Article 1. Purpose and Intent

1.01.00 Purpose and Intent

The purpose of the Land Development Code (LDC) regulations is to preserve the existing quality of life that is afforded to the City of Lake Helen residents and visitors; preserve the small-town charm; honor and build upon the city’s historical heritage; preserve the existing residential and rural character; and promote economic vitality while protecting the public health, safety, and welfare of all the citizens of Lake Helen. These regulations will aid in providing for increased public safety in traffic, transportation, vehicular parking, parks, commercial buildings, public buildings, residential housing, water services, storm drainage, emergency preparedness and other public requirements and interests. The intent is to help lessen traffic and building congestion in new developments, disorder, and dangers that occur in unplanned and unregulated development; prevent overcrowding and overdevelopment on the land and an undue concentration of population; provide for a more equitable and just land-use pattern; and, provide more reasonable and serviceable means and methods of safeguarding the economic structure and improving the overall aesthetics and the residential quality of life in the City of Lake Helen.

1.02.00 General Provisions

The purpose of this article is to provide rules and regulations that supplement, modify, or further explain provisions found elsewhere in this Land Development Code and unless specifically noted to the contrary, apply to all standards, policies and regulations.

1.03.00 Short Title

These regulations shall be known and referred to as: "The City of Lake Helen Land Development Code" and may be referred to herein as "the LDC".

1.04.00 Authority

These Land Development Code regulations are enacted pursuant to the requirements and authority of F.S. § 163.3202, the Local Government Comprehensive Planning and Land Development Regulation Act, the City Charter, and the general powers in F.S. Chapters 166.

1.05.00 Effective Date

The effective date of these Land Development Code regulations, "The City of Lake Helen Land Development Code", as adopted by Ordinance Number 2017 - __ , shall be _____________, 2017.

1.06.00 Intent. LDC regulations apply to all development

Except as specifically provided in this article, the provisions of these Land Development Code regulations shall apply to all development in the city, and no development or redevelopment shall be undertaken without prior authorization pursuant to these regulations.

1.07.00 Applicability

1.07.01 General applicability

1. No person shall use, occupy, establish, authorize or permit the use, occupancy or subdivision of any land or buildings under their control except in accordance with all applicable provisions of these regulations. For the purpose of this article, the "use" or "occupancy" of a
building, structure or land relates to anything that is or can be done to, on, or in that building, structure or land.

2. No new or existing building or structure or parts thereof shall be built, erected, constructed, moved, structurally altered, enlarged or reconstructed, except in conformance with these regulations as permitted in the zoning district in which they are located. In addition, no building, structure or land or parts thereof shall be used or intended to be used for any purpose or in any manner other than a permitted use in the zoning district where the building/land is located.

1.07.02 Exceptions

1. Previously issued and applied for building/development permits. The provisions of these Land Development Code (LDC) regulations and any amendments thereto will not affect the validity of any lawful application or issued and effective building/development permit applied for in good faith or issued prior to the date of these adopted regulations (which shall be DATE OF ADOPTION) and if:
   
   A. The development activity authorized by the permit has commenced prior to the effective date of these LDC regulations or any amendment thereto, or after the effective date of these regulations but within twelve (12) months of issuance of the building/development permit.

   B. The development activity continues for a minimum of thirty (30) days without interruption of permitted work, except because of war or natural disaster, until the development is complete.

   C. If permit expires or is otherwise invalidated, any further development pertaining to that permit shall occur only in conformance with the requirements of these LDC regulations or amendments thereto.

2. Previously approved building/development permits. Projects with active building or development permits when this Land Development Code or an amendment thereto is adopted, where development activity has commenced and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of those regulations. If the building/development permit expires or is otherwise invalidated, any further development shall occur only in conformance with the requirements of these regulations or amendment thereto.

1.08.00 Relationship to Comprehensive Plan

Generally. All Land Development Code (LDC) regulations are to be consistent with the Comprehensive Plan and the requirements of F.S. § 163.3194(1)(b). Nothing in these Land Development Regulations shall be construed to authorize development inconsistent with the adopted City of Lake Helen Comprehensive Plan.

General findings.

1. Statutory requirement. F.S. §§ 163.3201 and 163.3202 requires each Florida local government to enact Land Development regulations that are consistent with the local adopted Comprehensive Plan.

2. General public need. Controlling the location, design and construction of development within the city is necessary to maintain and improve the quality of life, as better defined in this Article.
1.09.00 Incorporation by Reference

The following documents are hereby incorporated by reference into this Code:

1. The Future Land Use Map
2. The Official Zoning Map
3. The Future Traffic Circulation Map
4. Downtown Historical District Map
5. Gateway Overlay Map
6. Gateway Overlay Historic Style Guide
7. Truck Route Map
8. The International Transportation Engineers (ITE) Manual
9. Design and engineering standards manuals under current usage by FDOT, SJRWMD, FDEP, USACOE and other agencies, as applicable.

1.10.00 Adoption of Technical Codes, Plans and Specifications

1.10.01 Building Code and Fire Prevention and Life Safety Code

The Florida Building Code, and the Unsafe Building Abatement Code as may be amended and as promulgated and established by F.S. Ch. 553 is hereby adopted as fully as if incorporated and set forth at length in this Article and made part of these Land Development Code (LDC) regulations by reference.

The Uniform Fire Prevention and Life Safety Code as adopted by the State of Florida Fire Marshal and as same may be amended are adopted and incorporated by reference as if fully set forth herein. The most current edition of the Florida Fire Prevention Code, adopted and as amended in the future, is adopted by the city as a part of its Fire Prevention Code.

1.10.02 Comprehensive Plan

For the purposes of consistency and concurrency and to be in line with the City Charter and to further the city’s objectives and policies, land uses, densities and intensities as specified in the City of Lake Helen Comprehensive Plan, or as may be adopted or amended by the City Commission from time to time in accordance with F.S. ch. 163, pt. II, and codified in City Code, said Comprehensive Plan is hereby adopted as fully as if incorporated and set forth at length in this Article and made part of these regulations by reference.

1.10.03 International Property Maintenance Code

The International Property Maintenance Code, as amended is hereby adopted as fully as if incorporated and set forth at length in this Article and incorporated by reference.

1.10.04 Gateway Overlay Historic Style Guide

The Gateway Overlay Historical Style Guide dated March 9, 2017 is hereby adopted as fully as if incorporated and set forth at length in this Article and incorporated by reference.

The Gateway Overlay Historic Style Guide is a reference guide for developers in preparing architectural elevations and to the City in reviewing architectural elevations for approval.
Gateway Overlay Historical Style Guide is only a guide and does not require strict compliance nor dictate the only acceptable architectural design. Architectural designs approved by the City, and not ordered by a Court, for construction in the Gateway Overlay area shall be added to the Gateway Overlay Historical Guide. The Gateway Overlay Historic Home Style Guide may be modified and expanded with new technology, best practices and recommendations.

Prior to final approval of a building permit for a new structure or modification of an existing structure which changes the architectural design within the Gateway Overlay, the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

### 1.11.00 Penalty

The provisions of the Land Development Code (LDC) may be enforced and violations punished by any of the following methods, alone or in combination, in the sole discretion of the city and as described in Article 15:

1. The special magistrate appointed by the city, shall have jurisdiction to enforce these provisions, and any person, firm, corporation, or agent determined to be in violation shall be subject to all penalties and remedies available to the special magistrate as provided by law.

2. Any violation of the LDC which the City Commission has identified as enforceable by citation and designated a fine amount for each violation. The City Commission shall establish the citation process by ordinance.

3. The city may institute any appropriate action or procedure to bring about compliance or remedy a violation.

4. The city may order discontinuance of the use of any land, water, or building; the removal of any building, addition, or other structure; the discontinuance of any work being done; or any other act when such use or act is in violation of the LDC.

5. Unless necessary for purposes of correcting a violation of the LDC or to avoid imminent peril to life or property, no officer, official, agent, employee, or board of the city will approve, grant, or issue any development order for any person where:

   a. The property that is the subject of the requested development order is the site of an uncorrected violation of any provision of the LDC, or an unpaid code enforcement, correction, or abatement lien; or

   b. The applicant for development order has any unpaid civil penalty or costs arising from a code enforcement action regarding the real property that is the subject of the request. Appeal of any denial or refusal to act pursuant to this section shall be as provided in the general appeal provisions of the LDC for appeal of an administrative decision.

6. Specific provisions of the LDC may provide for additional remedies. It is the legislative intent of this section to set forth a general description of the methods by which the city may enforce the provisions of this LDC, and not to limit any power or authority of the city. The city’s selection of a particular enforcement method shall not be deemed to prohibit the City Commission from selecting one or more additional methods of enforcement, whether referenced above or otherwise available to the city in law or in equity, regarding the same set of operative facts.
1.12.00 Abrogation

This Land Development Code (LDC) is not intended to repeal, abrogate or interfere with any existing covenants, covenants, or deed restrictions duly recorded in the public records of Volusia County.

1.13.00 Severability

It is hereby declared to be the intention of the City Commission that the sections, paragraphs, sentences, clauses and phrases of these Land Development Code (LDC) regulations are severable, and if any phrase, clause, sentence, paragraph or section of this LDC shall be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of these LDC regulations.
Article 2. Zoning

2.00.00 Purpose and Intent

It is the purpose and intent of the City Commission to establish and adopt zoning districts to govern the use of land, water, and structures in the City. The regulations set forth in this article governing the use of land, water, and buildings apply to all land, water, and buildings included within the boundaries of each district shown on the Zoning Map.

2.00.01 Regulations and Specification

Commercial and Industrial Uses are prohibited in Residential Land Use and Zoning Districts-including but not limited to:

1. Outdoor storage of construction equipment in areas visible from neighboring properties, except on an active construction site
2. Quonset huts or cargo shipping containers
3. Any use requiring drive-through facilities
4. Pawn shops, convenience stores, fuel dispensing facilities (other than public facilities owned by the City), tattoo and/or body piercing establishments
5. Animal breeding for retail purposes
6. Adult gaming facility
7. Pain management facilities
8. Adult Uses
9. Businesses with more than fifty percent (50%) of their sales being tobacco or products used with tobacco or other smokable substances
10. Any use, structure or activity not specifically permitted

2.00.02 Official Zoning Map

Zoning districts are hereby established for all land and water areas included within the boundaries of each district as shown on the “Zoning Map, City of Lake Helen, Florida.”

Table 2A shows the relationship between zoning districts and the land use categories on the Future Land Use Map (FLUM).

2.01.00 Establishment and Purpose of Overlay Districts

The purpose of overlay districts is to provide a means of modifying the site design requirements that are otherwise applicable to the underlying zoning district(s). The site design standards and other development criteria applicable within an overlay district shall supersede the standards and criteria applicable within the underlying zoning district, but shall not supersede any applicable supplemental standards.

2.01.02 Historic District (outlined in Article 5)

The Historic District is intended to preserve the form, function, image, balance, and ambiance of the historic district and surrounding area. The Historic District Boundaries are incorporated by reference through City of Lake Helen Historic District Map. Parcels within the Historic District shall be planned and managed following the guidelines established for the construction and renovation of buildings and use of land within the Historic Districts as governed by Article 5, the Historic Preservation Board and the City Commission.

2.01.03 Gateway Overlay (outlined in Article 5)

Lake Helen’s Gateway Overlay serves as primary entrances to the City and, as such, provide the first impressions of the City for visitors and maintain the cultural and historical ambiance desired by...
the citizens of the City of Lake Helen. The purpose of the standards and guidelines is to contribute to the development of a well-planned urban environment by fostering the creation of visually compatible and harmonious development within the City’s Gateway Overlay. The benefits of these guidelines will be spread over the City as a whole and be shared by existing and future residents of the City. Guidelines are outlined in Article 5.

Table 2A: Relationship between Zoning Districts and Future Land Use Map Categories.

<table>
<thead>
<tr>
<th>Zoning</th>
<th>Future Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFR-3</td>
<td>SFLD</td>
</tr>
<tr>
<td>SFR-1</td>
<td>SFLD, R1</td>
</tr>
<tr>
<td>SFR-2</td>
<td>SFLD, R1, R2</td>
</tr>
<tr>
<td>SFR-R (Rural)</td>
<td>SFLD, R1, R2, RR</td>
</tr>
<tr>
<td>SFR-RE (Rural Estate)</td>
<td>SFLD, R1, R2, RR, RE</td>
</tr>
<tr>
<td>MHC</td>
<td>RM</td>
</tr>
<tr>
<td>DCD (Downtown Commercial District)</td>
<td>DC</td>
</tr>
<tr>
<td>BSR (Business Services and Residential)</td>
<td>Transitional</td>
</tr>
<tr>
<td>NRC (Non-Retail Commercial)</td>
<td>TC</td>
</tr>
<tr>
<td>ECW (Employment Center Workplace)</td>
<td>EC</td>
</tr>
<tr>
<td>NCS (Neighborhood Convenience Services)</td>
<td>NC</td>
</tr>
<tr>
<td>GCD (Gateway Commercial District)</td>
<td>GED</td>
</tr>
<tr>
<td>PLI (Public Land and Institutions)</td>
<td>PL and any Land Use</td>
</tr>
<tr>
<td>Planned Development – Residential</td>
<td>Any</td>
</tr>
<tr>
<td>Planned Development – Commercial</td>
<td>Any</td>
</tr>
<tr>
<td>Planned Development – Mixed Use</td>
<td>Any</td>
</tr>
</tbody>
</table>

2.02.00 SFR-3 Zoning

SFR-3

Purpose. (SFR-3 Zoning)

Provides for single-family dwelling units, including modular homes, and one accessory dwelling unit at a maximum density of three (3) units to the acre.
Permitted principal uses and structures.  
(SFR-3 Zoning)

1. Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
2. Home occupations, as permitted
3. Public facilities owned by the City
4. Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses
5. Non-profit parks and playgrounds
6. Recreational or community structures maintained by home owner associations
7. Licensed Community Residential Facilities with less than seven (7) residents
8. Group homes, and foster Care Facilities with less than six (6) residents

Permitted accessory uses and structures.  
(SFR-3 Zoning)

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

Special Exceptions. (SFR-3 Zoning)

1. Bed and Breakfast Inn within Historic District (see Article 5 and Historic District Map)
2. Child Care Facilities
3. Adult Care Facilities/ Extended Care Facilities
4. Licensed Community Residential Facilities with more than seven (7) residents
5. Group homes, and foster Care Facilities with more than six (6) residents
6. Model homes

Prohibited uses and structures. (SFR-3 Zoning)

1. Mobile/Manufactured homes
2. Multi-family, industrial or commercial uses
3. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
4. Any use, structure or activity not specifically permitted herein

Density. (SFR-3 Zoning)

3 units per Acre

Open Space. (SFR-3 Zoning)

35%

Minimum Lot Width. (SFR-3 Zoning)

One hundred feet (100')

Minimum Building Square Footage. (SFR-3 Zoning)

1,500 Living Square Feet

Setbacks (Minimum). (SFR-3 Zoning)

<table>
<thead>
<tr>
<th>Type</th>
<th>Distance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>25 feet from the property line or 50 feet from the centerline of the road, whichever is higher</td>
</tr>
<tr>
<td>Rear</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Side</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Water Yard</td>
<td>Seventy-five feet (75') from the High Water Line</td>
</tr>
</tbody>
</table>
**Building Heights (Maximum).** *(SFR-3 Zoning)*

Thirty-five (35) feet

**Special Requirements.** *(SFR-3 Zoning)*

None.

**Additional Use Information.** *(SFR-3 Zoning)*

**2.03.00 SFR-2 Zoning**

**SFR-2**

**Purpose.** *(SFR-2 Zoning)*

Provides for single-family dwelling units, including modular homes, and one accessory dwelling unit at a maximum density of two (2) units to the acre.

**Permitted principal uses and structures.** *(SFR-2 Zoning)*

1. Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
2. Home occupations, as permitted
3. Public facilities owned by the City
4. Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses
5. Non-profit parks and playgrounds
6. Recreational or community structures maintained by home owner associations
7. Licensed Community Residential Facilities with less than seven (7) residents
8. Group homes, and foster Care Facilities with less than six (6) residents

**Permitted accessory uses and structures.** *(SFR-2 Zoning)*

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.** *(SFR-2 Zoning)*

1. Private Event Facilities
2. Bed and Breakfast Inn
3. Child Care Facilities
4. Adult Care Facilities/ Extended Care Facilities
5. Licensed Community Residential Facilities with more than seven (7) residents
6. Group homes, and foster Care Facilities with more than six (6) residents
7. Model homes

**Prohibited uses and structures.** *(SFR-2 Zoning)*

1. Mobile/Manufactured homes
2. Multi-family, industrial or commercial uses
3. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
4. Any use, structure or activity not specifically permitted herein

**Density.** *(SFR-2 Zoning)*

Two (2) Units per acre

**Open Space.** *(SFR-2 Zoning)*

35%

**Minimum Lot Width.** *(SFR-2 Zoning)*
One hundred feet (100’)

**Minimum Building Square Footage.** *(SFR-2 Zoning)*

1,750 Living Square Feet

**Setbacks (Minimum).** *(SFR-2 Zoning)*

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front</strong></td>
<td>25 feet from the property line or 50 feet from the centerline of the road, whichever is higher</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>20 Feet</td>
</tr>
<tr>
<td><strong>Side</strong></td>
<td>10 Feet</td>
</tr>
<tr>
<td><strong>Water Yard</strong></td>
<td>Seventy-five feet (75’) from the High Water Line</td>
</tr>
</tbody>
</table>

**Building Heights (Maximum).** *(SFR-2 Zoning)*

Thirty-five (35) feet

**Special Requirements.** *(SFR-2 Zoning)*

None

**Additional Use Information.** *(SFR-2 Zoning)*

**2.04.00 SFR-1 Zoning**

SFR-1

**Purpose.** *(SFR-1 Zoning)*

Provides for single-family dwelling units, including modular homes, and one accessory dwelling unit at a maximum density of one (1) unit to 1 ¼ acres.

**Permitted principal uses and structures.** *(SFR-1 Zoning)*

1. Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
2. Home occupations, as permitted
3. Public facilities owned by the City
4. Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses
5. Non-profit parks and playgrounds
6. Recreational or community structures maintained by home owner associations
7. Licensed Community Residential Facilities with less than seven (7) residents
8. Group homes, and foster Care Facilities with less than six (6) residents

**Permitted accessory uses and structures.** *(SFR-1 Zoning)*

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.** *(SFR-1 Zoning)*

1. Bed and Breakfast Inn
2. Child Care Facilities
3. Adult Care Facilities/ Extended Care Facilities
4. Licensed Community Residential Facilities with more than seven (7) residents
5. Group homes, and foster Care Facilities with more than six (6) residents
6. Model homes
7. Private Event Facilities

**Prohibited uses and structures. (SFR-1 Zoning)**

1. Mobile/Manufactured homes
2. Multi-family, industrial or commercial uses
3. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
4. Any use, structure or activity not specifically permitted herein

**Density. (SFR-1 Zoning)**

One (1) Unit per 1.25 Acres

**Open Space. (SFR-1 Zoning)**

35%

**Minimum Lot Width. (SFR-1 Zoning)**

One hundred feet (100')

**Minimum Building Square Footage. (SFR-1 Zoning)**

1,850 Living Square Feet

**Setbacks (Minimum). (SFR-1 Zoning)**

<table>
<thead>
<tr>
<th>Front</th>
<th>25 feet from the property line or 50 feet from the centerline of the road, whichever is higher</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Side</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Water Yard</td>
<td>Seventy-five feet (75') from the High Water Line</td>
</tr>
</tbody>
</table>

**Building Heights (Maximum). (SFR-1 Zoning)**

Thirty-five (35) feet

**Special Requirements. (SFR-1 Zoning)**

None

**Additional Use Information. (SFR-1 Zoning)**


**2.05.00 SFR-R (Rural) Zoning.**

SFR-R (Rural)

**Purpose. (SFR-R (Rural) Zoning)**

Provides for single-family dwelling units, including modular homes, and one accessory dwelling unit at a maximum density of one (1) unit to 2 ½ acres in a rural residential setting.

**Permitted principal uses and structures. (SFR-R (Rural) Zoning)**

1. Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
2. Home occupations, as permitted
3. Public facilities owned by the City
4. Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses
5. Non-profit parks and playgrounds
6. Recreational or community structures maintained by home owner associations
7. Licensed Community Residential Facilities with less than seven (7) residents
8. Group homes, and foster Care Facilities with less than six (6) residents

**Permitted accessory uses and structures.**
*(SFR-R (Rural) Zoning)*

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.** *(SFR-R (Rural) Zoning)*
1. Bed and Breakfast Inn
2. Child Care Facilities
3. Adult Care Facilities/Extended Care Facilities
4. Licensed Community Residential Facilities with more than seven (7) residents
5. Group homes, and foster Care Facilities with more than six (6) residents
6. Model homes
7. Animal breeding for retail purposes
8. Commercial Equestrian Stables
9. Private Event Facilities

**Prohibited uses and structures.**
*(SFR-R (Rural) Zoning)*
1. Mobile/Manufactured homes
2. Multi-family, industrial or commercial uses
3. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
4. Any use, structure or activity not specifically permitted herein

**Density.** *(SFR-R (Rural) Zoning)*
One (1) unit to 2 ½ acres in a rural residential setting.

**Open Space.** *(SFR-R (Rural) Zoning)*
35%

**Minimum Lot Width.** *(SFR-R (Rural) Zoning)*
One hundred feet (100’)

**Minimum Building Square Footage.** *(SFR-R (Rural) Zoning)*
2,000 Living Square Feet

**Setbacks (Minimum).** *(SFR-R (Rural) Zoning)*

<table>
<thead>
<tr>
<th>Front</th>
<th>Thirty (30) feet from the property line or Fifty feet (50’) from the road centerline, whichever is greater</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rear</td>
<td>20 feet</td>
</tr>
<tr>
<td>Side</td>
<td>15 feet</td>
</tr>
<tr>
<td>Water Yard</td>
<td>Seventy-five feet (75’) from the High Water Line</td>
</tr>
</tbody>
</table>

**Building Heights (Maximum).** *(SFR-R (Rural) Zoning)*
Thirty-five (35) feet
### Special Requirements. (SFR-R (Rural) Zoning)
None

### Additional Use Information. (SFR-R (Rural) Zoning)

### 2.06.00 SFR-RE (Rural Estate) Zoning.

**SFR-RE (Rural Estate)**

**Purpose.** (SFR-RE (Rural Estate) Zoning)

Provides for single-family dwelling units, including modular homes, and one accessory dwelling unit at a maximum density of one (1) unit per 5 acres and agricultural pursuits.

**Permitted principal uses and structures.** (SFR-RE (Rural Estate) Zoning)

1. Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
2. Home occupations, as permitted
3. Public facilities owned by the City
4. Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses
5. Non-profit parks and playgrounds
6. Recreational or community structures maintained by home owner associations
7. Public and private game preserves and wildlife management areas, fish hatcheries, and refuges
8. Emergency and essential services
9. Distribution facilities of a utility
10. Licensed Community Residential Facilities with less than seven (7) residents
11. Group homes, and foster Care Facilities with less than six (6) residents

**Permitted accessory uses and structures.** (SFR-RE (Rural Estate) Zoning)
Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.** (SFR-RE (Rural Estate) Zoning)

1. Bed and Breakfast Inn
2. Child Care Facilities
3. Adult Care Facilities/ Extended Care Facilities
4. Licensed Community Residential Facilities with more than seven (7) residents
5. Group homes, and foster Care Facilities with more than six (6) residents
6. Model homes
7. Animal breeding for retail purposes
8. Equestrian Sables
9. Private Event Facilities
10. Public and private game preserves and wildlife management areas, fish hatcheries, and refuges

**Prohibited uses and structures.** (SFR-RE (Rural Estate) Zoning)

1. Mobile/Manufactured homes
2. Multi-family, industrial or commercial uses
3. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
4. Any use, structure or activity not specifically permitted herein

<table>
<thead>
<tr>
<th>Density.</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One (1) unit to five (5) acres in a rural estate setting</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Open Space.</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>35%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Lot Width.</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>One hundred feet (100’)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Minimum Building Square Footage.</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,150 Living Square Feet</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Setbacks (Minimum).</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Front</strong></td>
<td>25 feet from the property line or 50 feet from the centerline of the road, whichever is higher</td>
</tr>
<tr>
<td><strong>Rear</strong></td>
<td>20 Feet</td>
</tr>
<tr>
<td><strong>Side</strong></td>
<td>10 Feet</td>
</tr>
<tr>
<td><strong>Water Yard</strong></td>
<td>Seventy-five feet (75’) from the High Water Line</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Heights (Maximum).</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forty-five (45) feet</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Special Requirements.</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Additional Use Information.</th>
<th>(SFR-RE (Rural Estate) Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>None</td>
<td></td>
</tr>
</tbody>
</table>

2.07.00 MHC Zoning.

<table>
<thead>
<tr>
<th>MHC</th>
<th>Purpose.</th>
<th>(MHC Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Provides for single family manufactured housing, single family manufactured buildings, and conventional single family housing located within a planned development, incorporating design standards as set forth in the City’s land development regulations, at a maximum density of six (6) units to the acre.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Permitted principal uses and structures.</th>
<th>(MHC Zoning)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Single-family manufactured housing dwellings and their permitted accessory uses, when located within a planned manufactured housing residential development</td>
<td></td>
</tr>
<tr>
<td>2. Single-family dwellings and their permitted accessory uses, when located within a planned residential development</td>
<td></td>
</tr>
<tr>
<td>3. A mix of single-family manufactured housing dwellings and single-family dwellings and their permitted accessory uses, when located within a planned residential development</td>
<td></td>
</tr>
</tbody>
</table>
4. Community centers, club houses and similar uses integral to and supporting, the planned residential development
5. Home occupations, as permitted
6. Public facilities owned by the City
7. Licensed Community Residential Facilities with less than seven (7) residents
8. Group homes, and foster Care Facilities with less than six (6) residents

<table>
<thead>
<tr>
<th>Permitted accessory uses and structures.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(MHC Zoning)</td>
</tr>
</tbody>
</table>

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

<table>
<thead>
<tr>
<th>Special Exceptions. (MHC Zoning)</th>
</tr>
</thead>
</table>

None

<table>
<thead>
<tr>
<th>Prohibited uses and structures. (MHC Zoning)</th>
</tr>
</thead>
</table>

1. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
2. Any use, structure or activity not specifically permitted herein including specifically adult uses.

