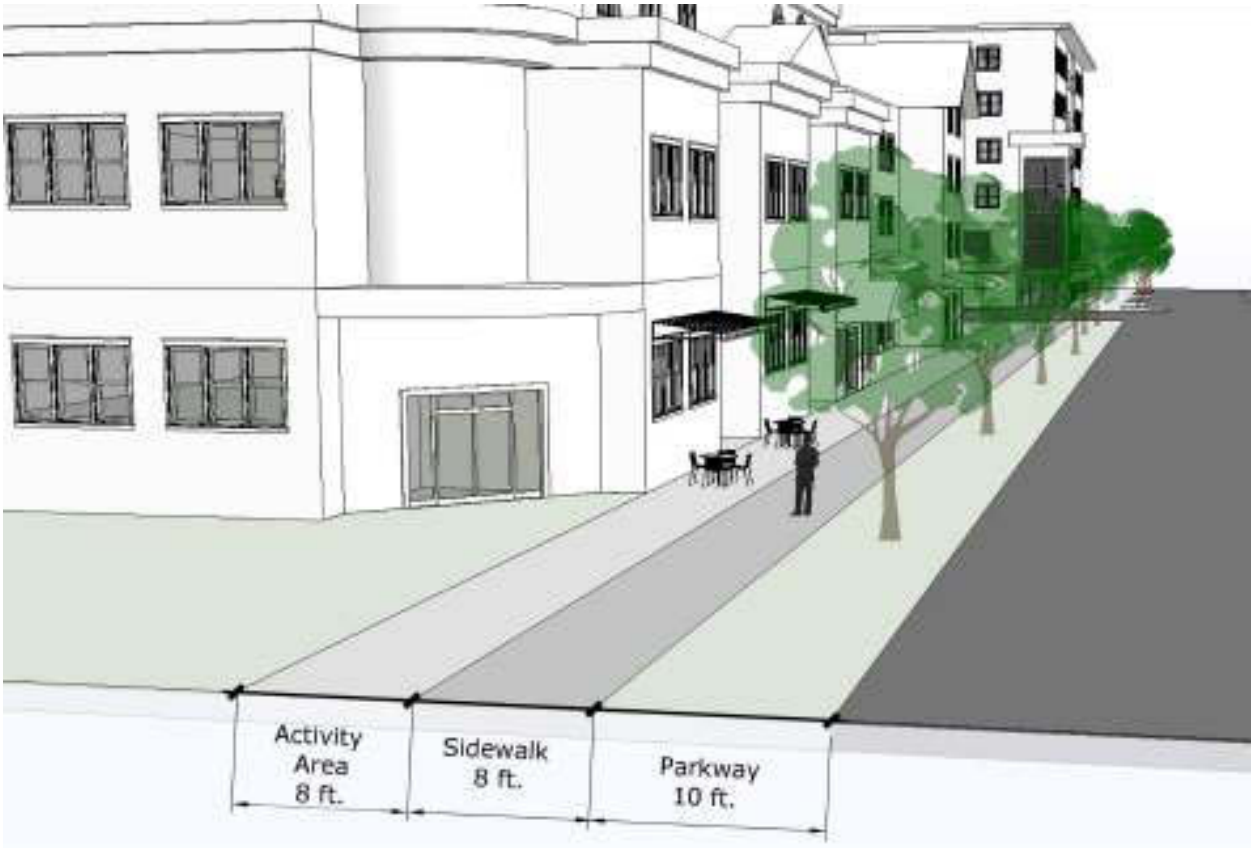
(B) Public Frontage Standards

Development in the DM district shall comply with the public frontage standards in Table 3.3.5(e)(4)(B): Public Frontage Standards, based on the street type the development fronts. See also Figure 3.3.5(e)(4)(B): Illustration of Public Frontage Standards for Type I Street. The standards shall be measured from the curb.

Table 3.3.5(e)(4)(B): Public Frontage Standards

Street Type	Activity Area Width (min., ft)	Sidewalk Width (min., ft)	Parkway Width (min., ft)
Type I	8	8	10
Type II	8	8	9
Type III	8	5	5

Figure 3.3.5(e)(4)(B): Illustration of Public Frontage Standards for Type I Street



1. A reduction in the minimum width for an activity area may be approved by the Community Development Director if the activity area use does not impede on the minimum width of the sidewalk (which is in compliance with the requirements of Table 3.3.5(e)(4)(B): Public Frontage Standards), and no activities are allowed within the sidewalk area.
2. A reduction in the minimum width for a parkway may be approved by the Public Works Director if the tree species selected for the parkway complies with the minimum standards in Table 3.3.5(e)(4)(C): Street Tree Standards, and a landscape architect certifies the minimum width provided for the tree species is sufficient for its long term viability.

(C) Street Trees

Street trees are required to be planted in the parkway in accordance with Table 3.3.5(e)(4)(C): Street Tree Standards. The street tree standards vary depending on the street type on which the development fronts. If a portion of the building frontage has been previously designed along the same corridor, the applicant shall be required to choose a similar tree species for continuity. The required spacing and placement of street trees shall be coordinated with the Public Works department to address potential conflicts with regulatory road signs and the clear zone within sight triangles.

Table 3.3.5(e)(4)(C): Street Tree Standards [1]				
Street Type	**Average Spacing of Street Tree (ft) [2]**	**Caliper (min., in)**	**Tree Clearance (min., ft)**	**Soil Volume**
Type I	50	4	14 vehicular; 8 pedestrian	1,000 cubic ft; 16 ft. root diameter
Type II	50	4	n/a	n/a
Type III	30	3	n/a	300 cubic ft; 8 ft. root diameter

NOTES:

[1] Tree types shall be chosen from the landscape palette maintained by the Community Development Director in the Procedures Manual. All proposed trees and plant materials shall be graded as Nursery Grade No. 1 or better as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry Grades and Standards for Nursery Plants (latest edition as revised from time to time).

[2] The street trees shall be centrally located within the parkway, except along Type I streets where the tree shall be planted at least six feet from the curb and two feet from the sidewalk. Where the parkway is interspersed with on-street parking, the street tree shall be located within a bump out, which shall be at least ten feet wide and as deep as the parking space.

(D) Shrubs, Ground Cover, and Accent Plants

Shrubs, ground cover, and accent plants shall be planted in the parkway in accordance with Table 3.3.5(e)(4)(D): Shrub, Ground Cover, and Accent Plant Standards in Parkway. Accent plants shall be in scale with the sizes of surrounding plantings and shall be sufficiently significant in size to provide visual impact at planting with 100 percent ground coverage at maturity. They shall comply with the minimum on-center spacing requirements, by species, at the time of planting. Sod is prohibited within the parkway areas.

Table 3.3.5(e)(4)(D): Shrub, Ground Cover, and Accent Plant Standards in Parkway [1]		
Type	**Size**	**Spacing on center (o.c.)**
Ground Cover	1 gallon	12”-24” o.c. depending on plant species
Shrub	3 gallon	24”-30” o.c. depending on plant species
Accent Plant	7 gallon	As shown on approved landscape plans

NOTES:

[1] Plant materials for landscaping, buffering, and screening shall be chosen from the landscape palette maintained by the Community Development Director in the Procedures Manual. All proposed trees and plant materials shall be graded as Nursery Grade No. 1 or better as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry Grades and Standards for Nursery Plants (latest edition as revised from time to time).

(E) Street Lighting

The following light fixtures, which are provided by the applicable utility provider, shall be required. A required light fixture may be substituted with another comparable fixture approved by the Community Development Director if the product is no longer available. See Figure 3.3.5(e)(4)(E): Street Lighting Fixtures.

1. Independence Lane Lighting: Mitchell LED With Ribs, Bands and Medallions on a colonial style pole.
2. Single-family Residential Lighting: Traditional LED on a colonial style pole.
3. Multifamily and Nonresidential Lighting: Biscayne LED on a Victorian style pole.

Figure 3.3.5(e)(4)(D): Street Lighting Fixtures



(F) Streetscape Furnishings and Sidewalk Details

1. The street furnishings that shall be provided and located in the activity area or parkway are seating, bike racks, trash/recycling containers, and tree grates. There should be continuity in the arrangement and spacing of street furnishings with the overall block and street.
2. The type of sidewalk design shall be consistent with the sidewalk design along the corridor being developed.

(G) Sidewalk Standards

Sidewalks shall incorporate specialty pavers at periodic intervals as part of the sidewalk design. Paver design patterns can be obtained from the Public Works

Director. A representative paver is shown in Figure 3.3.5(e)(4)(G): Representative Sidewalk Paver.

Figure 3.3.5(e)(4)(G): Representative Sidewalk Paver



(H) Activity Area

1. General

a. The activity area is intended to serve as a transition between the sidewalk and a building. Structures and activities allowed within the activity area include balconies, canopies, awnings, overhangs, arcades, porches, stoops, outdoor dining/sitting areas, and public plazas.

b. The build-to-line and the build-to-zone may be set back by up to an additional 15 feet if a common activity area (like a plaza or meeting place) or outdoor dining is provided in the front of the building. The additional setback shall not be applied to more than 50 percent of the building width.

2. Standards

The following standards apply to structures within the activity area.

a. **Arcade and Gallery**

i. The use of arcades, galleries, or other similar architectural elements that provide protection from the elements are required along Independence Lane (see Figure 3.3.5(e)(4)(H)2.a: Arcade).

ii. Arcades and galleries shall provide a 12-foot vertical clearance on the first floor and have a minimum depth of eight feet.

iii. Floors above an arcade or gallery are allowed to encroach into the activity area for the entire depth of the arcade.

Figure 3.3.5(e)(4)(H)2.a: Arcade



b. **Awning and Canopy**

Awnings and canopies shall:

i. Have a minimum depth of eight feet.

ii. Have a minimum vertical clearance of 12 feet from the lowest point of the awning to the sidewalk.

iii. Be made of fabric (high-gloss or fabrics that resemble plastic are prohibited).

iv. Not cover architectural elements such as cornices or ornamental features.

v. Not be back-lit.

vi. Be sized to match the corresponding window openings.

vii. If in a multi-story building, have the highest point of a first-floor awning or canopy be no higher than the midpoint between the top of the first story window and the bottom of the second story windowsill.

c. **Porch**

i. A porch:

1) Shall have a minimum depth of six feet and a minimum height of seven feet.

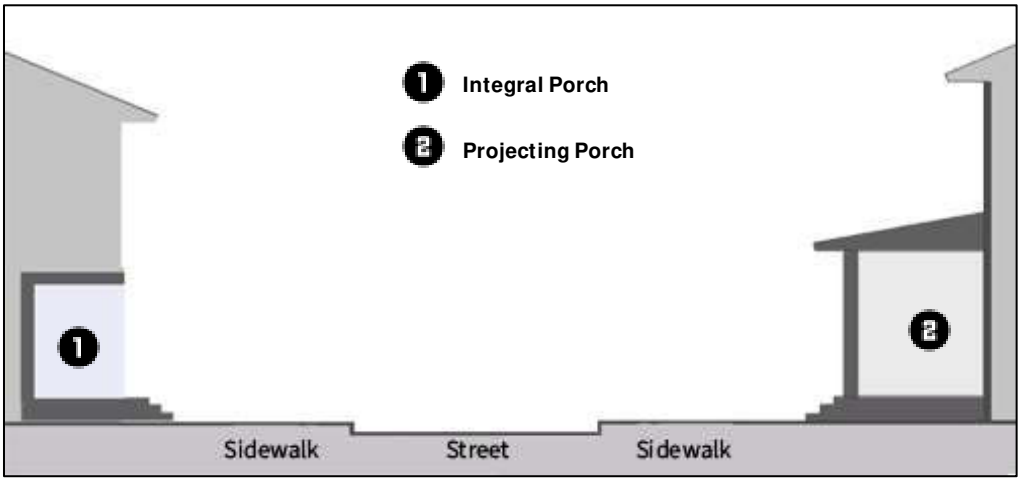
2) May be partially or fully enclosed.

3) May be projecting or integral.

4) May wrap around corners to attach to other porches, galleries, decks, or balconies on abutting building faces.

5) May have stairs extending off its front or side unless it is located on an upper floor (in which case the stairs cannot be located along the primary frontage).

Figure 3.3.5(e)(4)(H)2.c: Porch



ii. When built on an upper floor, a porch shall be supported from below by a porch, arcade, or other supporting component; or visually supported by brackets, corbels, cantilever, or beams along its full depth.

iii. When built on the first floor, the space between piles or piers of a porch shall be enclosed on all sides with latticework or similar material, or concealed visually by evergreen landscaping. See Figure 3.3.5(e)(4)(H)2.c: Porch; Figure 3.3.5(e)(4)(H)2.c-1: Integral Porch; and Figure 3.3.5(e)(4)(H)2.c-2: Projecting Porch.

Figure 3.3.5(e)(4)(H)2.c-1: Integral Porch



Figure 3.3.5(e)(4)(H)2.c-2: Projecting Porch



d. Stoop

i. A stoop:

1) May be built perpendicular or parallel to the building face, but shall lead directly to the ground level or an abutting sidewalk from the building entrance.

2) May be recessed into the building façade, but if recessed shall not be enclosed.

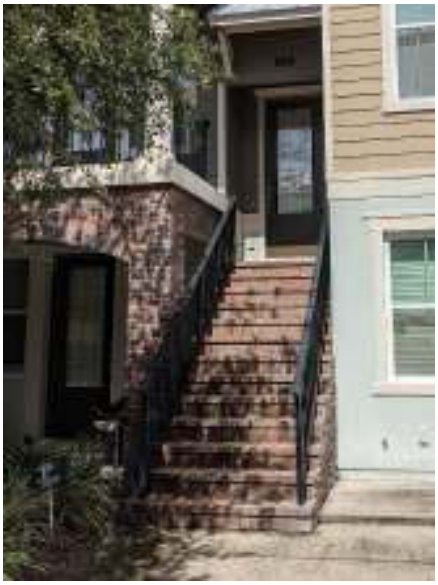
3) Shall have a minimum width of three feet, six inches, with a minimum height of seven feet, when recessed.

ii. If a stoop is built as part of a townhouse or live/work flex building, it may be configured as a split stair to access a below grade unit (see Figure 3.3.5(e)(4)(H)2.d-1: Stoop and Figure 3.3.5(e)(4)(H)2.d-2: Stoop Example.

Figure 3.3.5(e)(4)(H)2.d-1: Stoop



Figure 3.3.5(e)(4)(H)2.d-2: Stoop Example



e. **Outdoor Dining**

i. Outdoor dining shall be immediately adjacent to the façade of the dining establishment with which it is associated. See Figure 3.3.5(e)(4)(H)2.e-1: Outdoor Dining and Figure 3.3.5(e)(4)(H)2.e-2: Outdoor Dining Example.

ii. Alterations to or the covering of sidewalks in outdoor dining areas is prohibited (including but not limited to the use of paint, carpet, turf, platforms, etc.)

iii. Menu boards, planters, booths, and other associated furniture shall be placed within the outdoor seating envelope.

iv. Outdoor seating for all establishments serving alcohol shall be surrounded by a 36-inch high free-standing, removable barrier, if required by law or license, and shall not impede pedestrian access and circulation.

v. If required, barriers shall not include chain link, chain rail, rope rail, or any material not specifically designed for fencing.

vi. Outdoor dining and associated furniture and barriers may encroach into City-maintained right-of-way upon execution of a right-of-way encroachment agreement approved by the DRC.

Figure 3.3.5(e)(4)(H)2.e-1: Outdoor Dining

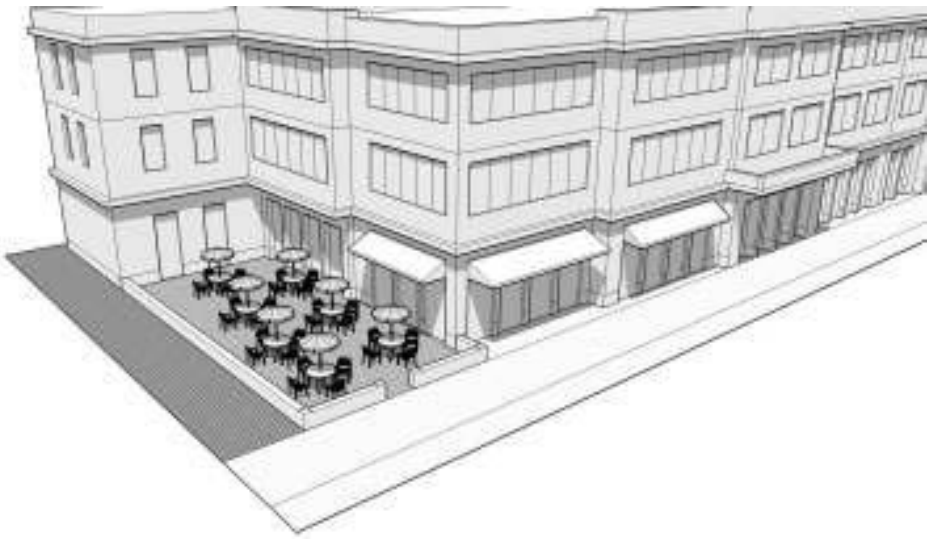


Figure 3.3.5(e)(4)(H)2.e-2: Outdoor Dining Example



f. Forecourts

i. Buildings may be set back 60 feet from the build-to-line within the build-to-zone for the provision of a forecourt. (See Figure 3.3.5(e)(4)(H)2.f: Forecourt Standards and Table 3.3.5(e)(4)(H)2.f: Forecourt Standards Key.)

ii. The minimum width and depth of the forecourt is 12 feet, and the maximum ratio of height of the enclosing building and the width and depth of the forecourt is 2 to 1.

Figure 3.3.5(e)(4)(H)2.f: Forecourt Standards

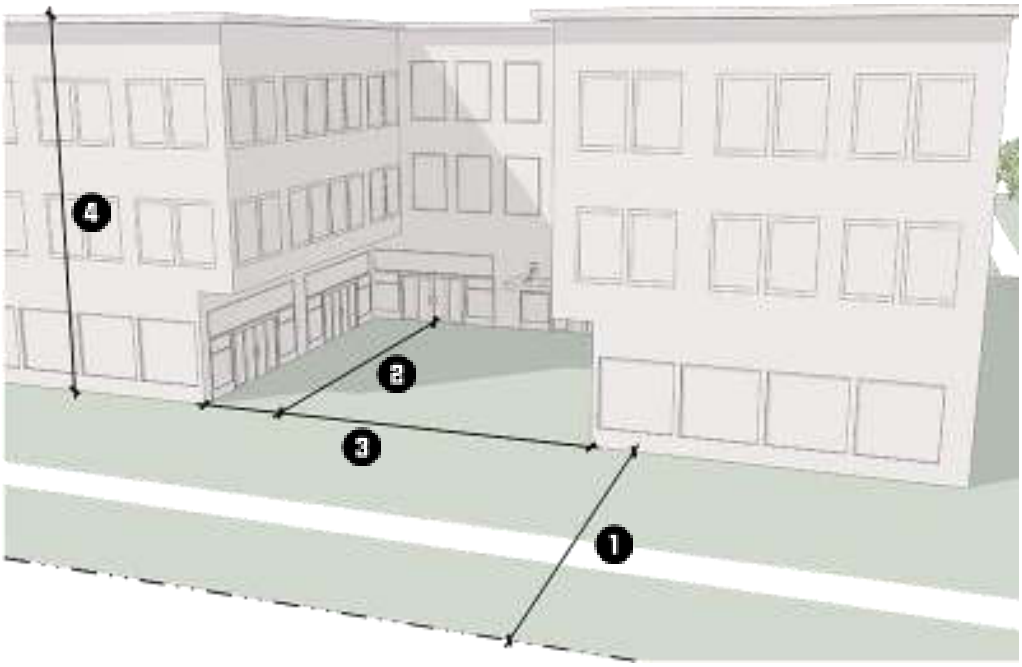


Table 3.3.5(e)(4)(H)2.f: Forecourt Standards Key	
Key	**Element**
1	Building frontage at build-to-line within build-to-zone
2	Forecourt depth: Minimum 12 feet, maximum 60 feet
3	Forecourt width: Minimum 12 feet
4	Height of enclosing buildings; ratio of the height of 4 to the width of 3 may not exceed 2 to 1.

F. Courtyards, Plazas, or Other Public Gathering Places

i. Buildings may be setback up to 20 feet from the build-to-line within the build-to-zone for the provision of forecourts, courtyards, plazas, or other public gathering places (see Figure 3.3.5(e)(4)(H)2.f: Forecourt Standards). The additional setback shall not be applied to more than 50 percent of the building width. A street wall shall be installed at the build-to-line or along the sidewalk for the length of the recess to maintain continuity along the street front (see Sec. 3.3.5(e)(8)(C)1, Street Wall).

ii. Plazas shall additionally be a minimum of 300 square feet in area and 15 feet in width, and have a minimum perimeter frontage of 25 percent on a public right of way.

(5) Site Access and Circulation

(A) Shared access and circulation systems for pedestrians and vehicles are required where existing conditions allow, in order to minimize curb cuts, provide direct access between adjacent uses, and improve traffic circulation.

(B) Projects shall be designed to establish a balanced transportation system that supports pedestrian, bicycle, and transit users, as well as vehicular mobility, and provide a system of connections to maximize choices for all modes of travel.

(C) Non-residential and mixed-use development with 50,000 gross square feet or more of gross floor area which is adjacent to a street that is or may be used as a transit route shall coordinate with the relevant public transportation agency and, if recommended by the public transportation agency and required by the City, provide access for an on-site public transit stop. The public transit stop shall include a shelter and shall include a bus pullout if it is determined appropriate by the Community Development Director in consultation with the Public Works Director, the public transportation agency, and FDOT, as applicable.

(D) A new street shall be designed to include public frontage standards (see Sec. 3.3.5(e)(4)(B)) that have an activity area, sidewalk, and parkway. The width and design of the street shall be consistent with the City's overall transportation plan and any other plans that identify specific pedestrian needs of the City.

(E) Curb cuts for driveway entrances and other purposes shall be limited to no more than one every 125 feet. The use of cross-access easements to improve access and reduce the number of required driveways is encouraged. In areas such as the Orlando Avenue corridor, vehicular entrances are encouraged to be from side streets and rear access roads.

(F) Joint access driveways and cross-access easements are required between sites to reduce the number of access points and driveway area, and to increase the amount of landscaping.

(G) Access driveway lane width shall not exceed 12 feet for one-way driveways and 24 feet for two-way driveways, unless a wider width is needed because the driveway is along a fire access route. The crossing area connecting the sidewalk over an access driveway shall be distinct from the driveway pavement in accordance with the MUTCD.

(H) Vehicular access to a nonresidential or mixed use development shall be provided from a secondary street or access road, when it is feasible, without adversely impacting abutting single-family residential development, unless the Planning and Zoning Commission approves a waiver in accordance with Sec. 2.5.4(b), Waiver .

(I) All new development and redevelopment shall incorporate safe drop-off facilities for persons arriving and departing via taxi or rideshare that minimize conflicts with vehicular, bicycle, and pedestrian circulation.

[6] Pedestrian and Bicycle Circulation and Access

(A) Pedestrian Circulation

Development shall comply with the following pedestrian connections standards:

1. Along Orlando Avenue, direct pedestrian access shall be provided from the principal entrance of the building to the sidewalk along the closest public right-of-way.
2. Additional or secondary pedestrian access shall be provided directly from a parking lot or parking structure to the ground floor of nonresidential and mixed use development, either through rear building entrances, sidewalks along the perimeter of buildings, or by pedestrian alleyways or pathways which connect a rear parking lot or parking structure to the sidewalk along the front street. Pedestrian alleyways and pathways shall be a minimum of ten feet wide.
3. Pedestrian pathway surface design shall be differentiated from driving surfaces through a change in materials and/or elevation, and shall provide places for protection from the weather and shade.
4. Marked crosswalks are required wherever pedestrian circulation intersects a vehicular area.

(B) Bicycle Circulation and Access

All new development and redevelopment is required to provide connections to the City's bicycle and pedestrian path system identified in the City of Maitland Bike and Pedestrian Master Plan.

[7] Parking Lot Location

(A) The placement of a new parking lot should avoid conflicts between vehicular and pedestrian activities. Parking lots shall be located at the side or rear of the building, and behind the build-to zone. Parking located between the primary façade of the building and the street and pull-off or parallel parking directly off a road except in properly designated public parking spaces are prohibited.

(B) Consolidated parking areas are encouraged to minimize the amount of pavement. Cross access driveways between development shall be provided, to the maximum extent practicable.

[8] Parking Lot Landscaping and Screening

Parking lots shall be designed to minimize direct views of parked vehicles from streets and sidewalks and avoid spill-over light, glare, noise, and exhaust fumes onto adjacent properties through layout, landscaping, buffering, and screening.

(A) Landscape Strips Between Parking Aisles

Parking lots with more than 100 spaces shall be visually and functionally segmented into smaller lots with landscaped islands and strips. Parking lots with

more than two head-to-head rows of parking shall include a continuous six-foot wide landscape strip between the parking spaces (parallel to the drive aisle). The strip shall be provided every other double row of parking. Trees shall be planted within the landscape strip in accordance with Table 3.3.5(e)(8)(A): Parking Lot Landscape Strip Tree Standards.

Table 3.3.5(e)(8)(A): Parking Lot Landscape Strip Tree Standards						
Tree Type	**Spacing of Trees (min., ft)**	**Caliper (min., in)**	**Height (min, ft)**	**Spread (min., ft)**	**Clearance (min., ft)**	**Soil Volume**
Species to be established that meets the minimum criteria [1]	30	3	10-12 [1]	4	14 vehicular; 8 pedestrian	300 cubic ft; 8' root diameter

NOTES:

[1] Tree types shall be chosen from the landscape palette maintained by the Community Development Director in the Procedures Manual. All proposed trees and plant materials shall be graded as Nursery Grade No. 1 or better as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry Grades and Standards for Nursery Plants (latest edition as revised from time to time).

(B) Landscape Islands

No more than ten consecutive parking stalls are allowed without a landscape island at least eight feet wide (measured from the back of curb) and 200 square feet in area extending the entire length of the parking stall. One tree that complies with the standards in Table 3.3.5(e)(8)(A): Parking Lot Landscape Strip Tree Standards shall be planted in each landscape island per 200 square feet of area. The trees shall comply with the caliper, height, spread, clearance, and soil volume standards in Table 3.3.5(e)(8)(A). The remainder of the landscape island shall be filled with a combination of mulch and ground cover.

(C) Parking Lot Perimeter Screening

The landscaping within the parking lot perimeter along the side and rear property lines shall comply with Sec. 5.3.4(c)(6), Parking Lot Perimeter Landscaping. The parking lot perimeter landscaping along the front property line may be located within the activity area and shall comply with the following standards.

1. Street Wall

In order to minimize direct views of parked vehicles from streets and sidewalks, a street wall shall be provided along the perimeter of surface parking lots fronting on public streets or alleys. See Figure 3.3.5(e)(8)(C)1-1: Street Wall and Figure 3.3.5(e)(8)(C)1-2: Street Wall Example. The street wall shall comply with the following standards:

a. The street wall shall be constructed of decorative metal, brick, masonry, stone, or other decorative materials matching the building materials and style. The use of cast stone squares to match the sidewalk is encouraged.

b. A chain link or wood street wall is prohibited.

c. The street wall shall be a minimum of three feet and a maximum of five feet in height. A street wall greater than three feet in height above grade shall consist of no more than 50 percent solid materials.

d. The street wall may be located anywhere within the width of the activity area but shall provide for at least a two-foot wide strip of landscaping.

e. The street wall shall incorporate raised lintels to protect existing trees and bridge over their existing root system.

f. The quality of the street wall materials shall match or exceed the quality of materials used for the building construction. The finish used on the street wall shall match or compliment the finishes on the building.

g. A gap in the street wall shall not exceed the width of a pedestrian crossing, plus one foot clearance on each side, or the minimum width necessary to accommodate each lane of vehicular access and to not intrude into the sight triangle.

h. A street wall shall not intrude into the sight triangle.

Figure 3.3.5(e)(8)(C)1-1: Street Wall

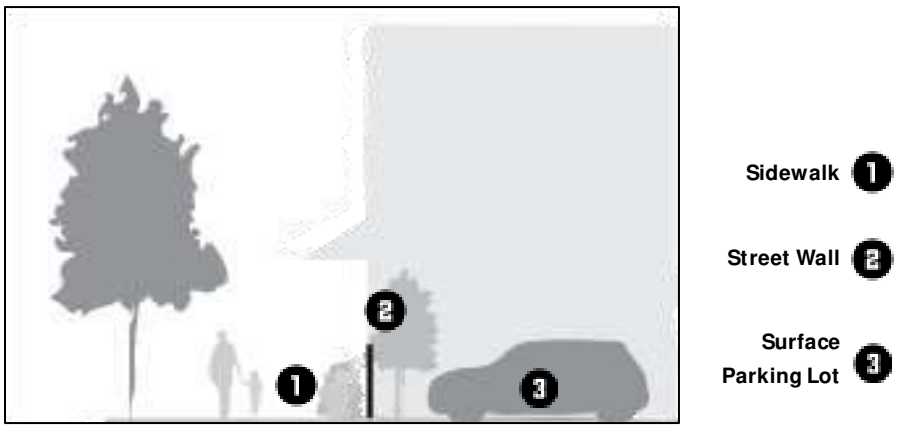


Figure 3.3.5(e)(8)(C)1-2: Street Wall Example



2. Landscaping

Ground cover, hedges, or shrubs shall be installed on both sides of the wall. On the inside of the wall, trees shall be planted as outlined in Sec. 3.3.5(e)(8)(A), Landscape Strips Between Parking Aisles, above.

(D) Buffer Yard

The buffer yard requirements in Section 5.3, Landscape, Buffer, and Tree Protection Standards, shall only apply to development abutting land in a Residential zone district, and only along the property line shared by the development in the DM district and the land in the Residential zone district. A buffer is not required between any other uses in the DM district, unless specifically required as part of a conditional use approval.

(9) Exterior Lighting

(A) General Standards

1. Light fixtures shall be equipped with dark sky light shields.
2. Light fixtures for a parking lot shall be designed so that light is directed onto the parking area and away from neighboring residential development and lots.
3. Lighting fixtures in parking lots adjacent to lands in a Residential zone district shall not exceed 16 feet in height as measured from the adjacent grade to the top of the light fixture.
4. Parking lot lighting fixture design shall be complementary to the street light design.
5. Tree and site lighting locations shall not conflict. In the event of a conflict, the site lighting shall not be impeded by trees.

(B) Maximum Height

The height of all exterior light fixtures, whether mounted on poles, walls, or by other means, shall comply with the standards in Table 3.3.5(e)(9)(B): Maximum Height for Exterior Lighting.

Table 3.3.5(e)(9)(B): Maximum Height for Exterior Lighting

Principal Use Type	Maximum Height (ft)
Live/work Unit, or multifamily and townhome dwelling (apartments and condominiums)	16
All other uses	20
Within 150 feet of a single-family residential zone district	16

(10) Landscaping and Screening

Development shall comply with the following landscaping and screening standards:

(A) A minimum of one tree shall be planted or preserved for every 5,000 square feet of site area. Trees planted as part of the parking lot or buffer yard landscaping requirements may count toward this requirement. In-lieu of providing the trees on-site, applicants may choose to pay into the City's tree fund.

(B) Plant materials for landscaping, buffering, and screening shall chosen from the landscape palette maintained by the Community Development Director in the Procedures Manual. All proposed trees and plant materials shall be graded as Nursery Grade No. 1 or better, as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry Grades and Standards for Nursery Plants (latest edition as revised from time to time).

(C) To minimize water consumption, the use of vegetative ground cover with low-water demand is encouraged rather than turf.

(D) Trees that are planted closer than six feet from a curb and/or sidewalk shall be planted with a root barrier control method that is approved by the Public Works Director.

[11] Building Entrances

Entrances to buildings shall comply with the following standards:

(A) In order to emphasize pedestrian access, building entrances shall be differentiated from the rest of the façade by a change in material, architectural features, setbacks, or level.

(B) Buildings shall have clearly defined, operable, and highly visible customer entrances facing the street.

(C) Entryways facing a public right-of-way shall include at least two of the following elements (See Figure 3.3.5(e)(12): Building Entrance and Mass Elements and Table 3.3.5(e)(12): Building Entrance and Mass Elements Key):

1. Alcoves (recessed entry);

2. Structural shading (overhang, canopy, or portico);

3. Columns; and

4. Other architectural elements meeting the intent of this section.

(D) If multiple tenants are located in an open retail center, each individual establishment having public right-of-way frontage shall have at least one exterior customer entrance which complies with the standards of this section.

(E) Where parking lots are located behind businesses, a secondary entrance may be provided in the back of the business. A rear entrance may provide direct service and customer access to the store from parking areas as well as improve circulation between the parking lots and the street.

(F) Architectural embellishments, awnings, and landscaping shall be used to mark the secondary entrance, and the design of the rear of the building shall be consistent with the detail and materials of the front façade.

(G) All customer entrances shall remain active, usable, and unlocked during business hours.

[12] Building Mass

Buildings shall be designed using the following techniques:

(A) Horizontal masses shall not exceed a height to width ratio of 1:3 without providing a substantial architectural element that projects up and/or out, such as a tower or bay, an architecturally prominent public entrance, and/or recesses into the

building. Façade projections and recesses shall have a minimum depth of three feet.

(B) Street-facing building façades that are greater than 100 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane with a minimum depth of three feet), changes in façade color or material, or similar features that visually interrupt the wall plane horizontally such that the width of uninterrupted façade does not exceed 60 feet.

(C) Roof assemblies shall be used to reduce building mass.

(D) Both single and multi-use buildings shall include a minimum of three building design treatments from the following list, or any other similar treatment (See Figure 3.3.5(e)(12)-1: Building Entrance and Mass Elements, Table 3.3.5(e)(12)-1: Building Entrance and Mass Elements Key, and Figure 3.3.5(e)(12)-2: Bell Tower):

1. Canopies or porticos integrated in a way that is consistent with the building's mass and style.

2. Overhangs.

3. Arcades.

4. Raised cornice parapets over doors.

5. Peaked roof forms.

6. Arches.

7. Clock or bell towers.

8. Ornamental and structural architectural details, other than cornices, which are integrated into the building structure and overall design.

Figure 3.3.5(e)(12)-1: Building Entrance and Mass Elements

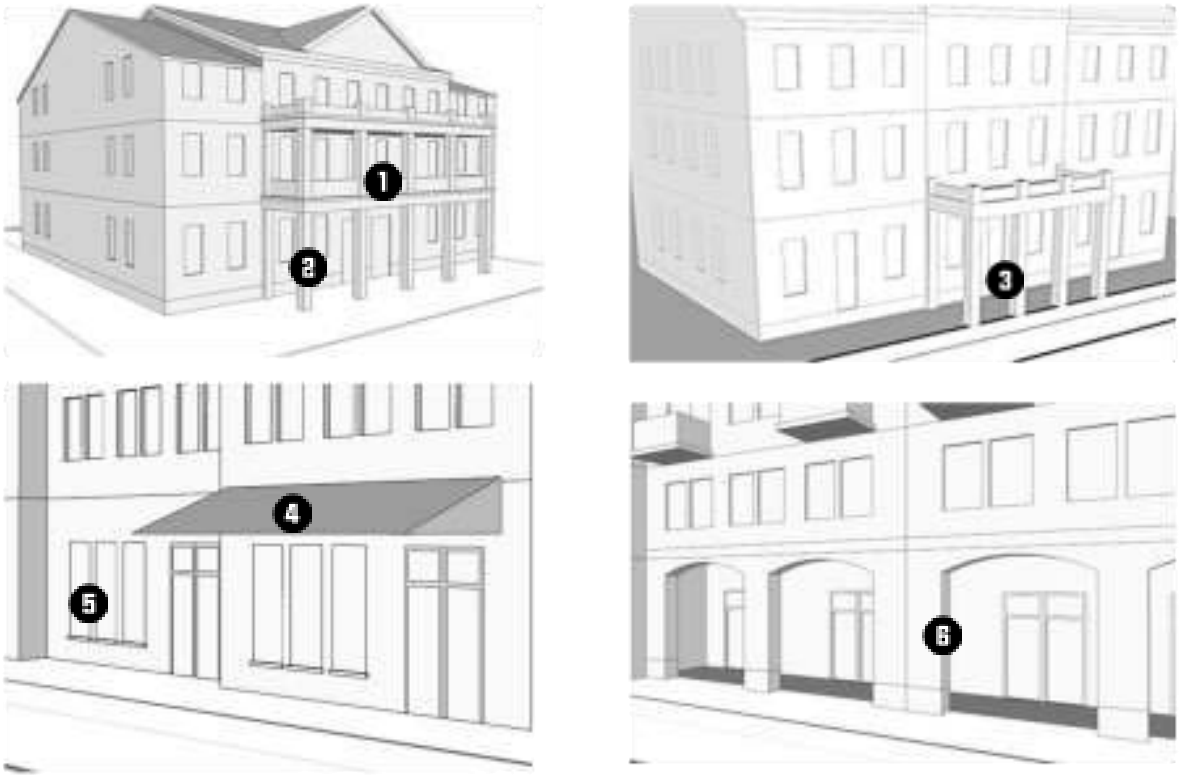


Table 3.3.5(e)(12)-1: Building Entrance and Mass Elements Key	
Key	**Building Element**
1	Balcony
2	Columns
3	Portico
4	Canopy
5	Recessed entry
6	Arcade

Figure 3.3.5(e)(12)-2: Bell Tower



[13] Corner Buildings

(A) Buildings located at major intersections along Orlando Avenue (at Lake Avenue, Maitland Avenue, Packwood Avenue, Horatio Avenue, and Sybelia Avenue), shall be designed with architectural embellishments such as corner towers, urban plazas, or other similar design features to emphasize their location as gateways and transition points within the City.

(B) Buildings on corner lots and buildings that terminate vistas should incorporate distinctive architectural treatments, or other distinguishing features to emphasize their prominent location.

[14] Building Façade

The façade of a building shall comply with the following standards:

(A) General Façade Standards

Building façade shall provide visual interest from the perspective of pedestrians and motorists.

(B) Specific Façade Standards

A building's façade should have clear definition of the following components (see Figure 3.3.5(e)(14): Building Façade):

1. Base

The base comprises the first floor of the building. The base should include elements such as a water table marked by a cornice line or a change in materials, color, or plane.

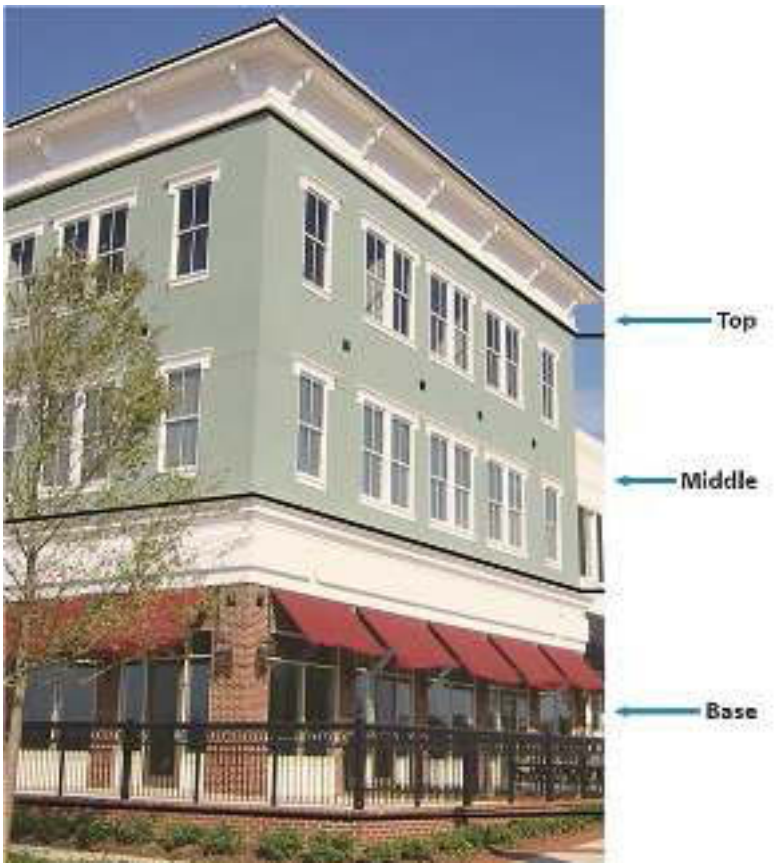
2. Middle

Comprises the area between the first floor and the top. The transition between the first and upper floors shall be marked with a raised cornice, awnings, canopies/marquee, clerestory windows, or similar elements.

3. Top

All buildings shall have a recognizable top in the form of stepped parapets of various heights with cornice treatment, gables or gable ends, spires, cupolas, dormers, and similar elements. Colored stripes/bands on flat roofs are not acceptable.

Figure 3.3.5(e)(14): Building Façade



[15] Building Components

(A) Buildings adjacent to pedestrian use areas shall integrate the public and private space using ground floor windows, arcades, and awnings.

(B) Buildings shall relate to neighboring structures by using unifying design elements such as proportion/scale, rhythm, and fenestration that are consistent with the design and form standards of this Sec. 3.3.5(e).

(C) Architectural elements (e.g., doorways, dormers, gables, porticos, porches) shall be used to articulate building façades.

(D) Façades shall include traditional design elements such as: lintels above windows, keystones, protruding sills, roof overhangs with brackets, cornice treatments, brick reveals, columns, pilasters, and hip or gabled roofs and dormers.

[16] Building Windows

All windows and doors shall meet the following standards:

(A) First floor windows shall be constructed between zero feet and two-and-a-half feet above finished floor level.

(B) Upper level windows shall be differentiated from lower level window treatments.

(C) Glass shall be transparent, without color, except for stained or art glass; provided the stained or art glass is in character with the style of the building (e.g., churches, craftsman buildings, etc.).

(D) Windows and doors shall be glazed in clear glass with no more than ten percent daylight reduction (transmittance) for retail establishments, and 50 percent for office and residential uses. Glass reflectance shall not exceed 15 percent. Glass block is not considered transparent and is not permitted in storefront windows.

(E) Windows shall not be blacked-out or covered with signage, furniture, window treatments, displays, or similar elements except as provided in Sec. 3.3.5(e)(19)(B)4, Signs Erected on Buildings.

[17] Building Materials and Covers

(A) Permitted Building Materials

Concrete masonry units with stucco and reinforced concrete with stucco are encouraged for use in buildings and accessory structures. Additional accent materials may be approved by the Community Development Director. The following materials are also permitted:

1. Brick;

2. “Hardie-Plank” siding;

3. Wood lap board siding;

4. Stone; and

5. Cast Stone.

(B) Prohibited Building Materials

The following materials are prohibited for buildings (including accessory structures):

1. Cedar shakes;

2. Metal/steel (except for architectural accents);

3. Corrugated or reflective metal panels;

4. Unfinished block;

5. Textured plywood;

6. Mirrored glass and glass curtain walls;

7. Butler-type buildings;

8. Plastic siding;

9. Tile (except for architectural accents); and

10. EIFS (except for architectural accents).

(C) Building Colors

1. Building, trim, and detail colors shall be complementary and shall not be used to advertise the business. Corporate colors and design shall only be permitted as part of the overall signage design and standards.

2. Prohibited colors include fluorescent and neon colors, purple, lime green, florescent or day glow and other similar hues. Black as the predominant exterior building color and similar monochromatic (all one-paint color) schemes are prohibited.

3. A solid line band of color or group of stripes shall not be used for architectural detail.

[18] Roof Design

Roof features shall be in scale with the building mass, consistent with the architecture of the structure, and comply with the following standards.

(A) Roof Treatments

Roof treatments and features shall include:

1. Roof structures varying in height up to 15 feet above eave line (roof appurtenances are exempt from height requirements);

2. Parapets or other roof treatments to screen flat roofs and all mechanical equipment from street/pedestrian view;

3. Multi-plane roofs that incorporate additional gable areas; and

4. Overhangs no less than three feet beyond the supporting walls with a minimum fascia of eight inches where overhanging eaves are used.

(B) Prohibited Roof Treatments

Prohibited roof types and materials are:

1. Asphalt shingles, except laminated, 320-pound, 30-year architectural grade asphalt shingles or better;

2. Mansard and gambrel roofs and canopies;

3. Roofs with a two to 12 slope or less without full parapet coverage;

4. Back-lit awnings used as a mansard or canopy roof;

5. Roof lines, overhangs, and the front fascia shall be extended to the rear of each building; and

6. Single plane roofs on sloped roofs.

[19] Signs

All signs in the DM district shall be erected, altered, and maintained in accordance with the provisions of this subsection and shall be consistent with the requirements of Section 5.14, Signs. Where there is a conflict between these regulations, the regulations of this section shall apply.

(A) General Requirements

1. Sign materials, colors, shapes, and placement shall be compatible with the architecture of the building.
2. All signs shall be in proportion and to scale with the building façade. Signs shall not be the dominant feature on a building.
3. Whenever multiple signs are proposed on a single site or a multi-tenant building, the application shall include a Master Sign Plan prepared in accordance with the Procedures Manual that identifies:
   a. The types of signs proposed and their number, size, height, and copy area;
   b. The proposed style and color palette for all letter colors, background colors, and text;
   c. The proposed general location(s) for freestanding signs on a lot, as well as the proposed location(s) for building signs on a building façade;
   d. The type and description of illumination, if any, proposed for all signs; and
   e. A description of any structure (i.e., any wall or fence base) upon which a sign face is proposed to be placed.
4. Signs may encroach into the activity area but shall not extend over the public right-of-way.

(B) Permitted On-Site Signs

1. **General**

   The only signs to be allowed within the DM district are freestanding, monument, wall, projecting, A-frame, building (including window), and canopy signs.

2. **Standards**

   The standards that apply to signs in Section 5.14 Signs, apply except as modified in this section.

3. Monument Signs

Monument signs shall comply with Table 3.3.5(e)(19)(B)3: Monument Sign Standards.

Table 3.3.5(e)(19)(B)3: Monument Sign Standards

	Commercial, Retail, and Office Uses		Residential Uses	
	Under 30,000 sf gross building area	**30,000 sf or more gross building area**	**Under 100 dwelling units**	**100 or more dwelling units**
Copy Area (maximum sf per face)	36	72	36	72
Maximum Height (ft)	8	12	8	12
Illumination	Externally lit			
Permitted Materials	Masonry or Stone are permitted materials. Freestanding signs shall be constructed of the same or compatible material as the principal structure and shall be consistent with the architectural design of the building.			
Additional Standards		A minimum two-foot tall masonry or stone base is required	One face per street front Shall be placed perpendicular to the street; no "V" signs permitted	

4. Signs Erected on Buildings

Building signs refer to any sign physically attached to the building. However, as noted in this section, not all types of building signs are allowed:

a. The maximum allowable sign copy area for signs erected on a building (including on a canopy or awning) on a particular street frontage shall not exceed one square feet per every linear foot of street frontage up to 80 square feet per sign. This maximum allowable copy area may be increased by ten percent for any building higher than 35 feet. Specific requirements apply for different types of signs as follows:

i. **Projecting or Blade Signs**
The area of a projecting sign shall be no more than six square feet, with a maximum width of 36 inches and a maximum height of 36 inches. The minimum clearance of the base of the sign shall be eight feet above the sidewalk. See Figure 3.3.5(e)(19)(B)4.a.i: Projecting Sign.

ii. **Wall or Arcade Signs**
The maximum width of a wall or arcade sign shall be the width of the shopfront; the minimum copy area height shall be one foot and the

maximum shall be three feet. The minimum clearance of the base of the sign shall be eight feet above the sidewalk. See Figure 3.3.5(e)(19)(B)4.a.ii: Wall Sign.

iii. **Canopy or Awning Signs**

The maximum area of a sign on a canopy or awning shall not exceed 30 percent of the canopy or awning face area. The minimum copy area shall be one foot and the maximum shall be three feet.

Figure 3.3.5(e)(19)(B)4.a.i: Projecting Sign



Figure 3.3.5(e)(19)(B)4.a.ii: Wall Sign



5. Window signs may not cover more than 25 percent of the minimum amount of area required to be provided by Sec. 3.3.5(e)(16), Building Windows, above. One window sign per storefront is permitted. Each such window sign shall be no larger than five feet in width and three feet in height and shall consist of individual letters and designs that are not made of temporary materials and are part of the overall design of the signage. Gold leaf and decals are permitted materials. Painted signs are prohibited.

[20] Parking Structures

The following standards apply to parking structure façades:

(A) Vehicle entrances to a parking structure shall be distinct and separate from and coordinated with safe design for pedestrian access.

(B) Pedestrian access to a parking structure shall be provided directly from adjacent streets.

(C) When fronting pedestrian-oriented spaces, at least 50 percent of ground floor parking structure frontage, exclusive of entrance driveways, stairwells, and pedestrian entryways, shall consist of active allowed uses in the district, other than parking, such as residences, offices retail, personal services, civic uses, and entertainment businesses. (The Community Development Director may approve other design alternatives, such as a liner building around the outer edge of the parking structure, designed to achieve this intent.)

(D) The space provided for active allowed uses shall be at least 30 feet deep along its entire length.

(E) Those areas of the building that do not include ground floor active uses shall provide landscaping instead of paved activity areas.

(F) Parking structures shall comply with all building design standards for building façade, scale, building features, and lighting, compatibility, and placement on the site. The architectural design of a parking structure façade shall be consistent with neighboring structures and all buildings it is intended to serve. See Figure 3.3.5(e)(20): Parking Structure Façade Examples.

(G) Parking structures are exempt from the floor height requirements in Sec. 3.3.5(c), Intensity and Dimensional Standards.

Figure 3.3.5(e)(20): Parking Structure Façade Examples



[21] Stormwater Design

(A) The preferred method of accommodating stormwater impacts is through use of regional stormwater facilities in-lieu of accommodating stormwater on site. All stormwater management areas should be incorporated into the project's overall design.

(B) If the use of regional stormwater facilities is not practical, underground storage and exfiltration are preferred.

(C) Ponds are encouraged to not be located adjacent to public rights-of-way, but to the side or rear of a development.

(D) Wet stormwater areas shall be designed as amenities. Features such as fountains or aerators shall be required to accent the ponds and provide adequate aeration to prevent stagnation and fish kills.

(E) Landscaping is required to soften the visual appearance of a pond's edges. Native trees and shrubs shall be used for landscaping. No exotic invasive plants are permitted.

(F) Subject to the requirements of the St. Johns River Water Management District, other governmental agencies, and a consideration of safety related issues, stormwater facilities shall be prohibited from having fencing unless it is demonstrated it is necessary due to the configuration and topography of the lot in accordance with Appendix A: Engineering and Design Manual.

(G) Whether stormwater is provided onsite or offsite, low-impact design concepts such as rainwater harvesting, green roofs, bio-swales, rain gardens, parking lot water capture, and pervious pavement are encouraged to be used. The goal of encouraging the use of these mechanisms is to reduce stormwater runoff, capture contaminants closer to the source, and reduce the use of potable water for irrigation and grey water activities.

[22] Service Areas/Utilities

The following standards apply to all utility and service areas:

(A) Outdoor storage, trash collection, and loading areas shall not be located adjacent to land in a Residential zone district. If site constraints exist, outdoor storage, trash collection, and loading areas may be located adjacent to lands in a Residential zone district if:

1. The service areas are screened from view by a wall that is at least one foot higher than the largest object being screened, but no more than eight feet high, on all sides where access is not needed. Where access is needed, an opaque gate of the same height as the wall shall be provided;

2. The wall shall be obscured by landscaping. Sufficient planting materials shall be used such that no more than two-thirds of the surface area of the screening wall is visible from the street within three years of the wall's erection. Plant materials used to fulfill these requirements shall be a minimum of four feet in height when planted, and planted so that there is no gap greater than two feet between plant foliage. Alternatively, the required landscape screening may be provided by a natural evergreen plant material which can be expected to reach six feet or greater within two years of planting;

3. Deliveries and collections are prohibited between 10 p.m. and 7 a.m.; and

4. Commercial vehicular idling is prohibited.

(B) Loading areas or docks, outdoor storage, waste disposal, mechanical equipment, satellite dishes, truck parking, and other service support equipment shall be located behind the building line and shall be fully screened from the view of adjacent properties.

(C) Areas for outdoor storage, trash collection, and loading areas shall be incorporated into the primary building design, and construction for these areas shall be of materials of comparable quality and appearance as that of the primary building.

(D) Shopping cart storage shall be located inside the building or shall be screened by a wall at least four feet in height consistent with the building architecture and materials.

SECTION 3.4. NONRESIDENTIAL DISTRICTS

3.4.1. General Purpose of Nonresidential Districts

The purpose and intent of the non-residential zone districts is to:

[a] Accommodate small-scale retail development that supports established neighborhoods within the City; or

[b] Accommodate the development, maintenance, and expansion of special government and cultural land uses.

3.4.2. Established Nonresidential Districts

Nonresidential districts established by this LDC are identified in Table 3.4.2: Established Nonresidential Districts.

Table 3.4.2: Established Nonresidential Districts
GAP: Government, Arts, and Public
NC: Neighborhood Commercial

3.4.3. GAP: Government, Arts, and Public District

(a) Purpose

The purpose of the GAP: Governments, Arts, and Public District is to provide lands that accommodate a variety of government and cultural uses along with supportive ancillary uses. It is designed to have flexible development standards to accommodate the wide range of government uses, such as parks and libraries, that are allowed and the variety of land uses that may surround it.







(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

Standard	All Uses
Lot area, min. (sf)	--
Lot width, min. (ft)	N/A
Front yard setback, min. (ft)	--
Side yard setback, min. (ft)	--
Rear yard setback, min. (ft)	--
Building height, max. (ft)	
Building stories, max. (ft)	N/A
Impervious coverage, max. (%)	70
FAR, max.	[1]

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

[1] Maximum FAR is controlled by the Comprehensive Development Plan Future Land Use Element, Table 1.1.

(d) Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards

Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

3.4.4. NC: Neighborhood Commercial District

(a) Purpose

The purpose of the NC: Neighborhood Commercial District is to provide lands that accommodate a limited range of small-scale neighborhood-serving commercial uses within or at the edge of the City's residential neighborhoods and along roadways. The district may apply to portions of a block, consisting of a few storefronts with limited on-site parking, and is intended for neighborhood-serving uses that are primarily pedestrian-oriented. The district regulations are intended to ensure that uses, development intensities, and development forms are consistent with this pedestrian-friendly and neighborhood scale. Allowable uses include limited retail sales and services, personal services, eating or drinking establishments, and related uses. Small-scale mixed-use development (residential over ground floor) is also permitted at a scale and form that is consistent with district character.





(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations.

(c) Intensity and Dimensional Standards

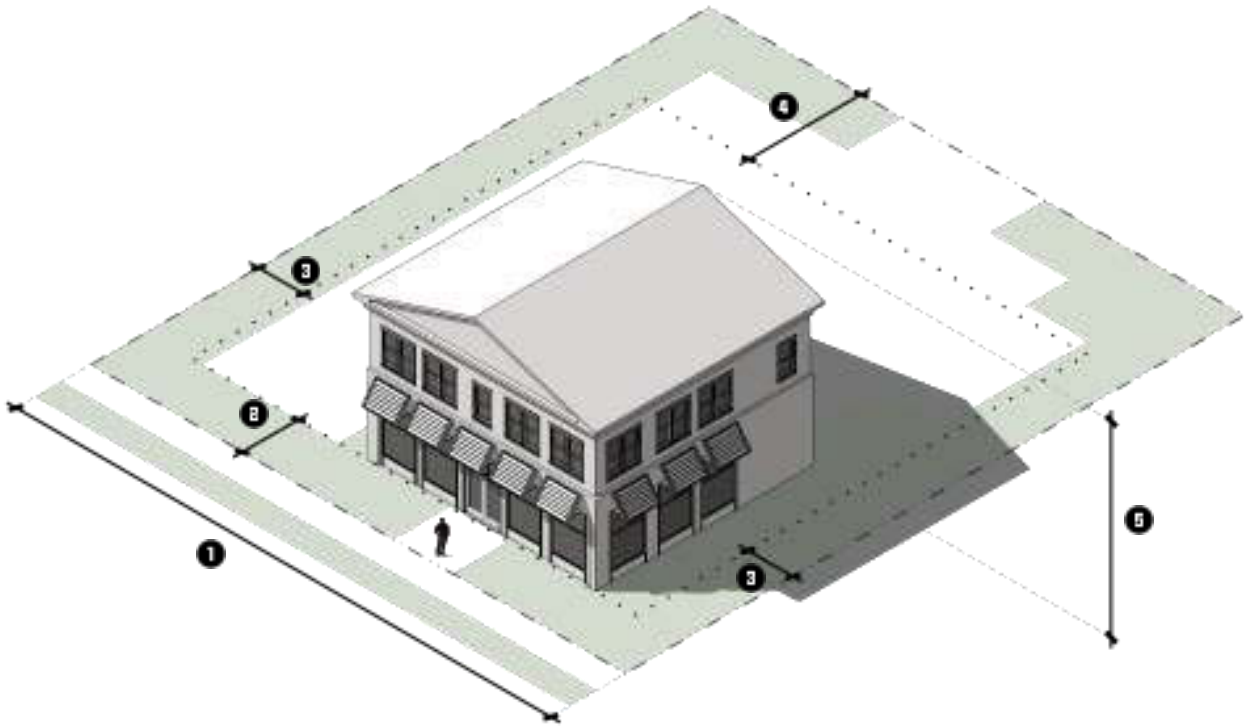
Standard	All Uses [1]
Lot area, min. (sf)	7,500
❶ Lot width, min. (ft)	75
❷ Build-to zone, min. | max (ft)	5 | 15 (35) [1]
❸ Side yard setback, min. (ft)	10 | 30 [2]
❹ Rear yard setback, min. (ft)	10 | 30 [2]
❺ Building height, max. (ft)	35
Building stories, max. (ft)	2
Building floorplate, max. (sf)	5,000
Impervious coverage, max. (%)	70
Density, max (du/acre)	N/A [3]

NOTES: sf = square feet; ft = feet; du = dwelling units; min.= minimum; max.= maximum

[1] For one-story buildings, all parking shall be located to the side or rear of the building. For two-story buildings, a single row of parking and accompanying drive aisle may be added in front of the building, in which case the maximum build-to zone is increased to 35 feet from the property line.

[2] Thirty (30) feet from the lot line when adjacent to a residential use or a Residential zone district.

[3] Residential development is only allowed above the ground floor.



[d] Reference to Other Standards

Section 5.1	Mobility and Connectivity Standards	Section 5.10	Residential Compatibility Standards
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	Section 5.11	Architectural, Form, and Design Standards
Section 5.3	Landscape, Buffer, and Tree Protection Standards	Section 5.12	Sustainable Development Standards
Section 5.4	Open Space Set-Aside Standards	Section 5.13	Sustainable Development Incentives
Section 5.5	Vegetation Removal	Section 5.14	Signs
Section 5.6	Residential Tree Protection	Section 5.15	Building Numbering and Street Naming
Section 5.7	Flood Damage Prevention	Article 6	Subdivision Standards
Section 5.8	Fence and Wall Standards	Article 7	Public Facility Funding
Section 5.9	Exterior Lighting Standards	Appendix A	Engineering and Design Manual

SECTION 3.5. PLANNED DEVELOPMENT DISTRICTS

3.5.1. General Purpose of Planned Development Districts

The purpose and intent of the Planned Development zone districts is to encourage land uses and designs that are innovative, integrated, and incorporate multiple uses in a way that makes efficient use of land and allows for creative site planning.

3.5.2. Established Planned Development Zone Districts

The Planned Development zone districts established by this LDC are identified in Table 3.5.2: Established Planned Development Zone Districts.

Table 3.5.2: Established Planned Development Zone Districts
PD: Planned Development
DM-PD: Downtown Maitland — Planned Development

3.5.3. General Provisions for All Planned Development Districts

(a) Classification of Planned Development Zone Districts

Land shall be classified into a Planned Development zone district only in accordance with the procedures and standards set forth in Sec. 2.5.1(f), Planned Development, and this section.

(b) Organization of Planned Development Zone District Regulations

The following general standards apply to all types of Planned Development zone districts. Sec. 3.5.4, PD: Planned Development District, and Sec. 3.5.5, DM-PD: Downtown Maitland — Planned Development District, include additional provisions and standards for each of the different types of Planned Development districts.

(c) Standards for All Planned Development Zone Districts

Before approving a Planned Development zone district, the City Council shall find that the application for the Planned Development district classification, as well as the PD Plan and PD Agreement, comply with the following standards.

(1) PD Plan

As set forth in Sec. 2.5.1(f), Planned Development, a PD Plan is a required component in the establishment of a planned development zone district. The PD Plan is a master plan for the district that depicts the general configuration and relationship of the principal elements of the proposed development. The PD Plan shall accomplish the following:

(A) Statement of Planning and Goals

Establish a statement of planning and development goals for the PD district that is consistent with the comprehensive development plan and other adopted City plans, as applicable, as well as the purposes of the individual PD district;

(B) Allowable Uses

Identify the specific principal, accessory, and temporary uses permitted in the PD district. They shall comply with the Principal Use Table (see Article 4: Use Regulations) and the purposes of the PD district. Uses shall also be subject to applicable use-specific standards identified in the PD Plan, and any additional limitations or requirements applicable to the individual PD district;

(C) General Location and Layout

Establish the general location of each development area in the PD district, its acreage, types, and mix of land uses (if applicable), number of residential units (by use type), nonresidential floor area (by use type), residential density, and nonresidential intensity;

(D) Density, Intensity, and Dimensional Standards

Establish the density, intensity, and dimensional standards that apply in the individual PD district. The density, intensity, and dimensional standards shall be consistent with the requirements of the individual PD district and its purposes;

(E) Compatibility Standards

Where relevant, establish the standards and requirements that ensure development on the perimeter of the PD district is designed and located to be compatible with the character of adjacent existing or approved development. Determination of compatible character shall be based on densities/intensities, lot size and dimensions, building height, building mass and scale, form and design features, hours of operation, exterior lighting, and siting of service areas;

(F) Open Space

Establish the general location, amount, and type (whether designated for active or passive recreation) of open space, consistent with the purposes of the individual PD district;

(G) Environmental Protection

Identify the location of environmentally sensitive lands, resource lands, wildlife habitat, and waterway corridors, and indicate how protection of these lands will be assured consistent with the purposes of the individual PD district and the requirements of this LDC;

(H) Pedestrian and Bicycle Circulation

Identify the on-site pedestrian and bicycle circulation systems, and how they will connect to off-site pedestrian and bicycle systems in ways that are consistent with the purposes of the individual PD district, and the requirements of this LDC;

(I) Vehicular Circulation

Identify the general design and layout of the on-site transportation circulation system, including the general location of all public streets, existing or projected

transit corridors, and how they interface with the pedestrian circulation system (pedestrian and bicycle pathways, and trails), and connect to existing and planned City and regional systems in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC;

(J) Projected Impacts on Utilities and Recreation Facilities

Identify the projected impact of the development on surrounding utility services and park and recreation facilities, and whether there is adequate capacity to accommodate the proposed development;

(K) Water and Wastewater Facilities

Identify the general location of on-site potable water and wastewater facilities, and how they will connect to existing and planned City and regional systems in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC;

(L) Drainage Facilities

Identify the general location of on-site storm drainage facilities, and how they will connect to existing and planned City systems, in a manner consistent with the purposes of the individual PD district, and the requirements of this LDC;

(M) Public Facilities

Identify the general location and layout of all other on-site and off-site public facilities serving the development, and how they are consistent with the purposes of the individual PD district. The other on-site and off-site public facilities considered shall include — but not be limited to — parks, schools, and facilities for fire protection, police protection, emergency management, and solid waste management;

(N) Stormwater Management Facilities

Establish provisions addressing how potable water, wastewater, stormwater management, and similar public utilities will be provided to accommodate the proposed development; and

(O) Additional Development Standards

Establish the development standards that will be applied if differing from the development standards in this LDC. The development standards shall be consistent with the requirements of the individual PD district and its purposes, and the requirements of this LDC, as appropriate. At a minimum, the development standards shall address:

1. Mobility and Connectivity Standards;
2. Off-Street Parking, Bicycle, and Loading Standards;
3. Landscape, Buffer, and Tree Protection Standards;
4. Exterior Lighting Standards;

5. Vegetation Removal;

6. Residential Tree Protection;

7. Residential Compatibility Standards, if applicable;

8. Architectural, Form, and Design Standards;

9. Sustainable Development Standards;

10. Signs; and

11. Subdivision Standards.

(P) Development Phasing Plan

If development is proposed to be phased, the PD Plan shall include a development phasing plan that identifies:

1. The general sequence or phases in which the planned development is proposed to be developed, including how residential and nonresidential development will be phased;

2. How infrastructure (public and private), open space, and other amenities will be provided and timed;

3. How development will be coordinated with the City's capital improvements program;

4. How each development and phase can exist as an independent unit capable of creating a stable and desirable environment; and

5. How environmentally sensitive lands will be protected and monitored.

(Q) Conversion Schedule

If applicable, a conversion schedule that identifies the extent to which one type of use may be converted to another type of use and the methodology that will be used to determine the conversion.

[2] Development Standards

(A) Development in a Planned Development zone district shall comply with the standards in Article 5: Development Standards, Article 6: Subdivision Standards, and Article 7: Public Facility Funding, unless they are modified as allowed by Table 3.5.3(c)(2): Planned Development District Development Standards Subject to Modification.

Table 3.5.3(c)(2): Planned Development District Development Standards Subject to Modification		
Standard		**Means to Modify**
Article 5	**Development Standards**	
Section 5.1	Mobility and Connectivity Standards	PD Plan
Section 5.2	Off-Street Parking, Bicycle, and Loading Standards	PD Plan
Section 5.3	Landscape, Buffer, and Tree Protection Standards	PD Plan
Section 5.4	Open Space Set-Aside Standards	No modification
Section 5.5	Vegetation Removal	PD Plan
Section 5.6	Residential Tree Protection	PD Plan
Section 5.7	Flood Damage Prevention	No modification
Section 5.8	Fence and Wall Standards	No modification
Section 5.9	Exterior Lighting Standards	PD Plan
Section 5.10	Residential Compatibility Standards	PD Plan
Section 5.11	Architectural, Form, and Design Standards	PD Plan
Section 5.12	Sustainable Development Standards	PD Plan
Section 5.13	Sustainable Development Incentives	No modification
Section 5.14	Signs	PD Plan
Section 5.15	Building Numbering and Street Naming	No modification
Article 6	**Subdivision Standards**	PD Plan
Article 7	**Public Facility Funding**	No modification
Appendix A	**Engineering and Design Manual**	PD Plan

(B) Modifications to development standards, as allowed by Table 3.5.3(c)(2): Planned Development District Development Standards Subject to Modification, shall be:

1. Consistent with the purposes of the Planned Development district; and
2. Documented in the PD Plan and PD Agreement, with a clear basis for why the change is needed, how it supports the purposes of the district, and how it supports high-quality development.

[3] PD Agreement

A PD Agreement is also a required component for the establishment of a Planned Development district. It includes all terms and conditions relating to the approval of the district, including monitoring rules, phasing rules (where relevant), requirements for how mitigation will occur, and how public facilities will be provided to serve the planned development. A PD Agreement shall include, but not be limited to:

1. Conditions related to approval of the application for the individual PD district classification;

2. Conditions related to the approval of the PD Plan, including any conditions related to the form and design of development shown in the PD Plan;

3. Provisions addressing how public facilities (pedestrian and bicycle, other transportation, potable water, wastewater, stormwater management, and other public facilities) will be provided to accommodate the proposed development. This shall include but not be limited to:

   a. Recognition that the applicant/landowner will be responsible to design and construct or install required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations; and

   b. The responsibility of the applicant/landowner to dedicate to the public the rights-of-way and easements necessary for the construction or installation of required and proposed on-site public facilities in compliance with applicable City, state, and federal regulations.

4. Provisions related to environmental protection and monitoring (e.g., restoration of mitigation measures, annual inspection reports);

5. Identification of community benefits and amenities that will be provided to compensate for the added development flexibility afforded by the individual PD zoning district;

6. The development phasing plan described in subsection (1)(P) above;

7. The conversion schedule described in subsection (1)(Q) above; and

8. Any other provisions the City Council determines are relevant and necessary to the development of the Planned Development district.

(B) All conditions shall be related in both type and amount to the anticipated impacts of the proposed development on the public and surrounding lands.

[4] Compensating Community Benefits

Compensating community benefits shall also be identified in the PD Plan and the PD Agreement. These benefits shall be in addition to what is otherwise required to meet the minimum standards of this LDC and other City, county, state, and federal regulations. They may include, but are not limited to:

(A) Improved Design

The use of architectural design that exceeds any minimum standards established in this LDC or any other City regulation, or the use of site design incorporating principles of walkable urbanism and traditional neighborhood development, compatible with the comprehensive development plan and other adopted City plans.

(B) Sustainable Development Standards

The use of sustainable development standards for environmental, energy efficiency, or resiliency principles in community, site, and building design, beyond the minimum standards established in Section 5.12, Sustainable Development Standards.

(C) Natural Preservation

The preservation on the site of environmentally sensitive lands, natural features, or trees that exceed the requirements of this LDC.

(D) Dedication of Land or Facilities or In-Lieu Fee Contribution

1. Parks, Recreation, and Open Space

The dedication of land, construction of facilities, or contribution of an in-lieu fee for public parks, trails and trail linkages, greenways, waterfront access, recreation facilities, or open space identified in the comprehensive development plan or other adopted City plans, beyond the requirements of Section 5.4, Open Space Set-Aside Standards.

2. Stormwater Management Facilities

The dedication of land, construction of facilities, or contribution of an in-lieu fee for stormwater management facilities that exceed the requirements of the LDC or the City Code.

3. Transportation Facilities

The dedication of land, construction of facilities, or contribution of an in-lieu fees for off-site transportation facilities that exceed the requirements of Section 5.1, Mobility and Connectivity Standards, and Section 5.2, Off-Street Parking, Bicycle, and Loading Standards.

4. Community Facilities

The dedication of land or construction of facilities for community facilities (e.g., cultural arts center, public plaza, and public art) identified in the comprehensive development plan or other adopted City plans.

5. Other

Any other community benefit that would provide benefits to the development site and the citizens of the City, generally.

3.5.4. PD: Planned Development District

(a) Purpose

The purpose of the PD: Planned Development zone district is to provide increased flexibility for land development, in particular for larger-scale and phased projects. It is designed to achieve a high quality of development that demonstrates environmental sensitivity, energy efficiency, and adequate provision of public facilities and services, along with other goals, by:

1) Allowing greater flexibility from base zone district standards in the form and design of development, the ways by which pedestrians and traffic circulate, how the development is located and designed to respect the natural features of the land and protect the environment, the location and integration of open space and civic space into the development, and design amenities;

2) Encouraging a greater mix of land uses within the same development, and where appropriate, walkability;

3) Allowing more efficient use of land, with smaller networks of streets and utilities that lower development and housing costs;

4) Encouraging an increase in the amount and usability of open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional development practices;

5) Permitting more effective adaptation of development to the natural soils, vegetation, and topography of an area;

6) Preserving natural amenities and environmental assets by encouraging the retention and improvement of scenic and functional open areas;

7) Encouraging the phasing of large-scale, multiple-use development which can aid the City in controlling the timing and sequence of growth by maintaining a balance of land uses in conjunction with the provision of municipal facilities and services needed to serve the development;

8) Providing pedestrian connections within the site and to the public right-of way, as well as to external connections; and

9) Promoting development forms and patterns that respect the character of established surrounding neighborhoods and other types of land uses.

(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. The allowed uses are only permitted for development if they are included in the PD Plan that is approved as part of the PD District.

(c) Intensity and Dimensional Standards [1]

Standard	All Uses
District area, min. (acres)	2
Lot area, min. (sf)	To be established in PD Plan
Lot width, min. (ft)	
Front yard setback, min. (ft)	

Side yard setback, min. (ft)	
Rear yard setback, min. (ft)	
Building height, max. (ft)	
Building stories, max. (ft)	
Density, max. (du/acre)	
Intensity (FAR)	
Open space, min. (percent)	
Buffer/yard building separation, min. (ft)	

NOTES: sf = square feet; ft = feet; du = dwelling units; min.= minimum; max.= maximum

[1] The density/intensity based on gross residential/commercial acreage permitted in each PD development shall be established by the City Council upon recommendation of the Planning and Zoning Commission. The criteria for establishing the appropriate density/intensity includes existing surrounding density/intensity, density/intensity permitted by the existing zone district classification, adequacy of existing and proposed public facilities and services, conformance with the adopted comprehensive development plan, and site characteristics. In no case shall density/intensity exceed the maximum density/intensity allowed under the comprehensive development plan or other standards included in the comprehensive development plan for the land subject to the PD district.

[d] Additional Development Standards

In addition to the general standards set forth in Sec. 3.5.3, General Provisions for All Planned Development Districts, **d**evelopment in the PD district that is within the Employment Center designation on the Future Land Use Map in the comprehensive development plan shall comply with the design and form standards that apply to the WS district in Sec. 3.3.4(e), Design and Form Standards, unless they are modified in an approved PD Plan. Where standards differ between the WS-RT and WS-NM subdistricts, the PD Plan shall identify which of these subdistrict standards are applicable to the proposed development based on its location relative to other lands zoned WS-RT and WS-NM, and if applicable identify how the standards are proposed to be modified in accordance with Sec. 3.5.3(c)(2)(B) above.

3.5.5. DM-PD: Downtown Maitland — Planned Development District

(a) Purpose

The purpose of the Downtown Maitland Planned Development (DM-PD) District is to implement the comprehensive development plan and Downtown Maitland Master Plan by providing lands that accommodate downtown Maitland as the highest density/intensity mixed use center of commerce, government, entertainment, and culture in the city. To assist in achieving this goal the district regulations provide flexibility from some of the standards of the DM base zone district to encourage innovative, integrated, and efficient land planning and physical design concepts, and where sufficient community enhancements are provided, additional density/intensity through the Density Incentive Community Enhancement (DICE) regulation. Principal types of development in the DM-PD district include higher intensity government, commercial, entertainment, and employment uses, as well as higher density residential and mixed use development, in a form that is pedestrian friendly, architecturally attractive, consistent with the desired character of the city, supportive of multiple modes of mobility, and protective of the character of adjacent residential lands.

The Downtown Maitland Planned Development (DM-PD) zone district consists of two subdistricts. The Downtown Maitland Planned Development (DMPD) subdistrict accommodates the most intense development in the city. The Downtown Maitland Planned Development Edge (DMPD-E) subdistrict, which is located on lands adjacent and proximate to existing residential neighborhoods, supports pedestrian-friendly mixed use and other similar types of development as the DMPD, but at less intense densities/intensities, and in a form that ensures the character of the adjacent residential neighborhoods is maintained. The boundaries of the DMPD and DMPD-E subdistricts are coterminous with the boundaries of the DM and DM-EDGE base subdistricts.

(b) Use Standards

Allowed uses and use-specific standards for principal, accessory, and temporary uses are established in Article 4: Use Regulations. The allowed uses are only permitted for development if they are included in the DM-PD Concept Plan that is approved as part of an approved DM-PD classification.

[c] Intensity and Dimensional Standards

Standard	DMPD	DMPD-E
Block length, min. | max. (ft.)	330 | 660	
Build-to zone (ft.) [1]		
Type I Street	26 | 41	
Type II Street	25 | 40	
Type III Street	18 | 33	
Front yard setback, min. (ft.)	—	
Side yard setback, min. (ft.)	—	
Rear yard setback, min (ft.)	—	
Building width in build-to zone, min. (percentage of lot width) [2]	75	60
Density, min. | max. [3] | max. with DICE [4] (du/acre of net lot area)		
Parcels less than 2 acres	10 | 20 | 45	5 | 14 | 30
Parcels 2 acres or greater and less than 3 acres	12 | 30 | 55	8 | 21 | 39
Parcels 3 acres or greater	16 | 40 | 67	12 | 28 | 47
Floor Area Ratio (FAR), min. | max. [5] | max. with DICE [6]		
Parcels less than 2 acres	0.60 | 1.20 | 1.40	0.40 | 0.85 | 1.00
Parcels 2 acres or greater and less than 3 acres	0.70 | 1.40 | 1.75	0.50 | 1.00 | 1.25
Parcels 3 acres or greater	1.00 | 2.00 | 2.40	0.70 | 1.40 | 1.70
Building height, max (ft)	6 stories maximum height; for a particular site, to be determined as part of PD Plan approval [7]	
Impervious surface, min. | max (%)	50 | 90	40 | 80
Open space set-aside, min (%)	10 (May be modified as part of PD Plan approval)	

NOTES: sf = square feet; ft = feet; min.= minimum; max.= maximum

[1] The area between the minimum and maximum build-to lines that extends the width of the lot constitutes the build-to zone. The minimum and maximum build-to lines are measured from the curb. They differ based on the street type on which the building fronts. The area between the build-to-line and curb shall include the parkway, the sidewalk, and the activity area.

[2] The remaining build-to zone width may be occupied by outdoor gathering spaces, walkways, landscaped areas, open space, and stormwater management facilities that use environmental site design techniques.

[3] Maximum density/intensity that may be approved as part of the DM-PD without bonus in accordance with Sec. 3.5.5(d)(2), Density Incentive Community Enhancement (DICE).

[4] Maximum density/intensity that may be approved as part of the DM-PD with bonus in accordance with Sec. 3.5.5(d)(2), Density Incentive Community Enhancement (DICE).

[5] Maximum density/intensity that may be approved as part of the DM-PD without bonus in accordance with Sec. 3.5.5(d)(2), Density Incentive Community Enhancement (DICE). For purposes of calculating permitted density, a group home use shall be considered as a nonresidential use subject to the FAR requirements.

[6] Maximum density/intensity that may be approved as part of the DM-PD with bonus in accordance with Sec. 3.5.5(d)(2), Density Incentive Community Enhancement (DICE). For purposes of calculating permitted density, a group home use shall be considered as a nonresidential use subject to the FAR requirements.

[7] Maximum height for development in the DMPD-E district may be limited by the restrictions on building height adjacent to certain residential development in Section 5.10, Residential Compatibility Standards.

[d] DM-PD Zone District Development Standards

In addition to the general standards in Sec. 3.5.3, General Provisions for All Planned Development Districts, **d**evelopment in the DM-PD district shall comply with the following:

[1] Design and Form Standards

Development in the DM-PD district shall comply with the design and form standards of the DM district in Sec. 3.3.5(e), Design and Form Standards, unless they are modified in an approved PD Plan, except for the following standards which shall not be modified:

(A) Sec. 3.3.5(e)(2), Building Placement and Orientation;

(B) Sec. 3.3.5(e)(4), Public Frontage Standards; and

(C) Sec. 3.3.5(e)(7), Parking Lot Location.

[2] Density Incentive Community Enhancement (DICE)

The DICE program provides landowners/developers the opportunity to obtain density and intensity enhancements through approval of a DM-PD District in accordance with the procedures and standards of this section and Sec. 2.5.1(f), Planned Development, if the following types of community enhancements or benefits are provided to sufficiently offset any impacts from the increase in density and intensity, and the landowner/ development appropriately mitigates all other impacts:

(A) Regional stormwater ponds;

(B) Shared parking structures;

(C) Street extensions;

(D) Bicycle/pedestrian connectivity;

(E) Quality public active/passive open spaces; and/or

(F) Undergrounding of downtown utilities.

SECTION 3.6. OVERLAY DISTRICTS

3.6.1. General Purpose of Overlay Districts

The purpose and intent of overlay zone districts are to provide supplemental standards with respect to special areas, land uses, or environmental features that supersede the standards of the underlying base zone district.

3.6.2. Established Overlay Districts

The overlay zone districts established by this LDC are identified in Table 3.6.2: Established Overlay Districts.

Table 3.6.2: Established Overlay Districts
CHA-O: Culture, History, and Arts Overlay

3.6.3. Conflicting Standards

If there is a conflict between any base zone district and overlay district regulations, the overlay district regulations shall control, unless expressly stated to the contrary.

3.6.4. Classification of Overlay Districts

Land shall be classified or reclassified into an overlay zone district only in accordance with the procedures and standards in Sec. 2.5.1(e), Site-Specific Zone District Map Amendment.

3.6.5. CHA-O: Culture, History, and Arts Overlay

(a) Purpose

The purpose of the Culture, History, and Arts Overlay (CHA-O) district is to:

(1) Support and protect the City's cultural and historic features in a way that ensures these features become part of the City's identity;

(2) Protect and enhance the unique urban environment of the lands adjacent to the Maitland Art Center and Lake Lily Park;

(3) Provide connections between the important historical and cultural features in the City like the Maitland Art Center, Waterhouse Building, and the Maitland Public Library; and

(4) Ensure development in the overlay district is compatible with development in the DM-Downtown Maitland District.

(b) Applicability

(1) General Applicability

(A) Unless exempted in accordance with subsection (2) below, the standards and requirements of this section apply to new development and redevelopment within the CHA-O district.

(B) A parcel of land that is split by the CHA-O district is considered to be in the CHA-O district if the majority of the land is located within that district.

[2] Exemptions

Development on City-owned lands is exempt from the standards and requirements of the CHA-O district.

[3] Place District on Official Zoning District Map

The CHA-O district is identified on the Official Zoning District Map.

[c] Modifications of Otherwise Applicable Development Regulations

[1] Underlying Base Zone District Regulations

Unless required in accordance with subsection (2) below, the development standards for the underlying base zone district apply.

[2] Standards that Apply in the CHA-O District

The standards in the CHA-O District are listed in Table 3.6.5(c)(2): CHA-O District Dimensional and Development Standards and apply as follows:

(A) New Development

All new development shall comply with the standards in Table 3.6.5(c)(2).

(B) Existing Development

An expansion or alteration of development that existed on March 1, 2022 shall comply with the standards Table 3.6.5(c)(2) to the maximum extent practicable, if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area, as measured over any five-year period.

Table 3.6.5(c)(2): CHA-O District Dimensional and Development Standards

Standard	All Uses
Front yard setback, min. (ft)	15
Side yard setback, min. (ft)	3 [1]
Rear yard setback, min. (ft)	15 [2]
Floor area ratio, max.	0.66 [3]
Building height, max. (ft)	35 [4

NOTES: ft = feet; min. = minimum; max. = maximum

[1] No side setback for properties abutting Maitland Avenue.

[2] No rear setback for properties abutting Maitland Avenue or a nonresidential zone district.

[3] Floor area ratio restrictions may not be exceeded by the DICE program in the DM district.

[4] Height limitations do not apply within the Main Street designation on the FLUM of the comprehensive development plan

ARTICLE 4. USE REGULATIONS

SECTION 4.1. GENERAL PROVISIONS

Article 4: Use Regulations, identifies the land uses that are allowed in each of the zone districts established in this LDC and any applicable standards that apply to the land uses. Section 4.2, Principal Uses, identifies land uses allowed as principal uses in the various zone districts, and sets out special standards that apply to several of the uses. Section 4.3, Accessory Uses and Structures, identifies land uses and structures commonly allowed as accessory to principal uses, sets out general standards applicable to all accessory uses and structures, and sets out special standards that apply to particular accessory uses and structures. Section 4.4, Temporary Uses and Structures, identifies land uses or structures allowed on a temporary basis, sets out general standards applicable to all temporary uses and structures, and sets out special standards that apply to particular temporary uses and structures.

SECTION 4.2. PRINCIPAL USES

4.2.1. General

(a) Purpose

The purpose of this section is to authorize the establishment and continuation of land uses that are allowed as the principal uses on land. This is done by identifying the principal uses allowed as either permitted by right or by approval as a conditional use in the different zone districts, what type of permit or review is required to establish the use, and any special standards applicable to specific principal uses, either generally or when located in a particular zone district.

(b) Organization and Applicability

Sec. 4.2.2, Principal Use Table, contains Table 4.2.2: Principal Use Table, that identifies allowable principal uses, shows whether each use is permitted by right, by approval of a conditional use permit in accordance with Sec. 2.5.1(g), Conditional Use Permit, prohibited within the various zone districts, or allowed as part of a PD District if it is approved as a PD District . Some principal uses reference provisions within Sec. 4.2.4, Standards Specific to Principal Uses, which sets forth standards applicable to specific principal uses regardless of the zone district in which they are allowed.

(c) Structure of the Principal Use Table

(1) Organization and Classification of Principal Uses

Table 4.2.2: Principal Use Table, organizes allowable principal uses within the following three-tier classification hierarchy, which is described in detail in Sec. 4.2.3, Classification of Principal Uses.

(A) Use Classifications

The top-level use classifications are very broad and general (Residential Uses; Public, Civic, and Institutional Uses; Commercial Uses; and Light Industrial, Research and Development, and Warehousing Uses).

(B) Use Categories

Use categories represent major subgroups of the use classifications that have common functional, product, or physical characteristics, such as the type and amount of activity, type of occupants or users/customers, or operational characteristics. For example, the Commercial Use Classification is divided into multiple use categories, including Eating, Drinking, and Entertainment and Recreation and Tourism uses.

(C) Use Types

Use Types identify specific land uses whose characteristics fit within the various use categories. For example, use types within the Household living category include dwelling, single-family detached; dwelling, two-family (duplex); and dwelling, multifamily. Each use type is defined in Sec. 4.2.3, Classification of Principal Uses. Classifying principal uses in this manner provides a systematic basis for determining whether a particular land use not expressly listed should be considered a use that is either sufficiently similar to an existing use type and should be considered an allowed use, or conforms to the functional or physical characteristics of a use category and should be considered an allowed use.

[2] Abbreviations in Principal Use Table

Table 4.2.2: Principal Use Table, uses the following abbreviations to designate whether and how a principal use is allowed in a particular zone district.

P	A "P" under a base zone district column indicates that the use is allowed as a permitted principal use in the district, subject to any use-specific standards referenced in the right-most column in the row and all other applicable provisions of the LDC.
C	A "C" under a base zone district column indicates that the use is allowable as a principal use in the district only upon approval of a conditional use permit in accordance with Sec. 2.5.1(g), Conditional Use Permit, and subject to any use-specific standards referenced in the right-most column in the row and all other applicable provisions of the LDC.
A	An "A" under the planned development district indicates that the use may be allowed as a part of the PD Concept Plan for a planned development in accordance with Sec. 2.5.1(f), Planned Development, and, as applicable, Sec. 3.5.4, PD: Planned Development District, or Sec. 3.5.5, DM-PD: Downtown Maitland — Planned Development District,

A blank cell under a base or planned development district column indicates that the use is prohibited as a principal use or conditional use in the zone district.

[3] Reference to Use-Specific Standards

A particular use category or use type allowed as a principal use in a zone district may be subject to additional standards that are specific to the particular use. The applicability of such use-specific standards is noted in the last column ("Use-Specific Standards") of Table 4.2.2: Principal Use Table, through a reference to standards in Sec. 4.2.4, Standards Specific to Principal Uses.

[d] Multiple Principal Uses

A development may include a single principal use with one or more accessory uses that are customarily incidental and subordinate to the principal use (e.g., administrative offices as accessory to a school, retail sales, or light manufacturing use). A development may also include multiple principal uses, none of which is necessarily customarily incidental or subordinate to another principal use (e.g., a place of worship combined with a school, or a gas station combined with a convenience store, restaurant, or automotive repair use). A development with multiple principal uses shall include only those principal uses identified in Table 4.2.2: Principal Use Table, as allowed in the applicable zone district. Each principal use is subject to any use-specific standards applicable to the use.