<table>
<thead>
<tr>
<th>Density. (MHC Zoning)</th>
</tr>
</thead>
</table>

Six (6) units to the acre

<table>
<thead>
<tr>
<th>Open Space. (MHC Zoning)</th>
</tr>
</thead>
</table>

35%

<table>
<thead>
<tr>
<th>FAR (Floor Area Ratio). (MHC Zoning)</th>
</tr>
</thead>
</table>

40%

<table>
<thead>
<tr>
<th>ISR (Impervious Surface Ratio). (MHC Zoning)</th>
</tr>
</thead>
</table>

30%

<table>
<thead>
<tr>
<th>Minimum Lot Width. (MHC Zoning)</th>
</tr>
</thead>
</table>

Fifty feet (50')

<table>
<thead>
<tr>
<th>Minimum Building Square Footage. (MHC Zoning)</th>
</tr>
</thead>
</table>

600 Living Square Feet

<table>
<thead>
<tr>
<th>Maximum Building Square Footage. (MHC Zoning)</th>
</tr>
</thead>
</table>

7,500 Square Feet

<table>
<thead>
<tr>
<th>Setbacks (Minimum). (MHC Zoning)</th>
</tr>
</thead>
</table>

Front: Fifteen (15) feet
Rear: Ten (10) feet
Side: Ten (10) feet
Water Yard: Seventy-five feet (75') from the High Water Line

<table>
<thead>
<tr>
<th>Building Heights (Maximum). (MHC Zoning)</th>
</tr>
</thead>
</table>

Thirty-five (35) feet

<table>
<thead>
<tr>
<th>Special Requirements. (MHC Zoning)</th>
</tr>
</thead>
</table>

None

<table>
<thead>
<tr>
<th>Additional Use Information. (MHC Zoning)</th>
</tr>
</thead>
</table>

|
2.08.00 DCD Zoning.

DCD (Downtown Commercial District)

**Purpose.** (DCD Downtown Commercial District Zoning)

Provide an area for a co-located mixture of single family, limited scale multi-family, and diverse retail, personal service and professional service commercial uses, located as an individual unit, or as multiple units in a “campus-like” manner as a planned development consistent with sound and generally accepted land use planning principles, in a centralized downtown setting. The district is designed to provide for the general retail and service needs of the community in a setting that is pedestrian oriented and aesthetically and functionally compatible with residential land uses that are located within, and adjacent to, the district.

Existing light industrial uses in place and operating as of May 10, 2005, such as automobile repair garages, contractor’s yards, light manufacturing, storage and other similar uses located within the Downtown Commercial District shall be deemed as lawfully existing non-conforming uses.

**Permitted principal uses and structures.**

(DCD Downtown Commercial District Zoning)

1. Mixture of single family, limited scale multi-family, and diverse retail, personal service and professional service commercial uses
2. Art, antique, gift, china, glassware, watch, jewelry, confections, florist, clothing, books, publications, and similar retail stores and specialty shops
3. Electronics, computers, household appliance, and similar hard goods sales stores, with servicing and repair of such products permitted as an accessory use within a fully enclosed structure
4. Bicycle, equestrian, track and pedestrian and sporting goods retail stores and specialty shops, with servicing and repair of products permitted as an accessory use within a fully enclosed structure
5. Office and paper goods supply stores
6. Art, photography, music, dance, and similar supply stores
7. Art, photography, dance, and music instruction studios
8. Clothes tailoring and alteration, shoe repair, and similar personal service shops
9. Restaurants, coffee shops, cafes, ice cream parlors, delicatessens, and similar establishments providing food and beverages in a "sit-down" setting
10. Taverns and lounges, as either stand-alone facilities or restaurant accessory uses
11. Wine, beer and liquor stores selling such products for off premises consumption
12. Grocery, produce market, meat market, baked goods market, and similar food supply establishments
13. Drug store, pharmacy and tobacco shop
14. Financial, insurance, and investment institutions and offices
15. Real estate acquisition and sales, construction contracting, accounting, financial planning, engineering, surveying, planning, architecture, site and structure design, interior decoration and design, legal and similar office uses
16. Hardware, home supply, home decorating and paint stores
17. Beauty and hair styling salons and barber shops
18. Museums, art galleries, theaters
19. Public facilities owned by the City
20. Establishments offering rides by carriage, where no animals are kept overnight on premises
21. Laundry and dry cleaning establishments, where no cleaning or pressing of goods is conducted on premises
22. Child day care facilities
23. Medical and dental clinics
24. Licensed Community Residential Facilities with less than seven (7) residents
25. Group homes, and foster Care Facilities with less than six (6) residents
26. Exercise facilities, indoor gymnasiums and health spas
27. School tutoring and instruction facilities
28. Home occupations, as permitted
29. House of worship sanctuaries and administrative offices
30. Single-family, two-family and multi-family (containing no more than 5 dwelling units) dwellings
31. Existing light industrial uses in place and operating as of May 10, 2005

**Permitted accessory uses and structures.**
*(DCD Downtown Commercial District Zoning)*

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.**
*(DCD Downtown Commercial District Zoning)*

1. New light industrial uses
2. New and used vehicle sales
3. Bed and Breakfast Inn
4. Vehicle detailing conducted in a fully enclosed structure
5. Vehicle audio/video equipment sales, servicing and installation in a fully enclosed structure
6. Licensed Community Residential Facilities with more than seven (7) residents
7. Group homes, and foster Care Facilities with more than six (6) residents
8. Adult Care Facilities/ Extended Care Facilities
9. Other uses that can be conducted in a fully enclosed building, and can demonstrate, to the City's satisfaction, the ability, through design and operational standards, to be compatible with residential land uses and in compliance with this Code.

**Prohibited uses and structures.**
*(DCD Downtown Commercial District Zoning)*

1. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
2. Any use requiring outside storage not in compliance with this code (Article 4)
3. Any use requiring drive-through facilities
4. Pawn shops, convenience stores, fuel dispensing facilities (other than public facilities owned by the City), tattoo and/or body piercing establishments
5. Mobile homes
6. Adult gaming facilities
7. Pain management facilities
8. Adult uses

**Density.**
*(DCD Downtown Commercial District Zoning)*

4 Units per Acre

**Open Space.**
*(DCD Downtown Commercial District Zoning)*

25%

**FAR (Floor Area Ratio).**
*(DCD Downtown Commercial District Zoning)*

50%
ISR (Impervious Surface Ratio).
(DCD Downtown Commercial District Zoning)
75%

Minimum Lot Width.
(DCD Downtown Commercial District Zoning)
One hundred feet (100’)

Minimum Building Square Footage.
(DCD Downtown Commercial District Zoning)
1,000 Square Feet

Maximum Building Square Footage.
(DCD Downtown Commercial District Zoning)
10,000 Square Feet

Setbacks (Minimum).
(DCD Downtown Commercial District Zoning)

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Front</td>
<td>25 feet from the property line or 50 feet from the centerline of the road, whichever is higher</td>
</tr>
<tr>
<td>Rear</td>
<td>20 Feet</td>
</tr>
<tr>
<td>Side</td>
<td>10 Feet</td>
</tr>
<tr>
<td>Yard</td>
<td>Seventy-five feet (75’) from the High Water Line</td>
</tr>
</tbody>
</table>

Building Heights (Maximum).
(DCD Downtown Commercial District Zoning)
Thirty-five (35) feet

Special Requirements.
(DCD Downtown Commercial District Zoning)
A ten (10) foot landscape buffer is required between Commercial and Residential Uses.

Additional Use Information.
(DCD Downtown Commercial District Zoning)
Prior to final approval of a building permit within this Zoning, a Gateway Overlay or Historic District Review is required. The plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment or Certificate of Appropriateness as outlined in Article 5.

2.09.00 BSR Zoning.
BSR (Business Services & Residential)

Purpose.
(BSR (Business Services & Residential) Zoning)
Provides for limited transitional commercial uses in areas impacted by adjacent commercial use and provides for the economic use of property while maintaining its general residential character.

Permitted principal uses and structures.
(BSR (Business Services & Residential) Zoning)
1. Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit
2. Home occupations, as permitted
3. Professional office, small scale retail sales and service, deli/restaurant (only ancillary to main use)
4. Public facilities owned by the City
5. Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses
6. Non-profit parks and playgrounds
7. Recreational or community structures maintained by home owner associations
8. Emergency and essential services
9. Distribution facilities of a utility
10. Licensed Community Residential Facilities with less than seven (7) residents
11. Group homes, and foster Care Facilities with less than six (6) residents

### Permitted accessory uses and structures.

**Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.**

<table>
<thead>
<tr>
<th>Special Exceptions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(BSR (Business Services &amp; Residential) Zoning)</td>
</tr>
<tr>
<td>1. Bed and Breakfast Inn</td>
</tr>
<tr>
<td>2. Child Care Facilities</td>
</tr>
<tr>
<td>3. Adult Care Facilities/ Extended Care Facilities</td>
</tr>
<tr>
<td>4. Licensed Community Residential Facilities with more than seven (7) residents</td>
</tr>
<tr>
<td>5. Group homes, and foster Care Facilities with more than six (6) residents</td>
</tr>
<tr>
<td>6. Model homes</td>
</tr>
</tbody>
</table>

### Prohibited uses and structures.

**Uses and structures which are not specifically permitted herein, including especially adult uses and activities.**

<table>
<thead>
<tr>
<th>Prohibited uses and structures.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(BSR (Business Services &amp; Residential) Zoning)</td>
</tr>
<tr>
<td>1. Mobile/Manufactured homes</td>
</tr>
<tr>
<td>2. Multi-family, industrial or commercial uses (excluding commercial uses listed under Permitted Principal Uses and Structures)</td>
</tr>
<tr>
<td>3. Animal breeding for retail purposes</td>
</tr>
<tr>
<td>4. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor</td>
</tr>
<tr>
<td>5. Any use requiring outside storage which is not properly screened as regulated in this Code</td>
</tr>
<tr>
<td>6. Any use requiring drive-through facilities</td>
</tr>
<tr>
<td>7. Pawn shops, convenience stores, fuel dispensing facilities (other than public facilities owned by the City), tattoo and/or body piercing establishments</td>
</tr>
<tr>
<td>8. Adult gaming facility</td>
</tr>
<tr>
<td>9. Pain management facilities</td>
</tr>
<tr>
<td>10. Businesses with more than fifty percent (50%) of their sales being tobacco or products used with tobacco or other smokable substances</td>
</tr>
<tr>
<td>11. Any use, structure or activity not specifically permitted herein, including especially adult uses</td>
</tr>
</tbody>
</table>

### Density.

**Density.**

<table>
<thead>
<tr>
<th>Density.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(BSR (Business Services &amp; Residential) Zoning)</td>
</tr>
<tr>
<td>3 units per Acre</td>
</tr>
</tbody>
</table>

### Open Space.

**Open Space.**

<table>
<thead>
<tr>
<th>Open Space.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(BSR (Business Services &amp; Residential) Zoning)</td>
</tr>
<tr>
<td>35%</td>
</tr>
</tbody>
</table>

### FAR (Floor Area Ratio).

**FAR (Floor Area Ratio).**

<table>
<thead>
<tr>
<th>FAR (Floor Area Ratio).</th>
</tr>
</thead>
<tbody>
<tr>
<td>(BSR (Business Services &amp; Residential) Zoning)</td>
</tr>
<tr>
<td>35%</td>
</tr>
</tbody>
</table>

### ISR (Impervious Surface Ratio).

**ISR (Impervious Surface Ratio).**

<table>
<thead>
<tr>
<th>ISR (Impervious Surface Ratio).</th>
</tr>
</thead>
<tbody>
<tr>
<td>(BSR (Business Services &amp; Residential) Zoning)</td>
</tr>
</tbody>
</table>
BSR (Business Services & Residential) Zoning

Minimum Lot Width.

One hundred feet (100’)

Minimum Building Square Footage.

1,500 Square Feet

Maximum Building Square Footage.

10,000 Square Feet

Setbacks (Minimum).

Front 25 feet from the property line or 50 feet from the centerline of the road, whichever is higher

Rear 20 Feet

Side 10 Feet

Water Yard Seventy-five feet (75’) from the High Water Line

Building Heights (Maximum).

Thirty-five (35) feet

Special Requirements

1. Commercial uses shall be limited to business and professional office, low intensity commercial and home occupations.
2. External lighting and signs shall be limited to that which would normally be permitted in adjacent residential districts.
3. The scale of commercial uses to that which would support adjacent residential neighborhoods shall be limited.
4. The scale of commercial uses shall have an off-street parking requirement of eight spaces or less.
5. Buildings shall not be modified in such a way that takes away the resident appearance similar to adjoining residential properties.
6. Display of merchandise shall comply with article 4.04.00.

Additional Use Information

Prior to final approval of a building permit within this Zoning, a Gateway Overlay or Historic District Review is required. The plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment or Certificate of Appropriateness as outlined in Article 5.

2.10.00 NCS Zoning.

NCS (Neighborhood Convenience Services)

Purpose.

(NCS (Neighborhood Convenience Services) Zoning)
Provides for limited commercial uses so that such convenience commercial services can be provided individually to neighborhoods without conflicting with residential neighborhood character, or attract traffic outside the neighborhood. Structures shall reflect a residential character in appearance.

### Permitted principal uses and structures.
(NCS (Neighborhood Convenience Services) Zoning)

| Convenience store and gas stations |

### Permitted accessory uses and structures.
(NCS (Neighborhood Convenience Services) Zoning)

| Car washes, gas pump canopies |

### Special Exceptions.
(NCS (Neighborhood Convenience Services) Zoning)

None

### Prohibited uses and structures.
(NCS (Neighborhood Convenience Services) Zoning)

Any use not listed herein including, but not limited to adult uses and the following:
1. Adult gaming facilities
2. Pain management facilities
3. Medical marijuana distribution facilities
4. Stores with more than fifty percent (50%) of their merchandise being tobacco or products used with tobacco or other smokable products.

### Density.
(NCS (Neighborhood Convenience Services) Zoning)

None

### Open Space.
(NCS (Neighborhood Convenience Services) Zoning)

20%

### FAR (Floor Area Ratio).
(NCS (Neighborhood Convenience Services) Zoning)

30%

### ISR (Impervious Surface Ratio).
(NCS (Neighborhood Convenience Services) Zoning)

70%

### Minimum Lot Width.
(NCS (Neighborhood Convenience Services) Zoning)

One hundred feet (100’)

### Minimum Building Square Footage.
(NCS (Neighborhood Convenience Services) Zoning)

1,500 Square Feet

### Maximum Building Square Footage.
(NCS (Neighborhood Convenience Services) Zoning)

7,500 Square Feet

### Setbacks (Minimum).
(NCS (Neighborhood Convenience Services) Zoning)

| Front | Twenty-five feet (25’) |
| Rear | Ten (10) feet |
| Side | Twenty (20) feet |
| Water Yard | Seventy-five feet (75’) from the High Water Line |
Building Heights (Maximum).
(NCS (Neighborhood Convenience Services) Zoning)

Thirty-five (35) feet

Special Requirements.
(NCS (Neighborhood Convenience Services) Zoning)

Display of merchandise: All open display, storage, or sale of merchandise outside of fully enclosed buildings shall be prohibited, except when enclosed within a structure providing screening from view with eighty percent (80%) opacity (ex. a fenced area with a cover for screening).

Additional Use Information.
(NCS (Neighborhood Convenience Services) Zoning)

Prior to final approval of a building permit within this Zoning, a Gateway Overlay or Historic District Review is required. The plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment or approval of a Certificate of Appropriateness as outlined in Article 5.

2.11.00 NRC Zoning.

NRC (Non-Retail Commercial)

Purpose.
(NRC (Non-Retail Commercial) Zoning)

Provides space for a limited variety of non-retail commercial uses, such as financial institutions, professional offices, adult congregate living facilities, child care facilities, local service area eco-tourism transport services, medical and dental clinics, and multi-family dwelling units. Structures shall reflect a residential character in appearance.

Permitted principal uses and structures.
(NRC (Non-Retail Commercial) Zoning)

1. Single-Family residential dwellings
2. Financial, insurance, and investment institutions and offices located individually or in a "campus-like" setting consistent with sound and generally accepted land use planning principles and practices
3. Real estate acquisition and sales, construction contracting, accounting, financial planning, engineering, surveying, planning, architecture, site and structure design, interior decoration and design, legal and similar office uses, located individually or in a "campus-like" setting as a planned development consistent with sound and generally accepted land use planning principles and practices
4. Beauty and hair styling salons and barber shops
5. Laundry and dry cleaning establishments, where no cleaning or pressing of goods is conducted on premises
6. Eco-tourism transport services utilizing historic or historic-replica vehicles to convey passengers in the immediate vicinity of the City
7. Medical and dental offices
8. Child Care Facilities
9. Adult congregate living facilities, Nursing homes and/or Adult Care Facilities/ Extended Care Facilities
10. Light manufacturing, contractor facilities and mini-storage and warehousing, in fully enclosed structures (except where storage is required by law to be outside a structure, whereupon such storage shall be fully screened from view), located individually or in a "campus-like" setting consistent with sound and generally accepted land use planning principles and practices
11. Multi-family development with up to five dwelling units located as a single structure, or as multiple structures in a “campus-like” setting as a planned development consistent with sound and generally accepted land use planning principles and practices

**Permitted accessory uses and structures.**
(NRC (Non-Retail Commercial) Zoning)

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.**
(NRC (Non-Retail Commercial) Zoning)

1. School tutoring and instruction facilities
2. Specifically permitted uses listed above that require drive-through facilities
3. Self-service laundry
4. Clubs and fraternal organizations
5. Other uses that can be conducted in a fully enclosed building, and can demonstrate, to the City’s satisfaction, the ability, through design and operational standards, to be compatible with residential land uses.

**Prohibited uses and structures.**
(NRC (Non-Retail Commercial) Zoning)

1. Any retail sales use
2. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
3. Any use requiring outside storage, except as provided in article 4
4. Any use unable to be conducted in a fully enclosed structure except when enclosed within a structure providing screening from view with eighty percent (80%) opacity (ex. a fenced area with a cover for screening).

**Density.**
(NRC (Non-Retail Commercial) Zoning)

4 Units per Acre

**Open Space.**
(NRC (Non-Retail Commercial) Zoning)

20%

**FAR (Floor Area Ratio).**
(NRC (Non-Retail Commercial) Zoning)

40%

**ISR (Impervious Surface Ratio).**
(NRC (Non-Retail Commercial) Zoning)

70%

**Minimum Lot Width.**
(NRC (Non-Retail Commercial) Zoning)

100 Square Feet

**Minimum Building Square Footage.**
(NRC (Non-Retail Commercial) Zoning)

1,500 Square Feet

**Maximum Building Square Footage.**
(NRC (Non-Retail Commercial) Zoning)

10,000 Square Feet

**Setbacks (Minimum).**
(NRC (Non-Retail Commercial) Zoning)
**Front** | 25 feet from the property line or 50 feet from the centerline of the road, whichever is higher  
**Rear** | 20 Feet  
**Side** | 10 Feet  
**Water Yard** | Seventy-five feet (75') from the High Water Line

**Building Heights (Maximum).**  
*(NRC (Non-Retail Commercial) Zoning)*  
Forty-five (45) feet

**Special Requirements.**  
*(NRC (Non-Retail Commercial) Zoning)*  
None

**Additional Use Information.**  
*(NRC (Non-Retail Commercial) Zoning)*  
Prior to final approval of a building permit within this Zoning, a Gateway Overlay or Historic District Review is required. The plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment or approval of a Certificate of Appropriateness as outlined in Article 5.

### 2.12.00 GCD Zoning.

**GCD (Gateway Commercial District)**

**Purpose.** *(GCD (Gateway Commercial District) Zoning)*  
Encourage economic development through job creation while maintaining the character of Lake Helen. This zoning district provides for a variety of small retail commercial, office and light industrial uses.

**Permitted principal uses and structures.**  
*(GCD (Gateway Commercial District) Zoning)*  
All development shall be developed as a Planned Development (PD). Uses allowed include:  
1. Commercial offices, personal care services, instructional institutions or day care, restaurant/deli (including drive-thru), and small scale retail sales (under 5,000 square feet).  
2. Adult congregate living facilities, Nursing homes and/or Adult Care Facilities/ Extended Care Facilities  
3. Professional offices  
4. Hotels/motels

**Permitted accessory uses and structures.**  
*(GCD (Gateway Commercial District) Zoning)*  
Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.**  
*(GCD (Gateway Commercial District) Zoning)*  
1. Bed and Breakfast Inn

**Prohibited uses and structures.**  
*(GCD (Gateway Commercial District) Zoning)*  
1. Residential uses
2. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor
3. Adult gaming facilities
4. Pain management facilities
5. Stores with more than fifty percent (50%) of merchandise being tobacco or products used with tobacco or other smokable products
6. Adult uses

### Sidewalks.
*(GCD (Gateway Commercial District) Zoning)*

A 10’ sidewalk shall be provided along W. Main Street along with interconnection requirements within the planned development.

### Open Space.
*(GCD (Gateway Commercial District) Zoning)*

40%

### FAR (Floor Area Ratio).
*(GCD (Gateway Commercial District) Zoning)*

50%

### ISR (Impervious Surface Ratio).
*(GCD (Gateway Commercial District) Zoning)*

70%

### Minimum Lot Width.
*(GCD (Gateway Commercial District) Zoning)*

One hundred feet (100’)

### Minimum Building Square Footage.
*(GCD (Gateway Commercial District) Zoning)*

1,700 Feet

### Maximum Building Square Footage.
*(GCD (Gateway Commercial District) Zoning)*

Commercial Uses: 15,500 Feet
Retail Uses: 5,000 Square Feet

- When combined with another use, retail use area must be limited to 5,000 square feet of the Gross Floor Area.

### Setbacks (Minimum).
*(GCD (Gateway Commercial District) Zoning)*

**Front:** Twenty-five feet (25’) from the property line or Fifty feet (50’) from the road centerline, whichever is greater when facing a collector road, seventy-five feet (75’) when facing an arterial road.

**Side:** Ten (10) feet except where a commercial use directly abuts a residential one, where a thirty (30) foot setback is required.

**Rear:** Twenty (20) feet, except where a commercial use directly abuts a residential use, where a thirty (30) foot setback is required.

**Waterfront yard:** Seventy-five feet (75’) from the High Water Line

### Building Heights (Maximum).
*(GCD (Gateway Commercial District) Zoning)*

Fifty feet (50’) (may be increased by the City Commission)

### Special Requirements.
*(GCD (Gateway Commercial District) Zoning)*
All development shall be developed as a Planned Development (PD), with the minimum area requirement being waived within this district. All development within this zoning category shall adhere to the following standards:

1. Landscape buffers shall emulate natural vegetation on adjacent sites and provide sixty percent (60%) opacity within one (1) year of planting.
2. All development shall provide for infrastructure and open space interconnectivity with adjacent parcels where legally feasible. An internal road system shall be created to access Main Street such that it aligns with the intersection of Industrial Center Drive and Goodwin Street where legally feasible.
3. A ten feet (10’) sidewalk shall be provided along W. Main Street.
4. Two (2) story buildings must have at least a one (1) story for twenty-five (25’) then go to two (2) stories.
5. All development must comply with the architectural design standards.
6. All parking areas shall be provided in the rear or side yards, and shall not extend beyond the furthest set back portion of the front façade of the building(s).
7. The maximum square footage of retail establishments shall not exceed 5,000 square feet.
8. Display of merchandise: All open display, storage, or sale of merchandise outside of fully enclosed buildings shall be prohibited, except when enclosed within a structure providing screening from view with eighty percent (80%) opacity (ex. a fenced area with a cover for screening).
9. A market study shall be submitted upon PD submittal for any proposed retail commercial uses showing need.
10. Walkways shall be provided connecting businesses to roadways when the building site fronts an arterial or collector roadway.
11. Trellises and similar structures attached to the front of a building shall not be used for measurement of the front setback. Front porches and walkways in front of buildings may be counted towards this standard.

Additional Use Information.
(GCD (Gateway Commercial District) Zoning)

Prior to final approval of a building permit within this Zoning, a Gateway Overlay or Historic District Review is required. The plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment or approval of a Certificate of Appropriateness as outlined in Article 5.

2.13.00 ECW Zoning.

ECW (Employment Center Workplace)

Purpose.
(ECW (Employment Center Workplace) Zoning)

Provides for large volume traffic generating commercial retail, employment center/workplace uses, and appropriate supporting uses, that are incorporated into a planned development.

Permitted principal uses and structures.
(ECW (Employment Center Workplace) Zoning)

1. Professional offices, corporate offices, hotels/motels and other appropriate supporting uses which are incorporated into a planned development.
2. Commercial Retail, Automotive Sales and Services, Highway Commercial and related accessory uses.
3. Public facilities owned or approved by the City

Permitted accessory uses and structures.
Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Prohibited uses and structures.**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**Density.**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**FAR (Floor Area Ratio).**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**ISR (Impervious Surface Ratio).**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**Minimum Lot Width.**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**Minimum Building Square Footage.**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**Maximum Building Square Footage.**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**Setbacks (Minimum).**

(SECW (Employment Center Workplace) Zoning)

<table>
<thead>
<tr>
<th>Front</th>
<th>Rear</th>
<th>Side</th>
<th>Water Yard</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>To be determined within the Development Agreement.</td>
</tr>
</tbody>
</table>

**Building Heights (Maximum).**

(SECW (Employment Center Workplace) Zoning)

To be determined within the Development Agreement.