4.2.2. Principal Use Table

Table 4.2.2: Principal Use Table

P = Permitted by right
C = Allowed subject to conditional use permit
A = Allowed subject to an approved PD Concept Plan
Blank cell = Prohibited

Use Category	Use Type	Residential Districts					Mixed-Use Districts				Non-Res.		Planned Dev.		Use-Specific Standards
		RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
Household Living	Dwelling, single-family detached	P	P	P	P		P			P			A	A	4.2.4(b)(1)(A)
	Dwelling, townhouse					P	P	P	P	P			A	A	
	Dwelling, two-family (duplex)				P		P			P			A	A	4.2.4(b)(1)(B)
	Dwelling, three-family (triplex)					P	P	P	P				A		4.2.4(b)(1)(C)
	Dwelling, four-family (fourplex)					P	P	P	P				A		4.2.4(b)(1)(D)
	Dwelling, multifamily					P	P	P	P	P			A	A	4.2.4(b)(1)(E)
	Dwelling, live-work							P	P	P		P	A	A	4.2.4(b)(1)(F)
	Dwelling, unit within professional office building for owner or custodian					C	C						A		
Group Living	Assisted care community	C	C	C	C	C	C	C	C				A	A	4.2.4(b)(2)(A)
	Foster care home	P	P	P	P	P	P						A		4.2.4(b)(2)(B)
	Group dwelling or lodging home	C	C	C	C	C	C						A		
	Group home, small	P	P	P	P	C	P						A		4.2.4(b)(2)(C)
	Group home, large					C	C								4.2.4(b)(2)(C)
Community Service	Cemetery							C			P				
	Child care center					P	C			C			A	A	

Table 4.2.2: Principal Use Table

P = Permitted by right
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Blank cell = Prohibited

Use Category	Use Type	Residential Districts					Mixed-Use Districts				Non-Res.		Planned Dev.		Use-Specific Standards
		RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
	Community center/civic club					P	P	P	P	P	P		A	A	
	Community service facility					P	C	P	P	C	P		A	A	
	Cultural facility						P	P	P	P	P		A	A	
	Government building					P	P	P	P	P	P		A	A	
	Post office						P	P	P	P			A	A	
	Religious Institution	C	C	C	C	C	C	C	P	C	P		A	A	4.2.4(c)(1)(A)
Education	School, higher education (college or university)					C	C	P	P	C			A	A	
	School, secondary (K-12)	P	P	P	P	P	P	P	P	C	P	P	A	A	
	School, vocational or trade						C	P	P	C			A	A	
Health Care	Clinic and laboratory						P	P	P	P			A	A	
	Hospital							P	P	C			A	A	4.2.4(c)(2)(A)
	Nursing home					C	C	C	P	C			A	A	4.2.4(c)(2)(B)
	Outpatient care facility						P	P	P	P			A	A	
	Pain management clinic							C	P						4.2.4(c)(2)(C)
Parks and Open Space	Arboretum/botanical garden	P	P	P	P	P	P	P	P	C	P		A	A	
	Aviary/bird sanctuary	C	C	C	C	C	C				P		A		

Table 4.2.2: Principal Use Table

P = Permitted by right
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Use Category	Use Type	Residential Districts					Mixed-Use Districts				Non-Res.		Planned Dev.		Use-Specific Standards
		RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
	Community garden	P	P	P	P	P	P	P	P		P		A	A	
	Park, community	P	P	P	P	P	P	P	P	P	P		A	A	
	Park, neighborhood	P	P	P	P	P	P	P	P	P	P		A	A	
Utility, Transportation, and Communication	Bus or rail terminal, private							P		P	P		A	A	
	Newspaper/periodical publishing establishment							P	P	P			A	A	
	Park-and-ride lot						C	C	C		P		A		
	Parking facility, private					C	C	C	C	P	P		A	A	
	Parking facility, public						P	P	P	P	P		A	A	
	Solar energy collection facility, large-scale							C	C		P		A		
	Television and radio station							P	P	C			A	A	4.2.4(c)(3)(A)
	Transportation terminal and station							P	P	P	P		A	A	
	Utility facility, major	C	C	C	C	P	C	P		P	P		A	A	4.2.4(c)(3)(B)
	Utility facility, minor	P	P	P	P	P	P	P	P	P	P	P	A	A	
	Wireless communication facility/tower (*see Ch. 17.5, Communications, in the City Code)	*	*	*	*	*	*	*	*	*	*	*	*	*	4.2.4(c)(3)(C)

Table 4.2.2: Principal Use Table

P = Permitted by right
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Use Category	Use Type	Residential Districts					Mixed-Use Districts				Non-Res.		Planned Dev.		Use-Specific Standards
		RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
Animal Uses	Animal kennel						P	P		C			A	A	4.2.4(d)(1)(A)
	Veterinary hospital or clinic						P	P	P	P			A	A	4.2.4(d)(1)(B)
Business Support Services	Call center							P	P	P			A	A	
	Conference or training center							P	P	P			A	A	4.2.4(d)(2)(A)
	Employment agency							P	P	P			A	A	
Eating, Drinking, and Entertainment	Bars, taverns, and nightclubs						P	P	P	P		C	A	A	
	Limited service eating and drinking establishments						P	P	P	P	P	P	A	A	
	Microbrewery or microdistillery						P	P	P	P			A	A	4.2.4(d)(3)(A)
	Restaurant, take-out/delivery only						P	P	P	C		P	A	A	
	Restaurant, sit-down						P	P	P	P		P	A	A	
Funeral and Mortuary Services	Crematory						C	C	C				A		
	Funeral home						P	C	C				A		
Office	Contractors' office						P	P	P	P			A	A	4.2.4(d)(4)(A)
	General business office					C	P	P	P	P			A	A	

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Use Category	Use Type	Residential Districts					Mixed-Use Districts				Non-Res.		Planned Dev.		Use-Specific Standards
		RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
	Professional office					C	P	P	P	P			A	A	
Personal Services	Arts, performing arts, and craft studios						P	P	P	P	P		A	A	
	Beauty salon, barber shop, nail salon						P	P	P	P		P	A	A	
	Interior decorating shop						P	P	P	P				A	
	Laundry or dry cleaning establishment						P	P	P	P		P	A	A	
	Laundry, self-service						P	P	P	C			A	A	
	Lawn care, pool, or pest control service						P	P	P				A		
	Massage therapy establishment						P	P	P	P			A	A	
	Personal or household goods repair shop						P	P	P	P			A	A	
	Personal training studio						P	P	P	P		P	A	A	
	Print shops, job printing, bindery, silk screening						C	P	P	P			A	A	4.2.4(d)(5)(A)
	Travel agency						P	P	P	P			A	A	
Recreation and Lodging	Arena, stadium, or amphitheater							C	C		P		A		4.2.4(d)(6)(A)
	Hotel or Motel							P	P	P			A	A	
	Recreation facility, indoor						P	P	P	P			A	A	
	Recreation facility, outdoor						C	C	P	C			A	A	

Table 4.2.2: Principal Use Table

P = Permitted by right
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Use Category	Use Type	Residential Districts					Mixed-Use Districts				Non-Res.		Planned Dev.		Use-Specific Standards
		RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
	Short-term rental unit	P	P	P	P	P	P	P	P	P	P	P	A	A	4.2.4(d)(6)(B)
	Theater							P	P	P	P		A	A	
Retail Sales	Alcoholic beverage retail sales						P	P	P	P			A	A	4.2.4(d)(7)(A)
	Bank or financial institution						P	P	P	P	P		A	A	
	Computer hardware service						P	P	P	P			A	A	
	Consumer goods establishment (10,000 square feet or less)						P	P	P	P	P	P	A	A	
	Consumer goods establishment (more than 10,000 square feet)							P	P	P			A	A	
	Drugstore/pharmacy						C	C	P	C			A	A	4.2.4(d)(7)(B)
	Grocery store and food market						P	P	P	P		P	A	A	
	Shopping center						P	P	P	P			A	A	
Vehicle Sales, Rental, Service, and Repair	Automobile repair and service garage												A		4.2.4(d)(8)(A)
	Automobile service station							C	C				A	A	4.2.4(d)(8)(B)
	Mobility services						C	C	C	C			A	A	
	Personal vehicle rentals						P	P	P	P			A	A	4.2.4(d)(8)(C)
	Personal vehicle sales												A		4.2.4(d)(8)(D)

Table 4.2.2: Principal Use Table

P = Permitted by right
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Use Category	Use Type	Residential Districts					Mixed-Use Districts				Non-Res.		Planned Dev.		Use-Specific Standards
		RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
Industrial Service	Educational, scientific, or industrial research or development							P	P						4.2.4(e)(1)(A)
Manufacturing and Production	Manufacturing, assembly or fabrication, light							P	P						4.2.4(e)(2)(A)
Warehouse and Freight Movement Uses	Moving and storage facility												A		
	Warehouse, distribution												A		
	Warehouse, storage												A		

4.2.3. Classification of Principal Uses

(a) Residential Uses Classification

(1) Household Living Uses

The Household Living Uses category includes use types providing for the residential occupancy of a dwelling unit by a single family. Tenancy is generally arranged on a month-to-month or longer basis. Use types include: live-work dwellings, multifamily dwellings, single-family attached (townhome) dwellings, single-family detached dwellings, two-family (duplex) dwellings, and dwelling units within a professional office building for owner or custodian. This use category does not include residential use types that generally involve some level of managed personal care for a larger number of residents (e.g., continuing care communities or large group homes), which are categorized in the Group Living Uses category. Accessory uses common to Household Living Uses include cottage residences, home-based businesses, and swimming pools.

Dwelling, Single-Family Detached

A dwelling located on its own lot that does not share an exterior wall with another building. There shall only be one single-family detached dwelling on one individual lot.

Dwelling, Townhouse

A group of three or more dwelling units divided from each other by vertical common walls, each having a separate entrance leading directly to the outdoors at ground level. Parking lots, driveways, walkways, and accessory recreation areas may be in areas retained in common ownership which are owned jointly by the owners of townhome units.

Dwelling, Two-Family (Duplex)

A dwelling containing two dwelling units sharing a common wall. At minimum, the common wall must be a minimum of 50 percent of the attached sides of the units. Each dwelling unit must be occupied exclusively by one family. A two-family (duplex) dwelling may be on one level or may include two-story units where a floor/ceiling has the function of a common wall. An optional conjoined dwelling is a two-family dwelling in which the lot is split along a common wall through the lot split procedure (Sec. 2.5.2(d), Lot Split).

Dwelling, Three-Family (Triplex)

A dwelling containing three attached dwelling units that are designed to be occupied by three families living independently of each other.

Dwelling, Four-Family (Fourplex)

A dwelling containing four attached dwelling units that are designed to be occupied by four families living independently of each other.

Dwelling, Multifamily

A dwelling other than a townhome dwelling containing five or more dwelling units that are attached or in the same building. Multifamily dwellings include what are commonly called apartments or condominium units.

Dwelling, Live-work

A structure or portion of a structure combining a residential dwelling unit for one or more persons with an integrated workspace (on the ground floor) principally used by one or more of the dwelling unit residents.

Dwelling, Unit within Professional Office Building for Owner or Custodian

A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking, and sanitation, integrated into a structure which has a secondary primary use within the Commercial Uses Classification, Sec. 4.2.3(c)(5), Office Uses. The housing unit is intended solely for occupancy by the proprietor or an employee (and their family) of an establishment in the building, or by an employee of a business that is under contract to provide ongoing security, maintenance, or similar services for the building.

(2) Group Living Uses

The Group Living Uses category includes use types providing for the residential occupancy of a group of living units by persons who may or may not constitute a single family and may receive some level of personal care. Individual living units often consist of a single room or group of rooms without cooking and eating facilities (though some do have such facilities), but unlike a hotel/motel, are generally occupied on a monthly or longer basis. Use types include assisted care community, extended care facility, foster home, group dwelling or lodging home, group home, and similar uses. This use category does not include use types where persons generally occupy living units for periods of less than 30 days (e.g., hotel/motels), which are categorized in the Visitor Accommodation Uses category. It also does not include use types where residents or inpatients are routinely provided more than modest health care services (e.g., nursing homes), which are categorized in the Health Care Uses category. Accessory uses common to group living uses include recreational facilities, administrative offices, and food preparation and dining facilities.

Assisted Care Community

Any establishment which would require licensure under Ch. 429, Fla. Stat., including Adult Living Facilities, Adult Congregate Living Facilities, Adult Day Care Centers, and Adult Family Care Homes.

Foster Care Home

A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of not more than three clients.

Group Dwelling or Lodging Home

A building, or part thereof, in which several unrelated persons or families permanently reside, but in which individual cooking facilities are not provided for persons or families. Group dwelling shall not be deemed to include a hotel, motel, mobile home park or trailer camp, and total occupancy shall not exceed 16.

Group Home

A residential facility which provides a family living environment including supervision and care necessary to meet the physical, emotional, and social needs of at least four clients. There are two types of group home uses:

Group Home, Small

A facility designed for and occupied by no more than six clients living together.

Group Home, Large

A facility designed for and occupied by between seven and 16 clients living together.

(b) Public, Civic, and Institutional Uses Classification

(1) Community Service Uses

The Community Service Uses category includes use types of a public, nonprofit, or charitable nature providing a local service (e.g., child care facility, cultural, recreational, counseling, funeral services, training, religious) directly to people of the community. Generally, such uses provide ongoing continued service on-site or have employees at the site on a regular basis. The category does not include uses with a residential component. Use types include adult day care; banquet facility; child care center; civic building; community center/civic club; community service facility; cultural facility; government building post office; religious institution; and similar uses. This use category does not include private or commercial health clubs or recreational facilities (categorized in the Recreation/Entertainment Uses category), or counseling in an office setting (categorized in the Office Use category), or passenger terminals for public transportation services (categorized in the Transportation Use category). Accessory uses may include offices, meeting areas, food preparation and dining areas, health and therapy areas, and indoor and outdoor recreational facilities.

Cemetery

A place used for the permanent interment of dead human bodies (including their cremated remains) or pet animal bodies, and may include a memorial garden.

Child Care Center

An establishment which is licensed to operate by the Florida Department of Children and Families as a child care facility, and which operates for less than 24 hours per day caring for one or more children 12 years of age or under and where tuition, fees, or other forms of compensation for the care of children is charged.

Community Center/Civic Club

A facility used for recreational, social, educational, and cultural activities. This includes private nonprofit recreational and social facilities, recreational buildings and facilities, banquet facilities used for hosting special occasion events, and community centers operated by public agencies, and may be private or open to the general public.

Community Service Facility

Facilities where food, meals or commodities are served/distributed for not-for-profit social services purposes, or facilities that provide temporary accommodations generally for not-for-profit social service purposes.

Cultural Facility

A facility for storing, using, and loaning — but not sale — of literary, historical, scientific, musical, artistic, or other reference materials or for displaying or preserving objects of interest or providing facilities for one or more of the arts or sciences to the public. Example uses include a library and museum. The facility may also include offices and storage facilities used by staff, meeting rooms, and similar support facilities.

Government Building

A building or facility housing the offices or operations of a department or agency of the city, county, state, or federal government, or a quasi-governmental unit, including but not limited to a building or facility that provides fire protection, police protection, social services, or emergency medical services (not including a hospital or medical or dental clinic), together with community meeting space, incidental storage, and space for maintenance of necessary vehicles.

Post Office

A government facility that provides mailing services, post office boxes, offices, vehicle storage areas, and sorting and distribution facilities for mail.

Religious Institution

A building, together with its accessory structures and uses, where people regularly assemble to conduct religious worship, ceremonies, rituals, and related education. The building and its accessory structures and uses are maintained and controlled by a religious body. Places of worship include chapels, churches, mosques, shrines, synagogues, tabernacles, temples, and other similar religious places of assembly. Accessory uses may include administrative offices, classrooms, meeting rooms, schools, day care facilities, and cooking and eating facilities. A place of worship may include other uses that generally exist as principal uses — e.g., day care center, school, or recreational facility. Such uses shall be treated as principal uses and are subject to the standards and limitations applicable to such uses.

2. Education Uses

The Educational Uses category includes use types such as public schools and private schools (including charter schools) at the elementary, middle, or high school level that provide State-mandated basic education or a comparable equivalent. This use category also includes colleges, universities, and other institutions of higher learning such as vocational or trade schools that offer courses of general or specialized study leading to a degree or certification. Accessory uses at all education uses may include offices, play areas, recreational and sport facilities, cafeterias, theaters, auditoriums, and before- or after-school day care. Accessory uses at colleges or universities may additionally include dormitories, food service, laboratories, health care facilities, meeting areas, athletic facilities and fields, maintenance facilities, and supporting uses (e.g., eating establishments, bookstores).

School, Higher Education (college or university)

An institution offering a program of post-secondary education and instruction leading to associate, baccalaureate, or higher degrees, that is accredited by a national association of colleges and universities.

School, Secondary (K-8 or K-12)

An educational institution that offers a program of high school (for School, Secondary (K-12) uses), middle school (or junior high school), or elementary school (including kindergarten, pre-K, pre-K–8, or nursery school) instruction meeting State requirements for a school. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, after school care, athletic facilities, dormitories, and other facilities that further the educational mission of the institution. This definition is inclusive of "educational facilities" as defined in Ch. 1013, Fla. Stat.

School, Vocational or Trade

A public or private school that offers students business, vocational, or trade instruction — such as teaching of trade or industrial skills, clerical, or data processing, barbering or hair dressing, computer or electronic technology, or artistic skills, and that operates in buildings or structures or on premises on land leased or owned by the educational institution that meets the State requirements for a vocational training facility. Such uses include classrooms, laboratories, auditoriums, libraries, cafeterias, and other facilities that further the educational mission of the institution.

3. Health Care Uses

The Health Care Uses category includes use types providing a variety of health care services, including surgical or other intensive care and treatment, various types of medical treatment, nursing care, preventative care, diagnostic and laboratory services, and physical therapy. Care may be provided on an inpatient, overnight, or outpatient basis. Use types include clinic and laboratory; hospital; nursing home; outpatient care facility; pain management clinic; and similar uses. This use category does not include assisted living facilities or similar facilities which focus on providing personal care rather than medical care to residents and are categorized in the Group Living Uses category.

Accessory uses may include food preparation and dining facilities, recreation areas, offices, meeting rooms, teaching facilities, hospices, maintenance facilities, staff residences, and limited accommodations for members of patients' families.

Clinic and Laboratory

An establishment where patients, who are not lodged overnight, are admitted for examination, testing, and/or treatment by one person or a group of persons practicing any form of the healing sciences, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, acupuncturist, or any such profession the practice of which is lawful in the State of Florida, or where medical tests are performed.

Hospital

An institution receiving inpatients and rendering medical and surgical care on a 24-hours-per-day basis. The term includes general hospitals, trauma centers, and institutions in which service is limited to special fields, such as cardiac, eye, ear, nose, and throat, pediatric, orthopedic, skin, cancer, mental, tuberculosis, chronic disease, and obstetrics. The facilities may also include outpatient care, ambulatory care, offices of medical practitioners, adult day care, respite care, medical day care and day care for sick children, gift shops, restaurants, and other accessory uses. The term shall not include establishments intended primarily for permanent or long-term care or custodial care, provided continually or daily.

Nursing Home

A home for aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept, and provided with food and shelter or care for compensation on a 24-hours-per-day basis; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured. Accessory uses may include dining rooms and recreation and physical therapy facilities for residents, and offices and storage facilities for professional and supervisory staff. This definition also incorporates convalescent and rest homes.

Outpatient Care Facility

A facility providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an outpatient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, and visitors. This definition incorporates urgent care facilities.

Pain Management Clinic

See definition of Pain Management Clinic in Sec. 9-121 of the City Code.

[4] Parks and Open Space Uses

The Parks and Open Space Uses category includes use types focusing on open space areas largely devoted to natural landscaping and outdoor recreation, and tending to have few structures. Use types include: arboretum or botanical garden; aviary and bird sanctuary; neighborhood park; community park; and similar uses. This use category

does not include golf courses, golf driving ranges, or other primarily outdoor recreational uses (categorized in the Recreation and Lodging Uses category). Accessory uses may include caretaker's quarters, clubhouses, statuary, fountains, maintenance facilities, concessions, and parking.

Arboretum/Botanical Garden

A place where trees, shrubs, or other living plants are grown, exhibited, or labeled for scientific, educational, or passive recreational purposes — but not including the harvest of plants or their produce.

Aviary/Bird Sanctuary

A place for keeping birds for the purpose of raising and exhibiting.

Community Garden

A public facility for the cultivation of fruits, flowers, vegetables, or ornamental plants by more than one person or family.

Park, Community

A park, approximately 10-30 acres in size, that provides natural areas and recreational facilities to serve a broader community than a neighborhood park. It generally serves a broader area than a Neighborhood Park and is often a destination to which residents may drive. The park may include natural areas, small performance areas such as band shells, and recreational facilities such as playgrounds, lawns, paths, baseball diamonds, and volleyball, basketball, or tennis courts. This use does not include commercial business but may include accessory retail, eating, and drinking uses.

Park, Neighborhood

A park, approximately 2-10 acres in size, that provides a variety of small-scale, localized natural areas and recreational facilities such as playgrounds, lawns, paths, and volleyball, basketball, or tennis courts, and is primarily designed to serve residents in adjoining neighborhoods who access the park by sidewalks and trails.

[5] Utility, Transportation, and Communication Uses

The Utility Uses category includes both major utilities, which are infrastructure services that provide regional or City-wide service, and minor utilities, which are infrastructure services that need to be placed in or near where the service is provided. Large-scale solar energy collection systems that constitute a principal use of a lot are included as a special type of major utility use. Services may be publicly or privately provided and may include on-site personnel. Accessory uses may include offices, monitoring, or storage areas.

The Transportation Uses category includes use types providing for passenger terminals for surface or water-based transportation. Accessory uses may include freight handling areas, concessions, offices, maintenance, limited storage, and fueling facilities. Use types include passenger stations/terminals for ground transportation services (e.g., buses); park and ride facilities; and parking facilities (as a principal use). This use category does not include transit–related infrastructure such as bus stops and bus shelters (deemed minor utilities under the Utility Uses category).

The Communication Uses category includes use types that accommodate communication-related uses. Use types include television and radio stations; wireless communication facilities; and related uses.

Bus or Rail Terminal, Private
An off-street facility for the storage or parking of motor-driven buses, and the loading and unloading of passengers and transfers to and from buses and rail services.

Newspaper/Periodical Publishing Establishment
An establishment that reproduces a large quality or copies of printed material such as newspapers and magazines.

Park-and-Ride Lot
An off-street parking facility designed or intended to provide storage of motor vehicles and bicycles to accommodate commuter traffic into or out of the community via a nearby transit station or terminal located within convenient walking distance of the facility. An accessory structure may include passenger shelters.

Parking Facility
A facility designed to accommodate vehicular parking spaces that is on the surface or on a structure with one or more floors that are partially enclosed or located on the deck surface of a building. This definition includes parking lots, parking garages, deck parking, and under-building parking areas. A use may either be private (owned by a non-governmental entity) or public (owned by the city, county, state, or federal government).

Solar Energy Collection Facility, Large-Scale
A facility consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in hot water heating or space heating and cooling, and/or that collects solar energy and converts it into electricity. As a principal use, a solar energy collection system is designed to meet demands for a large area and is typically mounted on the ground.

Television and Radio Station
A building or portion of a building used as a place to stage and record television, radio programs, music, videos, and other related media for broadcast on television or radio. This use does not include uses that create digital content such as videos or podcasts. In addition, it does not operate within general business offices, which are included in the General Business Office use. This use does not allow facilities for transmission such as large-format satellite dishes.

Transportation Terminal and Station
A structure or facility that is primarily used as part of a system for the purpose of loading, unloading, or transferring passengers or accommodating the movement of passengers from one mode of transportation (e.g., private automobile, bus, or shared mobility service) to another.

Utility Facility, Major

A structure or facility that is a relatively major component of an infrastructure system providing community- or region-wide utility services provided by an entity other than the City. Examples of major utility facilities include private potable water treatment plants, water towers, wastewater treatment plants, solid waste facilities, gas compressor stations, and electrical substations. This use does not include telecommunications facilities or towers.

Utility Facility, Minor

A structure or facility that by itself is a relatively minor component of an infrastructure system providing community- or region-wide utility services and that needs to be in or near the neighborhood or use type where the service is provided. Examples of minor utility facilities include water and sewage pipes and pump stations, stormwater pipes and retention/detention facilities, telephone lines and local exchanges, electric lines and transformers, gas transmission pipes and valves, cable television lines, and bus and transit shelters.

Wireless Communication Facility/Tower

See definition of Communications Tower in Sec. 17.5-2(7) of the City Code.

[c] Commercial Uses Classification

[1] Animal Care Uses

The Animal Care Uses category is characterized by use types related to the provision of medical services, general care, and boarding services for household pets and domestic animals. Use types include animal kennels (that provide boarding); veterinary hospitals or clinics; and similar uses.

Animal Kennel

An establishment where dogs or domesticated animals over six months of age are kept for any purpose, excluding pet shops and veterinary hospitals or clinics.

Veterinary Hospital or Clinic

A facility used for the care, diagnosis, and treatment of sick, ailing, infirm, or injured animals and preventive care for healthy animals. The use is limited to dogs, cats, and other comparable household animals. Accessory uses may include animal grooming services, short-term boarding (including overnight) that is incidental to medical care or treatment, and limited retail sales of pet-related merchandise.

[2] Business Support Services Uses

The Business Support Service Uses category includes use types primarily providing routine business support functions for the day-to-day operations of other businesses, as well as to households. Use types include call center; conference or training center; employment agency; and similar uses.

Call Center

An establishment primarily engaged in answering telephone calls and relaying messages to clients or in initiating or receiving communications for telemarketing purposes, such as promoting clients' products or services, taking orders for clients, or soliciting contributions or providing information for clients.

Conference or Training Center

A facility designed to accommodate fewer than 2,500 persons and used for conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on–premise consumption.

Employment Agency

An establishment primarily engaged in finding jobs for people seeking them and finding people to fill jobs offered by employers, including an establishment that provides day workers or laborers to third-party employers for a fee.

[3] Eating, Drinking, and Entertainment Uses

The Eating or Drinking Establishment Uses category consists of establishments primarily engaged in the preparation and serving of food or beverages for on- or off-premises consumption. Use types include bars and nightclubs; limited-service eating and drinking establishments; microbreweries and microdistlleries; restaurants, take-out/delivery only; restaurants, sit-down; and similar uses. Accessory uses may include areas for outdoor seating, drive-through service facilities, facilities for live entertainment, and valet parking services.

Bar, Tavern, and Nightclub

An establishment for the sale of beer or intoxicating liquor for consumption on the premises where music, dancing, or other entertainment may be provided, but not including any adult entertainment use.

Limited-Service Eating and Drinking Establishment

An establishment which sells food and or drink ordered and picked up in a cafeteria-style or buffet-style fashion, or which sells snacks and or nonalcoholic beverages such as coffee and juices for consumption either on or near the premises or outside the building. The establishment may include lounge-like chairs and areas to engage in group activities such as board games. This definition does not include Restaurant, sit-down or Restaurant, take-out/delivery only uses.

Microbrewery and Microdistillery

An establishment which brews ales, beers, meads, and similar beverages or produces other alcoholic beverages such as whisky or bourbon on site, and serves and sells those beverages on site. A microbrewery shall not brew more than 15,000 barrels of beverages (in total) annually. A microdistillery shall not produce more than 75,000 gallons of distilled spirits annually.

Restaurants, Take-Out/Delivery Only

An establishment where food and drink are prepared and served for consumption outside the principal building. Drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located.

Restaurant, Sit-Down

An eating establishment where food and drink are prepared and where the establishment's employees take orders from and serve patrons, and meals are served and consumed at tables primarily within the principal building. Live entertainment is sometimes provided. Drive-through service may be allowed if permitted as an accessory use in the zone district where the establishment is located.

[4] Funeral and Mortuary Services Uses

The Funeral and Mortuary Services Uses category consists of establishments that provide services related to the death of a human being or animal. Use types include crematories; funeral homes; and similar uses.

Crematory

A facility containing furnaces for the reduction of dead bodies (human or animal) to ashes by fire.

Funeral Home

A building used for human funeral services and related services, including facilities for embalming and other services used in preparing the dead for burial; display of the deceased; the performance of funeral ceremonies; the performance of autopsies and similar procedures; the sale and storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles.

[5] Office Uses

The Office Uses category includes office buildings that house activities conducted in an office setting, usually with limited contact with the general public, and generally focusing on the provision of business services, professional services (e.g., accountants, attorneys, engineers, architects, planners), financial services (e.g., lenders, brokerage houses, tax preparers), or small-scale video or audio production services that are entirely conducted indoors (e.g. video editing, podcast recording and production). Use types include contractors' offices; general business offices; professional offices; and similar uses. This use category does not include offices that are a component of or accessory to a principal use in another use category, such as medical/dental offices (categorized in the Health Care Uses category) or banks or other financial institutions (categorized in the Retail Sales and Service Uses category). Accessory uses may include cafeterias, lunch rooms, recreational or fitness facilities, incidental commercial uses, or other amenities primarily for the use of employees in the offices.

Contractors' Office

An establishment used by a building, heating, plumbing, electrical, or other development contractor both as an office and for the storage of a limited quantity of materials, supplies, and equipment inside and, where permitted, outside the building.

General Business Office

Offices used for conducting the affairs of various businesses, general businesses, nonprofit organizations, or government agencies including administration, record keeping, clerical work, and similar business functions. Accessory uses may include uses intended to serve the daily needs of office employees, such as restaurants, coffee shops, fitness centers, showers and lockers, and lounges.

Professional Office

A building primarily consisting of offices for the conducting the affairs of professionals in scientific, legal, and technical fields such as accountants, architects, attorneys, consultants, engineers, planners, and programmers.

(6) Personal Service Uses

The Personal Services Uses category consists of establishments primarily engaged in the provision of frequent or recurrent needed services of a personal nature. Use types include arts, performing arts, or craft studio; beauty salon, barber shop, or nail salon; caterer, interior decorating shop; laundry or dry cleaning pick-up establishment; laundry, self-service; lawn care, pool, or pest control service; personal or household goods repair shop; print shops, job printing, bindery, or silk screening; travel agency; and similar uses.

Arts, Performing Arts, and Craft Studios

An establishment with space used for the development of, production of, or instruction in art, dance and other performing arts, music, and crafts.

Beauty Salon, Barber Shop, Nail Salon

A facility that provides hair styling, hair coloring, nail care (including manicures and pedicures), facials, makeup, permanent makeup, and other similar salon services. A beauty salon may also include a "day spa" that offers massage treatment or other services related to hygiene or body care, or similar services, but does not include a massage therapy establishment.

Interior Decorating Shop

An establishment that specializes in the planning and execution of the layout, decoration, and furnishing of an architectural interior including upholstering and making of draperies, slipcovers, and other similar articles.

Laundry or Dry Cleaning Establishment

A facility where retail customers drop off or pick up laundry or dry cleaning and where the cleaning processes may take place on site as long as all cleaning materials and chemicals and wastewater is disposed of in compliance with all applicable permits and regulations. Drive-through service may be allowed as an accessory use.

Laundry, Self-Service

A business that provides home-type washing, drying, dry cleaning, and/or ironing machines for hire to be used by customers on the premises.

Lawn Care, Pool, or Pest Control Service

An establishment primarily engaged in providing lawn care services (e.g., mowing, aeration, seeding, fertilizer, landscaping), swimming pool services (e.g., cleaning, draining, equipment repair), or pest control services (e.g., inspection, extermination).

Massage Therapy Establishment

An establishment licensed in accordance with Ch. 480, Fla. Stat., that is primarily engaged in the administering of massages for pay by a massage therapist duly licensed or certified.

Personal or Household Goods Repair Shop

An establishment primarily engaged in the provision of repair and alteration services for apparel, computers, TVs, audio equipment, bicycles, clocks, watches, shoes, guns, canvas products, appliances, and office equipment — including tailors, dressmakers, locksmiths, and upholsterer services.

Personal Training Studio

An establishment that provides individual or small-group training for personal enrichment activities such as individual fitness, martial arts, or yoga, but not including establishments which have large-scale gymnasium type facilities for such activities as tennis, basketball, or swimming.

Print Shops, Job Printing, Bindery, or Silk Screening

An establishment that reproduces individual orders from a business, profession, service, industry, or government organization for printed or bound and printed work that is output on paper or on other materials such as fabric (e.g., t-shirts), wood, or ceramics.

Travel Agency

An establishment primarily engaged in providing travel arrangement and reservation services to the general public and commercial clients.

[7] Recreation and Lodging Uses

The Recreational/Entertainment Uses category includes use types providing indoor or outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: arenas, stadiums, or amphitheaters; cinemas; country clubs; golf courses; golf driving ranges; nightclubs; performance arts centers; recreation facilities, recreation facilities, indoor (amusement arcades, amusement centers, aquatics centers health clubs, recreation courts, skating facilities, swimming pools, and similar uses); and recreation facilities, outdoor (archery, baseball batting ranges, athletic fields, miniature golf courses, recreation courts, swimming pools, and similar uses). It does not include recreational facilities that are accessory to parks (categorized as open space uses), or that are reserved for use by a residential development's residents and their

guests (e.g., accessory community swimming pools and other recreation facilities). Accessory uses may include offices, concessions, snack bars, and maintenance facilities.

Arena, Stadium, or Amphitheater

A building or structure, enclosed or open-air, designed or intended for use for spectator sports, entertainment events, expositions, and other public gatherings. Such uses may include lighting facilities for illuminating the field or stage area, concessions, parking facilities, and maintenance areas.

Hotel or Motel

Any building principally containing sleeping rooms in which transient guests are lodged for a fee with or without meals on an overnight or short-term basis. Such uses may include kitchenettes, microwaves, and refrigerators for each guest unit.

Recreation Facility, Indoor

A commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include: amusement center; aquatic center; bowling alley; climbing wall; health club; fitness center; indoor miniature golf; jai-alai fronton; pool hall; indoor shooting and target range; axe-throwing; skating facility; and video arcade. Accessory uses for indoor recreation facilities may include spectator seating, meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, and a snack bar.

Amusement center

A commercially operated indoor facility providing a variety of amusement devices primarily including, but not limited to, play equipment, television games, electromechanical games, small kiddie rides, and other similar devices, and which may include food service.

Aquatic Center

An indoor complex with facilities for water sports, including swimming pools.

Bowling Alley

An indoor facility with multiple bowling lanes; accessory uses often include arcade games and limited service eating and drinking establishments.

Health Club or Fitness Center

An indoor establishment, including saunas and steam baths, offering or providing facilities for, and instruction in, general health, physical fitness, and controlled exercises such as, but not limited to, weightlifting, spinning, yoga, calisthenics and aerobic dancing, and massages.

Miniature Golf, Indoor

An indoor facility typically comprised of nine or 18 putting small greens, where patrons in groups pay a fee to move in consecutive order from the first hole to the last.

Pool Hall

An indoor facility with multiple billiards tables. Accessory uses may include the preparation and serving of food.

Recreation courts, indoor

An indoor structure used for holding court games (basketball, tennis, racquetball, squash, etc.). Accessory uses may include a concession stand, netting, exterior lighting fixtures, public bathrooms, maintenance and storage areas, and spectator seating or stands.

Shooting and Target Range, Indoor

An indoor facility the use of which is primarily devoted to firearm target practice, competitions, and similar uses, including but not limited to archery, skeet, trap, and similar shooting activities.

Skating Facility, indoor

An indoor facility, the use of which is primarily devoted to roller skating/blading or ice skating. The facility may also be used as a site for competitive events and as a practice and training facility.

Video Arcade

An indoor commercial establishment which provides, as the principal use, amusement devices or games of skill or chance, such as pinball and video games. This term shall not include establishments where amusement devices and games are "accessory uses" which either do not involve more than 15 percent of the gross floor area of the establishment or involve more than two devices or games, whichever results in the greater number of games.

Recreation Facility, Outdoor

A commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include outdoor aquatic center; go-cart track; paintball field; water park; and zoological garden. Accessory uses for indoor recreation facilities may include spectator seating, meeting rooms, training rooms, videotape rooms, a restaurant, a pro shop, and a snack bar.

Aquatic Center, Outdoor

An outdoor complex with facilities for water sports, including swimming pools.

Go-Cart Track

An outdoor commercial amusement area with a track exclusively for the use of go-carts.

Golf Driving Range

A limited area on which golf players drive golf balls from central driving tees. A putting or chipping green may be present as an accessory use.

Outdoor Batting Cage

An outdoor baseball facility used for practicing hitting, typically with screening to limit the flight of balls.

Paintball Field

An outdoor facility to be used for paintball target practice, competitions, and similar uses.

Water Park

An outdoor facility primarily dedicated to water-related recreational activities, including water slides, wave pools, swimming pools, and wading pools.

Zoological Garden

A facility where animals are kept for viewing by the public.

Short-Term Rental Unit

See definition in Section 10.3, Definitions.

Theater

An enclosed facility with fixed seats for the viewing of movies or the live presentations of plays, musicians, or other performing artists.

[8] Retail Sales Uses

The Retail Sales Uses category includes use types involved in the sale, rental, and incidental servicing of goods and commodities that are generally delivered or provided on the premises to a consumer. Use types include alcoholic beverage retail sales; bank or financial institution; carpentry and cabinet shop; computer hardware service; consumer goods establishment; drugstore/pharmacy; farmers' market; grocery store and food market; shopping center; and related uses. This use category does not include sales or service establishments related to vehicles (the Vehicle Services and Sales Uses category), the provision of financial, professional, or business services in an office setting (categorized in the Office Uses category), uses providing recreational or entertainment opportunities (categorized in the Recreation and Tourism Uses category), uses that provide personal services such as dry cleaning or laundry establishments, or product repair or services for consumer and business goods (categorized in the Personal Services Uses category). Accessory uses may include offices, storage of goods, assembly or repackaging of goods for on-site sale, concessions, ATM machines, and outdoor display of merchandise. No non-medical marijuana sales use is permitted.

Alcoholic Beverage Retail Sales

A retail establishment that sells alcoholic beverages in containers for consumption off the premises.

Bank or Financial Institution

An establishment that provides retail banking services, mortgage lending, or similar financial services to individuals and businesses. This use type does not include check cashing services or bail bond brokers. Accessory uses may include automated teller machines (ATMs) and facilities providing drive-through service.

Computer Hardware Service

An establishment that assembles, repairs, services, and sells computer hardware, software, and associated accessories such as monitors, printers, and tablets.

Consumer Goods Establishment

Establishments that sell consumer goods at retail, such as art galleries; bicycle sales, rental, services, or repair; bulk retailing; catering establishments; convenience store; department stores; florist and gift shops; hobby and craft shops; home building and garden supplies stores; monument or headstone sales establishments; and similar uses (e.g., floor covering stores, window treatment stores, camera stores, optical goods stores, shoe stores, luggage stores, jewelry stores, piece goods stores, and pet shops).There are two sizes of consumer goods establishments – a consumer goods establishment (10,000 square feet or less) has a maximum of 10,000 square feet of gross floor area; a consumer goods establishment (more than 10,000 square feet) has more than 10,000 square feet of gross floor area.

Art Gallery

An establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Antique Shop

An establishment that sells items such as furniture, household wares and decorations, and related articles, which have value and significance because of factors such as age, rarity, historical significance, design, and sentiment.

Automobile Parts Store

An establishment that sells new parts for automobiles, such as batteries, tires, canned motor oil, and cleaning materials. This use does not include establishments dedicated to the sale or service of automobiles and other vehicles, which are included in the Vehicle Services and Sales Uses category.

Bicycle sales, rental, service, or repair

An establishment engaged in the sales, rental, service, or repair of bicycles.

Bulk Retailing

The sale of merchandise in large quantities, such as in unbroken cases or oversized containers, directly to ultimate consumers.

Catering Establishment

An establishment that specializes in the preparation of food or beverages for social occasions, such as weddings, banquets, parties, or other gatherings, with or without banquet facilities for these private pre-arranged occasions that are not open to impromptu attendance by the general public.

Convenience Store

A store that specializes in the sale of convenience products and other commodities intended primarily to serve the day-to-day needs of residents in the immediate neighborhood, or the traveling public, which is typically or generally open to the public beyond the normal sales hours of other retail stores.

Department Store

A general merchandising store offering a variety of unrelated goods and services that may include clothing, housewares, body products, and specialty items.

Electronics Shop

A retail store that offers a variety of home and portable electronic devices, such as televisions, computers, cameras, mobile phones, car stereos, home appliances.

Florist or Gift Shop

An establishment primarily engaged in selling flower arrangements, plants, cards, small gifts, and the like.

Hobby and Craft shop

A retail store primarily selling craft and model supplies.

Home, Building, and Garden Supplies Store

An establishment primarily engaged in the retail sale of a general line of home repair and improvement materials and supplies such as lumber, plumbing goods, electrical goods, tools, house wares, appliances, hardware, and lawn and garden supplies.

Jewelry Store

An establishment that sells and services jewelry. A jewelry store is distinct from a prohibited pawnshop, which purchases a variety of personal property including (jewelry) on the condition of selling the same back again at a stipulated price or loans money on the pledge of personal property, and also sells such property to the general public.

Monument or Headstone Sales Establishment

An establishment primarily engaged in cutting, shaping, and finishing marble, granite, slate, and other stone, or engaged in buying or selling monuments or headstones for use in cemeteries of mausoleums.

Sporting Goods

An establishment primarily engaged in the retail sale of equipment for participation in sports, such as tennis rackets, baseball gloves, golf clubs, and athletic apparel.

Drugstore/Pharmacy

Any pharmacy use as defined in Sec. 465.03(11)(a), Fla Stat., including community, institutional, nuclear, special, and internet pharmacies where prescription drugs are compounded, sold, or dispensed. This includes medical marijuana treatment center dispensing facilities as defined in Sec. 381.986, Fla Stat., and licensed by the State of Florida.

Grocery Store and Food Market

A grocery store is an establishment that offers a diverse variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce, and other perishable items, frozen foods, prepared foods, household

products, and paper goods; the establishment may provide beer, wine, and/or liquor sales for consumption off the premises with the appropriate beverage license; may include a prescription pharmacy; may include a delicatessen, and prepare minor amounts of food on site for immediate consumption; markets the majority of its merchandise at retail prices; and may have a restaurant or coffee shop as an accessory use.

A food market is an establishment that offers specialty food products at retail, such as meat, seafood, produce, artisanal goods, baked goods, pasta, cheese, confections, coffee, and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products. A food market may sell beer, wine, or liquor for consumption off the premises with the appropriate beverage license.

Shopping Center

A group of commercial retail establishments planned, constructed, and managed as a total entity with features including customer and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations, and protection from the elements.

[9] Vehicle Sales, Rental, Service, Repair, and Parking Uses

The Vehicle Sales and Service Uses category includes use types involving the direct sales and servicing of motor vehicles, including automobiles, trucks, motorcycles, and recreational vehicles, as well as trailers — whether for personal transport, commerce, or recreation. Use types include automotive repair and service garages; automobile service station; bus or rail terminal; mobility services; personal vehicle sales; personal vehicle rentals; and similar uses. Accessory uses may include offices, sales of parts, maintenance facilities, and vehicle storage.

Automobile Repair and Service Garage

An establishment, excluding vehicle paint finishing shops, that repairs, installs, or maintains the mechanical components or the bodies of automobiles, small trucks or vans, and motorcycles. This use does not include the servicing of commercial vehicles such as large trucks, motor homes, recreational vehicles, mass transit vehicles, or other similar vehicles in excess of 12,000 or more pounds gross vehicular weight.

Automobile Service Station

Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of vehicular fuels, including the sale and installation of lubricants, tires, batteries and similar accessories, minor repairs, and adjustments. An automobile service station may also sell convenience store items such as cold drinks, packaged foods, and tobacco. Body work, straightening of frames or body parts, painting, storage of automobiles not in operating condition, or welding is prohibited. Car washing is allowed as an accessory use.

Mobility Services

An establishment housing facilities that provide mobility services which serve the City. Services by the establishment may include the procurement, provision, and maintenance of taxicab or shared-ride services, shared bicycles, shared scooters, and other mobility services that serve small groups of people. Accessory uses on-site may include offices and the parking, storage, servicing, and fueling or charging of vehicles.

Personal Vehicle Rentals

An establishment that provides for the rental of autos, small trucks or vans, trailers, motorcycles, and similar vehicles. Typical examples include car rental agencies and moving equipment rental establishments (e.g., U-Haul).

Personal Vehicle Sales

An establishment that provides for the sale (including through auction) of new or used autos, small trucks or vans, trailers, motorcycles, or recreational boats. Typical examples include automobile dealers, auto malls, boat dealers, and moving equipment rental establishments (e.g., U-Haul). This use does not include the sale of commercial vehicles such as large trucks, motor homes, recreational vehicles, mass transit vehicles, or other similar vehicles in excess of 12,000 or more pounds gross vehicular weight.

[d] Light Industrial, Research and Development, and Warehousing Classification

[1] Industrial Service Uses

The Industrial Services use category includes use types involving the repair or servicing of industrial or business machinery equipment, products, or by-products, and firms that service consumer goods for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

Educational, Scientific, or Industrial Research or Development

A facility that engages in research, or research and development, of innovative ideas in technology-intensive fields. Examples include research and development of computer software, information systems, communication systems, transportation, geographic information systems, multi-media, and video technology. Development and construction of prototypes may be associated with this use.

[2] Light Industrial

The Light Industrial use category includes use types involved in the processing, production, fabrication, packaging, or assembly of goods. Products may be finished or semi-finished and are generally made for the wholesale market, made for transfer to other plants, or made to order for firms or consumers. This use category does not include heavy manufacturing, which generally has more significant impacts off-site and additional outside storage. Goods are generally not displayed or sold on-site, but if so, such sales are a subordinate part of total sales. Relatively few customers come to the site. Accessory uses may include limited retail sales and wholesale sales, offices,

cafeterias, employee recreational facilities, warehouses, storage yards, repair facilities, and security and caretaker's quarters.

Manufacturing, Assembly, or Fabrication, Light

An establishment engaged in the manufacturing, fabricating, processing, converting, altering and assembling, and testing of products.

[3] Warehouse and Freight Movement Uses

The Warehouse and Freight Movement Uses category includes use types involving the storage or movement of goods for themselves or other firms or businesses. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses include offices, truck fleet parking, outdoor storage, and maintenance areas. Example use types include separate storage warehouses (used for storage by retail stores such as furniture and appliance stores), distribution warehouses (used primarily for temporary storage pending distribution in response to customer orders), cold storage plants (including frozen food lockers), and outdoor storage (as a principal use). This use category does not include contractor's yards or uses involving the transfer or storage of solid or liquid.

Consolidated Storage (Self-Service Storage)

A building or group of buildings divided into separate self-contained units or areas of 500 square feet or less that are offered for rent for self-service storage of household and personal property. The storage units or areas are designed to allow private access by the tenant for storing and removing personal property. Accessory uses may include leasing offices, outdoor storage of boats and recreational vehicles, incidental sales or rental of moving supplies and equipment, and living quarters for a resident manager or security guard. The rental of trucks or trailers is a separate principal use and not considered accessory to this use.

Moving and Storage Facility

A facility primarily engaged in providing local or long-distance trucking of used household, used institutional, or used commercial furniture and equipment. Incidental packing and storage activities are often provided by these establishments.

Warehouse, Distribution

A facility primarily engaged in the distribution of manufactured products, supplies, and equipment. It includes the temporary storage of such products, supplies, and equipment pending distribution.

Warehouse, Storage

A facility primarily engaged in the storage of manufactured products, supplies, and equipment, excluding bulk storage of materials that are flammable or explosive or that present hazards or conditions commonly recognized as offensive.

4.2.4. Standards Specific to Principal Uses

(a) Organization and General Standards

(1) This section sets forth the standards for all principal uses that have a reference provided in the "Use-Specific Standards" column in Table 4.2.2: Principal Use Table, in Sec. 4.2.2, Principal Use Table, as well as standards for use classifications and use categories that apply to all uses in the classification or category. The standards set forth in this section for a specific principal use apply to the particular individual principal use, regardless of the review procedure by which it is approved, unless otherwise specified in this LDC. Standards are organized in this section using the same organization of use classifications, use categories, and use types in Sec. 4.2.2, Principal Use Table, and Sec. 4.2.3, Classification of Principal Uses.

(b) Residential Use Classification

(1) Household Living Uses

(A) Dwelling, Single-Family Detached

1. In the DM and DM-PD districts, new single-family detached dwellings are prohibited. Detached single-family dwellings existing prior to June 22, 2020 shall be deemed conforming and shall be allowed to be repaired or remodeled, but not enlarged, notwithstanding the limitations of Section 8.2, Nonconforming Uses, and Section 8.3, Nonconforming Structures.

2. New single-family uses are not permitted in the Corridor District identified in the comprehensive development plan except as part of an approved PD district.

(B) Dwelling, Two-Family (Duplex)

1. In the DM and DM-PD districts, new two-family (duplex) dwellings are prohibited. Two-family (duplex) dwellings existing prior to June 22, 2020 shall be deemed conforming and shall be allowed to be repaired or remodeled, but not enlarged, notwithstanding the limitations of Section 8.2, Nonconforming Uses, and Section 8.3, Nonconforming Structures.

2. New two-family (duplex) uses are not permitted in the Corridor District identified in the comprehensive development plan except as part of an approved PD district.

3. A two-family (duplex) dwelling which is an optional conjoined dwelling is permitted in all zone districts which permit the two-family (duplex) dwelling use. For purpose of compliance with district standards, the adjoining lots on which each conjoined dwelling is constructed shall together be considered to be one unified parcel for the purpose of compliance with the development standards such as, but not limited to, setbacks, impervious coverage, and lot

width applicable to the zoning district in which the conjoined dwelling is located.

(C) Dwelling, Three-Family (Triplex)

In the Corridor District identified in the comprehensive development plan, new three-family (triplex) uses are not permitted except as part of an approved PD district.

(D) Dwelling, Four-Family (Fourplex)

In the Corridor District identified in the comprehensive development plan, new four-family (fourplex) uses are not permitted except as part of an approved PD district.

(E) Dwelling, Multifamily

1. in the Corridor District identified in the comprehensive development plan, new multifamily uses are not permitted except as part of an approved PD district.

2. In the DM and DM-PD districts, multifamily dwellings are permitted only in a mixed-use building that has no residential uses on the ground floor and incorporates nonresidential and non-parking uses along at least 60 percent of the ground-floor building frontage along a public right-of way.

(F) Dwelling, Live-work

1. The residential portion of the building shall occupy at least 50 percent of the gross floor area.

2. The nonresidential portion of the building shall comply with all applicable nonresidential requirements of the Florida Building Code.

3. Employees shall be limited to occupants of the residential portion of the building plus up to three persons not residing in the residential portion.

4. Drive-through facilities are prohibited.

5. Any nonresidential off-street parking shall be located as far as practicable from existing adjacent single-family dwellings.

(2) Group Living Uses

(A) Assisted Care Community

1. Location

a. Except as provided in subsection b below, a new assisted care community shall only be located within the New Neighborhood Future Land Use Designations on the FLUM of the comprehensive development plan, and no closer than 1,250 feet from an existing or approved nursing home, adult congregate living facility, or extended care facility.

h. An assisted care community may be located either outside lands in the New Neighborhood Future Land Use Designations on the FLUM of the comprehensive development plan, or closer than 1,250 feet from an existing or approved nursing home, adult congregate living facility, or extended care facility, if the City Council determines, following a public hearing with noticed in accordance with Sec. 2.4.6, Scheduling of Public Hearing and Notification, that allowing the assisted care community in such location promotes the public health, safety, and general welfare of the community.

2. Payment in-Lieu of Taxes Agreement

Prior to approval of an assisted care community, the landowner or developer may enter into an agreement with the City for a payment in-lieu of taxes agreement for a term of at least 99 years, in the event that a non-profit entity acquires ownership of the property in the future. The agreement shall be recorded in the public records of Orange County, Florida prior to issuance of a building permit for the project.

3. Additional Requirements

The assisted care community shall:

a. Provide proof of an ongoing service agreement with a non-emergency ambulance provider to facilitate transportation to an emergency department for patients who do not exhibit an emergency medical condition as defined in Sec. 409.901(10), Fla Stat.;

b. Maintain at least one working Automatic External Defibrillator (AED) in a central location at the facility; and

c. Provide at all times staff who are CPR, First Aid, and AED certified.

(B) Foster Care Home

Operation of a foster care home shall comply with all relevant state and federal laws and shall be licensed by the Florida Department of Children and Families.

(C) Group Home

Operation of a group home shall comply with all relevant state and federal laws and shall be licensed by the Florida Department of Children and Families.

[c] Public, Civic, and Institutional Classification

[1] Community Service Uses

(A) Religious Institution

1. In the Residential zone districts, a religious institution shall have access onto an arterial or collector street.

2. The Community Development Director shall have the authority to grant modifications to any of the standards listed in this section in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. Sec. 2000 *et seq*., as amended. In granting such a modification, the Community Development Director may require conditions consistent with RLUIPA that will secure substantially the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties.

(2) Health Care Uses

(A) Hospital

A hospital shall:

1. Be located on at least three acres of land.
2. Have a minimum street frontage of 200 feet.
3. Have direct vehicular access onto an arterial street, or provide adequate ingress and egress to the site as determined by the Public Works Director.
4. Design vehicular access, circulation systems, and exterior signage to provide safe and separate emergency vehicle access to the hospital, and minimize conflicts with other vehicular, bicycle, or pedestrian traffic.
5. Locate principal structures at least 100 feet from any property line.

(B) Nursing Home

A nursing home shall:

1. Have direct vehicular access to and from an arterial or collector street.
2. Prohibit vehicular access to or from any local street.
3. Include security provisions (e.g., fencing) that restricts patients from leaving the property without authorization.
4. Provide proof of an ongoing service agreement with a non-emergency ambulance provider to facilitate transportation to an emergency department for patients who do not exhibit an emergency medical condition as defined in Sec. 409.901(10), Fla Stat.
5. Comply with all applicable state laws regarding licensing and operation.

(C) Pain Management Clinic

A pain management clinic shall comply with all applicable state and federal laws and the requirements of Sec. 9-12.1, *et. seq*., of the City Code.

[3] Utility, Transportation, and Communication Uses

(A) Television and Radio Station

1. A television or radio station shall not include main or auxiliary transmitter facilities which transmit signals intended to be received by the public.
2. All areas used for storage of promotional and remote broadcasting vehicles shall be screened from view from a public right-of-way.

(B) Utility Facility, Major

A major utility facility shall be set back at least 100 feet from all property lines.

(C) Wireless Communication Facility/Tower

A wireless communications facility or tower shall comply with Ch. 17.5, Communications, of the City Code.

[d] Commercial Uses Classification

[1] Animal Care Uses

(A) Animal Kennel

1. The parts of structures in which animals are boarded shall be fully enclosed and sufficiently insulated so no odor can be detected off the premises.
2. All boarded animals shall be kept within a totally enclosed part of the structure between the hours of 8:00 p.m. and 8:00 a.m.
3. The sound emitted from the kennel shall not exceed 60 dB(A) measured at the lot line of abutting residential property. The sound level shall be measured by the use of a sound level meter and frequency weighting network "A" as specified in the American National Standards Institute specifications for sound level meters.
4. Any open exercise runs or pens shall be at least 50 feet from any property line, with a Type B buffer in accordance with Sec. 5.3.4(c), Perimeter Buffer Standards, provided between the run or pen and the property line.

(B) Veterinary Hospital or Clinic

1. Veterinary hospitals or clinics shall maintain no kennels outside the principal building.
2. The structure shall be insulated and soundproofed in order to minimize all loud noises that might disturb persons on adjacent development. The sound emitted from the veterinary hospital or clinic building shall not exceed 60 dB(A) measured at the lot line of abutting residential property. The sound level shall be measured by the use of a sound level meter and frequency weighting network "A" as specified in the American National Standards Institute specifications for sound level meters.

3. Any open exercise runs or pens shall be at least 50 feet from any property line, with a Type B buffer in accordance with Sec. 5.3.4(c), Perimeter Buffer Standards, provided between the run or pen and the property line.

[2] Business Support Services Uses

(A) Conference or Training Center

1. Dining and banquet facilities may be provided for employees, trainees, and conferees, provided the gross floor area devoted to such facilities does not exceed 30 percent of the total floor area of the principal building.
2. On-site recreational facilities may be provided for use by employees, trainees, or conferees.
3. No products shall be sold on-site except those that are clearly incidental and integral to training programs and seminars conducted in the center (e.g., food items, shirts, glasses and mugs, pens and pencils, and similar items bearing the logo of conference or seminar sponsors or participants).

[3] Eating, Drinking, and Entertainment Uses

(A) Microbrewery or Microdistillery

1. The minimum area of the eating, drinking, and entertainment area of the brewpub or microbrewery shall be at least 1,500 square feet but no more than 65 percent of the total square footage for the establishment.
2. The establishment shall have fenestration through vision glass, doors, or active outdoor spaces along a minimum of 50 percent of the length of the building side that fronts the street, unless the building in which it is located is an adaptive re-use and the building makes compliance impracticable.
3. Facilities for off-site distribution of manufactured beer are allowed only if conducted from the rear of the building, with adequate loading and access for the activity.

[4] Office Uses

(A) Contractors' Office

All storage of materials shall occur inside a structure and the storage of materials shall be clearly incidental to the office use.

[5] Personal Services Uses

(A) Print Shops, Job Printing, Bindery, Silk Screening

In the DM, DM-PD, and MX districts, this use shall only accommodate small- and medium-sized businesses that do not exceed 4,000 square feet in area, and provide services to individual customers and small businesses. An allowed establishment would typically include not only general printing and copying services, but services that allow individual customers to copy their own documents, mail services like

federal express and DHL, and the like. The use shall not include industrial-type printing operations in the DM, DM-PD, and MX districts.

(6) Recreation and Tourism Uses

(A) Arena, Stadium or Amphitheater

1. An arena, stadium, or amphitheater shall be located at least 500 feet from any Residential zone district or residential development, as measured from all property lines.
2. An arena, stadium, or amphitheater shall have a minimum lot size of three acres.
3. An arena, stadium, or amphitheater shall have at least 300 feet of frontage on an arterial street at the point of access.
4. All points of vehicular access shall be from arterial streets, and located to minimize vehicular traffic to and through local streets in residential areas.
5. Safety fences up to a height of eight feet shall be provided in accordance with Section 5.8, Fence and Wall Standards, to any portions of the site directly adjacent to any Residential zone district or residential development.

(B) Short-Term Rental Unit

1. General Applicability

A short term rental unit shall:

a. Be in a building in which the owner occupies one of the units; and

b. Be in a single-family, two-family (duplex), three-family, or four-family dwelling.

2. Certificate Standards

Prior to the use of a short-term rental unit, the owner shall be approved for and receive a Short-Term Rental Certificate. To receive approval, an applicant shall demonstrate compliance with the following standards:

a. **Minimum Life/Safety Requirements**

i. Units containing swimming pools, spas, and/or hot tubs shall comply with Ch. 515, Fla. Stat., and Ch. 41, Florida Building Code.

ii. All sleeping rooms shall comply with the single- and two-family (duplex) dwelling requirements of the Florida Building Code (Residential) regarding, at minimum, size and life-safety requirements.

iii. Smoke and carbon monoxide (CO) detection and notification systems shall comply with the requirements of Sec. R314, Smoke Alarms, and Sec. R315, Carbon Monoxide Alarms, of the Florida Building Code (Residential) and shall be installed, inspected, and maintained, unless

the Building Official otherwise determines that the smoke and carbon monoxide protections provided adequately protect the health and safety of the inhabitants.

iv. Portable, multi-purpose dry chemical fire extinguishers shall be installed, inspected, and maintained in accordance with NFPA 10 on each floor/level of the unit. Each extinguisher shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

v. The development shall follow all other applicable provisions of the Florida Building Code, National Fire Protection Association Codes, and the city's Property Maintenance, Building, Electrical, Mechanical and Plumbing Codes and not have active violations of this LDC.

b. Occupants

Short-term rental occupancy shall be limited to two persons per sleeping room and eight transient occupants per short-term rental unit, not counting persons under two years of age. A short-term rental lease contract shall be signed by a person 18 years of age or older. For purposes of this section, the term occupants shall be differentiated from the definition of Family in Section 10.3, Definitions, which relates to the use of a dwelling for residential purposes and not in the context of short-term rental.

c. Parking

i. Short-term rental units shall comply with the minimum vehicular parking requirements of Section 5.2, Off-Street Parking, Bicycle, and Loading Standards. Garage spaces may be credited towards minimum required off-street vehicular parking if the garage contains space free of storage, vehicles, or other obstructive materials that measures at least nine feet by 18 feet, and the transient occupants are given vehicular access to the garage.

ii. On-street parking is prohibited in association with a short-term rental use.

d. Advertising

i. Any advertising of the short-term rental unit shall conform to information included in the Short-Term Rental Certificate, in particular the maximum occupancy requirement.

ii. On-site advertising of the short-term rental use is prohibited.

e. On-Site Occupancy Required

Short-term rentals shall be hosted by an owner who is a permanent resident of either the short-term rental unit or a dwelling that is part of

the same two-family, three-family, or four-family dwelling as the short-term rental unit.

f. **Rental to Persons Convicted of Certain Sex Offenses**

Short-term rental units shall not be rented to any person who would be prohibited from residing at that location in accordance with Sec. 775.215, Fla. Stat., or Sec. 10-62 of the City Code.

3. Required Posting On-Site

On the back of or next to the main entrance door or on the refrigerator, there shall be provided as a single page the following information:

a. Name, address. and phone number of the short-term rental host-stay owner;

b. The maximum approved occupancy of the unit;

c. Notice that quiet hours are to be observed between 10:00 p.m. and 8:00 a.m. daily, or as superseded by any city noise regulation;

d. The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the off-street vehicular parking spaces;

e. The days of trash and recycling pickup;

f. The location of the nearest hospital; and

g. Emergency (911) and non-emergency police phone numbers.

4. Responsibilities of Short-Term Rental Contact

a. All approved short-term rental units shall identify the property owner or host-stay contact responsible for responding to routine inspections, and as well, non-routine complaints and other more immediate problems related to the short-term rental of the property, including the duties listed below. The property owner or host stay contact shall serve as contact person or shall otherwise designate a responsible party to act on their behalf. Any person 18 years of age or older may be designated as a contact person by the owner, provided they can perform the following responsibilities:

i. Ensuring every renter has read and understands the information provided in the posting required in subsection 3 above.

ii. Attempt to contact a renter by phone or in person within 20 minutes of receiving any complaint concerning the conduct of a renter.

iii. Respond to and attempt to resolve complaints concerning matters other than the conduct of a renter within 24 hours.

iv. Prior to agreeing to any rental, determine whether any of the prospective guests would be unable to reside at the unit in

accordance with Sec. 4.2.4(d)(6)(B)2.f, Rental to Persons Convicted of Certain Sex Offenses, above.

b. The owner shall provide all dwelling units located within 500 feet of the short-term rental unit with written notice of the contact information of the owner and contact person, along with the process for reporting a complaint in accordance with subsection 8 below. The owners shall provide similar notice each time there is a change to the name or phone number of the contact person.

5. Inspections

a. An inspection of the dwelling unit for compliance with this section is required prior to issuance of an initial Short-Term Rental Certificate or a modification to an existing certificate. If violations are found, all violations shall be corrected and the dwelling unit shall be re-inspected prior to issuance of a certificate.

b. An approved short-term rental unit shall be properly maintained in accordance with the short-term rental standards herein and will be subject to re-inspection every calendar year or, in the event of a certificate transfer, re-inspected at the time of transfer.

c. All violations found during an inspection are required to be corrected and re-inspected within 30 calendar days. Failure to correct inspection deficiencies in this timeframe shall result in denial of the application for a Short-Term Rental Certificate or revocation of an existing approved certificate.

6. Certificates

The Community Development Director shall keep a register of short-term rental certificates issued each year. Certificates are reviewed in the order they are received.

7. Vested Rights

a. **Rental Agreement Vesting**

It is recognized that likely there are existing rental/lease agreements for short-term rentals in effect on or before December 10, 2018, which may not comply with its terms. Rental agreements that were entered into prior to the adoption of this section shall be considered vested, and performance of the obligations within the vested agreements shall be considered excepted from the requirements of this section. No special vesting process or fee shall be required to obtain this vesting. Should any issue arise as to whether a rental agreement allows occupancy in excess of occupancy provided by a Short-Term Rental Certificate or as otherwise authorized in this subsection, the owner or contact person shall

demonstrate there is a vested rental agreement entered into on or before December 10, 2018, to the satisfaction of the City, including providing electronic data that establishes the date on which an agreement was entered into.

b. **Alternative Vesting**

The processes described in this section are in addition to any other right to apply for a vested right under the City Code.

8. Complaints by Renter or Affected Residents

Any renter or affected resident may report a complaint regarding activity conducted at a short-term rental unit in accordance with the following procedure. It does not preclude any renter or affected resident from contacting law enforcement or other emergency services:

a. The complaining party shall first attempt to communicate with the contact person designated on the permit and describe the problem.

b. The contact person shall promptly respond to the complaint and make reasonable efforts to remedy any situation that is not in compliance with this section or the City Code.

c. If the complaint is not resolved informally, the complaining party may then contact the Code Enforcement Specialist in the Maitland Community Development Department regarding building, zoning, or property maintenance issues, or the Maitland Police Department for noise complaints or criminal activity. This contact may be done by phone, email, or through the City website. The complaint shall include a description of the attempts to resolve the complaint with the short-term rental unit contact person prior to contacting the City. Upon receiving and validating the complaint, the City shall open an active police report or code enforcement case, respectively, and follow the procedures outlined in the City Code and this LDC.

(7) Retail Sales Uses

(A) Alcoholic Beverage Retail Sales

1. All alcoholic beverage retail sales uses shall comply with Ch. 3, Alcoholic Beverages, of the City Code, as well as applicable state law.

2. No beverages shall be consumed on the premises.

(B) Drugstore/Pharmacy

A drugstore/pharmacy shall:

1. Be licensed by the state prior to operating.

2. Not be located within 500 feet of land on which there is a public or private elementary, middle, or secondary school unless the City Council, after conducting a public hearing, determines that the location of the drugstore/pharmacy promotes the public health, safety, and general welfare of the city.

3. Not be located closer than 1,250 feet of a parcel on which is located another actively operating drugstore/pharmacy, unless the City Council, after conducting a public hearing, determines that the location promotes the public health, safety, and general welfare of the city.

4. If discontinued or abandoned for 180 consecutive days (except when government action impedes access to the premises), be reestablished only upon approval of a conditional use permit in accordance with Sec. 2.5.1(g), Conditional Use Permit.

5. If legally permitted, licensed, and operating as of September 1, 2018, be deemed grandfathered and have the ability to expand in accordance with the applicable sections of this LDC.

[8] Vehicle Sales, Rental, Service, and Repair Uses

(A) Automobile, Repair and Service Garage

1. An automobile repair and service garage shall be located at least 150 feet from any Residential zone district, residential development, school, or child day care center.

2. All sales and installation operations shall be conducted in a wholly enclosed building with no outdoor storage.

3. Service activity on any motor vehicle shall be completed within a seven-day period, and no vehicle may be stored on the property for longer than this period.

4. The storage, demolition, or junking of motor vehicles (whether capable of movement or not) is prohibited. Vehicles shall not be parked or stored as a source of parts or for the purpose of sale or lease/rent.

5. Car wash and auto detailing uses shall be designed to ensure proper functioning of the site as related to vehicle stacking, circulation, and turning movements. If an automatic car wash is an accessory use to a gasoline sales use, it shall be governed by the use and dimensional standards applicable to the gasoline sales use.

(B) Automobile Service Station

1. On lots with existing automobile service stations which do not meet the standards of this section as of January 22, 1996, redevelopment or expansion is allowed upon approval of a conditional use permit in accordance with Sec.

2.5.1(g), Conditional Use Permit. Conditions of approval may be required as part of the conditional use permit to ensure traffic safety and the protection of the character of surrounding residential neighborhoods.

2. All lighting at an automobile service station shall be designed and arranged so that no lighting illuminates any portion of surrounding residential neighborhoods.

3. Gasoline pumps shall be set back least 15 feet from the street right-of-way or street setback line, whichever is further.

4. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.

5. No storage or parking space shall be offered for rent.

6. Activities such as body work, straightening of frames or body parts, painting, and welding are prohibited.

(C) Personal Vehicle Rentals

Personal vehicle rental uses in the DM and DM-PD districts shall comply with the following standards:

1. The only type of vehicles that may be rented at the site shall be automobiles, sport utility vehicles, or minivans. No type of trucks shall be rented or kept on site.

2. Rental vehicles shall be parked and located in an area that is clearly delineated for that purpose, and shall not be parked in any spaces that are used for off-street parking purposes for the uses on the site.

3. There shall be no advertising or other signage placed on the automobiles, sports utility vehicles, or minivans rented at the site.

(D) Personal Vehicles Sales

A personal vehicle sales and rental establishment shall comply with the following standards:

1. No vehicles or other similar items shall be displayed on the top of a building.

2. No materials for sale or rent other than vehicles shall be displayed between the principal structure and the adjoining street.

3. Outdoor vehicle, boat, and equipment storage is allowed in an outdoor storage area.

4. Vehicle display pads are prohibited.

5. The storage or junking of wrecked motor vehicles (whether capable of movement or not) is prohibited.

[e] Light Industrial, Research and Development, and Warehousing Uses Classification

[1] Industrial Service Uses

(A) Educational, Scientific, or Industrial Research or Development

Educational, scientific, or industrial research or development uses shall not:

1. Cause or result in the dissemination of dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted.
2. Menace by reason of fire, explosion, radiation, or other physical hazards.
3. Harmfully discharge waste materials; or unusual traffic hazards or congestion due to type or number of vehicles required by or attached to the use.
4. Be dangerous to the comfort, peace, enjoyment, health, or safety of the community or the abutting areas, or tend to their disturbance or annoyance.

[2] Manufacturing and Production Uses

(A) Manufacturing, Assembly, or Fabrication, Light

Light manufacturing, assembly, or fabrication uses shall not:

1. Be conducted outside an enclosed building;
2. Cause or result in the dissemination of dust, smoke, gas or fumes, odor, noise, vibration, or excessive light beyond the boundaries of the lot on which the use is conducted.
3. Menace by reason of fire, explosion, radiation, or other physical hazards.
4. Harmfully discharge waste materials.
5. Result in unusual traffic hazards or congestion due to the type or number of vehicles required by or attached to the use;
6. Be dangerous to the comfort, peace, enjoyment, health, or safety of the other properties and the residents of surrounding lands.

SECTION 4.3. ACCESSORY USES AND STRUCTURES

4.3.1. General

(a) Purpose and Intent

The purpose of this section is to authorize accessory uses and structures, which are land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures, so long as they are located on the same site as the principal use and comply with the standards set forth in this section to mitigate potentially adverse effects on surrounding lands.

(b) Organization of this Section

Table 4.3.2(e): Accessory Use and Structure Table, identifies the zone districts in which specific accessory uses and structures are allowed. Sec. 4.3.3, Standards for All Accessory Uses and Structures, establishes general standards applicable to all accessory uses and structures. Sec. 4.3.4, Specific Standards for Accessory Uses and Structures, sets out specific standards applicable to specific accessory uses and structures.

4.3.2. Accessory Use and Structure Table

(a) Organization of Accessory Uses and Structures

The Accessory Use and Structure Table in this subsection lists accessory uses and structures alphabetically.

(b) Abbreviations in Accessory Use or Structure Table Cells

The abbreviations in this subsection apply to Table 4.3.2(e): Accessory Use and Structure Table. Each cell is located at the intersection of a row and a column, which are referenced in each subsection below.

P	A "P" under a base zone district column indicates that the accessory use or structure is allowed by right in the zone district, subject to any use-specific standards referenced in the right-most column in the row and all other applicable regulations of this LDC.
C	A "C" under a base zone district column indicates that the accessory use or structure is allowed in the zone district only on approval of a conditional use permit in accordance with Sec. 2.5.1(g), Conditional Use Permit, and subject to any use-specific standards referenced in the right-most column in the row and all other applicable regulations of this LDC.
A	An "A" under the planned development district indicates that the accessory use or structure use may be allowed as a part of the PD Concept Plan for a planned development in accordance with Sec. 2.5.1(f), Planned Development, and, as applicable, Sec. 3.5.4, PD: Planned Development District, or Sec. 3.5.5, DM-PD: Downtown Maitland — Planned Development District, subject to subject to any

use-specific standards referenced in the right-most column in the row and all other applicable regulations of this LDC.
A blank cell under a base or the planned development district column indicates that the accessory use or structure is prohibited in the zone district.

(c) Standards for Specific Accessory Uses and Structures

A particular accessory use or structure that is allowed in a zone district may be subject to additional standards that are specific to that use or structure. The applicability of such specific standards is noted in the right-most column of Table 4.3.2(e): Accessory Use or Structure Table, through a reference to standards in Sec. 4.3.4, Specific Standards for Accessory Uses and Structures.

(d) Unlisted Uses

The Community Development Director is authorized to evaluate potential accessory uses or structures that are not identified in Table 4.3.2(e): Accessory Use or Structure Table, on a case-by-case basis, as an Interpretation (see Sec. 2.5.5, Interpretations). In making the interpretation, the Community Development Director shall consider the following:

(1) Accessory uses identified in Sec. 4.2.3, Classification of Principal Uses.

(2) The definition of "accessory use" (see Section 10.3, Definitions), and the general accessory use standards established in Sec. 4.3.3, Standards for All Accessory Uses and Structures;

(3) The additional regulations for specific accessory uses established in Sec. 4.3.4, Specific Standards for Accessory Uses and Structures;

(4) The purpose and intent of the zone district in which the accessory use or structure is located (see Article 3: Zone Districts);

(5) Any potential adverse impacts the accessory use or structure may have on other lands in the area, compared with other accessory uses permitted in the zone district; and

(6) The compatibility of the accessory use or structure with other principal and accessory uses permitted in the zone district.

(e) Accessory Use and Structure Table

Accessory uses and structures are allowed in each of the zone districts in accordance with Table 4.3.2(e): Accessory Use and Structure Table.

Table 4.3.2(e): Accessory Use and Structure Table

P = Permitted by right | C = Allowed subject to conditional use permit
A = Allowed subject to an approved PD Concept Plan
Blank cell = Prohibited

Accessory Uses and Structures	Residential Districts					Mixed-Use Districts				Non-Res		Planned Dev.		Use-Specific Standards
	RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
Air conditioner compressor unit	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(a)
Amateur ham radio antenna	P	P	P	P										4.3.4(b)
Automated teller machine (ATM)						P	P	P	P	P	P	P	A	4.3.4(c)
Automatic car wash							P	P				A		
Bicycle parking rack	P	P	P	P	P	P	P	P	P	P	P	A	A	
Boathouse	P	P	P		P							A		
Boat dock	P	P	P		P									
Chicken keeping	P	P	P											4.3.4(d)
Childcare, home, five or fewer children	P	P	P	P	C	C								
Childcare, home, six or more children	C	C	C	C	C	C								
Clubhouse, as accessory to a residential development, golf, or tennis facility				P	P	P			P			A	A	
Community garden	P	P	P	P	P	P	P	P	P	P	P	A	A	
Cottage residence	P	P	P	P	P	P	P	P					A	4.3.4(e)
Composting, small-scale	P	P	P	P	P	P	P	P	P	P	P	A	A	
Donation center							P	P						4.3.4(f)
Drive-through facility						P	P	P				A	A	4.3.4(g)
Electric vehicle (EV) level 1 or 2 charging station	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(h)
Electric vehicle (EV) level 3 charging station							P	P	P	P		A	A	4.3.4(h)
Farmer's market							P	P				A		
Food dispensing vehicle	P	P	P	P	P	P	P	P	P	P		A	A	4.3.4(i)
Garage or carport	P	P	P	P	P	P						A	A	
Green roof	P	P	P	P	P	P	P	P	P	P	P	A	A	
Home garden	P	P	P	P	P	P						A	A	
Home occupation	P	P	P	P		P						A		4.3.4(j)
Leasing office, as accessory to rental apartment complex					P	P	P	P	P			A	A	4.3.4(k)

Table 4.3.2(e): Accessory Use and Structure Table

P = Permitted by right | C = Allowed subject to conditional use permit
A = Allowed subject to an approved PD Concept Plan
Blank cell = Prohibited

Accessory Uses and Structures	Residential Districts					Mixed-Use Districts				Non-Res		Planned Dev.		Use-Specific Standards
	RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
Limited fuel/oil/bottled gas distribution							P	P	P		P		A	4.3.4(l)
Minor home structure	P	P	P	P	P	P								
Outdoor display of merchandise, as accessory to a retail sales use						P	P	P	P		P	A	A	4.3.4(m)
Outdoor mechanical equipment, residential	P	P	P	P	P	P								4.3.4(n)
Outdoor seating, as accessory to an eating, drinking, and entertainment use						P	P	P	P		P	A	A	4.3.4(o)
Outdoor storage, as an accessory use							P	P				A		4.3.4(p)
Parking structure and lot, private, as an accessory use					P	P	P	P	P	P	P	A	A	
Rainwater cistern or barrel	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(q)
Satellite dish, accessory	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(r)
Solar energy collection facility, small-scale	P	P	P	P	P	P	P	P	P	P	P	A	A	4.3.4(s)
Swimming pool and pool screen enclosure, as accessory to single-family or two-family use	P	P	P	P	P	P						A	A	4.3.4(t)

4.3.3. Standards for All Accessory Uses and Structures

(a) All accessory uses and structures shall conform to the applicable requirements of this LDC, including the standards for the zone district in which they are located (see Article 3: Zone Districts), the use regulations in this article, and the development standards in Article 5: Development Standards.

(b) All accessory uses and accessory structures shall:

(1) Be customarily accessory and clearly incidental and subordinate to the principal use and structure;

(2) Be located on the same lot as the principal use or structure, or on a contiguous lot in the same ownership;

(3) In Residential zone districts:

(A) Not be of a nature likely to attract visitors in a larger number than would normally be expected in a residential neighborhood;

(B) Not involve the conduct of business on the premises, except where specifically allowed in this LDC; and

(C) Not be constructed closer to the lot line in a front yard than the principal building or structure to which the use is subordinate.

[4] Not include operations or structures that are not in keeping with the character of the zone district where located;

[5] Not intrude into the sight triangle along any street; and

[6] Comply with all applicable City, state, and federal regulations.

[c] Accessory uses and structures shall comply with the minimum yard requirements for the principal structures for which they are accessory in Article 3: Zone Districts, unless otherwise stated in this LDC, and except as follows:

[1] On lots with one front yard:

(A) Accessory uses and structures other than accessory dwellings such as cottage residences shall be located at least seven-and-one-half (7.5) feet from a rear property line. Cottage residences shall not be in a required rear yard.

(B) No accessory uses and structures shall be in required front or side yards.

[2] On lots with two front yards (e.g. double frontage, through, or corner lots) in Residential zone districts:

(A) Accessory structures may not be in either front yard but may be in one of the required side yards.

(B) Any accessory use or structure shall be located at least seven-and-one-half (7.5) feet from any side yard property line.

4.3.4. Specific Standards for Accessory Uses and Structures

[a] **Air Conditioner Compressor Unit**

[1] **Residential Zone Districts**

(A) For all residential uses in Residential zone districts, an air conditioner compressor placed in a required side or rear yard setback shall have its nearest point located no further than three feet from the principal structure which it serves.

(B) For nonresidential uses in Residential zone districts, when an air conditioner compressor unit is in a required rear or side yard as of May 24, 2004, a replacement unit may be installed in the same location provided it is less than five tons in size and meets the following:

1. In Winfield Units 1 and 2 (single-family residential subdivisions) annexed by Ordinance No. 970, replacement units that are increased in size or relocated shall be subject to the sound rating requirements in Table 4.3.4(a)(1)(B): Air Conditioner Compressor Sound Rating Requirements, and at the time of replacement shall be screened with landscaping in accordance with Section 5.3, Landscape, Buffer, and Tree Protection Standards, if located within any street side yard.

2. Outside of Winfield Units 1 and 2 (single-family residential subdivisions) annexed by Ordinance No. 970, replacement air conditioner compressors that are closer than five feet from any side or rear property line or that are within the required side or rear yard and are higher than 30 inches above ground level, shall be subject to the sound rating requirements in Table 4.3.4(a)(1)(B).

Table 4.3.4(a)(1)(B): Air Conditioner Compressor Sound Rating Standards

Unit Size	Sound Rating Maximum [1]
4 tons and below	80 decibels
Between 4 and 5 tons	84 decibels

NOTES:

[1] Measured in accordance with Air-Conditioning, Heating, and Refrigeration Institute (AHRI) Standard 270-2015.

(C) In lots in the RSF-D zone district that do not meet the minimum width requirements, an air conditioner compressor unit may be installed no less than seven and one-half (7.5) feet from a side property line.

(2) Mixed-Use and Nonresidential Districts

(A) Except as provided in subsection (B) below, in all Mixed-Use and Nonresidential Districts, a new air conditioner compressor, chiller, and/or evaporator unit of an air handler system shall not be located in any required yard.

(B) Where an air conditioner compressor, chiller, and/or evaporator unit is legally located in a required rear or side yard as of March 1, 2022, a replacement unit may be located in the same location provided that if it is increased in size or height, it shall be required to meet the landscaping requirements of Section 5.3, Landscape, Buffer, and Tree Protection Standards.

(b) Amateur Ham Radio Antenna

(1) The antenna shall not exceed a height of 90 feet above grade.

(2) An antenna attached to a principal structure on the lot shall be located on a side or rear elevation of the structure.

(3) A freestanding antenna shall be located to the rear of the principal structure on the lot, but not within ten feet of any lot line.

(4) The Community Development Director shall waive or approve a deviation of the above standards if the ham radio operator demonstrates that such waiver or deviation is necessary to accommodate the operator's amateur communications needs.

(c) Automated Teller Machine (ATM)

(1) An ATM designed for walk-up use and located in the exterior wall of a building or a parking area shall be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking areas and building entrances, or vehicular movement in front of buildings or through parking areas.

(2) If an ATM is designed for use by customers in their vehicles, it shall comply with the accessory use standards in Sec. 4.3.4(g), Drive-through Facility.

(d) Chicken-keeping

Chicken-keeping is only allowed following issuance of a permit in accordance with Sec. 4-5.1, Chicken-keeping Program, of the City Code, and continued compliance with the standards and conditions in Sec. 4-5.2, Chicken-keeping as an Accessory Use.

(e) Cottage Residence

A cottage residence shall:

(1) In all districts except RSF-D, not be rented, let, or hired out for occupancy, or otherwise used as a separate dwelling unit in all district, except for persons providing services solely to the same property;

(2) Not have a separate utility meter;

(3) Have one dedicated off-street parking space available for use by the occupant of the cottage residence, above the amount of parking required for the principal use in accordance with Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces.

(4) Not be constructed prior to the occupancy of the principal dwelling to which it is accessory, unless it meets the requirements in the zone district for the principal dwelling; and

(5) In the RSF-1, RSF-2, and RSF-3 districts, only be permitted as an accessory use to a single-family (detached) dwelling, and in those districts have a declaration of use restriction recorded as a deed restriction, in a format approved by the City, that includes the restrictions. The deed restriction shall be recorded prior to the issuance of the building permit and shall be removed only with the written consent of the City Manager.

(f) Donation Center

A donation center consists of a maximum of two donation containers that are accessory uses to a commercial development. A donation center shall comply with the following standards:

[1] General

The donation center shall:

(A) Occupy no more than 150 square feet.

(B) Contain no more than two donation containers, which are a maximum of five feet high, six feet wide, and six feet long, and are consistent with the architecture or materials of each building, or screened by a closed fence or wall that meets the standards of Section 5.8, Fence and Wall Standards.

(C) If there are two containers, ensure they are arranged side-by-side and not separated by more than one foot.

[2] Approval

The donation center shall be identified in the approved site plan (Sec. 2.5.2(a), Site Plan).

[3] Signage

A donation center may have one sign for each container with copy area that does not exceed ten square feet in area and does not extend above the top of the container. The sign shall only include the following information:

(A) The name, email address, and telephone number of the owner and operator responsible for removing any collected items;

(B) Items acceptable for collection; and

(C) A statement prohibiting the dumping of liquids and other unacceptable items.

[4] Person Who May Establish

A donation center may be established by the property owner or by a separate person, with written consent of the property owner.

[5] Ongoing Maintenance

The following maintenance responsibilities apply:

(A) The container(s) and surrounding area shall be cleaned on a weekly basis or within 48 hours following a request from the City or, if the containers are not managed by the property owner, by the property owner.

(B) The property owner and any other entity responsible for the donation containers shall be individually and jointly responsible for abating and removing all junk, garbage, trash, debris, excess collected items, and other refuse material in the area surrounding any collection containers.

[6] Location

(A) A donation center is only permitted on level, paved surfaces on lands in a zone district that allows commercial development on which there is an existing development that is 40,000 square feet or larger, or in any Residential zone district

on lots with a non-residential principal use (i.e., religious institution or other institutional use).

(B) A donation center shall comply with the location requirements in Sec. 4.3.3(c) above and be located at least 50 feet from a lot occupied by a residential use or vacant land in a Residential zone district.

(7) Parking Access

A donation center shall not occupy or block access to parking spaces or drive aisles required by Section 5.2, Off-Street Parking, Bicycle, and Loading Standards.

(8) Container Standards

Containers and storage bins shall be durable, waterproof, rustproof, covered, and secured from unauthorized entry, and shall be enclosed by 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 container shall be oriented toward the interior of the building site and away from the public right-of-way.

(9) Enforcement

The owner of the donation box and the owner of the private property on which it is located shall be individually and jointly responsible for any violations of the standards of this section or any other applicable provisions of the LDC.

(g) Drive-through Facility

A drive-through facility shall:

(1) Be designed in accordance with Sec. 5.2.6, Vehicle Stacking Standards.

(2) Be designed to avoid obstructions to pedestrian movement along sidewalks, through public use areas, or between parking spaces and building entrances.

(3) Ensure the roof or awning over the drive-through facility and lanes, including any supporting columns and brackets, is designed to match the design and exterior building materials of the principal building.

(4) Not locate any windows and speakers within 100 feet from any lot in a Residential zone district, and ensure the sound emitted by drive-through speakers shall not exceed 60 dB(A) measured at the lot line of adjacent lots in a Residential zone district. The sound level shall be measured by the use of a sound level meter and frequency weighting network "A" as specified in the American National Standards Institute specifications for sound level meters.

(h) Electric Vehicle Charging Station

(1) Except as otherwise provided in subsection (2) below, EV charging station spaces shall be reserved for the charging of electric vehicles only. Such reserved spaces shall be posted with signage identifying the spaces as reserved only for the charging of electric vehicles, the amperage and voltage levels, cost of charging, any enforceable time limits

or tow-away provisions, and contact information for reporting non-operating equipment or other problems.

[2] A required accessible parking space for persons with physical disabilities may also serve as an EV charging station space, provided the charging station and its controls meet ADA standards for accessibility to persons with physical disabilities.

[3] EV charging station equipment shall be located so as not to interfere with vehicle, bicycle, or pedestrian access and circulation.

[4] EV charging stations for use by patrons of the site or the general public are allowed for non-residential uses in the Residential zone districts.

[i] Food Dispensing Vehicle

A food dispensing vehicle shall comply with the following standards:

[1] General Standards

(A) A food dispensing vehicle shall:

1. Be licensed by the state;

2. Only placed with written permission from the property owner;

3. Only operate between 6:00 a.m. and 12:00 a.m. (midnight); and

4. Be removed from any site during the hours when the vehicle is not operating, and may not be stored, parked, or left overnight on any public street or sidewalk.