**Special Requirements.**

(SECW (Employment Center Workplace) Zoning)

**Additional Use Information.**

(SECW (Employment Center Workplace) Zoning)

Billboards adjacent to Interstate 4 may be permitted to the extent allowed under applicable regulations promulgated by the Florida Department of Transportation.

**2.14.00 PLI Zoning.**

PLI (Public Land and Institution)
Provide land for a variety of public, institutional and civic uses. Public land use densities and intensities shall be consistent with the land use districts to which the public uses are adjacent.

<table>
<thead>
<tr>
<th>Permitted principal uses and structures.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(PLI (Public Land &amp; Institution) Zoning)</td>
</tr>
</tbody>
</table>

Health, religious, and civic uses such as, but not limited:
1. Public/private schools and colleges
2. Child day care facilities
3. Hospitals and medical clinics
4. Churches and religious institutions
5. Cemeteries
6. Social and public service agencies
7. Municipal office buildings, library, public safety facilities and emergency service buildings
8. Fire stations
9. Police stations
10. Public works and utilities facilities
11. Public Recreation Facilities, Public Parks, including skateboard/BMX parks
12. Libraries
13. Post offices
14. Community theaters

<table>
<thead>
<tr>
<th>Permitted accessory uses and structures.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(PLI (Public Land &amp; Institution) Zoning)</td>
</tr>
</tbody>
</table>

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

<table>
<thead>
<tr>
<th>Special Exceptions.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(PLI (Public Land &amp; Institution) Zoning)</td>
</tr>
</tbody>
</table>

Uses consistent with the land use districts to which the public uses are adjacent

<table>
<thead>
<tr>
<th>Prohibited uses and structures.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(PLI (Public Land &amp; Institution) Zoning)</td>
</tr>
</tbody>
</table>

1. Adult gaming facilities
2. Pain management facilities
3. Stores with more than fifty percent (50%) of merchandise being tobacco or products used with tobacco or other smokable products
4. Adult uses.

<table>
<thead>
<tr>
<th>Density.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(PLI (Public Land &amp; Institution) Zoning)</td>
</tr>
</tbody>
</table>

Public Land & Institution zoning densities and intensities shall be consistent with the zoning districts to which the public uses are adjacent (strictest standard shall apply when more than adjacent zoning district abut the property)

<table>
<thead>
<tr>
<th>FAR (Floor Area Ratio).</th>
</tr>
</thead>
<tbody>
<tr>
<td>(PLI (Public Land &amp; Institution) Zoning)</td>
</tr>
</tbody>
</table>

Public Land & Institution zoning densities and intensities shall be consistent with the zoning districts to which the public uses are adjacent (strictest standard shall apply when more than adjacent zoning district abut the property)

<table>
<thead>
<tr>
<th>ISR (Impervious Surface Ratio).</th>
</tr>
</thead>
<tbody>
<tr>
<td>(PLI (Public Land &amp; Institution) Zoning)</td>
</tr>
</tbody>
</table>

Public Land & Institution zoning densities and intensities shall be consistent with the zoning districts to which the public uses are adjacent (strictest standard shall apply when more than adjacent zoning district abut the property)
Minimum Lot Width.
(PLI (Public Land & Institution) Zoning)
One hundred feet (100’)

Minimum Building Square Footage.
(PLI (Public Land & Institution) Zoning)
Public Land & Institution zoning densities and intensities shall be consistent with the zoning districts to which the public uses are adjacent (strictest standard shall apply when more than adjacent zoning district abut the property)

Maximum Building Square Footage.
(PLI (Public Land & Institution) Zoning)
Public Land & Institution zoning densities and intensities shall be consistent with the zoning districts to which the public uses are adjacent (strictest standard shall apply when more than adjacent zoning district abut the property)

Setbacks (Minimum).
(PLI (Public Land & Institution) Zoning)

| Front | Thirty (30) feet from the property line or Fifty feet (50’) from the road centerline, whichever is greater. |
| Rear  | Thirty (30) feet |
| Side  | Fifteen (15) feet |
| Water Yard | Seventy-five feet (75’) from the High Water Line |

Building Heights (Maximum).
(PLI (Public Land & Institution) Zoning)
Thirty-five (35) feet

Special Requirements.
(PLI (Public Land & Institution) Zoning)
Buildings should include sidewalks connecting to adjacent roads.

Additional Use Information.
(PLI (Public Land & Institution) Zoning)
None

2.15.00 CNR Zoning.
CNR (Conservation Areas)

Purpose. (CNR (Conservation) Zoning)
Provides for public and private uses of land that require preservation and conservation of natural resources. Typically, such lands would include wetlands, water bodies, conservation corridors and easements, wildlife refuges, lake and wetland protection and buffer areas and similar properties that are dedicated to a public entity.

Permitted principal uses and structures.
(CNR (Conservation) Zoning)
1. Scenic, wildlife, historic, environmental, and scientific preserves
2. Catwalks, docks and trail bridges constructed of wood or City approved recycled materials
3. Public facilities owned or approved by the City

Permitted accessory uses and structures.
(CNR (Conservation) Zoning)
Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

### Special Exceptions

(CNR (Conservation) Zoning)

None

### Prohibited uses and structures

(CNR (Conservation) Zoning)

### Density

(CNR (Conservation) Zoning)

NA

### FAR (Floor Area Ratio)

(CNR (Conservation) Zoning)

40%

### ISR (Impervious Surface Ratio)

(CNR (Conservation) Zoning)

50%

### Minimum Lot Width

(CNR (Conservation) Zoning)

NA

### Minimum Building Square Footage

(CNR (Conservation) Zoning)

1,000 Square Feet

### Maximum Building Square Footage

(CNR (Conservation) Zoning)

10,000 Square Feet

### Setbacks (Minimum)

(CNR (Conservation) Zoning)

- **Front**: Thirty (30) feet from the property line or Fifty feet (50') from the road centerline, whichever is greater
- **Rear**: Thirty (30) feet
- **Side**: Ten (10) feet
- **Water Yard**: Seventy-five feet (75') from the High Water Line

### Building Heights (Maximum)

(CNR (Conservation) Zoning)

Thirty-five (35) feet

### Special Requirements

(CNR (Conservation) Zoning)

Because of the limited ability to accurately depict the exact locations of lands within the Conservation District, the depictions of such lands on the Future Land Use Map and Zoning Map are considered to be illustrative and exact locations shall be determined by field survey, or other scientific means, at time of development or use. Property depicted on the Future Land Use Map and Zoning Map as having a CS or CNR designation, but subsequently determined not to meet criteria...
for inclusion in the CS land use or CNR Zoning District shall be assigned the designation that is determined to be most appropriate for the location in which the property is located.

**Additional Use Information.**

*(CNR (Conservation) Zoning)*

Wetlands and/or water bodies that are contained within easements dedicated to a public entity.

### 2.16.00 PD-R (Residential) Zoning.

**PD-R Planned Development - Residential**

**Purpose.**

*(PD-R (Planned Development - Residential Zoning)*

1. Provide for planned residential communities containing a variety of residential structures and a diversity of building arrangements, with complementary and compatible development in accordance with an approved final development plan.
2. Allow diversification of uses, structures and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
3. Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of other zoning districts.
4. Ensure that development will occur according to the limitations of use, design, density, coverage and phasing stipulated on an approved final development plan.
5. Preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.
6. Encourage an increase in the amount of usable open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional subdivision practices.
7. Provide the maximum opportunity for the application of innovative concepts of site planning in the creation of aesthetically pleasing living environments on properties of adequate size, shape and location. The Planned Unit Development district is permitted within all land use categories shown on the future land use map of the comprehensive plan.

**Designated areas.**

*(PD-R (Planned Development - Residential Zoning)*

1. Residential PDs (PD-R) shall be located within residentially designated areas.
2. The minimum acreage requirement is ten (10) acres with the exception of undeveloped lands consisting of a minimum of five (5) acres adjacent to the Downtown Commercial District (DCD) category shall be required to be zoned PD. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PD district and expressed municipal development policy would be served in such case.
3. Planned development techniques shall be used as a management strategy for promoting smart growth principles, negotiating innovative development concepts, design amenities, and measures intended to encourage unique planning concepts and to protect environmentally, historically or archeologically significant sites.

**Permitted principal uses and structures.**

*(PD-R (Planned Development - Residential Zoning)*

1. Single-family dwellings and their permitted accessory uses, including one accessory dwelling unit per principal dwelling unit.
2. Home occupations, as permitted.
3. Public facilities owned by the City.
4. Agricultural, silvicultural and equestrian uses that do not create conditions that are incompatible with neighboring residential uses.
5. Non-profit parks and playgrounds.
6. Recreational or community structures maintained by homeowner associations.
7. Licensed Community Residential Facilities with less than seven (7) residents.
8. Group homes, and foster Care Facilities with less than six (6) residents.

**Permitted accessory uses and structures.**
(PD-R (Planned Development - Residential) Zoning)

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.**
(PD-R (Planned Development - Residential) Zoning)

1. Bed and Breakfast Inn
2. Child Care Facilities
3. Adult Care Facilities/ Extended Care Facilities
4. Licensed Community Residential Facilities with more than seven (7) residents
5. Group homes, and foster Care Facilities with more than six (6) residents
6. Model homes

**Prohibited uses and structures.**
(PD-R (Planned Development - Residential) Zoning)

1. Non-residential uses in residential PDs
2. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor

**Density.**
(PD-R (Planned Development - Residential) Zoning)

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Residential is within or adjacent to.

**Minimum Lot Width.**
(PD-R (Planned Development - Residential) Zoning)

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Residential is within or adjacent to.

**Minimum Building Square Footage.**
(PD-R (Planned Development - Residential) Zoning)

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Residential is within or adjacent to.

**Maximum Building Square Footage.**
(PD-R (Planned Development - Residential) Zoning)

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Residential is within or adjacent to.

**Setbacks (Minimum).**
(PD-R (Planned Development - Residential) Zoning)

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Residential is within or adjacent to.

**Building Heights (Maximum).**
(PD-R (Planned Development - Residential) Zoning)

To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development - Residential is within or adjacent to.

**Special Requirements.**

**Performance and development standards.**

*(PD-R (Planned Development - Residential) Zoning)*

1. **Pedestrian Orientation:** The PD shall incorporate the following principles to guide development in creating pedestrian friendly neighborhoods and communities:

   a. An open space system that compliments the development to include features such as public gathering spaces and plazas, landscaping, statuary, seating, light and water features, recreation amenities and areas, bicycle racks, and natural open space.

   b. All developments shall provide for infrastructure and open space interconnectivity both internally and externally with adjacent properties unless physical constraints are present such as wetlands, environmental preservation areas or right-of-way that make interconnection detrimental to the public wellbeing. For development located along an arterial or collector road, the number and type of access points shall be limited, as appropriate, so as to minimize disruption of traffic flow on the abutting arterial or collector roadway.

   c. A sidewalk meeting the required landscaping for pedestrian connections shall be provided where a commercial or office use abuts an arterial or collector roadway, providing bicyclists and pedestrians direct access from said roadway to the business.

**Additional Use Information.**

*(PD-R (Planned Development - Residential) Zoning)*

**PD Approval procedures.** *(PD Zoning)*

Article 13.10 of this code outlines requirements for rezoning to a Residential Planned Development.

**2.17.00 PD-C (Commercial) Zoning.**

**PD-C Planned Development - Commercial**

**Purpose.**

*(PD-C (Planned Development - Commercial) Zoning)*

1. Provide for planned commercial centers with complementary and compatible residential or industrial uses or both; or planned industrial parks with complementary and compatible residential or commercial uses or both developed in accordance with an approved final development plan.

2. Allow diversification of uses, structures and open spaces in a manner compatible with existing and permitted land uses on abutting properties.

3. Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of other zoning districts.

4. Ensure that development will occur according to the limitations of use, design, density, coverage and phasing stipulated on an approved final development plan.

5. Preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.

6. Encourage an increase in the amount of usable open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional subdivision practices.

7. Provide the maximum opportunity for the application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location.
Designated areas.
(PD-C (Planned Development - Commercial) Zoning)

1. Commercial PDs (PD-C) shall be located within commercially designated areas of the Future Land Use Map. Light industrial uses may be allowed within a commercial PD.
2. Commercial uses shall be allowed within a PD located within residentially designated areas of the Future Land Use Map provided the site is located adjacent to or in close proximity to the Downtown Commercial land use district and that the commercial uses do not exceed 25% of the gross acreage of the site and are intended to serve the principal use.
3. The minimum acreage requirement is ten (10) acres within all land use categories with the exception that undeveloped lands consisting of a minimum of five (5) acres adjacent to the Downtown Commercial land use category shall be required to be zoned PD. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PD district and expressed municipal development policy would be served in such case.
4. Planned development techniques shall be used as a management strategy for promoting smart growth principles, negotiating innovative development concepts, design amenities, and measures intended to encourage unique planning concepts and to protect environmentally, historically or archeologically significant sites.

Permitted principal uses and structures.
(PD-C (Planned Development - Commercial) Zoning)

Uses consistent with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

Permitted accessory uses and structures.
(PD-C (Planned Development - Commercial) Zoning)

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

Special Exceptions.
(PD-C (Planned Development - Commercial) Zoning)

NA

Prohibited uses and structures.
(PD-C (Planned Development - Commercial) Zoning)

Any use, structure or activity not specifically approved by the City Commission within the Development Order, including, but not limited to:
1. Mobile homes
2. Adult gaming facilities
3. Pain management facilities
4. Shops with more than fifty percent (50%) of merchandise being tobacco and products used with tobacco or other smokable products
5. Adult uses.
6. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor

Density.
(PD-C (Planned Development - Commercial) Zoning)

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

FAR (Floor Area Ratio).
(PD-C (Planned Development - Commercial) Zoning)
To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

**ISR (Impervious Surface Ratio).**
*(PD-C (Planned Development - Commercial) Zoning)*

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

**Minimum Lot Width.**
*(PD-C (Planned Development - Commercial) Zoning)*

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

**Minimum Building Square Footage.**
*(PD-C (Planned Development - Commercial) Zoning)*

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

**Maximum Building Square Footage.**
*(PD-C (Planned Development - Commercial) Zoning)*

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

**Setbacks (Minimum).**
*(PD-C (Planned Development - Commercial) Zoning)*

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

**Building Heights (Maximum).**
*(PD-C (Planned Development - Commercial) Zoning)*

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development - Commercial is within or adjacent to.

**Special Requirements.**

**Performance and development standards.**
*(PD-C (Planned Development - Commercial) Zoning)*

1. Commercial Uses: A market study shall be provided which identifies the need for the proposed commercial uses.
2. Complimentary residential uses at a maximum of 25% of the gross acreage of the site shall be allowed within a Commercial PD.
3. **Commercial Support Intersections within Commercial Planned Development** shall follow the requirements:
   a. Uses include professional office, personal services, convenience retail, agriculture/equestrian related retail sales of goods and services, child day care centers, grocery, drug store, financial services, and hardware stores or similar uses.
   b. Structures used for commercial purposes shall be limited to a maximum aggregate floor area ratio of .50 within each property.
   c. The impervious surface ratio shall not exceed .70.
d. Elements of compatibility shall be addressed in the Development Agreement, including but not limited to signage, hours of operation, lighting, building orientation, height, façade, architectural design, parking, landscaping and buffering.

e. Commercial Retail Uses is limited to 5,000 square feet.

f. The commercial square footage may be increased (developed in conjunction with a mixed use community); however, big box retail is prohibited and market study is required.

4. Landscaping: A 10 (ten) foot landscape buffer meeting code design requirements shall be provided in the area between the road right-of-way and the building.

5. Building Design: Buildings shall be designed to reflect human scale, with building massing and style reflecting the surrounding neighborhood. The use of long areas of with blank walls shall be avoided, with walls containing periodic architectural features creating visual interest. Flat roofs, including those using parapet walls, shall be prohibited. Windows shall be provided on all building façades facing arterial or collector streets.

6. Parking: All vehicular parking shall be no closer to the road right-of-way than the furthest set back portion of the building(s).

7. Display of merchandise: All open display, storage, or sale of merchandise outside of fully enclosed buildings shall be prohibited, except when enclosed within a structure providing screening from view with eighty percent (80%) opacity (ex. a fenced area with a cover for screening).

Additional Use Information.

(PD-C (Planned Development - Commercial) Zoning)

PD Approval procedures. (PD-C (Planned Development - Commercial) Zoning)

Article 13.10 of this code outlines requirements for rezoning to a Residential Planned Development.

2.18.00 PD Zoning.

PD-MUX (Mixed Use)

Purpose.

(PD-MUX (Planned Development - Mixed Use) Zoning)

1. Provide for planned residential communities containing a variety of residential structures and a diversity of building arrangements, with complementary and compatible commercial or industrial uses or both; planned commercial centers with complementary and compatible residential or industrial uses or both; or planned industrial parks with complementary and compatible residential or commercial uses or both developed in accordance with an approved final development plan.

2. Allow diversification of uses, structures and open spaces in a manner compatible with existing and permitted land uses on abutting properties.

3. Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of other zoning districts.

4. Ensure that development will occur according to the limitations of use, design, density, coverage and phasing stipulated on an approved final development plan.

5. Preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.

6. Encourage an increase in the amount of usable open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional subdivision practices.
7. Provide the maximum opportunity for the application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping and working environments on properties of adequate size, shape and location.

8. Planned development techniques shall be used as a management strategy for promoting smart growth principles, negotiating innovative development concepts, design amenities, and measures intended to encourage unique planning concepts and to protect environmentally, historically or archaeologically significant sites.

**Designated areas.**

*(PD-MUX (Planned Development - Mixed Use) Zoning)*

1. The Mixed Use Planned Development district is permitted within all land use categories shown on the future land use map of the comprehensive plan.

2. Minimum Gross Acreage: The minimum acreage requirement is twenty-five (25) acres. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the Comprehensive Plan and expressed municipal development policy would be served in such case.

**Permitted principal uses and structures.**

*(PD-MUX (Planned Development - Mixed Use) Zoning)*

1. Residential townhomes/villas, multi-family residential, single family residential.

2. Commercial offices, personal care services, day care, restaurant/deli. Single occupant structures shall not exceed 25,000 square feet.

3. Retail Commercial shall not exceed 5,000 square feet per unit or when paired with another use, retail area cannot exceed 5,000 square feet. (Market study required, see performance and development standards)

4. Government, civic, institutional, or recreational

**Permitted accessory uses and structures.**

*(PD-MUX (Planned Development - Mixed Use) Zoning)*

Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted uses and structures. Article 4 of this Code identifies specific requirements for accessory uses and structures.

**Special Exceptions.**

*(PD-MUX (Planned Development - Mixed Use) Zoning)*

NA

**Prohibited uses and structures.**

*(PD-MUX (Planned Development - Mixed Use) Zoning)*

Any use, structure or activity not specifically approved by the City Commission within the Development Order, including, but not limited to:

1. Mobile homes

2. Adult gaming facilities;

3. Pain management facilities;

4. Shops with more than fifty percent (50%) of merchandise being tobacco and products used with tobacco or other smokable products

5. Adult uses.

6. Any use that may be considered to cause objectionable noise, fumes, vibrations, dust or odor

**Density.**

*(PD-MUX (Planned Development - Mixed Use) Zoning)*

To be determined within the Development Agreement. Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.
Open Space.
(PD-MUX (Planned Development - Mixed Use) Zoning)
25% of the gross acreage of the site

FAR (Floor Area Ratio).
(PD-MUX (Planned Development - Mixed Use) Zoning)
To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.

ISR (Impervious Surface Ratio).
(PD-MUX (Planned Development - Mixed Use) Zoning)
Commercial Support Intersections: .70
All others: To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.

Minimum Lot Width.
(PD-MUX (Planned Development - Mixed Use) Zoning)
To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.

Minimum Building Square Footage.
(PD-MUX (Planned Development - Mixed Use) Zoning)
To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.

Maximum Building Square Footage.
(PD-MUX (Planned Development - Mixed Use) Zoning)
To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.

Setbacks (Minimum).
(PD-MUX (Planned Development - Mixed Use) Zoning)
To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.

Building Heights (Maximum).
(PD-MUX (Planned Development - Mixed Use) Zoning)
To be determined within the Development Agreement.
Shall be compatible with the zoning districts to which the Planned Development – Mixed Use is within or adjacent to.

Special Requirements.
Performance and development standards.
(PD-MUX (Planned Development - Mixed Use) Zoning)

1. A mixed-use PD (PD-MUX) includes a mix of housing types (i.e. single family and multi-family) shall be allowed and the housing mix shall be flexible; however, multi-family dwelling units within the PD in the single family designated areas shall not exceed 49% of the housing stock.
2. Residential units may be clustered and include a mix of housing.
3. Residential dwellings shall be permitted above or attached to commercial, office, or civic uses.
4. The Mixed Community shall accommodate a land use mix consistent with the following table:

<table>
<thead>
<tr>
<th>Use</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>40%</td>
<td>65%</td>
</tr>
<tr>
<td>Commercial</td>
<td>5%</td>
<td>25%</td>
</tr>
<tr>
<td>Parks &amp; Open Space</td>
<td>35%</td>
<td>N/A</td>
</tr>
</tbody>
</table>

5. Pedestrian Orientation: The Mixed-Use PD shall incorporate the following principles to guide development in creating pedestrian friendly neighborhoods and communities:
   
g. An open space system that compliments the development to include features such as public gathering spaces and plazas, landscaping, statuary, seating, light and water features, recreation amenities and areas, bicycle racks, and natural open space.
   
h. All developments shall provide for infrastructure and open space interconnectivity both internally and externally with adjacent properties unless physical constraints are present such as wetlands, environmental preservation areas or right-of-way that make interconnection detrimental to the public wellbeing. For development located along an arterial or collector road, the number and type of access points shall be limited, as appropriate, so as to minimize disruption of traffic flow on the abutting arterial or collector roadway.
   
i. A sidewalk meeting the required landscaping for pedestrian connections shall be provided where a commercial or office use abuts an arterial or collector roadway, providing bicyclists and pedestrians direct access from said roadway to the business.

6. Commercial Support Intersections within Mixed Use Planned Development shall comply with the following requirements:
   
a. Uses include professional office, personal services, convenience retail, agriculture/equestrian related retail sales of goods and services, child day care centers, grocery, drug store, financial services, and hardware stores or similar uses.
   
b. Elements of compatibility shall be addressed in the Development Agreement, including but not limited to signage, hours of operation, lighting, building orientation, height, façade, architectural design, parking, landscaping and buffering.
   
c. The commercial square footage may be increased (developed in conjunction with a mixed use community); however, big box retail is prohibited.
   
d. Commercial Retail Uses is limited to 5,000 square feet.

7. Parking: All vehicular parking shall be no closer to the road right-of-way than the furthest set back portion of the building(s).

8. Display of merchandise: All open display, storage, or sale of merchandise outside of fully enclosed buildings shall be prohibited, except when enclosed within a structure providing screening from view with eighty percent (80%) opacity (ex. a fenced area with a cover for screening).

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Additional Use Information.

(PD-MUX (Planned Development - Mixed Use) Zoning)

PD Approval procedures.

(PD-MUX (Planned Development - Mixed Use) Zoning)
Article 13.10 of this code outlines requirements for rezoning to a Residential Planned Development.
Article 3. Advisory and Decision-Making Bodies and Persons

3.00.00 Advisory and Decision-Making Bodies and Persons

3.01.00 City Commission

All powers of the city shall be vested in the City Commission except as otherwise provided by law or the City Charter, and the commission shall provide for the exercise of such powers and for the performance of all duties and obligations imposed on the city by law.

In addition, the following functions, powers and duties of the commission shall be, in general:

1. To ratify the updating of the Comprehensive Plan; to ensure the City’s Comprehensive Plan meets present and foreseeable future needs and is consistent with the City Charter, as required from time to time.
2. To provide for the approval of proposals promoting orderly development along lines consistent with the Comprehensive Plan.
3. To provide for the approval of subdivision plats, site plans to ensure consistency with the Comprehensive Plan and the LDC regulations.
4. To conduct public hearings as may be necessary in the discharge of its enumerated duties.
5. To amend these regulations following reviews and recommendations by the local planning board (Planning and Land Development Regulation Commission).
6. To authorize and delegate duties to city administration or other boards as necessary to implement these LDC regulations.
7. To interpret the City’s Land Development, Zoning, and Comprehensive Plan regulations when reviewing development applications.

3.02.00 Planning and Land Development Regulation Commission

1. Membership

The Planning and Land Development Regulation Commission shall consist of seven (7) persons and one (1) person serving as an alternate member who are residents of the City of Lake Helen, and who shall be appointed by the City Commission. No paid or elected official or employee of the city may serve as a member of the Planning and Land Development Regulation Commission. Members shall be appointed for three-year staggered terms, and may be reappointed for additional terms. The three (3) year term of office shall, regardless of actual date of a member’s appointment or reappointment, be considered to commence on October 1st and to expire on September 30th in the third year of the term.

Members of the Planning and Land Development Regulation Commission (PLDRC) shall comply with all applicable federal, state and local laws regarding ethics, financial disclosure, open conduct of public business and public records. If any regular voting member fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman shall automatically forfeit his/her appointment. Any vacancy occurring during the unexpired term of office of any member shall be filled by the City Commission for the remainder of the term. The vacancy shall be filled by the City Commission in as timely a period as is practicable. The City will comply with FS 112.501 when removing any member of the PLDRC.

2. Alternate Member
The Alternate Member shall attend all meetings and may participate in discussion for any item before the Board; however, the Alternate shall not vote on any matter before the Board unless a regular member of the Board is absent and the Chair has informed the Board and any members of the public present that the alternate member will be acting as a regular member of the Board for purposes of the subject petition.

3. Officers
The Planning and Land Development Regulation Commission (PLDRC) shall elect a chairman, vice-chairman and secretary from among its members. The city shall provide clerical and staff assistance.

4. Rules of Procedure
The Planning and Land Development Regulation Commission (PLDRC) shall meet at regular monthly intervals as needed to accomplish its assigned duties, and at such other times as it may deem necessary, for the transaction of its business. A quorum shall be four (4) members. No recommendations for approval of any application may be made unless four (4) members concur.

Each meeting shall have been previously noticed and shall be open to the public per state requirements. All records of the Commission including its rules of procedure, minutes, and inventory shall be maintained and considered to be public records open to inspection by the public at the City Clerk’s Office.

All board members shall operate within the requirements of the Sunshine Law of the State of Florida. Members of the commission shall serve without compensation or honorarium, but shall be entitled to receive reimbursement for per diem and travel expenses for attendance at meetings or conferences outside the City of Lake Helen, provided that prior approval in writing is given by the City Administrator or his/her designee.

3.02.01 Powers and duties of the Planning and Land Development Regulation Commission
The Planning and Land Development Regulation Commission (PLDRC) shall hear applications from the City Commission, any department or agency of city government, or from any person for amendment to the Comprehensive Plan or Land Development Regulations and make recommendations to the City Commission. If the proposed amendment or special exception relates to a specific area of land, it shall be heard only if it is presented by the person owning fifty-one percent (51%) or more of that land, or by the owner’s designee; provided, however, that any agreement relating to such action or development order relating to such action, when containing commitments or covenants which run with the property that is the subject of the application, must be executed by all persons and entities necessary to bind the property.

The Planning and Land Development Regulation Commission (PLDRC) is hereby designated as the local planning agency as required by Section 163.3161, Florida Statutes, et seq. and Section 163.3174, Florida Statutes and/or the Local Government Comprehensive Planning and Land Development Regulation Act. It shall prepare, or cause to be prepared, the elements of the comprehensive plan required in Section 163.3177, Florida Statutes, and any other appropriate elements, and shall make recommendations regarding the Comprehensive Plan to the City Commission. It shall have the general responsibility for the conduct of the Comprehensive Planning program. It shall comply with all requirements of the Local Government Comprehensive Planning and Land Development Regulation Act and shall monitor and oversee the effectiveness and status of the comprehensive plan, and recommend to the City Commission, such changes in the comprehensive plan as may from time to time be required. It shall perform any other duties assigned by the City Commission and may prepare and recommend to the City Commission any other
proposals to implement the Comprehensive Plan.

As the local planning agency, the Planning and Land Development Regulation Commission (PLDRC) is hereby also designated as the Land Development Regulation Commission in accordance with the provisions of Section 163.3161, et seq. and Section 163.3194, Florida Statutes and/or the Local Government Comprehensive Planning and Land Development Regulation Act. The PLDRC shall develop and recommend to the City Commission Land Development Regulations which implement the Comprehensive Plan and review Land Development Regulations or amendments for consistency with the adopted plan.

### 3.02.02 Functions, Powers, and Duties of the PLDRC

1. **Recommendation of original zoning districts and appropriate regulations.** It shall be the duty of the Planning and Land Development Regulation Commission (PLDRC) to recommend to the City Commission the boundaries of the various original zoning districts and appropriate regulations to be enforced therein.

2. **Zoning changes.** Although the City Commission may, from time to time, amend or supplement the regulations and zoning classifications or districts, proposed changes may be suggested by the Planning and Land Development Regulation Commission (Article 13).

3. **Comprehensive Plan Amendments.** The Planning and Land Development Regulation Commission shall also serve as the local planning agency, and shall review and make recommendations on amendments to the Comprehensive Plan (Article 13).

4. **Site plan review.** The Planning and Land Development Regulation Commission shall be responsible for making recommendations to the City Commission regarding site development plans (Article 14) and variances (Article 13).

5. **Interpretations.** The Planning and Land Development Regulation Commission shall make interpretations of the zoning, development, and subdivision regulations, as well Comprehensive Plan regulations/provisions following an interpretation by the City Administrator or his/her designee. Appeals of Planning and Land Development Regulation Commission decisions can be made to the City Commission (Article 15).

6. **Special Exception Uses (Article 13).** The Planning and Land Development Regulation Commission shall hear and make recommendations to the City Commission on requests for special exception uses. In doing so, the commission may decide such questions as are involved in determining when special exception uses should be granted and either grant special uses with appropriate conditions and safeguards or deny special exception uses. After review of an application and a public hearing thereon, the Planning and Land Development Regulation Commission may make a recommendation that the City Commission allow special exception uses only upon a determination that the use meets the following standards:
   a. The intensity of the proposed use is harmonious with the character of the area and is consistent with trends of development in the area.
   b. Does not have an unduly adverse effect on existing traffic patterns, movements, intensity, and safety.
   c. Is consistent with the Comprehensive Plan goals and policies and the density/intensity standards based on the Comprehensive Plan and Future Land Use Map for the district in which the property is located;
   d. The proposed use is consistent with the intent of the zoning district in which it is located.
e. The proposed use shall not be detrimental to the health, safety, welfare, and morals of adjoining properties or residents of the city, and shall be economically beneficial to the city.

f. The height and orientation of any proposed structure(s) shall be compatible with existing neighboring structures.

g. The subject property shall be of adequate size and shape to accommodate the proposed development while providing adequate separation from neighboring uses.

h. The proposed use shall not create or intensify flooding issues on neighboring properties.

i. The proposed use shall be effectively buffered so as to screen neighboring properties from traffic, noise, light, odor, or visual impacts.

j. The refuse and/or loading areas shall be adequately screened so as not to have visual, odor, or noise impacts on neighboring properties.

k. The size, design, and location of proposed sign(s) shall be in conformance with the city’s sign regulations, as well as being compatible with neighboring uses.

l. Exterior lighting shall be harmonious with neighboring uses in terms of glare and intensity.

m. On-site traffic circulation shall meet the requirements for the Fire Department and other first responders.

7. Variances (Article 13). The Planning and Land Development Regulation Commission shall hear and make recommendations to the City Commission regarding requests for variances from the quantitative terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefor, and not surrounding properties. In order to recommend approval of said variance, the Planning and Land Development Regulation Commission must find:

a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; such on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;

b. That the special conditions and circumstances do not result from the actions of the applicant;

c. That granting the variance requested will not confer on the applicant any special privilege that is denied by the article to other lands, buildings or structures in the same zoning district;

d. That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the article and would work [incur] unnecessary and undue hardship on the applicant;

e. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
f. That the grant of the variance will be in harmony with the general intent and purpose of this code and the comprehensive plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

g. The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

In granting any variance, the commission may prescribe appropriate conditions and safeguards, the violation of which shall be deemed a violation of this code. The commission may also prescribe a reasonable time limit within which the action for which the variance was requested shall be begun, completed or both.

Under no circumstances shall the commission grant a variance which permits a use not generally, or by special exception use, permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this code in the zoning district involved. Nonconforming uses of neighboring lands, structures or buildings in the same zoning classifications or district, and permitted uses of lands, structures or buildings in other zoning classifications or districts shall not be considered grounds for the authorization of a variance.

3.03.00 Historic Preservation Board

The Historic Preservation Board is hereby established as a citizen advisory board for purposes of administering Article 5.

1. Membership

The Historic Preservation Board shall have five (5) members and one (1) alternate member, appointed by the City Commission. Members of the Board shall be residents of the City of Lake Helen. Appointments shall be made whenever possible on the basis of experience or interest in the fields of history, architecture, law, real estate appraisal, urban planning and/or building construction.

Members shall serve staggered terms of three (3) years. The three (3) year term of office shall, regardless of actual date of a member’s appointment or reappointment, be considered to commence on October 1st and to expire on September 30th in the third year of the term in accordance with the schedule of terms that has been implemented by the City Commission. Members may be reappointed for additional terms. Any vacancy occurring during the unexpired term of office of any member shall be filled by the City Commission for the remainder of the term. The vacancy shall be filled by the City Commission in as timely a period as is practicable. Any member of the Historic Preservation Board may be removed from office for cause by the City Commission, upon written charges and after public hearing in accordance with controlling State law.

Any member who fails to attend two (2) of three (3) successive meetings without cause and without prior approval of the chairman shall automatically forfeit his/her appointment.

2. Alternate Member

The Alternate Member shall attend all meetings and may participate in discussion for any item before the Board; however, the Alternate shall not vote on any matter before the Board unless a regular member of the Board is absent and the Chair has informed the Board and any members of the public present that the alternate member will be acting as a regular member of the Board for purposes of the subject petition.

3. Officers
The members of the Board shall elect a chairman and vice-chairman. The chairman and vice-chairman may each be reelected for additional terms. The presence of three (3) or more members shall constitute a quorum of the Board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the City Administrator or his/her designee.

4. Rules of Procedure

The Historic Preservation Board shall hold at least four meetings each year, but may hold additional meetings if deemed necessary. Each meeting shall have been previously noticed and shall be open to the public per state requirements.

All records of the Board including its rules of procedure, minutes, and inventory shall be maintained and considered to be public records open to inspection by the public at the City Clerk’s Office. It shall adopt written by-laws and keep a properly indexed public record of its resolutions, transactions, findings and recommendations.

All board members shall operate within the requirements of the Sunshine Law of the State of Florida.

3.03.01 Powers and duties of the Historic Preservation Board

1. Update the official inventory of historic properties and submit to the City Commission recommendations and documentation regarding proposed changes contiguous to the City of Lake Helen Historic District.

2. Develop programs to stimulate public interest in the conservation of historic districts, to participate in the adaptation of existing codes, ordinances, procedures, and programs to reflect historic district conservation policies and goals.

3. Explore funding and grant sources and advise and educate property owners concerning availability of such funds for identification, protection, enhancement, perpetuation, and use of historic, architectural, archaeological, and cultural resources.

4. Cooperate with agencies of city, county, regional, state and federal governments in planning proposed and future projects to reflect historic preservation and concerns and policies, and assist in the development of proposed and future land use.

5. Represent the City Historic Preservation Board at educational meetings, workshops and conferences sponsored by the Department of State, Division of Historic Resources or other historic preservation organizations.

6. Advise property owners and other city agencies concerning the proper protection, maintenance, enhancement and preservation of historic properties.

7. Advise and educate the City Commission concerning the effects of City actions on historic properties and neighborhoods.

8. Provide written design guidelines to citizens and property owners, as needed, to foster an understanding of the purposes of this Article and Article 5.

9. Recommend approval, approval with conditions or denial of petitions for Certificates of Appropriateness required under this Article and Article 5.

10. Recommend approval, approval with conditions or denial of petitions for Certificates of Designation required under this Article and Article 5.
11. Provide a hearing and recommended decision in response to Variance claims as outlined in Article 5.05.16.

12. Notify the City Commission, City Code Compliance Officer and Building Official when it appears that there has not been compliance with the historic preservation regulations of this Code.

13. Create and recommend to the City Commission the initial City of Lake Helen Historic District and subsequent additions and deletions to the properties, structures and boundaries of said district.

14. Provide direction and an opportunity for public review and comment prior to final approval of a building permits within the Gateway Overlay.

15. Act as a resource for information, advice, education and references for the citizens of Lake Helen in historic matters.

3.04.00 Administrative Authority

Reserved.
Article 4. Accessory Uses and Structures

4.00.00 Accessory Uses and Structures

An accessory use and structure shall be incidental and subordinate to the principal building on the property. Accessory uses and structures must be on the same property as the building or use to which they are accessory.

The intent of this section is to allow accessory uses while not creating adverse impacts on surrounding lands.

4.01.00 Accessory Dwelling Units

The purpose of this section is to further the City’s goal to provide affordable housing without changing the low-density, predominantly single-family character of the City. Providing the opportunity for and encouragement of small, rental housing units will help meet the housing needs of single persons and couples, as well as ease the financial burden of homeowners. Such units can allow elderly persons who might otherwise have difficulty finding homes to age in the community they call home. This section is also intended to protect the property values and residential character of neighborhoods where accessory dwelling units are located.

4.01.01 Accessory Dwelling Units Development Standards

Accessory Dwelling Units shall be allowed in residential areas provided that all of the following requirements shall be met:

1. No more than one (1) Accessory Dwelling Unit shall be permitted on any residential lot.
2. The Accessory Dwelling Unit may be established through
   a. conversion of existing floor space in a single-family structure;
   b. an addition to an existing accessory structure, provided it is located within the area of the lot allowed for principal dwellings.
   c. a new structure constructed within the area of the lot allowed for principal dwellings.
3. The Accessory Dwelling Unit may not be constructed within the front yard of any lot.
4. The Accessory Dwelling Unit shall be clearly subordinate to the principal dwelling and shall not exceed twenty-five percent (25%) of the total floor space of the original dwelling plus any additional space required to meet the 300 square foot minimum. The exterior appearance and character shall be compatible with the existing principal dwelling and neighborhood.
5. Each Accessory Dwelling Unit shall contain its own private and separate bathroom and kitchen and have separate access to the outside.
6. One additional off-street parking space shall be provided for the Accessory Dwelling Unit.
7. The Accessory Dwelling Unit shall be a minimum of 300 square feet.
8. The owner shall reside in one of the two dwelling units, which shall be his/her principal residence.
10. Outdoor storage of the property of the Accessory Dwelling Unit, excluding bicycles, shall be prohibited.
11. The permit process for an Accessory Dwelling Unit shall require that the unit meets all building code standards.

12. Accessory dwelling units shall meet the setback standards for accessory structures under these zoning regulations.

13. Accessory dwelling units must register with the City Clerk.

### 4.02.00 Bed and Breakfast Inn Facilities

Bed and Breakfast Inn facilities are a special exception use and is subject to the following requirements:

1. Not more than ten (10) rooms for lodging shall be offered to the public for overnight accommodations unless, upon application, a larger number is approved by the City Commission upon a finding of land use compatibility with land uses located on adjacent and proximate parcels and that the necessary and adequate public facilities and parking areas will be available.

2. The owner must ensure that all state and local fire, water, sanitation, and food service provisions and licenses are met.

3. A bed and breakfast shall be subject to all applicable licenses and all applicable state and local business taxes.

4. The rooms for lodging of guests in a bed and breakfast facility shall not occupy more than seventy five percent (75%) of the gross habitable floor area of the building.

5. The external appearance of the building site shall be residential in character and appearance and shall be compatible with the structures adjacent to and proximate to the site. The use of the structure as a bed and breakfast homestay shall be subordinate to its residential purposes and shall not change the character thereof.

6. No more than one parking space per room is permissible and the applicant must demonstrate sufficient parking allowances prior to approval. If parking will be provided in the rear of the home, this must be included in the site plan and adhere to buffering requirements as noted in the parking section.

7. Only a nameplate placed in a logical and appropriate location on the property, tastefully displayed and adequately lighted for guests arriving after dusk shall be permitted as signage for the site unless, upon application, the City Commission finds that additional signage is necessary and would be appropriate and in accordance with sound and generally accepted planning and land use practices and principles and will maintain compatibility with adjacent and proximate uses. Any additional signage permitted must be consistent with the provisions of this Code.

8. Outdoor lighting may not exceed permissible residential lighting including an entry lighting over doors, walkway and garden lighting, and non-obtrusive lighting in the rear of the home.

9. No traffic shall be generated by any bed and breakfast homestay in greater volumes than would normally be expected in a residential neighborhood, unless licensed and permitted to conducted special functions. Parking limitations as specified in the permit shall be adhered to.
10. Each bed and breakfast facility must be operated by an on-premises owner-occupier of the main building. If the establishment is owned by a legal entity other than a natural person, it must maintain an operator on premises at the establishment at all times.

11. Food and related services may only be offered to registered guests of the bed and breakfast facility, unless the facility is also licensed and permitted as a restaurant and/or retail sales establishment, and is located in a mixed-use or commercial area.

12. A yearly permit may be obtained by the owner at the time of development plan, building permit, or business licensing, as applicable, that parking and other necessary public services are available to accommodate such events and that activities such as special functions, such as weddings, receptions and other short term events are compatible with land uses occurring on adjacent and proximate parcels. Annual renewal of this permit will be permitted subject to no property changes and continued compatibility with surrounding land uses.

13. In strictly assigned residential areas as determined in the zoning code, if a yearly permit is not obtained, special permits are required for special functions, such as weddings, receptions and other short-term events. Determination of adequate parking must be demonstrated.

14. Adding additional buildings to the property for the purpose of increasing rooms is allowable and shall be clearly subordinate to the primary residence structure and shall have indoor plumbing and comply with this code.

15. Alterations to existing building to accommodate additional room will only be permitted if all regulations set forth by the City are adhered to and the additional square footage is permissible under current regulations.

16. Prior to final approval of a building permit the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

4.02.01 Short-term Vacation Rentals

This section shall apply to short-term vacation rental as a commercial business of a single-family dwelling and a two-family dwelling for fewer than 30 consecutive days. This section shall not apply to short-term vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes three (3) or more individual dwelling units within such building or group of buildings.

Short-term vacation rental minimum requirements. Short-term vacation rentals shall be permitted in all residential zoning districts provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental without initially and then on a continuing basis:

1. Obtaining a short-term vacation rental Local Business Tax Receipt from the City of Lake Helen;

2. Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;

3. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
4. As demonstrated through an affidavit, maintaining initial and ongoing compliance with the Short-term Vacation Rental Standards contained herein, plus any other applicable local, state, and federal laws, regulations, and standards to include, but not be limited to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A, Florida Administrative Code or such successor statutes or Rules as may be applicable.

Short-Term Vacation Rental Standards. The following Standards shall govern the use of any short-term vacation rental as a permitted use. An inspection will be held prior to issuance of the Local Business Tax Receipt and annual inspections shall be required.

1. **Minimum life/safety requirements:**
   a. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
   b. Sleeping rooms. All sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the Florida Building Code.
   c. Smoke and carbon monoxide (CO) detection and notification system. If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the short-term vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code — Residential.
   d. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
   e. Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit.

2. **Maximum occupancy.** The following specific site considerations in subsections a., b., and c. shall limit any short-term vacation rental occupancy to whichever is less, but not to exceed the permitted maximums provided in subsections d. or e., as applicable, below:
   a. One (1) person per one hundred fifty (150) gross square feet of permitted, conditioned living space; or
   b. The maximum number of occupants allowed shall be restricted in accordance with any septic tank permit and the assumed occupancy/conditions the permit was issued under by the Volusia County Health Department; or
   c. Two (2) persons per sleeping room, meeting the requirements for a sleeping room, plus two (2) additional persons that may sleep in a common area.
   d. The maximum occupancy shall be limited to ten (10) occupants per short-term vacation rental unit.
3. **Parking standard.** Based on the maximum short-term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) transient occupants. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street parking shall not be permitted.

4. **Minimum short-term vacation rental information required postings.** The short-term vacation rental shall be provided with posted material as required by the City of Lake Helen:

   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. The name, address and phone number of the short-term vacation rental responsible party;
   
   b. The maximum 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 parking spaces;
   
   e. The days of trash pickup and recycling;
   
   f. If the short-term vacation rental unit is located on the barrier island, notice of sea turtle nesting season restrictions and sea turtle lighting usage; and
   
   g. The location of the nearest hospital.

   If the short-term vacation rental unit includes three (3) or more occupied floors, on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map — Minimum 8½" by 11" in size.

5. **Septic tank wastewater disposal.** If wastewater service is provided through a private home septic system, then the owner shall provide Volusia County a valid Health Department septic permit and the application it is based upon for the property, demonstrating the capacity for the short-term vacation rental occupancy requested.

6. **Other standards.** Any other standards contained within the City of Lake Helen Land Development Code to include but not be limited to: noise, setbacks, stormwater, and similar provisions.

7. **Duties of the Owner/Agent.** The duties of the short-term vacation rental responsible party whether the property owner or an agent are to:

   a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the short-term vacation rental use;
   
   b. If necessary, be willing and able to come to the short-term vacation rental unit within two (2) hours following notification from an occupant, the owner, or City of Lake Helen to address issues related to the short-term vacation rental;
   
   c. Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
d. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section.

### 4.03.00 Accessory structures

Accessory structures shall be designed and constructed so as to be compatible with the architectural design of the principal building(s) and/or surrounding properties. Exterior finishes, colors and materials on accessory structures shall be similar to those used on the principal building(s).

However, these provisions shall not apply to any accessory structure that is used for agricultural purposes on property that (all must apply):

1. is classified as agricultural by the Volusia County Property Appraiser in accordance with Section 193.461 of the Florida Statutes;
2. is greater than five (5) acres in area;
3. maintains a setback of at least one hundred feet (100’) from any property line; and,
4. is not clearly visible from a public right of way.

### 4.03.01 General Standards and Requirements for Accessory Structures

Accessory structures may be located on a parcel, providing that the following requirements are met:

1. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
2. Temporary accessory uses such as storage sheds related to construction sites are exempt from these requirements, but they shall require a permit and shall be removed from the site within 30 days after the issuance of a Certificate of Occupancy.
3. All accessory structures shall comply with standards pertaining to the principal use.
4. No accessory buildings used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located nearer than one hundred feet (100’) from any property line.
5. All accessory structures shall be permitted only in side and rear yards, and shall be permitted only in compliance with standards for distance between buildings, and setbacks, if any, from property lines.
6. All accessory structures shall be included in calculations for impervious surface, stormwater runoff, floor area ratio, or any other site design requirements applying to the principal use of the lot.
7. Vehicles, including manufactured housing and mobile homes, shall not be used as storage buildings, utility buildings, dwellings, or other such uses.
8. Accessory structures shall be shown on any concept development plan with full supporting documentation.
9. Except as stated elsewhere, the building footprint of accessory structures shall not exceed fifty percent (50%) of the footprint of the principle building(s).

### 4.03.02 Residential Accessory Structures

General requirements.
For Parcels less than 1 ¼ acre in size:

1. Accessory buildings shall be set back a minimum of seven feet (7’) from any property line. Accessory buildings that do not exceed one hundred fifty (150) square feet in size can be set back a minimum of five feet (5’) from property lines.

2. Accessory buildings shall be set back a minimum of ten feet (10’) from any structure.

3. Accessory structures shall require permission to occupy easements, with the same occupation requirements for principle structures applying.

4. When an accessory structure is attached to a principal building by a breezeway, roofed passage or similar structure, it must meet the setback requirements of the principal building.

5. The accessory structure shall be clearly subordinate to the principal dwelling, and shall not exceed fifty percent (50%) of the total floor space of the original dwelling. The exterior appearance and character shall be compatible with the existing principal dwelling and neighborhood.

6. The maximum height of an accessory building shall not exceed fifteen feet (15’), unless a deviation to said height limitation is granted by the City. This height limitation shall not apply to accessory structures added as a second story to garages or other existing structures.

   A. Height deviations of up to ten feet (10’) may be granted administratively. Height deviations greater than ten feet (10’) shall require approval by the City Commission. Factors to be considered when determining whether or not a height deviation will be granted shall include:

      (a) the specific need for the deviation;

      (b) architectural design enhancements facilitated by the deviation;

      (c) compatibility with adjacent and nearby structures;

      (d) distance of the proposed accessory building from adjacent property lines; and,

      (e) topographic features in and around the location of the proposed accessory building.

For Parcels 1 ¼ acre or more in size:

1. Accessory buildings shall be set back a minimum of twenty feet (20’) from any property line. Accessory buildings that do not exceed one hundred fifty (150) square feet in size can be set back a minimum of ten feet (10’) from property lines.

2. Accessory buildings shall be set back a minimum of ten feet (10’) from any structure.

3. When an accessory structure is attached to a principal building by a breezeway, roofed passage or similar structure, it must meet the setback requirements of the principal building.

4. The exterior appearance and character of the accessory structure shall be compatible with the existing principal dwelling and neighborhood.

5. The maximum height of an accessory building shall not exceed twenty-five feet.
(25') unless a deviation to said height limitation is granted by the City.

A. Height deviations of up to ten feet (10') may be granted administratively. Height deviations greater than ten feet (10') shall require approval by the City Commission. Factors to be considered when determining whether or not a height deviation will be granted shall include:

- (a) the specific need for the deviation;
- (b) architectural design enhancements facilitated by the deviation;
- (c) compatibility with adjacent and nearby structures;
- (d) distance of the proposed accessory building from adjacent property lines;
- (e) and, topographic features in and around the location of the proposed accessory building.

4.03.03 Commercial Accessory Structures

1. Accessory buildings shall be set back a minimum of fifteen feet (15') from any property line. Accessory buildings that do not exceed one hundred fifty (150) square feet in size can be set back a minimum of ten feet (10') from property lines.

2. Accessory buildings shall be set back a minimum of ten feet (10') from any structure.

3. When an accessory structure is attached to a principal building by a breezeway, roofed passage or similar structure, it must meet the setback requirements of the principal building.

4. The exterior appearance and character shall be compatible with the existing principal building(s) and neighborhood.

5. The maximum height of an accessory building shall not exceed twenty-five feet (25'), unless a deviation to said height limitation is granted by the City.

A. Height deviations of up to ten feet (10') may be granted administratively. Height deviations greater than ten feet (10') shall require approval by the City Commission. Factors to be considered when determining whether or not a height deviation will be granted shall include:

- (a) the specific need for the deviation;
- (b) architectural design enhancements facilitated by the deviation;
- (c) compatibility with adjacent and nearby structures;
- (d) distance of the proposed accessory building from adjacent property lines;
- (e) and, topographic features in and around the location of the proposed accessory building.

Prior to final approval of a building permit the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

4.03.04 Storage Buildings

Buildings for the storage of materials used in conjunction with commercial uses are permitted,
provided they meet the height, size, and setback requirements for accessory structures herein (Article 4.03.02 and 4.03.03) as well as Gateway Overlay review process. PODS, quonset huts, shipping containers, and other such structures shall not be permitted. Storage buildings shall mirror the primary building, or be in appearance like traditional commercial buildings.