(B) The food dispensing vehicle may not provide seating areas for dining associated with a food dispensing vehicles, including but not limited to tables, chairs, booths, bar stools, benches, and standup counters, although they may be provided by the site owner.

(C) All food preparation, storage, and sales or distribution by a food dispensing vehicle operator shall be in compliance with all applicable county, state, and federal health and sanitary regulations. In accordance with such laws, the food dispensing vehicle shall return daily to a commissary for proper servicing.

(D) One sandwich board sign shall be allowed.

(E) Amplified music is prohibited.

(F) The operator shall keep all areas within five feet of the food dispensing vehicle and any associated customer or dining area clean of grease, trash, paper, cups, cans, or other debris associated with the food truck.

(G) Each operator is responsible for the proper disposal of solid waste associated with food dispensing vehicle operation and with any outdoor dining areas. Trash receptacles maintained by the City shall not be used for this purpose.

(H) Each operator shall remove all waste and trash prior to leaving an approved location or as needed to maintain the health and safety of the public.

(I) No waste or grease may be disposed in storm drains, into the sanitary sewer system, or onto sidewalks, streets, or other public spaces.

(J) If at any time evidence of the improper disposal of liquid waste or grease is discovered, the food dispensing vehicle operator shall cease operation immediately. The owner of the food dispensing vehicle business and the owner of the property shall be liable for the violation.

[2] Non-Residential and Mixed-Use Zone Districts

In non-residential and mixed-use zone districts, the following additional standards apply:

(A) No more than one food dispensing vehicle is permitted per parcel as an accessory to a developed site except in the WS-RT, WS-NW, and R-MF zone districts where two per parcel are permitted.

(B) No food dispensing vehicle shall be located closer than 100 feet to a lot occupied by a single-family or two-family (duplex) dwelling unit as measured in a straight line from the location of the food truck to the nearest property boundary.

(C) A food dispensing vehicle shall be located at least five feet from any fire hydrant, sidewalk, utility box, handicap ramp, and building entrance.

(D) A food dispensing vehicle shall not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless the hours of operation of the principal use do not coincide with those of the food dispensing vehicle.

(E) A food dispensing vehicle may not encroach upon open space, landscaping, vehicular accessways, or pedestrian walkways, and shall not obstruct or disturb existing buffers or required setbacks from buffers or streetscapes.

(F) A food dispensing vehicle shall be located at least 100 feet from the main entrance of any eating establishment or similar food service business, from any outdoor dining area, and from any other food dispensing vehicle, as measured in a straight line.

(G) The owner of the food dispensing vehicle and the owner of any private property upon which a violation of the regulations within this subsection occurs shall be individually and jointly responsible and liable for violation of any standard listed above and may be subject to, among all remedies otherwise available to the City, a daily fine through code enforcement action.

[3] Residential Zone Districts

In residential zone districts, a food dispensing vehicle shall be allowed only on commonly-owned property within a residential development serving residents and guests at a neighborhood activity or function.

(4) **Public Property**

A food dispensing vehicle may not operate on public property such as parks or plazas, parking lots, public street rights-of-way, or public sidewalks except as specifically authorized by the City and as part of an official public event sponsored or co-sponsored by the City.

(j) **Home Occupation**

A home occupation shall comply with the following standards:

(1) The only persons who may engage in the home occupation within the residential development are members of the family residing on the premises, and up to two other persons.

(2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character of the property.

(3) The demand for parking shall not exceed what would be expected for a similar residence where no business is conducted. Any need for parking generated by the conduct of a home occupation shall be met off the street in accordance with Sec. 5.2.4(j), Single-Family and Two-Family Residences.

(4) No home occupation shall use equipment or a process which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot.

(5) In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

(6) A home occupation shall comply with all applicable business tax receipts and other business taxes.

(k) **Leasing Office, as Accessory to Rental Apartment Complex**

A leasing office for a rental apartment complex shall only be permitted on the same parcel as the apartment complex, and shall provide one off-street vehicular parking space for each 250 square feet of gross floor area.

(l) **Limited Fuel/Oil/Bottled Gas Distribution**

(1) Limited fuel/oil/bottled gas distribution is allowed as an accessory use to convenience stores, consumer goods establishments, automobile service stations, and personal and commercial vehicle sales and rental uses.

(2) Any structure housing the fuel, oil, or bottled gas that is located on a sidewalk or other walkway shall be located to maintain at least five feet of clearance along the walkway for use by pedestrians.

(3) Limited fuel/oil distribution as an accessory use is prohibited within 1,000 feet of a school, day care, or hospital.

(4) Limited bottled gas distribution as an accessory use is prohibited within 250 feet of a school, day care, or hospital.

(m) Outdoor Display of Merchandise, as Accessory to a Retail Sales Use

Outdoor display of merchandise shall be conducted on the same lot as the building that it supports and in accordance with the following standards:

(1) Merchandise displayed shall be limited to that sold or rented by the principal use on the lot.

(2) All outdoor display of goods shall be located immediately adjacent to the front, or side or rear (if parking is allowed on the side or rear) of the principal building, and not in drive aisles, loading zones, fire lanes, or parking lots.

(3) Outdoor display areas along the front or side of a principal building shall be limited to no more than one-half of the length of the building's front or side, as appropriate.

(4) Outdoor display areas shall be located to maintain a clearance area in front of a primary building entrance for at least ten feet directly, outward from the entrance width.

(5) An obstruction-free area at least five feet wide shall be maintained through the entire length of the display area or between it and adjacent parking areas so as to allow pedestrians and handicapped persons with disabilities to safely and conveniently travel between parking areas or drive aisles to the building and along the front and side of the building, without being required to detour around the display area.

(n) Outdoor Mechanical Equipment, Residential

Outdoor mechanical equipment shall be located to the rear or side of the principal building on the lot.

(o) Outdoor Seating, as Accessory to an Eating, Drinking, and Entertainment Use

Outdoor seating is allowed as an accessory use to any eating, drinking, or entertainment use, in accordance with the following standards:

(1) The outdoor seating area shall be located no closer than 100 feet from the RSF-1, RSF-2, or RSF-3 districts.

(2) Live music or sound production or reproduction machines or devices (including, but not limited to musical instruments, loud-speakers, and sound amplifiers) may be played in the outdoor seating area provided that the volume measured at the property line does not exceed 60 dB(A) when adjacent to residential property, or 75 dB(A) elsewhere in the City, and does not violate the City's noise ordinance, Secs. 10-10 and 10-11 of the City Code. The sound level shall be measured by the use of a sound level meter and frequency weighting network "A" as specified in the American National Standards Institute specifications for sound level meters.

(3) Hours of operation of the outdoor seating area shall be the same as those for the eating or drinking establishment.

(4) Food preparation shall occur only within the enclosed principal building containing the eating or drinking establishment.

(5) The outdoor seating area shall not obstruct the movement of pedestrians along sidewalks or through areas intended for public use, and shall not obstruct a pedestrian crosswalk or curb cut.

(6) The outdoor seating area may be permitted on a public sidewalk abutting or adjacent to the front of the property containing an eating or drinking establishment subject to the following standards:

(A) The outdoor seating area shall be limited to that part of the sidewalk directly in front of the property containing the eating or drinking establishment unless the owner of adjoining property agrees in writing to an extension of the outdoor seating area to that part of the sidewalk in front of the adjoining property.

(B) The operator of the establishment shall enter into a revocable agreement with the City that has been approved as to form by the City Attorney that:

1. Ensures that the operator is adequately insured against and indemnifies and holds the City, its officers, and employees harmless for any claims for damages or injury arising from sidewalk dining operations, and will maintain the sidewalk seating area and facilities in good repair and in a neat and clean condition;

2. Requires that the permittee pay any and all damages or penalties which the City may be legally required to pay as a result of the permittee's operation or maintenance of an outdoor seating area, whether or not the acts or omissions complained of are authorized, allowed, or prohibited by the City;

3. Requires that the permittee pay all expenses incurred by the City in defending itself regarding any and all damages and penalties mentioned in subsection 2 above. These expenses shall include all out-of-pocket expenses, including a reasonable attorneys' fee and the reasonable value of services rendered by any employee of the City.

4. Authorizes the City to suspend authorization of the outdoor seating use, and to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the owner's expense, as necessary to accommodate repair work being done to the sidewalk or other areas within the right-of-way containing or near the outdoor seating area; and

5. Authorizes the City to remove or relocate or order the removal or relocation of any sidewalk seating facilities, at the operator's expense, if the operator fails to comply with a City order to do so within a reasonable time period.

(C) The permittee shall maintain, throughout the term of the approval, liability insurance insuring the City and the permittee regarding all damages mentioned in

subsection (B) above caused by the permittee or its agents, in the minimum amounts of:

1. Workers' and unemployment compensation insurance as provided by state law.
2. Two hundred thousand dollars ($200,000) for property damage, bodily injury, or death payable to any one person and $1,000,000.00 for property damage, bodily injury, or death when totaled with all other claims or judgments arising out of the same incident or occurrence, or other amounts required by the City's risk management policy.
3. The insurance policies obtained by a permittee in compliance with this subsection shall be issued by a company or companies acceptable to the City and a current Certificate or Certificates of Insurance, along with written evidence of payment of all required premiums, shall be filed and maintained with the City during the term of the approval. The policies shall name the City as an additional insured and shall contain a provision that written notice of cancellation or reduction in coverage of the policy shall be delivered by registered mail to the City at least 30 days in advance of the effective date thereof.
4. An applicant for approval shall be required to submit evidence of liability insurance.

(D) Approval of an outdoor seating area is always conditional. Approval for an outdoor seating area may be revoked or suspended in accordance with Article 9: Enforcement.

(E) A clear pathway at least five feet wide shall be maintained to allow through public pedestrian traffic along the sidewalk and from the sidewalk into the entrance to the establishment. A greater width may be required where necessary to ensure the safe and convenient flow of pedestrian traffic.

(F) A clear separation of at least five feet shall be maintained from any alley, crosswalk, fire hydrant, or similar public or emergency access feature in or near the sidewalk. A greater clear distance may be required where necessary to ensure use of the public or emergency access feature.

(G) No objects shall be placed along the perimeter of the outdoor sidewalk seating area that would have the effect of forming a physical or visual barrier discouraging the use of the sidewalk by the general public.

(H) Tables, chairs, umbrellas, and other furnishings associated with the outdoor seating area shall be of sufficient quality, design, materials, and workmanship to ensure the safety and convenience of the users and compatibility with adjacent uses and shall not be attached, chained, or otherwise affixed to any curb, sidewalk, tree, post, sign, or other fixture.

(l) The outdoor seating area shall not obstruct vehicle passengers from exiting their cars with the placement of curbside tables.

(p) Outdoor Storage, as an Accessory Use

(1) No outdoor storage is allowed for any principal use in the DM district and any DM-PD development.

(2) In all districts other than the DM or DM-PD districts, outdoor storage areas shall be located to the rear of the development's principal building(s).

(3) Where an outdoor storage area stores goods intended for sale or resale, such goods shall be limited to those sold on the premise in conjunction with the principal use of the lot.

(4) Outdoor storage areas for shopping carts shall be located either contiguous to and at the entrance to the building, or in the vehicular parking area if the area set-off for shopping carts is clearly marked and includes an area where the carts may be safely parked and kept.

(5) Flammable liquids or gases in excess of 100 gallons shall be stored underground.

(6) No materials shall be stored in areas intended for vehicular or pedestrian circulation.

(7) Building materials may only be stored on a lot in a Residential zone district in connection with active construction activities on the lot.

(q) Rainwater Cistern or Barrel

An aboveground rainwater cistern or barrel shall:

(1) Be located directly adjacent to the principal structure on the lot.

(2) Not serve as signage or have signage affixed to it.

(r) Satellite Dish, Accessory

A satellite dish shall comply with the following standards:

(1) Direct Broadcast Satellite Dishes

A satellite dish antenna that is one meter or less in diameter, located on property within the exclusive use or control of the antenna user, and designed to receive direct broadcast satellite service, including direct-to-home satellite service, or to receive or transmit fixed wireless signals via satellite, is subject to the standards in this subsection (r) only to the extent that the standards do not unreasonably delay, prevent, or increase the cost of its installation, maintenance, or use or preclude reception of an acceptable quality signal.

(2) Location

(A) Residential Zone Districts

In Residential zone districts, a satellite dish shall:

1. Be at least 15 feet from any property line.

2. Not be located closer to any public or private street than the rear of any principal structure on the same lot.

3. Have a maximum height of seven feet.

4. Have a maximum diameter of one meter.

5. Not be mounted or connected to any building.

(B) Mixed-Use and Nonresidential Zone Districts

In Mixed-Use and Nonresidential zone districts, a satellite dish shall:

1. Not be located closer to any public or private street than the rear of any principal structure on the same lot.

2. Not be in any required yard.

3. Have a maximum height of 14 feet.

4. Have a maximum diameter of one meter.

5. Be placed at ground level, except that structures at least three stories in height may mount a satellite dish on the roof if it is largely obscured from view.

[3] Measurement

For purposes of this subsection (r), the following standards apply:

(A) The height of a satellite dish shall be measured from the ground to the nearest point of the dish antenna when actuated to its most horizontal position.

(B) The horizontal distance from a satellite dish shall be measured from the nearest point of the dish antenna when actuated to its most horizontal position.

[4] Aesthetics

Satellite dishes shall be screened through the addition of architectural features or landscaping that is compatible and in harmony with the lot on which it is placed, adjacent lots, and the neighborhood in which the satellite dish is to be located. Each satellite dish shall comply with the following:

(A) Be either black or a shade of green that blends with surrounding green landscaping, or painted in a corresponding color to blend in with the surrounding vegetation or buildings.

(B) Be constructed with appropriate landscape or masonry screening that effectively conceals the satellite dish from the view of any person from any public or private street, a public right-of-way, or an adjoining lot, provided that the placement of masonry or landscape forms of screening may be waived or reduced by the Community Development Director if the applicant demonstrates that requiring screening in accordance with this subsection would interfere with the reception of communications signals from orbiting satellites by the satellite dish. In such instances the screening requirements may be waived or reduced, but only to the

extent that reception of communications signals is interfered by the screening requirements.

[5] Number of Satellite Dishes in Single-Family or Duplex Residential Lots

A maximum of one satellite dish is permitted upon any lot in a residential zone district that is not occupied by a multifamily dwelling unit.

[6] Number of Satellite Dishes in All Other Zone Districts

In multifamily residential lots and all Mixed-Use and Nonresidential zone districts, additional satellite dishes are permitted on a lot if each dish is less than three feet in diameter and less than four feet in height.

[7] Signage

Any satellite dish having symbols, numbers, or letters larger than one inch in size shall comply with Section 5.14. Signs.

[s] Solar Energy Collection Facility, Small-Scale

[1] The facility may be located on the roof of a principal or accessory structure, on the side of such structures, on a pole, or on the ground in accordance with Sec. 4.3.3, Standards for All Accessory Uses and Structures.

[2] The facility shall comply with the maximum height standards for the zone district in which it is located, except that a roof-mounted system shall not extend more than 15 feet above the roof line of the structure on which it is mounted.

[3] Where an existing structure is within five feet of or exceeds the applicable height limit, a solar energy collection facility may be located on its roof irrespective of applicable height standards, provided the system extends no more than five feet above the roof surface.

[4] The property owner shall be responsible for negotiating with other property owners in the vicinity to establish any solar easement designed to protect solar access for the small-scale solar energy collection facility, and for recording any such solar easement in the public records of Orange County, with a copy provided to the Community Development Director.

[t] Swimming Pool and Pool Screen Enclosure, as Accessory to Single-Family or Two-Family Use

[1] An outdoor swimming pool accessory to a single-family detached dwelling, townhouse dwelling, or two-family dwelling (duplex) shall be located:

(A) If on a through lot, within the yard that does not contain the primary entrance;

(B) If on a corner lot, behind the front line of the structure; and

(C) Entirely above the base flood elevation (see Section 5.7, Flood Damage Prevention).

(2) On lakefront property, a swimming pool and pool enclosure may be located within the 50 foot water body setback established in Sec. 5.3.7(c), Water Body Setback.

(3) The height of the pool enclosure shall not exceed the height of the highest point of the roof structure for the principal structure, or 12 ½ feet if the pool enclosure is within the water body setback set forth in Sec. 5.3.7(c), Water Body Setback.

(4) In Winfield Units 1 and 2 (single-family residential subdivisions) annexed by Ordinance No. 970, if the pool is located within any front or street side yard, the pool equipment shall be screened from view by landscaping, except if the screening would create a hazardous obstruction to visibility of vehicles or pedestrians. The screening shall be established when new swimming pool construction occurs, or when a pool is replaced or altered requiring a permit.

(5) In the Mayo Avenue Area Annexation (Ordinance No. 799) and the Druid Annexation Area (Ordinance No. 859), pool enclosures constructed prior to the effective date of a lot's annexation that are between five and seven and one-half feet from a side lot line are permitted to replace the enclosure in the preexisting location.

SECTION 4.4. TEMPORARY USES AND STRUCTURES

4.4.1. General

(a) Purpose and Intent

The purpose of this section is to authorize the establishment of certain temporary uses and structures, which are uses (including special events) and structures of a limited duration. This section also identifies the zone districts in which temporary uses and structures are allowed, identifies what type of permit or review is required to establish them, sets out general standards applicable to all temporary uses and structures, and sets out any special standards applicable to particular temporary uses and structures. This section is intended to ensure that such uses or structures do not negatively affect adjacent land, are discontinued upon the expiration of a set time period, and do not involve the construction or alteration of any permanent building or structure.

(b) Organization of this Section

Table 4.4.2(c): Temporary Use and Structure Table, in Sec. 4.4.2, Temporary Use and Structure Table, shows whether a particular type of temporary use or structure is permitted or prohibited within the various zone districts. Sec. 4.4.3, Standards for All Temporary Uses and Structures, establishes general standards that apply to all allowed temporary uses and structures. Sec. 4.4.4, Standards Specific to Temporary Uses and Structures, establishes standards that apply to particular types of temporary uses or structures regardless of the zone district in which they are allowed or the review procedure by which they are approved, unless expressly stated to the contrary. These standards may be modified by other applicable requirements in this LDC.

4.4.2. Temporary Use and Structure Table

(a) Organization of Temporary Uses and Structures

The abbreviations in this subsection apply to Table 4.4.2(c): Temporary Use and Structure Table. Each cell is located at the intersection of a row and a column, which are referenced in each subsection below.

P	A "P" in a cell under a base or planned development zone district indicates that the use or structure is allowed by right as a temporary use or structure in the zone district, subject to Sec. 4.4.3, Standards for All Temporary Uses and Structures, any use-specific standards referenced in the final column of the table and set down in Sec. 4.4.4, Standards Specific to Temporary Uses and Structures, and all other applicable regulations of this LDC.
S	A "S" in a cell under a base or planned development zone district indicates that the use or structure is allowed as a temporary use or structure in the zone district upon approval of a special event permit in accordance with Ch. 14, Special Events Procedure, of the City Code, subject to Sec. 4.4.3, Standards for All Temporary Uses and Structures, and all other applicable regulations of this LDC.
	A blank cell under a base or planned development zone district column indicates that the temporary use or structure is prohibited in the zone district.

(b) Standards for Specific Temporary Uses and Structures

When a particular use or structure is permitted as a temporary use or structure in a zone district, there may be additional regulations that are applicable to the use or structure. The applicability of such specific standards is noted in the right-most column of Table 4.4.2(c): Temporary Use and Structure Table, through a reference to standards in Sec. 4.4.4, Standards Specific to Temporary Uses and Structures.

(c) Temporary Uses and Structures Table

Table 4.4.2(c): Temporary Use and Structure Table

P = Permitted by right | S = Permitted with a Special Event Permit | Blank cell = Prohibited

Temporary Uses and Structures	Residential Districts					Mixed-Use Districts				Non-Res		Planned Dev.		Use-Specific Standards
	RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
Construction-related building, structure, or use	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.4(a)
Farmers' market, temporary	S	S	S	S	S	S	S	S	S	S	S	S	S	4.4.4(b)
Garage/yard sale	P	P	P	P										4.4.4(c)
Model sales home/unit	P	P	P	P	P	P						P	P	4.4.4(d)

Table 4.4.2(c): Temporary Use and Structure Table

P = Permitted by right | S = Permitted with a Special Event Permit | Blank cell = Prohibited

Temporary Uses and Structures	Residential Districts					Mixed-Use Districts				Non-Res		Planned Dev.		Use-Specific Standards
	RSF-1	RSF-2	RSF-3	RSF-D	R-MF	MX	WS-NM	WS-RT	DM	GAP	NC	PD	DM-PD	
Portable storage	P	P	P	P	P	P	P	P			P	P	P	4.4.4(e)
Seasonal Sales						S	S	S	S	S	S	S	S	4.4.4(f)
Special event	S	S	S	S	S	S	S	S	S	S	S	S	S	4.4.4(g)
Temporary Use of an Accessory Use or Accessory Structure as a Principal Dwelling after a Catastrophe	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.4(h)
Temporary Use of Factory-Fabricated, Transportable Building	P	P	P	P	P	P	P	P	P	P	P	P	P	4.4.4(i)

4.4.3. Standards for All Temporary Uses and Structures

Unless otherwise specified in this LDC, all temporary uses and structures shall:

[a] Obtain any other applicable City, state, or federal permits;

[b] Be compatible with the principal uses taking place on the site;

[c] Not include permanent alterations to the site;

[d] Not interfere with the normal operations of any permanent use located on the property;

[e] Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;

[f] Not have adverse health, safety, noise, or nuisance impacts on any adjoining permanent uses or nearby residential neighborhoods;

[g] Not involve the retail sales or display of goods, products, or services within a public right-of-way, except as part of a City-authorized event;

[h] Not violate the applicable conditions of approval that apply to the site or a use on the site; and

[i] Be located on a site containing sufficient land area to allow the temporary use or structure to occur and accommodate associated pedestrian, parking, and traffic movement without aversely impacting surrounding lands, public facilities, and environmentally sensitive lands.

4.4.4. Standards Specific to Temporary Uses and Structures

(a) Construction-related Building, Structure or Use

(1) The temporary building, structure, or use shall not be moved onto the project site prior to the issuance of a site or building permit or until construction or development of the site is actively underway. It shall be removed within 30 days after either (1) the expiration of the Building Permit or (2) the issuance of the final Certificate of Occupancy for the building or completed development.

(2) The temporary building, structure, or use may be placed on a property adjacent to the construction site if site constraints make it infeasible to locate the building, structure, or use on the construction site. The adjacent site shall be restored to its previous condition within 60 days after issuance of the final Certificate of Occupancy for the building or completed development.

(3) The temporary building, structure, or use shall be in use for no more than 36 months, except the temporary use may be extended with the written consent of the Community Development Director for an additional period not to exceed 36 months on finding that the building construction or land development is proceeding in a reasonably timely manner.

(4) Adequate off-street parking for the temporary building, structure, or use shall be provided in accordance with Section 5.2, Off-Street Parking, Bicycle, and Loading Standards.

(5) The temporary building, structure, or use shall have screening between the parking lot and the street that complies with Section 5.3, Landscape, Buffer, and Tree Protection Standards.

(b) Farmers' Market, Temporary

A farmers' market located on private property shall comply with the following standards:

(1) The farmers' market shall operate only with written permission from the owner of the property on which it is located.

(2) The farmers' market shall operate for no more than 50 days in any one calendar year.

(3) The farmers' market shall be open only during daylight hours.

(4) The farmers' market shall provide adequate ingress, egress, and off-street parking areas. Vehicular access to the subject property shall not be by means of streets internal to subdivisions or neighborhoods for single-family detached dwellings.

(5) Sales shall be limited to the retail sale of agriculture, aquaculture, and horticulture products produced by the vendor, including the sale of products made by the vendor from such products (e.g., baked goods, jams and jellies, juices, and cheeses) and incidental sales of crafts or similar home-made products made by the vendor.

(6) Items for sale shall not be displayed or stored within customer pathways.

(7) The farmers' market shall have an established set of operating rules addressing the governance structure of the market, hours of operation, and maintenance and security requirements and responsibilities.

(8) The farmers' market shall have a manager authorized to direct the operations of all participating vendors during all hours of operation.

(c) Garage/Yard Sale

Garage or yard sales are allowed in accordance with the requirements of Sec. 9-81 of the City Code.

(d) Model Sales Home/Unit

(1) A model sales home/unit may be a modular home, single-family detached dwelling, or single-family attached (townhouse) dwelling.

(2) Only one sales office shall be maintained in the model sales home/unit.

(3) The use shall not begin until the model sales home/unit receives a Certificate of Occupancy.

(4) The model home/sales unit shall comply with all requirements of the Building Code (Sec. 5-1 *et seq.* of the City Code).

(5) If the model sales/home unit is a single-family detached dwelling or townhouse dwelling:

(A) The office or sales use may occupy either the garage or part of the first floor of the home's living area.

(B) If part of the first floor of the home's living area is being used for office or sales use, the total space used for office or sales purposes shall not exceed 20 percent of the first floor living area (exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters).

(6) If the model sales home/unit is a manufactured or modular home:

(A) The modular home shall be placed on a foundation, be painted or have a stained wooden exterior, and have wooden skirting between the floor of the office and the ground on all sides.

(B) The driveway and parking area shall consist of wooden mulch or rock.

(C) All landscaping between the parking area and the street shall comply with Section 5.3, Landscape, Buffer, and Tree Protection Standards.

(7) The model sales home/unit shall not be located on a lot that abuts an existing single-family detached residence in an adjacent developed subdivision or unplatted area.

(8) The model sales home/unit shall be maintained in a neat and orderly fashion at all times.

(9) At least one vehicular parking space shall be provided for every 300 square feet of gross floor area devoted to the use. Accessible parking for persons with physical disabilities is

required in accordance with the standards in Section 5.2, Off-Street Parking, Bicycle, and Loading Standards.

[10] Only one sign shall be permitted on the same lot as the model sales home/unit. The sign shall be pole or wall mounted, shall not exceed five feet above the ground in height, and shall have a sign area no larger than four square feet.

[11] The hours of operation for the use shall be limited to between 7 am and 6 pm.

[12] No negotiation or consummation of sales concerning areas outside the development site shall take place in the model sales home/unit.

[13] On termination of the temporary use, the home/unit shall be converted into, or removed and replaced with, a permanent dwelling in accordance with the requirements of this LDC.

[e] Portable Storage

A portable storage container shall comply with the following standards:

[1] Storage containers shall not exceed 160 square feet in floor area or be taller than eight feet.

[2] Containers shall be located within an improved driveway, parking, or loading area. In cases where the driveway, parking, or loading area extends behind the front façade of a building, the container shall be placed behind the front façade.

[3] In cases where improved driveways, parking, or loading areas are not present, containers shall be located so as to minimize their visibility from streets or adjacent residential areas, to the maximum extent practicable.

[4] A maximum of two containers is allowed on an individual lot or site, except when additional containers are allowed by the Community Development Director for good cause shown and a demonstration that the location of more than two containers on the site will not have an adverse impact on adjacent lands. provided compliance with all other applicable standards is maintained.

[5] Except for storage containers located on construction sites, storage containers shall not be located on an individual parcel or site for more than 14 consecutive days per site per occurrence. The owner or occupant of the parcel or site shall notify the Community Development Department at the time the storage container is placed and when it is removed.

[6] Storage containers may be placed on a residential site a maximum of two occurrences per year, per unit.

[7] A minimum period of six months is required between the removal of a storage container from a nonresidential site and the subsequent placement of a storage container on the site.

(f) Seasonal Sales

(1) The display/sales area shall be located at least 25 feet from an existing street line and from any adjacent lot lines.

(2) Adequate measures shall be taken to ensure that the use will not adversely affect the health and safety of residents or workers in the area, and will not be detrimental to the use or development of adjacent properties or the general neighborhood.

(3) Off-street parking shall be adequate to accommodate the proposed sale of products.

(4) Shall take place for no more than 45 consecutive days.

(g) Special Event

Special events are permitted in accordance with the standards and procedure in Ch. 14, Special Events Procedure, of the City Code.

(h) Temporary Use of an Accessory Use or Accessory Structure as a Principal Dwelling after a Catastrophe

An existing structure that is accessory to an existing principal dwelling that has been damaged or destroyed by a fire, hurricane, or other physical catastrophe may be temporarily used as the principal dwelling on the lot while the damaged or destroyed principal dwelling is being repaired or reconstructed, provided it complies with the following standards:

(1) The building or inhabited part shall meet all applicable building, health, and other regulations for a habitable dwelling.

(2) The building complies with any additional standards set forth in a Declaration of Emergency issued by authorized officials in response to the catastrophe.

(3) The building is removed or converted to an authorized accessory use within 30 days after issuance of the certificate of occupancy for the permanent principal dwelling. In no case shall the building be used as the principal dwelling for more than two years unless authorized by a longer time period set forth in a Declaration of Emergency issued by authorized officials in response to the catastrophe.

(i) Temporary Use of Factory-Fabricated, Transportable Building

Factory-fabricated, transportable buildings that are designed to arrive at the site ready for occupancy (except for minor unpacking and connection to utilities), and for relocation to other sites, may be temporarily placed on land, subject to the following standards:

(1) The building may be placed on a lot and temporarily used only for the following purposes:

(A) Temporary on-site expansion of space for an existing community services use, government administrative offices, health care use, place of worship, public school, or other community-serving institutional use pending implementation of City-approved plans for the permanent expansion of existing facilities.

(B) Temporary on-site office space for construction management and security uses during construction of new development in accordance with City-approved plans.

(C) Temporary on-site office space pending completion of permanent office space if a building permit has been issued for the permanent office space.

(D) A temporary on-site space for real estate sales or leasing activities associated with a new development pending construction of the development.

(E) Temporary on-site space for recreational use for a new residential development pending construction of permanent recreational facilities approved as part of the development.

[2] Except as otherwise provided in this LDC, the temporary building may be located anywhere on the site except within the following areas:

(A) Existing required landscaping or perimeter buffer areas;

(B) Areas designated as future required landscaping areas, whether or not vegetation currently exists;

(C) Natural areas, floodplains, and environmentally sensitive areas; and

(D) Other areas designated on the site for open space, vehicular access, or parking.

[3] Adequate off-street parking for the temporary building or room shall be provided in accordance with the minimum standards for number of off-street parking spaces in Section 5.2, Off-Street Parking, Bicycle, and Loading Standards.

[4] All permits required by applicable building, electrical, plumbing, and mechanical codes shall be obtained before placement of the temporary building or room.

[5] The temporary building or room shall be compatible with any existing buildings on the site in terms of exterior color.

[6] The exterior of the temporary building or room shall not be used to display advertising other than signage authorized by Section 5.10, Signs.

[7] Following issuance of a building permit, a temporary building erected in accordance with this subsection may be used for a period of 12 months. The temporary use may be extended for an additional 12 months, up to three times, with the written consent of the Community Development Director, except that an unlimited number of extensions are allowed for temporary classrooms for use as part of an existing public educational facility. In all other instances, the temporary building shall not remain on the site for more than four years.

[8] The temporary building shall be removed from the site within 30 days after issuance of the final Certificate of Occupancy for the permanent expansion, new development, permanent office space, permanent recreation facility, or other permanent facility.

ARTICLE 5. DEVELOPMENT STANDARDS

SECTION 5.1. MOBILITY AND CONNECTIVITY STANDARDS

5.1.1. Purpose

The purpose of this section is to ensure that developments are served by a coordinated multimodal transportation system that permits the safe and efficient movement of motor vehicles, emergency vehicles, transit, bicyclists, and pedestrians within the development and between the development and external transportation systems, neighboring development, and local destination points such as places of employment, schools, parks, and shopping areas. Such a multimodal transportation system is intended to:

(a) Provide transportation options;

(b) Increase the effectiveness of local service delivery;

(c) Reduce emergency response times;

(d) Promote walking and bicycling;

(e) Facilitate use of public transportation;

(f) Contribute to the attractiveness of the development and community;

(g) Connect neighborhoods and increase opportunities for interaction between neighbors;

(h) Reduce vehicle miles of travel and travel times;

(i) Reduce greenhouse gas emissions;

(j) Improve air quality;

(k) Minimize congestion and traffic conflicts; and

(l) Preserve the safety and capacity of the City's transportation systems.

5.1.2. Applicability

(a) **New Development**

All new development shall comply with the standards of this section.

(b) **Existing Development**

An expansion or alteration of development that existed on March 1, 2022 shall comply with the standards of this section to the maximum extent practicable, if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area, as measured over any five-year period.

(c) **Timing of Review**

Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.1(f), Planned Development) , site

plan (Sec. 2.5.2(a), Site Plan), subdivision (Sec. 2.5.2(b), Subdivision), site construction permit, or building permit, whichever occurs first.

5.1.3. Developer Responsible for Access and Circulation Improvements

The developer of the development being reviewed in accordance with this section shall provide the road, street, bikeway, sidewalk, and other access and circulation improvements, both on the development site and off the site as required by the approved development order, in accordance with the standards for design and construction in Appendix A: Engineering and Design Manual; Article 6: Subdivision Standards; and this Article 5: Development Standards; and shall dedicate any required rights-of-way or easements, as appropriate.

5.1.4. Multimodal Access and Circulation System

Development subject to the requirements of this section shall comply with the following standards:

(a) Multimodal Access and Circulation System

All developments shall be served by a system of sidewalks, paths, streets, accessways, and other facilities designed to provide for multiple travel modes (vehicular, transit, bicycle, and pedestrian), as appropriate to the development's size, character, and relationship to surrounding development and development patterns and existing and planned community transportation systems. Vehicular, transit, bicycle, and pedestrian access and circulation systems shall be coordinated and integrated so as to provide transportation choices within and to and from the proposed development, as appropriate.

(b) Cross Access Between Adjoining Development

(1) Vehicular Cross-Access

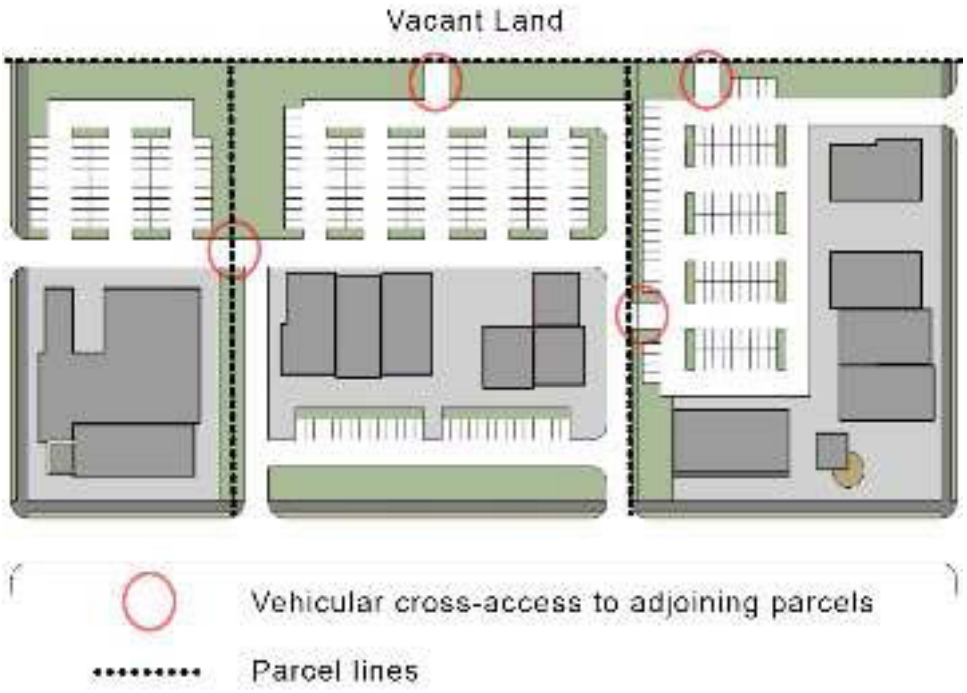
(A) An internal vehicular circulation system in nonresidential and mixed-use development that is subject to the requirements of this section shall be designed and constructed to provide vehicular cross-access between any parking lots within the development and any parking lots on adjoining parcels containing nonresidential or mixed-use development, and to the boundary of adjoining vacant land if it is in a Mixed-Use or Nonresidential district, and to a Planned Development district that includes nonresidential development. The cross-access shall consist of a driveway or drive aisle that is at least 22 feet wide and that provides two-way access. See Figure 5.1.4(b)(1): Example of Parking Lot Cross-Access.

(B) Easements allowing cross-access to and from lands served by a vehicular cross-access in accordance with subsection (A) above , along with agreements defining maintenance responsibilities of land owners pertaining to the vehicular cross-access, shall be recorded in the public records of Orange County.

(C) The Development Review Committee (DRC) may waive or modify the requirement for vehicular cross-access established in subsection (A) above on determining that

such cross–access is impractical or undesirable due to the presence of topographic conditions, natural features, vehicular safety factors, or land use conflicts.

Figure 5.1.4(b)(1): Example of Parking Lot Cross-Access



[2] Pedestrian Cross-Access

(A) Multifamily, nonresidential, or mixed-use development subject to the requirements of this section shall establish an internal pedestrian circulation system that is designed to allow for pedestrian walkway cross access between the development's buildings and parking areas and those on adjoining lots containing multifamily, nonresidential, or mixed-use development, and to vacant lands.

(B) Easements allowing cross-access to and from properties served by a pedestrian cross-access in accordance with subsection (A) above, along with agreements defining maintenance responsibilities of land owners, shall be recorded in the public records of Orange County.

(C) The Community Development Director may waive or modify the requirement for pedestrian cross-access established in subsection (A) above on determining that such cross–access is impractical or infeasible due to the presence of topographic conditions or natural features.

[3] Bicycle Facilities

All new development shall include bike lanes, bike paths, multiuse paths, or other facilities sufficient to allow safe and efficient bicycle access and circulation within the development and to connected developments where consistent with the City of Maitland Bike and Pedestrian Master Plan, as amended.

(c) Connectivity

(1) Street Layout Standards

All development that provides streets shall lay them out in accordance with Sec. 3.2, Streets, in Appendix A: Engineering and Design Manual.

(2) Cul-de-Sacs

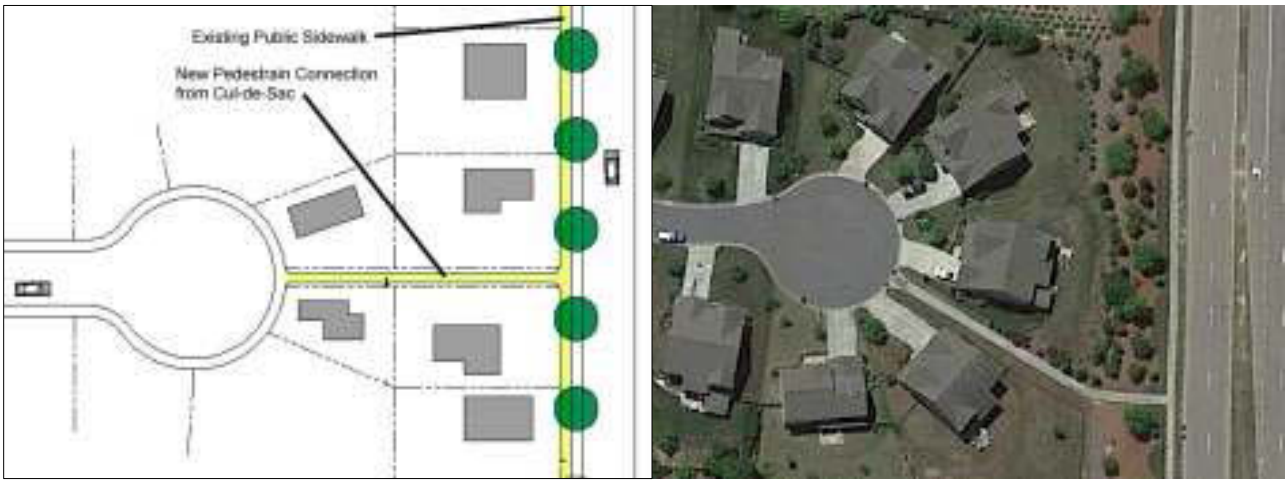
A right-of-way at least eight feet wide shall be provided in a single-family or two-family residential subdivision for pedestrian and bicycle access between a cul-de-sac head or street turnaround and the closest street or pedestrian path (as shown in Figure 5.1.4(c)(2): Pedestrian Connections), if the cul-de-sac:

(A) Is in close proximity (defined generally as within a one-quarter-mile) to significant pedestrian generators or destinations such as schools, parks, trails, greenways, employment centers, mixed use development, retail centers, or similar features; or

(B) Creates an unreasonable impediment to pedestrian circulation (defined generally as walking distance between uses on the cul-de-sac and uses on the closest street that is at least four times the actual physical distance between these two uses); and

(C) Can be reasonably connected to an existing or proposed sidewalk, trail, greenway, or other type of pedestrian connection.

Figure 5.1.4(c)(2): Pedestrian Connections



(3) Connectivity Index

(A) Minimum Connectivity Index Score Required

Except as provided in subsection (C) below, new subdivisions where at least 50 percent of the developed land area is dedicated to single-family dwelling units shall achieve an internal street connectivity index score of 1.7.

(B) Connectivity Score Index Calculation

The connectivity index score for a development is calculated by dividing its links by its nodes. Figure 5.1.4(c)(3)(B): Street Connectivity Index Illustration, provides an example of how to calculate the connectivity index.

1. A "link" refers to that portion of a street or alley defined by a node at each end or at one end. Approved stubs to adjacent property shall be considered links. A pedestrian connection provided through a cul-de-sac in accordance with subsection (2) above shall count as a link for purposes of this calculation.
2. A "node" refers to the terminus of a street or the intersection of two or more streets, except that intersections that use a roundabout shall not be counted as a node.

Figure 5.1.4(c)(3)(B): Street Connectivity Index Illustration



3. Street links and nodes within the collector or arterial streets providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

(C) Exceptions

The minimum connectivity index required by subsection (A) above may be reduced by the Community Development Director if the applicant demonstrates it is infeasible to achieve due to natural features, existing road configurations, or adjacent existing development patterns. In these instances, street design shall achieve as high a connectivity ratio as reasonably practical, especially by providing stub-outs and other potential connections that may be made in the future, including through public infrastructure improvements.

(d) Sidewalks

(1) Sidewalks are required to be constructed in accordance with Sec. 3.15(c), Sidewalks, in Appendix A: Engineering and Design Manual.

(2) Sidewalks shall be constructed when the most proximate structure which the sidewalk serves is completed. No certificate of occupancy on all structures under construction or to be constructed in the development by the particular builder shall be issued if sidewalks are not completed in accordance with this paragraph. No final inspection will be made and no surety bonds issued in favor of the City will be released until all required sidewalks are in place.

(e) **Bicycle Facilities**

All development shall provide connections to the City's bicycle and pedestrian path system identified in the Maitland Bicycle and Pedestrian Master Plan.

(f) **Transit Facilities**

Non-residential and mixed-use development subject to the requirements of this section with 50,000 gross square feet or more of floor area which is adjacent to a street that is or may be used as a transit route shall coordinate with the relevant public transportation agency and, if recommended by the public transportation agency, provide access for an on-site public transit stop. The public transit stop shall include a shelter and shall include a bus pullout if it is determined appropriate by the Community Development Director in consultation with the Public Works Director, the public transportation agency, and FDOT, as applicable.

5.1.5. Street Design

All new streets shall be designed and constructed in accordance with the standards in Section 3, Roads, in Appendix A: Engineering and Design Manual. Bridges shall be constructed in accordance with Sec. 6.3.8, Bridges and Culverts.

5.1.6. Traffic Impact Analysis (TIA)

A Traffic Impact Analysis (TIA) evaluates the impact that a proposed development may have on existing transportation infrastructure, including but not limited to impacts that the development may have on vehicular, bicycle, pedestrian, and transit systems. A TIA is required to be submitted with development applications subject to review for compliance with the standards of this section in accordance with the requirements in Section 3.16, Traffic Impact Analysis, of Appendix A: Engineering and Design Manual.

SECTION 5.2. OFF-STREET PARKING, BICYCLE, AND LOADING STANDARDS

5.2.1. Purpose

The purpose of this section is:

(a) To ensure adequate facilities for off-street vehicular parking and loading and bicycle parking in proportion to the generalized parking and loading demand of the different zone districts and different uses allowed by this LDC.

(b) To provide for adequate off-street vehicular parking while supporting walkable urbanism and bicycle storage in appropriate locations, and allowing the flexibility needed to accommodate alternative parking solutions.

(c) To ensure that off-street parking and loading areas do not encroach on or interfere with the public use of streets and alleys by pedestrians and provide for safe passage of pedestrians through the lot.

(d) To achieve comprehensive development plan policies of supporting development and redevelopment of the Downtown, redevelopment of office and mixed use development on the West Side, accommodating infill development that is consistent with the community's desired character, and avoiding excessive paved surface areas.

5.2.2. Applicability

(a) **New Development**

All new development shall provide off-street vehicular parking, bicycle parking, and loading areas in accordance with the standards of this section.

(b) **Existing Development**

(1) **Change of Use**

A change in use from a use permitted in the zone district to a different permitted use does not require the provision of any additional vehicular parking, bicycle parking, or loading areas.

(2) **Expansion**

If an existing structure or use is expanded or enlarged (in terms of the number of dwelling units, floor area, number of employees, or seating capacity), any additional off-street parking and loading spaces that may be required shall be provided in accordance with the requirements of this section as applied only to the expanded or enlarged part of the structure or use.

5.2.3. Parking and Loading Plan

All development applications subject to review for compliance with the standards of this section which propose more than ten off-street parking spaces shall include a parking and loading plan. The plan shall accurately designate the number and location of required vehicular parking spaces, delivery/pick-up/rideshare spaces, access aisles, driveways, bicycle parking spaces, and loading facilities, as applicable. The plan shall also illustrate how the vehicular and bicycle parking and loading facilities relate to the uses or structures they are designed to serve, including how they coordinate with the vehicular, pedestrian, bicycle, and transit circulation systems within and adjacent to the development. The plan shall also demonstrate any alternatives to the off-street vehicular surface parking requirements in Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, by providing the information required by Sec. 5.2.5(h), Off-Street Vehicular Parking Alternatives.

5.2.4. General Parking and Loading Area Standards

(a) Use of Parking and Loading Areas

(1) General

Parking lots required by this section shall be used solely for the parking of registered motorized vehicles in operating condition. Required parking spaces and loading berths shall not be used for the display of goods for sale (except for farmers' markets, food trucks, and seasonal sales permitted under this LDC), or the sale, lease, storage, dismantling, or service of any vehicles, boats, motor homes, campers, mobile homes, building materials, equipment, or supplies.

(2) Identified as to Purpose and Location

Parking lots of three or more spaces and all off-street loading areas shall include painted lines, wheel stops, or other methods of identifying individual parking spaces and loading berths and distinguishing such spaces or berths from aisles. Specific dimensional and marking standards are defined in subsection (d) below.

(3) Commercial Vehicles

Within a Residential zone district, no commercial vehicles except for recreational vehicles shall:

(A) Be parked at any time on privately-owned driveways or property located within any Residential zone district, except as provided in Sec. 18-24 of the City Code; or

(B) Be parked overnight on driveways or property unless parked in a fully enclosed garage.

(4) Special Parking Restrictions

(A) Major recreational equipment, airplanes, gliders, and utility trailers are subject to the following restrictions on parking and storage within a Residential zone district:

1. No airplane or glider may be parked or stored.

2. No houseboat may be parked or stored on land.

3. Major recreational equipment may be parked or stored on a lot with a residential use for no more than 48 hours during a seven-day period while loading and unloading, provided that the equipment is not used for living, sleeping, or housekeeping uses while on the lot or in any location not approved for such uses.

4. Major recreational equipment that exceeds 102 inches in width or a utility trailer may be parked or stored only if the equipment or trailer meets one of the following standards:

a. If a boat or houseboat, it is docked in the water or in a boathouse or launch attached to a waterway.

b. If a boat trailer, it is parked on a launch attached to a waterway.

c. The major recreational equipment is parked or stored entirely within a garage or carport; or

d. The major recreational equipment is registered in accordance with Florida law, includes a tag or sticker demonstrating such registration as required by law, and:

i. It is a boat that weighs in excess of 200 pounds, is operational, and is parked on a trailer on a paved or hard-packed driveway at least 15 feet from the edge of the pavement or road (if unpaved); or

ii. It is not a boat and is parked behind the nearest portion of a building to the road.

(B) Major recreational equipment that is less than 24 feet in length and that is used regularly as a private passenger vehicle by a resident of the lot may be parked on the lot only if its parked at least 15 feet from the edge of the pavement or road (if unpaved) and in accordance with the standards of this section.

(C) Vehicles or trailers which are not operable or which are not properly licensed and registered shall not be parked or stored on any lot within a Residential district except within a completely enclosed building.

(b) Surfacing

(1) General

(A) Except as provided in subsection (2) below, all parking lots and loading areas shall be surfaced with asphalt, concrete, brick, stone, pavers, or an equivalent hard, dustless, and bonded surface material. Use of surfacing that includes recycled materials (e.g., glass, rubber, used asphalt, brick, block, and concrete) is encouraged. These surfaces shall be maintained in a smooth, well-graded, clean, orderly, and dust-free condition.

(B) The use of pervious or semi-pervious parking lot surfacing materials, including but not limited to pervious asphalt and concrete, open joint pavers, and reinforced grass/gravel/shell grids, is encouraged and may be approved for parking lots and loading areas, provided such surfacing is subject to an on-going maintenance program (e.g., sweeping, annual vacuuming). Any pervious or semi-pervious surfacing used for aisles within or driveways to parking and loading areas shall be certified as capable of accommodating anticipated traffic loading stresses and maintenance impacts.

(2) Exceptions

The following uses shall provide off-street parking in accordance with the following:

(A) Single-Family and Two-Family (Duplex) Dwellings

Single-family and two-family dwellings may provide required off-street vehicular parking that:

1. Is covered with pervious materials such as crushed stone or gravel if such material is:
    a. Expressly designed for such purposes, including but not limited to bricks or railroad ties;
    b. Includes plastic/PVC landscaping or similar materials to serve as borders for any loose material; and
    c. Renewed or replaced as reasonably necessary to maintain a neat and orderly appearance; or
2. Includes surfacing in two strips ("tire ribbons") of a material specified in subsection 1 above, designed to provide a driving surface for the wheels of an automobile along the length of the parking space and/or driveway, provided the overall parking space complies with the minimum dimensional requirements in this section.

(B) Religious Institution, Education, and Parks and Open Space Uses

A Religious Institution or a use in the Education or Parks and Open Space categories may provide vehicular parking that is surfaced with grass, provided that the grass is maintained in good condition and adequate fire access is provided.

[c] Location and Arrangement

[1] Safe and Convenient Access

(A) Off-street vehicular parking lots and loading areas shall be arranged for convenient access between an adjacent street and all parking spaces and loading berths to facilitate ease of mobility, ample clearance, and safety of vehicles and pedestrians. Each off-street parking space and loading berth shall have adequate, unobstructed means for the ingress and egress of vehicles.

(B) Except for off-street vehicular parking serving single-family detached or two-family (duplex) dwellings, parking lots shall be arranged so no parking or maneuvering incidental to parking shall occur on a public street or sidewalk.

(C) Except for off-street vehicular parking serving single-family detached, two-family (duplex), and townhouse dwellings, parking lots shall be arranged so an automobile may be parked or un-parked without moving another automobile, unless it is within an automated or mechanical parking deck or garage or part of valet or tandem parking in accordance with Sec. 5.2.5(h)(4), Valet or Tandem Parking.

(D) Parking lots, aisles, pedestrian walks, 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.

(E) Buildings, parking and loading areas, landscaping, and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are minimally exposed to vehicular traffic.

(F) Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.

(G) Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family detached and two-family (duplex) dwellings, is not a public street.

(H) Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family detached or two-family (duplex) dwelling shall be counted as a parking space for the dwelling unit.

(I) The design of the parking lot 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.

(J) No parking space shall be located to block access by emergency vehicles.

(K) Access ways for internal traffic circulation of parking areas shall be a minimum of 18 feet in width for one-way traffic and 24 feet in width for two-way traffic with a minimum of 20 feet in width along a designated fire access route.

(L) Off-street loading areas shall be arranged so no loading berth extends into the required aisle of a parking lot or pedestrian walkway or over a water meter.

[2] Backing onto Streets Prohibited

Except for off-street vehicular parking areas serving single-family detached, two-family (duplex), and townhouse dwellings, all parking lots and loading areas shall be arranged so that no vehicle is required or encouraged to back out from such areas directly onto a street.

[d] Dimensional and Marking Standards

The following standards apply to all off-street vehicular serving three or more vehicles, except for parking areas serving a single-family or two-family (duplex) dwelling unit which are subject to the requirements of subsection (j) below.

[1] General Requirements

(A) Each required parking lot and space, and each off-street loading area and berth, shall be identified by surface markings that are arranged to provide for orderly and safe loading, unloading, parking, and storage of vehicles. Such markings — including striping, directional arrows, lettering on signs and in handicapped-

designated areas, and labeling of the pavement — shall be maintained to be readily visible at all times.

(B) Vehicular parking spaces and aisles shall comply with the standards in the most current version of the Traffic Engineering Handbook published by the Institute for Transportation Engineers (ITE), the standards in Table 5.2.4(d): Dimensional Standards for Parking Spaces and Aisles, and the standards in subsection (2) below for compact cars.

Table 5.2.4(d): Dimensional Standards for Parking Spaces and Aisles [1] [2]

Parking Angle (degrees)/ or Parking Space Type	Stall Width (ft)	Stall Depth Perpendicular to Curb (ft)	Aisle Width (ft) [3]	Stall Length along Curb (ft)
A	B	C	D	E
0	8	8	11	22
45	9	19	12	13
60	9	20	15	10.5
90	9	18	22	9
Compact	8	16	[4]	[4]
Tandem/valet	8	16	[4]	[4]
Single-family detached and duplex uses	8	16	[4]	[4]
Within development containing industrial services, manufacturing/production, or warehouse/freight movement uses	8	16	[4]	[4]

NOTES:

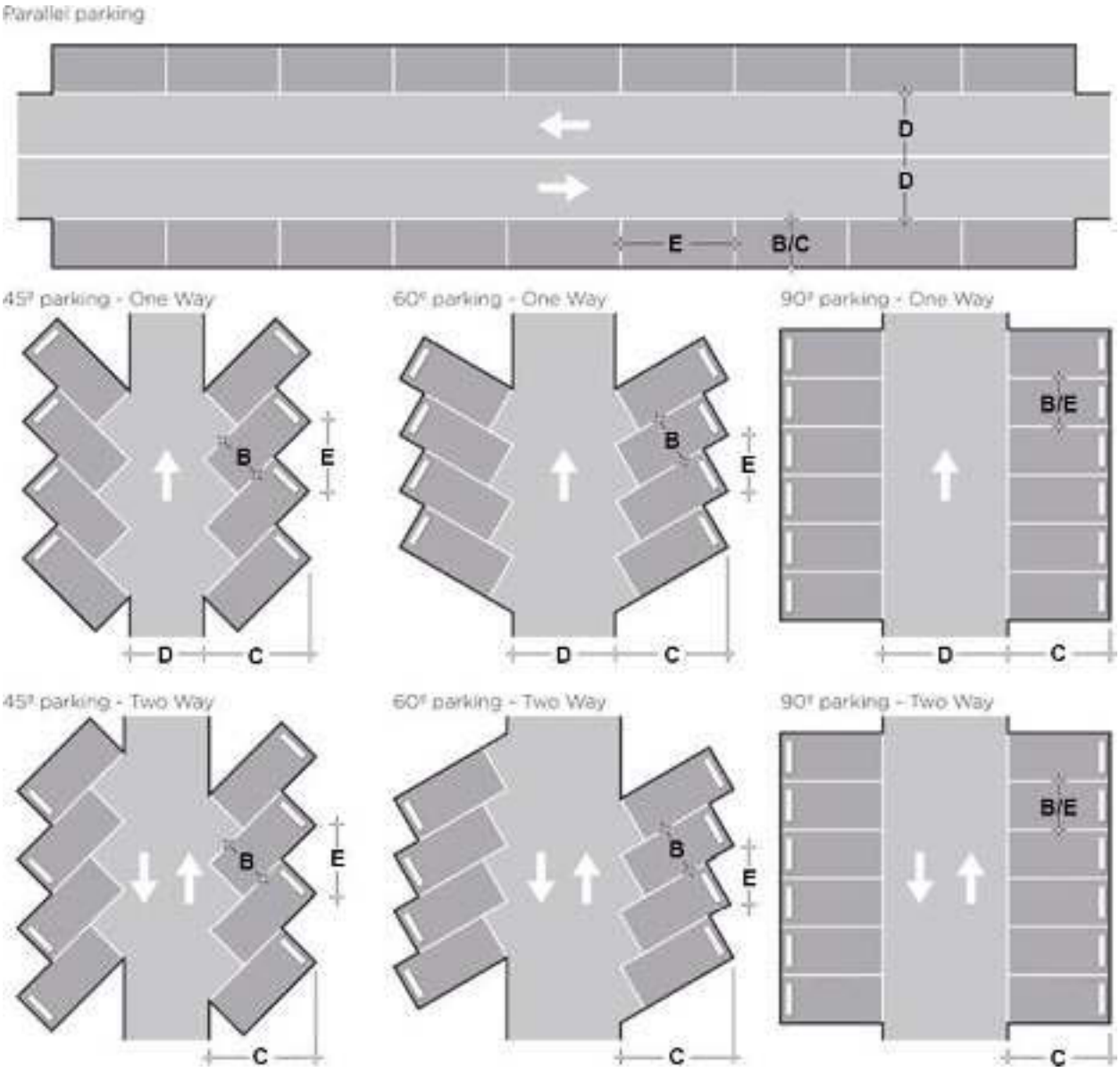
[1] Refer to Figure 5.2.4(d), below, for illustrations showing how dimensions for parking spaces and aisles in various configurations (A-E) are measured. Double row + aisle, curb to curb, is calculated by adding two stalls (C) and aisle width (D).

[2] Dimensional standards may be modified by the Public Works Director for ramped parking structures to ensure adequate room is provided.

[3] For one-way traffic; aisles for two-way traffic shall be at least 22 feet wide (for all parking angles). Any aisle used as a fire lane shall be at least 20 feet wide. The Public Works Director may approve an aisle width less than the minimum upon determining that the aisle is sufficiently wide to allow vehicles to conveniently maneuver through the parking area and access each parking space without driving through any other parking space.

[4] Measurements based on parking angle.

Figure 5.2.4(d): Measurement of Parking Space and Aisle Dimensions



[2] Compact Cars

Up to 15 percent of required off-street parking spaces may be designated for use by compact cars. The dimensions of such designated off-street parking stalls may be reduced to a width of eight feet and a depth/length of 16 feet per vehicle.

[3] Accessible Spaces

Development required to provide off-street vehicular parking spaces shall ensure that a portion of the total number of required off-street parking spaces are specifically designated, located, and reserved for use by persons with physical disabilities, in accordance with the standards in Sec. 316.1955, Fla. Stat.; Ch. 11, Florida Building Code; and the federal Americans with Disabilities Act Accessibility Guidelines.

(4) Vehicle Overhang

A maximum of a two-foot overhang is allowed from a curb or wheel stop onto a non-paved surface for all off-street vehicular parking spaces except parallel spaces. The two-foot overhang areas may not intrude onto pedestrian walkways, landscaped buffers, accessways, rights-of-way, or adjacent property not a part of the site.

(e) Exterior Lighting

Lighting in parking lots and loading areas shall comply with the standards of Section 5.9, Exterior Lighting Standards.

(f) Landscaping

Parking lots and loading areas shall be landscaped in accordance with Section 5.3, Landscape, Buffer, and Tree Protection Standards.

(g) Drainage

Parking lots and loading areas shall comply with all drainage requirements of this LDC and the City Code.

(h) Large Parking Lots

(1) Applicability

Parking lots containing 100 or more parking spaces shall be configured in accordance with the following standards.

(2) Primary Drive Aisle

Primary drive aisles within parking lots shall be designed to appear as an extension of the public street network extending from the public right-of-way along the full length of the primary façades of structures being served by the drive. Each primary drive aisle shall comply with the following standards (see Figure 5.2.4(h)(2): Location of Primary Drive Aisle):

(A) Have a minimum cross section width between curbs to serve two travel lanes;

(B) Include a sidewalk or curb-delineated pedestrian passageway along the front façade of a building when the drive aisle is aligned parallel to that building façade; and

(C) Provide street trees along both sides of the primary drive aisle with a maximum spacing of 50 feet on-center. Small-maturing trees may be used adjacent to the building façade within 40 feet of building entrances.

Figure 5.2.4(h)(2): Location of Primary Drive Aisle



(3) Pedestrian Pathway

The parking lot shall be visually and functionally segmented into smaller lots with landscape islands and strips through the use of fully-separated, improved pedestrian pathways that (see Figure 5.2.4(h)(3)-1: Example of Pedestrian Pathways):

(A) Are provided, at a minimum, every six parallel parking rows (every three double-row parking bays) or every 200 feet, whichever is the lesser dimension (see Figure 5.2.4(h)(3)-2: Pedestrian Pathway Configuration);

(B) Are enhanced with planted landscaping strips;

(C) Include, to the maximum extent practicable, a pathway aligned with and perpendicular to the primary entrance into the building served by the parking lot;

(D) Are paved with asphalt, cement, or other comparable material;

(E) Are of contrasting color or materials when crossing drive aisles;

(F) Follow applicable state and federal requirements while at a minimum are at least five feet wide when located within planting strips, and ten feet wide when crossing drive aisles;

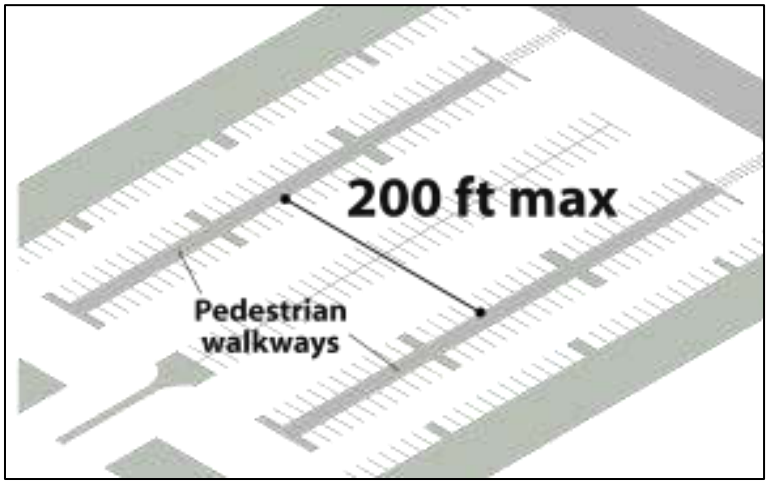
(G) Connect to all existing or planned adjacent transit and pedestrian facilities; and

(H) Provide safe and efficient pedestrian access to the use they serve.

Figure 5.2.4(h)(3)-1: Example of Pedestrian Pathways



Figure 5.2.4(h)(3)-2: Pedestrian Pathway Configuration



[4] Pick-Up and Drop-Off Areas

The parking lot shall include designated areas for pick-up and drop-off by visitors, taxis, or other mobility service providers. The designated pick-up and drop-off area shall not interfere with or block the movement of vehicles, pedestrians, or bicycles within the parking lot.

[i] Completion

All parking lots and loading areas shall be completed prior to the issuance of a certificate of occupancy for the development they serve. In the case of phased development, parking lots and loading areas are only required to be provided for the phase being developed.

[j] Single-Family and Two-Family Residences

[1] Off-street parking spaces for single-family detached and two-family (duplex) dwellings shall be a minimum of eight feet wide and 16 feet deep/long.

(2) Motor vehicles within the front yard of a single-family or two-family (duplex) dwelling unit shall only be permitted to be parked upon a paved area as depicted on an approved site plan, subject to the following conditions and exceptions:

(A) The paved parking area required by this subsection shall be located adjacent to a curb cut providing vehicular access between and street and off-street vehicular parking area and shall be constructed and surfaced in accordance with subsection (b)(2)(A) above. The parking area shall be surfaced with a non-erodible surface such as asphalt, concrete, pavers, or four inches of gravel with permanent border.

(B) Vehicles with traction engines, road rollers, vehicles that run only on a track, bicycles, and mopeds are not subject to this subsection.

(C) On single-family and two-family dwelling units constructed prior to April 1, 2018, without a paved parking area, front yard vehicle parking shall only be allowed on an area defined by the Community Development Director after application with proposed site plan by the residence owner. The Community Development Director shall approve the application if it defines an area appropriate for paved parking, including non-pervious and other restrictions. If a single-family or duplex dwelling unit is without a paved parking area sufficient to contain two standard four-wheeled automobiles, front-yard parking of motor vehicles immediately adjacent to the paved parking area shall be permitted.

5.2.5. Off-Street Vehicular Parking Standards

(a) Minimum Number of Off-Street Vehicular Parking Spaces

Except as provided in subsections (b) and (f) below, or in accordance with reductions allowed elsewhere in this section or LDC, all development is required to provide the minimum number of off-street parking spaces in accordance with Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, based on the principal use(s) involved and the extent of development. Interpretation of the off-street vehicular parking space standards for principal uses with variable parking demands or unlisted principal uses shall be in accordance with Sec. 5.2.5(e), Unlisted Uses.

Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces

Principal Use Category/Type	Proposed Standards in all but DM and DM-PD Districts	Proposed Standards in DM and DM-PD Districts
Residential		
Household Living		
Dwelling, single-family detached	2/du	2/du
Dwelling, townhouse	1.75/du and	1/du

Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces		
Principal Use Category/Type	**Proposed Standards in all but DM and DM-PD Districts**	**Proposed Standards in DM and DM-PD Districts**
	0.1/du for visitors	
Dwelling, two-family (duplex)	2/du	2/du
Dwelling, three-family	5/building	N/A
Dwelling, four-family	7/building	N/A
Dwelling, live-work	1/du	1/du
Dwelling, multifamily	Studio apt: 1/ du Other units: 1.75/du and an additional 0.1/resident for visitors	1/du
Dwelling, unit within professional office building for owner or custodian	1/du	N/A
Group Living		
Assisted care community	1/4 beds, and 1/500 sf of office	1/4 beds, and 1/1,000 sf of office
Foster care home	1/bedroom	N/A
Group dwelling or lodging home	1 + 1/guest room	N/A
Group home, small Group home, large	1/2 beds	N/A
Public, Civic & Institutional		
Community Service		
Cemetery	1/acre, up to 10 total	N/A
Child care center	1/10 children	1/15 children
Community center/civic club	4/1,000 sf	2/1,000 sf
Community service facility	4/1,000 sf	2/1,000 sf
Cultural facility	3/1,000 sf	1.5/1,000 sf
Government building	3/1,000 sf	1.5/1,000 sf
Post office	1/2 employees, plus 1/office vehicle, plus 4/service window	1/3 employees, plus 1/office vehicle, plus 6/service window
Religious Institution	1/4 seats in auditorium or chapel	1/5 seats in auditorium or chapel
Education		

Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces		
Principal Use Category/Type	**Proposed Standards in all but DM and DM-PD Districts**	**Proposed Standards in DM and DM-PD Districts**
School, higher education (college or university)	1/2 faculty/FTE, plus 2/1,000 sf classroom and research space	1/3 faculty/FTE, plus 1/1,000 sf classroom and research space
School, secondary (K-12)	K-9th grades: 1/8 students (design capacity) 10th – 12th grades: 1/3 students	K-9th grades: 1/12 students (design capacity) 10th – 12th grades: 1/3 students
School, vocational or trade	1/2 students, plus 1/employee	1/4 students, plus 0.5/employee
Health Care		
Clinic and laboratory	4/1,000 sf	2/1,000 sf
Hospital	1/4 beds, plus 1/doctor, plus 1/4 other employees	1/6 beds, plus 1/doctor, plus 1/6 other employees
Nursing home	2/1,000 sf	1.5/1,000 sf
Outpatient care facility (including urgent care)	3/1,000 sf	1.5/1,000 sf
Pain management clinic	3/1,000 sf	N/A
Parks and Open Space		
Arboretum/botanical garden	No minimum	No minimum
Aviary/bird sanctuary	No minimum	N/A
Community garden	No minimum	No minimum
Park, neighborhood	No minimum	No minimum
Park, community	No minimum	No minimum
Utility, Transportation, and Communication		
Bus or rail terminal, private	2/1,000 sf office facilities, plus 2.5/1,000 sf passenger waiting area	1/1,000 sf office facilities, plus 1/1,000 sf passenger waiting area
Newspaper/periodical publishing establishment	3/1,000 sf	1.5/1,000 sf
Park-and-ride lot	No minimum	N/A
Parking facility, private	No minimum	No minimum

Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces		
Principal Use Category/Type	**Proposed Standards in all but DM and DM-PD Districts**	**Proposed Standards in DM and DM-PD Districts**
Parking facility, public	No minimum	No minimum
Solar energy collection facility, large-scale	2/1,000 sf office facilities	N/A
Television and radio station	3/1,000 sf	1.5/1,000 sf
Transportation terminal and station	2/1,000 sf office facilities, plus 2.5/1,000 sf passenger waiting area	1/1,000 sf office facilities, plus 1/1,000 sf passenger waiting area
Utility facility, major	2/1,000 sf office facilities	1/1,000 sf office facilities
Utility facility, minor	No minimum	No minimum
Wireless communication facility/tower	No minimum	No minimum
Commercial		
Animal Uses		
Animal kennel	4/1,000 sf	2/1,000 sf
Veterinary hospital or clinic	3/1,000 sf	1.5/1,000 sf
Business Support Services		
Call center	4/1,000 sf	2/1,000 sf
Conference or training center	4/1,000 sf training or display space, plus 2/1,000 sf office or administrative space	2/1,000 sf training or display space, plus 1/1,000 sf office or administrative space
Employment agency	4/1,000 sf	2/1,000 sf
Eating, Drinking, and Entertainment		
Bars, taverns, and nightclubs	8/1,000 sf seating area	4/1,000 sf seating area
Limited service eating and drinking establishments	1/4 seats [1]	1/6 seats [1]
Microbrewery or micro-distillery	10/1,000 sf seating area	5/1,000 sf seating area
Restaurant, take-out/delivery only	5/1,000 sf	2.5/1,000 sf
Restaurant, sit-down	1/4 seats [1]	1/8 seats [1]
Funeral and Mortuary Services		
Crematory	No minimum	N/A

Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces		
Principal Use Category/Type	**Proposed Standards in all but DM and DM-PD Districts**	**Proposed Standards in DM and DM-PD Districts**
Funeral home	1/150 sf assembly area	N/A
Office		
Contractors' office	3/1,000 sf	1.5/1,000 sf
General business office	3/1,000 sf	1.5/1,000 sf
Professional office	3/1,000 sf	1.5/1,000 sf
Personal Services		
Arts, performing arts, and craft studios	3/1,000 sf	1.5/1,000 sf
Beauty salon, barber shop, nail salon	2.5/1,000 sf	1.5/1,000 sf
Interior decorating shop	2.5/1,000 sf	1.5/1,000 sf
Laundry or dry cleaning establishment	2/1,000 sf	1.5/1,000 sf
Laundry, self-service	2.5/1,000 sf	1.5/1,000 sf
Lawn care, pool, or pest control service	2.5/1,000 sf	N/A
Massage therapy establishment	3/1,000 sf	1.5/1,000 sf
Personal or household goods repair shop	2.5/1,000 sf	1.5/1,000 sf
Personal training studio	3/1,000 sf	1.5/1,000 sf
Print shops, job printing, bindery, silk screening	2.5/1,000 sf	1.5/1,000 sf
Travel agency	3/1,000 sf	1.5/1,000 sf
Recreation and Tourism		
Arena, stadium, or amphitheater	1/3 seats [1]	N/A
Hotel or Motel	1/guest room, plus 1/2 employees, plus 5/1,000 sf of restaurant space or meeting/ banquet area	0.5/guest room, plus 1/4 employees, plus 2.5/1,000 sf of restaurant space or meeting/ banquet area
Recreation facility, indoor	6/1,000 sf	3/1,000 sf
Recreation facility, outdoor	5/1,000 sf activity area	2.5/1,000 sf activity area
Short-term rental unit	1/2 guests	N/A
Theater	1/4 seats [1]	1/8 seats [1]

Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces		
Principal Use Category/Type	**Proposed Standards in all but DM and DM-PD Districts**	**Proposed Standards in DM and DM-PD Districts**
Retail Sales		
Alcoholic beverage retail sales	3/1,000 sf	1.5/1,000 sf
Bank or financial institution	2.5/1,000 sf	1.5/1,000 sf
Computer hardware service	3/1,000 sf	1.5/1,000 sf
Consumer goods establishment (10,000 square feet or less)	4/1,000 sf	2/1,000 sf
Consumer goods establishment (more than 10,000 square feet)	3.75/1,000 sf	2/1,000 sf
Drugstore/pharmacy	4/1,000 sf	2/1,000 sf
Grocery store and food market	4/1,000 sf	2/1,000 sf
Shopping center	4/1,000 sf	2/1,000 sf
Vehicle Sale, Rental, Service, and Repair		
Automobile repair and service garages	4/1,000 sf	N/A
Automobile service station	3.5/1,000 sf	N/A
Mobility services	3/1,000 sf office space	3/1,000 sf office space
Personal vehicle rentals	3/1,000 sf	1.5/1,000 sf
Personal vehicle sales	3/1,000 sf	N/A
Light Industrial, Research and Development, and Warehousing		
Industrial Service		
Educational, scientific, or industrial research or development	2/1,000 sf	N/A
Manufacturing or Production		
Manufacturing, assembly or fabrication, light	2/1,000 sf	N/A
Warehouse and Freight Movement Uses		
Moving and storage facility	2/1,000 sf office	N/A
Warehouse, distribution	2/1,000 sf office	N/A

Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces		
Principal Use Category/Type	**Proposed Standards in all but DM and DM-PD Districts**	**Proposed Standards in DM and DM-PD Districts**
Warehouse, storage	2/1,000 sf up to 5 spaces, plus 0.3/1,000 sf thereafter	N/A
gfa = Gross Floor Area **NOTES:** [1] If seating is fixed, the number of seats is based on actual number of seats within the use. If seating is not fixed, the number of seats is based on maximum capacity per fire code.		

(b) Maximum Number of Off-Street Vehicular Parking Spaces

(1) For residential uses in the DM or DM-PD districts and all uses in the NC district, the maximum number of vehicular parking spaces that may be provided is 1.2 times the minimum number of parking spaces required in accordance with Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces.

(2) For non-residential uses in the DM or DM-PD districts, the maximum number of vehicular parking spaces that may be provided is the same as the minimum number of off-street vehicular parking spaces required to be provided outside the DM and DM-PD Districts in accordance with Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces. Additional vehicular parking spaces may be provided if all spaces in excess of the maximum are made available for use by the general public.

(c) Electric Vehicle Charging Stations

(1) An off-street parking area with more than 35 parking spaces shall provide EV charging stations in at least two of the first 35 parking spaces, make three of those spaces electric-vehicle ready, plus provide two additional EV charging stations and three additional electric-vehicle ready parking spaces for each 75 additional parking spaces.

(2) Parking spaces used as EV charging stations in accordance with subsection (1) above shall:

(A) Be Level 2 or Level 3 charging stations;

(B) Be consolidated into groups of contiguous spaces located where they can be readily identified by drivers (e.g. through signage); and

(C) Comply with the standards in Sec. 4.3.4(h), Electric Vehicle Charging Station.

(3) Parking spaces that are electric-vehicle ready in accordance with subsection (1) above shall be served by dedicated and electric circuits and underground conduits adequate to support future installation of EV charging stations.

(d) Rideshare and Delivery

Vehicular parking spaces that are reserved for rideshare/taxi pick-up and drop-off in accordance with Sec. 5.2.4(h)(4) above, or for small-scale delivery service such as food delivery, shall reduce the amount of minimum parking required in accordance with Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, by a 1:1 ratio. This reduction is in addition to any other reductions permitted in this Section 5.2.5.

(e) Unlisted Uses

An applicant proposing to develop a principal use that is unlisted in Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, shall propose the amount of required vehicular parking by one of the three methods below. On receiving an application, the Community Development Director shall determine the amount of required vehicular parking using the applicant's methodology or the other methods listed, and may require that the applicant prepare a study as described in subsection (3) below:

(1) Apply the minimum off-street parking space standard for the listed use that the Community Development Director deems most similar to the proposed use;

(2) Establish the minimum off-street parking space standard by reference to standard parking resources published by the Institute for Transportation Engineers (ITE), Urban Land Institute (ULI), National Parking Association, or the American Planning Association (APA); or

(3) Conduct a parking demand study to demonstrate the appropriate minimum off-street parking space standard. The study shall estimate parking demand based on the recommendations of the ITE, ULI, or another acceptable source of parking demand data. This demand study shall include relevant data collected from uses or combinations of uses that are the same or comparable to the proposed use in terms of density, scale, bulk, area, type of activity, and location.

(f) Change of Use

Where an applicant proposes to change the use of a building to a new use that has increased parking standards, but the site cannot reasonably accommodate the additional parking required by the new use and the applicant demonstrates it is not feasible to use any of the off-street vehicular parking alternatives in subsection (h) below, the DRC is authorized to reduce the amount of parking otherwise required upon determining that the reduction will not adversely impact surrounding properties or traffic patterns.

(g) Mixed-Use Development

(1) Unless an alternative parking plan is approved in accordance with subsection (h) below, development containing more than one use shall provide parking spaces in an amount equal to the total of the standards for all individual uses.

(2) An applicant for a development containing more than one use may submit an alternative parking plan that proposes a reduction in the minimum number of required off-street parking spaces for the development based on a comprehensive analysis of parking

demand for each use by time of day, in addition to any other reduction for off-street parking alternatives.

(3) Combined on-site parking provisions for a site or parcel may be re-evaluated by the Community Development Director when there is proposed revision to the use or property that would require additional parking in accordance with this section, such as an increase in square footage of structures/buildings affected by the agreement, seating, or employee counts for restaurants.

(h) Off-Street Vehicular Parking Alternatives

The Community Development Director is authorized to approve a parking plan that modifies the number of off-street vehicular parking spaces required by Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, in accordance with the following standards.

(1) Parking Study

An applicant may prepare and submit an alternative parking study, using professionally accepted methods of transportation engineering and off-street parking demand, which demonstrates that an amount of parking different from that required by Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, is appropriate for the development.

(2) Off-Site and Off-Site Shared Parking

An alternative parking plan may propose to reduce on-site parking by up to 25 percent of the spaces required by Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, by providing off-street vehicular parking spaces in an off-site parking facility in accordance with the following standards:

(A) Location

All off-site vehicular parking spaces shall be located within a maximum walking distance of the primary pedestrian entrances to the uses served by the parking, in accordance with Table 5.2.5(h)(2)(A): Allowed Distances for Shared Parking. Distance shall be measured by the actual distance of the pedestrian pathway from the shared parking area to the primary pedestrian entrance(s) along a route that complies with the standards of subsection (B) below, not a straight-line, point-to-point distance.

Table 5.2.5(h)(2)(A): Allowed Distances for Off-Site and Shared Parking

Primary Use	Maximum Allowed Distance
Residential uses (including mixed-uses)	800 feet
All other uses	1,250 feet

(B) Access and Signage

1. Adequate and safe pedestrian access shall be provided between the off-site parking area and the primary entrances to the uses served by the parking, by a pedestrian pathway protected by landscape buffer or a curb separation and elevation from the street grade.
2. Off-site parking spaces shall not be separated from the use they serve by an arterial street unless pedestrian access across the arterial street is provided by appropriate traffic controls (such as a signalized crosswalk) or a separated pedestrian pathway (such as a bridge or tunnel).
3. Signage complying with the standards in Section 5.14, Signs, shall be provided to direct the public to the shared parking spaces.

(C) Justification

If the off-site parking is shared with other uses, the alternative parking plan shall include justification of the feasibility of shared parking among the proposed uses. Such justification shall address, at a minimum, the size and type of the uses proposed to share off-street parking spaces, the composition of their tenants, the types and hours of their operations, the anticipated peak parking and traffic demands they generate, and the anticipated rate of turnover in parking space use.

(D) Accessible Parking

Parking spaces required to be accessible to persons with disabilities in accordance with Sec. 5.2.4(d)(3) above shall not be provided in an off-site parking facility.

(E) Agreement Required

If land containing the off-site parking area is not under the same ownership as land containing the principal use served, if both lands are under the same ownership at the time the off-site parking area is established and ownership of one is subsequently transferred independent of the other, or if multiple uses are sharing parking, then the off-site parking arrangement shall be established in a written agreement that complies with the following requirements:

1. The agreement shall include as parties the owners of land containing the off-site parking area and all owners or long-term lessees of lands containing the uses proposed to share off-street parking spaces.
2. If the agreement is for exclusive use of off-site parking by a single use, the agreement shall provide the owner of the served use the right to use the off-site parking area and shall specify that the parking spaces are for the exclusive use of the served use, including any customers and employees.
3. If the agreement is for use of shared parking by multiple users, the agreement shall provide all parties the right to joint use of the shared parking area and shall ensure that as long as the off-site parking is needed to comply with this section, land containing either the off-site parking area or the served use will

not be transferred except in conjunction with the transfer of land containing the other.

4. The agreement shall state that no party can cancel the agreement without first sending notice via certified mail to the Community Development Director at least 30 days prior to the termination of the agreement.

5. The agreement shall be submitted to the Community Development Director for review and approval before execution.

6. An attested copy of an approved and executed agreement shall be recorded in the public records of Orange County before issuance of a building permit for any use to be served by the off-site parking area.

7. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner.

8. A violation of the agreement shall constitute a violation of this LDC, which shall be enforced in accordance with Article 9: Enforcement.

9. No use served by the off-site parking may be continued if the off-site parking becomes unavailable to the use permanently or for longer than 30 days, unless substitute off-street parking spaces are provided in accordance with this subsection.

(F) Other Provisions

When the uses or property subject to a shared parking agreement are proposed to change, or a shared parking agreement expires, the Community Development Director is permitted to require a revised shared parking study and, whether or not a revised shared parking study is prepared, may:

1. Revoke the shared parking agreement if it is determined that it is no longer necessary to meet parking requirements of the uses; or

2. Require a new shared parking agreement or other types of additional parking when the revised parking study indicates that additional parking is required.

[3] Deferred Parking

An alternative parking plan may propose to defer construction of up to 25 percent of the number of off-street vehicular parking spaces required by Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces, in accordance with the following standards:

(A) Justification

The alternative parking plan shall include a study demonstrating that because of the location, nature, mix of uses, or other unique site characteristics, there is a reasonable probability the number of parking spaces actually needed to serve the development is less than the minimum required by Table 5.2.5(a): Minimum Number of Off-Street Vehicular Parking Spaces.

(B) Reserve Parking Plan

The alternative parking plan shall include a reserve parking plan identifying the amount of off-street parking spaces proposed to be deferred and the location of the area to be reserved for future parking, if future parking is needed.

(C) Parking Demand Study

1. The alternative parking plan shall provide assurance that within 24 months after the final certificate of occupancy is issued for the proposed development, an off-street parking demand study evaluating the adequacy of the existing parking spaces in meeting the off-street parking demand generated by the development will be submitted to the Community Development Director. However, if the Community Development Director determines that additional time beyond 24 months is needed to determine whether the supply of parking is adequate to meet demand (for example, due to phasing of project development), the Community Development Director has discretion to delay the preparation of the parking report for up to 24 additional months.

2. If the Community Development Director determines that the study demonstrates the existing parking is adequate, then construction of the remaining number of parking spaces shall not be required. If the Community Development Director determines that the study indicates additional parking is needed, such parking shall be provided consistent with the reserve parking plan and the standards of this section.

(D) Limitations on Reserve Areas

Areas reserved for future parking shall be brought to the finished grade and shall not be used for buildings, storage, loading, or other purposes. Such area may be used for temporary overflow parking, provided such use is sufficiently infrequent to ensure maintenance of its ground cover in a healthy condition.

(E) Landscaping of Reserve Areas Required

Areas reserved for future off-street parking shall be landscaped with an appropriate ground cover and, if not ultimately developed for off-street parking, shall be landscaped in accordance with Section 5.3, Landscape, Buffer, and Tree Protection Standards.

[4] Valet or Tandem Parking

An alternative parking plan may propose to use valet and tandem parking to meet a portion of the minimum number of off-street parking spaces required for commercial uses in accordance with the following standards:

(A) Number of Valet or Tandem Spaces

No more than 35 percent of the total number of parking spaces provided shall be designated for valet or tandem spaces except for restaurant uses, where up to 50

percent of spaces may be designated for valet parking, and hotel uses, where up to 60 percent of parking spaces may be designated for valet parking.

(B) Drop-Off and Pick-Up Areas

The development shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building served, but shall not be located in a fire lane or where its use would impede vehicular and/or pedestrian circulation, cause queuing in a public street, or impede an internal drive aisle serving the development. Drop-off and pick-up areas shall not be allowed to use sidewalks for any stationing of vehicles.

(C) Valet or Tandem Parking Agreement

1. Valet or tandem parking may be established and managed only in accordance with a valet or tandem parking agreement. The agreement shall run with the use being served by the valet or tandem parking, and include provisions ensuring that a valet parking attendant will be on duty during hours of operation of the uses served by the valet parking.
2. The agreement shall be submitted to the Community Development Director for review and approval before execution.
3. An attested copy of an approved and executed agreement shall be recorded in the public records of Orange County before issuance of a building permit for any use to be served by the valet or tandem parking.
4. The agreement shall be considered a restriction running with the land and shall bind the heirs, successors, and assigns of the landowner. A violation of the agreement shall constitute a violation of this LDC, which may be enforced in accordance with Article 9: Enforcement.
5. No use served by valet or tandem parking may be continued if the valet or tandem service becomes unavailable, unless substitute off-street parking spaces are provided in accordance with this section.

5.2.6. Vehicle Stacking Standards

Development shall provide stacking space for vehicles in accordance with the following:

[a] Drive Through and Similar Facilities

[1] Required Number of Stacking Spaces

Uses with drive through facilities and other auto-oriented uses where vehicles queue up to access a service facility shall provide at least the minimum number of stacking spaces established in Table 5.2.6(a): Minimum Stacking Spaces for Drive-Through and Similar Facilities.

Table 5.2.6(a): Minimum Stacking Spaces for Drive-Through and Similar Facilities

Use or Activity [1]	Minimum Number of Stacking Spaces		Measured From
Automobile repair and service garages, specifically with car wash and auto detailing, automatic	4 per bay		Bay entrance
Automobile repair and service garages, specifically with car wash and auto detailing, self-service	2 per bay		Bay entrance
Automobile repair and service garages, specifically with oil change/lubrication shop	3 per bay		Bay entrance
Bank, retail, or bank, finance, and insurance office with drive-through facility	4 per lane		Teller window or teller machine
Gated driveway (for any principal use)	3		Gate
Recycling drop-off center	3 per bay		Bay entrance
Restaurant with drive-through	8 total	4	Order box
		4	Between order box and pick-up window
School, secondary (K-8 or K-12) School, vocational or trade	As determined necessary by the Public Works Director following consultation with school administration and review of stacking spaces provided at comparable facilities		
Other	Uses not specifically listed are determined by the Community Development Director based on standards for comparable uses, or alternatively based on a parking demand study		

NOTES

[1] See Article 4: Use Regulations.