Prior to final approval of a building permit for a commercial storage building the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

**4.03.05 Detached Garages**

Detached garages shall be permitted, but must meet the size, appearance, and setback limitation for accessory structures herein.

Residential garages shall accommodate at least two (2) cars and be constructed as a side entrance garage, or shall be constructed as a detached garage and located to the rear of the principal building, in order to minimize the negative aesthetic appearance of garage door openings as they face parallel to the public street.

Quonset huts, pole barns, and other similar structures not compatible with a residential home appearance shall be prohibited. Detached Garages must meet the requirements for accessory structures herein (Article 4.03.02 and 4.03.03).

**4.03.06 Barns**

Barns shall be permitted in all residential zones, and shall meet all size and setback requirements for accessory structures herein. Additionally, the size of the barn shall be adequate to humanely contain any animals contained within. The adequacy of the barn size shall be determined by the Volusia County Animal Control Department. Barns shall mirror the architectural characteristics of the primary structure on the property, and fit it well with the surrounding neighborhood. Barns must meet the requirements for accessory structures herein (Article 4.03.02 and 4.03.03).

**4.03.07 Outdoor Storage**

1. The outdoor storage of things commonly stored within households shall be permitted, assuming the storage quantity is found to be typical for a household. The determination of the typical nature of the storage shall be made by the City Administrator or his/her designee. Said stored material shall meet all setback requirements of this article. If the storage is found to be atypical, it must be stored within a fully enclosed building or surrounded by a fence or wall meeting the city’s fence/wall requirements, and the stored material shall not be visible from adjoining properties. Shipping containers or POD-like containers, or similar structures, shall not be considered a building for storage purposes, and are prohibited except as a temporary use as outlined in 4.03.11.

2. No storage of materials from an off-site business shall be permitted on residential properties, whether within an enclosed building or behind a wall or fence.

**4.03.08 Forts/Treehouses and Play Areas**

FORTS and tree houses for children shall be permitted, provided they meet the setback requirements for accessory structures herein (Article 4.03.02 and 4.03.03). They shall only be located within side or rear yards. Neutral, cool, or earth tone colors are permitted (Green, Blue and Brown) and must complement the colors used on the structure(s) and project as a whole.
a. Fluorescent colors shall be prohibited on all exterior surfaces.

b. Colors that are deemed loud, clashing or garish shall be prohibited.

4.03.09 Skateboard Ramps

Skateboard ramps shall only be permitted in the PLI, SFR-1, SFR-R, and SFR-RE zoning districts. They shall be subject to the height limitations of an accessory structure as outlined in article 4.03, shall only be permitted in side and rear yards, and shall be set back a minimum of one hundred feet (100\') from the closest property line.

4.03.10 Automated Car Wash

Automated car washes are permitted as an accessory use to a convenience store/gas stations, provided they meet all setback and building height requirements and mirror the architectural style of the principal building.

Prior to final approval of a building permit the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

4.03.11 Movable Module Storage Units

Movable module storage units (called “storage pod”) are permissible temporary accessory structures, provided that such structures are located in compliance with the following standards:

1. A temporary use permit shall be obtained.

2. The duration of the temporary use permit shall be limited to fourteen (14) days per lot per year. One (1) renewal of the temporary use permit may be granted for an additional fourteen (14) days.

3. The storage pod may be placed on a paved or unpaved surface. When the temporary use permit authorizes location of the storage pod on an unpaved surface, the permit shall be conditioned upon the requirement that grass, sod, or landscaping shall be restored after removal of the storage pod.

4. The storage pod may be placed in a front, side or rear yard.

5. The storage pod shall not be placed within an easement, stormwater area, or required buffer.

6. The storage pod shall meet the setback standards accessory structures herein (Article 4.03.02 and 4.03.03).

7. The storage pod shall not obstruct pedestrian access.

8. The storage pod shall not be located within the clear visibility area at street intersections as set forth in Section 4.08.00 Visibility Triangle.

4.03.12 Temporary Canopies

Temporary Canopies consist of a temporary covering, which is mounted on a rigid frame and is supported in full or part by posts attached to the ground, a deck or a concrete slab. Attached canopies shall be supported, in part by the wall of a permanent structure. Freestanding shall refer to canopies supported entirely by posts.
Carport Canopy is a temporary shelter intended to cover a vehicle and which is mounted on a rigid frame and supported by posts attached to the ground.

Tent is a canopy that is a portable shelter comprised of canvas or other cloth supported by a rigid frame or by poles, stakes and ropes or both, and not attached to any building and are less than 144 square feet.

The following requirements pertain to canopies and tents:

1. Tent canopies that equal to or less than 144 square feet can be set up for up to 48 hours for temporary use.
2. Canopies over 144 square feet shall require a permit for use for a specified time period.
3. All canopies must be at least ten (10) feet back from the property line.
4. New Carport Canopies are prohibited.
5. Canopies over 144 square feet in size must be permitted for events and are limited to the following:
   a. Social events or approved special events on private property;
   b. Special events on public property approved by the city;
   c. Special events on property owned by a nonprofit organization;
   d. New and used car lots for special sales events;
   e. Seasonal permitted business such as Christmas Tree Sales.
6. Additionally, the size and location of canopies shall be subject to review and approval based on consideration of parking, obstruction of traffic, interference with landscaping and similar issues. All tents must be removed within seven days unless extended by the City Administrator or his/her designee. No property may erect a tent more often than once in any three-month period unless a waiver is granted by the City Administrator or his/her designee. Prior to the erection of a tent, a permit must be obtained and compliance with the city building and fire codes is required.
7. All materials must be composed of nonflammable materials.

4.03.13 Dumpsters

Commercial businesses shall be required to have a dumpster. The dumpster shall be on a pad of concrete or other material sufficient to support the weight of the dumpster. The dumpster shall be surrounded on three sides by a solid wall. The fourth side shall have a gate made of opaque material to hide view of the dumpster, with the gate remaining closed when the dumpster is not in use. Fences shall meet fence height requirements, and be of sufficient height to hide the dumpster from view. The City may require dumpsters from the designated Franchise Service Provider.

4.03.14 Other Accessory structures, areas and uses

1. Miscellaneous structures such as coin-operated rides and other amusement devices shall only be permitted within the principle building.
2. Outdoor garden supply areas shall be screened from view and shall be incorporated into the building architecture of the interior principle building.
3. Outdoor display shall be structurally integrated into the architectural design of the principle building and located to the side or rear of the building. Displays and sales in these areas shall not be of a permanent nature and shall not impede the flow of pedestrian or vehicular traffic. Outdoor display areas shall be sufficiently screened to not be a visual nuisance to those on the property outside of the building.

4. Site furnishings such as benches, bicycle racks, newspaper racks, trash receptacles and similar devices shall be compatible with the architectural design of the principle building.

5. The outdoor storage or display of retail merchandise for advertising or sale purposes is prohibited except in Downtown Commercial District (DCD) Zoning or unless specifically allowed through Agreement by the City Commission.

6. Tent sales, boat sales, car sales, recreational vehicle sales and similar activities shall not be permitted as an accessory use on either a temporary, seasonal or permanent basis, unless permitted by the City Commission as a special event found to provide a specific public benefit.

### 4.04.00 Outdoor display of merchandise

The outdoor storage or display of retail merchandise for advertising or sale purposes is prohibited except in Downtown Commercial Zoning or unless specifically allowed through Agreement by the City Commission.

Downtown requirements. Outdoor display of equipment, supplies, merchandise, or personal property uses are permitted in the Downtown Commercial District (DCD) zoning district if they meet the following criteria:

1. All outdoor business displays shall be temporary and easily moved. The displays shall be placed outside during business hours only. Outdoor displays shall be permitted within the public sidewalk or right-of-way only as provided for herein.

2. All outdoor business displays shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires. Any cracked, broken surfaces or other unmaintained or damaged portion of a display shall be repaired/replaced or removed.

3. All outdoor business displays shall be neat, orderly and otherwise conducive to creating a top quality shopping environment. No display shall contain obscene, indecent or immoral matter.

4. The outdoor business displays must be self-supporting, stable and of sufficient weight or constructed to withstand overturning by wind or contact. The display shall not be permanently affixed to any object, structure or the ground including, but not limited to, utility poles, light poles, and trees.

5. Each individual business within the Downtown Commercial District (DCD) zoning district shall be allowed a business display area to be located outside the walls of the subject business building. This display may include, but is not limited to:
   a. Racks of items;
   b. Display carts;
   c. Individual items such as pieces of furniture, or sculpture, that are too large to place on or in a rack, table or cart;
d. Display tables with various business-related items sold within the building, such as that used for a "sidewalk sale."

6. The display area may be broken into clusters so long as the total length of all outdoor business display areas does not exceed fifty percent (50%) of the building front facade measured in linear feet. The total display area may be as much as eight (8) feet in length when fifty percent (50%) of the front facade would be less than eight (8) feet.

7. These business displays shall not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The business display may include a sign which indicates the price of the display item(s) or simply indicates a "sale" on the item(s).

8. The outdoor business display shall be placed adjacent to and parallel to the subject business building. These displays shall not be placed adjacent to the street curb or perpendicular to the subject business building. A clear area of at least five feet in width must be maintained for pedestrian use between the street curb and the outer edge of the business display. A clear area of five feet (5') in width must also be maintained to building entries. An outdoor business display shall not encroach upon the building frontage of an adjacent business.

9. The overall height of the display shall be limited to four feet (4') ; however, individual items, racks or display areas may exceed this limit so long as they comprise no more than twenty-five percent (25%) of the maximum permissible display length for the building, are less than seven feet in height, and do not obscure view of the sales area from the building windows.

10. If a business has outdoor tables or seats for public use located within the public sidewalk or right-of-way, no additional business display shall be permitted. If a business has a sandwich board sign in front of the business the business display area shall be reduced in size equal to the size of the sandwich board sign.

11. All outdoor business displays shall be temporary. The displays shall be placed outside only while the primary business is open. No permanent outdoor displays shall be permitted within the public sidewalk or right-of-way. Nothing herein is intended to be an abandonment of any dedicated or prescriptive sidewalk or rights-of-way and the temporary displays on the public sidewalk or right-of-way may be removed at the discretion of the City Administrator or his/her designee if he/she determines that the display interferes with pedestrian traffic or otherwise determines that the display creates a safety hazard.

12. Any person who wishes to place outdoor tables and seating must conform with section 4.05.00, Sidewalk/Outdoor cafes, of the Code of Ordinances.

13. Outdoor storage within the DCD district is only allowed as an accessory use to a hardware store, feed or plant and landscape store and may only occur providing all materials are stored on the lot with the principal structure and are landscaped or screened.

14. Outdoor storage within the DCD district is only allowed as an accessory use to a hardware store, feed or plant and landscape store and may only occur providing all materials are stored on the lot with the principal structure and not within more than two parking spaces of the off-street parking area. Materials may not be stored in the landscape buffer or right-of-way. Unless approved as part of the site plan by the city commission, materials to be stored must be located adjacent to and parallel to the front plane of the primary building and may not exceed seven feet in height and five feet in width.
4.04.01 Shopping carts

1. Shopping cart retention systems are required for any business providing shopping carts and must be reviewed and approved by the City Administrator or his/her designee. The following methods are listed as acceptable components of a shopping cart retention system:
   a. A bollard system to keep shopping carts within the front sidewalk or designated approved areas of the retail site.
   b. Arms on shopping carts preventing their removal from the interior of the store through exit doors.
   c. Systems requiring a deposit sufficient enough to encourage use of the cart while discouraging its removal, which is refundable upon on-site return of the cart.
   d. An electronic barrier system which immobilizes shopping carts when going beyond a designated perimeter area on-site.

2. Permanent shopping cart storage shall be contained within the principle building or within an enclosed area that is architecturally integrated into the design of the principle and accessory building(s).

3. Shopping cart “corrals” for the dropping off of shopping carts may be allowed within parking lots provided the area is architecturally integrated into the design and landscape features of the parking area.

4.05.00 Sidewalk/Outdoor cafes

Commercial areas that exhibit high amounts of pedestrian activity can support the vitality of the Commercial District by incorporating an outside area into selected commercial activities.

Minimum criteria. The following minimum criteria must be met to establish a sidewalk/outdoor cafe:

1. The sidewalk/outdoor cafe must be an extension of a restaurant or other establishment which lawfully sells food and/or beverages as a primary function of its business.

2. No additional parking is required if the outdoor seating area does not exceed thirty percent (30%) of the establishment’s gross floor area.

Design criteria. The following design criteria must be met to establish a sidewalk/outdoor cafe:

1. The design of the sidewalk/outdoor cafe shall provide for a free flow of pedestrian traffic around the sidewalk/outdoor cafe area. A minimum clear pedestrian area of five feet shall be maintained for sidewalks on streets and non-vehicular alleyways where sidewalk/outdoor cafes are located.

2. The sidewalk/outdoor cafe area may be contiguous to the restaurant building or opposite the building. If the cafe area is provided opposite the building (adjacent to the curb), adequate safeguards must be provided to protect the patrons from vehicles.

3. The sidewalk/outdoor cafe area must be clearly delineated from the area to remain open for pedestrian traffic.

4. Umbrellas shall be allowed, provided that the umbrellas are contained within the sidewalk/outdoor cafe area and do not impede pedestrian traffic or vision at intersections.

5. Additional signs are limited to one additional sign on an outdoor menu board and the restaurant name or advertising on any umbrellas. The outdoor menu board may be two-sided, not to exceed four square feet per side.

6. Outdoor lighting, if provided, must be permanently installed in accordance with this code and be approved as part of the local business tax receipt application. The owner/operator
shall take necessary precautions, including illumination, for protection of the public with particular emphasis on the period from sunset to sunrise.

**Operating standards.** The following operating standards shall be complied with in the operation and maintenance of all sidewalk/outdoor cafes:

1. Food preparation within the sidewalk/outdoor cafe area is permissible if properly permitted, and in compliance with all fire and safety codes and all other relevant local and state regulations regarding outdoor food preparation.

2. Alcoholic beverages may be served within the sidewalk/outdoor cafe area only after the license holder has obtained, for the restaurant to which the sidewalk/outdoor cafe is connected, either a 1COP or 2COP alcoholic beverage license and a permit for food service (from either the Department of Business and Professional Regulation, Division of Hotels and Restaurants or Department of Agriculture and Consumer Services, Division of Food Safety) or when the license holder has obtained an SRX (special restaurant license) suffix in conjunction with the premise’s 4COP license. The license holder shall be required to provide proof that the aforesaid liquor license permits service of alcoholic beverages in the sidewalk/outdoor cafe area.

3. The hours of operation for the sidewalk/outdoor cafe may not exceed the operating hours of the restaurant to which the sidewalk/outdoor cafe is connected.

4. Tables, chairs and other furniture shall be brought inside when the sidewalk/outdoor cafe is not in operation unless otherwise prescribed through the agreement as approved by the city commission.

5. The sidewalk/outdoor cafe area shall be kept in a clean condition (including regular removal of trash and debris) and the sidewalk/outdoor cafe area shall be periodically cleaned to remove any stains or other dirt resulting from the sidewalk/outdoor cafe operation by the license holder.

**4.06.00 Swimming pools, hot tubs and similar structures along with their required enclosures**

Swimming pools, hot tubs and similar structures along with their required enclosures are considered as an accessory use that shall require a permit and conform to the specific requirements of this section and the requirements of the Florida Building Code.

1. Residential Swimming pools, hot tubs and similar structures along with their required enclosures may be constructed, with setbacks varying based upon whether an enclosure is provided. Pools or hot tubs without enclosures shall be set back a minimum of fifteen (15) feet measured from water’s edge of the pool to the side and rear property lines. Screen Enclosures shall meet a minimum setback of ten (10) feet from the side and rear property lines. Pools shall not encroach into any utility easements, while enclosures may do so with city permission.

2. Swimming pools shall not be constructed in any front yard.

3. Swimming pools shall always be located wholly within fencing of a permanent nature, not less than four feet (4’) high. This is to which prevents access to the pool through the enclosure walls or gate structure by any persons, especially young children, who may attempt to gain access from outside of the pool enclosure. All gates, doorways or entranceways into the pool area shall be equipped with a permanent locking mechanism which prevents any unauthorized persons from gaining access into the pool enclosure. All requirements shall comply with the Florida Building Code and as approved by the City’s Building Inspector.
4. The enclosure must include opaque screening (including solid walls, fencing of a mesh type, wood, screen wire or any other material of a like nature) and approved by the City Administrator or his/her designee and Building Inspector. The enclosure shall not be constructed to provide any foot-holds that would permit the enclosure or gate to be easily climbed over. Landscaping in lieu of opaque screening may be permitted with a three-foot wide (3') landscaping buffer if approved by the City Administrator or his/her designee.

4.07.00 Fences

1. Fences and walls shall be designed to be consistent and compatible with the principal structure(s). Such design shall include the use of similar materials, colors and finishes as the principal structure. This requirement may be modified upon application to the City Commission where the applicant demonstrates and the City Commission, or its designee, determines that a change in materials, colors or finishes will result in enhanced City aesthetics.

2. The height of fences, walls, and hedges shall be measured from the natural grade of the site.

3. In areas where the property faces two (2) or more roadways or is located in any other area construed to be a corner lot, no fence or hedge shall be located in the visibility triangle (4.08.00).

4. In areas where the property faces two (2) or more roadways the front yard shall mean the street frontage with the lesser amount of linear feet. If the street frontage dimensions are equal, the City Administrator or his/her designee shall designate the “front yard.”

5. Any fence located adjacent to a public right-of-way or private road shall be placed with the finished side facing that right-of-way. These fences shall not have electric wire or any other items affixed to them that may pose a safety hazard unless properly marked and approved by the City Administrator or his/her designee.

6. All fences shall be built with the finished side facing adjoining properties.

7. A fence required for safety and protection of hazard by another public agency may not be subject to height limitations above. Approval to exceed minimum height standards may be given by the City Administrator or his/her designee upon receipt of satisfactory evidence of the need to exceed height standards.

8. No fence, hedge or wall shall be constructed or installed in such a manner as to interfere with drainage on the site.

9. Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic or monotonous appearance.

10. Where chain link fencing is required or approved, such fencing, shall be of the black or green vinyl type. Posts and rails shall also be black or green. This requirement may be modified upon application to the City Commission where the applicant demonstrates and the City Commission, or its designee, determines that design or location warrants the use of other colors or finishes.

11. Landscaped berms may be utilized in lieu of a fence or wall where the applicant demonstrates and the City Commission, or its designee, finds that berms will result in an equivalent aesthetic appearance.
4.07.01 Residential Fences

1. On a Corner Lot under 1 ¼ acre in size as long as Visibility Triangle is not compromised, fences, walls, and hedges may be erected on the side yard (street facing) to a maximum height of six (6) feet above grade. Fences (as long as they are not opaque) in the front yard may be up to six (6) feet in height above grade as long as a setback of twenty-five (25') feet in addition to visibility triangle (4.08.00) requirements.

2. For Properties 1 ¼ acre or greater in size allow for (as long as they are not opaque) fences, walls, and hedges may be erected to a maximum height of six (6) feet above grade. Fences (as long as they are not opaque) may be built in the front yard, as long as a setback of twenty-five (25') feet from the front property line is met, in addition to visibility triangle (4.08.00) requirements.

3. Fences, walls, and hedges eight (8) feet in height may be erected along any side or rear residential property line which abuts commercial property.

4. Prior to final approval of a building permit for a fence within the Gateway Overlay or Historic District or on a property with a historic building(s), the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

4.07.02 Commercial Fences

1. In commercial districts fences, walls, and hedges eight (8) feet in height may be erected, but not within the required front yard setback or the visibility triangle.

2. On a Corner Lot under 1 ¼ acre in size as long as Visibility Triangle is not compromised, fences are permitted (up to 6 feet in height) with a setback of twenty-five (25') feet within the front yard.

3. For Properties 1 ¼ acre or greater in size fences are allowed in front of primary structure up to six (6) feet high with a setback of twenty-five (25') feet.

4. Fences with screening and landscaping shall be allowed in lieu of a fully enclosed structure with approval from the City Administrator or his/her designee.

5. Fences, walls, and hedges eight (8) feet in height may be erected along any side or rear residential property line which abuts commercial property.

6. Prior to final approval of a building permit for a commercial fence, the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

4.08.00 Clear Visibility Triangle

In order to provide clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met.

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) feet and six (6) feet above the grade, measured at the centerline of the intersection.
2. The clear visibility triangle of the intersection of any streets shall be formed by the intersection of the edge of the road traveled way with two sides of each triangle being equal in length from the point of the intersection and the third side being a line connecting the ends of the two other sides as indicated below.

![Visibility Triangle Diagram](image)

3. The distance from the intersection of the edge of the road traveled way shall be thirty (30) feet.

4.09.00 Private Event Facilities

1. As permitted by Special Exception, Private Event Facilities include farm and residential land and structures that are used for for-profit, paid events such as weddings, tastings, special or seasonal celebrations, rodeos, and other gatherings, and may include tasting rooms. City facilities are excluded from the provisions of this section.

2. Where allowed per Article 2 and permitted by Special Exception, a private event facility located on a parcel that is five (5) acres or larger and generates less than 150 vehicle trips or fewer than 300 attendees per event, whichever is less, is allowed by Special Exception.

3. A Special Exception is required as outlined in Article 13.

4. A Site Plan Review is required as outlined in Article 14.

5. Any structures used by the public, i.e., barns, indoor riding arenas, etc., are required to be fully permitted, and shall be classified with respect to the occupancy group and the listed use, as determined by the City Building Inspector. Agriculturally exempt structures shall not be used by the public.

6. Primary Structure must be fully enclosed.

7. Private Event Facilities facility shall not be permitted if it will be located within two thousand six hundred twenty-five feet (2,625') of an existing Special Event facility. Such distance shall be measured from the nearest property lines of each parcel. This provision can be waived at by the City Commission.

8. A Special Event Use Permit shall be required if the project involves noise generating activities after 10 p.m. during the weekday and 11 p.m. on weekends and holidays.

9. Private event facilities shall provide adequate on-site parking for all attendee’s vehicles, including service providers. Permanent parking spaces, either of gravel or other permeable surface, shall be provided for all sales, gift, handicraft and food service areas. Paved handicapped spaces shall be provided as required. Parking for special events, weddings, marketing promotional events, and similar functions may utilize temporary, overflow parking areas. Limitations on the number of guests may be based on availability of off-street parking. Overflow parking areas may be of dirt, decomposed granite, gravel or other
permeable surface, provided that the parking area is fire safe. On-street parking shall not be permitted.

10. Access shall be connected directly to a public road. Where a facility is located on a private road, access shall be subject to the review and approval of the City Administrator or his/her designee, Police Chief and local Fire District.

11. The project must be designed to be compatible with any adjoining agricultural operations and single family residences, including appropriate setbacks, landscaping, and parking. Adequate land area must be available for the provision of on-site services, e.g., leachfields, to accommodate the projected number of attendees.

12. Signage shall follow the requirements of Article 4.10.15 Individual Commercial, Office, and Industrial Signage.

4.10.00 Signs

4.10.01 General Provisions

Signage is an integral part of the urban landscape. Effective and coordinated management of signage can enhance the aesthetics of a community, improve pedestrian and vehicular traffic safety, promote quality development and minimize the adverse effects of signage on adjacent and nearby public and private property. The regulations for signs have the following specific objectives:

- To ensure that signs are designed, constructed, installed and maintained according to minimum standards to safeguard life, health, property and public welfare;
- To allow and promote positive conditions for sign communication;
- To reflect and support the desired ambience and development patterns of the various zones, overlay zones, and plan districts and promote an attractive environment;
- To allow for adequate and effective signs whose dimensional characteristics further the interests of public safety and the needs of the motorist, where signs are viewed from a street or roadway.
- To ensure that the constitutionally guaranteed right of free expression is protected.

4.10.02 Types of Signs Permitted

The following types of signs are permitted:

- **Ground Signs** - A sign erected on a freestanding frame, mast or pole that extends from the ground.
- **Projecting Signs** - A sign erected as an integral part of a building or structure that extends more than twelve (12) inches and less than four feet (4') beyond such building or structure.
- **Temporary Signs** - A sign that is intended to be displayed for a limited period of time.
- **Wall Signs** - A sign erected to the wall of any building, structure or retaining wall that extends twelve (12) inches or less beyond such wall.
- **Window Signs** - A sign painted, attached or hanging on the inside of a window or other opening which is visible from outside. This does not include merchandise which is normally stored or shelved inside a window for sale. Signs on windows shall not exceed twenty-five
percent (25%) of the total glass area square footage, or the area as specified by the zoning district where the business is located.

### 4.10.03 Exempted Signs

The following signs are exempt from the provisions of this article:

1. Signs not exceeding two (2) square feet in area that only display property numbers, post office box numbers, or the names of the occupants of the premises.
2. Signs of governmental units or agencies on public property or public right-of-way which are erected for the public health, safety and welfare.
3. Signs that direct and guide traffic and parking.
4. National flags, flags of political subdivisions, and symbolic flags of an institution.
5. Historical markers, integral decoration or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
6. Danger, poison, precautionary, safety, or signs of similar nature.
7. No trespassing, no hunting or signs of a similar nature.
8. Signs advertising sale of agricultural products grown on the premises as long as such signs do not exceed four and a half (4.5) square feet of copy area.