[2] Stacking Space Standards

(A) Required stacking spaces shall:

1. Be a minimum of ten feet wide and 20 feet long;

2. Be contiguous;

3. Not impede onsite or offsite vehicular traffic movements or movements into or out of off-street parking spaces;

4. Not impede onsite or offsite bicycle or pedestrian traffic movements; and

5. Be separated from access aisles and other vehicular surface areas by raised medians, if necessary for traffic movement and safety.

(B) The Public Works Director may require a study to evaluate the safety of the proposed stacking arrangement.

(b) Vehicular Surface Area Entrance Driveways

All uses other than townhouses or dwellings with fewer than five units in a single building shall provide stacking lanes between the edge of the street right-of-way and entrances into off-street parking areas in accordance with the minimum stacking lane distance established in Table 5.2.6(b): Minimum Stacking Lane Distance for Vehicular Surface Area Entrance Driveway (see Figure 5.2.6(b): Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway).

Table 5.2.6(b): Minimum Stacking Lane Distance for Vehicular Surface Area Entrance Driveway

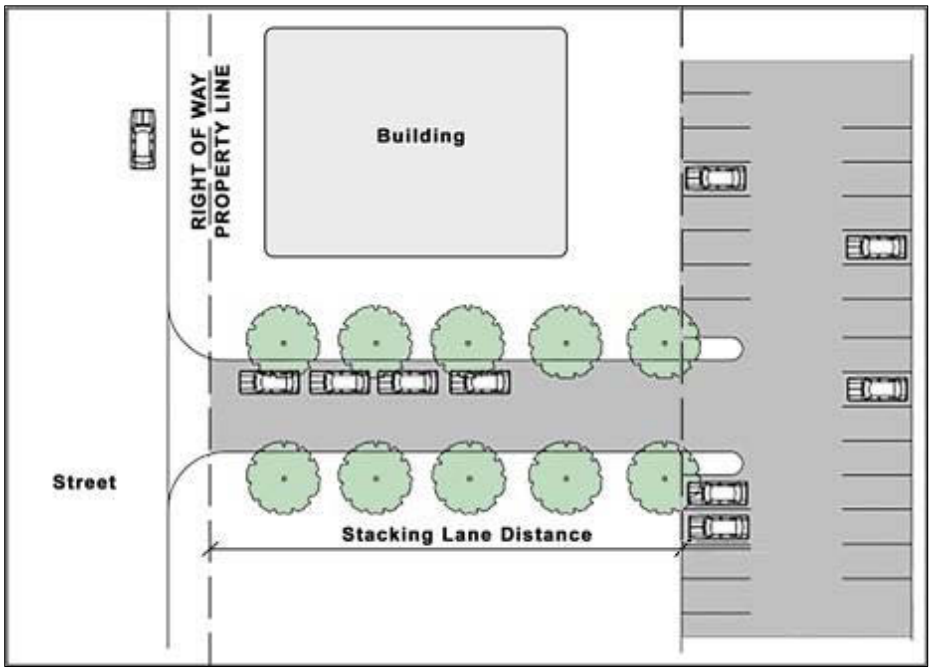
Number of Off-Street Parking Spaces [1]	Minimum Stacking Lane Distance (ft) [2]
1 – 49	25
50 – 249	50
250 – 499	100
500 or more	100 + 15 ft for every additional 50 spaces beyond 500

NOTES

[1] Entrances into parking structures may be credited towards the stacking lane distance standard provided the parking structure entrance is accessed from a development driveway and not a primary drive aisle. If the parking structure contains a gate that restricts entry, the stacking lane distance is measured from the gate; otherwise, it is measured in accordance with note [2].

[2] Stacking lane distance is measured from the intersection of the drive with the street right-of-way, along the centerline of the stacking lane, to its intersection with the near edge of the first entrance into a parking area or other internal intersecting driveway.

Figure 5.2.6(b): Measurement of Stacking Lane Distance for Vehicular Surface Area Entrance Driveway



5.2.7. Bicycle Parking Standards

(a) Minimum Bicycle Parking Required

The following shall include short-term and long-term bicycle parking spaces in accordance with Table 5.2.7(a): Bicycle Parking Standards:

(1) All new development; and

(2) Any individual expansion or alteration of a building existing prior to March 1, 2022 if the expansion increases the building's gross floor area by 50 percent or more, or if the alteration involves 50 percent or more of the building's gross floor area (including interior alterations), provided no long-term bicycle parking is required if the building has a gross floor area of less than 10,000 square feet after the expansion or alteration.

Table 5.2.7(a): Bicycle Parking Standards

Use Categorization	DM, DM-PD, and WS Districts	All Other Districts
Any multifamily residential use	0.2 per dwelling unit (minimum 2)	0.1 per dwelling unit (minimum 2)
All other uses	10 percent of minimum requirement for vehicular parking spaces in Sec. 5.2.5, Off-Street Vehicular Parking Standards, including any	4 percent of minimum requirement for vehicular parking spaces in Sec. 5.2.5, Off-Street Vehicular Parking Standards, including any

Table 5.2.7(a): Bicycle Parking Standards		
Use Categorization	**DM, DM-PD, and WS Districts**	**All Other Districts**
	applicable reductions (minimum 2)	applicable reductions (minimum 2)

(b) Type of Bicycle Parking

A minimum of 75 percent of the bicycle parking required to be provided in accordance with this section shall be short-term bicycle parking (see subsection (e) below), unless the applicant demonstrates to the Community Development Director that an alternate ratio of short-term to long-term bicycle parking would better meet the intent of this section.

(c) Reduction Based on Alternative Bicycle Parking Justification

The Community Development Director may authorize up to a 25 percent reduction in the minimum number of bicycle parking spaces required by Table 5.2.7(a): Bicycle Parking Standards, if the applicant:

(1) Demonstrates the demand and need for bicycle parking on the site is less than required by this section because of the site's location, the site design, proximity to transit, or other factors; or

(2) Offers a strategy that demonstrates other non-auto and non-bicycle travel modes will be used by occupants and users of the development that reduces the demand for bicycle parking spaces.

(d) Bicycle Parking Space Standards

Bicycle parking spaces shall comply with the following requirements:

(1) Surfacing

A bicycle parking space shall be located on a paved or similar hard, all-weather surface, having a slope not greater than three percent.

(2) Lighting

Lighting shall be provided for bicycle parking spaces that are accessible to the public or bicyclists after dark.

(3) Dimensional Standards

(A) The minimum dimensional requirements for a bicycle parking space are:

1. Six feet long by two feet wide (see Figure 5.2.7(d)(3)(A)1: Example of Bicycle Parking Space and Parking Rack Dimensional Standards); or

2. If designed for vertical storage, four feet long by two feet wide by eight feet high (see Figure 5.2.7(d)(3)(A)2: Example of Vertical Bicycle Parking Dimensional Standards).

Figure 5.2.7(d)(3)(A)1: Example of Bicycle Parking Space and Parking Rack Dimensional Standards

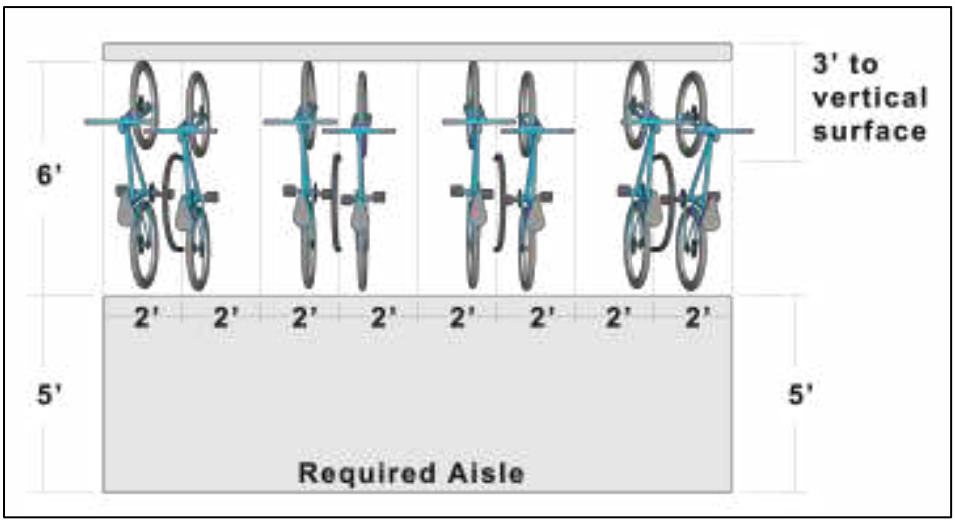
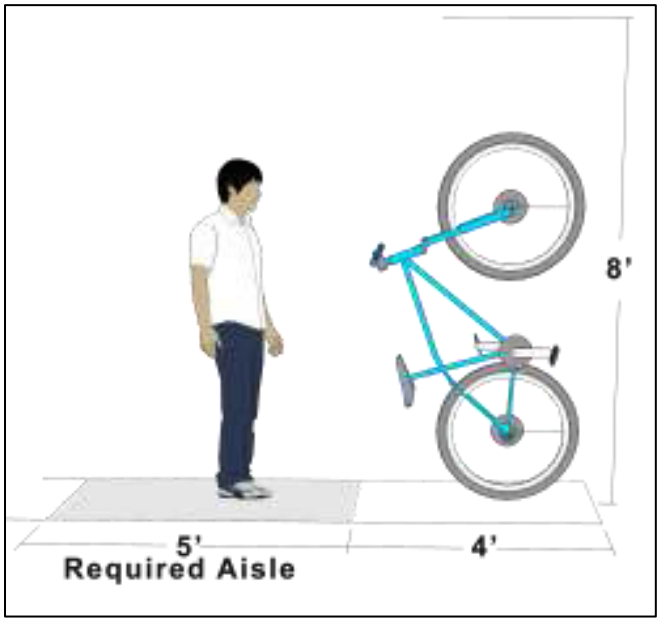


Figure 5.2.7(d)(3)(A)2: Example of Vertical Bicycle Parking Dimensional Standards



(B) A bicycle parking space shall be accessible without moving another parked bicycle.

(C) No more than 25 percent of required short-term bicycle parking spaces and 25 percent of required long-term bicycle parking spaces shall be vertical or wall-mounted parking.

[4] Signage and Maintenance

(A) Bicycle parking is encouraged to be visible from the main entrance of the building it serves; however, directional signage shall be provided where a bicycle parking space is not visible from a main entrance to the building for which the bicycle parking space is required.

(B) Bicycle parking areas shall be maintained free of inoperable bicycles (such as bicycles with flat tires or missing parts) and debris. Bicycle parking racks shall be maintained in good repair, securely anchored, and free of rust.

[5] Rack Design

A bicycle rack shall meet the follow standards:

(A) Rack Style

The bicycle rack shall be of an inverted-U or post-and-ring rack style, as approved by the Community Development Director. Wave-style racks are not permitted. In addition, the rack shall:

1. Allow for the securing of the frame and at least one wheel of a bicycle in a bicycle parking space to the rack with an industry-standard U-shaped bike lock;

2. Provide each bicycle parking space with support for a bicycle in a stable position with direct support to the bicycle frame;

3. Be securely anchored to the ground or to a structural element of a building or structure;

4. Be designed and located so it does not block pedestrian circulation systems and pedestrian movements;

5. Be constructed of materials designed to withstand cutting, severe weather, and permanent exposure to the elements such as powder-coated steel or stainless steel;

(B) Rack Location

1. If bicycles must be moved onto or off of the rack parallel to their direction of travel, there shall be an aisle at least five feet wide between all bicycle parking spaces served by the rack and any bicycle spaces served by another bicycle parking rack, vehicular surface areas, or obstructions, including but not limited to fences, walls, doors, posts, columns, or landscaping areas (see Figure 5.2.7(d)(3)(A)1: Example of Bicycle Parking Space and Parking Rack Dimensional Standards, and Figure 5.2.7(d)(3)(A)2: Example of Vertical Bicycle Parking Dimensional Standards);

2. The bicycle rack shall be located at least three feet from any vertical surface, such as another bicycle parking rack, the side of a building, a tree, or a fence or wall (see Figure 5.2.7(d)(3)(A)1: Example of Bicycle Parking Space and Parking Rack Dimensional Standards); and

3. The bicycle rack shall be separated from any abutting vehicular surface area by at least three feet and a physical barrier, such as bollards, curbing, wheel stops, reflective wands, or a fence or wall.

(e) Short-Term Bicycle Parking Standards

In addition to the requirements of subsection (d) above, a short-term bicycle parking space shall:

(1) Include independent access to a bicycle parking rack for supporting and securing a bicycle;

(2) Be located within 75 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route, provided, a short-term bicycle parking space located in a bicycle parking area serving more than one use shall be located within 150 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route; and

(3) Be located to ensure significant visibility by the public and users of the building for which the space is required.

(f) Long-Term Bicycle Parking Standards:

In addition to the requirements of subsection (d) above, a long-term bicycle parking space shall:

(1) Include one of the following features:

(A) A bicycle locker or similar structure manufactured for the sole purpose of securing and protecting a standard size bicycle from rain, theft, and tampering by fully securing the bicycle in a temporary enclosure; or

(B) A secured and dedicated bicycle parking area provided either inside the principal building on the lot, within a parking structure, or in a structure located elsewhere on the lot. The secured and dedicated bicycle parking area shall be designed to protect each bicycle from weather, theft, and vandalism and shall have a minimum of eight feet of clearance above the floor or ground.

(2) Be located within 500 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route, provided, a long-term bicycle parking space located in a bicycle parking area serving more than one use shall be located within 750 feet of a public entrance to the building for which the space is required, measured along the most direct pedestrian access route.

5.2.8. Loading Area Standards

(a) Minimum Number of Off-Street Loading Berths

Any development subject to the requirements of this section involving the routine vehicular delivery or shipping of goods, supplies, or equipment to or from the development shall provide a sufficient number of off-street loading berths to accommodate the delivery and shipping operations of the development's uses in a safe and convenient manner. Table 5.2.8(a): Minimum Number of Off-Street Loading Berths, sets forth the minimum number of loading berths for the different principal uses. For proposed uses not listed in Table 5.2.8(a), the requirement for a use most similar to the proposed use shall apply.

Table 5.2.8(a): Minimum Number of Off-Street Loading Berths		
Principal Use Classification or Category	**Floor Area or Dwelling Units**	**Minimum Number of Loading Berths**
Residential, Public, Civic & Institutional, and Commercial Uses		
Household Living uses (Dwelling, multifamily only)	At least 100 dwelling units, up to 300 dwelling units	1
	Each additional 200 dwelling units or major fraction thereof	add 1
Group Living uses (Assisted care community only)	At least 100 rooms, up to 300 rooms	1
	Each additional 200 rooms or major fraction thereof	Add 1
Personal Services use	At least 10,000 sf, up to 30,000 sf	1
	Each additional 30,000 sf or major fraction thereof	add 1
Retail Sales use or Eating, Drinking, and Entertainment Use (Restaurant, sit-down, and Microbrewery and microdistillery only)	At least 10,000 sf up to 25,000 sf	1
	At least 25,000 sf, up to 40,000 sf	2
	At least 40,000 sf, up to 100,000 sf	3
	At least 1000,000 sf, up to 250,000 sf	4
	Each additional 250,000 sf or major fraction thereof	add 1
Recreation and Tourism Use (Arena, stadium or amphitheater, Hotel or motel, Theater only)	At least 10,000 sf up to 40,000 sf	1
	Each additional 50,000 sf or major fraction thereof	add 1
All other Commercial Uses	At least 2,000 sf up to 10,000 sf	1
	Each additional 50,000 sf or major fraction thereof	add 1
Light Industrial, Research and Development, and Warehousing		
Warehouse and Freight Movement uses	At least 500 sf but less than 5,000 square feet	1
	Each additional 30,000 sf or major fraction thereof	add 1
Industrial Services uses and Manufacturing and Production uses	At least 2,000 sq. ft. but less than 25,000 sq. ft.	1
	At least 25,000 sq. ft. but less than 40,000 sq. ft.	2
	At least 40,000 sq. ft. but less than 100,000 sq. ft.	3
	At least 100,000 sq. ft. but less than 160,000 sq. ft.	4
	At least 160,000 sq. ft. but less than 240,000 sq. ft.	5
	At least 240,000 sq. ft. but less than 320,000 sq. ft.	6
	At least 320,000 sq. ft. but less than 400,000 sq. ft.	7
	Each 90,000 sq. ft. above 400,000	add 1

(b) Dimensional Standards

(1) Each loading berth shall be of sufficient size to accommodate the types of vehicles likely to use the loading area. The minimum loading berth size that presumptively satisfies loading berth needs is least 12 feet wide and 45 feet long in general industrial, distribution, or warehousing uses. For all other uses, a berth as short as 33 feet may be allowed. The Community Development Director may require a larger loading berth or allow a smaller loading berth on determining that the characteristics of the particular development warrant such increase or reduction and the general standard is met.

(2) Each loading berth shall have at least 15 feet of overhead clearance.

(3) The off-street loading berth shall be arranged so that vehicles shall maneuver for loading and unloading entirely within the property lines of the site.

(c) Location and Arrangement of Loading Areas

(1) To the maximum extent practicable, loading areas should be located to the rear of the use they serve (see Figure 5.2.8(c): Loading Area Configuration).

(2) Each loading berth should be located adjacent to the building's loading doors, in an area that promotes its practical use, and be accessible from the interior of the building it serves. Each shall be directly accessible from a street or alley without crossing or entering any other required off-street loading space.

(3) Loading areas should be located and designed so vehicles using them can maneuver safely and conveniently to them from a public street and complete loading without obstructing or interfering with any public right-of-way or any parking space or parking lot aisle.

Figure 5.2.8(c): Loading Area Configuration



(d) Additional Requirements

(1) Commercial vehicles shall not be loaded or unloaded on public streets unless approved by the DRC.

(2) Two more uses or buildings may make joint use of off-street loading facilities, provided that the total amount of loading facilities provided are equal in size and capacity to the combined requirements of all buildings or uses.

SECTION 5.3. LANDSCAPE, BUFFER, AND TREE PROTECTION STANDARDS

5.3.1. Purpose and Intent

The purpose of this section is to provide landscaping, buffering, and tree protection standards that promote the health, safety, and welfare of existing and future residents, visitors, and property owners by ensuring that developments plant and maintain trees, shrubs, and other vegetation in appropriate locations to improve the aesthetics and beauty of the City and minimize the impact of incompatible land uses, and protect existing trees and vegetation. In particular, the intent of this section is to establish standards that maintain and improve the natural and human environment by:

(a) Maintaining permeable land areas which are essential to surface water management and aquifer recharge;

(b) Reducing and reversing air, noise, heat, and chemical pollution through the biological filtering capacities of trees and other vegetation;

(c) Promoting energy conservation through the creation of shade, reducing heat gain in and on buildings or paved areas;

(d) Reducing the temperature of the microclimate through the process of evapotranspiration;

(e) Reducing erosion caused by construction, neglect, or overuse of land by binding soil particles and holding the soil together against the effects of wind and water;

(f) Promoting conservation of potable and non-potable water;

(g) Preserving existing natural vegetation and trees, including through incorporating native plants, plant communities, and ecosystems into landscapes;

(h) Minimizing disturbance of wetlands and requiring mitigation for any unavoidable impacts;

(i) Removing species that are nuisances because of their tendency to damage public and private properties and negatively affect public health, and disrupt or destroy native ecosystems; and

(j) Creating physical and psychological benefits to people by using landscaping to reduce noise and glare, break up monotony, and soften development.

5.3.2. Applicability

(a) **New Development**

All new development shall comply with the standards in this section.

(b) Existing Development

Any expansion or alteration of a building existing prior to March 1, 2022 shall comply with the standards of this section to the maximum extent practicable if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations), as measured over any five-year period.

(c) Timing of Review

(1) Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.1(f), Planned Development), site plan (Sec. 2.5.2(a), Site Plan), subdivision (Sec. 2.5.2(b), Subdivision), site construction permit, or building permit, whichever occurs first.

(2) Development shall comply with the standards of this section prior to issuance of a building permit.

(3) A certificate of occupancy or certificate of completion shall not be issued for a development until the work specified in an approved landscape plan is completed.

5.3.3. Landscape Plan

(a) A landscape plan is required to be submitted for all development subject to this section.

(b) The landscape plan shall be prepared, signed, and sealed by a landscape architect or engineer registered in the state, unless:

(1) The parcel is smaller than one acre in size and the estimated cost of the landscape improvements (including installation) is less than $5,000; or

(2) The parcel is smaller than one-half acre in size.

(c) The landscape plan shall include a note stating that the site will be 100 percent irrigated or identify areas with native plants that will not require irrigation.

5.3.4. Landscape Standards

Development subject to the requirements of this section shall comply with the following standards:

(a) Foundation Landscaping Standards

Except for single-family detached and two-family (duplex) dwellings, all buildings facing rights-of-way that are set back from lot lines shall contain foundation landscaping at least three feet in width along the entire length of the building façade. The foundation landscaping shall consist of shrubs and at least one small tree for every 20 feet in length. Trees may be clustered. (See Figure 5.3.4(a): Foundation Landscaping.)

Figure 5.3.4(a): Foundation Landscaping



(b) Site Landscaping Standards

(1) Single-Family and Two-Family Residential Development

A minimum number of trees shall be provided on each lot in accordance with Sec. 5.6.3, Required Tree Quantities and Table 5.6.3: Minimum Tree Coverage. The quantity and variety of trees shall meet the standards of Sec. 5.3.4(g)(3), Tree Standards.

(2) All Other Development

All development other than single-family and two-family (duplex) development shall install the following landscaping:

(A) Trees, turf, ground cover, shrubs, and landscape covering such as mulch shall be installed to cover all ground not covered by building and paving or preserved ecological communities. At least one tree and ten shrubs shall be planted or preserved for every 2,500 square feet of site area, excluding areas of vegetation required to be preserved. All vegetation planted in accordance with subsections (c) through (e) below may be used to comply with this standard.

(B) Street trees shall be installed along all adjacent streets that are not limited-access streets, in accordance with Sec. 6.3.4, Street Trees.

(c) Perimeter Buffer Standards

(1) Purpose

Perimeter buffers and bufferyards are provided to protect land uses from the traffic, noise, glare, trash, activity, vibration, odor, visual disorder, and other harmful or noxious effects likely to be emitted by or associated with an adjacent more intense land use.

(2) Buffer Options

Table 5.3.4(c)(2): Landscape Buffer Options, defines four types of buffers based on their function, width, and minimum screening requirements. Each buffer type includes two options for plantings and other screening. The required minimum width is an average; the width of the buffer at any point may be reduced up to 50 percent of the required buffer width, provided that where the width is reduced the Community Development Director determines that the buffer is adequate to screen the incompatible uses, and the total area of the buffer is the same is it would be if the buffer extended the minimum width along the entire frontage.

Table 5.3.4(c)(2): Landscape Buffer Options			
Buffer Type/Image	**Description**	**Minimum Width and Screening**	
		Option 1	**Option 2**
Type A: Opaque		40 ft	20 ft
	This buffer functions as an opaque screen from the ground to a height of at least six feet. This type of buffer prevents visual contact between uses and creates a strong separation.	6 trees (including 3 canopy trees) and 120 shrubs per 100 linear feet	3 trees (all canopy trees) and 120 shrubs per 100 linear feet, and a wall (see Sec. 5.3.4(c)(5)(A) below)
Type B: Semi-Opaque		30 ft	15 ft
	This buffer functions as semi-opaque screen from the ground to at least a height of six feet.	5 trees (including 3 canopy trees) and 100 shrubs per 100 linear feet	3 trees (all canopy trees) and 120 shrubs per 100 linear feet
Type C: Aesthetic		20 ft	10 ft
	This buffer functions as an intermittent visual obstruction from the ground to 20 feet, and creates the impression of spatial separation without eliminating visual contact between uses.	5 trees (including 3 canopy trees) and 80 shrubs per 100 linear feet	3 trees (all canopy trees) and 120 shrubs per 100 linear feet
Type D: Basic		10 ft	6 ft
	This buffer functions as a basic edge demarcating individual properties with slight visual obstructions from the ground to a height of ten feet.	3 trees (all canopy trees) and 80 shrubs per 100 linear feet	3 trees (all canopy trees) and 120 shrubs per 100 linear feet

(3) Buffer Types

The width of a bufferyard and the required quantity and type of plantings varies based on the nature of the potentially adjacent uses. Table 5.3.4(c)(3): Buffer Types, establishes the type of perimeter buffer required between two adjacent land uses. The buffer types are described above in Table 5.3.4(c)(2): Landscape Buffer Options. Where parking lot landscaping requirements overlap with these buffer requirements, they shall be counted toward the perimeter buffer requirements.

Table 5.3.4(c)(3): Buffer Types

Existing Use Type or, if Vacant, Zone District of Adjoining Land	Proposed Use [1]				
	Individual Single-Family or Two-Family (Duplex) Dwelling	Townhouse, Three- and Four-family, and Multifamily Uses	Public/Semi-Public/Inst. Use [2]	Commercial or Office (less than 100,000 sf)	Commercial or Office (100,000 sf or more), Light Industrial or Mixed Use
Single-Family or Two-Family (Duplex) Dwelling (RSF-1, RSF-2, RSF-3, RSF-D)	None	C	C	C	A
Townhouse, Three- and Four-family, and Multifamily Use (MX, R-MF)	None	None	D	C	B
Public/Semi-Public/ Institutional Use (GAP)	None	None	None	D	C
Commercial or Office (less than 100,000 sf) (DM)	None	None	D	None	None
Commercial or Office (100,000 sf or more), Light Industrial or Mixed Use (WS)	None	None	D	None	None

NOTES:

[1] The letters in the cell reference the type of buffer required between the uses; see Table 5.3.4(c)(2): Landscape Buffer Options.

[2] For parks larger than ten acres in size, with active uses or lighted facilities, the minimum buffer width shall be 50 feet, with vegetation comparable to that required for Class A yards.

Table 5.3.4(c)(3): Buffer Types					
Existing Use Type or, if Vacant, Zone District of Adjoining Land	Proposed Use [1]				
	Individual Single-Family or Two-Family (Duplex) Dwelling	Townhouse, Three- and Four-family, and Multifamily Uses	Public/Semi-Public/Inst. Use [2]	Commercial or Office (less than 100,000 sf)	Commercial or Office (100,000 sf or more), Light Industrial or Mixed Use
[3] A right-of-way is deemed an adjoining use if the right-of-way is wider than 60 feet; if not, the use across the right-of-way shall be deemed the adjoining use.					

[4] Planting Standards

(A) Required trees shall be spaced a minimum of 15 foot apart for understory trees and 25 feet apart for canopy trees, meet the standards in Sec. 5.3.4(g)(3), Tree Standards upon planting and at maturity, and be at least three feet in height one year after planting, and six feet in height two years after planting.

(B) All required shrub plantings shall form a solid continuous visual screen at least six feet in height within one year after planting, except for shrubs within a sight triangle which shall be maintained at the maximum height allowed in accordance with the FDOT Design Manual.

(C) Existing vegetation which meets or exceeds the quantity, spacing, and height standards of this section may be used to satisfy the requirements of this subsection, if there are no encroachments as defined in this LDC. Supplemental native shrubs may be required, however, if it can be reasonably inferred that after two years, the existing vegetation will not provide the continuous visual screen required in subsection (B) above.

[5] Modifications to Buffer Width

The width of buffers required by this subsection (c) may be reduced in accordance with the standards below. See Table 5.3.4(c)(5): Modifications to Buffer Width.

(A) Wall

Except in a Type A buffer using Option 2 (see Table 5.3.4(c)(2): Landscape Buffer Options), if a solid masonry wall eight feet in height is placed within the perimeter buffer, the depth of the buffer yard may be reduced by 50 percent if:

1. The required buffer area exceeds 20 percent of the total lot area;

2. The wall is compatible, in terms of texture and quality, with the material and color of the principal building on the site; and

3. At least 50 percent of the total plantings required by Table 5.3.4(c)(2): Landscape Buffer Options are located between the wall and the adjoining property.

(B) Berm

If a berm is placed within the perimeter buffer with a minimum height of two feet, a minimum crown of two feet, and a stabilized side slope of 4:1, the depth of the buffer yard may be reduced by 25 percent if:

1. The berm is landscaped so at least 75 percent of the raised area is planted with a combination of trees, shrubs, hedging, and/or ground cover, and the remainder of the berm is sodded; and

2. The berm is constructed in a curvilinear manner to present a natural attractive appearance from the street.

(C) Wall and Berm

Except in a Type A buffer yard, If a wall that complies with subsection (A) above is located between the higher intensity use and a berm that complies with subsection (B) above, at least 20 percent of the total plantings required by Table 5.3.4(c)(2): Landscape Buffer Options are located between the wall and the higher intensity use, and at least 50 percent of the total plantings required by Table 5.3.4(c)(2) are located between the fence or wall and adjoining property, the required depth of the buffer yard shall be reduced by 60 percent.

Table 5.3.4(c)(5): Modifications to Buffer Width

Buffer Feature	Allowed Reduction in Width	Illustration
(A) Wall	50 percent	
(B) Berm	25 percent	
(C) Wall and Berm	60 percent	

(6) Parking Lot Perimeter Landscaping

All parking lots shall be screened from abutting properties, rights-of-way, and exterior building walls with a wall, hedge, or other durable landscape barrier that complies with the following standards:

(A) Any vegetative barrier shall use planting materials in accordance with Sec. 5.3.4(g), General Planting Standards, and shall be established in a planting strip at least five feet wide that forms a solid continuous visual screen at least four feet in height within two years of planting, measured from the parking lot pavement surface.

(B) No vegetative barrier shall obstruct visibility in the sight triangle.

(C) Any fence or wall shall be at least four feet high.

(D) Any portion of the perimeter that does use a vegetative barrier, fence, or wall shall be landscaped with an average of one tree for every 30 linear feet of perimeter and 60 shrubs for every 100 linear feet or fraction thereof of perimeter, with grass, ground cover, or other approved landscape treatment (excluding paving) constituting the rest. Intermediate trees may be used if all canopy trees are unable to be used due to the spacing requirements. The trees shall meet the standards in Sec. 5.3.4(g)(3), Tree Standards upon planting and at maturity.

(E) The perimeter shall comply with the appropriate buffer standards established in subsection (c) above, if any, including any off-property swale between the pavement of a public street or alley and the property line.

[d] Parking Lot Interior Landscaping Standards

[1] Applicability

The standards of this section apply to:

(A) All off-street parking lots except for parking areas on single-family or two-family (duplex) lots;

(B) All areas used for display of all types of vehicles, boats, or equipment; and

(C) Areas used for a drive-through facility.

[2] Standards

(A) Parking Islands

Parking islands shall be provided throughout a parking lot and located no more than 100 feet from another parking island and at the terminus of all rows of parking. Each parking island shall:

1. Be at least five feet wide and a minimum of 200 square feet in area for single parking rows, and 400 square feet for double parking rows; and

2. Contain at least one shade/canopy tree or two intermediate trees per 200 square feet of area or fraction thereof.

(B) Additional Interior Landscaping Standards

1. At least one shrub shall be provided for every 200 square feet of parking lot area, exclusive of perimeter plantings. The shrubs may be placed in the

islands, or in other locations within the interior of the parking lot. Any shrub contained in a parking island shall not exceed 30 inches in height.

2. All landscaped areas in or adjacent to a parking lot shall be protected from vehicular damage by either a raised curb at least six inches in height, or a wall at least 30 inches in height.

3. All interior landscaped areas of the parking lot not dedicated to trees or to preservation of existing vegetation, including parking islands, shall be landscaped with grass, ground cover, shrubs, or other appropriate landscape treatment.

4. Sand or other pavement shall not be used as landscape treatment.

(C) Alternative Interior Landscape Option

If a parking lot that was in existence prior to March 1, 2022 needs to be expanded, but cannot reasonably comply with the requirements of this subsection, an alternative design may be used that utilizes four parking spaces that intersect with planters measuring five-feet by five-feet that are installed between parking spaces to allow for installation of palm trees or intermediate trees. No vehicular encroachment is allowed into landscape areas.

(e) Loading, Service Area, and Display Area Landscaping

(1) All loading areas, utility service areas, and outdoor areas used for the display of merchandise that are at least 15 feet wide shall provide one of the following types of screens to block the view from any public street rights-of-way:

(A) A closed fence or wall at least six feet high that is compatible with the principal building on the site. It shall be landscaped with additional planting materials designed so that no more than two-thirds of the surface area of the fence or wall is visible from the public right-of-way within three years of erection of the structure; or

(B) Vegetative material that is a minimum of four feet in height when planted, designed to form a solid hedge at time of maturity, and expected to reach six feet or greater in height within two years of planting.

(2) Any access point to a utility service area that is visible from the public street right-of-way shall be screened with gates.

(f) Alternative Compliance for Certain Landscape Standards

Development that existed prior to March 1, 2022 that proposes to redevelop a site and that cannot reasonably comply with the minimum standards of subsections (a) through (e) above may propose alternative means of compliance which the Community Development Director shall review and decide to approve, approve with conditions, or deny, based on the following:

[1] Physical Limitations in Pre-Existing Parking Lots

Development that existed prior to March 1, 2022 that proposes to redevelop a site and that cannot reasonably comply with the perimeter buffer (Sec. 5.3.4(c)) and parking lot (Sec. 5.3.4(d)) standards may propose an alternative plan that includes the installation of trees, shrubs, other plantings, and an irrigation system that complies with the standards of Sec. 5.3.4(c), Perimeter Buffer Standards, and Sec. 5.3.4(d), Parking Lot Interior Landscaping Standards, within adjacent City rights-of-way, either on the shoulder or within the median, or on specific City properties approved for off-site vegetation. The alternative installation shall not exceed 25 percent of the total requirements.

[2] High Cost of Landscaping Pre-Existing Parking Lots

If site or structural alterations, expansion, or renovations for parking lot landscaping (Sec. 5.3.4(d)) and irrigation improvements (Sec. 5.3.5) exceed 30 percent of the total cost of the proposed improvements for the site, the property owner may enter into an agreement with the City to install the landscaping during an agreed-upon period, up to five years from the date of development approval, in accordance with the following requirements:

(A) The applicant shall execute an agreement with the City outlining the scheduled improvements in a phased plan of improvements.

(B) At least 25 percent of the required improvements, as established in the schedule and agreement, shall be completed prior to issuance of a certificate of occupancy.

(C) Where off-site mitigation is required, installation of these improvements shall also be included in the schedule of improvements and agreement.

(D) The agreement shall be approved by the City Manager. The City Manager's decision may be appealed to the City Council.

[g] General Planting Standards

[1] Quality, Species, and Planting Standards

(A) All proposed trees and plant materials shall be graded as Nursery Grade No. 1 or better, as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry Grades and Standards for Nursery Plants. Plant materials shall be chosen from the list of species of acceptable plant materials maintained by the Community Development Department in the Procedures Manual. All trees and other plant material shall be graded at the time of final inspection.

(B) All plant installation shall comply with the requirements established in the latest edition of the American Standard for Nursery Stock published by AmericanHort.

(C) The use of native and drought-tolerant species is strongly encouraged.

[2] Plant Placement

Plant materials included in a landscape plan shall be designed to be compatible with the proposed growing conditions. In particular:

(A) Plant materials installed in locations where the predominate soil type is well draining sands, such as on a berm, shall be able to tolerate reduced water conditions.

(B) Plant materials installed around retention/detention ponds or in swales shall be able to tolerate wet conditions caused by poorly drained soils.

(C) Plant materials installed in locations where the predominate soil type is marly, mucky, has a hardpan layer, or is one of many other poorly drained soils shall be able to tolerate wet conditions.

(D) Plant materials shall be compatible with the expected level and intensity of sun, wind, and temperature exposure.

[3] Tree Standards

(A) General Tree Planting Requirements

Trees required to be planted by this section shall be minimum three inch caliper and comply with the standards in Table 5.3.4(g)(3)(A): Tree Standards.

Table 5.3.4(g)(3)(A): Tree Standards

Tree Type	Minimum Height and Clear Trunk at Installation	Planting Requirement (as percentage of total trees required)
Shade/canopy	12 ft height, 5 ft clear trunk	40 percent minimum
Intermediate	10 ft height, 4 ft clear trunk	30 percent minimum
Small	8 ft height	20 percent maximum
Palm	12 ft height, 6 ft clear wood	[1]

NOTES:

[1] Three palm trees may be used to substitute for one shade/canopy trees, but no more than 40 percent of the shade/canopy tree requirement may be fulfilled using palm trees.

(B) Diversity Requirements

Trees shall be selected from the species list identified in subsection (1) above. When more than five trees per category of tree type (see Table 5.3.4(g)(3)(A): Tree Standards) are required to be planted on a single site to meet the standards of this section and LDC, a mix of species shall be provided in accordance with Table 5.3.4(g)(3)(B): Tree Species Diversity Standards.

Table 5.3.4(g)(3)(B): Tree Species Diversity Standards

Number of Required Trees in Category	Minimum Number of Species Required
5 – 10	2

Table 5.3.4(g)(3)(B): Tree Species Diversity Standards	
Number of Required Trees in Category	**Minimum Number of Species Required**
11 – 35	3
36 – 50	4
Each additional 50 trees thereafter	1+ species

(C) Existing Tree Credit

Trees existing on a site may be preserved and used to satisfy the tree planting standards of this section in accordance with the following:

1. In the area required by the City to be protected, the developer may not change the natural grade, construct any impervious surfaces, conduct any trenching or excavation, store equipment, materials, or earth, or use the area for vehicular circulation or parking.
2. Trees shall be located in the area in which credit is sought (e.g., for credit towards Sec. 5.3.4(c), Perimeter , the existing tree shall be located within the requisite buffer yard).
3. Preservation of groups of trees is encouraged.
4. Credit shall be given against the tree standards in this section in accordance with Table 5.3.4(g)(3)(C): Tree Credit Standards.

Table 5.3.4(g)(3)(C): Tree Credit Standards		
Tree Category Credited	**Minimum Tree Caliper (in.)**	**Square Footage Credited**
Large Tree	6	400 sf
Intermediate Tree	3	200 sf
Small Tree	1 ½	100 sf

(4) Shrub and Hedge Standards

(A) Shrubs or hedges required to be planted by this section or this LDC shall comply with the following standards:

1. Minimum height at time of planting: 30 inches.
2. Spread at time of planting: 18 to 24 inches.
3. Spacing: Average of approximately 30 inches.

4. Hedges shall be of an evergreen species and form a solid continuous visual screen of at least three feet in height within one year of planting, except that shrubs planted in the required front yard in a residential zone district or in a sight triangle shall not exceed the maximum height allowed in accordance with the FDOT Design Manual.

5. Exceptions and substitutions from this regulation may be reviewed and approved by the Community Development Director to promote the use of slow growing or native plant materials, or to promote safety.

(5) Vine Standards

Vines planted in accordance with this section shall be a minimum of 30 inches in supported height immediately after planting. They may be used in conjunction with fences, visual screens, or walls to meet landscape buffer requirements as specified, as long as the structure is maintained in good condition.

(6) Ground Cover Standards

(A) Ground cover provided in accordance with this section shall be planted with a minimum of 50 percent coverage, with 100 percent coverage occurring within two years.

(B) On nonresidential sites, sod shall be prohibited except where used for functional purposes (e.g. for active recreation or adjacent to an Animal Use) up to a maximum of 15 percent of the site landscaping. On residential sites, no more than 20 percent of the site landscaping shall be planted with sod. The use of high-water grass species such as St. Augustine's is prohibited.

(C) Sod shall not be used in areas less than four feet in width.

(D) Turf grass used for landscaping purposes in accordance with this section shall comply with the following standards:

1. Turf shall be sodded, plugged, sprigged, or seeded, except that solid sod shall be used in swales or other areas subject to erosion.

2. Sod shall be clean and reasonably free of weeds and noxious pests or diseases.

3. Sod pieces shall be neatly cut and free from any damage or breakage upon installation.

4. Grass seed shall be delivered to the job site in sealed bags with Florida Department of Agriculture tags attached.

5. If used, seed shall be of a variety that will provide complete coverage within 90 days from sowing.

6. Where other than solid sod or grass seed is used, nurse grass seed shall be sown for immediate effect and protection until coverage is otherwise achieved.

7. All sod shall be laid evenly and flat. Panels shall be staggered and tight with no gaps, to prevent erosion.

(7) Mulch Standards

(A) A minimum of three inches of organic mulch shall be placed over all newly installed tree, shrub, and ground cover planting areas, except for annuals and plants that are susceptible to fungus.

(B) A weed mat may be used to decrease the mulch depth, as approved by the Community Development Director. Measurement for mulch depth shall be for settled mulch condition.

(C) Cypress mulch is prohibited.

(8) Prohibited Species

The following species shall not be planted within the City:

(A) The species listed in Table 5.3.4(g)(8): Prohibited Species.

(B) Species on the current list of invasive plant species maintained by the Florida Exotic Pest Plant Council (FLEPPC).

Table 5.3.4(g)(8): Prohibited Species

Common Name	Botanical Name
Australian Pine	Casuarina cunninghamia
Brazilian Pepper	Schinus terebinthifolius
Ear Tree	Enterolobium cyclocarpumes
Chinese tallow	Sapium sebiferum
Paper Mulberry	Broussonetia papyrifera
Cajeput Tree	Melaleuca quinquenervia
Angel's Trumpet	Datura Brugmansia
Devil's Trumpet	Datura Metaloides
Chalice Vine	Solandra nitida

(h) Sight Triangle and Sidewalk Clearance

(1) No vegetation shall be allowed to obstruct views within the sight triangle in accordance with Appendix A: Engineering and Design Manual.

(2) All landscaping, except required turf and ground cover, shall be maintained with a 12-inch clearance from the edge of any sidewalk or accessway pavement.

(3) All vegetation shall be maintained to provide a minimum clearance of eight feet over a sidewalk and 16 feet over a road.

(i) Plantings within Right-of-Way

No trees or landscaping shall be planted or added into any street median or public rights-of-way until the Public Works Director has issued a permit authorizing such work and approved of the location of the plants and landscaping with regard to safe engineering practices, including the standards of the Green Book. The permittee, or successor in interest, shall be responsible for the standard horticultural practices of all landscaping and shall keep the area free of debris. Species whose roots are known to cause damage to pavement or utilities shall not be planted closer than four feet to a public street or utility structure unless an approved root barrier structure is installed.

(j) Artificial Landscaping

Synthetic lawns, synthetic plants, or outdoor carpeting, such as Astroturf, shall not be used to meet any requirements of this section.

5.3.5. Irrigation Standards

(a) Purpose

The purpose of this subsection is to ensure development installs and maintains irrigation systems that support the growth and survival of the landscaping required by this section while promoting water conservation.

(b) Standards

Except in areas on a site where existing plant communities and ecosystems are being maintained in a natural state, all landscaping required to be installed in accordance with this section shall include an irrigation system that is designed, installed, and maintained in accordance with Appendix F, Florida Building Code, Plumbing; the latest edition of the Florida Irrigation Society Standards and Specifications for Turf and Landscape Systems; and the following standards:

(1) The irrigation system shall incorporate sensor devices that inhibit its operation during periods of sufficient moisture. The sensor system shall comply with the standards in Sec. 373.62, Fla Stat.

(2) The irrigation system shall not direct water onto pedestrian paths, buildings, roads, drives, or other hard surfaces.

(3) Overall system design shall be appropriate for the type of plants being grown and for the type of soil.

(4) Areas irrigating high-water demand landscape areas such as turf shall be served by a distinctly separate irrigation zone than lower-demand landscape areas such as trees, shrubbery, or other reduced water requirement areas.

(5) Irrigation risers are prohibited.

(6) The irrigation system shall be maintained to meet the requirements of this section and routinely examined to minimize water waste.

(7) Automatic irrigation systems should be operated between the hours of midnight and 7 a.m.

(8) When a water distribution system providing treated wastewater effluent or reuse water is available within 200 feet of a property, a property owner shall connect to such system for irrigation purposes. All connections shall be consistent with the rules of DEP and comply with Ch. 62-610, F.A.C., and any other applicable City or state laws and regulations.

5.3.6. Preservation During Development and Construction

(a) Purpose

The purpose of this subsection is to ensure that the site work and construction activities that accompany development implement measures to protect vegetation, prevent erosion and sediment transport, preserve existing ground cover or other vegetation that is being preserved on site, and protect root structures and prevent soil contamination that may cause damage not discovered until after construction is complete.

(b) Erosion Control Standards

All construction projects shall incorporate erosion and sediment control plans into their project site plans. The erosion and sediment control plans shall incorporate control of project construction water, selective clearing, and timely stabilization of newly finished work.

(c) Protection of Vegetation During Construction

Development shall take all reasonable steps necessary to prevent damage to vegetation identified in the landscape plan to be preserved, or otherwise required to be preserved in accordance with this section. All development is required to comply with the following:

(1) Installation of Barriers

Protective barriers shall be installed and maintained around vegetation, trees, or groups of trees being preserved. The protective barriers shall be installed for the period of time beginning with the commencement of any land clearing or building operations and ending with the completion of the permitted development. The barriers shall contain signage prohibiting storage or other harmful activity that is prohibited by this section.

(2) Prohibited Activities

(A) Unless otherwise authorized by the vegetation and tree removal permit (see Sec. 2.5.3(e), Vegetation and Tree Removal Permit), preservation detail, or the landscape plan, during construction no excess soil, additional fill, vehicles, equipment, liquids, or construction debris shall be placed within the dripline of any vegetation that is required to be preserved in its present location.

(B) Unless otherwise authorized by the vegetation and tree removal permit (see Sec. 2.5.3(e), Vegetation and Tree Removal Permit), no soil is to be removed or added within the dripline of any tree that is to remain at its original location.

(3) Designation of On-Site Representative

At the time of any applicable development application, the property owner shall designate an on-site representative to be responsible for the installation and the maintenance of all tree protection barriers and for supervising the permitted removal of existing vegetation. The representative shall be on-site at all times during any vegetation clearing operations.

5.3.7. Shoreline Protection Standards

(a) Purpose

The purpose of this subsection is to establish minimum standards for the protection of natural plant communities along wetlands and shorelines, as well as to ensure the installation and continued maintenance of wetland and waterfront vegetative areas within the City, consistent with the policies in the comprehensive development plan. In particular, the intent of this section is to:

(1) Improve environmental quality in riparian and littoral zones through the preservation of vegetation that slows and filters pollutants from rainfall and other runoff, provides habitat and cover for wildlife, and reduces shoreline erosion;

(2) Promote water conservation;

(3) Preserve existing vegetation;

(4) Encourage the removal of invasive species;

(5) Improve the aesthetic beauty of lakes, wetlands, and other water bodies, providing opportunities for passive recreation such as fishing and adding values to homes and other waterfront property.

(b) Permit Required

(1) General

The applicant shall obtain any required shoreline alteration permit in accordance with Sec. 2.5.3(b), Shoreline Alteration Permit, before altering any shoreline within the City. The activities which require a permit include digging or adding of fill which alters or changes the shoreline or existing topography of the shoreline or waterfront of any water body within the City, or any trimming, cutting, or removal of any shoreline or waterfront vegetation.

(2) Shoreline Alteration Standards

Development subject to the requirements of this section shall comply with the following standards:

(A) All cleared or trimmed vegetation shall be immediately removed from the lake, shoreline area, and dock for upland disposal offsite.

(B) Revegetation required after permitted clearing shall be completed within 90 days from the date the shoreline alteration permit is issued. A survival rate of 80 percent

shall be required to be maintained one year after planting. If compliance is not achieved within one year, additional plantings shall be required until a survival rate of 80 percent is met and less than 10 percent of the surviving plantings are invasive species.

(C) Littoral zones shall be planted with vegetation throughout all impacted areas outside of the allowed access corridor. Revegetated areas shall encompass the same percentage of shoreline coverage that was previously present. All emergent aquatic plants shall be planted a maximum of two feet on center unless, due to size or type of plantings, the Public Works Director approves an alternate spacing plan.

(D) The remaining shoreline outside of any cleared access corridor shall consist of one of the following:

1. Existing vegetation; or

2. Beneficial vegetation or native aquatic plants that are planted following removal of existing nuisance or non-native vegetation, or that are planted on previously denuded areas outside the access corridor.

(E) Trees may be removed from within the shoreline protection area only in accordance with Sec. 2.5.3(e), Vegetation and Tree Removal Permit

[3] Wetlands

Landscaping is not required on the shoreline of wetlands preserved in their natural state.

[c] Water Body Setback

No building, structure, or deck attached to a building or structure shall be constructed within 50 feet of any water body in the City, as measured by the Normal High Water Elevation of the lake or other water body. Normal High Water Elevation of lakes in the City are identified in Table 5.3.7(d)(2): Normal High Water Elevations. For water bodies not shown in Table 5.3.7(d)(2) but that are connected hydrologically to a lake that is identified in the table, the elevations for the appropriate, connected lake shall be used.

[d] Shoreline Alteration Standards

[1] Plantings

All development and redevelopment occurring on property adjacent to surface water bodies, wetlands, or canals, or which include a wet retention design, shall be planted with native aquatic vegetation in accordance with the Procedures Manual.

[2] High Water Elevations

Compliance with the normal high water elevations (NHWE) for lakes in the City as identified in Table 5.3.7(d)(2): Normal High Water Elevations, is required. For water bodies not shown on the table but connected hydrologically to a lake that is identified in the table, the elevations for the appropriate, connected lake shall be used. For wetlands and other natural water bodies, the City may require a formal wetland delineation.

Table 5.3.7(d)(2): Normal High Water Elevations [1]		
Lake	**Normal High Water Elevation (ft) [2]**	**100-Year Flood Elevation (ft) [2]**
Catherine	68.17	70.4
Charity	66.48	72.2
Destiny	88.39	90.0
Eulalia	68.17	70.4
Faith	70.26	72.4
Gem	68.97	73.6
Harvest	89.28	91.0
Hope	66.47	73.3
Hungerford	92.45	95.0
Jackson	80.33	83.4
Lily	70.06	72.4
Lomond	88.39	90.0
Love	71.69	73.0
Lucien	90.42	92.8
Maitland	65.45	68.0
Minnehaha	65.45	68.7
Nina	65.45	68.0
Park	70.48	73.6
Shadow	81.62	83.6
Sybelia	69.97	76.7
Seminary	81.45	85.9

NOTES:

[1] This table is based on the best available data and shall be updated as needed to be consistent with federal flood regulations and Water Management District rules and guidelines.

[2] All elevations are given in feet above sea level, National Geodetic Vertical Datum of 1988 (NAVD88).

[3] Sand Beaches

Sand brought into a shoreline protection area shall be stabilized and retained above the normal high water elevation to prevent migration into the water body. To do so, the following features shall be installed:

(A) A berm and swale system, designed to contain the sand, parallel to the shoreline in such a manner that it retains the sand in place during a rain event.

(B) A containment barrier made of railroad ties, landscape logs, or similar structures made of concrete, vinyl, or stone, parallel and perpendicular to the shoreline in a manner that retains the sand in place above the NHWE during a rain event.

[4] Fences and Walls

Fences, walls, and hedges shall not protrude into a lake beyond its normal high water elevation. Fences and walls shall comply with the standards in Section 5.8, Fence and Wall Standards.

[5] Retaining Walls and Seawalls

(A) All seawalls shall be landscaped with aquatic vegetation along almost the entire length of the littoral zone. Only an access corridor may be kept clear, for swimming and recreational purposes.

(B) For the purposes of this subsection, an access corridor shall include any areas devoted to docks, boathouses, or other waterfront structures and shall be a maximum of 50 feet wide or 50 percent of the shoreline, whichever is less.

(C) When used to prevent erosion into a water body, a retaining wall shall be built landward of a surface water's normal high water elevation and the wetland delineation line established by DEP.

(D) The maximum elevation of a seawall shall not exceed the 100-year flood elevation listed in Table 5.3.7(d)(2): Normal High Water Elevations.

(E) Retaining walls and seawalls shall comply with the standards in Section 5.7, Flood Damage Prevention.

[6] Chemicals

(A) The use of all fertilizers as well as reclaimed water and non-aquatic use pesticide is prohibited within the 25-foot setback from the NHWE within the shoreline protection area. Only herbicides labeled for aquatic use shall be applied below the NHWE of a water body in strict compliance with Ch. 68F-20.0055, F.A.C., and the aquatic plant management permit issued by Florida Fish and Wildlife Conservation Commission.

(B) A 25-foot fertilizer free shoreline protection area is required where no fertilizers or non-aquatic use pesticides shall be applied. The 25-foot setback shall be established upland from the normal high water elevation.

(C) Upland waterfront areas shall be fertilized in strict accordance with Sec. 20-96 of the City Code.

(e) Violations

(1) Failure to comply with the standards in this subsection is a violation of this LDC and subject to the remedies and penalties in Article 9: Enforcement, Ch. 5.3, Code Enforcement, of the City Code, and Ch. 4.7, Article III, Special Magistrate, of the City Code.

(2) Alteration of any shoreline without a shoreline alteration permit in accordance with Sec. 2.5.3(b), Shoreline Alteration Permit, shall be considered to be a violation of this section and may be mitigated by one or a combination of the following:

(A) Remedial action that restores the property consistent with a restoration plan approved by the City Manager. The restoration plan shall include payment of the required permit fee and may require vegetation and/or tree replacement and required mitigation of any other damage to the property. Remedial action shall be taken within 60 days or as approved by the Code Enforcement Board or Special Magistrate.

(B) The damage or removal of trees with a minimum 4-inch dbh within a shoreline protection area that is not conducted in accordance with the requirements of this subsection and Section 5.6, Residential Tree Protection, shall be remedied by one or more of the following:

1. Installation of replacement trees that equal the cumulative dbh of the removed trees. Replacement trees shall be subject to City approval as sustainable in the location where they are to be planted and shall have a one-year warranty; and/or

2. Payment into a dedicated lake and wetland restoration/enhancement fund equal to the cost of replacement. The cost of replacement shall be determined based on the dbh of each removed or damaged tree:

a. For each tree less than 20 inches dbh: $90 per inch.

b. For each tree 20 or more inches dbh: $360 per inch.

5.3.8. Wetland Protection Standards

(a) Purpose

(1) The purpose of this section is to:

(A) Provide for the protection, maintenance, and utilization of wetlands within the City;

(B) Ensure there is no unavoidable net loss of wetlands function and acreage within the City;

(C) Recognize the rights of individual property owners to use their lands in a reasonable manner; and

(D) Support the right of all citizens to protection and purity of the waters of the City and their associated wetland ecosystems.

(2) The City's policy is to minimize the disturbance of wetlands and to encourage their use only for purposes which are compatible with their natural functions and environmental benefits. Wetlands serve important functions in the hydrologic cycle and ecological system including:

(A) Providing temporary storage of surface waters during times of flood, thereby regulating flood elevations and the timing, velocity, and rate of flood discharges;

(B) Protecting water bodies by providing settling of suspended sediments, assimilation of nutrients, and uptake of other natural and manmade pollutants;

(C) Providing essential breeding and predator escape habitats for many forms of mammals, birds, reptiles, amphibians, fishes, and invertebrates;

(D) Providing essential habitat for many rare, endangered, and threatened species.

(b) **Applicability**

This section applies to all development in the City. A wetland alteration permit (which includes a wetlands management plan) shall be obtained in accordance with Sec. 2.5.3(c), Wetland Alteration Permit, prior to engaging in any activity to remove, fill, drain, dredge, clear, destroy, or alter any part, portion, or entirety of any wetland protection zone.

(c) **Wetland Delineation**

(1) Wetland boundaries shall be delineated in the field according to the state unified wetland delineation methodology. This delineation determines the final jurisdictional location and extent of wetlands and shall occur prior to any alteration on a site on which wetlands may be located.

(2) Prior to any developmental actions that are likely to impact the wetland protection zone, the applicant shall have the wetland line delineated by a certified wetland professional and submit a wetland management plan prepared by the same wetland professional. Wetland boundaries shall be delineated through a field survey in accordance with the standards in the state's Unified Westland Determination Methodology, Ch. 62-340, F.A.C. The wetland management plan shall be submitted to and reviewed by the City.

(d) **Wetland Protection Zone**

The wetland protection zone consists of all land within the wetland boundaries delineated in accordance with Sec. 5.3.8(c), Wetland , as well as all land within 25 feet landward of the wetland boundaries.

(e) Wetland Protection Standards

All development subject to the requirements of this section shall comply with the mitigation standards of subsection (g) below and the following standards:

(1) The wetland protection zone shall be protected from sedimentation during development activities through the use of appropriate sediment and erosion control measures;

(2) There shall be no temporary filling of any wetland protection zone.

(3) Clearing or removal of native vegetation shall not occur except in compliance with the approved wetland alteration permit and wetland management plan;

(4) Any structure permitted within a wetland protection zone shall be designed to accommodate surface water flows in a way that does not impede, interrupt, or impound surface water flows; and

(5) Dredge and fill activities shall be prohibited except where the applicant has demonstrated the activity will not negatively impact water quality, natural functions, or endangered species habitat. Receipt of a permit from an appropriate agency, such as the US Army Corps of Engineers, DEP, or the St. Johns River Water Management District, that authorizes all proposed dredge and fill activities shall demonstrate compliance with this standard.

(f) Setbacks

No building, structure, or deck attached to a building or structure shall be constructed within 50 feet of wetlands delineated in accordance with this section.

(g) Mitigation Determination

In determining the amount of restored or created wetlands and their associated buffer zones to be developed to mitigate impacts on wetland protection zones, the City shall consider, but not be limited to, the following:

(1) The length of time that can be expected to lapse before the functions of the impacted wetlands functions have been restored or offset;

(2) Any special designation or classification of the water body, including Outstanding Florida Waters, aquatic preserves, or class II;

(3) The type of wetland to be created and the likelihood of successfully creating that type of wetland;

(4) Whether or not the affected wetland is functioning as a natural and healthy wetland of that type;

(5) Whether the wetland is unique for that watershed;

(6) The presence or absence of exotic or nuisance plants within the wetland and adverse effects those plants have on the wetland's beneficial functions;

(7) Whether the proposed project eliminates or changes the wetland from one type to another; and

(8) The amount and quality of upland habitat preserved as conservation areas or buffer.

(h) Violations

(1) If the City obtains evidence that a violation of this Section 5.3.8 has occurred, the City shall have the power and authority to issue a stop work order requiring the violator to cease the activity or suspend operation of the facility causing the violation until the violation is investigated by the appropriate agencies.

(2) The City may require that the owner/developer submit an application for a wetland alteration permit (see Sec. 2.5.3(c), Wetland Alteration Permit) which shall include a wetland mitigation plan. If a condition of approval for the wetland alteration permit is the requirement for corrective action, then the corrective actions shall occur within 20 days of the date of issuance of the wetland alteration permit. If the corrective actions have not occurred within the specified time, the violation shall be submitted to the City's Code Enforcement Department for further action in accordance with Article 9: Enforcement, Ch. 5.3, Code Enforcement, of the City Code, and Ch. 4.7, Article III, Special Magistrate, of the City Code.

5.3.9. Maintenance

(a) General

The owner, occupant, tenant, and the respective agent of each, if any, shall be jointly and severally responsible for the maintenance of all landscaping. Landscaping shall be maintained in a good condition, present a healthy, neat, and orderly appearance at least equal to the original installation, and shall be kept free from refuse and debris. Any dead vegetation and landscaping material shall be promptly replaced with healthy, living plantings.

(b) Maintenance of Natural Plant Communities

(1) At least once each year, all open space set-aside areas that are to be preserved as natural plant communities shall be cleared of all exotic vegetation, lawn grasses, trash, or other debris. All natural plant communities shall be managed in order to maintain the plant community for the purpose it was preserved.

(2) The City may make periodic inspections of the natural areas to verify continued compliance.

(3) Mechanical equipment shall not be used to maintain natural plant communities unless specifically authorized in writing by the City.

(c) Replacement

Over the life of all installations, the landscape shall be maintained according to good horticultural practices. Vegetation which is required to be planted or preserved by this

section and which is not living shall be replaced with equivalent vegetation. The replacement vegetation shall be installed within 15 days after notification by code enforcement of the non-living vegetation, and shall be subject to the approval of the City.

(d) Pesticides

Persons who apply regulated substances such as pesticides shall comply with all applicable City, county, state, and federal laws and regulations.

(e) Duty to Trim

An owner shall remove any dead, diseased, or dangerous trees or shrubs, or parts thereof, which are located on their property and which overhang or interfere with the public sidewalks, rights-of-way, or property owned by the City.

(f) Pruning

All trees planted in accordance with this section and this LDC shall be allowed to grow to maturity. Pruning shall only be executed to allow for vehicular, pedestrian, and utility clearances, or to promote the health of the trees.

SECTION 5.4. OPEN SPACE SET-ASIDE STANDARDS

5.4.1. Purpose and Intent

Open space set-asides are intended for the use and enjoyment of a development's residents, employees, or users. Open space set-asides serve numerous purposes, including preserving natural resources, ensuring resident access to open areas and active recreation, reducing the heat island effect of developed areas, providing civic and meeting spaces, enhancing storm water management, and providing other public health benefits.

5.4.2. Applicability

(a) General

Except as exempted in accordance with subsection (b) below:

(1) New Development

All new development shall comply with the standards in this section.

(2) Existing Development

Any expansion or alteration of development existing prior to March 1, 2022 shall comply with the standards of this section to the maximum extent practicable if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations), as measured over any five-year period.

(b) Exemptions

The following development is exempt from the standards in this section:

(1) Single-family detached or two-family (duplex) dwellings on individual lots;

(2) Utility facility uses; and

(3) Development in the Downtown Maitland (DM) and the Downtown Planned Development (DM-PD) districts.

(c) **Timing of Review**

Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.1(f), Planned Development) , site plan (Sec. 2.5.2(a), Site Plan), subdivision (Sec. 2.5.2(b), Subdivision), site construction permit, or building permit, whichever occurs first.

5.4.3. Open Space Set-Aside Standards

Development subject to the standards in this section shall provide the minimum amounts of open space set-asides identified in Table 5.4.3: Required Open Space Set-Asides, based on the use and the zone district classification.

Table 5.4.3: Required Open Space Set-Asides

Use Classification	Minimum Open-Space Set Aside (Percentage of Development Site Area)			
	Single-Family/Duplex Residential Districts (RSF-1, RSF-2, RSF-3, RSF-D)	Multifamily Districts (MX, R-MF)	Mixed-Use Districts [1] (GAP, NC)	Planned Development Districts (PD)
Residential	25	25	15	25
Public, Civic, and Institutional	20	20	10	10
Commercial and Mixed-Use	N/A	15	10	10
Light Industrial, Research and Development, and Warehousing	N/A	N/A	10	10

Notes:

[1] The required open-space set aside in the WS zone district is set forth in Sec. 3.3.4, WS: West Side District.

5.4.4. Areas Counted Towards Open Space Set-Aside Standards

[a] General

The features and areas identified as counting toward open space set-asides in Table 5.4.4: Open Space Set-Aside Features, shall be credited towards compliance with the amount of open space set-aside required in accordance with Table 5.4.3: Required Open Space Set-Asides.

Table 5.4.4 : Open Space Set-Aside Features

Area Counted as Common Open Space Set-Asides	Description	Design and Maintenance Requirements
Natural Features		
	Lakes, rivers, streams, ponds, wetlands, other riparian areas, flood hazard areas, natural vegetation, and wildlife habitat areas	• Preservation of any existing natural features and flood hazard areas shall have highest priority for locating open space set-asides. • Maintenance is limited to the minimum removal and avoidance of hazards, nuisances, and unhealthy conditions.
Passive Recreation (Formal Plantings and Gardens)		
	Formally planned and regularly maintained open areas that provide passive recreation opportunities, including arranged plantings, gardens, community gardens, green roofs, gazebos, and similar structures	Formal plantings and gardens shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the development's occupants and users.
Required Landscape Areas and Tree Protection Areas		
	All areas occupied by required landscape areas, tree protection areas, vegetative screening, and water quality buffers, except landscape areas within parking lots	See Section 5.3, Landscape, Buffer, and Tree Protection Standards

Table 5.4.4 : Open Space Set-Aside Features		
Area Counted as Common Open Space Set-Asides	**Description**	**Design and Maintenance Requirements**
Stormwater Management Areas Treated as Site Amenities		
	All of the land area occupied by stormwater management facilities (including retention and detention ponds and other bioretention devices), when such features are treated as an open space site amenity	To qualify, stormwater management facilities shall support passive recreation uses by providing access, pedestrian elements such as paths and benches, gentle slopes (less than 4:1), and vegetative landscaping.
Access Easements with Paths or Trails		
	Public access easements that include paths or trails that are available for passive recreational activities such as walking, running, and biking	Such access easements shall include at least one improved access from a public street, sidewalk, or trail that includes signage designating the access point, and adequate path and right-of-way width to accommodate the use and maintenance of the facilities.
Active Recreational Areas		
	Land occupied by areas and facilities used for active recreational purposes, such as ballfields, playgrounds, tennis courts, pools, jogging trails, and community buildings and clubhouses, and land dedicated for parks.	• Land shall be compact and contiguous unless used to link or continue an existing or planned open space resource. • Areas shall have at least one direct access to a building or to a street, bikeway, or walkway accessible to the public or the development's occupants and users.

Table 5.4.4 : Open Space Set-Aside Features		
Area Counted as Common Open Space Set-Asides	**Description**	**Design and Maintenance Requirements**
Squares, Forecourts, and Plazas		
	Flat, open areas immediately in front of a building or framed by buildings or streets that provide gathering places, opportunities for outdoor dining, etc.	• A square, forecourt, or plaza shall be at least 200 square feet, but no more than one acre, in area. • A square, forecourt, or plaza shall have at least one direct access to a principal building, or to a street, bikeway, or walkway accessible to the public or the development's occupants and users. • Surrounding principal buildings shall be oriented toward the square, forecourt, or plaza.

(b) Not Counted as Open Space Set-Asides

The following areas shall not be counted as open space set-aside areas:

(1) Private yards and setbacks not subject to an open space or conservation easement;

(2) Street rights-of-way or private access easements, including sidewalks located within those rights-of-way or easements;

(3) Open parking areas and driveways;

(4) Land covered by structures, unless designated for active recreational uses;

(5) Designated outdoor storage areas;

(6) Stormwater ponds not located and designed as a site amenity (e.g., with low fencing, vegetative landscaping, gentle slopes, a fountain or other visible water circulation device, and pedestrian access or seating); and

(7) Parking lot interior landscaping.

5.4.5. Design Standards for Open-Space Set Asides

(a) Location

Open space set-asides shall be located so they are readily accessible and usable by occupants and users of the development. Where possible, a portion of the open space set-aside should provide focal points for the development through prominent placement or easy visual access from streets.

(b) Configuration

(1) Open space set-asides shall be compact and contiguous, unless a different configuration is needed to continue an existing trail or accommodate preservation of natural features.

(2) To the maximum extent possible, buildings adjacent to the required open space set-asides shall have at least one entrance facing the open space set-aside.

(3) If the development site is adjacent to existing or planned public trails, parks, or other public open space area, the open space set-aside shall, to the maximum extent practicable, be located to adjoin, extend, and enlarge the trail, park, or other public open space area (see Figure 5.4.5(b): Example Open Space Set-Aside Configuration).

Figure 5.4.5(b): Example Open Space Set-Aside Configuration



(c) Prioritization of Open Space Set-Aside

(1) Except in the WS district, and to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, and enhance as many of the following open areas and features as possible, in the following general order of priority:

(A) Natural features such as riparian areas, riparian buffers, flood hazard areas, floodplains, and wildlife habitat areas;

(B) Water features such as lakes, rivers, streams, natural ponds, wetlands, and retention and detention ponds;

(C) Protected trees and other mature trees;

(D) Parks and trails;

(E) Perimeter buffers or visual transitions between different types or intensities of uses; and

(F) Areas that accommodate multiple compatible open space set-aside uses rather than a single use.

(2) In the residential districts when three-family, four-family, townhome, and multifamily development is built, to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance the open areas and features identified in Table 5.4.4: Open Space Set-Aside Features, except that the a minimum of 35 percent of the open space set-sides shall be for active recreation.

(3) In the WS District, to the maximum extent practicable, open space set-asides shall be located and organized to include, protect, or enhance the open areas and features identified in Table 5.4.4 : Open Space Set-Aside Features, except that the establishment of squares, plazas, forecourts, civic greens, and similar urban open space amenities shall have the highest priority.

(d) Development Allowed within Open Space Set-Aside

Development within an open space set-aside shall be limited to that appropriate to the purposes of the type(s) of open space set-aside. Where appropriate, such development may include, but is not limited to, walking, jogging, and biking paths or trails; benches or other seating areas; meeting areas; tables, shelters, grills, and other picnicking facilities; docks and other facilities for fishing; environmental education guides and exhibits; gazebos and other decorative structures; fountains or other water features; play structures for children; gardens or seasonal planting areas; pools; athletic fields and courts; and associated clubhouses.

5.4.6. Ownership, Management, and Maintenance

(a) General

Open space set-asides shall be managed and maintained as permanent open space through one or more of the following options:

(1) Conveyance of open space set-aside areas to a property owners' or homeowners' association that holds the land in common ownership and will be responsible for managing and maintaining the land for its intended open space purposes, in perpetuity;

(2) Conveyance of open space set-aside areas to a third party beneficiary such as an environmental or civic organization that is organized for, capable of, and willing to accept responsibility for managing and maintaining the land for its intended open space purposes, in perpetuity; or

(3) Establishment of easements on those parts of individually-owned lots including open space set-aside areas that require the areas to be managed consistent with the land's intended open space purposes and prohibit any inconsistent future development, in perpetuity.

(b) Deed Restrictions, Covenants, or Other Legal Instruments

All options involving private ownership of open space set-aside areas shall include deed restrictions, covenants, or other legal instruments that ensure continued use of the land for its intended open space purposes, in perpetuity, and provide for the continued and effective

management, operation, and maintenance of the land and facilities. Such legal documents shall be recorded in the public records of Orange County, where appropriate.

(c) **Responsibility for Managing and Maintaining**

Responsibility for managing and maintaining open space set-asides rests with the owner of the land of the open space set-asides. Failure to maintain open space set-asides in accordance with this section and the development approval or permit shall be a violation of this LDC.

SECTION 5.5. VEGETATION REMOVAL

5.5.1. Purpose

The purpose of this subsection is to preserve existing vegetation within the City by requiring that development other than single-family and two family (duplex) dwellings have a vegetation and tree removal permit before removing vegetation on a site, and that development relocate or replace the removed vegetation in appropriate locations. The intent is to promote water and energy conservation, reduce erosion, and provide harmony between the built and natural environments.

5.5.2. Applicability

(a) Unless exempted in accordance with subsection (b) below, no vegetation outside the shoreline protection zone (see Sec. 5.3.7, Shoreline Protection Standards) shall be destroyed or removed from any property within the City without the approval of a vegetation and tree removal permit in accordance with Sec. 2.5.3(e), Vegetation and Tree Removal Permit.

(b) A vegetation and tree removal permit is not required before vegetation removal if the vegetation endangers health, safety, or property in a manner that requires immediate removal. In such cases, the City Manager shall provide verbal approval, and subsequent to that and the removal, a vegetation and tree removal permit shall be approved in accordance with Sec 2.5.3(e), Vegetation and Tree Removal Permit.

5.5.3. Vegetation Relocation or Replacement

As a condition for approval of a vegetation and tree removal permit, the applicant shall relocate vegetation to be removed to another location on the site, or replace the vegetation with suitable replacements elsewhere on the site, consistent with a relocation plan included as part of the required landscape plan. In determining the required relocation, replacement, or root-pruning of vegetation, the City shall consider the needs of the intended use of the property, including all lands dedicated to public use, as well as an evaluation of the following:

(a) Existing vegetative coverage on the site and in the immediate surrounding area;

(b) Quantity, type, size (in dbh), and condition of vegetation to be removed on the entire site;

(c) The feasibility of relocating the particular vegetation;

(d) Topography and drainage of the site;

(e) The type, size, and condition of the replacement vegetation; and

(f) The nature of the existing and intended use of the property.

5.5.4. Vegetation Removal in Right-of-Way

(a) Unless performed by the City, no tree planting, removal, surgery, cavity-filing, trimming, or spraying shall be done on any tree or shrub within any public right-of-way or on any property owned by the City without first obtaining a permit for such work from the Building Official.

(b) No tree or shrub shall be trimmed by or under the direction of any public utility company for any purpose without possession of such a permit from the City. Such tree and shrub work shall be done under the City's supervision.

SECTION 5.6. RESIDENTIAL TREE PROTECTION

5.6.1. Purpose

The purpose of this subsection is to protect and enhance the tree canopy within the City by encouraging the protection of certain healthy trees on non-multifamily residential development, promoting the removal of prohibited tree species, and requiring the replacement of removed trees as necessary to achieve the City's goals for 30 percent tree canopy.

5.6.2. Applicability

No tree on a lot with a single-family, two-family (duplex), three-family, or four-family dwelling unit shall be cut down, destroyed, removed, topped, or relocated without first obtaining a tree removal permit in accordance with Sec. 2.5.3(e), Vegetation and Tree Removal Permit, and complying with the tree replacement or relocation requirements of this section.

5.6.3. Required Tree Quantities

All properties subject to this subsection shall provide either a minimum number of trees or minimum total diameter of trees in accordance with Table 5.6.3: Minimum Tree Coverage.

Table 5.6.3: Minimum Tree Coverage		
Lot Size	**Minimum Number of Trees**	**Minimum Diameter of Trees (inches dbh)**
8,000 sf or less	2	7
More than 8,000 and less than 16,000 sf	4	14
More than 16,000 and less than 24,000 sf	7	22
More than 24,000 and less than 36,000 sf	10	31
More than 36,000 and less than 43,560 sf	12	37
43,560 sf or more	N/A	37 in per acre

5.6.4. Tree Relocation and Replacement

If removal of a tree in accordance with this section would result in a lot falling below the minimum tree coverage standards in Table 5.6.3: Minimum Tree Coverage, the applicant shall be required to relocate the removed tree on site or plant new trees, in accordance with the following standards:

(a) Relocation

Tree relocation is accomplished by replanting the tree being removed to another location on the lot. If a tree is relocated, no additional tree is required to be planted.

(b) Replacement

Specimen trees shall be replaced by a similar species approved by the Public Works Director in accordance with the standards of Table 5.6.4: Specimen Tree Replacement Standards.

Table 5.6.4: Specimen Tree Replacement Standards		
	Replacement Requirement [1]	
Specimen Tree Size (DBH)	**Number of Trees**	**Total dbh**
More than 24 to 35 inches	3	9 inches
More than 35 to 45 inches	4	12 inches
More than 45 inches	5	15 inches
NOTES: [1] Specimen trees shall be replaced by the listed number of trees or by replacement trees that add up to the required caliper, at the applicant's discretion.		

(c) Payment in-Lieu Alternative

In-lieu of tree replacement, an applicant may pay into the City tree replacement account. The in-lieu payment shall be made in the amount necessary to cover the cost of the replacement trees that would otherwise have been required as determined by the Public Works Director.

(d) Additional Standards

If trees are relocated or replaced in accordance with subsections (a) or (b) above, the following additional requirements apply:

(1) If the natural growth habit of a replacement tree is destroyed within a year of planting, or a relocated tree dies within one year of being relocated, the applicant shall replace the tree.

(2) If a replacement tree is planted within four feet of a public sidewalk or other paved area, root barriers shall be installed in accordance with standard professional practice.

5.6.5. Violations

(a) Failure to comply with the standards in this section is a violation of this LDC and subject to the remedies and penalties in Article 9: Enforcement, Ch. 5.3, Code Enforcement, of the City Code, and Ch. 4.7, Article III, Special Magistrate, of the City Code.

(b) Removal of trees except in accordance with Sec. 2.5.3(e), Vegetation and Tree Removal Permit, shall be considered a violation of this section and this LDC, and may be mitigated by one or a combination of the following:

(1) Replacement equal to 1.50 times the cumulative DBH of trees removed and/or damaged to the cumulative caliper of trees to be installed, planted in a location conducive to their long-term survival and with a one-year guarantee of survivability, as approved by the City Manager;

(2) Providing an in-lieu payment into the City tree fund equal to three times the cost of replacement on an inch-to-inch basis. If the precise DBH cannot be determined, the cost of replacement shall be determined by the City Manager based on the best estimate of the DBH of the removed or damaged tree; and/or

(3) Any other remedy deemed appropriate by the Special Magistrate.

SECTION 5.7. FLOOD DAMAGE PREVENTION

5.7.1. General

(a) Title

These regulations shall be known as the Floodplain Management Ordinance of the City of Maitland.

(b) Scope

The provisions of this section shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code;

installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(c) Purpose and Intent

The purpose and intent of this section and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare, and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access, and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas in such a manner as to minimize flood blight areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events;

(8) Preserve the integrity of the City's lakes and water bodies, aquifer, and any other natural resource deemed necessary within the conservation sub-element of the City's comprehensive development plan; and

(9) Meet the requirements of the National Flood Insurance Program for community participation as set forth in 44 CFR 59.22.

(d) Coordination with Florida Building Code

This section is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(e) Warning

The degree of flood protection required by this section and the Florida Building Code is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This section does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in

the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 CFR, Sections 59 and 60, may be revised by the Federal Emergency Management Agency (FEMA), requiring the City to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

(f) Disclaimer of Liability

This section shall not create liability on the part of the City Council or by any officer or employee of the City for any flood damage that results from reliance on this section or any administrative decision lawfully made under this section.

5.7.2. Applicability

(a) General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) Areas to which This Section Applies

This section shall apply to all flood hazard areas within the City, as established in subsection (c) below.

(c) Basis for Establishing Flood Hazard Areas

The Flood Insurance Study for Orange County, Florida and Incorporated Areas dated June 20, 2018, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this section and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file in the office of the Public Works Department, 1827 Fennell St, Maitland, Florida.

(d) Submission of Additional Data to Establish Flood Hazard Areas

To establish flood hazard areas and base flood elevations, in accordance with Sec. 5.7.5, Site Plans and Construction Documents, the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the City indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as a flood hazard area and subject to the requirements of this section and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable base flood elevation, the area shall be regulated as a special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(e) Other Laws

The provisions of this section shall not be deemed to nullify any provisions of City, county, state, or federal law.

(f) Abrogation and Greater Restrictions

This section supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to this LDC, other City laws and regulations, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any section of this LDC or any other provision of the City Code, the more restrictive shall govern. This section shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by this section.

(g) Interpretation

In the interpretation and application of this section, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

5.7.3. Duties and Powers of the Floodplain Administrator

(a) Designation

The City Manager or a designee is designated as the Floodplain Administrator.

(b) Powers

The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this section. The Floodplain Administrator shall have the authority to render interpretations of this section consistent with its intent and purpose and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this section without the granting of a variance in accordance with Sec. 5.7.7, Variances and Appeals.

(c) Duties

The Floodplain Administrator shall have the following responsibilities:

(1) Applications and Permits

The Floodplain Administrator, in coordination with other applicable City officials and departments, shall:

(A) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(B) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;

(C) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(D) Provide available flood elevation and flood hazard information;

(E) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(F) Review applications to determine whether proposed development will be reasonably safe from flooding;

(G) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and

(H) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

[2] Evaluation of Impacts on Flood Hazard Areas

The Floodplain Administrator shall not issue permits for proposed development, including substantial improvements, in flood hazard areas:

(A) If the proposed development is determined to significantly increase flooding hazards, unless such increases are mitigated; or

(B) Where sufficient area exists on a parcel or lot such that the development can occur without encroaching into flood hazard areas without causing an undue hardship on the owner.

[3] Substantial Improvement and Substantial Damage Determinations

For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(A) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(B) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(C) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(D) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

[4] Modifications of the Strict Application of the Requirements of the Florida Building Code

The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance in accordance with Sec. 5.7.7, Variances and Appeals.

[5] Notices and Orders

The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this section.

[6] Inspections

The Floodplain Administrator shall make the required inspections as specified in Sec. 5.7.6, Inspections, for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

[7] Other Duties

The Floodplain Administrator shall have other duties, including but not limited to:

(A) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made in accordance with Sec. 5.7.3(c)(3), Substantial Improvement and Substantial Damage Determinations;

(B) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to FEMA;

(C) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(D) Review required design certifications and documentation of elevations specified by this section and the Florida Building Code to determine that such certifications and documentations are complete; and

(E) Notify FEMA when the corporate boundaries of the City are modified.

(8) Maintenance of Records

Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including FIRMs; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this section; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken in accordance with the requirements of this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the offices of the Public Works Department, 1827 Fennell St, Maitland, Florida.

5.7.4. Floodplain Development Permit

(a) Permit Required

Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including the development of buildings, structures, and facilities exempt from the Florida Building Code which are wholly within or partially within any flood hazard area, shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain any required permits and approvals. No permit or approval shall be issued until compliance with the requirements of this section, this LDC, and all other applicable codes and regulations has been satisfied.

(b) Floodplain Development Permit

Floodplain Development Permits or approvals shall be issued in accordance with the requirements of this section for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the Floodplain Administrator may determine that a floodplain development permit or approval is required in addition to a building permit. See Sec. 2.5.3(h), Floodplain Development Permit.

(c) Buildings, Structures, and Facilities Exempt from the Florida Building Code

In accordance with the requirements of federal regulation for participation in the National Flood Insurance Program (Title 44 CFR, Secs. 59 and 60), Floodplain Development Permits or approvals shall be required for the following buildings, structures, and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this section:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in Sec. 604.50, Fla. Stat.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in Sec. 366.02, Fla. Stat., which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.

(9) Structures identified in Sec. 553.73(10)(k), Fla. Stat., that are not exempt from the Florida Building Code, if such structures are located in flood hazard areas established on flood insurance rate maps.

(d) Application for a Permit or Approval

To obtain a Floodplain Development Permit or approval the applicant shall first file an application in writing on a form furnished by the City. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description, that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in Sec. 5.7.5, Site Plans and Construction Documents.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as is required by the Floodplain Administrator.

(e) Validity of Permit

The issuance of a Floodplain Development Permit or approval in accordance with this section and Sec. 2.5.3(h), Floodplain Development Permit, shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Codes, or any other laws or regulations of the City. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

(f) Expiration of Permit

A Floodplain Development Permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(g) Suspension or Revocation

The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate, or incomplete information, or in violation of this section, this LDC, or any other ordinance, regulation, or requirement of the City.

(h) Other Permits Required

Each Floodplain Development Permit and building permit shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to:

(1) The St. Johns River Water Management District (SJRWMD); Sec. 373.036, Fla. Stat.

(2) Florida Department of Health (FDH) for onsite sewage treatment and disposal systems; Sec. 381.0065, Fla. Stat., and Ch. 64E-6, F.A.C.

(3) DEP for activities subject to the Joint Coastal Permit; Sec. 161.055, Fla. Stat.

(4) DEP for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act (33 U.S.C. Sec. 1344).

(5) Federal permits and approvals.

5.7.5. Site Plans and Construction Documents

(a) Information for Development in Flood Hazard Areas

The site plan or construction documents for any development subject to the requirements of this section shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations, if necessary for review of the proposed development.

(2) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections (c)(2) and (c)(3) below.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection (c)(1) below.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Existing and proposed alignment of any proposed alteration of a watercourse.

(b) Waiver of Data

The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this section but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this section.

(c) Information in Flood Hazard Areas without Base Flood Elevation (Approximate Zone A)

Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the Floodplain Administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicant's base flood elevation and floodway data available from a federal or state agency or other source, or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

(A) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

(B) Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(d) Additional Analyses and Certifications

As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by an engineer licensed by the state for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection (e) below, and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the City. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection (e) below.

(e) Submission of Additional Data

When additional hydrologic, hydraulic, or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to

FEMA for such purposes. The analyses shall be prepared by an engineer licensed by the state in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

5.7.6. Inspections

(a) General

Development for which a Floodplain Development Permit or approval is required shall be subject to inspection.

(b) Development Other Than Buildings and Structures

The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this section and the conditions of approval of issued Floodplain Development Permits or approvals.

(c) Buildings, Structures, and Facilities Exempt from the Florida Building Code

The Floodplain Administrator shall inspect buildings, structures, and facilities exempt from the Florida Building Code to determine compliance with the requirements of this section and the conditions of issued Floodplain Development Permits or approvals.

(d) Buildings, Structures, and Facilities Exempt from the Florida Building Code, Lowest Floor Inspection

Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure, or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Sec. 5.7.5(c)(3)(B) above, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(e) Buildings, Structures, and Facilities Exempt from the Florida Building Code, Final Inspection

As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection (d) above.

5.7.7. Variances and Appeals

(a) General

The P&Z shall hear and decide requests for appeals and requests for variances from the strict application of this section. In accordance with Sec. 553.73(5), Fla Stat., the P&Z shall hear and decide requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(b) Appeals

The P&Z shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this section. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Fla Stat.

(c) Limitations on Authority to Grant Variances

The P&Z shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (g) below, the conditions of issuance set forth in subsection (h) below, and the comments and recommendations of the Floodplain Administrator and the Building Official. The P&Z has the right to attach such conditions of approval as it deems necessary to further the purposes and objectives of this section.

(d) Restrictions in Floodways

A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Sec. 5.7.5(d), Additional Analyses and Certifications.

(e) Historic Buildings

A variance is authorized to be issued for the repair, improvement, or rehabilitation of an historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Ch. 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building, and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as an historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(f) Functionally Dependent Uses

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this section, provided the variance complies with the requirements of Sec. 5.7.7(d), Restrictions in Floodways; is the minimum necessary considering the flood hazard; and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(g) Considerations for Issuances of Variances

In reviewing requests for variances, the P&Z shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this section, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive development plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

(h) Conditions for Issuances of Variances

Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;

(2) Determination by the P&Z that:

(A) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(B) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause

fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(C) The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the Clerk of the Court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25 for $100 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

5.7.8. Violations

(a) Violations

Any development that is not within the scope of the Florida Building Code but that is regulated by this section that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this section, shall be deemed a violation of this section and punishable for a non-criminal violation. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this section or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(b) Authority

For development that is not within the scope of the Florida Building Code but that is regulated by this section and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work. Nothing contained herein shall prevent the City from taking such lawful actions as are necessary to prevent or remedy any violation.

(c) Unlawful Continuance

Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by Sec. 1-8 of the City Code and, in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

5.7.9. Buildings and Structures

In accordance with Sec. 5.7.4(c), Buildings, Structures, and Facilities Exempt from the Florida Building Code, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures, and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Sec. 5.7.15, Other Development.

5.7.10. Subdivisions

(a) Minimum Requirements

Subdivision proposals shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) Subdivision Plats

Where any portion of a proposed subdivision lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations shall be determined in accordance with Sec. 5.7.5(c)(1) above; and

(3) The subdivision shall comply with the site improvement and utilities requirements of Sec. 5.7.11, Site Improvements, Utilities, and Limitations.

5.7.11. Site Improvements, Utilities, and Limitations

(a) Minimum Requirements

All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) **Sanitary Sewage Facilities**

All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Ch. 64E-6, F.A.C., and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(c) **Water Supply Facilities**

All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Ch. 62-532.500, F.A.C., and ASCE 24 Ch. 7 to minimize or eliminate infiltration of floodwaters into the systems.

(d) **Limitations on Sites in Regulatory Floodways**

No development, including but not limited to site improvements and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Sec. 5.7.5(d)(1) above demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) **Limitations on Placement of Fill**

Subject to the limitations of this section, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(f) **Special Environmental Protection**

Special flood hazard areas adjacent to Lake Lucien and Howell Creek exist substantially in a natural state and restriction of further encroachment and reduction of the flood capacity in these areas by development can prevent costly flooding and other environmental damage. Encroachments, including fill, new construction, substantial improvements, and other development shall be prohibited.