### 4.10.04 Prohibited signs and displays

1. Signs on public utility poles and trees. No sign of any type, except signs posted by the utility to their poles, shall in any way be attached to any public utility poles or trees. Paper and cardboard signs are prohibited to be used as any type of sign throughout the city.
2. Sign over public property. No sign shall extend over public property or public right-of-way.
3. Banner signs. Banner, balloons, pendants, streamers, or other types of attention getting devices, except temporary signs and as approved by the City Administrator or his/her designee. Banner signs may not be placed across any street or thoroughfare without the approval of the City Administrator or his/her designee and the Florida Department of Transportation (FDOT), where appropriate.
4. Illumination features. No sign shall be located where it can be seen from any street or highway that in any way resembles a traffic signal or emergency vehicle light. This includes any rotating and/or flashing signal lamps of any color, similar to those used on emergency vehicles.
5. Off-site signs. Off-site advertising, which promotes or advertises a business off of the property where the business is physically located, except signage permanently affixed to a trailer or vehicle or billboards as outlined in 4.10.26, is prohibited within the city limits. This excludes business names and trademarked symbols which are located on equipment, gear, clothing or other personal items or effects which are manufactured, produced and/or sold by said business.
6. General. The following signs, sign features, or attention getting devices are prohibited:
   a. Bullseye, spiral, divergent, sequential, flashing or intermittent lights or messages designed to draw and focus attention to a single point.
b. Spectacular signs, with the exception of changeable message boards and/or electronic reader board signs, are allowed in accordance with this code.

c. Signs which are held by a person and twirled, and any type of rotating paddle signs which change the displayed message when the paddles are rotated.

d. No sign of any kind shall be located, to in any way interfere with, block the view of, resemble or look similar enough to be confused with any authorized traffic signal, sign or device.

e. No sign shall use words of warning, such as "STOP," "LOOK," "DANGER," or any word, phrase, symbol or character that in any way interferes with, distracts or confuses motorists.

f. No sign of any kind shall be located to interfere with the clear line-of-sight for motor vehicle, bicycle or pedestrian traffic. Any signs found to be in violation will be immediately removed at the sole discretion of the city code compliance officer or city official.

7. Signs on glass visible from a public right-of-way shall not exceed twenty-five percent (25%) of the total square footage of the glass area on which the sign is located.

8. A trailer or vehicle sign, when not permanently affixed to the trailer or vehicle, which is parked for the intended purpose of adding additional signage beyond that which is allowed by this Code. This provision does not apply to a trailer or motor vehicle which has a business identification sign permanently affixed to it, which is operable, properly licensed, and regularly used for the daily operation of the business, which does not remain parked on the business property for any extended or excessive period of time as determined by the code compliance officer, or when it is parked temporarily at any other location, such as the operator’s residence, or while the operator of the vehicle is conducting business.

9. No illuminated sign or display shall be located as to violate City Code.

10. Any other signs not specifically identified as being allowed are classified as being prohibited.

11. Signage placed within the public rights-of-way unless approved by City Administrator or his/her designee in advance.

12. No temporary signage shall be placed on city owned property unless approved by the City Administrator or his/her designee in advance.

4.10.05 Address Signage for Public Safety

Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than two (2) square feet in sign copy area for parcels in residential use and four (4) square feet in sign copy area for parcels in nonresidential use. In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

4.10.06 Residential Signage

Single-family residential uses shall be permitted to have a maximum of one and a half (1 ½) square
feet of signage.

4.10.07 Multi-family residential

Multi-family residential uses consisting of two to four residential units shall be permitted to have a maximum of one and a half (1 ½) square feet of signage per residential unit for the sole use of each individual residential unit. Signage shall be affixed to the wall adjacent to the entrance to each individual residential unit.

Multi-family residential uses consisting of greater than four residential units shall be permitted to have a maximum of one and a half (1 ½) square feet of signage per residential unit for the sole use of each individual residential unit. In addition, multi-family residential uses consisting of greater than four residential units shall be permitted to have a monument sign, or "period" sign, no larger than sixteen (16) square feet in area, or four feet (4’) in height, at the entrance to the residential complex.

4.10.08 Temporary signs

The following standards and criteria shall apply to all temporary signs located and placed within the city limits.

1. These signs shall all be freestanding signs, constructed of sturdy, all-weather materials such as hard plastic, vinyl, masonite or wood of a sufficient thickness to withstand the local weather conditions commonly experienced. (Paper and cardboard signs are strictly prohibited).

2. No temporary signage shall be placed within the public rights-of-way or on city owned property unless approved by the City Administrator or his/her designee in advance.

3. No part of any temporary sign shall be located closer than five feet (5’) from front property line or a public right-of-way and ten (10) feet from adjacent property lines, and in no instance shall any temporary sign obstruct the visibility of any motorist, bicyclist or pedestrian from seeing oncoming pedestrians, bicyclists or vehicular traffic.

4. These signs may be double-faced, with messages on the front and back sides of the same sign, and only the sign area of one (1) side shall be used for the sign area calculations.

5. No single sign shall exceed six (6) square feet in sign area, and a total of three (3) temporary signs are permitted on any one (1) property, with a maximum of eighteen (18) square feet of total combined sign area, at a maximum height of four feet (4’) for all signs. Each temporary sign shall be permitted for up to ninety (90) calendar days.

6. Temporary signs shall be removed within three (3) calendar days from the date the scheduled event has concluded, if applicable, or by the ninety-day (90) deadline defined in subsection 5 above, whichever occurs first.

4.10.09 Directional signs

Used to control vehicle traffic circulation, ground directional signs may be located on commercial properties at points of ingress and egress up to the property line or in other locations as approved by the City Administrator or his/her designee. No directional sign shall be erected within any required parking space. Directional signs will be limited to three (3) square feet in area, with lettering eight (8) inches or less in height and it may display the names and/or symbol of the establishment provided that such name or symbol shall not exceed fifty percent (50%) of total sign area. Ground private directional signs are limited to four feet (4’) in height. These signs do not require a sign permit or fee.
4.10.10 Reader boards or signs with interchangeable letters

No reader board or sign that allows interchangeable letters or messages shall be larger than thirty-two (32) square feet.

4.10.11 Portable sidewalk or sandwich sign, menu boards

Used to draw pedestrian traffic, these types of signs shall be allowed in Downtown Commercial District (DCD) zoning. One (1) sign shall be allowed per properly licensed business, which must comply with the following requirements:

1. Signs require a permit and fee, as approved by resolution of the City Commission, and they shall not exceed nine (9) square feet in size.

2. Signs shall be placed no closer than five feet (5’) from any property line or public right-of-way, and they shall not be placed in any vehicular circulation areas, parking spaces, or on any public or private walkway, sidewalk or bike path.

3. Signs shall be removed at the close of each business day and in the event of an emergency or impending natural disaster.

4. Signs shall be of stable construction and secured or weighted to prevent their movement.

4.10.12 Calculating sign area

In computing sign area, standard geometry formulas for common shapes shall be used. Common shapes shall 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 (see graphic below).

All words and components of a sign, including the support base of freestanding signs, shall be deemed to be part of a single sign. Individual words or components may be considered separate signs only if they are obviously disassociated from other components. When signs are enclosed in a border (not to include the cabinet) or highlighted by background graphics, the perimeter of such border (not to include the cabinet) or background will be used to compute sign area. Double face signs that meet the definition contained in this article shall be considered one sign.

4.10.13 Measuring sign height/clearance

1. Ground sign height shall be measured from the ground elevation at the base of the sign to the highest point of the sign structure. Decorative column caps may extend up to 12 inches above the maximum height permitted.
2. The clearance of a projecting sign shall be measured from the bottom of the area to the ground below.

3. The height of a wall sign shall be measured from the grade level of the base of the building below the sign to the top of the sign. The top of the area shall be no higher than the roof eave line.

4.10.14 Construction and maintenance requirements

1. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this Code, all signs shall be constructed of durable materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

2. All signs and their supports, braces, guys, and anchors; electrical parts and lighting fixtures; and all painted and display areas shall be maintained in good structural condition, in compliance with all building and electrical codes and in conformance with this Code at all times. Damaged faces or structural members shall be promptly replaced.

3. Vegetation around, in front of, behind, and at the base of any sign shall be maintained and neatly trimmed to conform to City landscape maintenance standards.

4. All signs shall maintain a minimum clearance from electric power lines of ten feet horizontally and 15 feet vertically or as otherwise directed by the utility provider.

5. No sign structure or framework may be exposed by removal of sign faces for a period in excess of 15 days.

4.10.15 Individual Commercial, Office, and Industrial Signage (signage for individual businesses that are not located within a shopping center, business park, industrial park or multi-building development)

1. One (1) ground sign, no greater in area than twenty (20) square feet and no greater than five feet (5') in height, shall be permitted for business identification purposes along roadways. There shall be no more than two (2) ground signs per property.

2. Directional signs will be limited to three (3) square feet in area, with lettering eight (8) inches or less in height and it may display the names and/or symbol of the establishment provided that such name or symbol shall not exceed fifty percent (50%) of total sign area. Ground private directional signs are limited to four feet (4') in height. These signs do not require a sign permit or fee.

3. Wall signage not to exceed one and a half (1 ½) square feet per linear foot of building...
front footage, up to a maximum of eighty (80) square feet, shall be permitted. Maximum wall sign vertical dimension shall not exceed twenty-five percent (25%) of the height of the lowest wall of the building, or a maximum of four feet (4') whichever is less.

4. Signage shall be set back a minimum of five feet (5') from the nearest edge of the sign to the road right-of-way and twenty-five feet (25') to the adjacent property line.

5. Signs on windows shall not exceed twenty-five percent (25%) of the total glass area square footage, or the area as specified by the zoning district where the business is located. The remaining required open space of windows shall remain unencumbered or blocked by any objects or items which are not either affixed to, or part of the window, such as shades, blinds or curtains.

### 4.10.16 Commercial, Office, Shopping Center & Multi-tenant Building Signage

1. One (1) ground sign, no greater in area than forty-eight (48) square feet on arterial roadways or thirty-two (32) square feet on all other roadways, and no greater than six feet (6') in height, shall be permitted for building and tenant identification purposes. There shall be no more than two (2) ground signs per property.

2. Directional signs will be limited to three (3) square feet in area, with lettering eight (8) inches or less in height and it may display the names and/or symbol of the establishment provided that such name or symbol shall not exceed fifty percent (50%) of total sign area. Ground private directional signs are limited to four feet (4') in height. These signs do not require a sign permit or fee.

3. Wall signage not to exceed one and a half (1 ½) square feet per linear foot of building front footage, up to a maximum of eighty (80) square feet, shall be permitted for building and tenant identification purposes. Tenant wall signage shall not exceed ten (10) square feet per tenant. Maximum vertical dimension of building identification wall signage shall not exceed twenty-five percent (25%) of the height of the lowest wall of the building, or four feet (4'), whichever is less. Maximum vertical dimension of tenant wall signage shall not exceed a maximum of one and a half (1 ½) feet.

4. All tenant wall signage shall be uniform across the exterior of the building.

5. One (1) ground or wall directory sign shall be permitted for each multi-tenant building. Such sign shall not exceed twenty (20) square feet in area, nor four feet (4') in height.

6. Signage shall be set back a minimum of five feet (5') from the nearest edge of the sign to the right-of-way and twenty-five feet (25') to the adjacent property line.

7. Signs on windows shall not exceed twenty-five percent (25%) of the total glass area square footage, or the area as specified by the zoning district where the business is located. The remaining required open space of windows shall remain unencumbered or blocked by any objects or items which are not either affixed to, or part of the window, such as shades, blinds or curtains.

### 4.10.17 Business and Industrial Park Signage

1. One (1) ground sign for park identification purposes shall be permitted for each public right-of-way entrance to the park. Maximum sign area shall not exceed forty-eight (48) square feet and maximum sign height shall not exceed six feet (6').

2. Directional signs will be limited to three (3) square feet in area, with lettering eight (8) inches or less in height and it may display the names and/or symbol of the establishment provided
that such name or symbol shall not exceed fifty percent (50%) of total sign area. Ground
private directional signs are limited to four feet (4’) in height. These signs do not require a
sign permit or fee.

3. Individual buildings within the parks shall be permitted to have one (1) ground sign to
identify the name and location of the business. Such signage shall not exceed a maximum
area of forty-eight (48) square feet or a maximum height of six feet (6’).

4. Wall signage for identification of individual principal buildings within the park shall be
permitted. Signage for individual principal buildings shall not exceed one and a half (1 ½)
square feet per linear foot of the front of the building, up to a maximum of one hundred
fifty (150) square feet. Maximum vertical dimension of wall signage shall not exceed
twenty-five percent (25%) of the height of the lowest wall of the building, up to a maximum
vertical dimension of four feet (4’).

5. All signage within the park shall be uniform from building to building.

6. Signage shall be set back a minimum of five feet (5’) from the nearest edge of the sign to
the right-of-way and twenty-five feet (25’) to the adjacent property line.

7. Signs on windows shall not exceed twenty-five percent (25%) of the total glass area square
footage, or the area as specified by the zoning district where the business is located. The
remaining required open space of windows shall remain unencumbered or blocked by any
objects or items which are not either affixed to, or part of the window, such as shades, blinds
or curtains.

4.10.18 Public Lands and Institutions

1. One (1) ground sign, no greater in area than forty-eight (48) square feet on arterial
roadways or thirty-two (32) square feet on all other roadways, and no greater than six
feet (6’) in height, shall be permitted for identification purposes. There shall be no more
than two (2) ground signs per property.

2. Directional signs will be limited to three (3) square feet in area, with lettering eight (8) inches
or less in height and it may display the names and/or symbol of the establishment provided
that such name or symbol shall not exceed fifty percent (50%) of total sign area. Ground
private directional signs are limited to four feet (4’) in height. These signs do not require a
sign permit or fee.

3. Wall signage for identification of individual buildings within the property shall be
permitted. Signage for the principal building, or accessory buildings, shall not exceed one
and a half (1 ½) square feet per linear front footage of such building, up to a maximum of
eighty (80) square feet. Signage for all other individual buildings shall not exceed a
maximum of twenty (20) square feet. Maximum vertical dimension of wall signage shall not
exceed two feet (2’).

4. One (1) ground or wall directory sign shall be permitted for property that contains multiple
buildings. Such sign shall not exceed twenty (20) square feet in area, nor four feet (4’) in
height.

5. Signage shall be set back a minimum of five feet (5’) from the nearest edge of the sign to
the right-of-way and twenty-five feet (25’) to the adjacent property line.

6. Signs on windows shall not exceed twenty-five percent (25%) of the total glass area square
footage, or the area as specified by the zoning district where the business is located. The
remaining required open space of windows shall remain unencumbered or blocked by any objects or items which are not either affixed to, or part of the window, such as shades, blinds or curtains.

4.10.19 Nonconforming Signs

All signs lawfully in existence which do not conform to the provisions of this article are declared nonconforming signs. It is the intent of this article to eliminate nonconforming signs expeditiously and fairly, and to avoid any unreasonable invasion of property rights. No nonconforming sign shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

1. Termination by abandonment or close of business: Any nonconforming sign structure determined to have been abandoned due to the business closing down or relocating shall be presumed to be abandoned and cannot be reestablished except in compliance with this article, excluding any such period caused by actions or events not caused by the property owner, such as natural disaster, government actions, or other acts of God. Signs related to a business which has closed or relocated shall be terminated on the date the business moves out. In the case of multi-tenant signs advertising more than one (1) business, the property administrator or owner shall work with the City Administrator or his/her designee to make any changes to the messages on said signage, and a sign permit shall be required.

2. Termination by damage or destruction: Any nonconforming sign damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its current replacement cost, as determined by a cost estimate provided by the sign contractor at the time of application, and as approved by the City Administrator or his/her designee, shall be terminated and shall not be restored, except in compliance with this article.

3. Termination by redevelopment, maintenance or repairs: Whenever any revisions, modifications, maintenance or repairs are made which affects the signage on a building or a site, to the extent of more than fifty percent (50%) of the signs’ current replacement cost, as determined by a cost estimate provided by a sign contractor licensed to do said work at the time of application, and as approved by the City Administrator or his/her designee, then all affected signs and sign structures shall be brought into compliance with the current city and building codes, or be removed.

4.10.20 Lighting of Signs

1. Any lighting used to illuminate signs shall be shielded such that the light source cannot be seen from abutting roads or properties.

2. No unshielded light source may be visible from the edge of the public right-of-way at a height of three feet.

3. Sign lighting shall not be designed or located to cause confusion with traffic lights.

4. Illumination 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.

5. Illuminated signs shall have luminance no greater than 300 foot candles.

6. Illuminated signs shall not have lighting mechanisms that project more than 18 inches perpendicularly from any surface of the sign over public space.
7. Backlit awnings are prohibited.

4.10.21 Master Signage Plans

A Master Sign Plan approved by the City Commission is required for all residential subdivisions, multi-family and townhouse developments, planned developments, non-residential subdivisions, and all multi-building or multi-occupant commercial developments before any permanent signs for such development may be erected. All owners, tenants, subtenants and purchasers of individual units within the development shall comply with the approved Master Sign Plan. Residential developments that only have one (1) entrance monument and have no other signage requests shall not be required to submit a Master Sign Plan.

Requirements of the Master Sign Plan may be more restrictive, but not less restrictive, than the applicable requirements of this Article.

The master sign plan shall at a minimum address sign location, materials, size, color and illumination.

(a) The Master Sign Plan may include any type of wall sign permitted by this Article

(b) Consistent sign types, color patterns and materials shall be used on buildings with a uniform façade. Font styles may vary, subject to property owner’s approval.

(c) Two (2) sign style and/or color options may be introduced on buildings with architecturally-distinct building segments. Signs within each sign style shall be constructed of similar materials.

Principal Ground Signs and Directory Signs within a multi-occupant development plan project shall be consistent in style, illumination, colors and materials.

Allocation of Sign Area in Multi-Tenant Developments Unless specified otherwise in the Master Sign Plan, permanent sign area for a multitenant development shall be allocated in proportion to the frontage each tenant controls on the applicable wall.

4.10.22 Amendment Procedures for Master Sign Plans

A Master Sign Plan may be amended by filing a new master plan and application with the City Administrator or his/her designee.

(d) The application may be filed only by the owner of the land affected by the proposed change, or an agent, lessee or contract purchaser specifically authorized by the owner. Before filing the application, all land owners affected by the proposed change must give written authorization. If a governing board for the property affected exists, then the governing board may provide written authorization for all landowners affected.

(e) Any new or amended Master Sign Plan for non-residential developments (including those for planned developments) shall include a schedule that requires bringing all permanent signs not conforming to the proposed plan into conformance within ninety (90) days. This shall apply to all properties governed by said plan.

(f) Unless restricted by a zoning condition or area plan, residential neighborhoods or institutions within Planned Developments (PDs) may submit an application to amend the Master Sign Plan for their individual subdivision entry feature or principal ground signs by proposing new criteria that calls for masonry material for structural supports, foundations and/or background material or by proposing criteria that meets the requirement for architectural compatibility between the principal ground sign and the principal building.
After approval of an amendment to a Master Sign Plan, no permanent sign shall be erected, placed, painted or maintained except in accordance with such plan, and such plan may be enforced in the same way as any provision of this article. In the case of any conflict between a provision of a lawfully-approved Master Sign Plan and one (1) or more provisions of this article, the Master Sign Plan shall control.

4.10.23 Sign Colors

1. Neutral, cool, or earth tone colored signs are permitted (Green, Blue and Brown) and must complement the colors used on the structure(s) and project as a whole.
   a. Fluorescent colors shall be prohibited on all exterior surfaces.
   b. Colors that are deemed loud, clashing or garish shall be prohibited.

2. The total number of colors used in any one sign should be limited in order to avoid confusing and/or negating the sign message and its readability.

3. Signs should always strive to provide a contrast in lettering to insure legibility; with light letters utilized for dark sign backgrounds, or dark letters on a light background.

4. Colors or color combinations that interfere with legibility of the sign copy, or that interfere with viewer identification of other signs, should be avoided.

4.10.24 Electronic Message Centers

Electronic Message Centers are permitted by Special Exception Only.

1. An EMC sign may be a portion of a building sign or freestanding sign, or may comprise the entire sign area.

2. All EMC signs shall have automatic dimming controls, either by photocell (hardwired) or via software settings.

3. EMC signs shall have a minimum display time of twelve (12) seconds. The transition time between messages and/or message frames is limited to three (3) seconds and these transitions may employ fade, dissolve, and/or other transition effects.

4. The following EMC display features and functions are prohibited: continuous scrolling and/or traveling, flashing, spinning, rotating, and similar moving effects, and all dynamic frame effects or patterns of illusionary movement or simulating movement.

4.10.25 Sign Permits

1. It is prohibited and unlawful for any person to erect, construct, alter, or relocate within the corporate City, any sign without first obtaining a sign permit, except as otherwise specified in this article. Applications shall be filed in accordance with City standards.

2. When considering the placement of freestanding signs, the City Administrator or his/her designee shall consider the location of public utilities, sidewalks, and future street widening.

3. The sign permit application shall be reviewed for a determination of whether the proposed sign meets the applicable requirements of this section and any applicable zoning law.

4. Modifications to signs shall not result in a sign that violates the requirements of this Code. The modification of sign height or size requires sign permit approval.

5. Permits shall be required for changing the copy of a sign, even if no changes are made to the sign’s height, size, location, or structure.
6. Prior to final approval of a sign permit the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee. (Properties with a Certificate of Designation must follow Article 5).

Signs shall require a permit fee as approved by resolution of the City Commission.

4.10.26 Billboards

Billboards adjacent to Interstate 4 may be permitted to the extent allowed under applicable regulations promulgated by the Florida Department of Transportation and approved by the City Commission.

4.10.27 Content Neutrality as to Sign Message (Viewpoint)

Notwithstanding anything in this article or Code to the contrary, no sign or sign structure shall be subject to any limitation based upon the content (viewpoint) of the message contained on such sign or displayed on such sign structure.

4.11.00 Donation Collection Bins

A donation collection bin is hereby defined as a receptacle designed with a door, slot or other opening and which is intended to accept and store donated items. It shall be unlawful to deposit, store, keep or maintain or to permit to be deposited, stored, kept or maintain a donation collection bin in or on any lot, parcel or tract of land or body of water in any zoning district unless it is enclosed within a building, or except as provided in this section.

Donation Collection Bins must comply with the following criteria:

1. For each donation collection bin the property owner shall submit a no-fee permit application prior to placement. The donation collection bin shall meet the foregoing conditions:
   a. There shall be a permitted principal development on the parcel, located in full compliance with all standards and requirements of this Code.
   b. No more than one such donation collection bin may be located on a site/parcel.
   c. The donation collection bin shall be buffered from view from any location off of the property and shall be permitted only in side and rear yards.
   d. The donation collection bin shall not be closer than 20 feet from any right-of-way line and 20 feet from any other property line.
   e. Donation collection bins shall have a maximum floor area of 20 square feet and shall not exceed a height of 7 feet. Donation collection bins must be shown on site plans and require an administrative site plan review. Said bins shall not be required to comply with the windborne debris impact standards of the Florida Building Code. Electrical connections to the bins shall be prohibited.
   f. Donation collection bins shall be secured indoors for the duration of the following National Weather Service Advisories, Watches, and Warnings for Lake Helen/Volusia County: Wind Advisory; Severe Thunderstorm Watch; High Wind Watch; Tornado Watch; High Wind Warning; Severe Thunderstorm Warning; Tornado Warning; Tropical Storm Warning; Hurricane Watch; and Hurricane Warning.
g. Permit Application will require the submittal of the lease and/or letter of authorization from the property owner.

h. Donation collection bins shall be maintained in a safe, clean, neat, and presentable manner, free of graffiti, and shall be in a usable condition at all times. The applicant shall be responsible for the removal of any donated items left outside of the collection bin.

i. No major repairs or overhaul work on such collection bin shall be made or performed on the site, (or any other work performed thereon which would constitute a nuisance under existing ordinances);

j. Donation collection bins shall not be used for living or sleeping quarters or for housekeeping or storage purposes and shall not have attached thereto any service connection lines;

k. Donation collection bins shall display prominently the name of and contact information for the organization responsible for the bin;

l. Bins must be placed on an improved surface. If being placed in a parking place, a waiver from the Planning and Land Development Regulation Commission or City Administrator or his/her designee must be obtained for the reduction of parking.

4.11.01 Illegal donation collection bins

Enforcement. The City Code Compliance Officer / Police Department shall be responsible for the enforcement of this ordinance.

1. Notification. Whenever the Code Compliance Officer or City Official ascertains that an illegal donation collection bin is present on any property within corporate limits of the City of Lake Helen, the officer shall cause a notice to be placed on such bin in substantially the following form:

   NOTICE: This donation collection bin is unlawfully upon property known as (setting forth brief description of location) and must be removed within seventy-two (72) hours from the time of this notice. Failure to remove the bin shall result in the removal and destruction of the bin by order of City of Lake Helen.

   Dated this: (setting forth the date, time of posting of the notice)

   Signed: (setting forth name, with the address and telephone number of the Code Compliance Officer or City Official).

   Such notice shall be not less than eight (8) inches by ten (10) inches and shall be sufficiently weatherproof to withstand normal exposure to the elements.

2. Removal of donation collection bin. If at the end of seventy-two (72) hours after posting of such notice, the donation collection bin has not been removed from the property, the Code Compliance Officer shall cause the bin to be removed. In an emergency event of a natural disaster, the City may remove and store the bins at the owners' expense.

3. Obstructing an officer or city official in the performance of duties. Whoever opposes, obstructs or resists the Compliance Officer or city official in the discharge of duties as provided in this section, upon conviction, shall be guilty of a misdemeanor of the second degree and shall be subject to punishment as provided by law.
4. Destruction of donation collection bin. Whenever a donation collection bin remains unclaimed as provided in subsection (2) above, it shall be destroyed by order of City of Lake Helen. The contents of the bin may be destroyed or donated to charity.

5. Recovery of costs. All costs incurred pursuant to this section shall be paid by the owner of the donation collection bin. The compliance officer may institute a suit to recover such expenses against the bin owner.

6. Responsibility for compliance. The owner of the donation collection bin and the tenant and/or owner of the property on which the bin is maintained shall be responsible for compliance with this article.