5.7.12. Manufactured Homes

In accordance with this LDC, the placement or installation of manufactured or mobile homes is not permitted.

5.7.13. Recreational Vehicles and Park Trailers

(a) Temporary Placement

Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

(b) Permanent Placement

Recreational vehicles and park trailers that do not meet the limitations in subsection (a) above for temporary placement are not permitted.

5.7.14. Tanks

(a) Underground Tanks

Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) Above-ground Tanks, Not Elevated

Above-ground tanks that do not comply with the elevation requirements of subsection (c) below shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(c) Above-ground Tanks, Elevated

Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall comply with the foundation requirements of the applicable flood hazard area.

(d) Tank Inlets and Vents.

Tank inlets, fill openings, outlets, and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

5.7.15. Other Development

(a) General Requirements for Other Development

All development, including man-made changes to improved or unimproved property for which specific provisions are not specified in this section or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Comply with the limitations of Sec. 5.7.11(d), Limitations on Sites in Regulatory Floodways, if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse, or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or comply with the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation, provided it conforms to the provisions of the electrical part of the Building Code for wet locations.

(b) Fences in Regulated Floodways

Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Sec. 5.7.11(d), Limitations on Sites in Regulatory Floodways.

(c) Retaining Walls, Sidewalks, and Driveways in Regulated Floodways

Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Sec. 5.7.11(d), Limitations on Sites in Regulatory Floodways.

(d) Roads and Watercourse Crossings in Regulated Floodways

Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall comply with the limitations of Sec. 5.7.11(d), Limitations on Sites in Regulatory Floodways. Alteration of a watercourse that is part of a road or watercourse crossing shall comply with the requirements of Sec. 5.7.5(d)(3) above.

5.7.16. Lakes, Canals, Streams, and Drainage Courses

To protect the aquifer and surface water bodies in the City, impermeable surfaces of each property abutting the lakes, canals, streams, and drainage courses illustrated in Map A, Protected Water Courses in the City of Maitland, attached to Ordinance No. 940, incorporated herein by reference, and available for public inspection in the Department of Public Works, shall not be altered to

increase square footage of such surfaces by more than 15 percent of impermeable surface area, except in accordance with the following:

(a) **On-site Drainage**

The property shall be designed, constructed upon, and maintained to prevent direct discharge of stormwater into the abutting watercourse by use of environmental swales and/or another method as approved by the City, and providing for on-site retention of the first one-half inch of rainfall for single-family or two-family (duplex) dwellings and the 25-year storm event for three-family, four-family, and multifamily residential and all non-residential development. Properties within subdivisions meeting the stormwater levels of service adopted by the City are exempt from this provision.

(b) **Structural Improvements within the Flood Hazard Area**

If any structural improvements are proposed within the flood hazard area, a certified elevation survey showing the controlled water elevation of the lake(s) adjacent to the property and the base flood elevation contour to the subject property shall be provided. Also, soil borings and tests may be required on the property to establish the stability of the soil.

5.7.17. Definitions

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section only, have the meanings shown in this section. Where terms are not defined in this section and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this section or the Florida Building Code, such terms shall have the meanings ascribed to them in Article 10: Definitions and Rules for Construction, Interpretation, and Measurement, of this LDC, and, if not defined in Article 10, shall have ordinarily accepted meanings such as the context implies.

ALTERATION OF A WATERCOURSE

A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard, or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

APPEAL

A request for a review of the Floodplain Administrator's interpretation of any provision of this section.

ASCE 24

The standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

BASE FLOOD

A flood having a one percent chance of being equaled or exceeded in any given year. [Also defined in the Florida Building Code (FBC), B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one percent-annual chance flood."

BASE FLOOD ELEVATION

The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

BASEMENT

The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

DESIGN FLOOD

The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

1) Area with a floodplain subject to a one percent or greater chance of flooding in any year; or
2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

DESIGN FLOOD ELEVATION

The elevation of the "design flood," including wave height, relative to the datum specified on the City's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

DEVELOPMENT

Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations, or any other land disturbing activities.

ENCROACHMENT

The placement of fill, excavation, buildings, permanent structures, or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

EXISTING BUILDING AND EXISTING STRUCTURE

Any buildings and structures for which the "start of construction" commenced before September 5, 1979. [Also defined in FBC, B, Section 202.]

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)

The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

FLOOD OR FLOODING

A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

1) The overflow of inland or tidal waters.
2) The unusual and rapid accumulation or runoff of surface waters from any source.

FLOOD DAMAGE-RESISTANT MATERIALS

Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

FLOOD HAZARD AREA

The greater of the following two areas: [Also defined in FBC, B, Section 202.]

1) The area within a floodplain subject to a one percent or greater chance of flooding in any year.
2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

FLOOD INSURANCE RATE MAP (FIRM)

The official map of the City on which FEMA has delineated both special flood hazard areas and the risk premium zones applicable to the City. [Also defined in FBC, B, Section 202.]

FLOOD INSURANCE STUDY (FIS)

The official report provided by FEMA that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

FLOODPLAIN ADMINISTRATOR

The office or position designated and charged with the administration and enforcement of this Section 5.7, Flood Damage Prevention.

FLOODPLAIN DEVELOPMENT PERMIT OR APPROVAL

An official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to comply with this section.

FLOODWAY

The channel of a river or other riverine watercourse and the adjacent land areas that shall be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 202.]

FLOODWAY ENCROACHMENT ANALYSIS

An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

FLORIDA BUILDING CODE

The family of codes adopted by the Florida Building Commission, including: the Florida Building Code, Building; the Florida Building Code, Residential; the Florida Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building Code, Plumbing; the Florida Building Code, Fuel Gas.

FREEBOARD

The additional height, usually expressed as a factor of safety in feet, above a flood level for purposes of floodplain management. Freeboard tends to compensate for many unknown factors, such as wave action, blockage of bridge or culvert openings, and hydrological effect of urbanization of the watershed, which could contribute to flood heights greater than the heights calculated for a selected frequency flood and floodway conditions.

FUNCTIONALLY DEPENDENT USE

A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

HARDSHIP

For the purpose of variances from this section, the exceptional difficulty associated with the land that would result from a failure to grant the requested variance. Hardships shall be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors do not, as a rule, qualify as an exceptional hardship. All of these concerns can be resolved through other means without granting a variance, even if the alternative is more expensive or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

HIGHEST ADJACENT GRADE

The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

HISTORIC STRUCTURE

Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Ch. 12 Historic Buildings.

LETTER OF MAP CHANGE (LOMC)

An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of Map Amendment (LOMA)

An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR)

A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F)

A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. To qualify for this determination, the fill shall have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR)

A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

LIGHT-DUTY TRUCK

As defined in 40 CFR 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less, which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle;
2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3) Available with special features enabling off-street or off-highway operation and use.

LOWEST FLOOR

The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access, or limited storage, provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

MARKET VALUE

The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this section, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

NEW CONSTRUCTION

For the purposes of administration of this section and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 5, 1979, including any subsequent improvements to such structures.

PARK TRAILER

A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Sec. 320.01, Fla. Stat.]

PUBLIC SAFETY

Anything which is injurious to safety or health of the entire community or a neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

RECREATIONAL VEHICLE

A vehicle, including a park trailer, which is: [See Sec. 320.01, Fla. Stat.)

1) Built on a single chassis;
2) Four hundred (400) square feet or less when measured at the largest horizontal projection;
3) Designed to be self-propelled or permanently towable by a light-duty truck; and
4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

REGULATORY FLOODWAY

See Floodway.

RIVERINE

Relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

SPECIAL FLOOD HAZARD AREA

An area in the floodplain subject to a one percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1—A30, AE, A99, AH, V1—V30, VE, or V. [Also defined in FBC, B Section 202.]

START OF CONSTRUCTION

The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual “start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

SUBSTANTIAL DAMAGE

Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

SUBSTANTIAL IMPROVEMENT

Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.
2) Any alteration of an historic structure provided the alteration will not preclude the structure's continued designation as an historic structure.

VARIANCE

A grant of relief from the requirements of this section, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this section or the Florida Building Code.

WATERCOURSE

A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows, at least periodically.

SECTION 5.8. FENCE AND WALL STANDARDS

5.8.1. Purpose and Intent

The purpose and intent of this section is to regulate the location, height, and appearance of fences and walls to:

(a) Maintain visual harmony within neighborhoods and throughout the City;

(b) Protect adjacent lands from the indiscriminate placement and the unsightliness of fences and walls; and

(c) Ensure that fences and walls are subject to timely maintenance when it is needed.

5.8.2. Applicability

(a) **General**

Unless exempted in accordance with subsection (b) below, the standards in this section apply to all construction, substantial reconstruction, or replacement of fences or walls in the City.

(b) Exemptions

The following fences and walls are exempt from the standards in this section:

(1) Fences and walls required for support of a principal or accessory structure;

(2) Fences or barricades around construction sites;

(3) Fences for tree protection or sedimentation and erosion control;

(4) Fences customarily provided for athletic fields, recreational facilities, and cemeteries;

(5) Landscaping berms installed without fences; and

(6) Fences at parks and schools, where such uses are owned by public agencies.

(c) Timing of Review

Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.1(f), Planned Development) , site plan (Sec. 2.5.2(a), Site Plan), subdivision (Sec. 2.5.2(b), Subdivision), site construction permit, or building permit, whichever occurs first.

5.8.3. General Standards

(a) Except on a flag lot in a Residential zone district, where construction of a fence or wall along the access section of the lot that connects to the public street by a narrow, private right-of-way or driveway is prohibited, fences and walls that comply with the standards in this subsection are allowed anywhere on a lot, or on a property line between privately-owned lots.

(b) A fence or wall shall not unreasonably impede visibility of street traffic from vehicles or exiting driveways, or be located within the sight triangle.

(c) Hedges may be placed, planted, and allowed to grow to form an opaque screen within any required front yard or within the access section of a flag lot, subject to the visibility requirements of paragraph (b) above.

(d) Gates shall not swing outward over a sidewalk or into the right-of-way.

5.8.4. Height

(a) Standard

(1) A fence or wall located in a required yard shall comply with the height standards in Table 5.8.4(a): Maximum Fence or Wall Height in Required Yards.

Table 5.8.4(a): Maximum Fence or Wall Height in Required Yards	
Required Yard	**Maximum Height of Fence or Wall**
Front Yard (RSF-1, RSF-2, RSF-3, RSF-D, R-MF, and MX districts)	4 feet
Front Yard (WS, GAP, NC, and PD districts)	6 feet
Side, Street Side, or Rear Yard (all districts)	8 feet

(2) Fence posts and wall columns may extend above the maximum fence heights established in Table 5.8.4(a): Maximum Fence or Wall Height in Required Yards, by three feet, provided no part of a fence or wall post or column shall have a height greater than six feet in the front yard of a residential district, or nine feet elsewhere.

5.8.5. Materials

(a) General

Unless otherwise specified in subsection (b) below, fences and walls shall be constructed of any one or more of the following materials:

(1) Masonry or stone;

(2) Ornamental iron or other decorative metal, except that fencing shall not incorporate spiked tops within a Residential district without approval of a security exemption plan in accordance with Sec. 5.8.8, Security Exemption Plan;

(3) Painted wood, pressure treated wood, or rot-resistant wood such as cedar, cypress, or teak;

(4) Composite materials designed to appear as wood, metal, or masonry;

(5) Chain link only as a customary part of a sports field. Where permitted, all chain link fences shall be vinyl coated and installed with the pointed ends to the ground;

(6) Vinyl fencing (for non-multifamily residential uses only); and

(7) Walls clad with substrate material intended to support living vegetation.

(b) Prohibited Materials

The following fence types or materials are prohibited unless approved as part of a security exemption plan in accordance with Sec. 5.8.8, Security Exemption Plan.

(1) Barbed and/or razor wire;

(2) Fences or walls with any material or substance designed to inflict pain or injury on any person or animal such as broken glass, spikes, nails, barbs, or similar material;

(3) Fences constructed of chicken wire, corrugated metal, fabric materials, fiberboard, garage door panels, plywood, rolled plastic, sheet metal, debris, junk, or waste materials, unless such materials are recycled and reprocessed, for marketing to the general public, as building materials designed to resemble new building materials (e.g., picket fencing made from recycled plastic and fiber);

(4) In the Mixed-Use and Nonresidential zone districts, opaque vinyl fence panels;

(5) Chain link fences except as permitted in subsection (a)(5) above; and

(6) Above-ground fences that carry electrical current (below-ground electrical fences intended for the keeping of pets are not prohibited).

5.8.6. Appearance

(a) Finished Side to Outside

Wherever a fence or wall is installed, if one side of the fence or wall appears more "finished" than the other (e.g., one side of a fence has visible support framing and the other does not, or one side of a wall has a textured surface and the other does not), the more "finished" side of the fence shall face the exterior of the lot rather than the interior of the lot.

(b) Fence and Wall Landscaping

All fences and walls exceeding four feet in height, if located within 15 feet of a street right-of-way, shall be supplemented with landscape screening in accordance with the standards in subsections (1) and (2) below, to soften the visual impact of the fence or wall. These standards shall apply to fences in Residential single-family districts (RSF-1, RSF-2, RSF-3, and RSF-D) only if they are located within 15 feet of the right-of-way of a principal arterial street or minor arterial street. (See Figure 5.8.6(b): Fence and Wall Landscaping.)

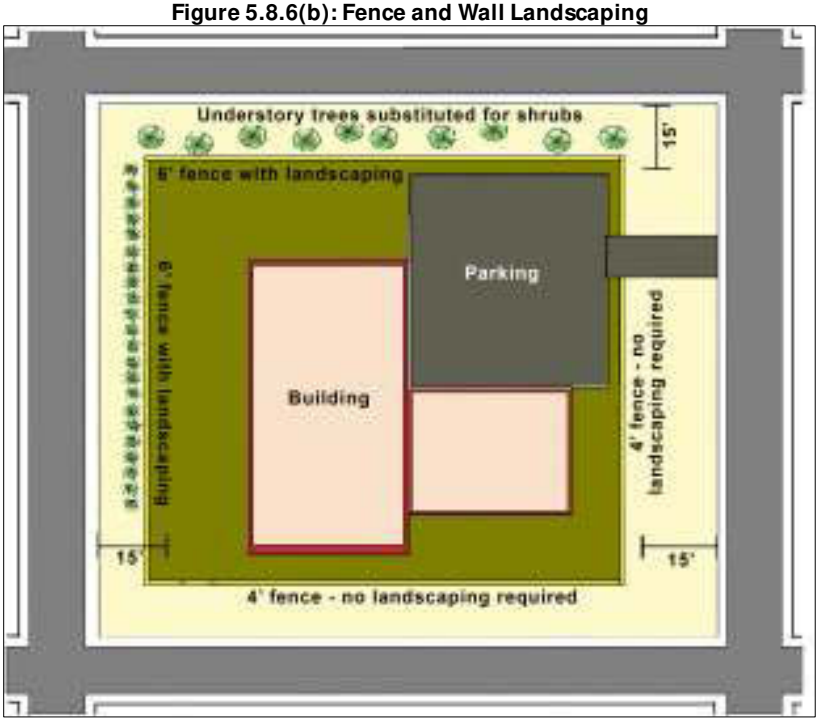
(1) Shrubs Required

One evergreen shrub shall be installed for every three linear feet of fence or wall, on the side of the fence or wall facing the public street right-of-way. Shrubs may be installed in a staggered, clustered, grouped, or linear fashion.

(2) Substitution of Understory Trees

One intermediate tree may be substituted for every two shrubs spaced no closer than 15 feet on center provided that the tree complies with the standards of Section 5.3, Landscape, Buffer, and Tree Protection Standards.

Figure 5.8.6(b): Fence and Wall Landscaping



5.8.7. Maintenance

Fences, walls, and associated landscaping shall be maintained in good repair and in a safe and attractive condition. Maintenance of fences and walls shall include, but not be limited to, the replacement of missing, decayed, or broken structural or decorative elements; keeping the structure clean of dirt and debris; and the repair of deteriorated or damaged fence materials, including, but not limited to, weathered surfaces visible from the public right-of-way, sagging sections, and posts that lean more than ten degrees from vertical.

5.8.8. Security Exemption Plan

(a) A landowner, or a representative of a public agency responsible for a government facility or other use in need of heightened security, may submit to the Community Development Director a security exemption plan proposing, for security reasons, a fence or wall taller than those permitted by this section or the use of barbed and/or razor wire atop a fence or wall.

(b) The Community Development Director may approve or approve with conditions the security exemption plan upon finding that the condition, location, or use of the land indicates the land or any materials stored or used on it are in significantly greater danger of theft or damage than surrounding land, without a taller fence or wall, and that the taller fence or wall will not have a significant adverse effect on the security, functioning, appearance, or value of adjacent lands or the surrounding area as a whole.

SECTION 5.9. EXTERIOR LIGHTING STANDARDS

5.9.1. Purpose and Intent

The purpose and intent of this section is to regulate exterior lighting to:

(a) Ensure all exterior lighting is designed and installed to maintain adequate lighting levels on site;

(b) Assure that excessive light spillage and glare are not directed at adjacent property, neighboring areas, and motorists;

(c) Curtail light pollution, reduce skyglow, and preserve the nighttime environment for the enjoyment of residents and visitors;

(d) Conserve energy and resources to the greatest extent possible; and

(e) Provide security for persons and property.

5.9.2. Applicability

(a) General

Except as exempted in accordance with subsection (b) below:

(1) New Development

All new development shall comply with the standards in this section.

(2) Existing Development

Any expansion or alteration of development existing prior to March 1, 2022 shall comply with the standards of this section to the maximum extent practicable if the expansion increases the building's floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's floor area (including interior alterations), as measured over any five-year period.

(b) Exemptions

The following types of lighting are exempt from the standards of this section:

(1) Lighting exempt under state or federal law;

(2) FAA-mandated lighting associated with a utility tower or airport;

(3) Lighting for public monuments and statuary;

(4) Lighting solely for signage (see Section 5.14, Signs);

(5) Temporary lighting for circuses, fairs, carnivals, and theatrical and other performance areas, provided such lighting is discontinued upon completion of the performance;

(6) Temporary lighting of construction sites, provided such lighting is discontinued upon completion of the construction activity;

(7) Temporary lighting for emergency situations, provided such lighting is discontinued upon abatement of the emergency situation;

(8) Security lighting controlled and activated by motion sensor devices for a duration of 15 minutes or less;

(9) Underwater lighting in swimming pools, fountains, and other water features;

(10) Holiday or festive lighting, provided such lighting does not create unsafe glare on street rights-of-way or neighboring properties; and

(11) Outdoor lighting fixtures that do not comply with provisions of this section March 1, 2022, provided they are brought into compliance with this section when they become unrepairable.

(c) Prohibited Lighting

The following exterior lighting is prohibited:

(1) Light fixtures that imitate an official highway or traffic control light or sign;

(2) Light fixtures that have a flashing or intermittent pattern of illumination;

(3) Spotlights, except when used by federal, state, or local authorities, or where they are used to illuminate alleys, parking garages, and working (maintenance) areas, so long as they are shielded and aimed so that they do not result in lighting on any adjacent lot or public right-of-way exceeding 2.0 foot candles; and

(4) Light fixtures that direct lighting in an upwards direction except in accordance with Sec. 5.9.5(e), Decorative and Landscape Lighting.

(d) Timing of Review

Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.1(f), Planned Development), site plan (Sec. 2.5.2(a), Site Plan), or building permit, whichever occurs first.

5.9.3. Lighting Plan

To ensure compliance with the standards of this section, a photometric plan demonstrating how exterior lighting will comply with the standards of this section shall be included as part of the application in which these standards are reviewed and approved.

5.9.4. General Standards

(a) Maximum Illumination Levels

Except for street and pedestrian lighting, all exterior lighting and indoor lighting visible from outside shall be designed and located so that the maximum illumination measured at ground level at a lot line (see Sec. 5.9.7, Illumination Measurement) is zero foot-candles.

(b) Maximum Height

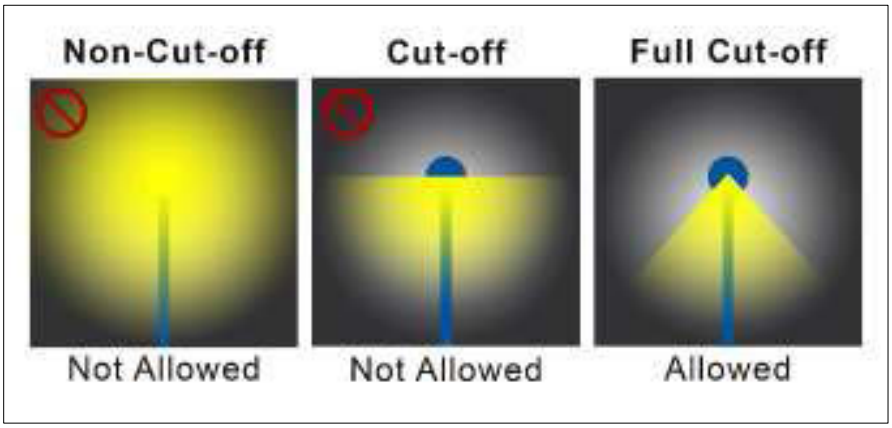
(1) Except for athletic field lighting features, which shall not exceed 95 feet in height, and street lights, the height of exterior light fixtures, whether mounted on poles, walls, or by other means, shall not exceed 20 feet.

(2) The height of street lights is dependent on the type of luminaire and its candlepower, the lamp, and the pole, and shall be approved by the Public Works Director.

(c) Full Cut-Off Fixtures Required

Except for street lights, all exterior luminaries, including security lighting, shall be full cut-off fixtures that are directed downward, consistent with Figure 5.9.4(c): Full Cut-off Fixtures. In no case shall lighting be directed above a horizontal plane through the lighting fixture.

Figure 5.9.4(c):Full Cut-off Fixtures



(d) Energy-Efficient Fixtures and Elements Required

(1) All outdoor light fixtures and light elements shall be energy efficient, as defined in subsection (2) below. The Community Development Director may allow exceptions to this requirement if the applicant demonstrates any of the following:

(A) An energy efficient fixture or light element is not reasonably available that meets the necessary functional requirements;

(B) Available energy efficient fixtures or light elements are not cost-effective over the life of the product, taking energy cost savings into account; or

(C) The use of an energy efficient fixture or light element is unreasonable or impractical for other reasons.

(2) For purposes of this subsection, an energy efficient light fixture or light element shall meet one of the following criteria:

(A) Is in the upper 25 percent of efficiency for all similar products as designated by the U.S. Department of Energy's Federal Energy Management Program; or

(B) Meets Department of Energy and Environmental Protection Agency criteria for use of the Energy Star trademark label.

5.9.5. Standards for Specific Uses and Site Features

(a) Sports or Performance Venue

(1) Lighting fixtures for outdoor sports areas, athletic fields, and performance areas shall be equipped with a glare control package (e.g., louvers, shields, or similar devices) and aimed so that their beams are directed and fall within the primary playing or performance area.

(2) Notwithstanding the standards of this section, lighting for outdoor recreational uses such as ball diamonds, football fields, soccer fields, other playing fields, tennis courts, and similar uses, shall:

(A) Be up to 30 feet in height, except at ball diamonds, football fields, and other playing fields, where they can be up to 95 feet in height;

(B) Have maximum illumination from such lighting at the property line not to exceed 2.0 foot-candles; and

(C) Be extinguished no later than 11:00 p.m. except to complete an activity that is in progress prior to 11:00 p.m.

(b) Pedestrian Area Lighting

(1) Except near streets, crosswalks, or rights of way where the Public Works Director determines that different standards are needed for safety, light fixtures for sidewalks, walkways, trails, and bicycle paths, outside of vehicular surface areas (parking lots), except for pedestrian bollard lamps, shall comply with the following standards:

(A) Provide at least 0.8 foot-candles of illumination, but not exceed 2.0 foot-candles;

(B) Have a maximum height of 15 feet; and

(C) Be placed a maximum of 100 feet apart.

(2) Any pedestrian bollard lamps shall be mounted no higher than four feet above grade and shall not exceed 900 lumens for any single lamp. (See Figure 5.9.5(b)(2): Examples of Pedestrian Bollard Lamps).

Figure 5.9.5(b)(2): Examples of Pedestrian Bollard Lamps



(c) Wall Pack Lights

Wall packs on the exterior of the building shall be fully shielded (e.g., true cut-off type bulb or light source not visible from off-site) to direct the light vertically downward and shall not exceed 1,600 lumens for any single fixture.

(d) Canopy

Areas under a canopy shall be designed so as not to create glare off-site. Acceptable methods to address this include one or both of the following:

(1) A recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface (ceiling) of the canopy that provides a full cutoff or fully-shielded light distribution; or

(2) A surface mounted fixture incorporating a flat glass that provides a full cutoff or fully-shielded light distribution.

(e) Decorative and Landscape Lighting

Outdoor light fixtures used for decorative effects shall comply with the following standards:

(1) Decorative lighting intended to enhance the appearance of a building, monument, and/or landscaping may cast light upward against the building surface or onto a landscape feature but not towards the sky.

(2) Decorative lighting fixtures shall not exceed 1,600 lumens for any single fixture.

5.9.6. Street Lights

(a) Street lights are required in all development.

(b) Street lights shall be mounted on non-corrosive poles served by underground wiring. The lamps shall be designed to minimize direct glare and to provide reasonably uniform light distribution on the street and sidewalk surface.

(c) The light structure and light color of street lights in an individual subdivision or development shall be consistent throughout the subdivision or development.

(d) The lamps and poles to provide the required illumination shall be compatible with the structure types in the subdivision.

(e) The developer shall coordinate with the utility that will provide electrical service for the street lights.

5.9.7. Illumination Measurement

(a) If illumination is measured, the measurement shall be made at the lot line of the land upon which light is to be measured. If measurement on private property is not possible or practical, light level measurements may be made at the boundary of the public street right-of-way that adjoins the land. Measurements shall be made at finished grade (ground level), with the light-registering portion of the meter held parallel to the ground.

(b) Illumination measurements shall be taken with a light meter that has been calibrated within two years.

5.9.8. Exemptions for Safety Reasons

(a) Government facilities, like property or rights-of-way, parks, public safety, and other development may submit a security plan to the Community Development Director proposing exterior lighting that deviates from the standards in this section. The Community Development Director shall approve or approve with conditions the security plan and its proposed deviation from the standards, upon finding that:

(1) The proposed deviation from the standards is necessary for the adequate protection of the subject land, development, or the public;

(2) The condition, location, or use of the land, or the history of activity in the area, indicates the property or any materials stored or used on it are in significantly greater danger of theft or damage, or members of the public are at greater risk for harm than on surrounding property without the additional lighting; and

(3) The proposed deviation from the standards is the minimum required, and will not have a significant adverse effect on neighboring lands.

(b) If the Community Development Director finds the applicant fails to demonstrate compliance with subsection (a) above, the security plan shall be denied.

SECTION 5.10. RESIDENTIAL COMPATIBILITY STANDARDS

5.10.1. Purpose and Intent

The purpose of these neighborhood compatibility standards is to provide a proper transition from and ensure compatibility between existing single-family detached and two-family (duplex) dwellings and vacant land in single-family residential zone districts, and more intense forms of development. More specifically, it is the intent of these standards to protect the character of existing residential neighborhoods consisting of primarily single-family detached and two-family (duplex) dwellings from potentially adverse impacts resulting from more intense and incompatible adjacent forms of development.

5.10.2. Applicability

(a) General

(1) Unless exempted by subsection (b) below, the standards in this section apply to the following development:

(A) New multifamily, townhome, four-family, nonresidential, and mixed-use development when located on land adjacent to or across a street or alley from "protected development" as defined in subsection (2) below.

(B) Any expansion or alteration of an existing multifamily, townhome, four-family, nonresidential, or mixed-use development when located on land adjacent to or across a street or alley from protected development.

(2) For purposes of this section, "protected development" shall mean the following when located within lands defined as part of the Traditional Neighborhood Future Land Use in the comprehensive development plan:

(A) An existing single-family detached or two-family (duplex) dwelling; and

(B) Vacant land in a single-family residential zone district (RSF-1, RSF-2, RSF-3, RSF-D).

(b) Exemptions

The following are exempt from these standards:

(1) Development separated from protected development by a street with four or more lanes, by a right-of-way greater than 75 feet, or by railroad right-of-way;

(2) Uses in the Education category; and

(3) All planned developments approved prior to March 1, 2022.

(c) Conflict

In the case of conflict between these standards and other standards in this LDC, these standards shall control unless expressly stated to the contrary.

5.10.3. Standards

Development subject to this section shall comply with the following standards:

(a) Off-Street Parking

(1) Off-street parking shall be established in one or more of the following locations, listed in priority order:

(A) Adjacent to existing parking lots serving nonresidential uses on abutting lots;

(B) Adjacent to lot lines abutting nonresidential development;

(C) Adjacent to lot lines abutting mixed-use development; or

(D) Adjacent to lot lines abutting protected development or parcels.

(2) Parking structure façades adjacent to protected development or parcels shall be configured to appear as articulated or landscaped building walls, to soften their visual impact.

(3) Off-street parking lots located adjacent to protected development shall have at least a ten-foot wide buffer yard that includes the following:

(A) A six-foot-tall fence in accordance with Sec. 5.10.3(j), Perimeter Fence or Wall); and

(B) Six trees (including three canopy and three intermediate trees) and 60 shrubs per 100 linear feet planted between the fence and the lot line. The trees and shrubs shall comply with Sec. 5.3.4(g), General Planting Standards.

(C) The total amount of off-street parking shall not exceed 1.1 times the required minimum specified in Sec. 5.2.5(a), Minimum Number of Off-Street Vehicular Parking Spaces, and may be reduced through an alternative parking plan approved by the Community Development Director if it will not have an adverse impact on the adjacent protected development.

(b) Building Setbacks

(1) Except as provided in subsection (2) below, all buildings shall be setback a minimum of 50 feet from the lot line of the protected development.

(2) If a proposed development is required to provide a Type C buffer adjacent to protected development in accordance with Table 5.3.4(c)(3): Buffer Types, the building setback may be reduced to no less than 35 feet if the developer installs within the buffer a solid masonry wall at least eight feet high that is compatible, in terms of texture and quality, with the material and color of the principal buildings on the site.

(c) Building Orientation

To the maximum extent practicable, multifamily, townhouse, four-family, nonresidential, and mixed-use development shall be oriented to face similar forms of development on adjacent or opposing lots rather than protected development.

(d) Building Location

No building shall be located within 50 feet of the lot line of protected development or within the required yard adjacent to protected development, whichever distance is larger.

(e) Building Massing

(1) Building façades facing protected development shall be configured to appear as a series of distinct building modules, storefronts, wings, projections, or recesses that comply with the following standards:

(A) Each individual module, storefront, wing, projection, or recess shall maintain a minimum width of 20 feet and a maximum width of 75 feet.

(B) Projections or recesses shall maintain a minimum offset of two feet from the primary building façade wall plane.

(2) Exterior, open corridors facing a protected development are prohibited.

(f) Building Height

(1) Building height, as measured by Sec. 10.2.1(a), Building Height, shall not exceed the height established in Table 5.10.3(f)(1): Maximum Height Where Neighborhood Compatibility Standards Are Applicable. This does not allow greater height than would otherwise be allowed on the parcel by the other provisions of this LDC. Distance from protected development is measured from the lot line of the protected development to the building line or the point of height change of the building subject to the standard. (See Figure 5.10.3(f)(1): Maximum Height Where Neighborhood Compatibility Standards Are Applicable.)

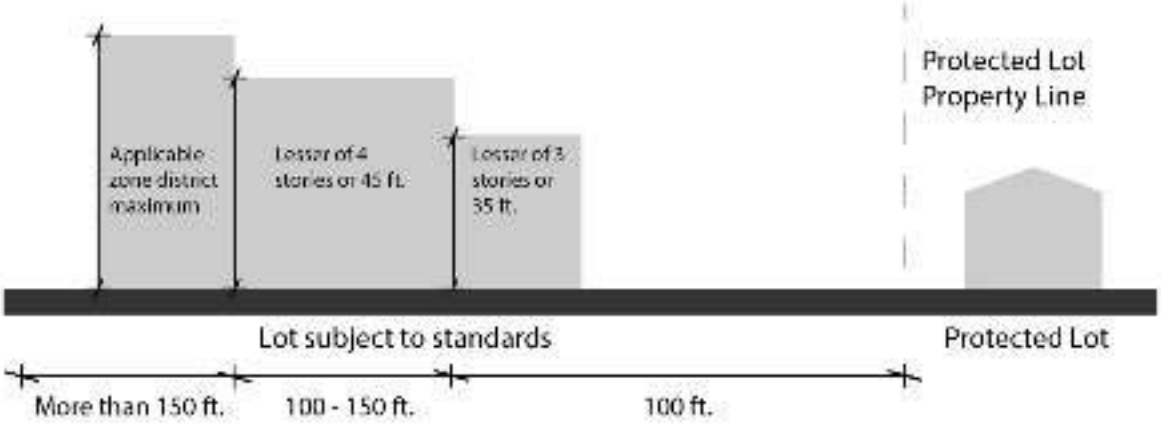
Table 5.10.3(f)(1): Maximum Height Where Neighborhood Compatibility Standards Are Applicable

Distance from Protected Development [1]	Maximum Height
50 up to 100 feet	Lesser of 3 stories or 35 feet
100 to 150 feet	Lesser of 4 stories or 45 feet
More than 150 feet	Applicable zone district maximum

NOTES:

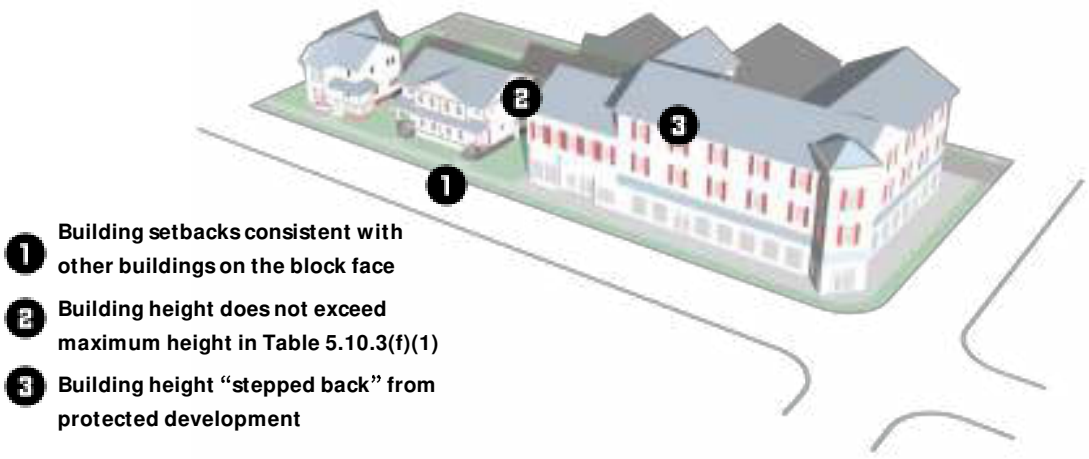
[1] All required minimum zone district setbacks shall apply.

Figure 5.10.3(f)(1): Maximum Height Where Neighborhood Compatibility Standards Are Applicable



(2) Buildings over three stories in height adjacent to protected development shall be broken up into modules or wings with the smaller and shorter portions of the structure located adjacent to the protected development (see Figure 5.10.3(f)(2): Building Height Modulation).

Figure 5.10.3(f)(2): Building Height Modulation



1. **Building setbacks consistent with other buildings on the block face**
2. **Building height does not exceed maximum height in Table 5.10.3(f)(1)**
3. **Building height "stepped back" from protected development**

(g) Building Roof Form

(1) Structures within 150 feet of a lot line of protected development shall maintain a pitched roof.

(2) All roof-mounted equipment shall be configured and screened from view from adjacent streets and protected developments and parcels, to the maximum extent practicable.

(h) Building Materials — Transparency

Building façades within 150 feet of a protected development or parcel, or that face the protected development or parcel, shall have a minimum transparency of 50 percent. Window and door openings counting toward meeting this transparency requirement shall consist of glass that is relatively clear and nonreflective, with a visible light transmittance measured between 0.2 and 0.65. The façade area shall be measured from the grade to the underside of

the eaves, or from story line to story line on upper building stories. The first two feet of façade area closest to the grade are not required to be transparent and shall be excluded from the façade area calculation.

[i] Site Features

[1] Loading, Service, and Refuse Collection Areas

Loading, service, and refuse collection areas shall be:

(A) Screened from view of protected development, using materials that are the same as, or of equal quality to, the materials used for the principal building; or

(B) Incorporated into the overall design of the site so that the visual and acoustic impacts of these functions are fully contained within an enclosure or otherwise out of view from adjacent properties and public streets, to the maximum extent practicable.

[2] Exterior Lighting

Exterior lighting shall, to the maximum extent practicable, be configured so that the source of illumination is not visible from a public street right-of-way or an adjacent protected development.

[3] Signage

(A) Except for directional signage, to the maximum extent practicable, all signage shall be located a minimum of 150 feet from lot lines shared with protected development.

(B) Directional signs within 150 feet of lot lines shared with a protected development shall be oriented towards the principal drive aisle of the use.

[j] Perimeter Fence or Wall

Where a development subject to these standards abuts a protected development, a wall six feet high using materials permitted in Sec. 5.8.5, Materials, shall be provided along the shared boundary to help screen the development from view of the protected development.

[k] Outdoor Activity Areas

For all multifamily, townhouse, and three and four-family buildings:

[1] Ground-Level Features

Ground-level outdoor activity areas, porches, decks, vending areas, and other similar site attributes shall be screened from adjacent single-family dwellings with a perimeter buffer in accordance with Sec. 5.3.4(c), Perimeter Buffer Standards.

[2] Upper-Story Balconies

Upper-story balconies serving individual dwelling units or common areas that are located within 100 feet of a single-family dwelling shall be located and designed to prevent views into the single-family dwelling's rear yard.

(l) Operational Standards

Development shall:

(1) Limit trash collection or other service functions to only between the hours of 7:00 a.m. and 7:00 p.m.; and

(2) Prohibit amplified music, singing, or other forms of noise in excess of 65 dB(A) measured at lot lines shared with protected development after 10:00 p.m. Sunday through Thursday nights, and 12:00 a.m. Friday and Saturday nights. The sound level shall be measured by the use of a sound level meter and frequency weighting network "A" as specified in the American National Standards Institute specifications for sound level meters.

SECTION 5.11. ARCHITECTURAL, FORM, AND DESIGN STANDARDS

5.11.1. Multifamily, Townhouse, Three-Family, and Four-Family Form and Design Standards

(a) Purpose and Intent

The purpose and intent of these multifamily, townhouse, and three- and four-family form and design standards are to:

(1) Establish a minimum level of development quality for multifamily, townhouse, and three- and four-family development;

(2) Promote greater compatibility between multifamily, townhouse, and three- and four-family development and other allowable uses; and

(3) Provide landowners, developers, architects, builders, business owners, and others with a clear and equitable set of parameters for developing land.

(b) Applicability

(1) General

Unless exempted in accordance with subsection (2) below, the standards of this section shall apply to:

(A) All new multifamily, townhouse, and three- and four-family development, unless expressly stated otherwise in the specific standards of this section; and

(B) Any expansion or alteration of multifamily, townhouse, and three- and four-family development (unless expressly stated otherwise in the specific multifamily form and design standards) that existed prior to March 1, 2022, if the expansion increases the buildings' gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the buildings' gross floor area (including interior alterations).

(2) Exemptions

The standards in this section shall not apply to:

(A) Development in the Downtown (DM) and Downtown Planned Development (DM-PD) districts; and

(B) Any dwellings located above a nonresidential use.

[3] Timing of Review

Review for compliance with the standards in this section shall occur during review of a development application for a site plan (Sec. 2.5.2(a), Site Plan) or building permit, whichever occurs first.

[c] Multifamily, Townhouse, and Three- and Four-Family Form and Design Standards

Development subject to this section shall comply with the following standards.

[1] Location of Off-Street Parking

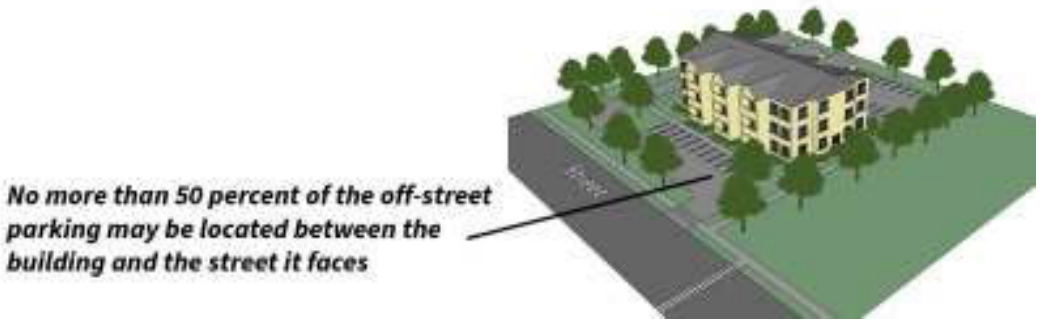
For all multifamily, townhouse, and three- and four-family development:

(A) No more than 50 percent of off-street surface parking may be located between a building and the street it faces unless the parking bays are screened from view from the street by another building. Interior structures within a multi-building development served by a central, private driveway are exempted from this requirement. (see Figure 5.11.1(c)(1): Parking Location).

(B) Guest and overflow parking within a development subject to these standards shall be located to the side or rear of the building containing the units, to the maximum extent practicable.

(C) Off-street surface parking located beside a building shall not occupy more than 35 percent of the parcel's street frontage. Associated driving areas shall be included as part of such off-street surface parking.

Figure 5.11.1(c)(1): Parking Locations



Parking lots may be located in front of a multifamily building when screened from the street by another building



[2] Building Orientation and Configuration

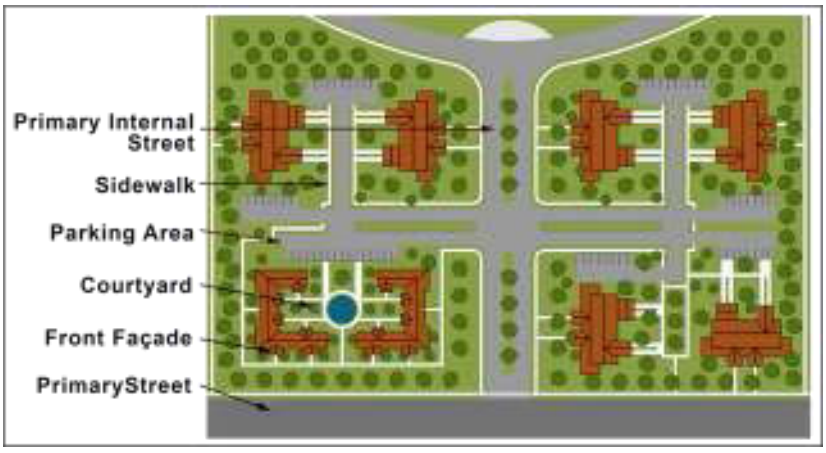
(A) Single-Building Development

The primary entrance of a multifamily, townhouse, and three- and four-family development shall face the street.

(B) Multi-Building Development

Multifamily, townhouse, and three- and four-family development with more than two buildings shall be configured so that the primary building entrances are oriented towards external streets, internal streets, or open spaces areas such as courtyards. See Figure 5.11.1(c)(2)(B): Multi-Building Development Orientation. Buildings may be oriented towards off-street parking lots only in cases where no other practical orientation exists.

Figure 5.11.1(c)(2)(B): Multi-Building Development Orientation



[3] Maximum Building Length

The maximum length of any multifamily and townhouse building shall be 150 linear feet, regardless of the number of units.

[4] Building Façades

For all multifamily, townhouse, and four-family buildings, the following building façade standards apply:

(A) Façades Shall Face a Street and Incorporate Wall Offsets

Façades of all buildings subject to these standards that face a street shall incorporate wall offsets, in the form of projections or recesses in the façade plane, spaced no more than 50 feet apart. See Figure 5.11.1(c)(4)(A): Changes in Building Façade.

Figure 5.11.1(c)(4)(A): Changes in Building Façade



(B) Depth of Wall Offsets

Wall offsets shall have a minimum depth of two feet.

(C) Design Features to Front Façades of Multifamily Buildings

In addition to wall offsets, front façades of multifamily buildings shall provide a minimum of three of the following design features for each residential unit fronting onto a public street:

1. One or more dormer windows or cupolas;
2. A recessed entrance;
3. A covered porch at least eight feet in depth;
4. Pillars, posts, or columns adjacent to the doorway;
5. One or more bay windows projecting at least 12 inches from the façade plane;
6. Eaves projecting at least six inches from the façade plane;
7. Raised corniced parapets over the entrance door;
8. Multiple windows with a minimum four-inch-wide trim;
9. Integrated planters that incorporate landscaped areas or places for sitting; or
10. Roof form and line changes consistent with the façade offsets.

(5) Roofs

For all multifamily buildings:

(A) Sloped Roofs on Buildings Over 100 Feet

Sloped roofs on buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum slope between 3:12 and 12:12.

(B) Flat Roofs

Flat roofs shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

(C) Alternative Roof Forms Allowed for Small Roof Sections

Alternative roof forms or pitches may be allowed for small roof sections over porches, entryways, or similar features.

(D) Roof-Based Mechanical Equipment and Other Roof Penetrations

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured and screened (if necessary) to have a minimal visual impact as seen from any public right-of-way.

(6) Transparency/Fenestration

At least 20 percent of the street-facing façade area of the ground-level floor of any multifamily building (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

(7) Materials

For all multifamily, townhouse, and three-and four-family buildings, primary façade materials shall not change at outside corners, but shall extend along any side façade that is visible from a street. In all instances the extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure.

(8) Garage Standards

For all multifamily, townhouse, and three- and four-family buildings:

(A) Detached Garages or Carports

Detached garages or carports shall be located to the side, rear, or within the building(s) containing the dwellings. See Figure 5.11.1(c)(8)(A): Garage Placement. A parking structure is exempt from this requirement.

Figure 5.11.1(c)(8)(A): Garage Placement



(B) Freestanding Garages or Carports Visible from Public Street

Freestanding garages or carports visible from public streets outside the development shall be oriented perpendicular to the street, or the façade facing the street shall be configured to comply with the required wall offsets and façade design features in subsection (4) above.

(C) Exterior Materials, Design Features, and Roof Form

The exterior materials, design features, and roof form of a detached garage or carport shall be the same as the building it serves.

5.11.2. Nonresidential and Mixed-Use Form and Design Standards

[a] Purpose and Intent

The purpose and intent of these nonresidential and mixed-use form and design standards are to ensure a minimum quality of form and design for commercial and mixed-use development outside the Downtown (DM) and Downtown Planned Development (DM-PD) districts. More specifically, the purposes of this section are to:

[1] Encourage the establishment of a stronger sense of place with vibrant commercial and mixed-use development;

(2) Encourage a more pedestrian-friendly environment through attention to human-scale design and site features to limit large, bulky buildings with few architectural details;

(3) Foster greater compatibility between adjacent residential and nonresidential development;

(4) Limit the impacts of automobile-oriented development in commercial and mixed-use areas; and

(5) Improve the aesthetics of the City.

(b) Applicability

(1) General

Unless exempted in accordance with subsection (2) below, the standards in this section shall apply to:

(A) All new nonresidential and mixed-use development; and

(B) Any expansion or alteration of a nonresidential or mixed-use building that existed prior to March 1, 2022, if the expansion increases the building's gross floor area by 50 percent or more, or the alteration involves 50 percent or more of the building's gross floor area (including interior alterations).

(2) Exemptions

The standards in this section shall not apply to development in the Downtown (DM) and Downtown Planned Development (DM-PD) districts.

(c) Timing of Review

Review for compliance with the standards in this section shall occur during review of a development application for a site plan (Sec. 2.5.2(a), Site Plan) or building permit, whichever occurs first.

(d) Nonresidential and Mixed-Use Form and Design Standards

Development subject to this section shall comply with the following standards:

(1) Building Orientation

(A) Front Streets

The front façade of all buildings, as defined by the primary entrance, shall be oriented on and front onto a street, a courtyard, or plaza.

(B) Single-Building Development

1. All single-building developments shall be configured with the long axis of the building parallel to the street it fronts, or be consistent with existing development patterns, rather than being sited at unconventional angles.

2. New large single-use retail buildings shall comply with the standards in Sec. 5.11.3, Large Retail Establishment Form and Design Standards.

(C) Multi-Building Development

1. The primary entrances of buildings in a multi-building development shall be oriented towards a street along the perimeter of a development, towards streets or driveways interior to the development, or towards open space areas such as courtyards or plazas.

2. Developments composed of multiple buildings totaling 250,000 or more square feet of floor area shall be configured to:

   a. Break up the site into a series of smaller "blocks" defined by on-site streets, vehicle accessways, pedestrian walkways, or other circulation routes, as appropriate;

   b. Frame the corner of an adjacent street intersection or entry point to the development, if appropriate;

   c. Frame and enclose a "Main Street" pedestrian or vehicle access corridor within the development site, if appropriate; and

   d. Frame and enclose outdoor dining or gathering spaces for pedestrians between buildings, where appropriate.

(2) Outparcel Development

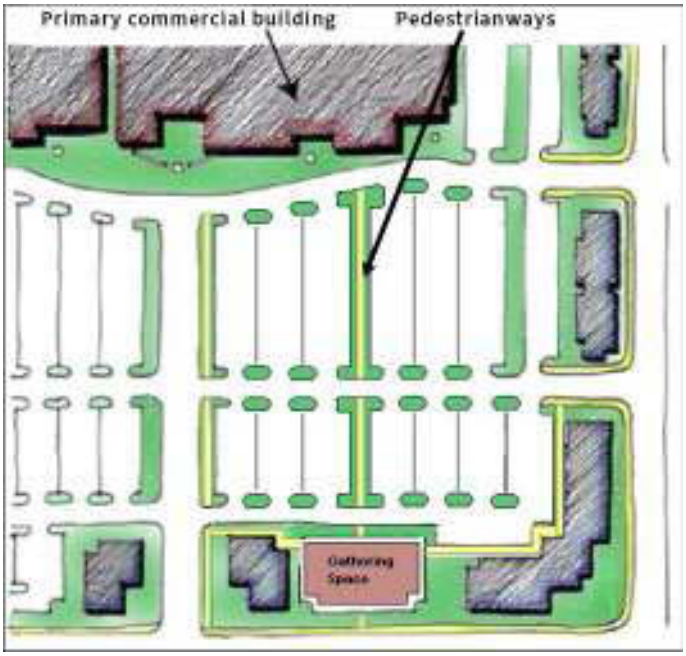
(A) General

To the maximum extent practicable, outparcels and their buildings shall be configured and located to define street edges, development entry points, and spaces for gathering or seating between buildings.

(B) Spaces Between Buildings

Where appropriate, spaces between buildings on outparcels shall be configured with small scale pedestrian amenities such as plazas, seating areas, pedestrian connections, and gathering spaces. See Figure 5.11.2(d)(2)(B): Outparcel Development.

Figure 5.11.2(d)(2)(B): Outparcel Development



[3] Façade Articulation

(A) Offsets Required

Street-facing front building façades that are greater than 100 feet wide shall be articulated with wall offsets (e.g., projections or recesses in the façade plane) that are at least two feet deep, at least ten feet wide, and spaced an average of 50 feet apart.

(B) Offset Alternatives

The following techniques may be used (alone or in combination with other techniques and/or wall offsets) as an alternative to the required front façade offsets. see Figure 5.11.2(d)(3)(B): Façade Massing Alternatives:

1. Columns or pilasters that are at least eight inches deep and at least eight inches wide, and have a height equal to at least 80 percent of the façade's height; or
2. Roofline changes that vertically align with a corresponding wall offset or change in façade color or material, including changes in roof planes and changes in the height of a parapet wall (such as extending the top of pilasters above the top of the parapet wall).

Figure 5.11.2(d)(3)(B): Façade Massing Alternatives



(C) Side and Rear Façades

The street-facing side and, where visible off-site, the rear-facing façades of buildings shall be articulated with the same façade details as provided on the building's front façade.

(D) Outbuildings

Outbuildings located in front of other buildings within the same development shall include a consistent level of façade articulation and architectural detail on all sides of the building, as well as exterior materials and colors that are compatible with the primary building in the development.

[4] Façade Materials

(A) General

The use of aluminum siding, vinyl siding, corrugated metal siding, or other metal cladding is prohibited on any façade visible from a street right-of-way. Nothing shall limit the use of high-quality, decorative metal (e.g., brass, copper, steel) as a building accent material.

(B) Primary Façade Materials at Outside Corners

Primary façade materials shall not change at outside corners, but shall extend along any side façade visible from a street right-of-way. In all instances the extension shall be a minimum of 20 feet, except materials may change where side or rear wings meet the main body of the structure. Where two or more materials are proposed to be combined on a façade, the heavier and more massive elements shall be located

below the lighter elements (i.e., brick below stucco or wood). The heavier material may be used as a detail on the corner of a building or along cornices or windows.

[5] Fenestration/Transparency

Unless more restrictive requirements are established elsewhere in this LDC, at least 25 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

[6] Roofs

(A) Sloped Roofs

Sloped roofs on principal buildings over 100 feet in length shall include two or more different sloping roof planes, each with a minimum slope between 3:12 and 12:12.

(B) Flat Roofs

Flat roofs on principal buildings shall be concealed by parapet walls that extend at least three feet above the roof level and have three-dimensional cornice treatments that project at least eight inches outward from the parapet façade plane.

(C) Roof-Based Mechanical Equipment

All roof-based mechanical equipment, as well as vents, pipes, antennas, satellite dishes, and other roof penetrations (except chimneys), shall be located on the rear elevations or otherwise be configured, to the maximum extent practicable, to have a minimal visual impact as seen from the street.

[7] Location of Off-Street Parking

Unless more restrictive requirements are established elsewhere in this LDC, development subject to this section is strongly encouraged to locate a minimum of 50 percent of the surface parking to the side or rear of the buildings.

[8] Loading, Service, and Equipment Areas

(A) Minimize Visibility from Off-site Areas

To the maximum extent practicable, loading, service, and equipment areas shall be located in a manner that minimizes their visibility from off-site areas.

(B) Screen Outdoor Storage Areas

Outdoor storage areas shall be fully screened from adjacent streets and single-family detached dwellings.

(C) Outparcels

Loading, service, and equipment areas that are associated with an outparcel building shall be screened through the use of structural elements and similar materials attached to and integrated with the building.

5.11.3. Large Retail Establishment Form and Design Standards

(a) Applicability

(1) General

Unless exempted in subsection (2) below, in addition to the general nonresidential and mixed-use form and design standards in Sec. 5.11.2, Nonresidential and Mixed-Use Form and Design Standards, single-tenant buildings that have a gross floor area of 50,000 square feet or more and devote 60 percent or more of the total floor area to retail sales activities shall also comply with the standards in this section. If there is a conflict between these standards and those in Sec. 5.11.2, these standards control.

(2) Exemptions

The standards in this section shall not apply to development in the Downtown (DM) and Downtown Planned Development (DM-PD) districts.

(3) Timing of Review

Review for compliance with the standards in this section shall occur during review of a development application for a site plan (Sec. 2.5.2(a), Site Plan) or building permit, whichever occurs first.

(b) Large Retail Establishment Form and Design Standards

Development subject to this section shall comply with the following standards.

(1) Building Entrances

Buildings shall have clearly defined, highly visible customer entrances featuring no less than three of the following:

(A) Canopies or porticos above the entrance;

(B) Roof overhangs above the entrance;

(C) Entry recesses or projections;

(D) Arcades that are physically integrated with the entrance;

(E) Raised corniced parapets above the entrance;

(F) Gabled roof forms or arches above the entrance;

(G) Outdoor patios or plazas adjacent to the entrance;

(H) Display windows that are directly adjacent to the entrance;

(I) Architectural details, such as tile work and moldings, that are integrated into the building structure and design and are above or directly adjacent to the entrance; or

(J) Integral planters or wing walls that incorporate landscaped areas or seating areas.

[2] Façades and Massing

(A) General

To reduce their perceived mass and scale, buildings shall incorporate three or more of the following design elements on each façade facing a street:

1. Variations in roof form and parapet heights;
2. Pronounced wall offsets that are at least two feet deep;
3. Distinct changes in texture and color of wall surfaces;
4. Ground level arcades and second floor galleries or balconies;
5. Protected and recessed entries; and
6. Vertical accents or focal points.

(B) Side Building Walls

Side building walls that do not face a street and exceed 30 feet in length shall have façade-articulating elements such as columns and/or changes in plane, texture, or masonry pattern. See Figure 5.11.3(b)(2)(B): Large Retail Building Entrances and Massing.

Figure 5.11.3(b)(2)(B): Large Retail Building Entrances and Massing



[3] Fenestration/Transparency

Unless more restrictive requirements are established elsewhere in this LDC, at least 20 percent of the street-facing façade area of the ground-level floor of buildings (as measured from the grade to the underside of the eave, top of the parapet, or the story line denoting the second floor) shall be occupied by windows or doorways.

[4] Off-Street Parking Location Standards

(A) General

Unless more restrictive requirements are established elsewhere in this LDC, up to 60 percent of the total off-street surface parking provided may be located between the front façade of the building and the street it faces.

(B) Large Retail Parking Lot

Off-street surface parking lots with 150 or more spaces shall be organized into a series of parking bays surrounded by buildings, landscaping, or accessways designed to appear as streets. See Figure 5.11.3(b)(4)(B): Large Retail Parking Lot with More Than 150 Spaces.

Figure 5.11.3(b)(4)(B): Large Retail Parking Lot with More Than 150 Spaces



SECTION 5.12. SUSTAINABLE DEVELOPMENT STANDARDS

5.12.1. Purpose and Intent

The purpose of this section is to ensure development includes a minimum degree of sustainable development features as a means of protecting and conserving resources, making development more resilient, supporting a healthy lifestyle for citizens, and ensuring a high quality of life for residents. Specifically, this section is intended to ensure development practices:

[a] Conserve energy;

[b] Promote the use of alternative energy;

[c] Conserve water resources;

[d] Protect water quality;

[e] Promote resiliency;

[f] Support walkable, mixed-use development in appropriate places;

[g] Support multiple modes of mobility;

[h] Promote a healthy landscape;

[i] Promote people living in place; and

[j] Promote healthy and safe lifestyles.

5.12.2. Applicability

(a) General

Unless exempted in accordance with subsection (b) below, all development shall comply with the standards of this section.

(b) Exemptions

The following development is exempt from the requirements of this section.

(1) Expansion or alteration of development existing prior to March 1, 2022 if the expansion increases the building's floor area by 50 percent or less, or the alteration involves 50 percent or less of the building's gross floor area over the five years prior to the submission of an application; or

(2) All planned developments approved prior March 1, 2022.

(c) Timing of Review

Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.1(f), Planned Development) , site plan (Sec. 2.5.2(a), Site Plan), subdivision (Sec. 2.5.2(b), Subdivision), or building permit, whichever occurs first.

5.12.3. Minimum Number of Points Required

Table 5.12.3: Sustainable Development Point System, establishes a menu of options for meeting the sustainable development standards of this section. Development subject to the requirements of this subsection shall achieve a minimum of five points. Of the five points, a minimum of two points shall be from the General Sustainability Standards in Table 5.12.3, and a minimum of two points shall be from the Water Conservation/Quality and Transportation Standards.

Table 5.12.3: Sustainable Development Point System

Development Feature	Points Earned
General Sustainability Standards	
Energy Conservation	
Meet ASHRAE standards for lighting	1.00
Meet Energy Star standards for low-rise residential or exceed ASHRAE efficiency standards by 15 percent	1.50
Home energy rating system (HERS) index greater than 90 and less than or equal to 95	0.75
HERS index greater than 85 and less than or equal to 90	1.00
HERS index greater than 75 and less than or equal to 85	1.25
HERS index less than or equal to 75	1.75
Stated water heater efficiency between 0.675 to 0.82	1.00

Table 5.12.3: Sustainable Development Point System	
Development Feature	**Points Earned**
Stated water heater efficiency of 0.82 or more	1.50
Air conditioner with stated efficiency greater than 14 SEER is included as standard	1.25
Air conditioner with stated efficiency greater than 16 SEER is included as standard	1.50
Install a cool roof on a minimum of 50 percent of the rooftops in the development or subdivision. The cool roof shall cover the entire roof of the dwelling or nonresidential building. [1]	1.00
Install a cool roof on a minimum of 75 percent of the rooftops in the development or subdivision. The cool roof shall cover the entire roof of the dwelling or nonresidential building. [1]	2.00
Install a cool roof on a minimum of 100 percent of the rooftops in the development or subdivision. The cool roof shall cover the entire roof of the dwelling or nonresidential building. [1]	3.00
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure	0.50
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 50 percent of the habitable rooms in the structure	1.25
Use central air conditioners that are Energy Star qualified	0.50
Use only solar or tank-less water heating systems throughout the structure	1.50
Alternative Energy	
Generate or acquire a minimum of 50 percent of the electricity needed by the development from alternative energy sources (e.g., solar, geothermal, etc.)	2.00
Generate or acquire a minimum of 75 percent of the electricity needed by the development from alternative energy sources (e.g., solar, geothermal, etc.)	3.00
Generate or acquire a minimum of 25 percent of the electricity needed by the development from alternative energy sources (e.g., solar, wind, geothermal)	1.00
Pre-wire a minimum of 25 percent of residential dwelling units for solar panels	0.25
Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels	1.00
Pre-wire a minimum of 100 percent of residential dwelling units in the development for solar panels	1.50
Install solar panels that provides electricity to a minimum of 25 percent of dwelling units contained in a residential development	1.00
Install solar panels that provides electricity to a minimum of 50 percent of dwelling units contained in a residential development	2.00
Install solar panels that provides electricity to a minimum of 75 percent of dwelling units contained in a residential development	3.00

Table 5.12.3: Sustainable Development Point System	
Development Feature	**Points Earned**
Install solar panels on primary structure, and at least 50 percent of buildings in a nonresidential development	1.50
Install solar panels on primary structure, and at least 75 percent of buildings in a nonresidential development	3.00
Passive Solar	
Orient a minimum of 25 percent of the buildings in the development within 20 percent of the east-west axis for maximum passive solar exposure	0.75
Orient a minimum of 50 percent of the buildings within 20 percent of the east-west axis for maximum passive solar exposure	1.25
Orient a minimum of 75 percent of the buildings within 20 percent of the east-west axis for maximum passive solar exposure	2.50
Vegetation	
Provide landscaping without turf/lawn that consists of permeable ground cover with native plants or those that require no irrigation	1.50
Compost	
Provide a minimum of one on-site composting station for every 25 units	0.75
Building Materials	
Source a minimum of 25 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered with 250 miles of the site	1.50
Source a minimum of 40 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered with 250 miles of the site	2.50
Water Conservation/Quality and Transportation Standards	
Water Conservation/Quality	
Design all areas required to be landscaped as an integrated system to meet on-site stormwater quality requirements for the development through incorporation of low impact development design principles and use of best management practices for on-site storm-water management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped conveyances shall discharge to pervious areas	3.00
Install a green/vegetated roof on the primary structure. Green/vegetated roofs shall include vegetation on at least 50 percent of the roof area and shall use only plant materials permitted by Sec. 5.3.4(g), General Planting Standards	2.50
In residential buildings, all showerheads and handheld showers achieve 2.0 GPM or less	0.50
All lavatory faucets flow rate is 1.5 GPM or less at 60 PSI	0.50

Table 5.12.3: Sustainable Development Point System	
Development Feature	**Points Earned**
All toilets are 1.28 GPF or less	0.50
All toilets have dual activated flushing	1.00
Include rainwater capture and re-use devices such as cisterns, rain filters, and underground storage basins for residential development with a minimum storage capacity of 500 gallons for every two residential units	0.50
Transportation	
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	0.75
Provide at least one electric vehicle (EV) level 2 charging station that is made available to those using the building, in addition to any EV charging stations required in accordance with Sec. 5.2.5(c), Electric Vehicle Charging Stations	1.00
Provide at least one electric vehicle (EV) level 3 charging station that is made available to those using the building, in addition to any EV charging stations required in accordance with Sec. 5.2.5(c), Electric Vehicle Charging Stations	1.50
NOTES: [1] Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12.	

5.12.4. Failure to Install or Maintain Sustainable Development Features

Failure to install or maintain approved sustainable development features that are to be provided to comply with this section is a violation of the City Code.

SECTION 5.13. SUSTAINABLE DEVELOPMENT INCENTIVES

5.13.1. Purpose and Intent

The purpose of this section is to add further support to sustainable development practices in the City by providing incentives for developments that incorporate specific types of sustainable development practices above the minimum required in Section 5.12, Sustainable Development Standards. Specifically, this section is intended to provide incentives for developments that incorporate sustainable development practices that support:

[a] LEED or comparable development;

[b] Energy conservation;

[c] Alternative energy use;

[d] Passive solar practices;

(e) Water conservation and water quality;

(f) Use of natural vegetation;

(g) Use of recycled building materials;

(h) Alternate forms of transportation; and

(i) Universal design.

5.13.2. Incentives and Applicability

(a) All development and redevelopment in all zone districts except RSF-1, RSF-2, RSF-3, and RSF-D that integrate sustainable development practices in accordance with this section shall be eligible for the following incentives. These practices shall be integrated into a development in addition to those included in accordance with Section 5.12, Sustainable Development Standards.

(1) An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zone district, and an increase in the allowed residential density by 15 percent beyond the maximum allowed in the base zone district, where allowed by the comprehensive development plan;

(2) An increase in the maximum allowable impervious coverage by 10 percent beyond the maximum allowed in the base zone district; or

(3) A modification to the off-street parking standards resulting in a reduction from the minimum requirements by 15 percent, or an increase to the maximum allowable number of spaces provided by 15 percent (without an alternative parking plan).

(b) Development may include a sufficient number of sustainable development practices to take advantage of more than one type of incentive, but in no instance shall the amount of an incentive be increased or decreased (as appropriate) beyond the maximum listed in this subsection.

5.13.3. Conflict with Residential Compatibility Standards

In cases where the incentives in this section conflict with the standards in Section 5.10, Residential Compatibility Standards, the residential compatibility standards shall control.

5.13.4. Procedure

(a) Development seeking to use sustainability incentives in accordance with this section shall include a written request with the development application that demonstrates how compliance with the standards in this section will be achieved.

(b) Review for compliance with the standards in this section shall occur during review of a development application for planned development (Sec. 2.5.1(f), Planned Development) , site plan (Sec. 2.5.2(a), Site Plan), subdivision (Sec. 2.5.2(b), Subdivision), or building permit, whichever occurs first.

(c) The decision-making body or person responsible for review of the development application shall also be responsible for the review of the sustainability incentive request.

5.13.5. Incentive Requirements and Procedure

(a) The incentive(s) shall be based on the number of sustainable development features provided, in accordance with Table 5.13.5: Sustainable Development Incentives, and Table 5.13.6: Sustainable Development Practices. To obtain the right to a particular incentive identified in the left column of Table 5.13.5: Sustainable Development Incentives (for example, a density bonus of 15 percent beyond the maximum allowed in the base zone district, where allowed by the comprehensive development plan), the development proposed is required to provide the minimum number of sustainability features associated with the sustainable development practices from both schedule A and schedule B in Table 5.13.6: Sustainable Development Practices (for example, for the density bonus mentioned above, the proposed development is required to include three sustainable development practices from Schedule A and three sustainable development practices from Schedule B).

(b) The features used to obtain a type of incentive shall only be counted for that incentive. If an applicant wants to achieve a second type of incentive (for example, both the density bonus incentive and the impervious coverage incentive), the proposed development shall include the minimum number of sustainable development practices in Schedule A and Schedule B required for both incentives (three from Schedule A and three from Schedule B for the density bonus incentive, and two from Schedule A and three from Schedule B for the lot coverage incentive).

Table 5.13.5: Sustainable Development Incentives

Type of Incentive	Minimum Number of Sustainable Development Practices Provided	
	From Schedule A	From Schedule B
An increase in the maximum allowable height by up to one story or 14 feet beyond the maximum allowed in the base zone district, and an increase in the maximum residential density by 15 percent, where allowed by the comprehensive development plan	3	3
A reduction in the minimum open space requirement (see Table 5.4.3: Required Open Space Set-Asides) for the specified uses and the base zone district of 10 percent	2	3
A reduction from the minimum parking space requirements by 15 percent	2	2

5.13.6. Menu of Sustainable Development Practices

One or more of the sustainable development practices in Table 5.13.6: Sustainable Development Practices may be offered by an applicant for proposed development in accordance with Table 5.13.5: Sustainable Development Incentives.

Table 5.13.6: Sustainable Development Practices

Type of Sustainable Development Practice	Schedule [1]
LEED or Equivalent	
Construct the principal building(s) to meet or exceed LEED ®Bronze certification or equivalent standards of the National Green Building Standard™/NGBS Green or the International Code Council's International Green Construction Code [2]	AB
Construct the principal building(s) to meet or exceed LEED ®Silver certification or equivalent of the National Green Building Standard ™/NGBS Green or the International Code Council's International Green Construction Code [2]	AAB
Construct the principal building(s) to meet or exceed LEED ®Gold certification or equivalent of the National Green Building Standard ™/NGBS Green or the International Code Council's International Green Construction Code [2]	AAABB
Construct the principal building(s) to meet or exceed LEED ®Platinum certification or equivalent of the National Green Building Standard ™/NGBS Green or the International Code Council's International Green Construction Code [2]	AAAABB
Energy Conservation	
Meet ASHRAE standards for lighting	A
Meet Energy Star standards for low-rise residential or exceed ASHRAE efficiency standards by 15 percent	A
Home energy rating system (HERS) index less than or equal to 85	A
Stated water heater efficiency of 0.82 or more	A
Air conditioner with stated efficiency greater than 16 SEER is included as standard	A
Install a cool roof for at least 50 percent of the total roof area of the primary buildings in a multi-building development. The "cool roof" shall cover the entire roof of the dwelling or nonresidential building. [1]	AA
Install a cool roof on a minimum of 75 percent of the rooftops in the development or subdivision. The "cool roof" shall cover the entire roof of the dwelling or nonresidential building. [1]	AAA
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 50 percent of the habitable rooms in the structure	A
Use only solar or tank-less water heating systems throughout the structure	A
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure	B
Construct roof eaves or overhangs of three feet or more on southern or western elevations	B

Table 5.13.6: Sustainable Development Practices	
Type of Sustainable Development Practice	**Schedule [1]**
Provide shade, open-grid pervious pavement, or solar-reflective paving on 50% of total area of roads, sidewalks, and parking areas in development	B
HERS index greater than 85 and less than or equal to 95	B
Provide skylights in an amount necessary to ensure natural lighting is provided to at least 20 percent of the habitable rooms in the structure	B
Use central air conditioners that are Energy Star qualified	B
Use a structure design that can accommodate the installation and operation of solar photovoltaic panels or solar thermal heating devices (including appropriate wiring and water transport systems)	B
Use vegetation or vegetated structures to shade HVAC units	B
Alternative Energy	
Generate or acquire a minimum of 50 percent of the electricity needed by the development from alternative energy sources (e.g., solar, geothermal, etc.)	AA
Generate or acquire a minimum of 75 percent of the electricity needed by the development from alternative energy sources (e.g., solar, geothermal, etc.)	AAAA
Pre-wire a minimum of 75 percent of residential dwelling units in the development for solar panels	A
Pre-wire a minimum of 50 percent of residential dwelling units in the development for solar panels	B
Passive Solar	
Orient a minimum of 25 percent of the buildings in the development within 20 percent of the east-west axis for maximum passive solar exposure	A
Orient a minimum of 50 percent of the buildings within 20 percent of the east-west axis for maximum passive solar exposure	AA
Orient a minimum of 75 percent of the buildings within 20 percent of the east-west axis for maximum passive solar exposure	AAA
Water Conservation and Water Quality	
Design all areas required to be landscaped as an integrated system to meet on-site stormwater quality requirements for the development through incorporation of low impact development design principles and use of best management practices for on-site storm-water management. These areas shall use vegetated pervious surfaces or other measures such as permeable pavements to infiltrate the capture of water volume on-site. Piped conveyances shall discharge to pervious areas.	AAAA
Install a green vegetated roof on the primary building(s), or at least 50 percent of primary buildings in a multi-building complex – green or vegetated roofs shall include vegetation on at least 50 percent of the roof area (25 percent for renovated buildings) and shall use only plant materials permitted by this LDC.	AAA

Table 5.13.6: Sustainable Development Practices	
Type of Sustainable Development Practice	**Schedule [1]**
Provide rain gardens, street-side swales, or other appropriate storm water infiltration system(s) that captures a minimum of 25 percent of site stormwater runoff	A
Use pervious pavement on at least 50 percent of parking lot and driveway area in development	A
Include rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons for every two residential units	A
Ensure all toilets have dual activated flushing	A
In residential buildings, ensure all showerheads and handheld showers achieve 2.0 GPM or less	B
Ensure all lavatory faucets flow rate is 1.5 GPM or less at 60 PSI	B
Ensure all toilets are 1.28 GPF or less	B
Use of Natural Vegetation	
Remove all lawn or turf in favor of ground cover consisting of plant material or mulch	AA
Compost	
Provide a minimum of one on-site composting station for every 25 units	A
Use of Recycled Building Materials	
Source a minimum of 25 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered within 250 miles of the site	AA
Source a minimum of 40 percent, by cost, of construction materials from recycled products or products manufactured, extracted, harvested, or recovered with 250 miles of the site	AAA
Transportation	
Provide a minimum of two electric vehicle (EV) level 3 charging stations that are made available in a parking structure or off-street parking lot to those using the building	A
Provide a minimum of two electric vehicle (EV) level 2 charging stations that are made available in a parking structure or off-street parking lot to those using the building	B
Provide a minimum of five percent of required automobile parking spaces that are signed and reserved for hybrid/electric/low energy vehicles in preferred locations near the primary building entrance	B
Include showering and dressing facilities in nonresidential developments for employees using alternative forms of transportation	B

Table 5.13.6: Sustainable Development Practices	
Type of Sustainable Development Practice	**Schedule [1]**
Universal Design	

Provide the following universal design features in 50 percent of the residential units in the development:
• A no-step entry on an accessible route to the unit;
• Reachable outlets and switches;
• First floor kitchen, bathroom, and a bedroom;
• The following elements to allow maneuvering space:
  ○ A 32 in. clear opening at doorways;
  ○ A 36 in. clear passage;
  ○ 42 in. wide hallways; and
  ○ 30 X 48 in. clear space next to bathroom sink, tub/shower, and toilet; and
• The following elements in first-floor bathrooms:
  ○ Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom;
  ○ Grab bars by commode and in shower(s);
  ○ Handicap accessible shower; and
  ○ Raised toilet seats
	AA

Provide the following universal design features in 75 percent of the residential units in the development:
• A no-step entry on an accessible route to the unit;
• Reachable outlets and switches;
• First floor kitchen, bathroom, and a bedroom;
• The following elements to allow maneuvering space:
  ○ A 32 in. clear opening at doorways;
  ○ A 36 in. clear passage;
  ○ 42 in. wide hallways; and
  ○ 30 X 48 in. clear space next to bathroom sink, tub/shower, and toilet; and
• The following elements in first-floor bathrooms:
  ○ Blocking in bathroom walls to accommodate grab bars, and grab bars in first floor bathroom;
  ○ Grab bars by commode and in shower(s);
  ○ Handicap accessible shower; and
  ○ Raised toilet seats
	AAAA

NOTES: [1] "AA" means credited as provision of two schedule "A" features. "AAA" means credited as provision of three schedule "A" features.	

Table 5.13.6: Sustainable Development Practices	
Type of Sustainable Development Practice	**Schedule [1]**

"AAAB" means credited as provision of three schedule "A" features and one schedule "B" feature. "B" means credited as provision of one schedule "B" features.

[2] LEED Certification from the U.S. Green Building Council, or equivalent criteria from the International Code Council Green Construction Code, the National Green Building Standards, or similar certification programs as determined by the Community Development Director.

[3] Cool roofs shall have a Solar Reflectance Index of 78 for flat roofs or 29 for roofs with a slope greater than 2:12

5.13.7. Failure to Install or Maintain Sustainable Development Practices

Failure to install or maintain approved sustainable development practices that are to be provided to comply with this section is a violation of the City Code.

SECTION 5.14. SIGNS

5.14.1. Purpose and Intent

(a) The purpose of the sign regulations in this section is to:

(1) Promote the public health, safety, and general welfare through reasonable, consistent, and non-discriminatory sign regulations that reduce signage conflicts,

(2) Promote safety for pedestrians, bicyclists, and motorists through regulations that prohibit distracting signs and limit sign placement;

(3) Ensure that signs are installed and maintained in a safe manner; and

(4) Increase the aesthetic value and economic viability of the City by classifying and regulating the location, size, type, and number of signs and related matters in a content-neutral manner. A pleasing, visually attractive environment is of primary importance to preserving and promoting the City as a desirable community in which to live, work, and visit.

(b) No part of these regulations shall be construed to favor commercial speech over non-commercial speech, nor restrict speech on the basis of content, viewpoint, or message.

5.14.2. Sign Content

(a) **Substitution of Non-Commercial Speech for Commercial Speech**

Notwithstanding anything contained in this section to the contrary, any sign erected in accordance with the provisions of this section may, at the option of the owner, contain a non-commercial sign message in-lieu of a commercial sign message. The non-commercial copy may be substituted at any time in place of the commercial copy provided that the sign

complies with the sign standards and other applicable requirements contained within this section.

(b) Content Neutrality as to Sign Message

Notwithstanding anything in this section to the contrary, no sign or sign structure shall be subject to any limitation based upon the content of the message contained on such sign or displayed on such sign structure.

5.14.3. Applicability

(a) General

(1) Except as provided in subsection (b) below, no sign shall be erected, altered, or relocated until a sign permit has been issued in accordance with Sec. 2.5.3(a), Sign Permit, and, if required, a building permit in accordance with subsection (c) below.

(2) A sign lawfully displayed may be repainted, or have ordinary and customary repairs performed, including replacement of plastic or glass panels, without requiring a new sign permit; however, if the sign is to be relocated, increased in sign copy area, or structurally altered in any manner, a new sign permit shall be required and the altered sign shall meet all requirements of this section, this LDC, the City Code, the Florida Building Code, and the MUTCD, if applicable.

(3) A sign permit is not required to change the copy of a sign, as long as the sign copy area is not increased and no changes are made to the sign's height, size, location, structural design, or electrical elements.

(b) Signs that Do Not Require a Sign Permit

Signs in Sec. 5.14.6, Permitted Signs, that do not require a sign permit in accordance with Sec. 2.5.3(a), Sign Permit, remain subject to the other requirements of this section and any applicable provisions of the Florida Building Code, including any requirement to receive approval of a building permit. The exemption from the sign permit requirement does not waive any applicable limitation or restriction on the number, size, height, setback, placement, or duration of such signs regulated by this section or any limitation or restriction under any other applicable law or regulation.

(c) Building Code

It shall be unlawful for any person or business or the person in charge of the business to erect, construct, alter, or maintain a sign which is required to be constructed, altered, or maintained in accordance with the Florida Building Code, without first obtaining a building permit from the City. The requirement of a building permit under the Florida Building Code is separate and independent of the requirement for a sign permit under this section.

(d) Development in the WS, DM, or DM-PD Districts

Development in the WS District is subject to the standards of this section to the extent they do not conflict with the standards that apply to development in the WS district in Sec. 3.3.4(e)(15), Signs. Development in the DM or DM-PD District is subject to the standards of this

section to the extent they do not conflict with the standards that apply to development in the DM and DM-PD district in Sec. 3.3.5(e)(19), Signs, or the provisions of an adopted PD Plan.

5.14.4. Prohibited Signs

The following signs and sign-types are prohibited. Signs in existence prior to September 22, 2014, that are prohibited by this subsection are subject to the standards of Section 8.5, Nonconforming Signs:

[a] Animated signs.

[b] Electronic changeable signs, except when required as traffic control device signs, or as otherwise specifically allowed by this LDC or the City Code.

[c] Billboards.

[d] Off-site signs.

[e] Permanent banners, wind signs, ribbons, spinners, streamers, or captive balloons, or other inflatable signs or devices and fixed aerial signs.

[f] Any sign which, or any part of which, is in motion by any mechanical, electrical, or human powered means.

[g] Any sign displaying flashing, undulating, swinging, rotating, revolving, or scrolling lights; alternating or intermittent lights or lights of changing degrees of intensity, brightness, or color or that move or appear to move.

[h] Any sign that emits sparks, fire, sound, vapor, smoke, odor, particles, or gaseous matter.

[i] Any sign constructed or maintained by an entity or person which, by reason of its size, location, movement, coloring, or manner of illumination may be confused with or construed as a traffic control device or which hides from view any traffic control device.

[j] Any sign other than government-owned or City information signs erected in or on or over any public right-of-way, or other public property, except where otherwise permitted in this section.

[k] Any sign located in a manner that could impede traffic on any street, alley, sidewalk, bikeway, or other pedestrian or vehicular travel way.

[l] Any sign other than a traffic control device sign that is a copy or imitation of a traffic control device sign and which is located on or adjacent to the right-of-way of any road, street, or highway.

[m] Any sign that is wholly or partially illuminated by flashing or intermittent lights, rotary beacon lights, strobe lights, or similar devices.

[n] Portable signs.

[o] Any sign that obstructs the sightline at private drives and/or public rights-of-way as established by Sec. 5.14.5(a), Sign Location and Setbacks.

(p) Temporary signs except those allowed by this section.

(q) Snipe signs.

(r) Signs that display any statement, word, character, or illustration of any obscene nature, as defined by Ch. 847, Fla. Stat.

(s) Mobile billboard signs consistently or repeatedly parked for more than 24 consecutive hours at a fixed location on any street or that is visible within 100 feet of any street.

(t) Signs, other than those erected by a federal, state, or local government pursuant to federal or state law, within any waterway within the City.

(u) Signs attached to a dock, tie pole, or pier, other than building address numbering or safety signs.

(v) Abandoned signs.

(w) Bench signs larger than 12 square inches.

(x) Pennant strings.

(y) Pole signs that exceed five feet in height.

5.14.5. General Standards

(a) **Sign Location and Setbacks**

(1) Freestanding signs shall be displayed on the premises to which the sign pertains along the public street abutting the property, but shall not be placed in a manner which obstructs vehicular or pedestrian visibility or traffic.

(2) Signs shall not impede vision within the sight triangle.

(3) No sign shall cover architectural detailing, windows, or building ornamentation.

(b) **Sign Lighting**

Signs shall be lighted in accordance with the standards in Section 5.9, Exterior Lighting Standards, and the following:

(1) Any external lighting used to illuminate signs shall be shielded so that the light source (light bulb) cannot be seen from abutting roads or properties.

(2) Sign lighting shall not be designed or located to cause confusion with traffic lights.

(3) Illumination of signs by floodlights or spotlights is permissible if none of the light emitted shines directly onto an adjoining property or into the eyes of the motorist using or entering public streets.

(4) Illuminated signs shall have luminance no greater than 300 foot-candles as measured one foot from the sign.

(5) Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface.

(6) Illumination of signs shall be constant in intensity and color and shall not consist of flashing, animated, or changing lights.

(c) Calculation of Sign Area

(1) Sign copy area square footage shall be calculated using standard geometry formulas for common shapes that include squares, rectangles, trapezoids, circles, and triangles. In the case of irregular shapes, the total sign area will be the area of the smallest common shape that encompasses the various components of the sign.

(2) The supporting structure or bracing of a sign bearing no sign copy shall not be counted as a part of the sign copy area.

(3) Signs with three or more sign faces or with two sign faces not computed as a single sign in accordance with subsection (d) below shall have a sign copy area that is the sum of all the sign faces.

(d) Calculation of Number of Signs

For the purpose of determining the number of signs, a single sign shall be construed to be a sign that has its copy area on one side and contains elements organized, related, and composed to form a single unit. A sign with sign copy area on both sides shall be construed as a single sign provided both copy areas are not more than three feet apart at their closest point, and that they describe an internal angle between the copy area planes extended to no more than thirty degrees.

(e) Calculation of Maximum Sign Number and Copy Area

When the maximum number of signs and the maximum allowable copy area for a lot or development in Sec. 5.14.6, Permitted Signs is specified, the maximum number of signs shall not be exceeded even though the maximum allowable copy area is not used. However, signs exempted from acquiring a sign permit and temporary signs permitted in Sec. 5.14.6 shall not be calculated in determining the maximum number and copy area of signs permitted on a lot or parcel.

(f) Hanging Signs

Any sign that is hung over a sidewalk or walkway or another pedestrian pathway, such as an awning/canopy sign, a suspended sign, a marquee sign, or a projecting sign, shall have a minimum clearance of nine feet above the finished grade of the sidewalk or walkway.

(g) Safety

In addition to any requirements of this section, LDC, or other applicable law, no sign shall be erected, maintained, and placed in such a way as to pose a safety hazard.

5.14.6. Permitted Signs

(a) General

(1) Signs are permitted to be displayed in the City in accordance with this Section 5.14.6.

(2) In addition to the signs permitted for certain uses and zone districts in subsections (b) and (c) below, the following signs are permitted in the City without a sign permit:

(A) Signs located entirely inside the premises of a building or enclosed space which are not readily visible from the exterior of the enclosed space or premises.

(B) Signs on buses, taxis, and similar common carriers that are licensed or certified by a governmental entity, and vehicle signs, except for mobile billboard signs that are prohibited under this section.

(C) Signs incorporated onto machinery and equipment by a manufacturer or distributer that identify the manufacturer or the product dispensed by the machine or equipment.

(b) Residential Development

Signs are allowed on lots occupied by residential development (including one-family detached, townhouse, two-family, three-family, and four-family dwellings) and in residential subdivisions, in accordance with this section.

(1) Residential Development Signs That Do Not Require a Permit

The following signs are allowed without issuance of a sign permit as listed in Table 5.14.6(b)(1): Residential Development Sign Standards (No Permit Required).

Table 5.14.6(b)(1): Residential Development Sign Standards (No Permit Required)

Sign Type	Number per Street Frontage	Sign Area (sq. ft.)	Height (ft)	Duration (Days) [1]	Notes
Garage/Yard sale	1	4	3	3	Located on the property where the garage sale occurs and outside the right-of-way; may be in common area of apartments/ condo subject to approval by property owners' association
Open house	1	6	See note	6 per month	Wood or steel frame or yard signs shall not exceed three feet in height. Projecting arm-style post signs shall not exceed six feet in height; shall be removed upon sale, lease, or rent; and shall not be placed in the right-of-way
Real estate	1	6 (includes riders)	See note	See note	Wood or steel frame or yard signs shall not exceed three feet in height. Projecting arm-style post sign shall not exceed six feet in height; shall be removed upon sale, lease, or rent; and shall not be placed in the right-of-way

Table 5.14.6(b)(1): Residential Development Sign Standards (No Permit Required)					
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Duration (Days) [1]**	**Notes**
Street/Building address		See note	See note		Addressing does not count toward total sign copy; buildings with three or more stories may exceed building address numbering height. See Sec. 5.15.5, Specifications
Nameplate/ occupant		2			
Flag	3 (per lot)	24	20		Shall be attached to a flag pole or mounted hardware permanently affixed to a building or attached to a flag pole anchored in the ground
Window Sign		3			
On-site construction sign	1 (per lot)	6	4		Shall be removed by date that construction is no longer active
String lights/ holiday/ seasonal decoration					
On-site free expression	1	6	4		Shall not be in the right-of-way; is permitted in addition to any other permitted sign
Campaign	3	6	4	See note	Shall not be in the right of way. May be erected no more than 60 days prior to an election; shall be removed within seven days after election
Parking space numbers					
Warning/safety	n/a	4	6		
Non-commercial directional	n/a	4	See note		Maximum height of four feet unless otherwise required by engineering standards. Message shall be oriented towards vehicular facilities.
Non-commercial directory	n/a	8	8		Message shall be oriented towards pedestrian facilities.
Home Occupation	1	1			Shall be mounted no more than two feet from the main entrance of the residence

Table 5.14.6(b)(1): Residential Development Sign Standards (No Permit Required)					
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Duration (Days) [1]**	**Notes**
NOTES: [1] If cell is blank, signs are not required to be removed.					

[2] Residential Development Signs That Require a Permit

The following signs are allowed following issuance of a sign permit in accordance with Sec. 2.5.3(a), Sign Permit as listed in Table 5.14.6(b)(2): Residential Development Sign Standards (Permit Required).

Table 5.14.6(b)(2): Residential Development Sign Standards (Permit Required)					
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Duration (Days) [1]**	**Notes**
Flag	3 (per lot)	24	40		Shall be attached to a flag pole or mounted hardware permanently affixed to a building or attached to a flag pole anchored in the ground
Freestanding event sign	1 (per lot)	32	6	See note	Permitted as a part of an approved Special Event Permit (Ch. 14 of City Code) for no more than 30 consecutive days and 90 total days in a calendar year; shall be removed promptly upon expiration of the permit or event, whichever occurs first
Subdivision entrance	2	25	5		Shall not be internally illuminated. Prohibited in right-of-way
NOTES: [1] If cell is blank, signs are not required to be removed.					

[c] Non-Residential and Mixed-Use Development

Signs are allowed on lots occupied by multifamily dwellings, non-residential development, and mixed-use development (including live-work dwellings) in accordance with this section.

[1] Non-Residential and Mixed-Use Development Signs That Do Not Require a Permit

The following signs are allowed without issuance of a sign permit as listed in Table 5.14.6(c)(1): Non-Residential and Mixed-Use Development Sign Standards (No Permit Required).

Table 5.14.6(c)(1): Non-Residential and Mixed-Use Development Sign Standards (No Permit Required)					
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Duration (Days) [1]**	**Notes**
Real estate	1	16	8	See note	May be projecting-arm style; shall be removed upon sale, lease, or rent
Street/Building address		See note	See note		Addressing does not count toward total sign copy; address numbering size, height, and location shall be consistent with NFPA1:10.11.1 (Fire Code).
Nameplate/ occupant		4			
Flag	3 (per lot)	40	20		Shall be attached to a flag pole or mounted hardware permanently affixed to a building or attached to a flag pole anchored in the ground; larger flags existing prior to June 1, 2020 may be replaced but not exceed the existing flag's dimensions
Window		See note			May cover a maximum of 25 percent of windows
A-Frame	1	6	3	See note	Shall be located within 10 feet of storefront; shall be taken indoors during non-business hours; may not block sidewalk or right-of-way; maximum width of 24 inches; maximum height of 24 inches
On-site construction sign	1 (per lot)	32	8	See note	Shall be removed by date that construction is no longer active
Valet parking	1	6	4	See note	Shall only be visible during the hours that the valet is operational; shall be located on the same parcel as the valet station
On-site free expression	1	6	4		Shall not be in the right-of-way; is permitted in addition to any other permitted sign
Campaign	3	6	6	See note	Shall not be in the right of way. May be erected no more than 60 days prior to an election; shall be removed within seven days after election
Parking space numbers	1 per space	1	6		
Warning/safety		4	6		

Table 5.14.6(c)(1): Non-Residential and Mixed-Use Development Sign Standards (No Permit Required)					
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Duration (Days) [1]**	**Notes**
Non-commercial directional		4	4		Message shall be oriented towards vehicular facilities
Non-commercial directory		8	8		Message shall be oriented towards pedestrian facilities
NOTES: [1] If cell is blank, signs are not required to be removed.					

[2] Non-Residential and Mixed-Use Development Signs That Require a Permit

(A) The following signs are allowed following issuance of a sign permit in accordance with Sec. 2.5.3(a), Sign Permit, as listed in Table 5.14.6(c)(2): Non-Residential and Mixed-Use Development Sign Standards (Permit Required).

(B) In addition to the standards in Table 5.14.6(c)(2), for multifamily development, the maximum sign area of all freestanding, wall, awning/canopy, and blade signs is 75 square feet per street frontage.

Table 5.14.6(c)(2): Non-Residential and Mixed-Use Development Sign Standards (Permit Required)				
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Notes**
Subdivision entrance	2	25	5	Shall not be internally illuminated. Prohibited in right-of-way
Flag	3 (per lot)	24	40	Shall be attached to a flag pole or mounted hardware permanently affixed to a building or attached to a flag pole anchored in the ground
Freestanding (single-tenant and multifamily)	1	50	8 see note	Of the eight-foot height maximum, the first two feet shall incorporate a base consisting of masonry, stone, or other material consistent with the principal building; and shall not be internally illuminated
Freestanding (multi-tenant, excluding multifamily)	1	75	12	Within 150 feet of protected development (see Section 5.10, Residential Compatibility Standards), sign shall not exceed 30 sq. ft. in copy area or be larger in height than 12 feet or the height of the structure, whichever is less; shall not be internally illuminated.

Table 5.14.6(c)(2): Non-Residential and Mixed-Use Development Sign Standards (Permit Required)				
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Notes**
Wall (single-tenant and multifamily)	1	See note	See note	60 sq. ft. or 50 percent of the building frontage, whichever is less; no wall sign shall extend above the wall of the building to which it is attached.
Wall (multi-tenant)	1 per tenant	See note	See note	Tenants with individual entrances are permitted one square foot per linear foot of store frontage (up to 60 maximum square feet per tenant); shall not extend above the wall of the building to which it is attached.
Awning or canopy	See notes	16	n/a	Structure may not encroach into or over a public street right-of-way; per non-residential tenant, awning/canopy sign is counted as part of total allowable area for wall signs; for single-tenant buildings, awning/canopy signs are permitted per street front and do not count against total wall sign.
Suspended or hanging	1 per use	4 see note	n/a	Signs larger than four sq. ft. are counted in total aggregate sign copy area permitted; signs shall be mounted perpendicular to the building façade
Marquee	1	16	n/a	Sign shall not extend outside the perimeter of the marquee; copy area of marquee sign shall be counted as part of the total allowable copy area for wall signs and toward total copy area permitted.
Projecting/Blade	1 per tenant	16 | 60 see note	n/a	For multi-tenant buildings projecting/blade signs shall not exceed 16 square feet copy area and shall extend not more than four feet beyond the wall; for single-tenant and multifamily buildings, projecting/blade signs shall not exceed 60 sq. ft. in copy area; projecting/blade signs count as part of total allowable area for wall signs and total copy area
Restaurant menu	1	6	8	Shall not be internally illuminated
Restaurant with drive through menu	2	32	8	Shall be placed to be viewed from the drive-through lane; shall contain only a listing of products offered for sale by the business with prices; may provide a mechanism for viewing and ordering products offered; lettering shall be no larger than necessary to be read from a vehicle in the drive-through lane; an additional attached sign not exceeding six sq. ft. in copy area is allowed for each drive through stall; may be internally illuminated.

Table 5.14.6(c)(2): Non-Residential and Mixed-Use Development Sign Standards (Permit Required)				
Sign Type	**Number per Street Frontage**	**Sign Area (sq. ft.)**	**Height (ft)**	**Notes**
Motor vehicle service station	n/a	60	n/a	Logos and designs for principal structure or canopy over the fuel operations are counted as part of the overall permitted sign copy area; no additional sign copy area is permitted for canopies over fuel operations, however permitted wall sign copy area for the principal structure may be transferred to the canopy.
Freestanding event sign (temporary)	1 per lot	32	6	Permitted as a part of an approved Special Event Permit (Ch. 14 of City Code) for no more than 30 consecutive days and 90 total days in a calendar year; shall be removed promptly upon expiration of the permit or event, whichever occurs first
Banner sign (temporary)	1 see note	32	n/a	Permitted for no more than 45 days, beginning at the issuance of the tenants' initial business tax receipt (BTR) or Certificate of Occupancy; only property owner or tenant may apply for a temporary banner permit and shall advertise the business, event, or activity on the property for which the temporary banner sign is installed. Temporary banners shall be attached to the building, wall, or fence of the business. The total aggregate for all temporary banner signs installed on any parcel of property at any one time by a single business, organization, or legal entity shall not exceed 64 sq. ft. and the total for all temporary banner signs installed on a single parcel at any time by all businesses, organizations, or entities shall not exceed 128 sq. ft.

5.14.7. Removal

(a) General

Signs installed in violation of this section shall be removed or brought into compliance with the requirements of this section. The sign owner, the owner of the property on which the sign is placed, and the sign contractor shall each be held responsible for adherence to this section and any other applicable laws or regulations. This section may be enforced through code enforcement proceedings or by any equitable or legal remedy available to the City.

(b) Immediate Removal

If the City finds that a sign is in violation of this section or other applicable regulations or state law, and by reason of its violation, presents an immediate and serious danger to the public, the City may, without prior written notice, order the immediate removal or repair of the sign

within a specified period. The City may remove or authorize others to remove the sign if the sign's owner cannot be found or if the sign's owner, after notification, refuses to repair or remove it. The owner of the building, structure, or premises on which the sign is located, are jointly and severally liable for the cost of removing such sign. The City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

(c) Removal of Abandoned Signs

The owner of an abandoned sign shall remove the sign within thirty 30 days of the date of the City's order of removal. A sign need not be removed when a successor tenant, or business or property owner, agrees to maintain the sign as provided in this section by filing a letter of intent with the City within 30 days after receiving notice to do so from the City.

(d) Removal of Unpermitted Signs

The City may remove or order the removal, without prior written notice, of any sign erected without a sign permit required by this section.

(e) Removal of Signs on Public Property

Any sign installed or placed on public property, except in accordance with the requirements of this section, shall be forfeited to the City and confiscated. The City shall have the right to recover from the owner or person placing such sign the cost of removal and disposal of such sign.

(f) Removal of Temporary Signs

(1) Temporary signs which are erected or used unlawfully are subject to removal. The Community Development Director is authorized to remove such sign when unlawfully erected.

(2) The City shall proceed by notifying the occupant and/or owner of the property. If the sign identifies a party other than the occupant/owner of the property, the identified party will also be notified. Notification shall occur in person, by phone, by email, or by letter.

(3) The required notification shall advise that the sign is unlawful and that the removal is required within 48 hours or the sign is subject to removal by the City. The notice shall advise that the sign, if removed by the City, may be retrieved within 30 days and that if the sign is not retrieved within that time, it will be disposed of by the City.

(4) Prior to the disposal of the sign, another notice shall be delivered to the occupant and/or owner of the property concerning possible disposal of the sign.

(5) The removal and disposal of the sign shall be at the expense of the property owner or lessee.

5.14.8. Maintenance

(a) All visible portions of a sign and its supporting structure shall be maintained in safe condition and neat appearance. If the sign is a lighted sign, all lights shall be maintained in working

order and function in a safe manner. All elements of the sign structure and face should be in good repair and not discolored, peeling, cracked, bent, crumbling, or broken. All signs shall be kept in such manner as to constitute a complete sign at all times. The area immediately surrounding ground signs shall be kept clear of all vegetation or debris.

(b) All signs for which a permit is required, together with all supports, braces, guys, anchors, sign faces, and other structural and nonstructural members, shall be maintained in good condition and appearance and in compliance with applicable regulations. The City may order the removal of any sign that is not maintained in accordance with this section in accordance with Sec. 5.14.7, Removal, and at the expense of the owner or lessee. Examples of unacceptable maintenance and repair include, but are not limited to, the following:

(1) Cracked, ripped, or peeling materials present on the surface area of a sign;

(2) Bent, broken, loose, or otherwise insufficiently attached supports, struts, or other appendages;

(3) Partial illumination for more than 14 days; and

(4) Obstruction of sign face by weeds, vines, tree branches, or other vegetative matter.

5.14.9. Billboard Leases

The City shall not renew upon expiration any existing lease of City property that provides for or allows the location of billboards on such property.

5.14.10. Interpretation and Severability

(a) **Conflicting Requirements**

The sign regulations of this Section 5.14 shall not be construed to permit the erection, placement, or maintenance of any sign at any place or in any manner unlawful under any other provision of this LDC, the City Code, or other applicable law. In any case where a part of these sign regulations conflicts with a provision of any zoning, building, fire, safety, health ordinance or other code, the provision that establishes a stricter standard for the protection of the public health and safety shall prevail.

(b) **Severability in General**

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 5.14 or any adopting ordinance 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 section.

(c) **Severability Where Less Speech Results**

Without diminishing or limiting in any way the declaration of severability set forth in subsection (b) above, or elsewhere in this article, Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 5.14 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 Section 5.14, 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.

(d) Severability of Provisions Pertaining to Prohibited Signs

Without diminishing or limiting in any way the declaration of severability set forth in subsection (b) above, or elsewhere in this section, Code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 5.14 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 Section 5.14 that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Sec. 5.14.4, Prohibited Signs. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Sec. 5.14.4, Prohibited Signs, 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 Sec. 5.14.4, Prohibited Signs.

(e) Severability of Provisions on Billboards

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Section 5.14 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 section and Code.

SECTION 5.15. BUILDING NUMBERING AND STREET NAMING

5.15.1. Purpose

(a) The purpose of this section is to require within the City the display of building numbers visible from public or private streets for all properties that contain buildings, as defined by the Florida Building Code, as well as along waterways for all properties that front on waterways.

(b) This section also provides for the assignment of address numbers to buildings and structures and naming of streets. This requirement is established to assist the general public or City personnel in identifying any property in case of an emergency, as well as for the general welfare of the public in conducting normal affairs.

5.15.2. Applicability

This section applies to all properties within the City which contain buildings, as defined by the Florida Building Code.

5.15.3. General Requirements

All buildings on all properties within the City shall be assigned numbers by the Fire Department. All buildings shall display at least one set of numbers except as set forth in this section. Buildings which front on waterways as well as streets shall display numbers visible from the waterway. Nonresidential buildings which back up to public streets, alleys, or private accessways shall also display numbers on the rear of the building in the same manner as on the front.

5.15.4. Street Naming and Numbering Department

(a) The City Manager is authorized to designate as the street naming and numbering agency the department that the City Manager deems able to approve, coordinate, and maintain the building numbering and street naming system established by this section.

(b) The department designated to approve, coordinate, and maintain the building numbering and street naming system under this section is the Fire Department, which shall serve in such capacity until the City Manager appoints a successor. In coordination with the county E-9-1-1 system, the Fire Department shall record and maintain records of all street names and numbers currently assigned.

5.15.5. Specifications

(a) **Visibility from Street**

Building numbers shall be Arabic numerals between three and 18 inches in height that are clearly visible from the center of the right-of-way from the front of the building. On a nonresidential building, the numbers shall be clearly visible from both the front and back of the building if the back is visible from a public right-of-way. The numerals shall be attached to the building unless the placement of the maximum size numerals upon the building would not be visible from the right-of-way, in which case the numerals may be placed by separate sign on the property so as to clearly identify the building number.

(b) **Visibility from Waterway**

For buildings that front waterways, the numbers shall be clearly visible from 50 feet off the shoreline. Numbers shall be securely mounted and sufficiently legible as to contrasting background, arrangement, spacing, and uniformity, to be read with ease during daylight hours. Numbers shall be displayed between two and ten feet above the ground and placed in a way that they are not totally obstructed by trees and shrubs, and are clearly visible. For numbers exceeding 18 inches in height, the requirements of Section 5.14, Signs, shall apply.

5.15.6. Grid Numbering System

A grid numbering system shall be used for the assignment of street addresses. The system is based on a zero base point located at Orlando Avenue (US 17-92) and Horatio Avenue within the City and proceeding outward on a horizontal and vertical axis.

(a) Building numbers shall increase north and south from Horatio Avenue and east and west from Orlando Avenue.

(b) Building numbers shall be assigned to buildings as determined by the grid system and approved by the head of the street naming and numbering agency.

(c) Odd numbers shall be issued to the buildings on the north and east sides of the public or private street. Even numbers shall be issued to the buildings on the south and west sides of the public or private street.

(d) The assignment of numbers on corner lots shall be determined from the public or private street on which the building fronts.

(e) In cases in which the public or private street runs both north/south and east/west, the grid direction shall be determined by the proportional length of the public or private street.

(f) Variations from this grid system may be made by the head of the street naming and numbering agency when it would be more reasonable or practical.

5.15.7. Additional Provisions

(a) Existing Installations

Existing buildings that are in violation of the provisions of this section shall have 30 days to come into compliance. Existing buildings which essentially meet the requirements or spirit of these regulations, in that the building number is displayed in a manner so that it can be read with ease from the street, including numbers presently on mail boxes, shall be granted approval without alteration.

(b) Suites, Units, and Apartments

The Fire Department shall be responsible for the assignment of numbers to suites, units, and apartments.

(c) Tampering

It shall be unlawful for any person to remove, obliterate, deface, or otherwise render useless for the purpose of identification, any building number displayed within the City.

(d) New Construction

All new construction shall post an address in compliance with this section at the time of posting of the building permit. The numbers at this time may be of a temporary nature and, therefore, may be of any material and may be posted at any location approved by the Chief Code Enforcement Officer. The permanent numbers to be displayed shall be in place at the time of the final inspection.

(e) Street Names

One word names are strongly encouraged. The primary identifying name should be no greater than two words. Names of new public and private streets shall not duplicate the names of existing public or private streets, or closely approximate phonetically or by use of alternative suffixes such as “lane,” “way,” “drive,’ “court,” “avenue,” or “street.” However, new public and private streets that are an extension of or in alignment with existing public or private streets shall bear the same name as that borne by the existing public or private street. Names

likely to be confused with names of existing public or private streets shall be avoided. Street names should not contain initials, titles, hyphens, periods, or decimals.

(f) Municipal Annexations

Whenever land becomes part of the City by annexation, it shall be the responsibility of the Fire Department to review the address numbers of the annexed property and determine whether the numbers, their posting, and the method of numbering conform to the system established by this section, within 30 days of such annexation.

(g) Notice of Change of Address

If the number, posting, or method of numbering a building is in nonconformance with the City and County grid system and uniform building numbering system after annexation, the street naming and numbering agency or Community Development Director shall give notice of such nonconformance to the owners or occupants of the affected building or property in accordance with the following:

(1) The notice shall be delivered by certified mail, return receipt requested, or by posting the notice in a conspicuous place on the building, or by hand delivery.

(2) The notice shall include a notification of a change of address, which shall contain the correct or new building numbers assigned to the building or property in accordance with the provisions of this section, and the date of notification.

(3) The notice shall direct the owner or the occupant to post the newly assigned building number on the building or property in accordance with this section.

(4) The notice shall notify the owner or occupant of the ability to appeal the determination of the street naming and numbering agency. The City Council shall hear such appeals within 30 days of receipt of the notification of the determination by certified mail and seek participation from the Fire Department.

5.15.8. Appeals

(a) Any owner or occupant aggrieved by the street naming and numbering agency's determination of street address or building number shall have the right to request, in writing, a review of such determination within 30 days from the date the notice of change of address or other request for conformance is issued by the street naming and numbering agency.

(b) The head of the street naming and numbering agency shall review the initial determination within 30 days from the date of the request for review and shall notify the owner or occupant of the revised determination in writing.

(c) The owner or occupant shall comply with the street naming and numbering agency's revised determination unless, within 15 days from the date of the revised determination, the owner or occupant files a written request for review by City Council, directed to the head of the street naming and numbering agency.

[d] City Council shall schedule a hearing on the matter and shall notify the owner or occupant of the date and time of the hearing. The owner or occupant shall have the right to appear at the hearing and present evidence and argument in support of the request. After the hearing, City Council shall make a determination on the matter, which determination shall be final.

5.15.9. Fees and Administration

Charges for building number and street name assignments shall be implemented and collected in accordance with the fee schedule duly adopted by resolution of the City Council. Changes in charges and collections methods may be supplemented and amended by City Council.

ARTICLE 6. SUBDIVISION STANDARDS

SECTION 6.1. GENERAL PROVISIONS

6.1.1. Purpose and Intent

(a) The purpose and intent of this article is to:

(1) Provide for the harmonious development of the City;

(2) Secure a coordinated layout and adequate provision for traffic; and

(3) Secure adequate provision for light, air, recreation, transportation, potable water, flood prevention, drainage, sewers, other sanitary facilities, and City services.

(b) It is also the purpose and intent of this article that subdivision layout and design should be:

(1) Adapted to the unique features and opportunities of the site;

(2) Utilize contemporary, imaginative design; and

(3) Ensure an efficient design that accounts for the natural features of a site.

6.1.2. Applicability

This section shall apply to all land required to subdivide in accordance with Sec. 2.5.2(b), Subdivision.

6.1.3. Conflicting Regulations

Whenever any provisions of this article impose more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, regulation, or restrictive covenant, then the provisions of this chapter shall govern. Whenever any provisions of any ordinance, law, regulation, or restrictive covenant are more restrictive than this article, then such ordinance, regulation, law, or restrictive covenant shall govern.

6.1.4. Additional Standards and Regulations

In addition to the standards of this Article 6, all land required to subdivide is also subject to the standards in Article 5: Development Standards, and Appendix A: Engineering and Design Manual.

6.1.5. Sale of Land of Unapproved Plat

Any person who, being the owner or agent of the owner of any land located within the City, thereafter transfers or sells such land, or any part thereof, by reference to a plat showing a subdivision of such land before such plat has been approved by the city council and recorded in the office of the clerk of the circuit court of Orange County, Florida, and any person to whom such transfer or sale is made, shall be guilty of a misdemeanor and shall be punished accordingly, and the metes and bounds description in the instrument of transfer or other document used in the

process of selling or transferring shall not exempt the transaction from constituting an offense hereunder.

SECTION 6.2. GENERAL STANDARDS

6.2.1. Easements

Easements shall be provided in accordance with Sec. 3.4, Easements, in Appendix A: Engineering and Design Manual.

6.2.2. Lots

(a) The size, width, depth, shape, and orientation of each lot shall be appropriate for the location of the subdivision, based on the natural features of the site, the requirements of the underlying zone district, and for the type of development and use contemplated. Lots shall be arranged and designed so that all lots provide satisfactory and attractive building sites.

(b) The dimensions of each lot shall conform to the requirements of this LDC and the following:

(1) The width and area of a residential lot not served by central water and sewer shall be at least one and one-half times (1½) the minimum lot standards of the zone district where the lot is located.

(2) The width and depth of a lot intended for commercial or mixed-use development shall be adequate to provide for the off-street service and parking facilities required by this LDC for the proposed type of use and development for the site.

(c) The subdivision plan shall provide each lot with satisfactory and permanent access to an existing public street via a public street, through an easement. The driveway placed within the easement to provide access shall comply with all applicable standards of this LDC. The DRC may waive this requirement and allow access via a private street that is constructed to the street specifications for a public street required by this LDC.

(d) Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from arterial or larger streets, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet, across which there shall be no right of access, shall be provided along the line of lots abutting such a street.

(e) Side lot lines shall be substantially at right angles or radial to street lines. The entrance of automobiles from each lot to the street shall be approximately at right angles or radial to street lines.

(f) Lakefront lots shall have minimum setback lines of 50 feet from the high-water mark established in Table 5.3.7(d)(2): Normal High Water Elevations, and shall conform to the provisions of this LDC.

(g) No areas that are undeeded shall exist within a subdivision.

6.2.3. Parks and Recreation Sites

(a) Purpose

In accordance with Ch. 166, Fla Stat., and the comprehensive development plan, all developers proposing land for subdivision development for residences shall dedicate a portion of the subdivision land, or pay a fee in-lieu, for park and/or recreational purposes. The land dedication or in-lieu fee shall be based on providing a minimum of ten acres of land for each 1,000 persons that would reside in the subdivision.

(b) Requirements

(1) Land Specified in Comprehensive Development Plan

If the comprehensive development plan has designated any portion of the land within the proposed development as a park or recreational facility, and:

(A) If the land designated as a park or recreation facility within the proposed development is one acre or greater, the developer shall be required to dedicate the land in accordance with this section.

(B) If the land designated as a park or recreation facility within the proposed development is less than one acre, the City Council may, at its option, require dedication of the land or payment of a fee in-lieu of land.

(2) Land Not Specified in Comprehensive Development Plan

If no portion of the land within the proposed development is identified as a park or recreational facility in the comprehensive development plan, the City Council may, at its option, require dedication of land or payment of a fee in-lieu of land based on the following considerations:

(A) Topography, geology, access, and location of land in the subdivision available for parks and/or recreational purposes;

(B) Size and shape of the proposed subdivision;

(C) The proximity and availability of land off-site that is suitable for parks and/or recreational purposes that would meet the needs of the residents of the proposed subdivision; and

(D) Guidelines, criteria, and/or other provisions of the comprehensive development plan.

(c) Standards

(1) Land Formula

The amount of land to be dedicated shall be determined in accordance with the following:

(A) Subdivisions with primarily single-family detached dwellings: 2 acres of land per every 100 dwelling units.

(B) Other residential subdivisions: 2 acres of land per every 75 dwelling units.

(2) Fees in-lieu of Land

(A) The amount of fee required to be paid by the subdivider shall be based on the fair market value of the developed land which would otherwise have been required to be dedicated. The fair market value shall be based upon an average estimated fair market value per subdivided developed acre of the subdivision.

(B) For purposes of this subsection, developed land is defined as land within an approved subdivision in which all required improvements have been constructed and accepted by the City.

(d) Receipt of Land or Funds

(1) All funds collected in accordance with this section shall be used only for the purpose of providing park and/or recreational facilities reasonably related to serving the residential subdivision, such as through the acquisition of land for park or recreational purposes, or for improvements to existing land. If the City Council deems there are sufficient recreational or park areas available for the development, the funds may be used for improving other land for park and/or recreational purposes within the City.

(2) All land conveyed to the City in accordance with this section shall be in fee simple title.

(e) Procedure

(1) At the time of approval of the preliminary plat, the City Council shall determine the land to be dedicated and/or the fees to be paid by the developer, in accordance with this section. The determination of the City Council shall be final and conclusive.

(2) At the time of approval of the final plat, and prior to signing of the record plat, the developer shall transfer land or funds as determined in subsection (1) above. At the time of approval of the final plat, the City Council shall also specify the nature of the park and/or recreational facilities to be developed in accordance with the transfer of land or funds.

6.2.4. Compliance with Mobility and Connectivity Standards

Streets and alleys in a subdivision shall be laid out and constructed in accordance with Section 5.1, Mobility and Connectivity Standards.

SECTION 6.3. REQUIRED IMPROVEMENTS

6.3.1. General

(a) Approval of the final plat shall be subject to the subdivider having submitted to the City plans and specifications for all improvements required by the City, and these plans and specifications being approved by the appropriate City officials prior to commencement of construction, and receipt of an acceptable performance bond.

(b) A professional engineer registered by the State of Florida shall be employed to design the required improvements. After the required improvements have been constructed, the engineer shall submit certification to the City that the improvements have been constructed according to the approved plans and specifications.

6.3.2. Monuments

(a) Within each block of a subdivision at least two monuments designed and designated as control corners shall be installed. All monuments shall be constructed of concrete and be at least four inches in diameter or square and at least three feet in length. Each monument shall have, embedded in its top or attached by a suitable means, a metal plate of noncorrosive material marked plainly with a point, the surveyor's registration number, the month and year it was installed, and the words, "Permanent Reference Monument" or the initials, "P.R.M." Monuments shall be set in the ground so that the top is flush or no more than one foot below the finished grade.

(b) Steel or wrought-iron pipe or the equivalent not less than three-fourths (¾) inch in diameter and at least 30 inches in length shall be set at all block corners, points of intersection, points of curvature, and points of tangency along the right-of-way except those located by concrete monuments. At the time of the final inspection of the required improvements, a surveyor's certificate indicating that the permanent reference monuments are in place shall be provided.

6.3.3. Street Signs or Markers

The subdivider shall furnish and install at all intersections, street signs or markers of a size and type specified by the City. All street signs or markers shall be in place and approved as satisfactory by the Public Works Director prior to approval of the final plat. Street names shall be approved by the Public Works Director and comply with the standards in Sec. 3.14, Street Names, in Appendix A: Engineering and Design Manual.

6.3.4. Street Trees

(a) Each subdivision shall include street trees to enhance safety, convenience, and attractiveness.

(b) Each tree shall:

(1) Meet the standards of Sec. 5.3.4(g)(3), Tree Standards.

(2) Be of a species permitted by Sec. 5.3.4(g)(1), Quality, Species, and Planting Standards;

(3) Be shade or canopy trees unless the Community Development Director approves a different type of tree;

(4) Be planted between the sidewalk and curb in a street tree planting area that is a minimum of six feet in width set a minimum of four feet off the back of curb, utilizing a root barrier where any hardscape is closer than four feet to the base of the tree; and

(5) Be spaced between 40 and 60 feet apart on center.

(c) The Public Works Director shall approve the tree planting plan, including the variety of street trees used.

6.3.5. Utilities

Utility service connections to individual properties for electricity, telephone, data, gas, and television communication shall be placed underground, in accordance with Sec. 5-20 of the City Code. Wherever possible, utility lines shall be located along the rear lot lines.

6.3.6. Storm Drainage

All subdivisions shall include storm drainage systems that are designed and constructed to comply with the standards of Section 2, Drainage, in Appendix A: Engineering and Design Manual, and the following:

(a) The system shall be designed by a professional engineer registered in the state of Florida. Any substantial diversion of water shall be accomplished through culverts or pipes to prevent erosion or flooding.

(b) All drainage facilities shall be designed for a positive outfall to existing storm sewer systems.

(c) If, in the judgment of the Public Works Director, the added run-off from the developed area will overtax or overload existing facilities, the developer shall include in the plan sufficient work to enlarge the present facilities to accommodate the added drainage imposed on the system.

(d) Where land may be subject to periodic flooding by the overflow from lakes, canals, or streams, a flood plain shall be established and clearly designated on the final plat.

6.3.7. Clearing and Grading of Rights-of-Way

The subdivider shall be required to clear all rights-of-way to their full paving width and to make all grades, including grades for streets, alleys, and drainage, to grades approved for the final plat. All debris shall be removed from rights-of-way.

6.3.8. Bridges and Culverts

(a) Bridges shall be designed by a professional engineer registered in the state of Florida, and if required by the Florida Greenbook shall be wide enough to provide for curbs, standard paving widths, a five-foot sidewalk on both sides of the street, and a five foot wide street tree planting area (see Sec. 6.3.4, Street Trees, above). Approach guardrails or fences shall be provided if the Public Works Director determines they should be required.

(b) Culverts shall be designed in accordance with Sec. 2.10(c), Culvert Design, in Appendix A: Engineering and Design Manual.

(c) Underground drains shall include one or more of the following and conform to the City's standards: reinforced concrete pipe which meets A.S.T.M. and FDOT specifications (minimum diameter 12 inches), or reinforced concrete box culverts.

(d) Locations of bridges and culverts, with construction data and full specifications, shall be shown in an exhibit. Approval or acceptance of the final plat shall not be accomplished unless the exhibit is transmitted to the Public Works Director.

(e) Bridges and culverts shall be constructed and approved by the Public Works Director before the subdivider is released from bond.

6.3.9. Sewer and Water

(a) City potable water, sanitary sewer, and storm sewer shall be provided in each new subdivision unless the P&Z determines, after public hearing, that conditions are such that this requirement or a portion of it may be set aside. City water shall be available for fire control prior to commencing building construction. A subdivision located within 1,000 feet of a City sanitary sewer and/or water line shall be required to be connected to the lines. Whenever the P&Z allows private septic tanks, private sewerage systems, or private water systems, the plans shall be approved by all requisite state, county, and City authorities before approval of the final plat.

(b) Potable water and sewerage systems shall be designed and constructed in accordance with the standards and regulations of DEP, the Orange County Health Department, and this LDC and the City Code. These systems shall be designed by a professional engineer registered with the State of Florida. The construction shall be inspected and certified by a professional engineer registered with the state. Three sets of as-built plans shall be prepared and furnished to the City upon completion of these systems.

(c) A looped central water system with minimum six inch water mains connected to the City's system shall be provided in all residential or commercial subdivisions. The system shall be designed and constructed to satisfy the domestic requirements established by DEP and the fire protection requirements established by the American Insurance Association. As a minimum standard, the distribution system shall be capable of delivering in addition to domestic requirements at residual pressures of not less than 20 pounds per square inch, fire flows of at least 500 gallons per minute in single-family residential subdivisions and 1,250 gallons per minute in commercial, mixed-use, and industrial areas. Fire hydrants of a type approved by the Public Works Director shall be spaced no greater than 500 feet from any part of a building in single-family residential subdivisions and shall be connected to mains. The location, installation, and rental arrangements for fire hydrants shall be determined by the Public Works Director in collaboration with the Fire Chief. The design of the water system shall conform to the City of Maitland Master Water Plan. All water mains shall be cast iron pipe. All single service lines shall be a minimum of one inch, and all double service lines shall be a minimum of one and one-half (1½) inches unless otherwise approved by the Public Works Director.

(d) A central sanitary sewerage system shall be provided in all subdivisions unless the requirement is waived by the Planning and Zoning Commission and approved by the City Council. The sewerage system shall be designed to conform with the City of Maitland Master Sanitary Sewerage Plan. This system shall have a minimum of eight inch mains. No sewerage system shall be designed or constructed in such a manner as to adversely affect the water quality of any existing stream, lake, or underground aquifer.

(e) Whenever individual sewerage disposal systems are allowed, the system shall comply with the following:

(1) The soil and water table conditions on the lot shall be satisfactory for the installation of drainfields in accordance with regulations of the DEP and the Orange County Health Department;

(2) The use of individual sewerage systems should not hinder or obstruct the orderly and economic extension or development of the municipal system; and

(3) Each individual sewerage system should be located in the front yard or another location which would provide a convenient and economical connection to a future sewerage system.

(f) The cost of installing potable water, sanitary sewer, and storm sewer facilities shall be borne by the subdivider, provided, however, that where the subdivider is required to install larger lines or facilities than necessary to serve the subdivision in order to provide for future development, the difference in costs between installing facilities adequate for the subdivision and the oversize lines shall be borne by the City. Future subdivisions shall make use of such oversize facilities and shall be assessed the cost for their proportionate share of the facility they use.

(g) Facilities to be installed in accordance with this subsection shall be constructed and approved by the Public Works Director before the subdivider is released from bond.

6.3.10. Streets, Curbs, and Gutters

All streets, curbs, and gutters shall be constructed to the standards in Section 3, Roads, in Appendix A: Engineering and Design Manual.

SECTION 6.4. ADMINISTRATION AND ENFORCEMENT

6.4.1. Certificate of Completion

Upon completion of all work under bond, the developer shall submit to the City Manager a statement certified and sealed by a professional engineer registered in the State of Florida stating that the work has been entirely completed, that it was constructed under the engineer's supervision, and that it conforms in all respects to the final plat and plans for required improvements and to the specifications set by this article and this LDC.

6.4.2. Inspection, Report, and Acceptance

(a) Upon receipt of this certificate of completion, the Public Works Director shall make a final inspection of each of the contract operations on the subdivision. If the work conforms to all plans and specifications, the City Manager shall inform the City Council in writing and recommend acceptance by the City. The City Council's action accepting the improvements shall constitute authority for release of the developer's performance bond.

(b) In the event the developer has not completed the construction of all improvements within the authorized time limitations, the Director of Finance shall, when directed by the City Manager, notify the surety company or such other organization furnishing the bond or its equivalent of pending default.

6.4.3. Violations

The City Manager shall administer and enforce this article. Violations, penalties, and enforcement procedures shall be as set forth in Ch. 1, Ch. 4.7, Article III, and Ch. 5.3 of the City Code.

ARTICLE 7. PUBLIC FACILITY FUNDING

SECTION 7.1. MOBILITY FEES

7.1.1. Authority

(a) The City Council has the authority to adopt this section in accordance with Article VIII of the Florida Constitution; Chs. 163 and 166, Fla. Stat. (including Sec. 163.3180, Fla Stat.), and the City Charter.

(b) Planning for new multimodal facility improvements needed to serve new growth and development that generate the need for additional improvements, and the implementation of these plans through the comprehensive planning process, is a responsibility of the City under Section 163.3161 *et seq*., Fla. Stat., and is in the best interest of the health, safety, and welfare of the citizens of the City.

7.1.2. Purpose and Intent

(a) The purpose of this section is to allow new development to share in the burdens of growth in accordance with the comprehensive development plan. New development shares in this burden by paying a pro rata share of the reasonably anticipated costs of multimodal facilities needed to accommodate the person-miles of travel (PMT) demands created by new development, as well as by complying with other appropriate development approval conditions.

(b) This intent of this section is to impose a mobility fee, payable prior to issuance of a building permit, in an amount based upon the average amount of new PMT attributable to new development and the average cost of providing the multimodal capacity needed to serve such new travel. It is also intended to provide flexibility to address the needs of individual developments that, because of location, timing, or other characteristics, require different treatment in the form of reduced fees or supplemental requirements.

(c) This section shall not be construed to authorize imposition of fees related to multimodal improvement needs attributable to existing development.

7.1.3. Adoption of Mobility Fee Technical Report

The mobility fee technical report entitled "City of Maitland Mobility Fee Technical Report—July, 2016," prepared by NUE Urban Concepts, LLC, is hereby adopted. This adoption includes, but is not limited to: the basis of the assumptions, conclusions, and findings in the study as to the basis of the mobility fee, the methodology for calculating the mobility fee, the PMT assigned to various land use categories, as well as the findings for internal and community capture for the three assessment areas and the basis for the mobility fee benefit district boundary. The three assessment areas are: (1) Community Redevelopment Area (CRA), (2) Mobility Tiers 1 and 2, and (3) Mobility Tier 3 and are identified in Figure 7.1.3: Mobility Fee Assessment Areas. The study presents the technical analysis and detailed methodology supporting the City of Maitland Mobility Fees.

Figure 7.1.3: Mobility Fee Assessment Area



7.1.4. Mobility Fee Imposition

(a) The mobility fee imposed by this section shall apply to new applications for building permits.

(b) The mobility fee shall not be imposed on building permits otherwise necessary for:

(1) Room additions, remodeling, rehabilitation, or other improvements to an existing structure, provided there is no increase in person trips or PMT and no increase in gross floor area for non-residential uses and no increase in the number of dwelling units for residential uses;

(2) Rebuilding of a damaged or destroyed structure, whether voluntary or involuntary, provided there is no increase in the intensity of use, or no increase in gross floor area for non-residential uses and no increase in the number of dwelling units for residential uses;

(3) A change in occupancy that does not generate additional person trips or person miles of travel, or any increase in gross floor area for non-residential uses or increase in the number of dwelling units for residential uses; or

(4) An accessory structure that does not result in an increase in person trips or person miles of travel (e.g. detached garage, sheds, parking structures, covered parking).

(c) There is hereby imposed upon all impact generating land development activity a mobility fee due at the time of issuance of a building permit, and no building permit shall be issued until the required mobility fee has been paid except as otherwise provided in this section. Mobility fees are assessed at the mobility fee rate in effect at the time the building permit is issued. If the building permit is for less than the entire contemplated development, the fee shall be computed for the proportion of development covered by the permit. The obligations for payment of mobility fees shall run with the land.

[d] Any developer who paid City road impact fees prior to the effective date for mobility fees shall have those amounts applied to the balance due for the current mobility fee for a building permit not previously issued.

[e] Additionally, the mobility fee shall be imposed for any structure that is altered, expanded, or replaced that results in an increase in person trips and person miles of travel over the existing land use.

[f] The mobility fee is calculated on the basis of the PMT generated from the land use. If the PMT increases due to a change in size or use, the fee due shall be the incremental difference resulting from the alteration, expansion, or replacement as determined by the mobility fee schedule, less the fee that would be imposed under the applicable rate prior to the alteration, expansion, or replacement.

[g] Even if there is a change in use that results in a decrease in PMT generated by the previously allowed use, the applicant shall not be entitled to a refund or credit.

[h] Any person who initiates any new impact generating land development activity shall, except as otherwise provided for in this section, pay a mobility fee as set forth in Table 7.1.4: Mobility Fee Schedule, subject to an increase due to inflation in accordance with Sec. 7.1.15, Review and Update.

Table 7.1.4: Mobility Fee Schedule

Category/Land Use Type	Community Redevelopment Area	Mobility Tiers 1 & 2	Mobility Tier 3
Residential (per dwelling unit)			
Single Family Detached	$1,574	$1,784	$2,099
Multifamily Apartments	$1,100	$1,246	$1,466
Townhouse/Condominium	$961	$1,089	$1,281
Active Adult/Continuing Care (55 +Age Restricted)	$589	$667	$785
Recreation and Entertainment			
Racquet/Tennis Club (per court)	$1,749	$1,982	$2,332
Multipurpose Recreational Facility (per acre)	$9,390	$10,642	$12,520
Health/Fitness/Athletic Club (per 1,000 sf)	$4,208	$4,769	$5,610
Recreational Community Center (per 1,000 sf)	$2,499	$2,833	$3,332
Movie Theater (per seat)	$291	$330	$388
Institutional (per 1,000 sf)			
Private School (Pre K-12)	$767	$869	$1,023
College/University	$2,254	$2,554	$3,005
Place of Worship	$896	$1,016	$1,195
Place of Worship with School (Pre K-12)	$1,012	$1,147	$1,349

Table 7.1.4: Mobility Fee Schedule			
Category/Land Use Type	**Community Redevelopment Area**	**Mobility Tiers 1 & 2**	**Mobility Tier 3**
Day Care Center	$2,024	$2,294	$2,699
Office (per 1,000 sf)			
Office	$1,796	$2,036	$2,395
Medical Buildings (per 1,000 sf)			
Medical/Dental/Veterinary Offices	$2,615	$2,963	$3,486
Hospitals	$3,027	$3,431	$4,036
Nursing Home	$1,031	$1,169	$1,375
Industrial Buildings (per 1,000 sf)			
Warehousing/Manufacturing/Industrial	$702	$795	$935
Mini-Warehousing	$305	$346	$407
General Commercial Retail (per 1,000 sf)			
Neighborhood Retail (less than 10,000 sf)	$2,255	$2,556	$3,007
Community Retail (10,000 to 100,000 sf)	$3,380	$3,831	$4,507
Regional Retail (greater than 100,000 sf)	$5,081	$5,759	$6,775
Restaurant, Sit-Down	$5,524	$6,260	$7,365
Restaurant with Drive-Through	$14,867	$16,849	$19,822
Car Sales	$4,072	$4,615	$5,429
Tire and Auto Repair	$2,003	$2,270	$2,670
Nonresidential			
Assisted Living (per bed)	$390	$442	$520
Hotel (per room)	$1,530	$1,734	$2,040
Bank/Savings (per drive-through lane)	$6,299	$7,138	$8,398
Convenience Market and Gas (per fuel position)	$8,492	$9,624	$11,322
Quick Lube Vehicle Service (per bay)	$1,809	$2,051	$2,412
Free Standing Car Wash (per stall and bay)	$3,257	$3,691	$4,342

7.1.5. Mobility Fee Determination

(a) The mobility fee shall be determined using the land use classification under the applicable land use categories in the mobility fee schedule in accordance with Table 7.1.4: Mobility Fee Schedule.

(b) If a project involves a land use not contemplated in Table 7.1.4: Mobility Fee Schedule, the Community Development Director shall determine the mobility fee utilizing the closest land use category in Table 7.1.4.

(c) In the event of a development that involves a mixed use project, the Community Development Director shall determine the mobility fee based on each separate mobility fee land use classification included in the proposed mixed use project.

(d) The mobility fee shall be determined using the appropriate rate depending on which assessment area the development is located within the City. Separate rates apply for development within the three assessment areas: (1) Community Redevelopment Area, (2) Mobility Tiers 1 and 2 and (3) Mobility Tier 3. Maps of each of the assessment areas is available in the Community Development Department.

7.1.6. Alternative Mobility Fee or Special Mobility Fee Determinations

(a) Authorized

If an applicant believes that the cost to mitigate the impact of the development of improvements needed to serve the applicant's proposed development is less than the fee established in this section, the applicant may request consideration of and submit an alternative mobility fee or special mobility fee determination request, along with a review fee as determined by the City, and support materials to substantiate the request to the Mobility Fee Administrator in accordance with this subsection. If the Mobility Fee Administrator finds that the data, information, assumptions, formulae, and methodology used by the applicant to calculate the alternative mobility fee or special mobility fee satisfy the requirements of this section, the alternative mobility fee or special mobility fee shall be deemed the mobility fee due and owing for the proposed development.

(b) Procedure

The Mobility Fee Administrator is responsible for calculating mobility fees in accordance with the provisions of this section. If an applicant believes project impacts are lower than justified by the findings of this section, or believes the proposed use is incorrectly assigned as identified in the Table 7.1.4: Mobility Fee Schedule, or that the assumptions that derive the mobility fee are not applicable to a specific proposed land use, an adjustment to the fees may be requested along with an application and review fee. The Mobility Fee Administrator shall determine whether the request shall be reviewed as either an alternative mobility fee determination or a special mobility fee determination, based upon the impact of the proposed land use on the City's mobility. The process for reviewing alternative mobility fee determinations is provided in subsection (c) below. The process for special mobility fee determinations for minor projects with significantly less impacts is provided in subsection (d) below.

(C) Alternative Mobility Fee Determination

(1) The alternative mobility fee determination shall be based on data, information, assumptions, formulae, and methodology contained in this section, and the mobility fee technical report referred to in Sec. 7.1.3 above, or independent sources, provided that:

(A) The independent source is:

1. An accepted standard source of transportation engineering or planning data or information; or

2. A local study carried out by a qualified planner or engineer in accordance with an accepted methodology of planning or engineering.

(B) Where different data, information, assumptions, formulae, or methodology are employed, such differences shall be specially identified and justified.

(2) An alternative mobility fee calculation shall be undertaken through the submission of an application for review of an alternative mobility fee determination for the mobility fee component for which an alternative mobility fee calculation is requested, as follows:

(A) A developer shall submit the application in conjunction with the submittal of any development plan or petition for new or redevelopment or as otherwise agreed to in a mobility fee agreement.

(B) The City may submit such an application for any proposed land development activity for which it concludes the nature, timing, or location of the proposed development makes it likely to generate impacts costing substantially more to remedy than the amount of the fee that would be generated by the use of Table 7.1.4: Mobility Fee Schedule.

(3) Within 30 days of receipt of an application for review of an alternative mobility fee determination, the Mobility Fee Administrator shall determine if the application is complete. If the Mobility Fee Administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent to the applicant. The application shall be deemed complete if no deficiencies are specified. The Mobility Fee Administrator shall take no further action on the application until it is deemed complete.

(4) When the Mobility Fee Administrator determines the application is complete, the application shall be reviewed and a written decision shall be rendered in 30 days, or as soon thereafter as possible, as to whether the mobility fee should be modified, and if so, what the amount should be.

(5) If the Mobility Fee Administrator finds that the data, information, assumptions, formulae, and methodology used by the applicant to compute the alternative mobility fee calculation satisfies the requirements of this section, the re-determined mobility fee shall be deemed the mobility fee due and owing for the proposed land development activity. This adjustment in the fee shall be set forth in a Mobility Fee Agreement which

shall be entered into in accordance with Sec. 7.1.7, Presumptions, Agreements, and Security Requirements.

(6) A determination by the Mobility Fee Administrator that the alternative mobility fee re-determination does not satisfy the requirements of this section may be appealed to the City Council.

(7) The applicant shall be responsible for the full costs that the City may incur to review the alternative mobility fee data and methodology, including consultant and legal costs. Payment shall be due at the time of the request for the alternative calculations.

(8) An applicant who submits a proposed alternative mobility fee in accordance with this section and desires the issuance of a building permit prior to the resolution of the pending alternative mobility fee shall pay the applicable mobility fee prior to or at the time the applicant desires the building permit. This payment shall be deemed paid "under protest" and shall not be construed as a waiver of any rights. Any difference in the amount of the mobility fee after the determination of the pending alternative mobility fee shall be refunded to the applicant.

(d) **Special Mobility Fee Determination**

An applicant may request a special mobility fee determination for smaller, less intense projects when data and information are presented that substantiates that a project has unique characteristics other than those upon which the mobility fee calculation was based. It is the applicant's responsibility to submit adequate justification and support data to substantiate a lower impact to the Mobility Fee Administrator. The Mobility Fee Administrator may review the request and ask for additional information. The applicant is responsible for additional costs that the City may incur to review these special requests, including consultant and legal costs. Payment will be due at the time of request for the determination.

7.1.7. Presumptions, Agreements, and Security Requirements

(a) A proposed development shall be presumed to generate the maximum impact generated by the most intensive use permitted under this LDC and the comprehensive development plan, or under applicable deed or plat restrictions.

(b) In-lieu of the payment of fees as calculated in Table 7.1.4: Mobility Fee Schedule, or Sec. 7.1.6(c), Alternative Mobility Fee Determination, any applicant may propose to enter into a mobility fee agreement with the City designed to establish just and equitable fees or their equivalent, and standards of service appropriate to the circumstances of the specific development proposed. Such an agreement may include but shall not be limited to provisions which:

(1) Modify the presumption of maximum impact set forth in subsection (a) above and provide a mobility fee which may differ from that set forth in Table 7.1.4: Mobility Fee Schedule, or Sec. 7.1.6(c), Alternative Mobility Fee Determination, by specifying the nature of the proposed development for purposes of computing actual impact, provided

that the agreement establishes legally enforceable means for ensuring that the impact will not exceed the impact generated by the agreed-upon development;

(2) Permit the construction of specific improvements in-lieu of or with a credit against the mobility fees assessable and/or pursuant to a payback schedule, which would allow the developer to recover the actual cost of such improvements in excess of the amount which would have been assessed by this section as subsequent users of such improvements obtained building permits and pay mobility fees.

(3) Permit a schedule and method for payment of the mobility fees in a manner appropriate to the particular circumstances of the proposed development in-lieu of the requirements for payment of the fees as set forth in Sec. 7.1.5, Mobility Fee Determination, provided that security is posted ensuring payment of the fees, in a form acceptable to the City; this security may be in the form of a cash bond, surety bond, irrevocable letter of credit, negotiable certificate of deposit or escrow account, or lien or mortgage on lands to be covered by the building permit.

(c) Any agreement proposed by an applicant in accordance with this subsection shall be presented to and approved by the City Council prior to the issuance of a building permit. Any such agreement may provide for execution by mortgages, lienholders, or contract purchasers in addition to the landowner, and may permit any party to record such agreement in the official records of Orange County. The City Council shall approve such an agreement only if it finds that the agreement will apportion the burden of expenditure for new facilities in a just and equitable manner.

7.1.8. Mobility Fee Credits

(a) **Fee Credit Availability**

(1) An applicant shall be entitled to a credit against any mobility fee assessed in accordance with this section in an amount calculated as follows:

(A) The cost of off-site multimodal improvements or contributions of land, money, or services for off-site mobility improvements contributed or previously contributed, paid for or committed to by the applicant or his predecessor in interest as a condition of any development order issued by the City for the same development; or

(B) For excess capacity created by the applicant or the applicant's predecessor in interest that was provided at the request of the Public Works Director or through a development order, and credit for the excess capacity is agreed to by the mobility fee administrator in advance of the creation of the excess capacity and provided for in a mobility fee agreement, subject to City Council approval.

(2) Mobility fee specific credits are eligible for projects that have made a contribution or improvement to multimodal facilities improvements beyond minimum-required mobility strategies in the Mobility Element of the comprehensive development plan. Site access improvements for turn lanes, sidewalks, trails, roundabouts, or traffic signals at

project entrances or immediately adjacent improvements are not eligible for any credit. If an additional mobility fee credit remains from the prior eligible contribution, the remaining mobility fee credit shall be applied to the development occurring after the effective date of the mobility fee on a dollar for dollar basis.

(b) Calculation of Credit

The amount of developer contribution credit to be applied to the mobility fee shall be determined according to the following standards of valuation and limitations:

(1) The appraised fair market land value of the contributed parcel as of the date of building permit, agreement to contribute, or contribution, whichever is earlier, as determined by an appraiser selected and paid for by the applicant. The appraiser shall have earned the MAI designation from the Appraisal Institute. In the event the Mobility Fee Administrator disagrees with the appraised value, another appraiser shall be engaged and the value shall be an amount equal to the average of the two appraisals. No credit should be granted in accordance with this section unless the cost of the improvements were paid for and the contributions made within the last five years;

(2) The cost of anticipated construction of off-site improvements shall be based upon cost estimates certified by a registered professional engineer, and such estimate shall be reviewed and approved by the Public Works Director. The City reserves the right to require the developer to competitively bid in accordance with the City Code, in which case the credit shall be limited to the actual cost or 100 percent of the lowest responsible bid amount, whichever is less. All bidders shall be qualified to construct the off-site improvements; and

(3) Should the cost of the land conveyance and/or construction of the off-site improvements exceed the mobility fee due from the development project, the credit received by the applicant shall be limited to the mobility fee generated by the development project.

(c) Procedure

(1) Prior to issuance of a building permit, the applicant shall submit to the Mobility Fee Administrator a proposed plan for the construction or conveyance of off-site improvements to the multi-modal network. The proposed plan shall include:

(A) A designation of the development project for which the plan is being submitted;

(B) A list of contemplated off-site improvements to the multimodal network;

(C) A legal description of any land proposed to be donated and a written appraisal prepared in accordance with subsection (b) above;

(D) An estimate of proposed construction costs based on detailed unit costs that are less than one-year-old and sealed by a professional engineer; and

(E) A proposed time schedule for completion of the proposed plan.

(2) Upon receipt of the proposed plan, the Mobility Fee Administrator shall review the application and the proposed plan to determine if it complies with this section. The

Mobility Fee Administrator shall render a decision 45 days following receipt of the proposed plan to grant or deny the credit. Failure to render a decision within 45 days shall be deemed a denial.

(3) If the request for credit is denied, the applicant shall have 30 days to file a notice of appeal with the City Manager. The City Manager shall render a decision within 30 days of the notice of appeal. An applicant may appeal the City Manager's decision to the City Council by filing a notice of appeal with the City within 30 days of the City Manager's determination. The City Council shall hear the appeal at the next available meeting. The decision of the City Council shall be considered final administrative action, and shall be subject to court review based only upon the record established at the hearing before the Council. An applicant shall have 30 days to appeal the City Council determination to Circuit Court by writ of certiorari.

(4) If a proposed plan of conveyance or construction is approved for credit by the Mobility Fee Administrator, upon appeal by the City Manager or City Council, the applicant and the City shall enter into a Credit Agreement which shall provide for the timing of the action to be taken by the applicant and the obligations and responsibilities of the parties, including but not limited to:

(A) The timing of actions to be taken by the applicant and the obligations and responsibilities of the applicant, including but not limited to the construction standards and requirements to be complied with;

(B) The obligations and responsibilities of the City, including but not limited to inspection of the project; and

(C) The amount of credit as determined in accordance with subsection (b) above

(5) All construction cost estimates shall be based upon, and all construction plans and specifications shall be in conformity with, the road construction standards of the City and any other jurisdiction having responsibility for the right-of-way, and shall be approved by the Public Works Director prior to the commencement of construction.

(6) An applicant who submits a proposed plan in accordance with this section and desires the issuance of a building permit prior to the resolution of the pending credit shall pay the applicable mobility fee prior to or at the time the applicant desires the building permit. Such a payment shall be deemed paid "under protest" and shall not be construed as a waiver of any review rights. Any difference in the amount of mobility fee after the determination of the pending credit shall be refunded to the applicant or owner.

(d) Additional Provisions

(1) Previous development permits or agreements approved prior to January 1, 2017, where voluntary road impact fees were specified and paid or obligated to be paid shall be binding as to any building permit already issued on land subject to the development

permit. Improvements required by previous development permits shall not be given a credit unless they comply with the requirements of subsection (a) above.

(2) Credit for contributions, payments, construction, or dedications of a mobility fee shall not be transferable to another property where a mobility fee is imposed but may be transferred within a single development such as a planned development.

(3) Credit for redevelopment of existing uses shall be based upon the closest applicable land uses in Table 7.1.4: Mobility Fee Schedule. Any redevelopment credits shall be used within five years from the date of demolition to the date of the subsequent building or development permit.

7.1.9. Mobility Fee Benefit District

(a) There is hereby established a mobility fee benefit district. The boundary of the mobility fee benefit district is the same as the City boundaries in effect at the time of the collection of any mobility fees within the City, as depicted on map H in the mobility fee technical report (see Sec. 7.1.3, Adoption of Mobility Fee Technical Report).

(b) The establishment of a Citywide mobility fee benefit district to regulate mobility fee expenditures is the best method of ensuring that the mobility fees paid provide a benefit to the development which paid the mobility fees. The basis for the citywide benefit district is the existing Citywide travel patterns which accommodate daily trips from development throughout the City, the compact nature of the City, and the location of the boundaries of existing adjacent municipalities and counties.

(c) The Citywide mobility fee benefit district provides a clearly defined boundary for the expenditure of mobility fee revenue. Using the Citywide mobility fee benefit district ensures that funds paid by development are spent on projects to accommodate person-miles of travel, providing a reasonable nexus between the expenditure of mobility fee revenue and the development for which the mobility fees are paid.

7.1.10. Mobility Fee Funds Account

There is hereby established a separate mobility fee fund account. For accounting purposes, the mobility fee funds shall be considered special revenue funds. Mobility fees collected from property located in the mobility fee benefit district shall be deposited into the corresponding mobility fee fund. Funds withdrawn from these accounts shall be used solely in accordance with the provision of Sec. 7.1.11 below.

7.1.11. Mobility Fee Expenditures

(a) Amounts on deposit in the mobility fee fund account shall be used by the City solely for designing and constructing multimodal improvements or for financing directly, or as a pledge against bonds, revenue certificates and other obligations of indebtedness, the costs of multi-modal facilities, or portions thereof, that are located in the mobility fee benefit district from which the funds were collected, that are funded or unfunded improvements identified in the

City's Capital Improvement Element and program, Mobility Plan, Bicycle and Pedestrian Plan, Trails Plan, or Transit Development Plan, and are shown to provide a capacity benefit to new development located within the mobility fee benefit district.

(b) All funds shall be used exclusively for multi-modal improvements that add multimodal capacity and accommodate person miles of travel through walking, bicycling, riding transit, driving, or sharing rides in a motor vehicle, along with other modes of travel that provide person mobility.

(c) The amounts on deposit in the mobility fee fund shall not be used for a transportation operation and maintenance expense.

(d) Funds withdrawn from these accounts shall be used solely in accordance with the provisions of this section. The disbursal of funds shall require the approval of the City Council upon recommendation of the City Manager.

(e) Any funds on deposit not immediately necessary for expenditure shall be invested in interest-bearing accounts. Funds may be pooled for investment provided all income derived from the fund's assets is deposited in the applicable fund account.

7.1.12. Mobility Fee Refunds

The fees collected in accordance with this section shall be returned to the then-present owner of the development if the fees have not been encumbered or spent by the end of the calendar quarter immediately following ten years from the date the fees were collected, or if the development for which the fees were paid was never begun. The refund shall be returned in accordance with the following procedure:

(a) The then-present owner is required to petition the City Council for the refund within one year following the end of the calendar quarter immediately following ten years from the date on which the fee was received.

(b) The petition shall be submitted to the City Manager and contain:

(1) A notarized sworn statement that the petitioner is the current owner of the property or the authorized agent;

(2) A copy of the dated receipt issued for payment of the fee or other competent evidence of payment;

(3) A certificate of title or attorney's title opinion showing the petitioner to be the current owner of the property or his authorized agent;

(4) A copy of the most recent ad valorem tax bill; and

(5) A copy of the building permit or development agreement pursuant to which the mobility fees were paid.

(c) Within 60 days from the date of receipt of petition for refund, the City Manager shall advise the petitioner and City Council of the status of the fee requested for refund. For the purposes of determining whether fees have been spent or encumbered, the first money placed in a

trust fund account shall be deemed to be the first money taken out of that account when withdrawals have been made in accordance with Sec. 7.1.11, Mobility Fee Expenditures.

(d) When the money requested is still in the trust fund account and has not been spent or encumbered by the end of the calendar quarter immediately following ten years from the date of when the fees were paid, the money shall be returned with interest at the rate of two percent per annum.

(e) When a refund is requested because construction was never begun, all development order approvals shall have expired and the applicant shall execute an agreement acknowledging the expiration of development order approval.

(f) A request for a refund of impact fees or mobility fees shall be made one year from the issuance of the building permit or six months from the expiration of the permit, whichever is later, only if no development activity has started. The refund amount will be less ten percent of the fees that were ultimately to have been paid, regardless of the amount actually paid. If the applicant does not apply within the time limits stated above, there will be no refund.

7.1.13. Effect of LDC

(a) The payment of mobility fees shall not ensure nor grant compliance or approval with any development permits or development approvals in this LDC or the City Code, including regulations relating to transportation corridor management, access management, substandard roads, secondary access, timing, and phasing, and, where applicable, development of regional impact review. However, if such regulations require transportation mitigation for the same impacts addressed through the payment of mobility fees, such regulations shall be deemed to provide for mobility fee credit against imposed mobility fees consistent with state and federal law and this section.

(b) The listing of a land use in the mobility fee schedule is solely for purposes of establishing the applicable mobility fee schedule for such use, and such listing does not mean that the land use is permitted or available in accordance with this LDC and the comprehensive development plan. In addition, the listing of the land use in the mobility fee schedule shall not be considered evidence that the land use is appropriate in any land use classification or zone district.

7.1.14. Annual Report

The City shall comply with all audit requirements of the Florida Statutes. The City shall include in its annual Capital Improvements Plan update an accounting of projects funded by mobility fees. The annual budget shall indicate mobility fee revenues and expenditures.

7.1.15. Review and Update

(a) This section shall be reviewed by the City Council at least once every five years unless a more frequent review is determined necessary by the City Council or the City undertakes an update to the comprehensive development plan that amends the mobility plan, which served as the

basis for the mobility fee. The review and update shall consider all factors utilized in the most recent computation of mobility fees. However, if a full re-evaluation and update are not complete within the required five year period, the last adopted mobility fee shall remain in effect until the re-evaluation is complete. The purpose of this review is to analyze the effects of inflation on the actual costs of multimodal improvements, and to ensure that the mobility fee charged on new land development will not exceed its reasonably anticipated expansion costs for capital improvements necessitated solely by its presence.

(b) To ensure that mobility fees keep pace with inflation, on January 1 of each calendar year, the mobility fees in Table 7.1.4: Mobility Fee Schedule, may increase by the projected rate of inflation for the upcoming calendar year as determined by the most recent edition of FDOT Transportation Cost Report Construction Cost Inflation Factors, released on or about August of each calendar year.

(c) The City shall update the mobility fees in Table 7.1.4: Mobility Fee Schedule, on or before September 30 of each calendar year if necessary, in accordance with subsection (b) above, and shall advertise the fees in a publication of general circulation available to City residents and businesses, or as permitted by Florida Statutes. The update shall be placed on the City's website. The advertisement shall be published and/or posted 90 days prior to the increase of the mobility fees.

(d) The requirements of subsection (b) above shall serve as notice to the public that mobility fees will increase on an annual basis, adjusted for inflation. This section shall be deemed to address statutory requirements that notice be provided 90 days prior to an increase in a mobility fee. The notice in subsection (c) above is provided as a courtesy reminder.

7.1.16. Development Agreements

(a) An applicant may enter into a development agreement with the City to establish mobility fees or to provide equivalent multi-modal facility improvements necessary to serve new development. A development agreement may include but shall not be limited to, provisions which:

(1) Permit the construction of multi-modal facility improvements in-lieu of or with a credit against the mobility fee otherwise assessable under Table 7.1.4: Mobility Fee Schedule;

(2) Provide for a transfer of credits as provided for in Sec. 7.1.8, Mobility Fee Credits, to any successor in interest in land; and

(3) Allow a schedule and method of payment of mobility fees in a manner different than provided in Sec. 7.1.4(b) above.

(b) Any agreement proposed by an applicant in accordance with this section shall be presented to and approved by the City Council prior to the issuance of a building permit. Any such agreement shall provide for execution by any mortgagees, lienholders, or contract purchasers in addition to the landowner, and shall require the applicant to record such agreement in the public records of Orange County. The City Council shall approve such an agreement only if it finds that the new agreement will apportion the burden of expenditure for new facilities in a

just and equitable manner, consistent with applicable Florida Statutes, case law, and this section.

7.1.17. Vested Rights

(a) It is not the intent of this section to abrogate, diminish, or modify the rights of any persons that have vested rights in accordance with a valid governmental act of the City. An applicant may petition the City Council in accordance with Sec. 2.5.4(f), Vested Rights Determination, for a vested rights determination which would exempt the applicant from the provisions of the section. The City shall evaluate the petition and submit a recommendation to the City Council, and the City Council shall make its decision based on whether the following standards are met in addition to the decision standards in Sec. 2.5.4(f)(5), Vested Rights Determination Decision Standards:

(1) There exists a valid, unexpired governmental act of the City, authorizing the building for which applicants seeks a certificate of occupancy.

(2) The applicant has made or incurred expenditures or obligations in reliance upon the authorizing act of the government that is reasonably equivalent to the fee required by Table 7.1.4: Mobility Fee Schedule.

(3) That it would be inequitable to deny the applicant the opportunity to occupy a previously approved building under the conditions of the previous approval by requiring the applicant to comply with the provisions of this section.

(b) If an applicant has previously entered into a development agreement with the City that includes conditions regarding off-site multi-modal facility improvements, the applicant or applicant's successor in interest may request a modification of the prior development agreement in order to bring the conditions into consistency with this section. The applicant shall file a request for such modification with the DRC within one year of the effective date of this section.

7.1.18. Penalty

Violations of this section shall constitute a misdemeanor enforceable in accordance with Sec. 1-8 of the City Code, or by an injunction or other legal or equitable relief in the circuit court against any person violating this section, or by both civil injunctive and criminal relief.

7.1.19. Definitions

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section only, have the meanings shown in this section.

APPLICANT

The property owner, or duly designated agent of the property owner, of land on which a building permit is requested and a mobility fee is due in accordance with this section.

BUILDING PERMIT

An official document or certificate issued by the City authorizing the commencement of construction of any structure or portion of a structure in accordance with this LDC, and the City Code. If no building permit is required for the construction or occupation of a structure then the term shall be deemed to include a change of tenant, an occupancy permit, or other form of final City approval for the construction, installation, or occupancy of a structure.

CAPITAL EXPENDITURES

The expenditures for multi-modal improvements identified in the Capital Improvements Element and Capital Improvements Program and associated stormwater management areas:

1) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness then outstanding;

2) Reasonable administrative and overhead expenses necessary or incidental to expanding and improving the transportation facilities;

3) Expenses of planning, corridor and alternatives analysis, route studies and pond siting analysis reports, soil borings, tests, surveys, construction plans, and legal and other professional advice or financial analysis relating to transportation facilities, including the reimbursement of the city for such expenses incurred before the transportation facilities were approved and adopted into the capital improvement plan;

4) The acquisition of rights-of-way and easements for the transportation facilities, including the costs incurred in connection with the exercise of eminent domain;

5) The clearance and preparation of any transportation facility site, including the demolition of structures on the site and relocation of utilities;

6) Floodplain compensation and wetland mitigation;

7) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other forms of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness; and

8) Costs of design and construction, including mobilization, maintenance of traffic during construction, and CEI (construction engineering and inspection) services.

CAPITAL IMPROVEMENT ELEMENT

The element of the comprehensive development plan, as amended annually by the Capital Improvements Program (CIP), which evaluates the need for public facilities as identified in the comprehensive development plan elements and on the mobility plan, as defined in the applicable definition of each public facility, estimates the cost of improvements, analyzes the fiscal capability of the local government to finance and construct improvements, adopts financial policies to guide the funding of improvements, and schedules the funding and construction of improvements in a manner necessary to ensure that capital improvements are provided when required based on the needs identified in the comprehensive development plan.

COMMUNITY RETAIL

Individual freestanding retail uses outside of a retail center or a retail center that are between 10,001 square feet and 100,000 square feet in size and are not otherwise specifically included as a separate and distinct land use in the mobility fee schedule.

CONDOMINIUM

A building containing two or more dwelling units that are individually owned and occupied or rented out by the owner, unlike a cooperative building where dwelling units are collectively owned. A condominium may include duplexes, triplexes, fourplexes, garden style apartments, and multi-story structures with multiple dwelling units that are individually owned. An owners' association may own and manage common spaces and/or the exterior of the building. Compare to the definition of Multifamily Apartment.

CONVENIENCE MARKET AND GAS

A use which sells fuel to the public or through a membership club, and includes land uses with fuel pumps such as, but not limited to gas stations, service stations or convenience markets. Fuel positions are the total number of motor vehicles that can fuel at one time, with a standard fuel pump typically having two fuel positions. An attached restaurant with drive-through shall be assessed a separate mobility fee in accordance with the mobility fee schedule.

DESIGN GUIDELINES OR STANDARDS

The current LDC and City Code, and any other applicable land development regulations, pattern books, or guidelines enacted by the City by ordinance that are applicable to development.

DWELLING UNIT

A room or rooms connected together, constituting a separate, independent housekeeping entity, for owner occupancy or rental or lease on a daily, weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing sleeping and sanitary facilities and one kitchen. The term shall be deemed to include living facilities where mobility fees are based on the number of beds.

INDUSTRIAL USES

Those activities which are predominantly engaged in the assembly, finishing, processing, packaging and/or storage of products, and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000 and 100, but excluding mini-warehouses.

INSTITUTIONAL USES

Those activities which are predominantly engaged in education, religious observation, and cultural activities or oversight of persons outside and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 500.

LIVING AREA

The sum of the area of each floor of a dwelling unit, measured from the exterior surface of the exterior walls or walls adjoining public spaces such as apartment hallways, or the centerline of common walls shared with other dwelling units. Living area does not include garages or unenclosed areas.

MOBILITY FEE BENEFIT DISTRICT

All areas within the geographic area of the City established for the purposes of collecting and expending mobility fees.

MOBILITY FEE TECHNICAL REPORT

The City's Mobility Fee Technical Report dated July 2016 and prepared by NUE Urban Concepts, LLC which supports the imposition of the mobility fee.

MULTIFAMILY APARTMENT

A building containing two or more dwelling units that are not individually owned, are for rent or lease, and often have common utility meters. For purposes of this definition, multifamily apartment includes duplexes, triplexes, fourplexes, garden style apartments, and multi-story structures with multiple dwelling units. Compare with the definition of condominium.

MULTIPURPOSE RECREATIONAL FACILITY

An indoor and/or outdoor entertainment venue where impact is measured by the total acreage of the area used to carry out the principal function of the facility and includes uses such as, but not limited to: bowling, skating, go-carts, mini-golf, batting cages, bounce houses, trampolines, dance, gymnastics, climbing walls and driving ranges, and uses not otherwise specified in the mobility fee schedule.

NEIGHBORHOOD RETAIL

Any individual freestanding retail use outside of a retail center or a retail center that is less than 10,000 square feet in size that is not otherwise specifically included as a separate and distinct land use in the mobility fee schedule.

NONRESIDENTIAL USES

The carrying out of entertainment, lodging, recreational, institutional, office, medical, commercial, industrial, or service activity and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 000, 100, 300, 400, 500, 600, 700, 800, and 900, and excludes all uses under ITE Trip Generation Manual under Land Use Code Series 200.

OFFICE USE

The carrying out of a professional or governmental service that does not result in the production, manufacturing, or sale of a physical object on premises and which includes those uses specified in the ITE Trip Generation Manual under Land Use Code Series 700, except for medical and dental offices.

PRINCIPAL USE

The carrying out of any building activity or the making of any material change in the use of a structure or land that requires the issuance of a building permit, and which generates person trips and person miles of travel over and above the existing use of the structure or land.

RECREATION USES

Those activities which are predominantly engaged in physical activities, recreation, sports, outdoor activities, and entertainment, and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 400.

REGIONAL RETAIL

An individual freestanding retail use outside of a retail center or a retail center that is greater than 100,000 square feet in size and not otherwise specifically included as a separate and distinct land use in the mobility fee schedule.

RESTAURANT, SIT-DOWN

A free standing or outparcel restaurant establishment that prepares and serves food primarily for consumption on-premises and that does not have drive-thru or drive-in facilities.

RESTAURANT WITH DRIVE-THROUGH

A free standing outparcel or inline retail center restaurant establishment that prepares and serves any food or drink for consumption on or off-premises that has one (1) or more drive-thru lanes, pick-up window accessible by motor vehicle or any drive-in facilities or drive-up facilities where orders are placed while in a motor vehicle.

RESIDENTIAL USE

A dwelling unit or dwelling units that shall include those uses specified in the ITE Trip Generation Manual under the Land Use Code Series 200.

RIGHT-OF-WAY

Land, property, or interest therein, that is necessary to accommodate all of the required elements for and to support the construction and/or improvement of multi-modal transportation facilities.

SECTION 7.2. PARKS AND RECREATION IMPACT FEE

7.2.1. General

The City Council hereby establishes a parks and recreation impact fee schedule of $2,151 for each new single-family dwelling unit and $2,151 for each new multifamily dwelling unit to ensure new development bears a proportionate share of the cost of capital expenditures by the City to provide capital park and recreation facilities made necessary by such new development. The parks and recreation fee is based on the level of service standard for park land and facilities adopted as a part of the Parks and Recreation Master Plan of the City.

7.2.2. Time of Payment

No building permit shall be issued until the parks and recreation impact fee required under this section is paid.

7.2.3. Benefit District

For purposes of this section, there is hereby established a single citywide parks and recreation impact fee benefit district which is coterminous with the City boundaries.

7.2.4. Trust Account

(a) There is also hereby established a parks and recreation impact fee trust fund account for the parks and recreation impact fee benefit district established in Sec. 7.2.3 above.

(b) Funds withdrawn from this account shall be used in accordance with the provisions of Sec. 7.2.5 below.

7.2.5. Use of Funds

Funds collected from parks and recreation impact fees shall be used for the purpose of capital improvements for City parks and recreation facilities, including new parks, playgrounds, boat ramps, athletic fields and courts, and trails, as well as capital improvements for any of the foregoing.

SECTION 7.3. ADDITIONAL PUBLIC FACILITY FUNDING

Development may be subject to additional public facility funding requirements not specifically referenced in the LDC, including but not limited to the following:

(a) Water and sewer connection fees (see Sec. 20-2 of the City Code);

(b) Fire protection facilities and services impact fee (see Sec. 6-51 *et seq.* of the City Code); and

(c) School impact fees (see Sec. 23-121 *et. seq* of the Orange County Code).

ARTICLE 8. NONCONFORMITIES

SECTION 8.1. GENERAL APPLICABILITY

8.1.1. Purpose and Scope

(a) In the City, there exists uses of structures, lots of record, and signs that were lawfully established before this LDC was adopted or amended that do not conform to the standards or requirements of this LDC. It is the general policy of the City to allow such uses, structures, lots of record, and signs to continue to exist. It is also the policy of the City to bring as many nonconformities into conformance with this LDC as is reasonably practicable, subject to the requirements of this article.

(b) The purpose and intent of this article is to recognize the interests of the landowner in continuing to use the land, but to preclude the establishment of a new nonconforming structure or use in the same zone district, the enlargement or expansion of a nonconformity, or the reestablishment of a discontinued or substantially destroyed nonconformity unless allowing such expansion or reestablishment can serve as an incentive to achievement of even greater public benefit.

8.1.2. Authority to Continue

Nonconformities are allowed to continue, and are encouraged to receive routine maintenance in accordance with the requirements of this article as a means of preserving safety and appearance.

8.1.3. Determination of Nonconformity Status

In all cases, the burden of establishing that a nonconformity lawfully exists shall be the responsibility of the owner of the land on which the nonconformity is located.

8.1.4. Minor Repairs and Maintenance

(a) **Minor Repairs and Maintenance of Nonconforming Uses, Lots of Records, and Signs**

Any minor repairs and normal maintenance that are required to keep nonconforming uses, lots of record, and signs in a safe condition are permitted.

(b) **Minor Repairs and Maintenance of Nonconforming Structures**

Any minor repairs and normal maintenance that are required to keep in a safe condition a nonconforming structure, or the portion of a structure containing a nonconforming use, are permitted provided that the area of the nonconforming structure or portion of the structure containing a nonconforming use is not enlarged.

8.1.5. Unsafe or Unlawful Structures

(a) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is

declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in accordance with the standards of this LDC.

(b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful for reasons other than lack of repairs or maintenance, nothing in this LDC shall be deemed to prevent the strengthening or restoring to a safe condition of such building or part thereof declared to be unsafe by any official charged with protecting the public safety except as provided in Sec. 8.3.5, Reconstruction or Repair after Casualty Damage.

8.1.6. Changes in Tenancy or Ownership

No change of title or possession or right to possession of land involved shall be construed to prevent the continuance of such nonconformity.

SECTION 8.2. NONCONFORMING USES

8.2.1. General

Nonconforming uses are declared generally incompatible with the permitted uses in the zone district in which they are located and with the provisions of this LDC. Nonconforming uses shall be subject to the standards in this section.

8.2.2. Extension, Expansion, or Relocation

(a) A nonconforming use shall not be extended, enlarged, or moved to occupy a different area of a structure or lot, except an existing nonconforming use may be extended throughout any parts of a structure which were clearly designed or arranged for such use when the use became nonconforming.

(b) The repair, alteration, or extension of a building occupied by a nonconforming use that is more extensive than a minor repair, alteration, or extension (see Sec. 8.1.4 above) is not permitted unless the repair, alteration, or extension provides for the full amount of vehicular off-street parking for the use required in accordance with Section 5.2, Off-Street Parking, Bicycle, and Loading Standards.

8.2.3. Discontinuance or Abandonment of Nonconforming Use

(a) **General**

Except as provided in subsection (b) below, if a nonconforming use is discontinued or abandoned for 180 consecutive days, the use shall not be reestablished and shall only be replaced with a conforming use.

(b) **Exceptions**

(1) Time spent renovating or repairing a structure that houses the nonconforming use is not considered a discontinuance of the use, provided:

(A) All appropriate development permits are obtained;

(B) The renovation or repair is completed within 18 months after commencement of the repair or renovation; and

(C) The use is reestablished within one month after completion of the renovation or repairs.

(2) Any discontinuance of use caused by government action without the contributing fault by the nonconforming user, or by an act of God, shall not be considered in determining the length of discontinuance.

(c) **Nonconforming Structure**

Any reconstruction or repair of a damaged structure used for a nonconforming use shall be subject to the same provisions applicable to nonconforming structures in Section 8.3, Nonconforming Structures.

(d) **Conditional Use**

Any use which was formerly a permitted use in a zone district but that, upon amendment of this LDC, becomes a conditional use shall not be considered a nonconforming use even though it has not received approval of a Conditional Use Permit. No such use shall be expanded without a conditional use permit in accordance with Sec. 2.5.1(g), Conditional Use Permit

SECTION 8.3. NONCONFORMING STRUCTURES

8.3.1. General

Nonconforming structures shall be subject to the standards in this section.

8.3.2. Relationship with Conforming and Nonconforming Uses

Where a nonconforming principal structure contains a conforming use, only the nonconforming structure is subject to the standards and limitations in this section. Where a nonconforming structure contains a nonconforming use, the nonconforming structure is subject to the standards and limitations in this section and the nonconforming use is subject to the standards and limitations in Section 8.2, Nonconforming Uses.

8.3.3. Enlargement or Alteration

A nonconforming structure shall not be enlarged or structurally altered in any way that increases the nonconformity, but any nonconforming structure or portion may be altered to decrease its nonconformity.

Example: A structure has a side yard setback of five feet where the LDC requires a minimum side yard setback of ten feet. The structure cannot be enlarged so as to further encroach into the side yard setback. Enlargement or structural alteration of the structure in a way that complies with applicable dimensional standards, or structural alteration of the structure in a way that decreases the degree of nonconformity, is permitted.

8.3.4. Relocation

A nonconforming structure shall not be moved, in whole or in part, to another location on or off the parcel of land on which it is located unless the entire structure conforms to the requirements of this LDC.

8.3.5. Reconstruction or Repair after Casualty Damage

Except as otherwise provided in Section 5.7, Flood Damage Prevention, the reconstruction or repair of a nonconforming structure damaged as a result of a natural disaster or other unforeseen and unpreventable accident or occurrence shall be subject to the following provisions.

(a) Damage Up to 50 Percent of Value

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would be 50 percent or less of its assessed value before the damage, the structure may be reconstructed or repaired upon application to the Community Development Director if:

(1) The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and

(2) The reconstruction or repair begins within one year after the Community Development Director has approved the application to reconstruct or repair and is diligently pursued to completion.

(b) Damage Greater Than 50 Percent of Value

If a nonconforming structure is damaged to an extent whereby the cost of restoring the structure to its before-damaged condition would exceed 50 percent of its assessed value before the damage, the structure shall not be reconstructed or repaired except in accordance with the provisions of this LDC.

8.3.6. Pre-Existing Fences

If a fence is made nonconforming due to annexation by the City, it shall be permitted to be repaired or replaced, in part or in whole, provided the repair or replacement does not increase the nonconformity with respect to height or setback and does not obstruct views within the sight triangle.

SECTION 8.4. NONCONFORMING LOTS OF RECORD

8.4.1. General

No development shall be established on a nonconforming lot of record except in accordance with the standards in this section.

8.4.2. Combination of Lots to Eliminate Nonconformity

If a vacant nonconforming lot abuts another lot (whether conforming or nonconforming) held in the same ownership, the lots shall be combined or recombined to create one or more conforming lots, or lot(s) that are less nonconforming.

8.4.3. Structures on Nonconforming Lots

[a] Nonconforming structures legally established on a nonconforming lot of record before March 1, 2022 may be continued, enlarged, or redeveloped only in accordance with the standards in Section 8.3, Nonconforming Structures.

[b] In any zone district in which there is a lot of record established as of March 1, 2022 and any type of dwelling use is a permitted use, the dwelling units and any customary accessory units may be erected as long as the development complies with all dimensional standards in the zone district except for lot area and lot width requirements and the Public Works Director and Fire Department determine that adequate access to the site is provided.

[c] Notwithstanding limitations imposed by other provisions of this LDC, a nonconforming lot of record established as March 1, 2022 may be used for any use permitted in the zone district in which the lot is located, or as the site for any structure containing such a permitted use, provided the lot is located within a commercial district.

SECTION 8.5. NONCONFORMING SIGNS

8.5.1. General

Nonconforming signs shall be subject to the following standards.

8.5.2. Enlargement or Alteration

A nonconforming sign shall not be enlarged or added to in any way that increases the nonconformity.

8.5.3. Modifications

A nonconforming sign that is moved, replaced, or structurally altered shall be brought into conformance with this article.

8.5.4. Reconstruction or Repair after Damage

The reconstruction or repair of a damaged nonconforming sign shall be subject to the following standards:

(a) Damage Up to 50 Percent of Value

(1) If a nonconforming sign is damaged by any means to an extent whereby the cost of restoring the sign to its before-damaged condition would be 50 percent or less of its replacement value before the damage, the sign may be reconstructed or repaired and continued to be used as a nonconforming sign if:

(A) The reconstruction or repair does not increase, expand, enlarge, or extend the degree of nonconformity; and

(B) The reconstruction or repair is begun within 90 days after the damage, and is diligently pursued thereafter.

(2) If reconstruction or repair is not begun within 90 days after the damage and diligently pursued thereafter, the sign shall be deemed abandoned and shall be removed in accordance with Sec. 5.14.7(c), Removal of Abandoned Signs.

(b) Damage Greater Than 50 Percent of Value

If a nonconforming sign is damaged by any means to an extent whereby the cost of restoring the sign to its before-damaged condition would exceed 50 percent of its replacement value before the damage, the sign shall not be reconstructed or repaired except in conformity with the provisions of this LDC, and the nonconforming sign shall be removed within 30 days of the date the sign was damaged.

(c) Replacement Value

For purposes of this Sec. 8.5.4, the replacement value shall mean the cost to construct a replacement sign at the time of filing the application for a permit to reconstruct or repair the nonconforming sign.

8.5.5. Abandonment or Discontinuance of Sign

If a nonconforming sign is abandoned or ceases to be used for a period exceeding 90 days, it shall not be reestablished and shall only be replaced with a conforming sign. A sign shall be considered abandoned or discontinued if its copy area is no longer readable or comprehensible, or if the business it identifies or advertises ceases to operate. An abandoned nonconforming sign shall be removed in accordance with Sec. 5.14.7(c), Removal of Abandoned Signs.

8.5.6. Maintenance

(a) A nonconforming sign shall be properly maintained in accordance with Sec. 5.14.8, Maintenance.

(b) Nothing in this article shall be interpreted to prevent the regular maintenance of or the manual change of sign copy on a nonconforming sign.

8.5.7. Limitations

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

SECTION 8.6. NONCONFORMITIES CREATED BY EMINENT DOMAIN OR VOLUNTARY DONATION OF LAND FOR A PUBLIC PURPOSE

If a conforming lot is made nonconforming due to governmental acquisition of a portion of the lot for a public purpose that results in the lot no longer complying with applicable lot area or other dimensional standards, or due to the voluntary donation of land for a public purpose, the lot shall be deemed a conforming lot upon the Community Development Director approving a concept site plan for development of the lot that demonstrates the development existing or proposed on the lot:

(a) Complies with Table 4.2.2: Principal Use Table;

(b) Complies with the dimensional standards of the zone district in which it is located, to the maximum extent practicable;

(c) Complies with the off-street parking (Section 5.2, Off-Street Parking, Bicycle, and Loading Standards) and landscaping standards (Section 5.3, Landscape, Buffer, and Tree Protection Standards) of this LDC, to the maximum extent practicable;

(d) Complies with all other standards and requirements of this LDC; and

(e) Is designed and configured in a way that is compatible with surrounding development.

ARTICLE 9. ENFORCEMENT

SECTION 9.1. PURPOSE

This article establishes procedures and standards to ensure compliance with the provisions of this LDC and obtain corrections for violations of the LDC. It also sets forth the remedies and penalties that apply to violations of this LDC. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

SECTION 9.2. COMPLIANCE REQUIRED

9.2.1. General

Compliance with all the procedures, standards, and other provisions of this LDC is required by all persons owning, developing, managing, using, or occupying land or structures in the City.

9.2.2. Receipt of Development Approval or Permit Required

All persons shall obtain all development orders for development approvals and permits required by this LDC prior to development.

SECTION 9.3. VIOLATIONS

9.3.1. General Violations

(a) Failure to Comply with the LDC or a Term or Condition Constitutes LDC Violation

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this LDC, or the terms or conditions of any development order or authorization granted in accordance with this LDC, constitutes a violation of this LDC punishable as provided in this article.

(b) Development Orders Only Authorize Approved Development

A development order issued by a decision-making body or person authorizes only the use, arrangement, location, design, density or intensity, and development set forth in such development order.

9.3.2. Specific Violations

It shall be a violation of this LDC to undertake any action contrary to the provisions of this LDC, including but not limited to the following:

(a) Develop land or a structure without first obtaining all appropriate development orders.

(b) Occupy or use land or a structure without first obtaining all appropriate development orders.

(c) Subdivide land without first obtaining all appropriate development orders required to engage in subdivision.

(d) Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate development orders.

(e) Remove existing trees or vegetation from a site or parcel of land without first obtaining appropriate development orders.