4.12.00 Home Occupations

The intent of this section is to allow a person to engage in a home occupation, or to establish a home office, within a residential dwelling in which the person resides, or within an accessory building on the parcel on which the residential dwelling is located, so long as the character and integrity of the residential neighborhood is preserved and protected from possible adverse impacts associated with said occupation or office.

Any lawful home occupation use shall be permitted, which is clearly incidental and secondary to dwelling purposes, which is conducted entirely within the property and it does not change the residential character thereof; and provided that all of the following conditions are met:

1. No unauthorized employees or persons other than the dwelling residents and employees pre-approved by the City Administrator or his/her designee shall be engaged in such occupations.

2. The home occupation business may employ additional employees who are not members of the family unit residing on the property. Additional employees must be approved by the City Administrator or his/her designee as long as neighboring properties are not negatively impacted through the addition of those employees.

3. Home occupations must be clearly accessory to the principal residential use.

4. There shall be no visible change in the outside appearance of the dwelling or accessory structure to conduct such occupations.

5. There shall be no signs advertising the home occupation located on the property, on other residentially zoned properties, or within public right-of-ways.

6. There shall be no outside storage of materials, equipment or products on the premises visible from the property boundaries. Materials shall be stored in a fully enclosed structure or be properly screened in the side or rear yards of the property. No toxic, noxious, or flammable chemicals or materials may be stored in amounts in excess of those normally found in a residential dwelling. No additional and separate entrance will be constructed to conduct the occupation.

7. Only commodities approved to be made and/or sold on premises can only be sold from within the building; and, no display of such products will be permitted which is visible from outside the building.

8. The home occupation may serve the customers of only one business transaction at any one (1) time on premises.

9. Off street parking for the home occupation may be used or permitted, unless off-street
parking is otherwise prohibited. Parking for the home occupation shall consist of no more than one (1) client/customer parking space and no more than one (1) non-family member employee parking space per pre-approved employee(s). None of said parking spaces may be located in grassed or otherwise naturally covered areas of the front yard of the premises.

10. Signage for the home occupation shall not be permitted. Signage on motor vehicles shall not be considered signage limited under the provisions of this Section. However, vehicle signage must be compliant with any other regulations regarding to signs on vehicles advertising businesses.

11. The appearance of the structure within which the home occupation is conducted shall not be altered in any respect so as to cause the structure to appear in any way disparate or distinct from a residential structure.

12. It is unlawful for the activities conducted in pursuit of a home occupation to disturb the peace, quiet and tranquility of the residences located in the area of the structure at which the home occupation is being pursued and it is unlawful for the activities conducted in pursuit of the home occupation to detract from the residential character of the neighborhood in which the residential or accessory structure is located. The proprietor of the home occupation shall allow city personnel on the property and to conduct any inspection necessary to ensure the home occupation’s compliance.

13. It is unlawful for the activities conducted in pursuit of a home occupation to create dust, vibration, smell, odors, smoke, glare, electrical interference, fire hazard, excessive traffic, noise, or any other nuisance or activity that is not generally conducted in a residential or accessory structure.

14. It is unlawful for the activities conducted in pursuit of a home occupation to generate traffic that exceeds the number or intensity of trips that would normally occur in a residential area in which business activity did not exist.

15. If the property on which a home occupation is proposed to be conducted is a rental property, notarized written approval to conduct said occupation shall be obtained from the owner of the property.

16. Authority to conduct a home occupation shall not be transferable:
   a. To another person at the same location except to a family member living on the premises intending to continue the existing home occupation without interruption at the same location; or
   b. To any occupation other than the one for which the home occupation use has been granted a permit to be conducted on the property; or
   c. From one property to another.
   d. The home occupation shall not run with the land, but only be applicable to the approved applicant.

17. Additional driveways or paved areas to serve such occupations shall not be permitted.

18. A reasonable number of occupation-related product deliveries shall be permitted, but in no instance shall there be more than three (3) deliveries per day. No occupations shall be permitted to interfere with, or share a driveway or off-street parking space with an adjoining property.
19. On properties over one and one quarter acres (1 ¼) light industrial type home occupations will be reviewed by the City Administrator or his/her designee and may be permitted as long as the business does not cause objectional noise, vibration, glare, fumes, odors, or heat, or other similar negative impact which is detectable to the normal human senses from any adjacent or abutting lot, or which are harmful in any way to persons, animals, flora or fauna on or off the premises.

4.12.01 Home Occupation Permit

1. A person desiring to conduct a home occupation in a district where it is permitted shall first pay the non-refundable application fee as approved by resolution of the City Commission and complete the home occupation application which shall include, but not be limited to, the following information:
   a. Name of applicant, property owner and/or entity, and any requested employees.
   b. Notarized statement of approval of home occupation use from property owner or entity.
   c. Property address, parcel number and zoning.
   d. Home occupation name and telephone number.
   e. Type of business or service to be provided by the home occupation in the form of a written narrative.
   f. Days and hours of operation for the home occupation.
   g. Signature of applicant, property owner and/or entity.

2. Upon compliance with these regulations, the City Clerk shall issue a permit for such home occupation. Any home occupation permit may be revoked by the City Clerk or City Administrator or his/her designee after being noticed that the home occupation has become a public nuisance and/or is not in compliance with the City Codes. Applicant shall have ten-days to either cure the violation(s) or shut down their home occupation.

3. The fact that an applicant has paid the business license tax shall not vest the applicant with any rights to receive or maintain a home occupation.

4. Appeal of any final action taken by the City Clerk, City Administrator, City Commission, or subsequent applicable governing body shall be conducted in accordance with the provisions of Article 15 of the Code of Ordinances of the City of Lake Helen.

5. A home occupation license is only valid for a period of one (1) year, and must be renewed by the business tax receipt (BTR) annual deadline date of September 30. Renewal requests and applicable fees not made prior to the annual BTR deadline date shall require completion of a new application and payment of the approved non-refundable application fee. Annual renewal fees are set forth in the schedule of fees as adopted by Resolution set by the City Commission.

6. Home occupations shall in no case be construed to mean or include tea rooms, food processing, restaurants, tourist homes, animal hospitals, nursing homes, retail stores, dancing instruction, Adult Entertainment, Clubs (Private), Modeling of Clothing, Escort Services, Tattoo and Piercing, Vehicle Sales or Rental, Non-State Licensed Massage, commercial kennels, facilities for the breeding and/or sale of pets, or businesses with similar traffic, noise, visual or similar impacts on neighboring properties. Home occupations shall be limited to uses that have minimal to no impact on residential zoning districts and neighborhoods.
4.13.00 Licensed Community Residential Facilities

Licensed Community Residential Facilities with less than seven (7) residents, group homes, and foster Care Facilities with less than six (6) residents are permitted in all residential zoned areas designed.

Licensed Community Residential Facilities with more than seven (7) residents, group homes and foster Care Facilities with more than six (6) residents are allowed as a special exception use as outlined in Article 13 provided that the facility meets required criteria, including but not limited to:

1. the proposed facility being compatible with the neighborhood in its physical size; and
2. the proposed facility is not within 1,200 feet of an existing facility; and
3. the proposed structure would not alter the character of the neighborhood; and
4. adequate parking will be provided.

The development review process shall require applicants of group home and community residential home developments to provide evidence of appropriate licenses prior to the issuance of a development order or permit. Residential care of family members (related by blood or marriage) shall be exempt from this policy.

4.14.00 Low intensity agricultural use

Low intensity agricultural use including the raising of row crops, fruit trees, nursery plants and vegetables; and the keeping of animals, including poultry, aquaculture, apiaries and livestock is permitted provided that all of the following conditions are met:

1. There shall be a permitted primary use on the parcel, located in full compliance with all standards and requirements of this Code.
2. Row crops shall not be taller than 12’ feet in size.
3. There is at least a buffer of twenty feet (20’) between the area where said animals are kept and the property line.
4. There is at least ten thousand (10,000) square feet of grazing area for each grazing animal
   Grazing Animal shall include all animals of the equine, bovine or swine class including, but not limited to, goats, sheep, mules, horses, hogs, cattle and other grazing animals;
5. Grazing Animals and Poultry (chickens, turkeys, ducks, guineas, geese and pigeons) shall be kept in pens or fenced areas at least twenty feet (20’) between the area where said animals are kept and the property line.
6. The storage of animal waste shall be located at least fifty feet (50’) from neighboring residential property lines.
7. Dead birds and swine shall be disposed of in accordance with applicable health regulations.
8. Manure and other wastes shall be disposed of in accordance with applicable health regulations.
9. Flies and insects shall be controlled in accordance with applicable health department regulations.
10. Do not create conditions that create a public nuisance as listed below or is incompatible with neighboring uses.
4.14.01 Exemptions

1. Domestic pot-belly pigs shall not be considered to be livestock if no more than one (1) said pig resides at a household or on parcel of land and the weight of said pig does not exceed one hundred (100) pounds.

2. Miniature horses shall not be considered to be livestock if no more than one (1) said horse resides at a household or on a parcel of land and the height of said horse does not exceed thirty-three inches (33'') measured from the withers to the ground.

3. Show animals and educational projects shall be exempt from the requirements for pens in Section 4.14.00 provided the manure setback requirement of fifty feet (50') can be met and each animal would reside no longer than nine (9) months on the property.

4.14.02 Public nuisance animal

Public nuisance animal means any animal which meets any one (1) or more of the following criteria:

1. An animal that is repeatedly found at large.

2. An animal that damages, harms or destroys the property of anyone other than their owner.

3. An animal that is a fierce or vicious animal, or a dangerous animal that is not confined as required by this article.

4. An animal that causes unsanitary conditions of enclosures or surroundings as determined by the animal control officer.

5. An animal that is a diseased animal and dangerous to human health.

6. An animal that repeatedly or excessively barks, cries, howls, screeches, squawks, screams, whines or makes other prolonged or disturbing noises interfering with the peace, comfort, repose or quietude of the neighboring properties, providing a complaining neighbor has filed a sworn statement with either the animal control officer or a City police officer describing the disturbance.

   a. Any animals, birds, etc. which cause frequent or long continued noise which is plainly audible at a distance of one hundred feet (100') from the building or structure in which the animal or bird is located.

7. An animal that has been determined to be a stray.

8. An animal that is a female animal that is not confined within a building, structure, cage or not under restraint during her estrous cycle (in heat).

9. An animal that is a rabies-susceptible animal that has not been appropriately inoculated against rabies.

10. An animal that causes offensive odors from or upon the premises on which the animal is maintained which odors disturb the comfort, peace or repose on any person residing within the vicinity of the animal consistent with the provisions of this article.

Code enforcement may be initiated only by complaint from an owner of property within two hundred fifteen feet (250') of the property from action the low intensity agricultural use.

4.14.03 Farm Stands

A farm stand is allowed as an accessory use subject to the following conditions:
1. The farm stand shall only sell products cultivated by the same producer within the city limits.

2. The operation of the farm stand shall not exceed a duration of seventy-five (75) days in one calendar year.

3. Sales shall be limited to between the hours of 7:00 a.m. and sunset.

4. The farm stand must be removed from the premises or stored inside a structure when not in operation.

5. Only one farm stand is permitted per parcel.

6. The farm stand shall not use the public right-of-way for its operations, including in regards to the placement of its signage or for customer or employee parking.

7. One temporary sign not exceeding twenty (20) square foot in copy area may be displayed to advertise the farm stand operations. Such sign must be removed from the premises or stored inside a structure at other times of the year when the farm stand is not in operation.

8. A farm stand permit is required from the city and must be displayed on the farm stand property for the duration of the sale(s).

4.15.00 Recreational Vehicles exceeding thirteen (13) feet in a Residential Zoning District

1. Any recreational vehicle, whether wheeled, motorized, or in an unassembled state, including trailers, boats and boat trailers separately or in combination, exceeding thirteen (13) feet in length shall not be permanently parked, stored or located on private property in a residential zoning district unless parked in an enclosed garage, or as otherwise provided herein.

2. The length of the vehicle shall be the (registered hull length for boats) length of the vehicle without accessories, not including hitches, masts, outboard motors, trailers, nor any vehicle temporarily attached to it.

3. Recreational vehicles including trailers, boats and boat trailers exceeding thirteen (13) feet in length may be parked at owner’s property subject to the following parking and use regulations:
   a. The vehicle may be parked in the side or rear yard, if accessible, or in the front yard if space is available to meet the following regulations.
   b. Such vehicle may not be parked closer than two feet (2’) to any abutting property line.
   c. Such vehicle in the front yard must be parked perpendicular to the front curb.
   d. Such vehicle shall be parked on a driveway or other prepared surface.
   e. The vehicle must be at least eight feet (8’) from the face of a curb or edge of pavement on a street and no part of the vehicle may extend over a public sidewalk or bike path.
   f. Such vehicle shall not obstruct the sight triangle at intersections as defined in Article 4.08.00.
   g. If parked within ten feet (10’) of an adjacent property, a minimum four-foot wall, fence, or vegetative hedge providing opacity of 80 percent (80%) or greater must be provided to screen the vehicle from the adjacent property.
   h. Such vehicle shall not be used as a residential detached dwelling unit, or be connected to any public utilities, or used for storage, or as an office for business purposes.
i. Such vehicle must be operable, in good visible condition, in regular use, and have a current license and registration.

4. Any vehicle that cannot comply with the parking regulations in [subsection 3] above, may park at the owner’s property home a maximum of three (3) days in any calendar week for the purposes of loading, unloading, trip preparation or repairs/maintenance.

4.16.00 Mobile recreational shelters for temporary living quarters

The City may grant permission to allow temporary use of the mobile recreational shelters and vehicles, shelters, and trailers for living quarters for a period of two (2) weeks upon application to the City Clerk for the temporary use.

1. Any extension of such period shall also be by the approval of the City Commission.

2. A property owner requesting the temporary use of the mobile recreational shelters and vehicles shelters, and trailers for living quarters may do so up to two (2) fourteen (14) consecutive-day periods per calendar year.

3. Any allowance of the above shall only allow a safe electrical hookup and a safe and sanitary water hookup to an outside or exposed water faucet.

4. There shall be no hookup to any septic tank, reservoir or holding area for any waste material, nor shall there be any waste material discharged on the surface of any grounds.

4.17.00 Open Air Sales

For purposes of this section, the phrase “open air sales” shall mean the outside sale of food, goods and services, including, but not limited to, temporary markets; sidewalk vending and sales; fruit and vegetable stands, temporary amusement or recreational activities; and the sale of seasonal merchandise such as, by way of example only, Christmas trees.

1. Prohibited areas. Open air sales are prohibited in areas assigned a residential zoning district.

2. Permitted areas; requirements. Open air sales shall follow 4.04.00 Outdoor display of merchandise or 4.05.00 Sidewalk/Outdoor Café or may permitted by means of a special event permit subject to the following:

   a. Open air sales may be conducted as special events upon approval of a special event permit by the City Commission subsequent to a determination that the required event furthers the public interest.

   b. The applicant shall provide a written authorization from the property owner, which authorization shall be duly sworn and notarized on a form approved by the City.

   c. Prior to obtaining a City special event permit, the applicant must obtain a permit or authorization from the Florida Department of Health, if applicable, and any other agencies of government having regulatory responsibility over event activities, and shall pay all applicable taxes to include, but not be limited to, the applicable local business tax.

   d. Open air sales activities which require the use of existing parking spaces shall not obstruct any parking spaces which are required as part of the minimum parking requirements for that property, as prescribed by the City’s Land Development Regulations (Article 11).
e. The applicant shall observe the existing setback requirements for the site of the open air sales set forth in Article 2.

f. The applicant shall provide proper ingress and egress for the site of the open air sales as set forth in the City’s Land Development Regulations (Article 11).

g. The City Commission shall, by adoption of a resolution, establish fees relating to applications for open air sales special event permits. In appropriate circumstances, the City Commission may require insurance coverage and/or bonding.

h. The provisions of this Section are intended to regulate and authorize special events which include sales transactions which occur in open air areas that are not located within structures located on properties assigned a commercial zoning district classification with all of the sales occurring being related to special events or seasonal sales, and not ongoing commercial enterprises. Said time periods shall include “set up” and “take down” periods. Properties shall be clean and in good order at the conclusion of the event.

3. Governmental uses; not for profit organizations.

a. The City Commission may permit governmentally sponsored events that occur on Federal, State, County or City property that do not specifically comply with all of the requirements of this Section and without any fee payment.

b. Upon showing of a hardship, the City Commission may exempt not-for-profit charitable organizations from payment of the fees required in this Section and/or waive any other requirements provided by this Section.

4.18.00 Garage Sales

"Garage sales" as hereinafter defined are permitted in all residentially zoned land use classifications; provided, however, such garage sales are subject to the following conditions:

1. "Garage sales" shall mean the sale of old, used or unwanted personal household items, articles and effects on a residential lot by the property owner or occupant. Said garage sales shall not include any new or used items, articles or effects which have been purchased for the purpose of resale at the garage sale. Nothing in this section shall be construed or interpreted to mean that the property owner or occupant cannot sell their isolated personal property, such as a family vehicle, a piano, an appliance, and other similar isolated household items typically found in a residential dwelling, without first obtaining a garage sale permit. A garage sale permit is not required for the sale of these isolated personal items, which are typically noticed to the public for sale through the newspaper or other media. An estate sale is considered a garage sale, and it does require a garage sale permit.

2. Garage sale shall not be carried on for more than two (2) consecutive days and no more than two (2) such sales shall be permitted within one (1) calendar year from any single lot. Garage sales shall only be conducted by and the items sold shall be owned by the residential property owner/occupant.

3. At the conclusion of such garage sales, all unsold articles and items shall be removed so as not to be visible from any public streets or abutting property.
4. A garage sale permit is required from the city for all garage or estate sales, and it must be displayed on the garage sale property for the duration of the sale.

5. The property owner shall be allowed to install one (1) sign advertising the garage sale, meeting the requirements for such signs under the city’s Sign article. Said signs shall be removed by the conclusion of the sale on its final day.

4.19.00 Vehicle Sales

The intent of this regulation is to allow a private citizen to sell privately-owned motor vehicles for private sales. It is not the intent of this section to allow for any form of commercial vehicle sales which are otherwise prohibited by law in the City of Lake Helen. For the purposes of these regulations, the word "motor vehicle" includes any motorized automobile, motorcycle, scooter, golf cart, pickup truck, boat, jet ski, watercraft, aircraft, recreational vehicle, and/or any trailer used to haul vehicles.

1. The display of a privately-owned motor vehicle for private sale is allowed only on improved and occupied residential property when the private vehicle to be sold is owned by the residential property owner or occupant.

2. No motor vehicles offered for private sale shall be displayed on any vacant, unimproved, or undeveloped property.

3. The owner of the private motor vehicle for private sale must have a residential occupancy interest on the property where the motor vehicle is displayed for sale. If the motor vehicle for sale is displayed at a commercial location for a period greater than four (4) hours, the motor vehicle may be displayed only when the owner of the motor vehicle is on the property, and during normal operating hours of the business.

4. Any motor vehicle for sale must be properly licensed, registered and operable.

5. Only one (1) motor vehicle offered for sale is allowed on any one (1) parcel at any one (1) time, and there shall be no more than one (1) motor vehicle for sale on any one (1) parcel within any six-month period.

6. Motor vehicles offered for sale must be displayed in a parking area, and must not be located on any public right of way, landscape area or buffer, or any other non-parking development feature.

7. Signage advertising the motor vehicle for sale shall not be greater than four (4) square feet in total area, and it must be affixed inside the motor vehicle, or in the case of motorcycles, boats, and trailers, securely affixed to the motor vehicle.

4.20.00 Television, radio and satellite antenna requirements

Antenna support structures and satellite television receiving antennas located in residentially zoned areas shall be governed by the following restrictions:

1. Height limitations. The height of noncommercial television and radio antennas excluding satellite receiving dishes shall be limited to thirty-five feet (35’), or as may be further restricted by other law, charter or regulations.

2. Size limitations. Satellite and similar types of noncommercial microwave receiving antennas of parabolic "like" construction shall be limited in size to eighteen inches (18’’) in diameter, unless one of a larger size is approved through a Building Permit. No roof mounting of satellite dish antennas is permitted.
3. **Locations of antenna, antenna support structures, and satellite receiving antennas.** Antennas and support structures shall be located within the established side and rear setback lines. No antenna element or supporting structure shall be located closer than eight feet (8') from any overhead power line.

B. **Structural integrity requirements:** All antennas and their support structures, rotors, equipment and positioners shall be designed to withstand minimum horizontal wind pressures and be corrosion-proof in accordance with the city building codes.

C. **Commercial and multifamily installation:** Each installation of antenna towers to be used by commercial establishments, including multifamily dwellings and condominiums must receive approval of the development services department.

D. **Permit requirements:** A building permit shall be obtained prior to the installation or modification of any antenna or supporting structure in excess of twenty feet (20') in height or a satellite antenna or supporting structure in excess of eighteen inches (18'') in diameter or fifty (50) pounds in weight within a residentially zoned district.

Application for a building permit to install, construct or increase the height of a television or radio antenna or satellite receiving antenna shall include the following with the application:

1. A location plan for the antenna support structure or the satellite-receiving antenna.

2. Manufacturer’s specifications for the antenna support structure, the required guy wire system, corrosion-proofing and details for the required footings and or other structures required to support or assist in the support of the antenna structure or the satellite dish.

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**4.20.01 Telecommunications or wireless telecommunications facility (WTF).**

The purpose and intent is to minimize the negative impact of a wireless telecommunications facility (WTF), establish a fair, expedient and efficient process for review and approval of all applications, protect the health, safety and welfare of the citizens, utilize stealth technology on any new or reconstructed WTF, and insure all new and reconstructed facilities are built to accommodate future projected growth demands and needs.

B. **Exclusions;** the following shall be exempt from this section:

1. The fire, police, and other public service facilities owned and operated by the local, county, state, or federal government.

2. Any facilities expressly exempt for the city’s citing, building, and permitting authority.

3. Over-the-air reception devices including the reception antennas for direct broadcast satellites (DBS), multi-channel, multipoint distribution (wireless cable) providers (MMDS), television broadcast stations (TVBS) and other customer-end antennas that receive and transmit fixed wireless signals and are primarily used for reception.

4. Facilities exclusively for private, non-commercial radio and television reception and private citizen’s bands, and other similar non-commercial telecommunications.

5. FCC licensed amateur radio facilities require administrator approval and are exempt from all aspects of this section except logical screening, setback, placement, construction, height and health and safety standards in accordance with state and local building codes.

6. Facilities exclusively for providing unlicensed spread spectrum technologies (such as IEEE 802.11a, b, g {WiFi and Bluetooth}) where the facility does not require a new tower.
4.20.02 WTF Permit application process and other requirements.

Applicants for a new, reconstructed or replacement WTF permit shall comply with the requirements set forth herein. The City Commission designates that applications shall be submitted to the City Administrator or his/her designee, who is authorized to review, analyze, evaluate and make decisions with respect to granting, not granting, or revoking permits. Denied applications and permits may be appealed by the applicant to the City Clerk as outlined in Article 15 of these regulations.

1. The applicant shall do the following to assist the City Administrator or his/her designee in expediting the process:
   a. Obtain and review this WTF section and discuss any questions regarding the requirements with City Administrator or his/her designee before making application.
   b. Determine the best potential location for the WTF facility, taking into consideration the city’s defined priorities that meet the applicant’s requirements for service. The application requires an explanation for a selected location not using the highest priority available to the applicant. The city’s priorities (listed from highest to lowest) are: on existing towers or structures without increasing their height; on city-owned properties; on commercially zoned properties; and finally, on residentially zoned properties.
   c. Attend the pre-application meeting to address issues to help expedite the review and permitting process, which shall also include a site visit. The pre-application meeting will: determine the types of applications being made; define information required to support the proposed location; and, define the specific application requirements for what is needed for review and consideration by the city. Requirements will vary based on the specific location, type of facility selected and its potential impact to the city and its citizens.
   d. Determine if application falls under the Spectrum Act, Section 6409 requirements for review and approvals, with supporting documentation being provided by the applicant upon submission of the application. If the application does fall under Section 6409, the "shot-clock" deadline for review and approval of the application is sixty (60) days. If the application does not fall under Section 6409, the "shot-clock" deadline for review and approval of site modification and colocaiton applications of ninety (90) days shall apply, and one hundred fifty (150) days for new cell site applications, unless otherwise agreed upon by the applicant and city.
   e. Submit three (3) copies of applications to the City Administrator or his/her designee and officially begin the sixty-day, ninety-day or one-hundred-fifty-day "shot-clock" deadline for approval time period, as determined by subsection C.2.d. above, on the day the application is received by the city development services department. Incomplete applications will not be accepted.

2. The City Administrator or his/her designee will review the application to verify completeness and that it meets the requirements of these regulations. Based on the review the City Administrator or his/her designee may:
   a. The city has twenty (20) days from the date-stamped date of submission of the application to request any and all missing information needed to make the application complete. When the applicant resubmits the application package, the city then has ten (10) days to identify which previously requested pieces of information are still
missing, and the city shall not request new and/or additional information outside the scope of the original request.

b. Approve, approve with conditions or deny a WTF permit within the "shot-clock" deadline period, or the application is deemed approved, after written notice to the city that the approval time period has elapsed. The decision shall be in writing and supported by any evidence contained in a written record. The burden of proof for the granting of the permit shall always be on the applicant.

c. Based on the agreed upon location for a new tower, if it is located in a zone other than a commercial zone, or if any variance is required, this application may require a public hearing through the board of adjustment.

3. The city’s approval/denial of an application shall be provided to the applicant in writing within the "shot-clock" period agreed to by the applicant and city, prior to submission of the application.

4. The city and applicant agree to communicate during the tolling and notice period for incomplete applications to ensure the application is not held up any longer than is absolutely necessary, on the part of either party, while proper information needed for a complete application is acquired.