(f) Disturb any landscaped area or vegetation required by this LDC.

(g) Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development order or permit.

(h) Fail to remove any sign installed, created, erected, or maintained in violation of this LDC, or for which the development order has expired.

(i) Create, expand, replace, or change any nonconformity except in compliance with this LDC.

(j) Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this LDC.

(k) Increase the intensity or density of development, except in accordance with the standards of this LDC.

(l) Through any act or omission, fail to comply with any other provision, procedure, or standard as required by this LDC.

SECTION 9.4. RESPONSIBLE PERSONS

The owner, tenant, or occupant of any land or structure, and an architect, engineer, builder, contractor, agent, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this LDC may be held responsible for the violation and be subject to the remedies and penalties set forth in this article.

SECTION 9.5. ENFORCEMENT, REMEDIES, AND PENALTIES

9.5.1. Responsibility for Enforcement

The Code Enforcement Officer and the Special Magistrate shall have primary responsibility for enforcing the provisions of this LDC in accordance with Ch. 4.7, Article III and Ch. 5.3 of the City Code and this article. The Community Development Director may supplement that responsibility through enforcement actions authorized in this section, and may delegate such supplemental enforcement authority to City officials involved with reviewing or inspecting development. All other officers and employees of the City shall have the duty to assist in enforcing this LDC by reporting apparent violations of this LDC to a Code Enforcement Officer or the Community Development Director.

9.5.2. Complaints Regarding Violations

Whenever a violation of this LDC occurs or is alleged to have occurred, any person may file a complaint with a Code Enforcement Officer or the Community Development Director. The

complaint shall state fully the cause and basis for the alleged violation and include the name and address of the complainant.

9.5.3. Inspections

On presenting proper credentials, a Code Enforcement Officer or the Community Development Director may enter on land or inspect any structure to ensure compliance with the provisions of this LDC. These inspections shall be carried out during normal business hours unless the Code Enforcement Officer, Building Official, or Community Development Director determines there is an emergency necessitating inspections at another time.

9.5.4. Enforcement Procedure

(a) Investigation on Referral of Complaint

On receiving a complaint, the Community Development Director may investigate the complaint and determine whether a violation of this LDC exists. If electing not to investigate the complaint, the Community Development Director shall immediately refer the complaint to a Code Enforcement Officer for enforcement in accordance with Ch. 5.3 of the City Code.

(b) Notice of Violation

(1) On determining that a violation of this LDC exists, whether from an investigation of a written complaint or otherwise, the Community Development Director may provide written notice of the violation, by personal service or certified mail, return receipt requested, to the owner of the land on which the violation exists and to the person causing or maintaining the violation. Such written Notice of Violation shall:

(A) Describe the location and nature of the violation;

(B) State the actions necessary to abate the violation;

(C) Order that the violation be corrected within a specified reasonable time after receipt of the Notice of Violation; and

(D) State that the violation may be enforced in accordance with this article of the LDC, Ch. 4.7, Article III of the City Code, or Ch. 5.3 of the City Code if the violation is not corrected within the specified time limit.

(2) If the landowner cannot be located or determined, the Community Development Director may post a copy of the notice on the building, structure, sign, or site that is the subject of the violation. In such a case, the time limit for correction of the violation shall be deemed to begin five days after the notice is posted.

(3) On determining that the violator has failed to correct the violation by the time limit set forth in the Notice of Violation, the Community Development Director may take appropriate action as provided in subsection (d) below to correct and abate the violation and ensure compliance with this LDC, or may refer the violation for enforcement in accordance with subsection (c) below.

[c] Citations

If the Community Development Director determines that a violator has failed to correct the violation by the time limit set forth in the Notice of Violation, the Community Development Director may issue a citation to the person who committed the violation in accordance with the code enforcement procedure in Sec. 4.7-10 and Sec. 5.3-24 *et seq.* of the City Code.

[d] Remedies and Penalties

The City may use any combination of the following remedies and enforcement powers to administer and enforce this LDC, in addition to the remedies and enforcement powers authorized by Ch. 4.7, Article III and Ch. 5.3 of the City Code.

[1] Issuance of Stop Work Order

(A) Upon determining a development is in violation of this LDC, the City may issue and serve upon a responsible person or persons (see Section 9.4) a stop work order, which requires the person(s) to stop development and cease all activities at the development until the violation is remedied and the stop work order is released.

(B) Upon remediation of the violation, a responsible person shall notify the City of the remediation, and within a reasonable period of time after notification, the City shall inspect the development site and determine if the violation is corrected.

(C) Upon determining the violation has been remediated, the City shall release the stop work order.

[2] Revocation of Development Order or Permit

(A) A development order, permit, or other form of authorization issued in accordance with this LDC may be revoked by the Community Development Director if it is determined that false statements or misrepresentations were made in securing the development order or permit, work is being done in substantial departure from the approved application or plan, or the development order or permit was issued in error.

(B) No work or construction shall proceed after service of the revocation notice.

[3] Denial or Withholding of Related Authorization

The City may deny or withhold authorization to use or develop any land, structure, or improvements until an alleged violation related to such land, structure, or improvements is corrected and any associated civil penalty is paid.

[4] Repair by City

If a violation is one that presents a serious threat to the public health, safety, or welfare, or is irreparable or irreversible, the City may make all reasonable repairs necessary to bring the land into compliance and may charge the violator with the reasonable cost of the repairs, in accordance with Ch. 162, Fla. Stat.

[5] Injunction

When a violation occurs, the City may, either before or after the initiation of other authorized actions, apply to the appropriate court for a mandatory or prohibitory injunction ordering the offender to correct the unlawful condition or cease the unlawful use of the land in question.

[6] Order of Abatement

(A) In addition to an injunction, the City may apply for and the court may enter an order of abatement as part of the judgment in the case. An order of abatement may direct any of the following actions:

1. That buildings or other structures on the land be closed, demolished, or removed;

2. That fixtures, furniture, or other moveable property be moved or removed entirely;

3. That improvements, alterations, modifications, or repairs be made;

4. That removed trees be replaced; or

5. That any other action be taken as necessary to bring the land into compliance with this LDC.

(B) The City may execute an order of abatement and shall have a lien on the property for the cost of executing the order.

[7] Equitable Remedy

The City may apply to a court of law for any appropriate equitable remedy to enforce the provisions of this LDC. The fact that other remedies are provided under general law, the City Code, or this LDC shall not be used by a violator as a defense to the City's application for equitable relief.

[8] Criminal Penalties

Any person violating any of the provisions of this LDC or who fails to abide by or obey all orders and resolutions promulgated as herein provided, may be subject to criminal penalties as allowed by law.

[e] Remedies Are Cumulative

[1] The remedies and penalties provided for violations of this LDC, whether civil, equitable, or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

[2] Each day of continued violation of this LDC shall be considered a separate violation for purposes of computing cumulative civil or criminal penalties.

ARTICLE 10. DEFINITIONS AND RULES FOR CONSTRUCTION, INTERPRETATION, AND MEASUREMENT

SECTION 10.1. RULES OF CONSTRUCTION AND INTERPRETATION

The rules in this section shall apply for construing or interpreting the terms and provisions of this LDC.

10.1.1. Meanings and Intent

All provisions, terms, phrases, and expressions contained in this LDC shall be interpreted in accordance with the general purposes set forth in Section 1.3, General Purpose and Intent, and the specific purpose statements set forth throughout the LDC. When a specific section of the LDC gives a different meaning than the general definition provided in this article, the specific section's meaning and application of the term shall control.

10.1.2. Headings, Illustrations, and Text

In the event of a conflict or inconsistency between the text of this LDC and any heading, caption, figure, illustration, table, or map, the text shall control. Graphics and other illustrations are provided for informational purposes only and should not be relied upon as a complete and accurate description of all applicable regulations or requirements.

10.1.3. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms like "for example," "including," and "such as," or similar language are intended to provide examples and are not exhaustive lists of all possibilities.

10.1.4. Computation of Time

(a) In computing any period of time prescribed or allowed, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday, or legal holiday, in which event the period shall run until the end of the next day which is not a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

(b) The term "day" means a business day (Monday through Friday, excluding days on which the Maitland City Council is closed due to a holiday), unless a calendar day is indicated.

(c) The term "month" means a calendar month.

(d) The term "year" means a calendar year unless otherwise indicated.

(e) Whenever a person has the right or is required to do some act within a prescribed period of time following the service of a notice or other document through mailed delivery, three days shall be added to the prescribed period.

10.1.5. References to Other Regulations/Publications

Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall mean a reference to the most recent edition of such regulation, resolution, ordinance, statute, regulation, or document, unless otherwise specifically stated.

10.1.6. Delegation of Authority

Any act authorized by this LDC to be carried out by a named individual or department may be delegated by the individual or the head of that department to a professional-level City employee under the individual or head of the department's authority or control.

10.1.7. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Maitland, Florida, unless otherwise indicated.

10.1.8. Mandatory and Discretionary Terms

The words "shall," "must," "should" and "will" are mandatory, establishing an obligation or duty to comply with the particular provision. The word "may" is permissive.

10.1.9. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

[a] "And" indicates that all connected items, conditions, provisions, or events apply; and

[b] "Or" indicates that one or more of the connected items, conditions, provisions, or events apply.

10.1.10. Tenses and Plurals

Words used in the present tense include the future tense. Words used in the singular number include the plural number and the plural number includes the singular number, unless the context of the particular usage clearly indicates otherwise. Words used in the masculine gender include the feminine gender, and vice versa.

10.1.11. Term Not Defined

If a term used in this LDC is not defined in this LDC, the Community Development Director is authorized to interpret its meaning in accordance with Sec. 2.5.5, Interpretations. Such interpreted meaning shall be based upon the definitions used in accepted sources — including, but not limited to, *A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, A Survey of Zoning Definitions* (all published by the American Planning Association), and *Black's Law Dictionary*, as well as general dictionaries such as *Merriam-Webster, American Heritage, Webster's New World,* and *New Oxford American* dictionaries.

10.1.12. Interpretation of Unlisted Uses

(a) Procedure for Interpreting Unlisted Uses

The Community Development Director may interpret as allowable in a particular zone district a particular principal use or accessory use or structure not expressly listed in the use tables in this Article 4: Use Regulations, as either a permitted or conditional use, based on the standards in this section and in accordance with the procedures in Sec. 2.5.5, Interpretations.

(b) Criteria for Allowing Unlisted Principal Uses

The Community Development Director shall interpret an unlisted principal use as a permitted or conditional use only after finding that the nature, function, and duration of the use and the impact of allowing it in the zone district are so similar to those of a use type or use category that is expressly allowed in the zone district that the unlisted use should be deemed allowed in the same manner (as a permitted or conditional use) as the similar use type or use category and subject to the same use-specific standards. In making such interpretation, the Community Development Director shall evaluate the relevant characteristics of the unlisted use to the characteristics, function, and physical impacts of the use categories established in Article 4: Use Regulations, the purpose and intent statements in this LDC concerning the zone district (see Article 3: Zone Districts), and the character and features of use types allowable in the zone district. The relevant characteristics of the unlisted use that should be considered in making this interpretation include, but are not limited to, the following:

(1) Actual or projected characteristics of each activity likely to occur as part of the unlisted use;

(2) The type, size, orientation, and nature of buildings and structures devoted to each activity;

(3) The number and intensity of employees and customers per unit area of a site in relation to business hours and employment shifts;

(4) Vehicles used and their parking requirements, including the ratio of the number of spaces required per unit area or activity;

(5) Transportation demands, including the volume and frequency of trips generated to and from the site, the split of traffic volume among various means of transportation, and other characteristics of trips and traffic;

(6) Relative amounts of sales or revenue from each activity;

(7) The nature and location of storage and outdoor display of merchandise, whether enclosed, open, inside, or outside the principal building, and the predominant types of items stored;

(8) Customer type for each activity;

(9) How the use is advertised, including signage;

(10) The amount and nature of any nuisances generated on the premises, including but not limited to noise, smoke, odor, glare, vibration, radiation, and fumes;

(11) Any special public utility requirements for serving the use, including but not limited to water supply, wastewater output, pre-treatment of wastes and emissions required or recommended, and any significant power structures and communications towers or facilities; and

(12) The impact on adjacent lands created by the use, which should not be greater than that of other use types allowed in the zoning district.

(c) Standards for Allowing Unlisted Accessory Uses and Structures

The Community Development Director shall interpret an unlisted use or structure as an allowable accessory use or structure to a principal use allowed in a particular zone district (either because the use is expressly listed in Table 4.2.2: Principal Use Table or allowed in accordance with this section if the Community Development Director determines that:

(1) The use or structure is accessory to the principal use, in accordance with the definitions of "accessory use" and "accessory structure," and the example accessory uses listed in the definition of the principal use or the description of the relevant use category in Sec. 4.2.3, Classification of Principal Uses.

(2) The nature, function, and potential impacts of the use or structure are so similar to those of uses or structures that are accessory to the principal use, or of accessory uses allowable in the zone district, that the unlisted use or structure should be deemed allowable in the same manner as the similar accessory uses or structures;

(3) The use or structure is compatible with the character of principal and accessory uses allowable in the zone district; and

(4) Allowing the use or structure as an accessory use or structure is consistent with the purpose and intent statements in this LDC concerning the zone district (see Article 3: Zone Districts).

(d) Effect of Allowing Unlisted Uses as Permitted, Conditional, or Accessory Use

On interpreting an unlisted use as allowed in a zoning districts, and finding that the use or structure is likely to be common or would lead to confusion if it remains unlisted, the Community Development Director may initiate an application for a text amendment to this LDC in accordance with Sec. 2.5.1(c), LDC Text Amendment, to list the use or structure in Article 4: Use Regulations, as a permitted or special exception use, as appropriate. Until final action is taken on the text amendment application, the interpretation of the Community Development Director shall be binding and shall be maintained in the record of interpretations required by Sec. 2.5.5, Interpretations.

10.1.13. Rules of Interpretation of Zone District Boundaries

If there is uncertainty regarding the boundaries of a zone district shown on the Official Zone District Map, the Community Development Director shall use the following general rules of interpretation:

(a) Boundaries indicated as approximately following the centerlines of streets or alleys shall be interpreted to follow such centerlines.

(b) Boundaries indicated as following railroad lines shall be interpreted to be midway between the main tracks.

(c) Boundaries indicated as approximately following platted lot lines shall be interpreted as following such lot lines.

(d) Boundaries indicated as approximately following City limits shall be interpreted as following such city limits.

(e) Boundaries indicated as following shorelines shall be interpreted to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline.

(f) Boundaries indicated as approximately following the center lines of streams, canals, lakes, or other bodies of water shall be interpreted to follow such centerlines.

(g) Boundaries indicated as extensions of features indicated in subsections (a) through (f) above shall be interpreted accordingly.

(h) Distances not specifically indicated on the Official Zone District Map shall be determined by the scale of the map.

(i) If any portion of a public street, alley, right-of-way, or easement is transferred or conveyed so it is in private ownership, or is no longer used for a public purpose, the regulations applicable to the property to which it is reverted shall apply.

SECTION 10.2. RULES OF MEASUREMENT

10.2.1. Buildings

(a) **Building Height**

(1) The vertical distance of a building measured from the average elevation of the proposed finished grade to the highest point of the roof (outside top covering of the building) on a flat or shed type roof and to top of the highest eave (excluding dormers) for a hip, gable, gambrel, mansard, or barrel roof. If a structure or appurtenance, such as a penthouse, mechanical or equipment room, or air conditioning equipment is located above the roof level of the building, the height measurement shall include said structures and appurtenances.

(2) The height measurement shall not include spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances required to be placed on the roof and not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Administration if they are within the flight-approach zone of airports.

(b) **Building Frontage**

The length of the outside building wall facing a public right-of-way. (See Figure 10.2.3(f): Yards and Setbacks.)

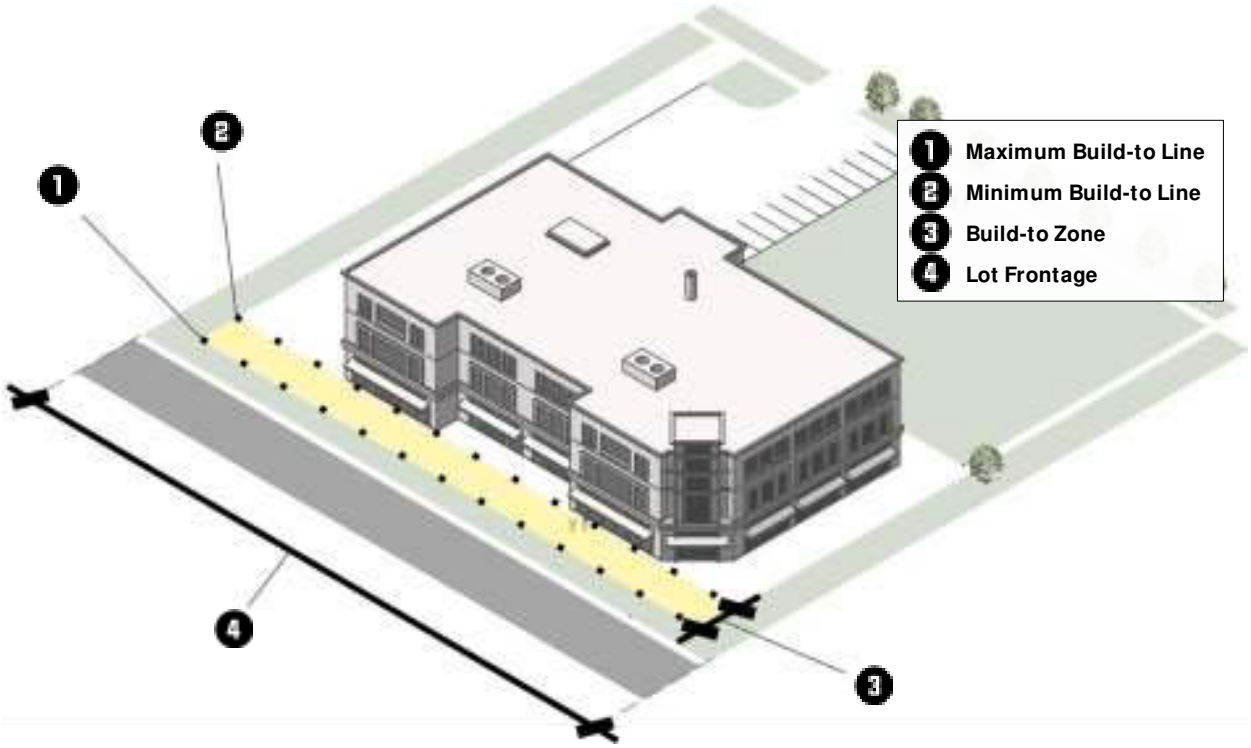
(c) **Build-to Line**

An alignment establishing a certain distance from the front property line where a building shall be constructed. (See Figure 10.2.1: Build-to Zone and Lot Frontage.)

(d) **Build-to Zone**

The area between a minimum build-to line and a maximum build-to line. (See Figure 10.2.1: Build-to Zone and Lot Frontage.)

Figure 10.2.1: Build-to Zone and Lot Frontage



10.2.2. Density and Area

(a) **Floor Area Ratio**

The gross floor area of all buildings on a lot (and contiguous lots being utilized for a particular land use), excluding parking structures, divided by the area of such lot(s) excluding land below the controlled water elevation level.

(b) Floor Area (GFA)

For the purpose of determining the floor area ratio, the gross floor area of a building is the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls. The gross floor area of a building shall include the basement floor area when more than one-half of the basement height is above the established curb level or above the finished grade level where a curb has not been established, elevator shafts and stairwells at each floor, floor space used for mechanical equipment, interior balconies and mezzanines and enclosed porches, and floor area devoted to accessory uses.

10.2.3. Lots and Yards

(a) Impervious Coverage

The portion of a lot covered with impervious materials such as buildings, swimming pools, decks, patios, or driveways. Areas of a lot on which solar panels are placed (except when placed on a building) shall not be included in any calculation of impervious coverage.

(b) Lot

A parcel, tract, or area of land established by a plat or otherwise permitted by law which can be identified and referenced by a recorded plat or map. The word lot includes the words plot, parcel, and tract. For purposes of Article 6: Subdivision Standards, a lot shall be of sufficient size to meet the minimum requirements of to LDC as to use, coverage, and area and to provide all yard and open spaces required by this LDC.

(c) Lot Measurement

(1) Lot Area

The size of a lot measured within the lot lines.

(2) Lot Depth

The distance measured from the midpoint of the front lot line to the midpoint of the opposite rear line of the lot.

(3) Lot Frontage

The length of the lot line measured at the street right-of-way line. (See Figure 10.2.1: Build-to Zone and Lot Frontage.)

(4) Lot Width

The distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard. If, however, a lot fails to meet the minimum lot width at the rear of the required front yard, the required front yard shall be established at the point where the minimum lot width has been satisfied.

(d) Lot Line

Any legal boundary of a lot. Where applicable, the lot line may coincide with the right-of-way line.

(e) Lot Types

See Figure 10.2.3(e): Lot Types.

(1) Lot, Corner

A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees.

(2) Lot, Double Frontage

A through lot that abuts two streets.

(3) Lot, Flag

A lot that does not meet the minimum frontage requirements at the intersection with the right-of-way and where access to the public road is by a narrow, private right-of-way or driveway.

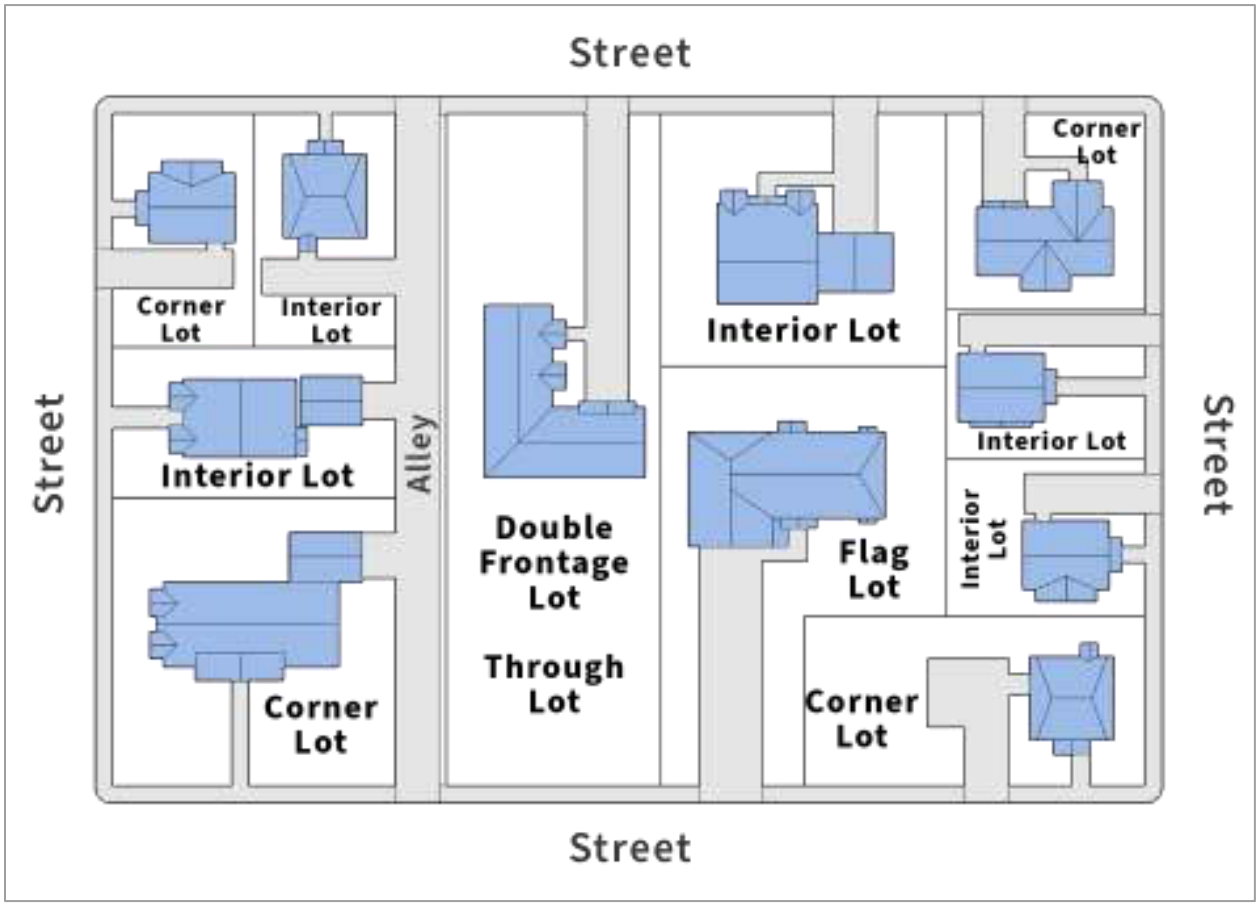
(4) Lot, Interior

A lot other than a corner lot with only one frontage on a street

(5) Lot, Through

A lot other than a corner lot with frontage on more than one street. A double-frontage lot is a through lot that abuts two streets.

Figure 10.2.3(e): Lot Types



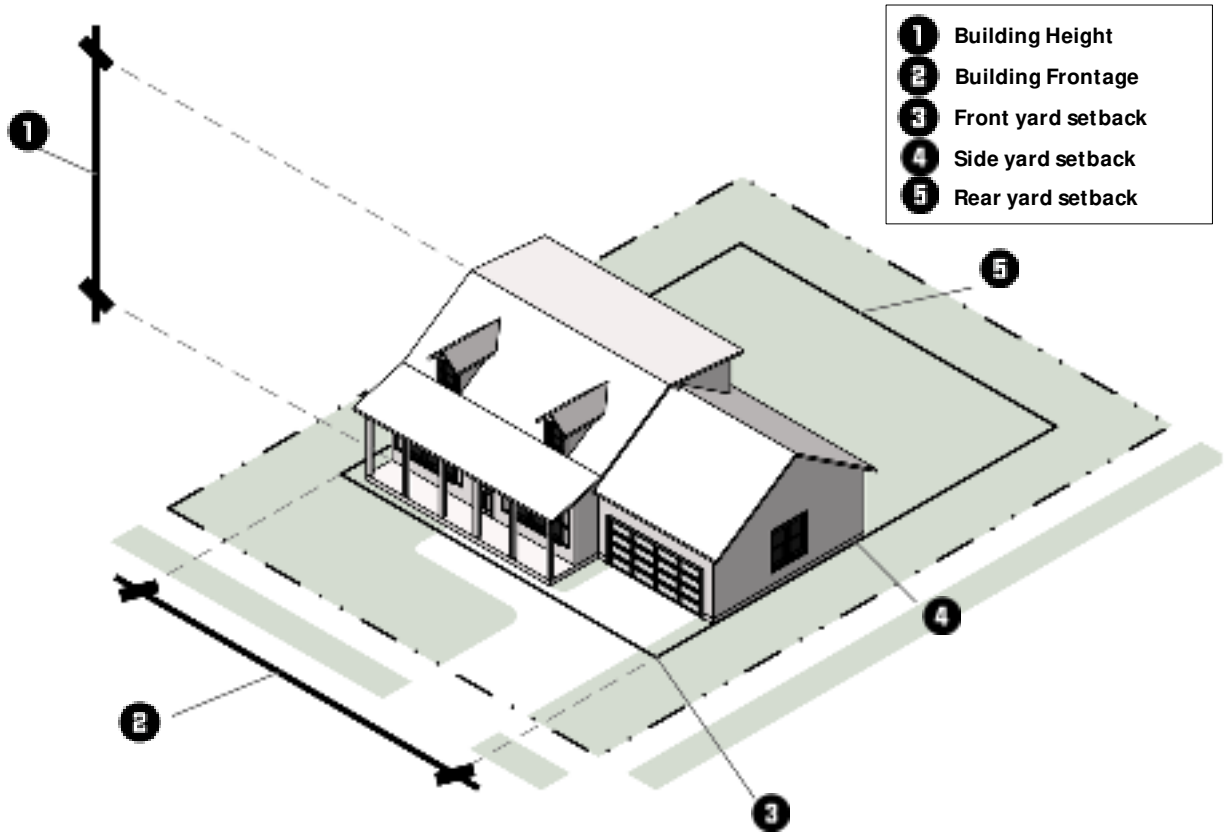
(f) Setback

The distance by which a building or structure is required to be separated from a property line. (See Figure 10.2.3(g): Yards and Setbacks.)

(g) Yard

An area within a lot that lies between a principal structure on the lot and the nearest lot line. (See Figure 10.2.3(g): Yards and Setbacks.) Every part of every yard between the property line and any setback line shall remain open and unobstructed from the ground to the sky except as otherwise allowed in Table 10.2.4(a): Allowable Encroachments beyond Setbacks/Build-to Zones, or allowed or limited elsewhere in this LDC.

Figure 10.2.3(g): Yards and Setbacks



(h) Yard, Front

(1) A yard extending the full width of the lot between side lot lines across the front of a lot adjoining a street.

(2) In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Community Development Director may waive the requirements for the normal front yard and substitute therefor a special yard requirement which shall not exceed the average of the yards provided on adjacent lots (see also subsection (l) below).

(3) In the case of corner lots, front yards of the required depth shall be provided on both frontages (see also subsection (l) below).

(4) In the case of flag lots, the front yard shall be assigned by the Community Development Director and shall begin at the point where the flag portion of the lot terminates and the yard complies with the minimum lot width standards of the district in which the lot is located.

(5) The depth of required front yards shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in

the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. Front and rear front yard lines shall be parallel.

(i) Yard, Rear

A yard extending across the rear of the lot between inner yard lines. In the case of through lots and corner lots there will be no rear yards. The depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

(j) Yard, Side

A yard extending from the rear line of the required front yard to the rear lot line, or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after full depth front yards have been established on both frontages shall be considered side yards. The width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

(k) Yard, Special

A yard behind any required yard adjacent to a public street, required to perform the same functions as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term side yard nor the term rear yard clearly applies. In such cases, the Community Development Director shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the applicable zone district. The appropriate yard shall be determined based up the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable areas thereon.

(l) Yard, Street-Side

On a lot with multiple street frontages, the side of the lot that abuts a street to the side façade of the primary building. Special provisions regarding street-side frontages apply only to fences and certain lands within the RSF-3 and R-MF districts.

10.2.4. Exceptions

(a) Allowable Encroachments Beyond Setbacks/Build-to Zones

(1) Encroachments into the required yard between the property line and any setback line are allowed in accordance with Table 10.2.4(a): Allowable Encroachments beyond Setbacks/Build-to Zones, or as allowed or limited elsewhere in this LDC.

(2) Except within the Sight Triangle, nothing in this subsection (a) shall be so construed as to prevent any type of landscaping or nonprofit gardening on any lot.

Table 10.2.4(a): Allowable Encroachments beyond Setbacks/Build-to Zones	
Feature	**Extent and Limitations of Encroachment**
Fire escapes, stairways, and balconies	May not extend beyond any setback
Decks, porches (screened or unscreened), stoops, or exterior stairways	May extend up to five feet beyond any setback, but no less than 7.5 feet from a side or rear lot line
Bay windows	May extend up to three feet beyond any setback if no more than nine feet wide
Chimneys, fireplaces, pilasters, cornices, and buttresses	May extend up to three feet beyond any setback
Moveable awnings	
Roof eaves and overhangs, or marquees	
Window sills or entablatures	May extend up to 12 inches beyond any setback
Patios or terraces, or walkways	May extend into or be located beyond any setback if less than two inches high
Signs, projecting or free-standing	May extend into or be located beyond any setback in accordance with Section 5.14, Signs
Driveways and parking areas	May be located beyond any setback unless restricted by other provisions in this LDC
Garages, detached	May extend into or be located beyond the setback in a side or rear yard, subject to the setback standards in Sec. 4.3.3, Standards for All Accessory Uses and Structures
Flagpoles	May be located beyond the setback of any yard if less than 20 feet high, set back from side and rear lot lines by at least ten feet, and set back from abutting street rights-of-way by a distance equal to the flagpole height
Lighting fixtures, projecting or free-standing (including lampposts)	May be located beyond any setback
Mailbox, freestanding	
Fences or walls (including associated gates and arbors)	May be located beyond any setback, subject to the limitations in Section 5.8, Fence and Wall Standards
Accessory structures other than those listed above	May be located beyond the setback in a side or rear yard, subject to the limitations in Sec. 4.3.3, Standards for All Accessory Uses and Structures
Air conditioner compressor unit	May be located beyond the setback in any side or rear yard, subject to the limitations in Sec. 4.3.4, Specific Standards for Accessory Uses and Structures
Outdoor mechanical equipment, residential	

Table 10.2.4(a): Allowable Encroachments beyond Setbacks/Build-to Zones	
Feature	**Extent and Limitations of Encroachment**
Solar energy collection facility, small scale	
Vegetation and landscaping and minor ornamental yard or garden features such as retaining walls, fountains, ponds, birdbath, sculptures, and similar landscaping features	May be located beyond any setback
Swimming pool and pool enclosure	May be located beyond the setback, but neither the pool nor enclosure shall be less than five feet from a lot line
Chicken coop	See Sec. 4-5.2, Chicken-keeping as an Accessory Use, in the City Code.

SECTION 10.3. DEFINITIONS

10.3.1. Introduction

The definitions in this section apply throughout the LDC unless otherwise specified and are listed in alphabetical order. Additional definitions are located elsewhere in this LDC as follows:

[a] Principal uses are categorized and defined in Sec. 4.2.3, Classification of Principal Uses.

[b] Definitions that relate to the Flood Damage Prevention Ordinance at Section 5.7, Flood Damage Prevention, are included at Sec. 5.7.17, Definitions.

[c] Definitions that relate to the Mobility Fee Ordinance at Section 7.1, Mobility Fees, are included at Sec. 7.1.19, Definitions.

10.3.2. Definitions

ABUTTING

To physically touch or border upon, or to share a common property line.

ACCESS WALKWAY

The portion of a dock that commences on the upland parcel and terminates at the junction with the terminal platform.

ADJACENT

An arrangement where two properties either share a common boundary line or would share a common boundary line but for the fact an alley, easement, drive aisle, or rail line divides the properties.

ACCESSORY USES AND STRUCTURES

A use or structure which is customarily accessory and clearly incidental and subordinate to permitted principal uses and structures and which are located on the same lot as the permitted principal use or structure, or on a contiguous lot under the same ownership.

ADVERTISING

Sign copy intended to aid, directly or indirectly, in the sale, use, or promotion of a product, service, commodity, entertainment, or real or personal property.

AGGRIEVED OR ADVERSELY AFFECTED PARTY

"Aggrieved or adversely affected party" has the meaning given it in Ch. 163, Fla. Stat: any person that will suffer an adverse effect to an interest protected or furthered by comprehensive development plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment, or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order.

AIR CONDITIONER COMPRESSOR UNIT

The outdoor component of a central air-conditioning system which contains a motor that compresses the refrigerant and enables the cooling functionality of the air conditioning system.

ALLEY

A right-of-way which affords a secondary means of access and service to abutting property.

ALTER

To do construction on or renovate an existing structure other than a repair or addition. This includes any change or rearrangement that impacts the configuration or function of the exterior components of an existing building (such as exterior walls, roof structure, doors, and windows), any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

For purposes of Section 5.14, Signs, only, to make a change to a sign or sign structure, including but not limited to, changes in size, sign copy area to signs other than manual changeable copy signs, height, projection, illumination, shape, materials, placement, and location on a site. Altering a sign does not include ordinary maintenance, repair, or repainting of an existing sign surface provided the sign copy area is not increased.

AMATEUR HAM RADIO ANTENNA

An antenna used to send and receive amateur (ham) radio broadcasts.

ANNUAL

A plant whose entire life lasts one year or growing season.

APPLICANT

The owner of land, or the duly designated agent of the property owner, who applies for a development permit or approval authorized by this LDC.

APPURTENANCE

A functional or ornamental object that is visible and accessory to, and part of, a building or structure.

ARCADE

A series of arches or beams supported by columns or pillars; a covered passageway; a recessed gallery with columns or piers open to the street.

ASSESSED VALUE

The total value of a tax parcel, excluding the value of the land, as determined by the Orange County property appraiser, and shown on the most recent property tax bill sent to the owner of record by the County. In the absence of such information, applicants may submit an assessment prepared by a professional appraiser.

AUTOMATED TELLER MACHINE (ATM)

A mechanized device operated by or on behalf of a bank or financial institution that allows customers to conduct automated banking or financial transactions. Where an ATM is provided at the site of a bank or financial institution for use by customers in motor vehicles, the ATM is considered a drive-through facility accessory use. At other locations, an ATM may be considered a separate accessory use to the principal use(s) of the location.

AUTOMATIC CAR WASH

A structure providing the exterior washing of vehicles where vehicles are manually driven or pulled by a conveyor through a system of rollers and/or brushes.

AWNING

A shelter projecting from and supported by the exterior wall of a building constructed of rigid or non-rigid materials on a supporting framework that may include a type that can be retracted, folded, or collapsed against the wall of a supporting building.

BEDROOM

For purposes of Sec. 4.2.4(d)(6)(B), Short-Term Rental Unit, only, bedroom has the meaning given to it in Sec. 381.0065(2)(b), Fla Stat. The term “sleeping room” is the same as a bedroom and shall meet the minimum requirements of the Florida Building Code (Residential) and National Fire Protection Association Code.

BERM

A man-made landscape feature generally consisting of a linear, raised mound of soil covered with grass lawn or other permanent, living ground cover.

BOARDWALK

An elevated walkway structure typically constructed with timber.

BOATHOUSE

A roofed structure, primarily over water, used to shelter boats and/or watercraft.

BOAT DOCK OR DOCK

Any temporary, permanently fixed, or floating structure extending from the normal high water elevation (NHWE) into or over the water, capable of use for vessel mooring and other water-dependent recreational activities. This includes any floating structure, boat lift or mooring pilings, detached from the land, capable of use for mooring vessels and or for other water-dependent activities. This also includes any area adjacent to the dock designated for mooring purposes.

BOAT RAMP

Any structure or clearing that extends to or waterward of the normal high water elevation or any structure or clearing upon which trailer-able watercraft can be launched or retrieved, except that the definition shall not apply to a homeowner who clears land which is the site of his personal residence, in compliance with applicable regulations, without building any structure or dredging or filling, for the purpose of launching and retrieving his or her personal watercraft.

BOAT SLIP

An area of a boat dock designed to enclose a boat on three sides.

BRACKET

A fixture attached to a wall.

BRICK REVEAL

Recessed brick courses that are a layer of the same brick unit running horizontally in a wall and/or may be a continuous row of brick units.

BUILDING

Any structure either temporary or permanent, having a roof designed to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels, or property of any kind. This definition shall include tents, awnings, cabanas, but does not include screened enclosures not having a roof impervious to weather.

For purposes of Article 6: Subdivision Standards only, the definition includes the word structure and shall be construed as if followed by the phrase “or part thereof.”

For purposes of Section 5.15, Building Numbering and Street Naming, only, the definition excludes accessory structures.

BUILDING FRONT

For purposes of Section 5.15, Building Numbering and Street Naming, only, the side of a building which faces a public or private street, road, or way pursuant to which the building is numbered. When a building is constructed on a corner lot, the building front shall be that area of the building which faces the public or private street, road, or way on which a projected address is assigned, or, if a projected address has not been assigned, the area so designed by the street naming and numbering agency.

CALIPER

A nursery measurement of tree trunk diameter. Trunk caliper for trees up to four inches is to be measured six inches above the soil line. Trees four inches in caliper and greater are measured 12 inches above the soil line.

CANNABIS

Any plant or part of a plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-TCH cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined in Section 381.986, Fla Stat.

CANOPY

A roof-like structure with no walls that is attached or not attached to an adjacent structure. A canopy is not a marquee. See also Sign, Canopy.

CHICKEN-KEEPING

The keeping or raising of chickens as an accessory use to a residential property.

CHEMICAL FREE

For purposes of Section 5.3, Landscape, Buffer, and Tree Protection Standards, only, no non-aquatic use chemicals including, but not limited to pesticides (including herbicides) and fertilizers that can be applied by any means of application to land in the shoreline protection area.

CHICKEE

An open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, that does not incorporate any electrical, plumbing, or other non-wood features.

CHIEF CODE ENFORCEMENT OFFICER

The person appointed by the City Manager in accordance with Sec. 5.3-2 of the City Code, and who is charged with enforcement of the codes and ordinances of the City in accordance with Ch. 5.3 of the City Code and this LDC.

CHILD CARE, HOME, FIVE OR FEWER CHILDREN

A day care facility located in the operator's principal residence which receives no more than five children for periods of less than 24 hours per day per child.

CHILD CARE, HOME, SIX OR MORE CHILDREN

A day care center facility located in the operator's principal residence which receives six or more children 12 years of age and under and which is licensed by the Florida Department of Children and Families to operate such a use.

CITY COUNCIL

The Maitland City Council. See Sec. 2.3.2, City Council, and Article II of the City Charter.

CITY STAFF

Employees of the City.

CLEARANCE

For purposes of Section 5.14, Signs, only, the distance between the finished grade to the lowermost portion of a sign.

CLUBHOUSE

A building or room used for social or recreational activities by occupants of a residential development, or members of a club (e.g., golf course clubhouse) or occupants of a residential or other development.

CODE ENFORCEMENT OFFICER

An employee or agent of the City who has been assigned the duty to ensure and enforce compliance with the City Code and this LDC, in accordance with Sec. 5.3-22 of the City Code.

COLUMN

An upright pillar, typically cylindrical and made of stone or concrete, supporting an entablature, arch, or other structure, or standing alone as a monument.

COMMERCIAL USES

For purposes of Section 7.1, Mobility Fees, only, those business, retail, service, or professional activities which provide products and services to individuals, businesses, or groups, and which include those uses specified in the ITE Trip Generation Manual under Land Use Code Series 800 and 900.

COMMERCIAL VEHICLE

Any self-propelled or towed vehicle which is designed, intended, or used for transportation of persons, chattel, or goods, and used for purposes other than for a private passenger vehicle, with gross vehicle weight over 10,000 lbs. For purposes of this LDC, stake body trucks, walk-in vans, and any vehicle regardless of weight, which displays logos and/or lettering totaling more than five square feet (as calculated in accordance with Sec. 5.14.5(c), Calculation of Sign Area) other than the vehicular manufacturer's logo, name, make and/or model, shall also be deemed a commercial vehicle. This definition excludes municipal and other governmental vehicles.

COMPOSTING, SMALL-SCALE

An enclosed area at least 100 square feet in area that contains a compost tumbler or similar apparatus designed for the purpose of converting household kitchen and yard waste into fertilizer.

COMPREHENSIVE DEVELOPMENT PLAN

The Maitland Comprehensive Development Plan 2035, as amended or superseded.

CONSTRUCTION-RELATED BUILDING, STRUCTURE, OR USE

A temporary structure, facility, or space associated with the staging, management, and security of new construction or major renovation — including an office building, security building, storage buildings, construction waste and recycling receptacles, temporary sanitation facilities, outdoor storage, and employee parking areas — and located on or adjacent to the construction site.

CORBEL

A structural piece of stone, wood, or metal jutting from a wall to carry a superincumbent weight; a type of bracket. A corbel is a solid piece of material in the wall.

COPY

The linguistic or graphic content of a sign.

COURTYARD

An unoccupied open space, other than a yard, on the same lot with a building and that is bordered on two or more sides by the building.

CROSS-ACCESS

Providing connections between abutting properties, whether vehicular or pedestrian (or both).

CUL-DE-SAC

A street terminated at the end by a vehicular turnaround.

DECIBEL

A unit of measure used to express the magnitude of sound pressure and sound intensity.

DEDICATION

A generic term used as a surrogate for or in reference to easements or rights-of-way.

DEP

Florida Department of Environmental Protection.

DEVELOPER

A person, or a person's agent, who undertakes the activities covered by this LDC, including development or development activity, or the preparation and presentation of a subdivision plat showing the layout of the land and the improvements involved thereon. The term developer includes the term subdivider, even though the identity or persons involved in successive stages of a development project may vary.

DEVELOPMENT OR DEVELOPMENT ACTIVITY

Any construction, reconstruction, or any use of real property which requires review and approval of a development permit, as well as any activity as defined in Sec. 380.04, Fla Stat.

DEVELOPMENT AGREEMENT

An enforceable agreement entered into between the City and a landowner or developer in which specific development terms, conditions, obligations are defined and agreed upon, including agreements entered into in accordance with the City's home rule powers under the Florida Constitution and Ch. 166, Fla. Stat., and an agreement entered in accordance with Secs. 163.3220—163.3243, Fla Stat., or an agreement or development order issued pursuant to Ch. 380, Florida Stat.

DEVELOPMENT OF REGIONAL IMPACT (DRI)

See Sec. 380.06(1), Fla. Stat.

DEVELOPMENT ORDER

Any order granting, with or without conditions, or denying a development permit including any building permit, zoning permit, rezoning, subdivision approval, site plan approval, permitted conditional use, certification, variance, or any official action of the City having the effect of permitting any type, level, nature, density, intensity, or other form of development of land.

DISTURB

For purposes of Sec. 9.3.2, Specific Violations, only, to disrupt; to cut down plants or shrubs; or to affect the ability of landscape to be maintained in a healthy condition.

DORMER

A window that projects vertically from a sloping roof.

DONATION CENTER

An accessory use with one or more containers where donated goods such as clothing, books, shoes, or other non-perishable personal property are dropped off for resale or reuse by a charitable organization into enclosed containers. This does not include on-site containers approved for the purpose of book returns or donations in conjunction with a public library or recycling containers provided by the city or private contract hauler for residential use.

DRIPLINE

A vertical line run through the outermost portion of the crown of a tree and extending to the ground, provided, however, that the same shall not be less than a ten-foot diameter circle which is drawn from the center of the trunk of a tree.

DRIVE-THROUGH FACILITY

A commercial establishment that provides goods or services through a special window or station for customers who order from their cars and leave after receiving the service. Use types that commonly use drive-through facilities include restaurants, banks, pharmacies, car wash facilities, and dry cleaning establishments.

EASEMENT

A grant by a landowner to another landowner or to the public, for the right to occupy or use land for specific purposes, such as access, drainage, conservation, the location of public improvements, or other specified purposes. An easement does not constitute fee simple ownership of the land.

For purposes of Article 6: Subdivision Standards, only, a strip of land created by a subdivider for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude. The granting of such an easement will be an express grant which may or may not be recorded. In any case, the public, when benefited by the easement, will be known as the “dominant” estate and the property which is subject to the easement will be known as the “servient” estate. The easement runs with the land and the “dominant” estate will have full rights to use the easement for the stated purpose and full rights to permit or deny use of the easement to any other party including the “servient” estate for any purpose whatsoever.

ELECTRIC VEHICLE (EV) LEVEL 1, 2, OR 3 CHARGING STATION

A vehicle parking space served by an electrical component assembly or cluster of component assemblies (battery charging station) designed and intended to transfer electric energy by conductive or inductive means from the electric grid or other off-board electrical source to a battery or other energy storage device within a vehicle that operates, partially or exclusively, on electric energy.

Level 1 Charging Station

A Level 1 charging station is a slow-charging station that typically operates on a 15- or 20-amp breaker on a 120-volt Alternating Current (AC) circuit.

Level 2 Charging Station

A Level 2 charging station is a medium-speed charging station that typically operates on a 40- to 100-amp breaker on a 208- or 240-volt AC circuit.

Level 3 Charging Station

A level 3 charging station is an industrial grade charging station that operates on a high-voltage circuit to allow for fast charging.

ENCROACHMENT

An improvement, structure, or obstruction extending into or located within, upon, above, or under an area where such projections or intrusions are typically prohibited, such as a public right-of-way, public easement, required property buffer, or a vehicle into parking lot landscaping.

ENGINEER

A registered professional engineer licensed in Florida.

EVERGREEN

Plants which have leaves all year and are never leafless.

FAMILY

One or more persons occupying a single dwelling unit, provided that unless all members are related by law, blood or marriage, no such family shall contain over five persons. Persons employed on the premises may be housed on the premises without being counted as a separate or additional family or families.

FARMERS' MARKET, TEMPORARY

An occasional or periodic market held in a designated area where groups of individual sellers offer for sale to the public items such as fresh produce, seasonal fruits, and fresh flowers.,

FDOT

Florida Department of Transportation.

FERTILIZER

Any substance or mixture of substances, excluding pesticides, organic composts, and fertilizer derived from biosolids. that contains one or more recognized plant nutrients and promotes plant growth, controls soil acidity or alkalinity, provides other soil enrichment, or provides other corrective measures to the soil.

FLORIDA BUILDING CODE

The family of codes adopted by the Florida Building Commission, including: the Florida Building Code, Building; the Florida Building Code, Residential; the Florida Building Code, Existing Building; the Florida Building Code, Mechanical; the Florida Building Code, Plumbing; the Florida Building Code, Fuel Gas, as amended by the City Code.

FLORIDA GREENBOOK

The most recent edition of the book published by the Florida Department of Transportation entitled "The Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways (Florida Greenbook)."

FOOD DISPENSING VEHICLE

A mobile public food service establishment (sometimes referred to as a food truck or food cart) mounted on wheels and axle(s) that is movable from place to place and includes self-contained utilities, such as gas, water, electricity, and liquid waste disposal. Food dispensing vehicles can be vehicle-mounted, self-propelled and built to travel on public streets, not self-propelled but can be moved from place to place, or watercraft.

GALLERY

A frontage element wherein the building façade is aligned close to the property line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This frontage element type is conventional for retail use.

GARAGE OR CARPORT

An accessory structure designed or used for inside parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure shall be considered part of the main use. An unattached private garage shall be considered an accessory structure.

GEOTEXTILE TUBE

Specially fabricated containers made of high-strength, woven geotextile, with special high strength seaming to resist pressures during pumping operations reclaiming lake bottom materials, used as integral components in the construction of a variety of marine and hydraulic structures.

GREEN ROOF

A roof of a structure that is partially or completely covered with vegetated landscape built up from a series of layers. Green roofs are constructed for multiple reasons – as spaces for people to use, as architectural features, to add value to property or to achieve particular environmental benefits (for example, stormwater capture and retention, improved species diversity, insulation of a building against heat gain or loss, and energy conservation). Vegetation on green roofs is planted in a growing substrate (a specially designed soil substitution medium) that may range in depth, depending on the weight capacity of the structure's roof and the aims of the design.

GRID SYSTEM GUIDE

A series of designed north/south parallel lines intersecting a second set of east/west parallel lines, as indicated on the official master grid maps on file with the street naming and numbering agency.

GROUND COVER

Low growing plants, other than turfgrass, used to cover the soil and form a continuous low mass of foliage.

HOME GARDEN

An on-site garden planted by an owner or occupant of a single-family detached dwelling unit for the purpose of growing vegetables or fruit for consumption by occupants of the dwelling unit only.

HOME OCCUPATION

An occupation, profession, or trade customarily and commonly carried out by an occupant in a dwelling unit as a secondary use which is clearly incidental and subordinate to the residential character of the dwelling unit.

HOUSEBOAT

A barge or dwelling supported on the water by floats, whether or not it includes a motor, fitted for use as a dwelling or for leisurely cruising.

IMPACT GENERATING LAND DEVELOPMENT ACTIVITY

Land development designed or intended to permit a use of the land which will contain more dwelling units and/or increase in gross floor area of non-residential uses than the then existing use of the land in a manner that increases the generation of person trips and person miles of travel demand.

IMPROVEMENTS, PUBLIC

Street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments, permanent control points, monuments, or any other improvement required by the City Council and dedicated for public use.

INDEPENDENT MOBILITY FEE STUDY

A study, conducted by a person other than the City, to calculate the mobility fee for a particular development. The study shall be based upon a methodology approved by the City that complies with professionally acceptable standards and that is conducted by a person with documented experience in conducting such studies or with mobility fee and transportation impact fee experience.

ITE TRIP GENERATION MANUAL

The latest edition of the Trip Generation Manual published by the Institute of Transportation Engineers (ITE).

KEYSTONE

The wedge-shaped stone at the apex of a masonry arch, or a typically round-shaped one at the apex of a vault.

LAND

The earth, water, and air, above, below, or on the surface. This definition includes any improvements or structures customarily regarded as land.

LEASING OFFICE

An establishment used for leasing space in an attached or adjacent multifamily residential building or complex.

LIMITED FUEL/OIL/BOTTLED GAS DISTRIBUTION

The distribution, for compensation, of fuel oil or bottled gases such as propane or liquid petroleum in containers no greater than five gallons in volume.

LINTELS ABOVE WINDOWS

A structural horizontal block that spans the space or opening between two vertical supports. It can be a decorative architectural element or a combined ornamented structural item.

LION-TAILING

The removal of greater than one-half (½) of the foliage on the lower two-thirds (⅔) of individual limbs of trees.

LIQUOR

Liquor has the meaning given it in Ch. 565, Fla. Stat. ("that substance known as ethyl alcohol, ethanol, or spirits of wine in any form, including all dilutions and mixtures thereof from whatever source or by whatever process produced.")

LITTORAL ZONE

Shoreline area including all land six inches above the normal high water elevation and less to a maximum of three feet of water depth below the normal high water elevation.

LIVING PURPOSES

For purposes of Sec. 2.5.3(d), Waterfront Structure Permit, only, an area in a structure that includes space for living, sleeping, eating, cooking, and/or bathing/restroom facilities.

LOT

See Sec. 10.2.3(b), Lot, and Sec. 10.2.3, Lots and Yards.

LOT LINE

See Sec. 10.2.3(d), Lot Line.

LOT OF RECORD

A lot which is part of a subdivision recorded in the office of the county clerk of the circuit court, or a lot or parcel described by metes and bounds, the description of which has been so recorded on or before the effective date of this LDC.

MAIN ACCESS WALKWAY

For purposes of Sec. 2.5.3(d), Waterfront Structure Permit, only, primary access to the boathouse or boat dock. Includes the portion of the dock which commences on the upland parcel and terminates at the junction with the terminal platform.

MAINTENANCE

For purposes of Section 5.14, Signs, only, the repairing or repainting (provided the sign copy area is not increased) of a portion of a sign or sign structure, periodically manually changing changeable copy, or renewing the copy provided there are no sign copy area changes for signs which have been made unusable by ordinary wear.

MAJOR RECREATIONAL EQUIPMENT

Boats, houseboats, trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motor homes, tent trailers, cases, or boxes used for transporting recreational equipment, whether occupied by such equipment or not.

MARIJUANA

See Cannabis, above.

MARQUEE

A permanent roofed structure that is attached to or supported by a building and extending more than two feet from the building, generally designed and constructed to provide protection from the weather.

MAXIMUM EXTENT PRACTICABLE

The degree to which a project meets an adopted standard in which all possible efforts to comply with the standard or to minimize harmful or adverse effects have been undertaken by the applicant, but full compliance cannot be achieved, and no feasible or practical alternative exists as determined by the Director. Economic considerations may be taken into account but shall not be the overriding factor determining "maximum extent practicable."

MOBILITY FEE

The fee assessed at the time of issuance of a building permit on a proportional basis associated with the average demand for mobility facilities created by the development of a principal use, for the purpose of providing funds for multi-modal facilities needed to address demand generated by new development.

MINOR HOME STRUCTURE

A structure or feature that is incidental to a dwelling unit that is not elsewhere defined as an accessory use. Examples include outdoor fireplaces and barbecue pits, noncommercial greenhouses and plant nurseries, tool houses, garden sheds, garden work counters, and children's play areas and play equipment.

MIXED USE

The combination, whether horizontal or vertical, of commercial and/or office and/or residential uses within a single development site.

MOBILITY PLAN

The Mobility Plan adopted in the comprehensive development plan which serves as the basis for a mobility fee.

MULTIMODAL

Multiple modes of travel including, but not limited to, walking, bicycling, jogging, rollerblading, kayaking, riding transit, driving a golf cart, low speed electric vehicle or motor vehicle.

MULTIMODAL FACILITY

Capital facilities necessary or convenient for the movement of people from one location to another, which includes but is not limited to: capital infrastructure such as sidewalks, trails, paths, bike lanes, paved shoulders, cycle tracks, transit stops, park and ride lots, parking garages, transit vehicles, car, bicycle and ridesharing programs, transit pull-outs, way-finding signs, streetscape, bicycle racks, shelters/kiosks, benches, docks, bicycle stations, cross-walks, round-a-bouts, vehicular travel lanes, turn-lanes, bridges, curbs, gutters, medians and/or shoulders, drainage facilities and/or mitigation areas, signage, advanced traffic management systems and/or traffic control devices.

MUTCD

The Manual on Uniform Traffic Control Devices for Streets and Highways published by the Federal Highway Administration, 2009 Edition with Revision Numbers 1 and 2 incorporated (May 2012), or latest version.

NATIVE AQUATIC VEGETATION

Indigenous aquatic plant species that provide fish and wildlife habitat, water quality protection, and shoreline stabilization.

NATIVE PLANT COMMUNITY

A community of native plants including trees and understory plants.

NEON TUBING

Electric discharge, cold cathode tubing manufactured into shapes that form letters, parts of letters, skeleton tubing, outline lighting, and other decorative elements or art forms, in various colors and diameters and filled with inert gases.

NON-COMMERCIAL MESSAGE

Any message that is not a commercial message.

NONCONFORMING LOT

A lot, the area, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the LDC, but which fails by reason of such adoption, revision, or amendment to conform to the present requirements of the LDC or the zone district in which it is located.

NONCONFORMING SITE FEATURE

A feature of a developed lot, parcel, or site such as parking areas, landscaped areas, screening, or exterior lighting that does not conform to the provisions of this LDC but that was lawful at the time the feature was put in place.

NONCONFORMING STRUCTURE OR BUILDING

A structure or building the size, dimensions, or location of which was lawful prior to the adoption, revision, or amendment of the LDC, but which fails by reason of such adoption, revision, or amendment, to conform to the present requirements of the LDC or the zone district in which it is located.

NONCONFORMING USE

A use or activity which was lawful prior to the adoption, revision, or amendment of the LDC, but which fails, by reason of such adoption, revision, or amendment, to conform to the present requirements of the LDC or the zone district in which it is located.

NORMAL HIGH WATER ELEVATION (NHWE)

The average height of the high waters over a 19-year period. For shorter periods of observation, "Normal High Water Elevation" means the height of the high waters after corrections are applied to eliminate known variations and to reduce the result to the equivalent of a mean 19-year value.

NOXIOUS AQUATIC PLANT

Any part, including, but not limited to, seeds or reproductive parts, of an aquatic plant which has the potential to hinder the growth of beneficial plants, interfere with irrigation or navigation, or adversely affect the public welfare or the natural resources of the state of Florida.

OBSERVATION DECK

A boat deck that does not include a free-standing canopy, roof, or screened-in area and is intended for the viewing of nature by users. An observation deck extends lakeward of the NHWE and provide fixed handrails, and may include intermediate rails, that are installed around the perimeter of the structure thereby prohibiting the launching or mooring of boats or other watercraft powered by motor, wind, paddles, or oars.

OCCUPANT

For purposes of Section 5.15, Building Numbering and Street Naming, only, any person who is occupying or leasing a building or other property for a period exceeding 30 days.

OPEN SPACE

In the City, excluding the Wekiva study area, land within or related to a development which is designated and intended for the common use or enjoyment of the residents of the development, including permeable and impermeable surfaces under roof or covered, but with at least two open sides. Examples of open space include, but are not limited to, natural features, landscape areas, pedestrian walkways or courtyards, green roofs, arcades, and storm retention areas (up to 50 percent when landscaped as an amenity). Driving aisles and parking spaces are not deemed to be open space.

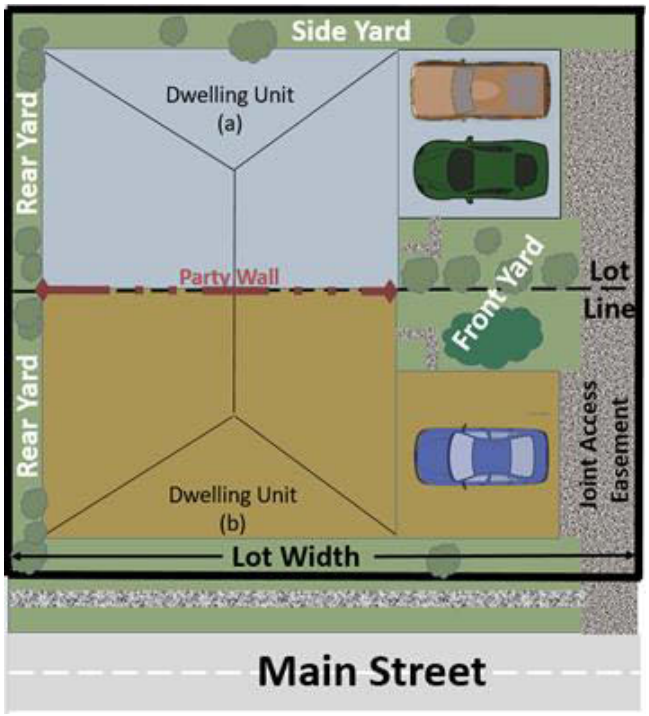
In the Wekiva study area only, land that is left undeveloped or minimally developed to preserve natural resources and for conservation purposes, trails, and boardwalks as part of a natural resource preserve or passive recreation area, stormwater management area using BMP's such as those provided In the Public Infrastructure Element, Stormwater Sub-element Policy 3.2.1 of the comprehensive development plan and those enhanced as amenities, pervious surface areas, and excluding impervious areas of parking lots and street rights-of-way.

For the area defined as the Summit DRI, open space shall be in accordance with the Summit DRI and all amendments thereto.

OPTIONAL CONJOINED DWELLING

A two-family dwelling on two lots which are conjoined by a common wall along the lot line. Each dwelling unit has its own external entrance and is available to be sold for fee-simple ownership. Optional conjoined dwellings generally begin as duplexes on a single lot that are split into two lots in accordance with Sec. 2.5.2(d), Lot Split. See the figure below.

Figure: Optional Conjoined Dwelling



OUTDOOR DISPLAY OF MERCHANDISE

The placement of products or materials for sale outside the entrance of a retail or wholesale sales establishment.

OUTDOOR MECHANICAL EQUIPMENT, RESIDENTIAL

Electric generators and accessories, utility meters, swimming pool heaters and pumps, and other similar features.

OUTDOOR STORAGE

The provision of on-site outdoor seating or entertainment areas by an eating or drinking establishment where food or beverages are served for consumption or where outdoor entertainment takes place. The accessory use also may include outdoor seating areas on public sidewalks in front of the establishment.

OWNER

Any and all persons who own the fee title to, or have an undivided interest in, or other legal interest in, any building or property.

For purposes of Sec. 2.5.2(b), Subdivision, only, an owner or group of owners of fee simple title to a particular lot of real property.

OWNER'S AUTHORIZED AGENT

An agent of the owner duly authorized to submit and process a development application. If the applicant is not the property owner, a proper authorization must accompany the application. The authorization shall be evidenced by a power of attorney signed by the owner and notarized specifically authorizing the agent to represent the owner in connection with the application and as to the owner's real property which is the subject of the application. The authorization shall include an agreement of the owner to be bound by the actions of the owner's authorized agent and the provisions of this article.

PALM TREE

A plant of tropical or subtropical species commonly marked by a simple stem and terminal crown of large leaves.

PARCEL

See Lot, above.

PARKING STRUCTURE AND LOT, PRIVATE

An off-street area used for temporary storage of motor vehicles, including any appurtenant spaces, aisles, and driveways, and not owned by the government. A parking lot is a ground level parking area, typically surfaced and improved. A parking structure is a structure or portion of a structure composed of one or more levels. A parking structure may be totally below grade or partially or totally above grade, with levels either being open to the sides (deck) or enclosed (garage).

PARKING, TANDEM

The parking of a vehicle in front of or behind another vehicle which requires one of the vehicles to be moved for the other to enter or exit.

PERSON

Any person or persons, individual or groups of individuals, company, firm, corporation, partnership, organization, or association.

PERSON MILE OF TRAVEL (PMT)

The number of miles traveled by each person on a trip in order to account for all miles traveled by motor vehicle, transit, walking, and/or bicycling.

PERSON TRIP

A trip by one person by one or more modes of travel including, but not limited to, driving a motor vehicle or low speed electric vehicle, riding transit, walking, bicycling, or paddling.

PILASTER

A rectangle column (see Columns) projecting from the wall.

PLANT, AQUATIC

Any plant (including any part or seed of such plant) which grows in or is closely associated with an aquatic environment. This definition Includes floating, emersed, submersed, or ditch bank species.

PLANT, INVASIVE

An exotic or nuisance plant that disrupts naturally occurring native plant communities.

PLANT, NATIVE

Plants that grow naturally in Florida and have adapted to the climate, soil, location, and rainfall patterns of their area as listed in the Xeriscape Plant Guide, St. Johns River Water Management District.

PLAT

A map or delineated representation of the subdivision of lands that is a complete exact representation of the subdivision and other information in compliance with the requirements of Ch. 177, Fla. Stat., and this LDC. Each plat shall depict such facilities and public improvements as may be required under this LDC.

PLAZA

A public square or similar open area intended as a gathering space that typically provides a hardscape and plantings and includes pedestrian elements such as benches, seating, fountains, landscaping, and public art.

PORTABLE STORAGE

A container that is designed and rented or leased for the temporary storage of commercial, industrial, or residential household goods and that does not contain a foundation or wheels for movement. This use includes shipping containers that can be transported by mounting on a chassis, and "POD" type boxes that can be transported on a flatbed or other truck. This use does not include prefabricated sheds that are not designed for transport after erection, or commercial trailers used by construction or other uses in the regular performance of their business.

PREMISES

A lot together with all buildings and structures, if any.

PRINCIPAL BUILDING

Any structure which is designed, built, or used for the support, enclosure, shelter or protection of persons, animals, chattels, or property of any kind for any residential, commercial, or industrial purpose.

PROCEDURES MANUAL

The document prepared and maintained by the Community Development Director that contains detailed submission information for applications under this LDC, as well as additional explanatory information about the development review process, the LDC, and the role of the Community Development Department.

PROTRUDING SILL

The surface at the bottom of a window that extends out from the wall.

PROPERTY LINE

See Lot Line, above.

PUBLIC GATHERING SPACE

A space that is open and accessible to people, such as plazas.

PUBLIC SQUARE

A public square or similar open space area intended as a gathering space that typically provides a hardscape and plantings and includes pedestrian elements such as benches, seating, fountains, landscaping, and public art.

RAINWATER CISTERN OR BARREL

A catchment device to capture rain water from a roof or other surface before it reaches the ground, which may be either above or below ground level.

REMOVAL

For purposes of Section 5.3, Landscape, Buffer, and Tree Protection Standards, only, the use of mechanical, non-mechanical, or chemical means to up root, tear out, kill, smother, or destroy plant life so that it no longer exists in an area.

REPLACEMENT TREE

Any immature tree with a minimum trunk caliper of three inches that is graded as Nursery Grade No. 1 or better, as outlined by the Florida Department of Agriculture and Consumer Services, Division of Plant Industry Grades and Standards for Nursery Plants.

RESERVE STRIP

A piece of land used to prevent public access to a street or other property from adjacent streets.

RETAINING WALL

A manmade structure built of materials such as but not limited to, large stones, cement, rubble, railroad ties, cement blocks, or wooden planks that form a wall to hold upland soil in place, preventing its erosion. When used to prevent erosion into a water body, a retaining wall shall be built landward of a surface water's normal high water elevation and the wetland delineation line established by DEP.

REVEGETATION

Replanting an area, where existing plants were formerly removed by mechanical, non-mechanical, or chemical means, with approved plants. It requires the planting and establishment of terrestrial and aquatic grasses and plants, both emergent and non-emergent, associated with waterfront and shoreline environments and excludes the use of exotic and invasive species.

RIDE SHARING

Where more than one person rides primarily with unrelated persons using carpools, vanpools, and/or a real-time, on-demand ride sharing service, also known as ridesourcing, accessed through a smartphone application or through an online portal where one-time shared rides are provided on short notice by private motor vehicles.

RIGHT-OF-WAY

Land dedicated, deeded, used, or to be used, for a street, alley, walkway, boulevard, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals, or governing bodies.

RIPARIAN ZONE

A transitional area between terrestrial and aquatic ecosystems that is distinguished by gradients in biophysical conditions, ecological processes, and biota, through which surface and subsurface hydrology connect water bodies with their adjacent uplands. The riparian zone includes those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence).

RIPRAP

Broken rock, cobbles, or boulders placed in front of seawalls to slow down wave action and reduce the wave's energy being carried shoreward.

ROOF LINE

The top edge of a roof or building parapet, whichever is higher, excluding any cupolas, chimneys, or minor projections.

ROOT ZONE

A specific measurement of a tree's root zone which shall be determined by this formula: each inch of DBH shall equal one foot in radius of the minimum rooting area requirement for a healthy tree to maintain itself and anchor itself in the ground.

ROUTINE SHORELINE MAINTENANCE

A situation in which exotic or nuisance vegetation is being controlled or removed but no revegetation is necessary due to a pre-existing state of compliance with the standards in Section 5.3, Landscape, Buffer, and Tree Protection Standards.

SATELLITE DISH

A device which includes an antenna or dish antenna the purpose of which is to transmit or receive communication or other signals from orbiting satellites and other extraterrestrial sources; includes a low-noise amplifier (LNA) which is situated at the focal point of the receiving component, the purpose of which is to magnify and transfer signals; and usually includes a coaxial cable whose purpose is to carry signals into the interior of any building or other structure.

SATELLITE DISH, MOBILE

A portable satellite dish that is mounted on wheels.

SEASONAL SALES

A temporary business enterprise that is conducted primarily outdoors and offers for retail sale decorative items that are, by their nature, in particular demand during a relatively short peak season—including, but not limited to, Christmas trees, pumpkins, and flowers and plants.

SEAWALL

A manmade wall structure made of materials such as, but not limited to, cement block, concrete, galvanized steel, wood, or metal that some portion of which touches the surface water of a lake or waterway. The structure is designed and placed so that it prevents shoreline erosion by dispersing the energy of a wave's action elsewhere on the shoreline.

SECONDARY ACCESS

For purposes of Sec. 2.5.3(d), Waterfront Structure Permit, only, secondary means of accessing boat and/or secondary area to tie up a boat.

SHORELINE

The area where land and water meet. For the purposes of this LDC, the area shall include the littoral zone, the riparian zone, and the shoreline protection area.

SHORELINE ALTERATION

Any change in the appearance, form, or condition of the area from 25 feet upland of the normal high water elevation down to and including the littoral zone of a water body.

SHORELINE PROTECTION AREA

The area extending 25 feet landward from normal high water elevation.

SHORELINE VEGETATION

Plant life that grows or exists near to or below the normal high water line of a waterway. It includes terrestrial and aquatic plants, both emergent and non-emergent that are associated with wetlands.

SHORT-TERM RENTAL UNIT

For purposes of Sec. 4.2.4(d)(6)(B), Short-Term Rental Unit, only, any single-family, two-family, three-family, or four-family unit that is rented, in part or in whole, more than three times in a calendar year for any duration less than 30 consecutive days, or which is advertised or held out to the public as a place regularly rented to guests. This includes uses where a portion or the entire unit is marketed to the public for temporary lodging primarily within a residential neighborhood or residentially zoned property. This does not include bed and breakfast units, timeshare projects regulated by the state, single-family or duplex units rented for durations exceeding 30 consecutive days, or short-term rentals within a multifamily residential building or complex that includes five or more individual dwelling units total.

SHORT-TERM RENTAL, HOST STAY

For purposes of Sec. 4.2.4(d)(6)(B), Short-Term Rental Unit, only, a use where the record owner of a short-term rental unit acts as host to short-term rental unit guests for the duration of the guests' stay and is a resident of a unit within the same duplex, triplex, or fourplex as the short-term rental unit.

SHORT-TERM RENTAL, OWNER-OCCUPIED

For purposes of Sec. 4.2.4(d)(6)(B), Short-Term Rental Unit, only, a use where the record owner of the short-term rental unit acts as host to short-term rental unit guests for the duration of the guests' stay.

SHRUB

A self-supporting woody species of plants characterized by controlled persistent stems and branches springing from the base.

SIGHT DISTANCE

The maximum extent of unobstructed vision (in vertical and horizontal planes) along a street located at any given point on the street.

SIGHT TRIANGLE

The triangular shaped area located the intersection of two streets, whether public or private, or a street and private driveway through which an unobstructed view is necessary for the safety of motorists, bicyclists, and pedestrians. The extent of the sight triangle shall be calculated in accordance with the standards in the Florida Greenbook.

SIGN

A written and/or illustrated device or display including structural or supporting elements, consisting of letters, numbers, symbols, pictures, illustrations, announcements, decorations, emblems, cut-outs, insignias, trademarks or demonstrations, banners, flags, pennant strings, attached balloons, streamers, spinners, or ribbons, that is designed to convey information to the public. Wall murals, life-scenes and artwork that do not communicate informational messages, apart from any artistic or aesthetic enjoyment, are not signs.

SIGN, A-FRAME



A portable sign that may be double or single faced, with the base of the sign being the supporting structure and the connecting point(s) located at the top. A-frame signs may be easily moved from place to place.

SIGN, ABANDONED

A sign which for a period of a least 90 days no longer correctly relates to a bona fide business, lessee, owner, or activity conducted on the premises where the sign is displayed; and/or the sign has been damaged, and repairs and restoration are not started within 90 days of the date the sign was damaged, or repairs are not diligently pursued, once started.

SIGN, ANIMATED



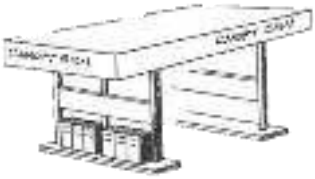
A sign that has any visible moving part, color change, flashing or osculating lights, visible mechanical movement of any description, or other apparent visible movement achieved by any means that move, change, flash, osculate or visibly alters in appearance. The term may include electronic changeable signs with optical illusion of movement, color change, or change of lighting, to depict action or create a special effect or scene; and signs using electronic ink, signs set in motion by movement of the atmosphere, any sign set in motion by intentional movement by a person, any type of screen using animated or scrolling displays, such as an LED (light emitting diode) screen or any other type of video display.

SIGN, ATTACHED



A sign that is attached to and extends no more than 12 inches from a wall, or that is painted on a wall of a building.

SIGN, AWNING



A sign that is painted on, printed on, or attached flat against the surface of an awning.

SIGN, BANNER



A temporary sign applied to cloth, plastic, paper, fabric, or other light pliable material of any kind either with or without frames; and which is suspended, mounted, or attached to buildings, poles, or natural elements at two ends.

SIGN, BEACON

A stationary or revolving light which flashes or projects illumination, single color or multicolored, in any manner which has the effect of attracting or diverting attention. This term does not include any kind of lighting device which is required or necessary under the safety regulations of the Federal Aviation Administration (FAA) or other similar agency. This definition does not apply to any similar type of lighting device contained entirely within a structure which does not project light to the exterior of the structure.

SIGN, BENCH



A sign on an outdoor bench.

SIGN, BILLBOARD



A freestanding off-site sign or sign structure.

SIGN, BLADE



A small-scale sign hanging or projecting perpendicular to the face of a building.

SIGN, CANOPY



A sign that is placed on or integrated into fabric or other material that is an integral part of a canopy. See also Canopy.

SIGN, CHANGEABLE COPY



A sign that is designed so that characters, letters, or illustrations can be manually changed or rearranged without altering the sign face.

SIGN, CITY INFORMATION



A sign announcing official City business, including meeting information, workshops, elections, emergency and disaster notices, directions, warnings, and Amber alerts, and official City Leisure Services programs and event announcements, including classes, athletics, cultural partner special events, and other events.

SIGN, COLD AIR INFLATABLE

A balloon-type sign with a blower (fan) system which runs to keep the sign inflated.

SIGN, COMMERCIAL MESSAGE

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.

SIGN, CONSTRUCTION



A temporary on-site sign identifying the ongoing construction activity during the time that a building permit is active, but prior to completion of the work for which the permit was issued, containing sign copy that is limited to the ongoing construction activity and identifying the contractor, professionals, and/or any subcontractor engaged to perform construction activity on the site.

SIGN, DIRECTIONAL



An attached or freestanding on-site non-commercial sign directing the movement of pedestrian or vehicular traffic on the premises where it is located. A directional sign may use words such as “entrance,” “exit,” “caution,” “no parking,” “one way only,” and the like, or arrows or similar graphics.

SIGN, DIRECTORY

A non-commercial sign that lists the names and locations of occupants or the use of a building. It is limited to use at multi-tenant buildings and a development made up of a group of buildings.

SIGN, ELECTRONIC CHANGEABLE



A sign that uses changing lights or an electronic medium to form an image, picture, or message of any kind, whether the image, picture, or message is moving or stationary, where the sequence of the messages and the rate of change are electronically programmed and can be modified by electronic processes. Electronic changeable signs include LED signs (light emitting diode technology or other similar semiconductor technology), OLED signs (transmissive, organic light emitting diodes), LEP signs (light emitting polymer), OEL signs (organic electro luminescence), or any similar technology.

SIGN, FIXED AERIAL

Any aerial advertising medium that is tethered to the ground or any object that is on the ground.

SIGN, FLAG



A piece of fabric of distinctive design that is displayed hanging free from a staff halyard or building to which it is attached, used as an ornamental flag or as a symbol of the United States, a nation, state, local government or other political subdivision, corporation, business, organization, or a person. Flags are not banners.

SIGN, FLASHING



A sign that directly or indirectly is illuminated and that exhibits changing natural or artificial light or color effects by any means whatsoever.

SIGN, FREE EXPRESSION



A sign that communicates information or views of concern of the owner of the sign, or contains any other non-commercial message that is otherwise lawful.

SIGN, FREESTANDING



A sign that is not attached to any building, such as monument signs. The definition of a "freestanding sign" does not include a portable sign.

SIGN, GARAGE OR YARD SALE OR GARAGE-YARD



An on-site temporary sign pertaining to the sale of personal property in, at, or upon any property that is zoned for residential use. Garage or yard sales shall include but not be limited to all such sales, and shall include the advertising of the sale of personal property, 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, GROUND

A sign that is defined as a freestanding sign.

SIGN, HOLIDAY, AND SEASONAL DECORATIONS



Decorations that do not communicate informational messages apart from recognizing legal or other recognized holidays or a season of the year. They are not considered signage.

SIGN, ILLUMINATED

A sign illuminated by an internal light source or an external light source primarily designed to illuminate the sign.

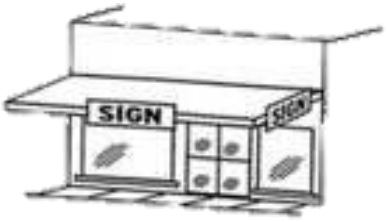
SIGN, MACHINERY AND EQUIPMENT



A sign that is integral to the machinery or equipment and that identifies the manufacturer of the machinery or equipment, that is placed on the machinery or equipment at the factory at the time of manufacture. Machinery and equipment signs are not vehicle signs.

SIGN, MARQUEE

A sign that is attached to a marquee.



SIGN, MENU BOARD



A sign placed at the beginning of a drive-through service lane of a food service establishment that includes a menu and a two-way speaker system for taking food orders.

SIGN, MENU DISPLAY



A fully enclosed or otherwise protected from the elements on-site sign, including but not limited to a box, shadow box or cabinet, attached to a wall or freestanding, which is used solely for the purpose of displaying restaurant menus. A menu display sign may be used for a restaurant without drive-through service and for transient lodging facilities that have restaurant facilities open to the general public, in addition to the registered guests. Menu display sign structures shall be limited to two per establishment.

SIGN, MOBILE BILLBOARD ADVERTISING



A vehicle or wheeled conveyance that carries, conveys, pulls, or transports any sign or billboard for the exclusive purpose of advertising.

SIGN, MONUMENT

A freestanding, on-site ground sign not erected on one or more poles or similar structures but which has a solid supporting base on the ground equal or greater than the width of the sign face that is generally made of stone, masonry, or concrete, with no separations between the sign and base, and which is of a finished or decorative-type construction.



SIGN, NAMEPLATE

An attached wall sign indicating the name and/or profession or address of a person or persons residing on the premises where the sign is located or legally occupying the premises where the sign is located.



SIGN, NEON

A sign that is manufactured utilizing neon tubing which is visible to the viewer.

SIGN, NONCONFORMING

Any sign that was lawful when it was erected but does not currently comply with the requirements of Section 5.14, Signs

SIGN, OCCUPANT IDENTIFICATION

See Sign, Nameplate.

SIGN, OFF-SITE

A sign that identifies activities conducted or products or services that are not available on the premises on which the sign is located.

SIGN, ON-SITE

A sign that is located on the premises to which the sign pertains that identifies an activity conducted or products or services available on the premises where the sign is located, and/or displays a non-commercial message.

SIGN, OPEN HOUSE REAL ESTATE

Signs advertising an open house viewing at a residential property.

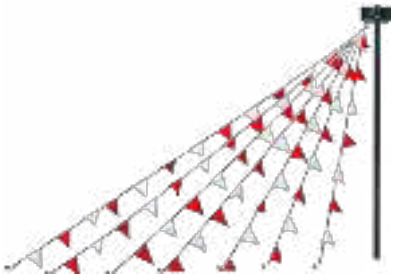


SIGN, PARK EVENT

A temporary sign posted on public property designated herein by an individual, group or other entity authorized and approved by the City to conduct a special event.

SIGN, PENNANT STRING

A string of small flag-like pieces of plastic or paper attached to any staff, cord, or building at only one or two edges, the remainder hanging loosely.



SIGN, PERMANENT

A sign which, when installed, is intended for permanent use. For the purposes of this LDC, any sign with an intended use in excess of 90 days from the date of installation shall be deemed a permanent sign unless otherwise indicated elsewhere in this LDC.

SIGN, POLE

A freestanding sign that is supported from the ground up by one or more poles, columns, uprights, braces, or anchors. The definition of pole sign does not include flags, temporary signs, warning signs, safety signs, traffic control device signs, statutory signs, parking space identifications signs, or canopy signs.



SIGN, PORTABLE

A sign, except a motor vehicle sign, that is not permanently affixed to a building, structure, or the ground, that is designed to be moved from place to place. A portable sign may fall within the definition of other types of signs, yet still be a portable sign. For purposes of this definition, a cold air inflatable sign, mobile billboard advertising sign, and A-frame sign shall be considered to be portable signs.



SIGN, PROJECTING

A sign attached to a building or other structure extending in whole or in part more than 12 inches beyond the surface of the portion of the building to which it is attached.



SIGN, REAL ESTATE

A temporary sign advertising the sale, rental, or lease of the premises or part of the premises on which the sign is displayed temporarily. For purposes of this LDC, a sign advertising an open house or a model home sign shall be considered a real estate sign.



SIGN, ROOF

A sign erected, constructed, and maintained wholly upon the roof of any building, with the principal support on the roof structure.

SIGN, SAFETY

See Sign, Warning.

SIGN, SNIPE



Any sign tacked, nailed, fastened, affixed to, painted, posted, pasted, glued, staked, or otherwise attached to trees or other vegetation (living or dead), telephone poles, utility poles, or fences, or installed in yards or rights-of-way with the message appearing thereon not applicable to the owner of the utility poles or present use of the premises upon which the sign is located.

SIGN, STATUTORY

A sign required by any federal or state law.

SIGN, STREET ADDRESS



A sign denoting the street address of the premises on which it is attached or located.

SIGN, SUSPENDED



A sign attached to and located below a canopy or similar structure.

SIGN, TEMPORARY

A sign, banner, valance, or display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a period of time not to exceed 90 days, or as otherwise authorized by Section 5.14, Signs.

SIGN, TRAFFIC CONTROL DEVICE

A sign located within the right-of-way that is used as a traffic control device 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). Some traffic control device signs may be portable.

SIGN, VEHICLE



A sign on a truck, vehicle, or trailer which displays an advertisement or business identification of its owner for the purpose of providing transportation for owners or employees of the business advertised on the vehicle.

SIGN, WALL

See Sign, Attached.

SIGN, WARNING



A sign that provides warning of a dangerous condition or situation that might not be readily apparent or that poses a threat of serious injury (e.g., gas line, high voltage, condemned building, etc.), or that provides warning of a violation of law (e.g., no trespassing, no hunting allowed, etc.).

SIGN, WIND

A sign that uses objects or a series of fabric, paper, plastic, or other similar material fastened in such a manner as to move upon being subjected to pressure by wind. A wind sign may include ribbons, spinners, streamers, or captive balloons. The term wind sign shall not include flags.

SIGN, WINDOW



A temporary or permanent sign mounted, attached to, placed upon, or painted on a window of a building that is viewable from the outside of the building.

SIGN COPY

The message or image conveyed by a sign.

SIGN COPY AREA

The surface area of a sign upon which the sign copy is displayed.

SIGN FACE

The sum of the surfaces of the sign copy area as seen from one plane or elevation.

SIGN HEIGHT

The vertical distance measured from the average finished grade beneath a sign to the topmost point of the sign structure.

SIGN STRUCTURE

Any construction designed to support or to provide a surface for a sign, including any marquee, canopy, or awning.

SILTATION

Rapid influx of sediment into bodies of water, typically caused by the removal of native ground cover followed by seasonal rainstorms.

SINGLE-FAMILY DETACHED

See definition of dwelling, single-family detached in Sec. 4.2.3(a)(1), Household Living Uses.

SOLAR ENERGY COLLECTION FACILITY, SMALL-SCALE

Equipment for the collection of solar energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment is accessory to a principal use of the property. Components are typically mounted on the roof(s) of principal or accessory structures, but may be mounted on other parts of structures, or on the ground.

SPECIAL MAGISTRATE

The officer of the City established in accordance with Sec. 4.7-8 *et seq.* of the City Code who is authorized to conduct hearings and assess fines against persons who violate the City Code and this LDC, in accordance with Ch 5.3 of the City Code and Article 9: Enforcement of this LDC.

SPECIAL EVENT

An event as defined by section 14-2 of the City Code.

SPECIAL PRIVATE GAIN

See definition in Sec. 112.3143, Fla Stat.

SPECIMEN TREE

A tree located on private property that has unique or unusual arboricultural value, including any tree with a dbh larger than 30 inches.

STOOP

A frontage element wherein the building façade is aligned close to the property line with the first story elevated from the sidewalk sufficiently to secure privacy for the windows. The entrance is usually an exterior stair and landing that may include a roof. This type is recommended for ground-floor residential use.

STORY (DOWNTOWN MAITLAND)

The space in a building between two adjacent floor levels or between a floor and a roof. Basements that emerge less than four feet from grade or attics, with or without dormer windows, not exceeding five and one-half feet shall not constitute a story. Whenever a story exceeds 25 feet in height, measured from the finished floor to the bottom of the slab above, each height of 15 feet or portion thereof shall be construed to be one story.

STREET

A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated.

STREET, COLLECTOR

A street which, in addition to giving access to abutting properties, carries traffic from minor streets to major arterial streets and highways. A collector street may include the principal entrance street or streets of a residential development and streets for circulation within a development.

STREET, HALF OR PARTIAL

A street, generally parallel and adjacent to the boundary line of a parcel or tract of land which is only a portion of the ultimate right-of-way width.

STREET, MAJOR ARTERIAL (OR ARTERIAL)

A street or highway used primarily for fast and high traffic volumes traveling considerable distances with a width of right-of-way of 106 feet or more.

STREET, MARGINAL ACCESS

A minor street parallel to and adjacent to major arterial streets or highways, which provides access to abutting property and protection from through traffic. A marginal access street may also be called a frontage street or road.

STREET, MINOR

A street used primarily for access to abutting properties and not for through traffic.

STREET, PRIVATE

Any street used for vehicular traffic which is not a public street, including, but limited to, streets in apartment or office complexes.

STREET, PUBLIC

The area of the public right-of-way, either paved or unpaved, which is intended for vehicular traffic, excluding service entrances or driveways.

STREETSCAPE

Hardscape elements such as pavers, benches, lighting, trash and recycling receptacles, fountains, seating, shade structure, landscape elements such as canopy and understory trees, shrubs, bushes, grasses and flowers, green infrastructure and architectural structures and projections that provide shade and protection from various weather conditions.

STRUCTURE

That which is built, constructed, erected, or placed, including all temporary, fixed, or movable construction.

SUBDIVISION

The division of land into three or more lots, parcels, tracts, tiers, blocks, sites, or units, or any other division of land. The term includes establishment of new streets and alleys, additions, and resubdivisions; and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

SUBMERGED WETLAND PLANTS

Plants which grow entirely underwater and cannot survive out of water.

SURVEYOR

Refers to a land surveyor registered in the state of Florida, and who is engaged by the subdivider to survey and prepare the plat of the land proposed for subdivision.

SWALE

A shallow trench which has sides and slopes flatter than three feet horizontal to one foot vertical (3:1). A swale is designed and created to slow and direct the flow of stormwater in a desired direction, preventing its rapid flow into a waterway, thereby reducing stormwater pollutant loading in a lake. A swale typically is accompanied by a berm.

SWIMMING POOL AND POOL SCREEN ENCLOSURE

A swimming pool is a built structure, in-ground or above group, at least two feet deep on average with a surface area exceeding 100 square feet, that is filled with water and used for wading or swimming, and that is accessory to a principal use. A pool screen enclosure is a structure constructed around a pool, typically a framework of aluminum or similar materials, with screening that encloses the pool and surrounding area and protects it from leaves and other debris.

TERMINAL PLATFORM

The portion of a dock beginning at the terminal end of the main access walkway including platform decking, boathouse, boat slip, and secondary access. The terminal platform shall be designed for the mooring and launching of vessels or other water-dependent activities.

TRANSPORTATION OPERATION AND MAINTENANCE EXPENSES

Expenses associated with the operation and maintenance of transportation facilities, including cleaning, repairs, mowing, landscape maintenance, resurfacing that does not expand transportation capacity, and fuel and salary costs for the operation of transit systems.

TREE

Any self-supporting woody or fibrous perennial plant of a species that normally grows to a mature height of 25 feet or greater and has a tree trunk DBH of 12 inches or greater.

TREE ABUSE

Damage to a tree that includes: removing more than 30 percent of foliage a year, cutting more than 30 percent of roots in critical root zone, “lion-tailing,” or removing bark from a tree greater than 25 percent of the circumference of the stems and branches which would directly lead to the death of the tree in subsequent years or which would begin the decline cycle and/or destroy the natural growth habit of the tree.

TREE CLEARANCE

The minimum distance from a vehicle or pedestrian to a branch or limb of a tree, measured from grade.

UNIFIED PARCEL BOUNDARY

Where a single lot is divided into two lots in accordance with Sec. 2.5.2(d), Lot Split, and the two lots include an optional conjoined dwelling, the exterior parcel lines of the two lots with which compliance with zone district dimensional are determined.

UNIFORM BUILDING NUMBERING SYSTEM

A system by which existing buildings and Individual lots and parcels for future buildings are assigned addresses in a coordinated and uniform method based on a designated grid system contained in the official mast grid maps.

USED

For purposes of Article 6: Subdivision Standards only, the words used or occupied include the words intended, designed, or arranged to be used or occupied.

UTILITY TRAILER

A non-motorized vehicle designed to be pulled by an automobile or truck, with a flat bed open to the air or an enclosed structure, used for storage or transportation of materials, goods, or objects.

VEGETATION

Any true, shrub, ground cover, or living plant species.

VEHICLE MILES OF TRAVEL

A unit to measure vehicle travel made by a private motor vehicle, such as an automobile, van, pickup truck, or motorcycle where each mile traveled is counted as one vehicle mile regardless of the number of persons in the vehicle.

WALKWAY

A right-of-way intended primarily for pedestrians, excluding self-propelled vehicles.

WATERFRONT STRUCTURE

A seawall, retaining wall, boardwalk, boat slip, boat ramp, boathouse, boat dock, observation deck, floating structure, boat lift, or mooring pilings, whether temporary or permanent, located within a Shoreline protection area, that area beginning 15 feet landward of the NHWE and extending through the littoral zone of the water body.

WATERFRONT VEGETATION

Submerged and emergent aquatic or wetland vegetation, including wetland forest species and revegetation.

WATERWAY OR WATER BODY

Lakes, streams, canals, runs, and creeks.

WETLAND PROTECTION ZONE

See Sec. 5.3.8(d), Wetland Protection Zone.

MAITLAND
FLORIDA

City of Maitland

Land Development Code Update

Appendix A

Engineering and Design Manual

Land Development Code
Adopted February 28, 2022
Effective March 1, 2022









Prepared by

CLARION PlanActive Studio Stantec

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APPENDIX A. ENGINEERING AND DESIGN MANUAL

SECTION 1. APPLICABILITY

1.1. Purpose

These standards shall apply to regulate development allowed by this LDC and the City Code. The intent of this chapter is to promote development that is aesthetically pleasing, compatible with the community character of the City, properly served with necessary public facilities and services, and compatible with neighboring uses. Design requirements are included for the following categories:

(a) Drainage.

(b) Roads.

(c) Water and sewer.

(d) Project closeout.

1.2. General Requirements

(a) **Phased Development**

Each phase of any development shall be designed and improvements installed so that the phase can stand on its own if subsequent phases are not developed.

(b) **Maintenance**

Maintenance of all improvements shall be the responsibility of the property owner until such time as the City explicitly accepts maintenance responsibility. Should the property owner fail to properly maintain any improvements, the City may, with notice, undertake the necessary maintenance and recover the cost of such maintenance from the property owner.

SECTION 2. DRAINAGE

2.1. General Requirements

Protection of the water resources in Maitland is critical to the public health, safety, and welfare. Innovative approaches to stormwater management are encouraged and the concurrent control of erosion, sedimentation, and flooding is mandatory.

2.2. Policies

Development projects must be properly designed and engineered to handle drainage retention so as not to adversely impact off-site conditions in terms of both water quality and quantity. The following level of service standards are hereby adopted for drainage for new development and redevelopment:

(a) Stormwater facilities shall be designed to accommodate the 25-year/24-hour or 25-year/96-hour storm design event and to meet the following water quality and quantity standards:

(1) **Water Quantity**

Peak post-development runoff shall not exceed peak pre-development runoff rates for the applicable design storm.

(2) **Water Quality**

Treatment of stormwater runoff shall be required of all development and redevelopment areas. The stormwater treatment system or systems can be project specific, serve subareas within the City or be a system to serve the entire City. Regardless of the area served, the stormwater treatment systems must provide a level of treatment which meets the requirements of Chs. 62-4, 62-301, 62-520, and 62-550, F.A.C., to ensure that the receiving water quality standards are met and to ensure that the receiving water bodies and their water quality are not degraded below the minimum conditions necessary to maintain their established classification.

(b) Redevelopment projects must provide for a minimum of 1.0 inches of water quality volume or provide an equivalent treatment through other methods as approved by the Public Works Director.

(c) A stormwater management system shall be designed and installed for the development that will contain features to provide for pollution abatement; recharge, where possible; and protection from flooding. The intent of these design standards is to encourage environmentally sound stormwater management practices; they should go beyond simply providing drainage facilities. Emphasis should be placed on the use of upland facilities for stormwater control and groundwater recharge. Developments that sacrifice recharge and upland controls in order to maximize numbers of lots will not be allowed. The City's stormwater management perspective includes the control of both water quantity and water quality.

2.3. Pollution Abatement

(a) Pollution abatement is required and shall be consistent with the requirements of the Saint Johns River Water Management District (SJRWMD).

(b) Monitoring may be required by the City in any drainage system in order to provide assurance that the stormwater management facilities are functioning as designed and are not having adverse impacts on the water quantity or quality of receiving water bodies or water courses.

2.4. Recharge Where Possible

The City strongly endorses the practice of recharge, especially in upland areas to promote the long-term protection of the quantity and quality of potable water supplies in the Floridan Aquifer. Recharge in designated areas where the soils are compatible (Hydrologic Soils Group A as described by the USDA Soil Conservation Service) is required and must be accomplished by providing for retention of three inches runoff from all directly connected impervious areas within a

project site. As an alternative, applicants may demonstrate that the post-development recharge capacity is equal to or greater than the pre-development recharge capacity.

2.5. Protection from Flooding

Protection from flooding is required and must be accomplished by a design that will provide the following:

(a) Areas contributory to land-locked areas with no positive outlet shall provide retention of the difference in pre- and post-development stormwater runoff volume from the 25-year, 96-hour storm event.

(b) Areas that are not contributory to land-locked areas shall have their post-developed peak rate of discharge less than or equal to the pre-developed peak rate of discharge during the 25-year frequency, 24-hour duration storm event for each contributing subbasin within the site.

(c) All proposed commercial, industrial, and residential structures are to be flood free during a 100-year frequency, 24-hour duration storm event. All proposed commercial, industrial, and residential structures shall comply with Section 5.7, Flood Damage Prevention.

2.6. Erosion Control

No grading, cutting, or filling shall be commenced until erosion and sedimentation control devices have been installed between the disturbed area and water bodies, watercourses, and wetlands. Vegetated buffer strips shall be created or, where practicable, retained in their natural state along the banks of all watercourses, water bodies, or wetlands. The width of the buffer shall be a minimum of 25 feet on previously developed or platted lots and 50 feet on undeveloped or unplatted lots to prevent erosion, trap the sediment in overland runoff, provide access to the water body, and allow for periodic flooding without damage to structures.

2.7. Disposition of Stormwater Runoff

All developments must treat the required pollution abatement volume prior to discharge to receiving waters. When pollution abatement volumes and detention volumes to reduce the peak rate of discharge are incorporated into one facility, the volume of water impounded to reduce peak discharges in excess of the pollution abatement volume must be discharged by a positive, nonfiltering system. Off-site easements for stormwater management facilities will be required when either of the following conditions exist:

(a) The discharge is into any manmade facility for which the City does not have either a drainage easement or right-of-way; or

(b) The discharge into a natural system is such that the rate or character (i.e., sheet flow vs. concentrated flow) of the flow at the property line has been changed. The easement will be required to a point at which natural conditions are duplicated and where no adverse impact outside the easement occur. In a situation where an easement already exists, engineering devices (such as skimmers) which are used to minimize the transport of floating debris, oil, and grease remaining in the detention volumes to reduce peak discharges will be

incorporated into the design of the outlet control structure. The design of the system will make adequate provision to minimize erosion.

2.8. Other Applicable Requirements

Development within the flood hazard area shall meet the requirements of Section 5.7, Flood Damage Prevention.

2.9. Design Criteria

(a) Methods of Computing Runoff Volume and Peak Rate Discharge

The design method used to establish runoff volume and peak rates of discharge must be by acceptable engineering techniques approved by the Public Works Director.

(b) Minimum Design Storm

(1) The minimum storm design standards in Table 2.9(b): Minimum Design Storm Standards, apply throughout the City.

Table 2.9(b): Minimum Design Storm Standards

Facility	Frequency (year)	Duration (hours)
Bridges	50	24
Principal arterial bridges and evacuation routes	100	24
Canals, ditches, swales, or culverts for drainage external to the development	25	24
Canals, ditches, swales, or culverts for drainage internal to the development	10	24
Detention and retention basins contributory to land-locked areas with no positive outlet	25	96
Detention/retention systems with a positive outlet	25	24
Houses/buildings first floor elevation shall meet the requirements of Section 5.7, Flood Damage Prevention	100	24

(2) Storm sewers shall be designed for the 10-year storm. The Rational Formula methodology shall be required, rainfall intensities are to be obtained from the FDOT Rainfall Curves for Zone 7, and time of concentration values are to be obtained from the Federal Highway Administration Kinetic Wave Formula for sheet or overland flows, and from the Manning Equation for concentrated flows (e.g., gutter flow, ditch flow, pipe flow, etc.)

(3) The design frequency for major drainage systems must be increased if deemed necessary by the Public Works Director to protect upstream or downstream properties or to comply with other regulations.

[c] Storm Distribution

Rainfall distribution for stormwater management systems is to be in accordance with Soil Conservation Service Type II Florida Modified.

[d] Detention/Retention Pond Criteria

[1] Design Criteria for Pollution Abatement Utilizing Retention with Percolation

Ponds used for the required retention with percolation may be designed as a separate facility, or pollution abatement may be combined into the design of the stormwater pond. All retention ponds will be designed as dry bottom ponds. The volume of stormwater impounded for pollution abatement will be recovered within a 72-hour time period. The bottom of a required retention pond shall be a minimum of two-feet above the seasonal high water table. Final design infiltration or permeability rates will be determined by a geotechnical engineer or professional geologist. A factor of safety of two is required for the permeability rates. All necessary calculations to support the above shall be submitted to the City.

[2] Design Criteria for Pollution Abatement Utilizing Wet Detention

(A) Ponds shall be designed for the required detention may be designed as a separate facility, or pollution abatement may be combined into the design of the stormwater pond required.

(B) The maximum depth of a wet pond shall not exceed 12 feet below the control water level and shall have a mean depth (pond volume divided by pond area at control elevation) between two and eight feet.

(C) A wet detention pond's water storage volume below the outlet structure's control elevation shall provide a minimum residence time of 14 days.

(D) A wet pond shall be designed with a littoral shelf in accordance with the following:

1. The littoral zone shall be gently sloped at 6:1 (horizontal:vertical) or flatter. At least 25 percent of the wet detention system surface area shall consist of a littoral zone. The percentage of littoral zone is based on the ratio of vegetated littoral zone to surface area of the pond at the control elevation. Above the outlet structure's control elevation, the steepest side slopes shall be 4:1 (horizontal: vertical).

2. The pollution abatement volume should not cause the pond level to rise more than 18 inches above the control elevation unless it is demonstrated that the littoral zone vegetation can survive at greater depths.

3. Eighty (80) percent coverage of the littoral zone by suitable aquatic plants is required within the first 24 months of completion of the system.

4. To meet the 80 percent coverage requirement, planting of the littoral zone is recommended. As an alternative, portions of the littoral zone may be established by placement of wetland top soils (at least a four-inch depth)

containing a seed source of desirable native plants. When utilizing this alternative, the littoral zone must be stabilized by mulching or other means and at least the portion of the littoral zone within 25 feet of the inlet and outlet structures must be planted.

5. In lieu of the littoral requirements in subsections 1 through 4 above, the applicant may increase the residence time to a minimum of 21 days.

(E) The flow path through a wet detention pond must have an average length to width ratio of at least 2:1. The alignment and location of inlets and outlets should be designed to maximize flow paths in the pond. If short flow paths are unavoidable, the effective flow path should be increased by adding diversion barriers such as islands, peninsulas, or baffles to the pond. Inlet structures shall be designed to dissipate the energy of water entering the pond.

(F) The bleed down structure invert elevations must be at or above the estimated post development normal water table elevation.

(G) For ponds that accept drainage from public right-of-way, a permanent maintenance easement or other acceptable legal instrument to allow for access to and maintenance of the system, including the pond, littoral zone, inlets, and outlets must be provided by the developer.

(H) Outlet structures shall be designed with a V-notch weir or an orifice designed to drawdown one-half (½) of the required pollution abatement volume within 24 to 30 hours following a storm event, but no more than half of this volume is to be discharged in the first 24 hours following a storm event. Outlet structures shall be designed to skim floating debris, oil, and grease from an elevation six inches below the control elevation of the outlet structure to an elevation six inches above the design high water level of the pond.

[3] Ponds with Underdrains or Filters

(A) Ponds with underdrains or filters will only be allowed at the discretion of the Public Works Director. When allowed, the bottom of the pond shall be a minimum of three feet above the estimated seasonal high water table.

(B) When allowed, underdrain/filter pipes shall include, at a minimum, a capped and sealed inspection and clean out ports which extends to the surface of the ground at the following locations of each drainage lateral:

1. The terminus;

2. Every 400 feet; and

3. At any change in direction greater than 45 degrees.

[4] Design Criteria for Off-site Areas

Off-site areas which discharge to or across a site proposed for development must be accommodated in the stormwater management plans for the development. The

stormwater management system for the development must be capable of transporting existing off-site flows through or around the development without increasing stages or flows upstream or downstream of the development. The estimation of the off-site flows must be done separately from the estimation of on-site pre- and post-development flows (i.e., separate off-site and on-site hydrographs must be computed due to the typically significant differences in land use characteristics). It is strongly recommended that the project engineer meet with the City staff prior to generating final detailed design calculations in order to establish off-site design requirements for a particular project.

(e) Open Channels or Retention/Detention Ponds

(1) Rights-of-Way/Easements

Outfall ditches and canals shall have sufficient right-of-way/easements for the facility plus an unobstructed maintenance berm on one or both sides if required by the Public Works Director. Said right-of-way/easement shall be contiguous to a public right-of-way/easement and shall allow for suitable access by maintenance equipment. Where the rights-of-way/easement is provided for access only, the minimum width shall be 20 feet. Maintenance berms shall be sloped no steeper than one-fourth (¼) inch per foot. Ponds shall have a sufficient right-of-way/easement to allow for installation plus an unobstructed maintenance berm all around the perimeter of the pond.

(2) Maintenance Berms

The minimum requirement for maintenance berms is listed in Table Appendix A.2.9(e)(2): Maintenance Berm Minimum Standards.

Table Appendix A.2.9(e)(2): Maintenance Berm Minimum Standards

Ditch or Canal Top of Bank Width	Minimum Maintenance Berm Required
Less than 16 feet	20 feet one side
16 feet to 32 feet	20 feet both sides
32 feet to 55 feet	20 feet one side and 30 feet on the other side
Over 55 feet	30 feet both sides
Minimum Maintenance Ponds	**Berm Required**
With fencing perimeter	10 feet all around
Without fencing	5 feet

(3) Areas Adjacent to Open Channels and Ponds

Areas adjacent to open channels and ponds shall be graded to preclude the entrance of stormwater except at planned locations. Where retention/detention areas are located on the project periphery, the developer may be required to provide additional landscaping or screening to adequately protect abutting properties.

(4) Maximum Side Slopes

(A) Open channels less than four feet deep: 4:1 (horizontal:vertical) maximum side slope.

(B) Ponds: 4:1 (horizontal:vertical) maximum side slope.

(C) The Public Works Director may approve pond side slopes greater than 4:1 (horizontal:vertical) provided the pond is secured by either a six foot decorative wrought iron or aluminum fence with brick pilasters.

(5) Minimum Bottom Width

The minimum bottom width for ponds and open channels shall be four feet.

(6) Erosion Protection

(A) The erosion protection standards in Table Appendix A.2.9(e)(6): Erosion Protection Standards, apply throughout the City.

(B) A dense stand of grass is required to be established within all dedicated rights-of-way and easements.

Table Appendix A.2.9(e)(6): Erosion Protection Standards

Protection	Required
Open channels grade	
Less than three percent	Sodding
Greater than three percent	Paving (with exception of swales on local roads which must be sodded)
Ponds	
Side slopes and berms	Sod
Bottom	Seed and mulch. No muck grown sod shall be allowed on pond bottom

(7) Fencing

Fenced stormwater facilities are discouraged within the City and shall only be allowed if approved by the Public Works Director. Stormwater facilities require fencing due to steep side slopes which potentially endanger human life. Steep slopes and fences are discouraged. If a fence is the only option, then it must be designed in accordance with subsection (4)(A) above, and installed around entire perimeter including maintenance berms with an access for maintenance vehicles.

(8) Freeboard—Open Channels and Ponds

One-foot minimum above design storm high water elevation.

(9) Berms Constructed on Fill

Where berms are proposed that stage water above adjacent ground level, calculations supporting the stability of the berms are to be submitted by a geotechnical engineer.

(10) Other Requirements

The requirements of this subsection (e) may be reduced at the discretion of the Public Works Director.

2.10. Hydraulic Design Criteria

(a) Roadway (Pavement) Design

(1) General

Good pavement drainage design consists of the proper selection of grades, cross slopes, curb types, inlet locations, etc., to remove the design storm rainfall from the pavement in a cost-effective manner while preserving the safety, traffic capacity, and integrity of the highway and street system. These factors are generally considered to be satisfactory, provided that excessive spreads of water are removed from the vehicular traveled way and that siltation at pavement low points is not allowed to occur. The guidelines included herein will accomplish these objectives.

(2) Minimum Groundwater and High Water Clearances

All streets must be designed to provide a minimum clearance of two feet between the bottom of the base and the seasonal high groundwater table as established by a geotechnical engineer or professional geologist. Swales will be permitted only when the seasonal high groundwater table, as established by a geotechnical engineer or professional geologist, is a minimum of two feet below the invert of the swale. Swales shall be constructed to allow positive drainage from the pavement to the invert of the swale (i.e., no ponding of water at the edge of pavement). Underdrains are not allowed for the control of groundwater on new roadways.

(3) Curbs and Gutters—Types

(A) All roadway drainage not considered suitable for swale and/or ditch type drainage shall be designed as one of the following:

1. Miami curb and gutter section; or

2. Standard curb and gutter section.

(B) The design storm frequency to be utilized for the design of pavement drainage shall be as follows:

1. Arterial Streets

10-year, hydraulic gradient line 1.0 feet below the gutter line

2. Collector and Local Streets

10-year, hydraulic gradient line 0.5 feet below the gutter line

(4) Runoff Determination

The peak rates of runoff for which the pavement drainage system must be designed, shall be determined by the rational method. The time of concentration, individual

drainage areas, and rainfall intensity amounts shall be submitted as part of the drainage plans. Minimum time of concentration shall be according to FDOT acceptable methods.

[5] Stormwater Spread into Traveled Lanes

Inlets shall be spaced at all low points, intersections, and along continuous grades to prevent the spread of water from exceeding tolerable limits. The acceptable spread of water limits for all City roadways are defined as approximately one-half (½) the traveled lane width.

[6] Maximum Inlet Interception Rates

FDOT single type curb inlets shall be located such that a maximum of five cubic feet per second (cfs) is intercepted. FDOT full curb inlets shall be located such that a maximum of nine cfs is intercepted. Bypass flow is limited to a maximum of one cfs. Off-site flows from impervious areas of more than 0.5-acre shall be intercepted prior to the right-of-way line.

[7] Inlet Types

Inlet types to be used shall be the latest version of the FDOT Standard Plans, or others approved by the Public Works Director.

[8] Low Point Inlets

All inlets at low points shall be designed to intercept 100 percent of the design flow without exceeding the allowable spread of water onto the traveled lanes as defined above.

[b] Storm Sewer Design

[1] Easements

A 20-foot easement centered on the storm sewer shall be conveyed to the City when the storm sewer is not located within dedicated rights-of-way when required by the Public Works Director. Easements shall be contiguous to public rights-of-way and shall allow for suitable access by maintenance equipment. For pipes in excess of 48 inches or for parallel runs of pipe, a wider easement may be required as determined by the Public Works Director.

[2] Design Discharges

Storm sewer system design is to be based upon a ten-year frequency event as referenced in Sec. 2.9(b), Minimum Design Storm

[3] Minimum Pipe Size

The minimum size of pipe to be used in storm sewer systems is 18 inches.

[4] Pipe Grade

All storm sewers shall be designed and constructed to produce a minimum velocity of 2.0 feet per second (fps) when flowing full. No storm sewer system or portion thereof shall be designed to produce velocities in excess of ten fps. Outlet ends shall have sufficient energy dissipaters and erosion protection.

(5) Maximum Lengths of Pipe

The maximum lengths of pipe that shall be used when spacing access structures of any type are listed in Table 2.10(b)(5): Maximum Lengths of Pipe.

Table 2.10(b)(5): Maximum Lengths of Pipe

Pipe Size Maximum Spacing	Structure Access
18 inches	300 feet
24 to 36 inches	400 feet
42 inches and larger	500 feet

(6) Design Tail Water

All storm sewer systems shall be designed taking into consideration the tail water of the receiving facility or water body. The tail water elevation used shall be based on the design storm frequency.

(7) Hydraulic Gradient Line Computations

The hydraulic gradient line for the storm sewer system shall be computed taking into consideration the design tail water on the system.

(8) Allowable Materials

Allowable material for storm sewers and structures shall be in accordance with Florida Department of Transportation standards and specifications, others approved by the Public Works Director, and all other applicable City codes. However, all storm sewers constructed underneath City streets shall be reinforced concrete pipe.

(9) Pipe Cover

Pipe burial depths shall be in conformance with the latest edition of the FDOT Drainage Manual.

(10) Pipe Joints

Pipe joints shall be wrapped in accordance with the FDOT standard plans, latest edition.

(c) Culvert Design

(1) Minimum Pipe Size

The minimum size of pipes to be used for culvert installations under roadways shall be 18 inches. The minimum size of pipes to be used for driveway crossings shall be 15 inches.

(2) Maximum Pipe Grade

The maximum slope allowable shall be a slope that produces a 10.0-fps velocity within the culvert barrel. Erosion protection and/or energy dissipaters shall be required to properly control entrance and outlet velocities.

(3) **Maximum Lengths Between Structures**

The maximum length of culvert conveyance structure without access shall be as allowed in the hydraulic design criteria.

(4) **Design Tail Water**

All culvert installations shall be designed taking into consideration the tail water of the receiving facility or water body. The tail water elevation used shall be based on the design storm frequency.

(5) **Allowable Head Water**

The allowable head water of a culvert installation should be set by the designer for an economical installation. When end walls are used, the head water should not exceed the top of the end wall at the entrance. If the top of the end wall is inundated, special protection of the roadway embankment and/or ditch slope may be necessary for erosion protection.

(6) **Design Procedure**

The determination of the required size of a culvert installation can be accomplished by mathematical analysis or by the use of design nomographs.

(7) **Headwalls Requirement**

Headwalls shall be required at all storm sewer or culvert inlets or outlets to and from open channels or lakes. Mitered end section or FDOT U-Type endwalls may also be used.

2.11. Stormwater Management Plan Requirements

(a) **Stormwater Management Map**

The project engineer shall include in the construction plans and/or stormwater calculations a master stormwater management map showing all existing and proposed features. The map is to be prepared at a scale not to exceed 1 inch = 400 feet. Listed below are the features that are to be included on the map:

(1) Hydrologic boundaries, including all areas flowing to the proposed project.

(2) Project's boundaries and area.

(3) Sufficient topographical information with elevations to verify the location of all ridges, streams, etc. (one-foot contour intervals within the project's boundaries and for proposed off-site improvements). Topographical information shall be provided by the submittal of a topographic survey performed by a professional surveyor and mapper. The signed and sealed survey must be submitted with the appropriate City submittal.

(4) High water data or critical flood elevations on existing structures upstream of, within, and downstream of the project.

(5) Notes indicating sources of high water data and critical flood elevations.

(6) Notes pertaining to existing standing water, areas of heavy seepage, springs, wetlands, streams, hydrologically sensitive areas, etc.

(7) Existing stormwater management features (ditches, roadways, ponds, etc.). Existing stormwater management features are to be shown a minimum of one thousand (1,000) feet downstream of the proposed development unless the ultimate outfall system is a lesser distance.

(8) Vertical datum.

(9) Stormwater management features including locations of inlets, swales, ponding areas, and all works, etc.

(10) Delineate retention/detention areas and ingress/egress areas for facilities maintenance.

(11) General type of soils by subbasin (obtain from soil survey of Orange County) and location of soil borings.

(12) The 10-, 25- and 100-year flood elevations for any areas in or within 100 feet of the property. The source of these elevations shall also be shown on the plans.

(13) Description of current ground cover, land use, and imperviousness by subbasin.

(b) **Subsoil Investigation**

A subsoil report shall be prepared and sealed by a geotechnical engineer or professional geologist experienced in the preparation of this type of report. The contents of the subsoil report as a minimum shall include, but not be limited to, soil borings which indicate American Association of State Highway and Transportation Officials (AASHTO) soil classifications, gradation, and determination of existing (24-hour test), and wet season water table. When recovery through infiltration is anticipated, field determined vertical and horizontal soils permeability rates, soils porosity values, and the depth of the relative impermeable soil layer for determining the duration of the vertical infiltration will also be required. A minimum of two borings will be taken per retention/detention area. Soil boring locations shall be included in the report. The subsoil report must have an issuance date within two years of the submittal to the City.

(c) **Stormwater Calculations**

Stormwater calculations, sealed by a professional engineer for all stormwater works, including design high water elevations for all applicable storm events shall include the following:

(1) Pre- and post-development stormwater flows and stages for the site and retention/detention ponds including, but not limited to the following:

(A) Pre-development hydrograph, post-development runoff hydrograph to the stormwater pond, and the routed post development hydrograph discharged from the stormwater pond.

(B) Pre-development and post-development runoff volumes.

(C) Delineation and area of pre-development and post-development subbasins.

(D) Stage-area-storage calculations for the stormwater pond.

(E) Stage-discharge calculations for the outfall control structure, including tail water assumptions.

(F) Treatment volume and recovery calculations for the stormwater pond and associated swales or works.

(G) Soil storage or curve number calculations per subbasin, including impervious calculations.

(H) Time of concentration calculations per subbasin.

(I) 100-year floodplain compensating calculations, if applicable.

(2) Storm sewer, culvert, and open channel tabulations including, but not limited to, the following:

(A) Location and type of structures.

(B) Length of facility and dimensions including diameter, height, and/or width for pipes. Cross-sections for open channels.

(C) Subbasin areas tributary to each structure.

(D) Runoff coefficient or curve number per subbasin.

(E) Time of concentration to the inlet of each structure.

(F) Each stormwater flow to and from the stormwater structure or junction point.

(G) Hydraulic gradient for the applicable storm event.

(H) Estimated receiving water elevation with sources of information, if available.

(I) Velocities for all facilities and details for provisions to control erosion.

(3) Construction plans including, but not limited to, the following:

(A) Overall project plan of roads, lots, and retention or detention facilities.

(B) Cross-section of retention/detention facilities.

(C) Typical swale, ditch, or canal sections.

(D) Drainage rights-of-way.

(E) Road plan and profile with groundwater elevation shown in profile.

(F) An erosion control plan.

(G) Overall project grading plan (at one-foot contours) and individual lot grading plans.

(H) Density of the project.

2.12. Proof of Legal/Operation Entity Eligibility to Satisfy This Requirement

The permittee must provide written documentation. If the entity is a governmental unit, the permittee must supply written proof in the appropriate form, by resolution, that the governmental entity will accept the operation and maintenance of all of the stormwater management system, including lakes, easements, etc., prior to staff report approval.

[a] Homeowner's, Property Owner's, or Master Associations

If homeowner's, property owner's, or a master association is proposed, the permittee must submit the articles of incorporation for the association, and declaration of protective covenants or deed restrictions, as well as a reference map if referred to in documents. After these are approved, the permittee must furnish the certificate of incorporation and the recording information (official book and page number) for the declaration.

[b] Condominium Association

If a condominium association is proposed, the permittee must supply the articles of incorporation for the condominium association, and declaration of condominium. After the documents are approved, it will be necessary for the permittee to forward a copy of the letter from the department of business regulation, bureau of condominiums stating that the documents are proper for filing.

[c] Association Requirements

The association, be it either a nonprofit association or a condominium association, must comply with the applicable provisions of Florida laws, specifically Chs. 617 or 718, Fla Stat.

[1] General Powers

The association must have the following general powers which are reflected in the articles of incorporation:

(A) Own and convey property.

(B) Operate and maintain common property; specifically, the stormwater management system as permitted by the City and the St. Johns River Water Management District, if required; including all lakes, retention areas, culverts, and related appurtenances.

(C) Establish rules and regulation.

(D) Assess members and enforce said assessments.

(E) Sue and be sued.

(F) Contract for services (if the association contemplates employing a maintenance company) to provide the services for operation and maintenance.

(G) The association must have as members all the homeowners, lot owners, property owners, or unit owners.

(H) The association shall exist in perpetuity; however, if the association is dissolved, the articles of incorporation must provide that the property consisting of the stormwater management system shall be conveyed to an appropriate agency of

local government. If it is not accepted, then the stormwater management system must be dedicated to a similar nonprofit corporation.

(I) All other powers necessary for the purposes for which the association is organized.

(2) Required Association Stipulations

The declaration of protective covenants, deed restrictions, or declaration of condominium must set forth the following:

(A) That it is the responsibility of the association to operate and maintain the stormwater management system.

(B) The stormwater management system is owned by the association or described therein as common property.

(C) That there be a method of assessing and collecting the assessment for operation and maintenance of the stormwater management system.

(D) That any amendment which would affect the stormwater management system, including the water management portions of the common areas, must have the prior approval of Maitland and the St. Johns River Water Management District, if required.

(E) That the declaration of covenants be in effect for at least 25 years with automatic renewal periods thereafter.

(3) Phased Projects

(A) If a property owner's association is proposed for a project which will be constructed in phases, and subsequent phases will utilize the stormwater management system for the initial phase or phases, the association should be created with the ability to accept future phases into the association.

(B) If the development scheme contemplates independent associations for different phases, a master association should be formed to include all of the various associations with the master association having the responsibility to operate and maintain the stormwater management system for the entire project.

SECTION 3. ROADS

3.1. General

The subdividing and development of any area subject to this Article shall be in conformity with the City's general goals, objectives and established City policies and plans.

3.2. Streets

(a) The arrangement, character, extent, width, grade, and location of all streets shall conform to the general City plan and shall be considered in their relations to existing and planned streets,

to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

[b] Where such is not shown in the general City plan, the arrangement of streets in a subdivision may either provide for the continuation or appropriate projection of existing principal streets in surrounding areas, or conform to a plan for the neighborhood approved by the Planning and Zoning Commission (P&Z) and adopted by the City Council to meet a particular situation where such continuation would be inappropriate.

[c] Minor streets shall be oriented to discourage through traffic.

[d] Where a subdivision abuts on or contains an existing or proposed arterial street, the developer shall provide marginal access streets, reserve frontage with screen planting contained in a nonaccess reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for the adequate protection of residential properties and to afford separation of through and local traffic.

[e] Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the City under conditions prescribed by the P&Z and approved by the City Council.

[f] Street jogs with centerline offsets of less than 200 feet shall be avoided, except where topographic situations make this provision impractical.

[g] A tangent at least 250 feet long shall be introduced between reverse curves on arterial and collector streets.

[h] When connecting street lines deflect from each other at any one point by more than ten degrees, they shall be connected by a curve with a radius adequate to insure the sight distance of not less than 150 feet from minor streets, 300 feet for collector streets, and 500 feet for arterial streets or designed in accordance with Florida Greenbook requirements, whichever is greater.

[i] Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than a 60 degree angle.

[j] There shall be no private streets or easements for street use platted in any subdivision unless so recommended by the P&Z and approved by the City Council.

[k] Minimum street right-of-way widths, unless otherwise indicated or required by law, shall be provided in accordance with Table 3.2(k): Minimum Street Right-of-Way Widths.

Table 3.2(k): Minimum Street Right-of-Way Widths

Street Type	Minimum Right-of-Way Width	Paving Width, Outside to Outside	
		Residential Zone District	Nonresidential Zone District
Major arterial	106 feet	32 feet	44 feet
Collector	70 feet	32 feet	44 feet
Minor	60 feet	27 feet	44 feet

Table 3.2(k): Minimum Street Right-of-Way Widths			
Street Type	Minimum Right-of-Way Width	Paving Width, Outside to Outside	
		Residential Zone District	Nonresidential Zone District
Marginal access	40 feet	20 feet	32 feet
Alley	20 feet	20 feet	20 feet

(1) The P&Z shall determine:

(A) Final designation of a street type from subsection (b) above. Rights-of-way for marginal access streets may be reduced when conditions warrant.

(B) Additional right-of-way width requirements when required to promote public safety and convenience or to insure adequate access, circulation, and parking in high density residential, commercial, or industrial areas.

(2) Curb radii at street intersections shall be a minimum of 25 feet.

(3) Where a subdivision abuts on or contains an existing street of inadequate right-of-way width, additional right-of-way in conformity with the above standards shall be required for new subdivisions.

(l) Half or partial streets shall be prohibited.

(m) Dead-end streets, designed to be so permanently, shall be prohibited except where designed as a cul-de-sac. They shall be provided at the closed end with a circular dedicated area with a diameter of not less than 100 feet with 80 feet width of paving. Streets terminated temporarily shall end in a cul-de-sac.

(n) Street names and lot numbers shall conform to the street naming and lot numbering plan of the City.

(o) Street grades shall be determined in relation to the drainage installations for the subdivision; wherever feasible, street grades shall not exceed five percent or be less than one-third (0.33) of a percent, unless otherwise approved by the Public Works Director.

(p) Proper sight lines must be maintained at all street intersections, and will be measured along the centerlines. There must be a clear sight triangle meeting the requirements of the Florida Greenbook.

(q) No wall, fence, or entrance gate shall be erected upon any dedicated public right-of-way unless bonded perpetual care is otherwise provided by the developer and the design is approved by the City Council.

3.3. Intersections

Street intersections shall be laid out as follows:

(a) Intersections with an arterial street or highway shall be at least eight hundred (800) feet apart measured from centerline to centerline.

(b) Property lines at street intersections shall be rounded with a minimum radius of 25 feet or of a greater radius where the Public Works Director may deem it necessary. The Public Works Director may permit comparable cut-offs or chords in place of rounded corners.

(c) On any arterial street within 150 feet of its intersection with another arterial street or thoroughfare, the right-of-way width shall be increased by at least ten feet on both sides to permit proper intersection design. This additional right-of-way shall be dedicated or conveyed as a public right-of-way easement.

(d) Intersections shall be designed to avoid the connection of more than two streets.

3.4. Easements

(a) Easements across lots, where necessary, or centered on rear or side lot lines, shall be provided for utilities and shall be at least ten feet wide with five feet on each side of the lot line, except that easements where required for installation of sanitary and storm drainage systems and to meet other special utilities requirements shall be 15 feet wide centered on the lot line or as otherwise specified by the Public Works Director.

(b) Where a subdivision is traversed by a watercourse, canal, drainageway, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. The location and width of drainage easements shall be in conformity with the master drainage plan for the City. Parallel streets or parkways may be required in connection therewith where necessary for service maintenance and other measures for safety as may be required. This maintenance strip shall be a minimum of 25 feet in width.

(c) Other easements may be required for drainage purposes, of such size and location as may be determined by the Public Works Director.

(d) Where necessary for safety and convenience, pedestrian and service easements shall be provided. Such pedestrian and service easements may include or be included in, easements required in subsections (a) through (c) above.

(e) Required easements within proposed subdivisions shall be provided at no expense to the City.

3.5. Blocks

(a) The lengths, widths, and shapes of blocks shall be determined with due regard to providing adequate building sites suitable to the special needs of the type of use contemplated, the zoning requirements as to lot sizes and dimensions, the needs for convenient access, circulation, control and safety of street and pedestrian traffic and fire protection, and the limitations and opportunities of topography, with special emphasis on drainage of the proposed subdivision and the possible adverse effects of that drainage on properties surrounding the subdivisions.

(b) Block lengths shall not exceed 1,500 feet or be less than 800 feet in residential areas, except that the Public Works Director may, where special conditions exist, recommend blocks of greater or lesser length.

(c) Pedestrian crosswalks, not less than ten feet wide, shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(d) Nonresidential blocks require length sufficient to serve the intended use without adversely affecting traffic circulation of existing or proposed surrounding streets. The width shall be sufficient to provide adequate service areas and parking without requiring excessive points of ingress and egress on abutting streets or requiring vehicular maneuvering on public rights-of-way. Lots within such blocks shall require a common vehicular access easement dedicated to the use, maintenance, and benefit of all lots within the block, or a marginal access street shall be provided to prevent points of ingress and egress from each lot to the abutting street.

3.6. Additional Right-of-Way or Pavement Width

(a) Additional right-of-way or pavement width may be required to promote public safety and convenience or to ensure adequate access, circulation, and parking. Whenever any street shows future need for improvement within the area to be developed, the appropriate right-of-way and pavement shall be required. Where a subdivision or site abuts or contains an existing street of inadequate right-of-way or pavement width, additional right-of-way and pavement in conformance with minimum City standards shall be required.

(b) Half streets shall be prohibited and where a previously dedicated half street, improved or unimproved, abuts or is within a tract to be developed, the second half of the street shall be dedicated and improved according to City standards.

(c) On divided two-lane roads (boulevards), minimum pavement width shall be 20 feet, exclusive of curbs, if any. On undivided or divided four-lane roads, minimum lane widths shall be 12 feet each, with provisions for left-turn storage, acceleration, deceleration, tapers, or channels as may be required by the Public Works Director and/or the department of transportation.

(d) Right-of-way requirements shall be based upon a twenty-year planning period according to the most current transportation plan as may be adopted. All rights-of-way shall be transferred to the governing agency by means of a recorded deed, subject to official acceptance by the governing agency.

3.7. Access

Access shall be provided as follows:

(a) The minimum number of access points to adequately serve the development shall be provided.

(b) In order to provide ease and convenience in ingress and egress to private property and the maximum safety with the least interference to the traffic flow on public streets classified collector and above, the number and location of driveways shall be regulated by the

dedication of access rights to the City. All access points shall be approved by Public Works Director.

(c) Streets stubs cross-access easements to adjoining undeveloped areas shall be provided when required to give access to such areas, to limit access points, or to provide for proper traffic circulation. Streets stubs in excess of 250 feet shall be provided with a temporary cul-de-sac turnaround.

(d) Tapers, deceleration lanes, acceleration lanes, left-turn lanes, bypass lanes, median modifications, or other design features may be required to protect the safe and efficient operation of the access street.

(e) Every lot or parcel shall be served from a publicly dedicated street; however, a developer may retain as private a local street if the following conditions are met:

(1) Public right-of-way is not required in order to serve adjacent development that is existing or projected;

(2) A permanent access easement is granted for service and emergency vehicles and for maintenance of public and semipublic utilities; and

(3) A reciprocal easement for ingress and egress is granted to all residents of the development.

(f) All lots shall front on a paved road. A development shall abut, or have as its primary access, a paved street. The developer shall pave from the entrance of the development to the nearest public paved road. Additional paving may be necessary based upon site conditions and the nature of the use. Any new paved street providing access shall meet the standards of this Code. The Public Works Director shall determine the extent of the paving necessary to serve the site.

(g) Necessary roadwork permits from FDOT, the county, and the City must be obtained prior to a building permit being issued.

(h) Access limitations shall be as follows:

(1) No new residential development shall create any parcels zoned for single-family or duplex residential uses having access on an arterial or collector.

(2) Parcels fronting on arterial or collector roads shall gain access to the arterial by satisfying the following conditions as applicable:

(A) Access to the parcel is provided jointly through existing cut(s) of an adjacent property; cross-access easements shall be provided.

(B) Access to the parcel is to be provided from a frontage road paralleling the arterial which has been planned and officially approved by the City.

(C) For corner parcels, access will be provided to the collector facility where minimum arterial frontage requirements are not satisfied.

(i) All frontages along arterials and collectors exclusive of approved road cuts or driveway cuts shall have the access rights dedicated to the City to prevent future cuts.

3.8. Commercial Driveways and Internal Circulation

(a) Vehicular circulation must be completely contained within the property and vehicles located within one portion of the development must have access to all other portions without using the adjacent street system.

(b) Acceptable plans must illustrate that proper consideration has been given to the surrounding street plan, traffic volumes, proposed street improvements, vehicular street capacities, pedestrian movements, and safety.

(c) No driveway shall be constructed in the radius return of an intersection.

3.9. Pavement (Curb) Radii at Intersections

(a) The minimum intersection radii of pavement edge, or back of curb, where used, at all typical intersections approximating a right angle shall be in accordance with Table 3.9: Minimum Intersection Radius.

Table 3.9: Minimum Intersection Radius

Category	Minimum Radius
Two-lane access	25 feet
Local to collector	35 feet
Local or collector to arterial	50 feet

(b) A taper or deceleration lane may be required on roads with a functional classification of collector or higher or 35 miles per hour or greater. Appropriate special radii shall be designed, subject to approval by the Public Works Director, for other than right-angle intersections.

3.10. Street Jogs

Street jogs with centerline offsets of less than 200 feet shall be avoided, except where topographic conditions make this provision impractical.

3.11. Cul-de-Sac

Permanent dead-end streets shall not exceed 800 feet in length without special permission of the P&Z where, due to unusual circumstances, a greater length may be deemed necessary.

3.12. Street Grade

Minimum centerline grade for all streets with curb and gutter shall be 0.5 percent. Maximum centerline grades for arterial streets shall not exceed six percent. Maximum grades for all other streets shall not exceed ten percent.

3.13. Sight Distance

All development, with the exception of single-family residential on local streets, shall comply with the sight distance specifications contained in the Florida Greenbook.

3.14. Street Names

New street names shall not duplicate, or closely approximate phonetically, in spelling or by use of alternative suffixes, such as "lane," "way," "drive," "court," "avenue", or "street," the names of existing streets, except that a new street that is an extension of or in alignment with an existing street shall bear the same name as that borne by such existing street. Street names shall be approved by DRC.

3.15. Specifications for Improvements

(a) Pavement Requirements

The requirements for pavements of streets shall be subject to the following unless a specific pavement design has been approved by the Public Works Director:

(1) Subgrade

The subgrade shall be a minimum of 12 inches and shall be compacted to 95 percent of the maximum density as determined by AASHTO T-180 test method. In addition, the top six inches shall be stabilized to a minimum Florida Bearing Value of 50 under curb areas and under limerock base.

(2) Base Course

The base course shall be constructed in accordance with the Orange County Road Construction Specifications. Subject to the recommendation of the Public Works Director, base course materials may be either limerock, soil-cement, or crushed concrete with a minimum thickness in accordance with Table 3.15(a)(2): Base Course Minimum Thickness.

Table 3.15(a)(2): Base Course Minimum Thickness

Type of Development	ADT (vehicles per day)	Base Thickness
Residential	< 1500	6 in.
Residential	1500 - 3,500	8 in.
Residential	> 3,500	10 in.
Commercial	< 1,500	8 in.
Commercial	> 1,500	10 in.

(3) Surface Course for Flexible Pavements

Asphaltic concrete surface courses shall comply with the Orange County Road Construction Specifications, latest edition, and shall meet the minimum average

thickness requirements in Table 3.15(a)(3): Asphaltic Concrete Surface Courses Minimum Thickness.

Table 3.15(a)(3): Asphaltic Concrete Surface Courses Minimum Thickness

Type of Development	ADT (vehicles per day)	Base Thickness
Residential	< 3,500	1½ in.
Residential	> 3,500	2½ in.
Commercial	< 1,500	1½ in.
Commercial	> 1,500	2½ in.

(4) For any entrance intersection improvement, the pavement section shall match the pavement section for the existing roadway.

(b) Driveways

All driveways shall be paved from the edge of the paved road to the property line using cement concrete pavement with 3,000 pounds per square inch (psi) and six inches thick or an alternative approved by the Public Works Director.

(c) Sidewalks

Concrete sidewalks, a minimum of five feet in width (except as indicated hereafter) and four inches thick (six inches thick in driveways) with expansion joints constructed every five feet, shall be constructed on both sides of all streets, except where individual lot sizes are one acre in size or larger, wherein the City may require a concrete sidewalk on one side of the street. If alternative path systems are approved instead of sidewalks, specifications for materials and design shall be approved by the City.

(d) Erosion Control

Seeding, mulching, sodding and/or other acceptable methods shall be performed as required to prevent undue erosion during all construction activities. The developer shall be required to keep accumulations of sand and earth out of the curb and gutter. Temporary siltation basins may be required during construction. Maintenance shall be provided by the developer for the two-year period of the road guarantee and for each lot until final inspection is passed.

(e) Street Name Signs, Pavement Marking, and Regulatory Signs

Required signs must be in place prior to City acceptance of the street. All signing and pavement marking shall be in accordance with the MUTCD and shall be approved by the City. If, at any time prior to final acceptance, an unforeseen need becomes apparent for signing or pavement markings that were not shown on the approved plans, the City reserves the right to require the additional sign(s) or markings in the interest of public safety and as a condition of City acceptance.

(f) **Street Name Signs**

(1) Street name signs shall be six inches in width with lettering four inches in height on anodized aluminum. Signs must use white reflective lettering with black Scotchlite high-intensity reflective background or equivalent and include the Maitland Logo. Street name sign poles shall include a two-inch galvanized-type support set in concrete. Street names shall be approved by DRC.

(2) Major streets shall be provided with at least two street name signs at the intersection on diagonally opposite corners.

(g) **Regulatory Signs**

"STOP" signs shall be required at every street intersection as a condition for acceptance of paving and drainage improvements and shall be in place prior to final inspection. The developer shall furnish and erect regulatory signs as required by the City. Regulatory signs must conform to the specifications in the MUTCD and locations of signs shall be subject to approval by the City.

(h) **Design of Transportation Facilities**

Design of transportation facilities will use those criteria published on the federal, state, and local level. These include the Florida Greenbook and the American Association of State Highway and The American Association of State Highway and Transportation Officials Policy on Geometric Design of Highways and Streets.

3.16. Traffic Impact Analysis

(a) A developer shall prepare, or have prepared, and provide the City with a traffic impact analysis when determined to be necessary by the City.

(b) The traffic impact analysis shall be prepared, signed, and sealed by a qualified traffic engineer.

(c) All traffic impact analysis requirements shall be coordinated with the Public Works Director.

3.17. Standard Street Lighting

If street lighting is proposed, the lights shall be spaced no greater than 100 feet apart and shall be limited to the following types:

(a) All new public streets and commercial and multifamily access points shall be lit. Coordination with Duke Energy for installation of lighting is required.

(b) Photometric plans shall demonstrate adequate lighting is provided at all crosswalks and access points to public ROW in accordance with the land development code.

SECTION 4. WATER AND SEWER

Water and sewer systems shall be designed according to engineering standards as may be adopted by the City. The following standards shall be followed:

4.1. Water Facilities

(a) General

(1) All development is required to be on the City's central potable water system, except when prohibited by law or not available, and in accordance with the criteria outlined in this section.

(2) For those developers wishing to share the cost of offsite line extensions or improvements, a developer's agreement may be executed which requires that payment for such lines shall be the responsibility of the developer or may be shared with the City. Such agreements may be negotiated on a case by case basis. In no event shall the City be required to agree to anything more than a reimbursement of the costs attributable to other future users of such lines on a pro-rata basis. All costs of any onsite portion of the sewer system or any individual connection will be borne by the developer.

(3) This section sets forth the general requirements for design and installation of water distribution systems for potable service.

(b) Design Standards

(1) Reference

Normal flow demands for design shall be calculated on the basis of full ultimate development as known or projected. Design calculation shall use the following data:

(A) Average Daily Flow and Peak Flows

Average daily water flow shall be calculated by referencing the equivalent residential connection (ERC) flow rates as outlined in the Orange County Utilities Standards and Construction Specifications Manual, Appendix E, "ERC/ERU Design Factors" Table No. 4.3(b)(1)(i). Water flow rates shall be based on a maximum day to average day peaking factor of 2.0 and a peak hour to average day peaking factor of 4.0.

(B) Flows per Fixture Count

Where indicated in the Orange County Utilities Standards and Construction Specifications Manual, Appendix E, "ERC/ERU Design Factors" Table No. 4.3(b)(1)(i), flows based upon fixture count shall be calculated per the ERU/ERC design factors indicated in Table No. 4.3(b)(1)(ii).

(2) Life Span of System

The water systems shall be designed and constructed for an economic life of not less than 40 years.

(3) System Size Computation

(A) Owner's/developer's engineer shall submit signed, sealed, and dated design calculations with the plans for all water distribution projects. Calculations shall show that the water mains will have sufficient hydraulic capacity to transport:

1. Peak hourly flow; and

2. A combination of maximum daily flow with fire flow.

(B) The allowable minimum service pressure under said design condition shall not be less than 20 pounds per square inch. Design computation shall be the "Hardy Cross" procedure, or other applicable methods, as dictated by the system configuration. Design friction losses for water mains shall be determined using a Hazen-Williams friction coefficient of C = 100. Velocity at peak hourly flow shall not exceed five fps. Velocity at maximum daily flow with fire flow shall not exceed ten fps. Design flows and method of computation shall be subject to review and approval by the Public Works Director.

[4] Valve Locations

Valves shall be provided for all branch connections, dead ends, fire hydrant stubs, or other locations, as required to provide an operable, easily maintained, and repairable water distribution system. Valves are to be placed so that the maximum allowable length of water main shut down for repair work shall be 500 feet in commercial, industrial, or multifamily residential areas, or 1,000 feet in other areas. Three valves shall be required at tees and four at crosses unless in-line valves are sufficiently close so as to duplicate this requirement. On curbed streets the exact location for each installed valve shall be marked by etching or cutting a "V" in the concrete curb and painted blue. Minimum letter dimensions shall be a height of six inches, a width of three inches, and a depth of one-eighth inch. Where no curb exists or is planned, locations shall be adequately marked by with a "V" cut into the adjacent roadway and painted blue.

[5] Prohibited Locations

(A) No water meters or flow measuring devices shall be installed on any main serving a fire hydrant, standpipe, or sprinkler system (with the exception of approved backflow prevention assemblies and water measuring devices for fire lines as approved by Factory Mutual or Underwriters Laboratory) or unless specifically approved by the Public Works Director and fire marshal in accordance with sound engineering principles. Approval shall be predicated on positive demonstration by the applicant that head losses imposed by the devices are explicitly considered in the design of the distribution system.

(B) Water mains shall not be placed under retention ponds, tennis courts, buildings or other structures. Water mains shall not be located along side or rear lot lines, unless specifically approved by the Public Works Director.

[6] Looped Mains

All mains shall be looped on the main size required for the area, when possible. The fire marshal and the Director of Public Works shall approve the size of looped extensions authorized in developed areas where existing water mains do not conform with the requirement of this section.

(7) Distribution System Extensions

Distribution systems must be extended across the full property frontage to facilitate future connection and extension at the property developer's expense. Alternative easement widths may be provided with the approval of the Public Works Director. Consideration of alternative widths shall be based upon sound engineering principles and demonstration by the applicant that such alternate easement width is necessary due to unique site conditions or proximity to potentially conflicting features or structures. Public water mains shall be located in right-of-way or utility easements. All public water mains located outside of dedicated right-of-way shall require a minimum 20-foot utility easement. Alternative easement widths may be provided at the discretion of the Public Works Director. If a public water main is located adjacent to a right-of-way, a minimum ten-foot utility easement shall be provided.

(8) Minimum Line Size

Other than individual building services, no line smaller than four inches will be allowed. Water lines serving fire hydrants in single-family detached residential developments shall be a minimum of six-inch looped or eight-inch dead end (total length not to exceed 600 feet). Distribution system extensions shall be sized at the Public Works Director's direction up to 12 inches in diameter, but in no case smaller than required to serve the proposed project. Over-sizing of mains beyond 12 inches may be required. With the approval of the Public Works Director and concurrence of the city commission, additional expense for systems over 12 inches may be funded by the city.

(9) Florida Department of Environmental Protection (FDEP) Requirements

Developers must obtain and comply with the terms of FDEP permits for system extensions. A permit must be issued by FDEP and provided to the city before any work is initiated on the water system.

(c) Standard Requirements

(1) Joint Restraining

Pressure piping fittings and other items requiring restraint shall be braced with thrust blocks or restraining assemblies as required by design. Restraining devices shall be designed for the maximum pressure condition (testing) and the safe bearing loads for the horizontal thrust, if thrust blocking is used.

(2) Pipe Depth and Protection

The standard minimum cover for water distribution systems shall be 36 inches from the top of the pipe to finish grade. However, should this design not be feasible, protective concrete slabs shall be provided over the pipe within the limits of the lesser cover with the approval of the Public Works Director. Where waterways, canals, ditches, or other cuts are crossed, protective concrete slabs or casing pipes shall also be installed across and to ten feet each side of the bottom. Additionally, approved utility crossing signs shall be placed on the alignment at each side of the canal, etc.

[3] **Connections at Structures**

Where pipes are to extend into or through building structures, flexible joints are to be provided at the wall face. Conflict structures at the crossing of water system pipes and other utilities will be considered on a case-by-case with approval by the Public Works Director.

[4] **Special Exterior Protection for Corrosion**

Extra protection shall be provided for underground ductile iron pipe and fittings within areas of severe corrosive conditions. This shall be accomplished by the installation of polyethylene encasement, through the area of concern. The soil test evaluation to determine the necessity for extra protection in suspect areas shall be set forth in ANSI standard A21.5. Additionally, where other existing utilities are known to be cathodically protected, ductile iron pipe crossing said utility shall also be provided. Steel pipe shall not be installed in severe corrosion areas.

[5] **Air Venting and Flushing Assemblies**

Where the water main profile is such that air pockets or entrapment could occur, methods for air release shall be provided. Air venting capabilities shall be provided for distribution mains by appropriately placing fire hydrants, flushing assemblies, or other manual devices. At critical points on major mains, automatic air release assemblies may be installed. Special care shall be taken to preclude any cross-connection possibility in the design of automatic air release valve application. All dead-end water mains, temporary or permanent, shall be equipped with a manually or automatically operated flushing assembly at the terminal. Flushing assemblies shall be a minimum of two inches and enclosed in a submerged readily accessible structure per standard detail.

[6] **Service Connections**

Connections to water mains four inches and larger shall be made by drilling the appropriate size hole and installation of service saddle, with services to smaller size accomplished by in-line fittings. Water service lines from the main to the curb stop shall have minimum diameter of one inch for single services and 1½ inches for multiple service. No change to meter size is required. The service line shall extend into the area between the curbing and sidewalk, perpendicular to said line, and shall terminate with a plugged curb stop, pending meter installation. Meters shall be located between the roadway and sidewalk, or in the easement behind the sidewalk, excluding driveway aprons. Water meters installed on private property must have prior approval by the Public Works Director. All curb stops shall be the double service type where possible and one piece brass construction with locking provisions. A distance of 7½ inches shall be required between meter connection branches. Only two-inch and smaller corporation stops shall be of the ball type. Service line depth shall be eight inches below final grade at termination point.

(d) Testing

(1) Water Distribution Systems

The contractor shall perform hydrostatic testing of all water distribution systems, as set forth in the following, and shall conduct said tests in the presence of representatives from the Public Works Director and/or other authorized agencies, with 48 hours advance notice provided.

(2) Piping and Appurtenances

Piping and appurtenances to be tested shall be within sections between valves, unless alternate methods have received prior approval from the Public Works Director. Testing shall not proceed until concrete thrust blocks, if allowed, are in place and cured, or other restraining devices installed. All piping shall be thoroughly cleaned and flushed prior to testing to clear the lines of all foreign matter. While the piping is being filled with water, care shall be exercised to permit the escape of air from extremities of the test section, with additional release cocks provided if required.

(3) Hydrostatic Testing

(A) Hydrostatic testing on proposed public utility water lines shall be performed at 150 pounds per square inch pressure, unless otherwise approved by the city engineer, for a period of not less than two hours. Testing shall be in accordance with the applicable provisions as set forth in AWWA Standard C600 for ductile iron pipe and C605 for polyvinyl chloride pipe. The allowable rate of leakage shall be less than the number of gallons per hour determined by the following formula:

1. $(L = SD \times (P)^{1/2}) / 148{,}000$

2. For 150 psi test: L = 0.00331

3. Legend

a. L = Allowable leakage in gallons per hour

b. S = length of pipe tested, in feet

c. D = Nominal inside diameter of the pipe in inches

d. P = Average test pressure maintained during the leakage test in pounds per square inch gauge

(B) Hydrostatic testing on proposed private water lines supplying private fire hydrants or private fire protection systems shall be performed at 200 pounds per square inch pressure, unless otherwise approved by the Public Works Director, for a period of not less than two hours.

(4) Amount of Loss

The testing procedure shall include the continued application of the specified pressure to the test system, for the two-hour period, by way of a pipe taking supply from a

container suitable for measuring water loss. The amount of loss shall be determined by measuring the volume displaced from said container.

[5] Test Failure

Should the test fail, necessary repairs shall be accomplished by the contractor and the test repeated until within the established limits. The contractor shall furnish the necessary labor, water, pumps, gauges, and all other items required to conduct the required water distribution system testing and perform necessary repairs.

[6] Testing and Material Documentation

The contractor shall, if requested by the City, furnish certificates, affidavits of compliance, test reports, or samples for analysis. All materials delivered to the project site for installation is subject to random inspection and testing for compliance with city and design specifications.

[e] Disinfection

[1] Disinfection Following Pressure Testing

Following the pressure testing, the contractor shall disinfect all sections of the water distribution system, and receive approval thereof from the appropriate agencies, prior to placing in service. Advance notice shall be provided to the City Engineer before disinfection and shall be accomplished with the applicable provisions of AWWA standard C651, Disinfecting Water Mains, and all appropriate agency approvals.

[2] Water Test

Care shall be taken to provide disinfection to the total system and extremities shall be carefully flushed to accomplish this end. After disinfection has been accomplished, samples of water for bacteriological analysis shall be collected and submitted to a laboratory certified as being proficient in bacteriological parameters required under the Safe Drinking Water Act by the Florida Department of Environmental Protection (FDEP) or other appropriate approval agency. Should these samples or subsequent samples prove to be unsatisfactory, then the piping shall be disinfected until a sufficient number of satisfactory samples are obtained.

[3] Required Equipment

The contractor shall furnish all equipment and materials and perform the work necessary for the disinfecting procedures, including additional disinfection as required.

4.2. Sewer Facilities

[a] General

[1] All development is required to be on the City's central sewer system, except when prohibited by law or not available, and in accordance with the criteria outlined in this section.

(2) For those developers wishing to share the cost of offsite line extensions or improvements, a developer's agreement may be executed which requires that payment for such lines shall be the responsibility of the developer or may be shared with the City. Such agreements may be negotiated on a case by case basis. In no event shall the City be required to agree to anything more than a reimbursement of the costs attributable to other future users of such lines on a pro-rata basis. All costs of any onsite portion of the sewer system or any individual connection will be borne by the developer.

(3) The goal of the City is to meet the requirements for applicable sections of the latest version of the Recommended Standards for Wastewater Facilities (Ten States Standards) as contained in the latest version of the Florida Department of Environmental Protection (FDEP) Notification/Application for Constructing a Domestic Wastewater Collection/ Transmission System.

(b) Gravity Sewer Design

(1) Average Daily Flow (ADF)

The sewer system design shall be based on full ultimate development as known, or projected. The ADF shall be determined from the Orange County Utilities Standards and Construction Specifications Manual, Appendix E, "ERC/ERU Design Factors" Table No. 4.3(b)(1)(i). ERU flow factor information contained in Table No. 4.3(b)(1)(i) and Table No. 4.3(b)(1)(ii).

(2) Peak Design Flow

Gravity mains shall be designed on the basis of ultimate development maximum rates of flow, which shall be the product of selected peak factors multiplied by the accumulative average daily flow as calculated above. The minimum peaking factor, provided in Orange County Utilities Standards and Construction Specifications Manual, Table 2310-1 shall be applicable for the range of average daily flow rates.

(3) Sewer Size Computation

(A) Calculations shall indicate gravity mains shall not be more than 75 percent full at peak flow. The minimum allowable size for any sewer, other than service connections, shall be eight inches in diameter. All sewers shall be designed at slopes providing a minimum velocity of not less than two feet per second when flowing full. Said computation shall be based on Manning's Formula, using a roughness coefficient ("N") of not less than 0.013, unless justifiably approved otherwise. In general, Orange County Utilities Standards and Construction Specifications Manual, Table No. 2310-2 contains the minimum slopes for sewer sizes to 36 inches.

(B) Minimum slopes slightly less than those indicated may be considered in extreme situations; provided the depth of flow will not be less than 0.3 of the pipe diameter or the velocity less than 1.6 feet per second at design average daily flow, and justifiable reasons for the modification are presented to the Public Works Director.

[4] Design Consideration

(A) Sewers 24 inches in diameter or less shall be installed with straight alignment and uniform grade between manholes. Manhole spacing shall not to exceed 400 feet, unless approved by the Public Works Director.

(B) All sanitary sewers shall terminate at manholes except under special conditions, such as short runs into cul-de-sacs, etc., where lampholes may be considered. Lampholes shall be large enough to accommodate a jet rodder.

[5] Access Structurles or Manholes

(A) Manholes shall be precast concrete. The minimum inside diameter of manholes shall be 48 inches for sewer sizes up to 30 inches in diameter, with submittal of special designs for larger pipes. Manholes are to be placed at one end of jack and boring sections for gravity sewer lines. No interior ladders shall be permitted in manholes. Minimum wall thickness shall be five inches.

(B) Precast, reinforced manholes shall be in accordance with ASTM designation C478.

(C) Manhole frames and covers shall be gray cast iron conforming to ASTM designation A48, Class 30B, and shall have a nominal minimum 24-inch opening. Covers shall have no perforations. Frames and covers shall be approved by the Public Works Director and be fully bedded in mortar to the correct finish grade elevation, with adjustment cast iron ring, as detailed for precast manholes. All manhole covers shall be traffic bearing weight to meet AASHTO H-20 loadings.

(D) Manhole flow channels shall have smooth and carefully shaped bottoms, built up sides and benching constructed from concrete. Channels shall conform to the dimensions of the adjacent pipe and provide changes in size, grade, and alignment evenly.

(E) Concrete for manholes shall be Type II, 4000 psi at 28 days. Barrel, top, and base sections shall have tongue and groove joints. All jointing material shall be a cold adhesive preformed plastic gasket, conforming to ASTM C 443 “Manhole Section Connections.” Manholes shall be leak-free. New concrete structures shall contain a crystalline waterproofing concrete admix for all new concrete structures including but not limited to manholes, ARV vaults, wetwells, and wetwell top slabs. Crystalline Waterproofing Concrete Admix shall be added to the concrete during the batching operation. Admix concentration shall be added based upon manufacturer design percent concentration of admixture to the required weight of cement. The amount of cement shall remain the same and not be reduced. A colorant shall be added to verify the admix was added to the concrete for all precast structures. Colorant shall be added and provided at the admix manufacturing facility, not at the concrete batch plant. It is recommended that the admix be added first to the rock and sand and blended thoroughly before adding cement and water or per the manufacturers recommendations. Concrete structures without crystalline waterproofing admix or admix without colorant for field verification shall be

rejected. CONTRACTOR shall provide certification from the pre-caster that the admix was installed in accordance with the manufacturers' instructions.

(F) Sewer clean-outs not in the pavement shall have concrete aprons around their tops, flush with the finished grade, with minimum dimensions of 18 by 18 by four inches with reinforcement.

(G) Outside drops shall be provided when pipe inverts are more than 24 inches from manhole bottoms.

(H) Doghouse type manholes are not permitted unless approved by the Public Works Director.

[6] Pipe Depth and Protection

Special care shall be exercised in the design and installation to provide adequate bedding for the type of pipe used taking into consideration trench width and depth, superimposed loadings above grade and the material below trench grade. Pipe loading capabilities shall be computed in accordance with established design criteria and special supporting bedding or facilities shall be provided as required. Minimum cover in all cases shall be 36 inches except where a protective cover is provided as approved by the Public Works Director.

[7] Pipe Bedding

Special care shall be exercised in the design and installation to provide adequate bedding for the type of pipe used, taking into consideration trench width and depth, superimposed loadings above grade and material below trench grade. Pipe loading capabilities shall be computed in accordance with established design criteria and special supporting bedding or facilities shall be provided as required.

[8] Connections at Structures

Where sanitary sewers connect to manholes or other structures, the pipe bell shall not be installed at the wall face. Connection material shall permit permanent adhesion by cement grout.

[9] Transition Connections

Where pipes of alternate materials are to be connected between manholes, suitable approved transition couplings shall be installed.

[10] Pipe Cutting

The cutting of pipe shall be performed by the proper tools and methods.

[11] Service Connections

Installation shall be performed by the proper methods, including the wye branches installed in the sewer main at the point of connection, and the service pipe and required fittings extended to the property line, perpendicular to said line, terminating with stoppered ends or fittings. The minimum service pipe size shall be six inches in diameter. All services shall be of the single connection type unless approved by the Public Works

Director. With new development or redevelopment, a clean-out will be installed at the edge of the public right of way to delineate the public main line versus the private lateral. On curbed streets the exact location for each service connection shall be marked by etching or cutting a "X" and letter "SL" in the concrete curb and painted green. Minimum letter dimensions shall be a height of six inches, a width of three inches, and a depth of one-eighth inch. Where no curb exists or is planned, locations shall be adequately marked by with a "X" and letter "SL" cut into the adjacent roadway and painted green.

[12] Protection of Water Systems

The horizontal separation between sanitary sewers and existing or proposed water mains shall not be less than ten feet. Special consideration will be given where this is not possible. Unless sewer pipes cross below water mains with a vertical separation of 18 inches between the bottom of the water pipe and the top of the sewer, special protection shall be provided.

[c] Sanitary Sewage Force Mains

[1] Design Standards

(A) Reference

The goal of the City is to meet the requirements for applicable sections of the latest version of the Recommended Standards for Wastewater Facilities (Ten States Standards) as contained in the latest version of the Florida Department of Environmental Protection (FDEP) Notification/Application for Constructing a Domestic Wastewater Collection/Transmission System.

(B) System Design

Force main systems shall be of adequate size to efficiently transmit the total ultimate peak operational flows, applied by the connected sewage pumping station(s) to the effluent point. Consideration shall be given to possible future connecting pumping stations and this probability shall be reviewed with the Public Works Director. Capacity computations shall be coordinated with the proposed pumping system(s), along with any future flow requirements, if applicable. In order to provide adequate pipeline cleansing, force main flow velocity shall not be less than two feet per second at ultimate design minimum pumping capacity; or exceed ten feet per second as a maximum; however, with multiple pumping station systems or phase development, this requirement may not be possible, and the system design shall receive special attention regarding cleaning maintenance.

(C) Operational Cost Considerations

In addition to initial capital expenditure, long term pumping station operational costs shall also receive consideration when sizing force main systems.

(2) Standard Requirements

(A) Joint Restraining

Pressure piping fittings and other items requiring restraint shall be braced with thrust blocks or restraining assemblies as required by design. Restraining devices shall be designed for the maximum pressure condition (testing) and the safe bearing loads for the horizontal thrust, if thrust blocking is used.

(B) Pipe Depth and Protection

The standard minimum cover for sewage force main systems shall be 36 inches from the top of the pipe to finish grade. Where this condition cannot be met, special consideration will be given.

(C) Air and Vacuum Venting

Where the force main profile is such that air pockets or entrapment could occur resulting in flow blockage, provisions for air release shall be provided. Where free flow will occur during operation or after pumping stops, combined air release and vacuum valve assemblies shall be provided.

(D) Valve Locations

Valves shall be installed on all force mains at the point of connection to another main and where force mains are to be extended. At predetermined connection branches or ends, the valves shall be restrained by methods other than thrust blocking in order to facilitate said connection without system shut down.

(E) Clean-Out Connections

Should force mains appear to be susceptible to sedimentation clogging, as created by depressed crossings or extended low flow (velocity) periods, suitable clean-out connections shall be provided where approved by the Public Works Director.

(F) Terminal Discharge

Force mains shall enter the terminal facility (gravity sewer manhole, pumping station wet well, or other) at a point equal to the operational water level of said receiving unit. Should an elevation drop be required to obtain the outlet connection, an outside drop connection shall be provided.

(G) Terminal Discharge Manholes

Receiving manholes and the next manhole downstream which accepts the direct discharge from a sanitary sewer force main shall be lined per the manufacturer's requirements, to withstand the possible high levels of hydrogen sulfides.

(3) Testing

(A) The contractor shall perform hydrostatic testing of all sanitary sewage force mains, as set forth in the following, and shall conduct said tests in the presence of representatives from the Public Works Director and/or other authorized agencies with 48 hours advance notice provided.

(B) Piping and appurtenances to be tested shall be within sections between valves or adequate plugs, with prior approval from the Public Works Director. Testing shall not proceed until concrete thrust blocks are in place and cured, or other restraining devices installed. All piping shall be thoroughly cleaned and flushed prior to testing to clear the lines of all foreign matter. While the piping is being filled with water, care shall be exercised to permit the escape of air from extremities of the test sections, with additional release blocks provided if required.

(C) Hydrostatic testing on proposed public utility water lines shall be performed at 150 pounds per square inch pressure, unless otherwise approved by the city engineer, for a period of not less than two hours. Testing shall be in accordance with the applicable provisions as set forth in AWWA Standard C600 for ductile iron pipe and C605 for polyvinyl chloride pipe. The allowable rate of leakage shall be less than the number of gallons per hour determined by the following formula:

1. $(L = SD \times (P)^{1/2}) / 148{,}000$

2. For 150 psi test: L = 0.00331

3. Legend

a. L = Allowable leakage in gallons per hour

b. S = length of pipe tested, in feet

c. D = Nominal inside diameter of the pipe in inches

d. P = Average test pressure maintained during the leakage test in pounds per square inch gauge

(D) Hydrostatic testing on proposed private water lines supplying private fire hydrants or private fire protection systems shall be performed at 200 pounds per square inch pressure, unless otherwise approved by the Public Works Director, for a period of not less than two hours.

(E) The testing procedures shall include the continued application of the specified pressure to the test system, for the two-hour period, by way of pump taking supply from the container suitable for measuring the volume displaced from said container.

(F) Should the test fail, necessary repairs should be accomplished by the contractor and the test repeated until within the established limits. The contractor shall furnish the necessary labor, water, pumps, gauges, and all other items required to conduct the required sanitary sewage force main testing and shall perform the necessary system repairs required to comply with the specified hydrostatic test.

(d) Sewage Pumping Stations

(1) Design Standards

(A) References

The goal of the City is to meet the requirements for applicable sections of the latest version of the Recommended Standards for Wastewater Facilities (Ten States Standards) as contained in the latest version of the Florida Department of Environmental Protection (FDEP) Notification/Application for Constructing a Domestic Wastewater Collection/Transmission System.

(B) Design Flows

Sewage pumping station wetwell shall be designed for the total ultimate development flow from all contributory areas. The maximum required pumping capability shall be the product of selected peak factors times the average daily design flow. See sizing information in Section 4.4(b)(2).

(C) Pump Selection

1. For pumping stations with a maximum flow demand of 1,500 gallons per minute (GPM) or less, a minimum of two pump units shall be provided. Where the peak design flow exceeds 1,500 GPM, three or more units shall be included in the facility.
2. The selected sewage pump system shall have the minimum capability of pumping the design peak flow at the maximum computed system total dynamic head (TDH) requirements with the largest pump out of service.
3. Head-capacity curves shall be prepared for the proposed pumping system in order to determine the various operational conditions. Hydraulic computations shall be in accordance with good engineering practice, with pipe friction loss calculated by the “Hazen-Williams Formula,” using standard friction factors based on the materials utilized.

(D) Wet Well Design

The wet well structure shall provide a minimum capacity between operational water levels sufficient to allow a minimum of ten minutes between successive starts of the pumps, when the influent rate is one-half the maximum one-pump capacity. Low water levels shall provide adequate submergence to preclude pump inlet vortexing, air binding, or other design considerations. Operational maximum high-water levels shall not exceed the invert elevation point of the lowest influent gravity sewer pipe. Additionally, where the wet well extends below the groundwater table, the structure shall be designed to eliminate any possibility of flotation. No interior ladders shall be permitted in the wet well.

(E) Station Water System

All sewage pumping stations shall be provided with a station water system, with adequate capacity and pressure, for wash-down or other requirements. Said supply shall be completely separated from the potable supply by use of reduced pressure type backflow preventors or other approved protective systems.

(F) Emergency Power Connections

For sewage pumping stations not equipped with stationary standby power generators, connections shall be provided for emergency power. Lift stations will be equipped with a 200 amp generator receptacle that is compatible with the City's mobile generators.

(G) Sewage Pumps and Motors

1. General

Sewage pumping units shall be capable of handling raw, unscreened sewage and shall be capable of passing a sphere of at least three inches in diameter. Pumps shall be Xylem Flygt Submersible Pumps unless an alternate manufacturer is approved by the Public Works Director. Pumps shall provide the required peak design performance requirements and be suitable for operation within the total hydraulic range of operation.

2. Pump Motors

Electrical pump motors should be non-overloading, excluding service factor, throughout the entire operating range of the pumps.

3. Pump Controls

Each pumping station control system shall include a liquid level controller which shall sense the sewage level in the wetwell and provide appropriate signals to the logic circuits to produce the required mode of operation for the pumping facilities. Capability shall be provided for manual start-stop control for all pumping units, as well as the normal automatic control from the liquid level sensing and logic circuits. An automatic alternator shall change the starting sequence on each pump cycle. High-water level alarm system shall be provided. Each sewage pump shall be provided with an elapsed time meter to indicate pump running time and phase protection. The submersible stations controls shall be manufactured by Sta-Con, Inc. The panel location shall be approved by the wastewater division.

4. Submersible Pump Facilities

a. Installation shall include the removable pump units, aluminum access frame and cover, stainless steel pipe pump guide bars, stainless steel brackets and associated hardware, pump discharge connection, and other necessary appurtenances. Individual discharge pipes shall extend

from each pump to an accessible, well protected and drained valve vault, in which the plug and check valves shall be installed.

b. All lift stations shall have a bypass system installed with the correct valving.

c. Pump pulling cables shall be sized according to weight of pump (not less than 3/8-inch stainless chain).

(H) Perimeter Fencing

All pumping stations shall have a six-foot security fence around their perimeters unless waived by the Public Works Director. Access gates shall be of sufficient size to permit easy removal of equipment for maintenance. Plantings shall be required where aesthetics are a concern. A paved stabilized roadway shall be provided where the pumping station is not directly adjacent to a paved roadway.

4.3. Fire Flow and Hydrant Requirements

(a) General

Fire flow and hydrant requirements shall be in conformance with Chapter 6 and Sec. 16-69 of the City Code.

(b) Spacing and Installation

Hydrants shall be spaced and installed according to the following schedule:

(1) Single-Family Detached Residential

(A) 800 feet between fire hydrants.

(B) No building further than 600 feet from a fire hydrant.

(2) All Other Buildings

(A) 500 feet between fire hydrants.

(B) No building further than 400 feet from a fire hydrant.

(c) Measurement of Required Distances

The required distance between all hydrants shall be measured along the road right-of-way, approved access easements, or approved access routes, as a fire apparatus would travel. Distances shall not be measured across private property not designed and approved for Fire Department access. Fire hydrants shall not be accessed across medians or major roadways with traffic counts of more than 30,000 vehicles per day, unless specifically approved by the fire marshal. The distances above shall be measured independently of the hydrants on the opposite of said roadways.

(d) Connections

Hydrants shall be connected to mains in accordance with the city's current standard detail and construction requirements. Each hydrant shall be able to be isolated from flow through use of a proximate watch valve.

(e) Free Flow Requirements

An approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises upon which facilities, buildings, or portions of buildings are hereafter constructed or moved into the jurisdiction as prescribed in the Florida Fire Prevention Code recognized in Sec. 6-14(a) of the City Code. The minimum accepted fire flow for any existing single family dwelling shall be not less than 500 Gallon Per Minute (GPM); and 1,000 GPM for exiting residential duplex dwellings. Where hydraulic calculations are utilized to prove the required fire flow is available, the minimum acceptable design pressure shall be not less than 25 psi. When determined by the City that the adopted fire flow requirements cannot be met, the City shall have the authority to accept alternative methods as it deems appropriate.

(f) Fire Hydrants

(1) Manufacturer

All fire hydrants shall have a minimum 5¼-inch valve opening and shall be manufactured and tested in complete accordance with the latest edition of AWWA C502, Standard for Dry-Barrel Fire Hydrants, as published by the American Water Works Association and shall be installed in accordance with city standards.

(2) Nozzles

Hydrants shall have one 4½-inch pumper nozzle and two 2½-inch hose nozzles. The nozzle caps shall be furnished with rubber gaskets to prevent leakage. The thread and operating nut shall not be painted; the barrel of the hydrant shall be painted red.

(3) Stem Threads

Bonnet shall be of dry top design. All stem threads and bearings shall be protected with an automatic self-oiling or grease case system. Stem thread shall be low friction acme. Hydrants with stem threads (upper or lower) that are constantly exposed or immersed in the water shall not be acceptable.

(4) Traffic Design

Hydrants shall be traffic design with a break flange and lugs just above the ground line. Undercut bolts are not acceptable. Hydrants shall be compression type main valve that opens against the pressure. All operating parts, including valve seat, shall be removable through the barrel, without digging. The shoe shall have drain holes that will operate automatically. Toggle joints and mechanically operated drain valves are not acceptable. Main valve opening shall be at least 5¼ inches to assure optimum flow.

[5] Flow Charts

Flow charts shall be submitted for all hydrants. Flow charts shall be based on five-foot trench with six-inch diameter inlet. Flow loss shall not exceed 3.80 psi at 1,000 GPM through 4½ inch pumper or four psi through 2½ inch nozzles.

[6] Vertical Distance

The vertical distance from the centerline of the nozzle caps to finished grade shall be 18 inches minimum. Hydrants shall be installed with breakable flange at a four-inch maximum distance above ground line.

[7] Acceptable Manufacturers of Hydrants

The hydrants acceptable shall be either the Kennedy K81Guardian with a 5¼-inch barrel, or American Darling B84B5 with 5¼-inch barrel or Mueller Super Centurion with a 5¼-inch barrel.

[8] Installation

Hydrants shall be installed plumb and in true alignment with the connection pipes to the water main. They shall be securely restrained.

[9] Placement

Hydrants shall be located no less than five feet and no more than ten feet from the edge of pavement of the adjacent roadway and no less than five feet away from any physical feature which may obstruct access or view of any hydrant. In cases where this distance conflicts with the sight triangle, special review shall be made by the Public Works Director and fire marshal to determine acceptable location. Steamer port shall be correctly positioned for the proper connections.

[10] Valve Locations

An approved hydrant valve shall be located at and permanently connected to the water main tee with two rods at 180 degrees to each other on either side of the valve.

[11] Fire Flow Tests

Fire flow tests will be conducted by the installer per NFPA 291 "Recommended Practice for Fire Flow Testing and Marking of Hydrants" and witnessed by the Public Works Director upon completion of construction. Such fire flow tests must conclusively demonstrate that engineering and construction standards have, in fact, produced the requisite fire flows prior to occupancy of structures.

[12] Painting and Pavement Marking of Fire Hydrants

(A) Hydrants on Public Utility Lines

1. All fire hydrants on public utility lines shall be painted silver. Color coding of the hydrants to illustrate available fire flow amounts shall be accomplished per the guidelines of NFPA 291, Recommended Practices for Fire Flow Testing and Marking of Hydrants.

2. In new installations, the contractor shall be responsible for painting the fire hydrant silver. The city shall flow test and paint the bonnet the appropriate color.

3. In existing public installations, the city is responsible for painting the hydrant and bonnet.

(B) Hydrants on Private Lines

1. All fire hydrants on private lines shall painted red. Color coding of the hydrants to illustrate available fire flow amounts shall be accomplished per the guidelines of NFPA 291, Recommended Practices for Fire Flow Testing and Marking of Hydrants.

2. In new installations, the contractor shall be responsible for painting the fire hydrant red, performing the flow test and painting the bonnet the appropriate color. In existing installations, the private hydrant owner shall be responsible for painting the hydrant barrel red, performing the flow test and painting the bonnet the appropriate color. The private hydrant owner shall be responsible for performing annual flow tests and painting as necessary.

SECTION 5. PROJECT CLOSEOUT

At project closeout, as-built and record drawings shall be provided in accordance with the following:

[a] As-built drawings shall be provided by the contractor to the City at least three weeks prior to final inspection. All as-built data shall be provided by a Florida Licensed Surveyor, signed, sealed, and dated by the responsible party.

[b] All record drawings shall be prepared by the contractor in ACAD format using construction plan sheets provided by the engineer. As-built information shall be field verified, measured, added to the ACAD files of the construction plan sheets provided by the engineer, and certified, signed and sealed by the contractor's licensed surveyor who will be responsible for the accuracy of all dimensions and elevations. Sheet sizes and the scale of the record drawings shall match sheet sizing and scale of the construction plans. Add blowup details if necessary.

[c] The x, y and z location based on the coordinate system Florida East Zone State Plane coordinate feet NAD 83, of all valves (center of pipe), manholes, inlets, valve boxes (grade), hydrants (grade), blow offs (grade), sample points (grade), and meter boxes (grade) etc. shall be clearly shown. Acceptable position accuracy shall be sub-meter or better for compatibility with global positioning system (GPS) equipment. The vertical datum used shall be NAVD 88 unless otherwise shown on the construction plans.

[d] The surveyed as-built location of the newly constructed facilities shall be in an ACAD overall base drawing which is in state plane. Providing "paper space" views that are not in state plane of the constructed facilities is not acceptable. Providing northing and easting point tables on separate new sheets added to the construction plans is not acceptable. The as-built

northing and easting data must be on the individual construction plan sheets to which the data applies.

(e) The as-built information is to include, but not be limited to, the following:

(1) Horizontal locations and vertical elevations for all utility and storm structures including but not limited to manholes, inlets and cleanouts, including structure top and invert elevations.

(2) Distance along pipelines between structures.

(3) Stormwater pond top of berm and pond bottom elevations and horizontal dimensions measured at a minimum of ten locations per pond, at locations designated by the engineer. Top of pond horizontal dimensions are also to be tied to property corners, easements, and rights-of-way.

(4) Stormwater control structure dimensions and elevations, including all weirs, slots, orifices, grates, and skimmers.

(5) Stormwater conveyance systems including dimensions, elevations, contours, and cross sections.

(6) Horizontal locations and vertical elevations of all utility valves, fittings, connection points, etc.

(7) Vertical elevations of all pipelines at crossings of potable water mains (whether the water main is existing or new) in order to document that the minimum required vertical separation has been met.

(8) Grade elevation above utility pipeline where vertical elevations are required at all utility valves, fittings, connection points, etc.

(9) Utility pipeline tied horizontally to edge of pavement and right-of-way lines, located every 200 feet plus all changes in horizontal offset.

(10) Vertical elevations of the top of casing and top of carrier pipe measured at each end of crossings that have been jack and bored.

(11) Horizontal locations (state plane coordinates and stations and offsets) of each end of steel casing pipe (also provide distance from edge of pavement and adjacent right-of-way lines).

(12) Pipeline that is directional bored is to be horizontally and vertically located every twenty (20) feet along the bore. Provide this information by submitting boring logs and by drawing the as-built vertical and horizontal locations of the bored pipeline on the record drawings based on the boring logs. Provide state plane coordinates at each end of directional bored pipeline.

(13) Pavement width and elevations at the centerline and edge of pavement every 200 feet plus at all changes in longitudinal slope, cross slope, inlet locations, and at all driveway

and street intersections. For parking lots, record centerline and edge of pavement elevations along all drive aisles and islands.

[14] All parking areas and sidewalk ramps designated for handicap access shall contain horizontal and vertical measurements in order to verify required widths and slopes have been met.

[15] Horizontal and vertical data for any construction that deviates from the approved engineering drawings.

[16] Where the plans contain specific horizontal location data, such as station and offset, the as-built drawings are to reflect the actual horizontal location.

[17] Where the plans contain specific vertical elevation data, the as-built drawings are to reflect the actual measured vertical elevation

(f) Complete signed and sealed record drawings are required to be delivered to the City prior to final inspection of the project. Final inspections will only be scheduled upon receipt of signed and sealed record drawings that have been reviewed by the project engineer and delivered by the project engineer to the City.