5. Anyone can appeal the decision of the City Administrator or his/her designee by submitting written notification to the City Clerk. The appeal process as outlined in Article 15 of these regulations shall be followed.

6. Limitations. A proposed rezoning, special exception or variance which has been denied by the city on a particular tract of land for a particular purpose cannot again be applied for within one (1) year from the date of denial, unless the new request is determined by the City Administrator or his/her designee to be substantially different from the original request (i.e., applying for a different but not necessarily more restrictive zoning district, use, distance, area, height, use of stealth technology, etc.)

7. An applicant that receives an approved permit may proceed to the construction phase of the project by applying for the building permit for the tower and any additional and required support buildings. The city will conduct its normal building inspection process during construction.

8. When the city has verified that the site is constructed in accordance with the approved application, and the applicant has paid all monies due to the city, the city will issue a certificate of occupancy to the applicant that allows operational use of the site.

### 4.20.03 Permit application contents and other requirements

All applications shall demonstrate how the proposed facility will utilize stealth technology and be sited so as to be the least visually intrusive as reasonably possible, and contain the information herein set forth.

The application requirements may vary based on the type of facility and its location. Final determination of the specific information to be included with each application will be defined in the pre-application meeting, but will generally follow the established guidelines set forth below:

1. An application to co-locate on an existing structure or modify an existing structure without increasing its height shall include:

   a. Application including
i. the names, addresses, and phone numbers of the person preparing application;

ii. the applicant;

iii. the WTF facility owner;

iv. the property owner;

v. the building contractors;

vi. the postal address and legal description of the property and its zoning designation;

b. Written verification that the facility complies with state and federal rules and regulations; a copy of the state license; and, documentation that verifies the ownership of the site, and all lease or sublease agreements.

c. The applicant shall furnish a visual impact assessment, which includes: a narrative and pictorial representation of how the tower will utilize stealth technology to blend in with the surroundings; a "zone of visibility map" to determine locations from which the tower may be seen; and, pictorial "before and after" representations of proposed facility.

d. A certified site plan which shall include: the location, size, and height of all structures on the property to scale; landscaping, irrigation, and fencing; a description of the proposed tower/antenna for aesthetics; grounding; parking and turn around facilities; signage; and, demonstrate how it will efficiently screen from view the base and all related structures.

e. A copy of the geotechnical sub-surface soils investigation, evaluation report, drainage report and foundation recommendation for a proposed or existing tower site.

f. Certification that the WTF facility, foundation and attachments are designed and will be constructed to meet all local building code requirements for structural and wind loads.

g. Verification that proposed facility complies with current FCC RF emissions guidelines.

h. Documentation that satisfies the liability insurance requirements.

i. Documentation that satisfies the performance bond requirements.

2. Applications to co-locate on or modify an existing structure where an increase in height is requested requires items (a) through (d) above, and: documentation demonstrating the need for the proposed height of the facility; propagation studies of the proposed site and all adjoining proposed and existing sites; certified structural drawings verifying structure can handle the load of additional antennas and/or structure; supporting documents showing actual intended transmission and the maximum effective radiated power of the antenna(s); and, equipment specification sheets for the proposed radio, combiner, isolator, and antennas planned for the proposed and adjoining sites.

3. An application to install a new or replacement tower or facility will include the above information, and: the number, type, and design of the tower(s)/antenna(s) proposed and the basis for the calculations of the tower’s capacity to accommodate multiple users; and, the applicant shall submit documentation demonstrating its meaningful efforts to secure
shared use of existing tower(s) or other structures within the city. Copies of written requests and responses for shared use shall be provided to the city in the application.

### 4.20.04 WTF Application fee

At the time a person submits an application for a WTF permit for a new tower or requires an increase in height to an existing tower, such applicant shall pay a non-refundable application fee of four thousand five hundred ($4,500.00) to the city. If the application is for a WTF permit for co-locating on an existing tower or other suitable structure, where no increase in height of the tower or structure is required, the non-refundable fee shall be two thousand five hundred ($2,500.00).

### 4.20.05 Visibility of wireless telecommunications facilities

1. WTFs shall not be lighted or marked, except as required by law.
2. Towers shall be galvanized and at a minimum, use stealth technology of an approved color and design to best allow the WTF to harmonize and blend in with the surroundings and it shall be maintained for the life of the tower.
3. If lighting of the tower is required by FAA or other agency requirements, applicant shall provide a detailed plan for sufficient lighting as inoffensive as permissible under state and federal regulations.

Security of wireless telecommunications facilities; all WTF, towers and antennas shall be located, fenced, or otherwise secured in a manner that prevents unauthorized access.

### 4.20.06 WTF Signage

1. WTFs shall contain signs no larger than four (4) square feet to notify persons of the presence of RF radiation or to control exposure to RF radiation and a sign with the I.D. number and emergency phone number(s) located on the equipment shelter or cabinet and visible from the access point of the site. On tower sites, an FCC registration site shall also be present. The signs shall not be lighted, unless required by law, rule, or regulation. No other signage shall be permitted, such as advertising.
2. The applicant or future owner of the site shall update the site identification number and emergency phone numbers of the WTF as displayed on the required sign within six (6) months of any sale, assignment, or transfer.

### 4.20.07 Parameters of WTF permits

1. Permit shall not be assigned, transferred, or conveyed without written notice to and approval from the city within six (6) months.
2. Such permit may, following a code enforcement special magistrate and/or board hearing upon due prior notice of violation being provided to the applicant, be revoked, canceled, or terminated for violation of the conditions and provisions of the WTF permit or for a material violation of this section after notice and the applicant is given an opportunity to cure the same.

### 4.20.08 WTF Insurance Requirements

1. Liability insurance.

   A holder of a permit for a WTF shall secure and at all times maintain public liability insurance for personal injuries, death, and property damage and umbrella insurance coverage for the duration of the permit in amounts as set forth below:
a. Commercial general liability and automobile coverage: one million dollars ($1,000,000.00)/occurrence and two million dollars ($2,000,000.00) aggregate.

b. Workers compensation and disability: statutory amounts:

2. The commercial general liability insurance policy shall specifically include the city and its officers, employees, agents, and consultants as additional named insured’s.

3. The insurance policies shall be issued by an agent or representative of an insurance company licensed to do business in the state and with a “best’s” rating of at least A.

4. The insurance policies shall contain an endorsement obligating the insurance company to furnish the city with at least thirty (30) days’ prior written notice of the cancellation of the insurance.

5. Renewal or replacement policies or certificates shall be delivered to the city at least fifteen (15) days before the expiration of the insurance that such policies are to renew or replace.

6. Provide the city the policies/certificates before construction, but in no instance later than fifteen (15) days after the granting of the permit.

### 4.20.09 Indemnification

Any application for WTF that is proposed on city property, pursuant to these regulations, shall contain a provision with respect to indemnification. Such provision shall require the applicant, to the extent permitted by the law, to at all times defend, indemnify, protect, save, hold harmless, and exempt the city, and its officers, employees, commission members, attorneys, agents, and consultants from any and all penalties, damages, costs, or charges, arising out of any and all claims, suits, demands, causes of action, or award of damages, whether compensatory or punitive, or expenses arising therein, either from law or inequity, which might arise out of, or are caused by, the placement, construction, erection, modification, location, products performance, use, operation, maintenance, repair, installation, replacement, removal, or restoration of said facility, exempting, however, any portion of such claims, suits, demands, causes of action or award of damages as may be attributable to the negligent or intentional acts or omissions of the city, or its servants or agents. With respect to the penalties, damages, or charges referenced herein, reasonable attorneys’ fees, consultants’ fees, and expert witness fees are included in those costs that are recoverable by the city.

### 4.20.10 WTF Default and/or revocation

If WTF are repaired, rebuilt, placed, moved, relocated, modified, or maintained in a way not in compliance with these regulations or the WTF permit, then the city shall notify the permit holder in writing of such violation. After receiving written notice of violation, a permit holder has sixty (60) days to cure said violations. The city shall consider extensions to the cure period as necessary upon the permit holder demonstrating that despite its good faith efforts, such default cannot be reasonably cured within the provided time. A permit holder still in violation after the expiration of the cure period may be considered in default, subject to fines as set forth in these and other city regulations, and the permit is subject to revocation.

### 4.20.11 Temporary tower facilities, such as Communications on Wheels (COW) for emergency use

1. If a COW or other type of temporary tower facility becomes inoperable due to force majeure or acts of God, it must be removed from the site within thirty (30) days.
2. If a COW or other type of temporary tower facility must be used, it must be removed from the site within forty-eight (48) hours of the conclusion of the event.

3. In the event of an emergency or natural disaster which renders other forms of communication nonviable, thus necessitating a COW or other temporary tower facility, the city and the telecommunications provider shall agree to special terms and conditions as required to meet the needs of both entities, and the general public at large.

### 4.20.12 WTF Relief

Any applicant desiring relief, waiver or exemption from any requirement of these regulations may request such at the pre-application meeting. The burden of proving the need for the request lies solely with the applicant. The applicant shall bear all costs to the city in considering the request, which may or may not require approval from the City Administrator or his/her designee, depending upon the nature of the request. No request shall be approved unless the applicant provides convincing evidence that the request will have no significant effect on the health, safety and welfare of the city or its residents.

### 4.20.13 Removal/replacement of nonconforming wireless telecommunications facilities (WTF)

A wireless telecommunication facility (WTF) which is lawfully in existence or which was lawfully installed prior to the adoption of these LDC regulations, which does not conform to the provisions of this section are declared to be a nonconforming WTF. It is the intent of this section to recognize that the eventual elimination of nonconforming WTFs as expeditiously and fairly as possible is as much a subject of health, safety, and aesthetics as is the prohibition of a new WTF that would violate the provisions of this section. It is also the intent of this section that the elimination of a nonconforming WTF shall be effected so as to avoid any unreasonable invasion of established property rights. No nonconforming WTF shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.
Article 5. Building Permits, New Construction Design Specifications, Historic Preservation and Gateway Overlay

5.01.00 Building permit; certificate of occupancy administration and enforcement

The Chief Building Official (CBO) or his/her designee shall be designated as the administrative official to administer and enforce building permits, certificates of occupancy and other such certificates, as required by the Florida Building Code or other city codes. For these regulations, the Chief Building Official (CBO) or his/her designee may also mean the building inspector/plans examiner/building official, as the case may be, and vice-versa. The Florida Building Codes are the controlling authority for building permits issued in the City of Lake Helen.

If the Chief Building Official (CBO) or his/her designee finds that any provisions of this article are being violated, he shall notify the person responsible for such violation, and if deemed necessary, have the Code Compliance Officer (CCO) provide the property owner with written notification of violation, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall order discontinuance of illegal use of land, buildings, or structures or of additions, alterations or structural changes thereto; removal of illegal buildings or structures; discontinuance of any illegal work being done; or shall take any other action authorized by this article to insure compliance with or to prevent violation of its provisions.

The Chief Building Official (CBO) or his/her designee shall review and approve such plans and specifications, issue such permits and certificates, make such inspections, and maintain such records of his actions as are necessary to enforce the provisions of this article.

5.01.01 Building permits required

No fence, building or other structure shall be erected, moved, added to, or altered in any way which affects the structural load-bearing or supporting mechanisms or apparatuses of a building or structure, without a building permit therefore issued by the Chief Building Official (CBO) or his/her designee. Starting construction without a valid building permit in hand, is a violation of this article. No building permit shall be issued except in conformity with the provisions of this article.

After a building permit has been issued, only the work depicted on the approved site plan and building permit may be performed, and no other or additional work is permitted without prior written authorization from the Chief Building Official (CBO) or his/her designee and/or City Administrator or his/her designee, or as the case may require, the Historic Preservation Board, Planning and Land Development Regulation Commission and City Commission, depending on the scope of additional work requested to be done. Any work done outside of or beyond the scope of work approved on the site plan and/or building permit shall be deemed a violation of these regulations.

5.01.02 Application for building permit

All applications for building permits shall be made in conformity with this Land Development Code, all other applicable city codes and ordinances, Florida Statute, Florida Administrative Code, and Florida Building Code. All applications shall be accompanied by either a site plan, plans for construction and/or project descriptions which depict the actual work to be done, which may include dimensions and the shape of the lot; the exact sizes and locations of any existing buildings; and, the size, shape, and location of the building or alteration, including any accessory buildings or structures. The application shall include such other information as may be required by the Chief Building Official (CBO) or his/her designee and/or City Administrator or his/her designee, including existing or proposed building and/or zoning and land uses; the number of families, housekeeping
units or rental units the building is to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with and provide for the enforcement of this article.

**5.01.03 Certificates of occupancy (CO)**

It shall be unlawful to use, occupy or permit the use or occupancy of any building, premises, or both, or any part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a temporary certificate of occupancy (TCO) or a certificate of occupancy (CO) has been issued by the Chief Building Official (CBO) or his/her designee for the work completed.

No nonconforming structures or use shall be maintained, renewed, changed or extended until a certificate of occupancy (CO) has been issued by the Chief Building Official (CBO) or his or her designee, after receiving approval from the City Administrator or his/her designee. The certificate of occupancy (CO) shall state where the nonconforming use differs from the provisions of this article, provided that, upon enactment or amendment of this article, owners or occupants of nonconforming uses or structures shall have three (3) months to apply for a certificate of occupancy (CO).

A temporary certificate of occupancy (TCO) may be issued by the Chief Building Official (CBO) or his/her designee for the temporary occupancy of a building when all but the final inspection has been performed and upon request of the applicant, should the Chief Building Official (CBO) or his/her designee deem the building to be safe to occupy, for the purposes of allowing the applicant or future tenant to receive temporary utility services for building maintenance, repair or buildout for system and utility testing purposes, or for stocking of inventory and doing other types of preparatory work needed prior to opening for business. Such temporary certificate of occupancy (TCO) may require such other conditions and/or safeguards as will protect the safety of occupants and the public, as determined by the Chief Building Official (CBO).

The Chief Building Official (CBO) or his/her designee is also authorized to issue other certificates as specified in the adopted building code or as may be required by other City Codes or regulations.

**5.01.04 Expiration of building permit**

If the work described in any building permit has not started within six (6) months from the date of issuance, said permit shall expire; it shall be marked expired by the Chief Building Official (CBO) or his/her designee and work shall not proceed unless and until a new building permit has been obtained. An applicant may request the Chief Building Official (CBO) or his/her designee grant an extension of the building permit prior to expiration. This provision shall apply to building permits outstanding at time of adoption of these regulations.

**5.01.05 Right of entry**

For the purpose of enforcing this article, the Chief Building Official (CBO) or his/her authorized representatives shall have the right to enter onto private property and into private buildings, while construction is in progress, at any reasonable time. Any person refusing or obstructing such entry shall be guilty of a violation of these regulations.

**5.01.06 Site improvement acceptance**

When deemed necessary to ensure compliance with other city codes or regulations, the Chief Building Official (CBO) or his/her designee may require a statement under the seal of the professional engineer of record, licensed by the State of Florida, certifying that, based on their inspection, the site construction has been done in accordance with the approved site plan, building
permit and all applicable city codes and regulations. The Chief Building Official (CBO) or his/her designee may also require statements of acceptance from other city departments or outside agencies having jurisdiction.

5.01.07 Appeals and interpretations

Any appeal of a decision or interpretation made by the Chief Building Official (CBO) or his/her designee or City Administrator and/or his/her designees in administering or enforcing this chapter or the adopted building code, shall be processed in accordance with procedures for such appeals as set forth in Article 15 or as defined by State Law.

5.01.08 Grounds for revocation; effect

The Chief Building Official (CBO) or his/her designee shall have the authority to revoke a Certificate of Occupancy (CO) for any building which is occupied, in whole, or in part, for any use not authorized or changed to a classification where such occupancy does not comply with the building code and all other ordinances and law applicable thereto, or for any building where the live loads imposed on any floor or the number of persons permitted to assemble therein or thereon exceed those authorized in said certificate. The revoking of a Certificate of Occupancy (CO) shall have the effect of nullifying any occupational license or local business tax receipt issued in connection with such building or the affected part of such building.

5.01.09 Public utility service restricted

It shall be unlawful for any public utility service corporation or agency to begin service to a building, except temporary service for use during building operations, testing purposes, or stocking inventory, until either a Temporary Certificate of Occupancy (TCO) or a Certificate of Occupancy (CO) has been issued and posted on the premises by the Chief Building Official (CBO).

5.02.00 Administration and assignment of numbers

1. The City Clerk shall be responsible for coordinating and maintaining the numbering system established by this article and shall issue building numbers in conformity with the uniform numbering system. Should an existing building have, exhibit or be addressed by a number in conflict with the uniform numbering system, the City Clerk shall give notice to those owners or occupants whose building number is in conflict with the uniform numbering system. Such, notice shall be delivered to the owner and occupant by 1) certified mail, return receipt requested, 2) by posting same in a conspicuous place on the building or 3) by hand delivery. The notice shall include a notification of a change of address which shall contain the new building number(s) assigned to the building in accordance with the provisions of this article and shall direct the owner or the occupant to post the new number on said building or property in accordance with Section 5.02.01 of this article.

2. The assignment by the City Clerk and posting by the owner or occupant of the assigned number shall be a condition precedent to the issuance of a building permit for any such building.

3. The City Clerk shall duly record and keep records of all numbers assigned under this section.

5.02.01 Posting of numbers

All buildings shall have its assigned building number properly displayed whether or not mail is delivered to such building or property. It shall be the duty of the owners and occupants of each building to post the assigned building number on the property in the following manner as described in Article 4.10.05:
1. Each property owner must mark their property using numerals that identify the address of the property so that public safety departments can easily identify the address from the public street. The size and location of the identifying numerals and letters if any must be proportional to the size of the building and the distance from the street to the building and in no case larger than two (2) square feet in sign copy area for parcels in residential use and four (4) square feet in sign copy area for parcels in nonresidential use. The numerals shall be of a contrasting color with the immediate background of the building or structure on which such numerals are affixed.

In cases where the building is not located within view of the public street, the identifier must be located on the mailbox or other suitable device such that it is visible from the street.

**5.03.00 New Construction Design Specifications**

In order to create a multidimensional streetscape, streets shall consist of a mix of many architectural styles, rather than consisting of only one (1) or two (2) styles. Architectural styles shall be interspersed throughout a street and subdivision and shall not be placed together in a concentrated manner.

The minimum living area square footage for a single-family residence is listed in Article 2 – Zoning and Land Use, except when:

1. Construction of an infill residence on a nonconforming buildable lot of less than one-third acre in size, the City Commission determines that the construction of a residence smaller than the minimum square feet for the Zoning Category is not adverse to the public health, safety and welfare of the City, and will serve to meet the costs of infrastructure and City services. When making said determination, factors to be considered include lot size, lot width, and depth, size of adjacent residences, and type of residence proposed for construction.

2. Construction of residential units for very-low, low and moderate income families, the city will reduce the minimum floor area requirement by twenty percent (20%) for all residential units meeting the designated criteria. Residential units must be constructed for and occupied by very-low, low and moderate income.

**5.03.01 Building orientation and design specifications**

Buildings shall be oriented so as to enhance the appearance of the City’s streetscape. This requirement shall be met by incorporating the techniques set forth herein into the project design.

1. The building’s entrance shall face parallel to the public road as determined by the City. In the event that access is provided by two (2) or more roads, the building’s entrance shall face parallel to the road that is determined by the City to be the major road.

2. The architectural treatment requirements of this article shall also be applied to any building exterior unless completely blocked by fence, wall or natural vegetation or the City approves the use of increased landscaping as an alternative to the required architectural treatments.

3. Building orientation, other than for single-family residences, shall ensure that service areas are placed out of view from public rights of way, parking areas and adjacent properties. Where, because of site constraints or other factors, service areas cannot be so located, such areas shall be screened from view by vegetative or structural means. Structural screening shall be architecturally compatible with the building in terms, style, colors, construction materials and finish. Landscape screening shall be compatible with and integrated into the project’s landscape plan.
4. In order to create a multidimensional, attractive exterior, new Residential Structures are required to be a minimum of twenty-four (24) inches above the crown of the road and incorporate a minimum of six (6) corners on the exterior wall, excluding roof. A corner shall be at least a 90 degree change of direction.

5.04.00 Gateway Overlay

Lake Helen’s Gateway Overlay serve as primary entrances to the City and, as such, provide the first impressions of the City for visitors and maintain the cultural and historical ambiance desired by the citizens of the City of Lake Helen. The purpose of the standards and guidelines set forth in this article is to contribute to the development of a well-planned urban environment by fostering the creation of visually compatible and harmonious development within the City’s Gateway Overlay the benefits of which will be spread over the City as a whole and be shared by existing and future residents of the City. It is, therefore, the intent of this article to:

1. promote, protect and maintain the City’s historic character and small-town atmosphere;
2. create and maintain a strong community image, identity and sense of place;
3. create and maintain a positive visual ambiance for the community;
4. provide for well-landscaped, scenic gateways to the City;
5. enhance and sustain property values;
6. promote a high degree of compatibility between surrounding structures and land uses;
7. establish and promote a standard for quality design and enduring quality development;
8. provide for traffic circulation patterns that enhance public safety, roadway capacity, vehicular and non-vehicular movement functions; and
9. foster civic pride and community spirit by maximizing the positive impact of quality development.

5.04.01 Gateway Overlay Boundary Area

The boundary area described below and illustrated on the attached geographical location map (Gateway Overlay Map) hereby establishes the Gateway Overlay of the City of Lake Helen, Florida.

The Gateway Overlay shall encompass:

Entire parcels within Commercial Areas in the City including: GCD (Gateway Commercial District), NRC (Non-Retail Commercial District), NCS (Neighborhood Convenience Services), DCD (Downtown Commercial District).

Entire Residential parcels abutting the following streets: N. Summit Avenue (from Jennings Avenue to City Line), W. Main Street (from Summit Avenue to Lakeview Drive), N. Lakeview Drive (from W. Main Street to Lake Pearl), McKenzie Road (from Lake Pearl to City Line), Macy Avenue (from W. Ohio Avenue to City Line), W. Ohio Avenue (from Orange Avenue to Prevatt Avenue), Lemon Avenue (from S. Orange Avenue to Prevatt Avenue), Prevatt Avenue (from Tangerine to Kickligter Road). The Woods of Lake Helen and Edgewood Estates Subdivisions are incorporated into the Gateway Overlay by reference per recorded Subdivision Development Orders and Article of Incorporation.
5.04.02 Exemptions

A. The provisions of this article apply to all construction within the Gateway Overlay except for:

1. Work determined by the City to be routine or ordinary maintenance.

2. Reconstruction or replacement of a single-family residence, that was existing on May 17, 2001, that has been damaged or destroyed by fire, wind, hurricane or such other act of God or as the result of an act not attributable to the owner, the owner’s agents or employees, or an occupant of the residence who resides at the residence with the consent of the owner.

3. Additions and renovations to a single-family residence, that was existing on May 17, 2001, provided, however that if the owner of such residence, the owner’s agents or employees, or an occupant of the residence who resides at the residence with the consent of the owner causes fifty percent (50%) or more of the square footage of the residence to be demolished, or otherwise removed, for the purpose of constructing additions or performing exterior renovations, then the provisions of this article shall be applied.

4. Additions, exterior renovations, reconstruction or replacement of an existing non-residential structure or structures not otherwise exempted herein, where the cost of such construction does not exceed thirty-five percent (35%) of the greater of the following:
   a. The most recent assessed value of the existing structure(s) issued by the Volusia County Property Appraiser; or
   b. The appraised value of the existing structure(s) as concluded in writing in an appraisal report provided to the City prepared by a real property appraiser licensed to do business in the State of Florida which appraisal report must be issued in conformity to all professional standards pertaining to appraisals of real property.

B. The exemptions set forth in Subsection A. shall not apply and the provisions of this article shall be applicable if:

1. The use of the structure(s) has ceased for a period of one hundred eighty (180) consecutive days or more; or

2. The cumulative additions, exterior renovations, replacement or redevelopment initiated during any period of five (5) years meets the thresholds set forth in either Subsections A. 3 and 4.

C. This article shall apply to any development of property which is contiguous to property within a Gateway Overlay that is under common ownership, partial common ownership, or was under common or partial common ownership in the property’s chain of title with the owner or owners of the contiguous property located within the Gateway Overlay.

5.04.03 Gateway Overlay Historic Style Guide

The Gateway Overlay Historical Style Guide dated March 9, 2017 is hereby adopted as a reference guide for developers in preparing architectural elevations and to the City in reviewing architectural elevations for approval. The Gateway Overlay Historical Style Guide is only a guide and does not require strict compliance nor dictate the only acceptable architectural design. Architectural designs approved by the City, and not ordered by a Court, for construction in the Gateway Overlay Area shall be added to the Gateway Overlay Historical Guide.
5.04.04 Procedure for Review

Prior to final approval of a building permit for a new structure or modification of an existing structure which changes the architectural design within the Gateway Overlay, the plans and renditions shall be presented to both the Historic Preservation Board and the City Commission for the opportunity of public review and comment. Final approval for the issuance of a permit within the Gateway Overlay shall remain with the City Administrator or his/her designee.

Submission and approval of development plans and building permit applications for construction within Gateway Overlay shall conform to the Code of Ordinances of the City of Lake Helen including the specification in this article. Additionally, architectural drawings (complete front, sides and rear elevations and overhead view of roof) of all structures shall be submitted for review by the Historic Preservation Board and City Commission for public input and recommendations. Such drawings shall be rendered in color and shall include exterior construction material specifications, color charts, structure dimensions, service area and mechanical equipment locations, outdoor storage area locations, screening devices, master signage plan, master lighting plan, and any other information as determined necessary by the City to ensure consistency with the provisions of this article as well as other articles with this Land Development Code.

Final approval of all required project design submittals shall be granted by the City Administrator or his/her designee as part of the development approval process which shall include, but not be limited to, building elevations, roof type, exterior construction materials, signage, lighting, screening, colors, landscaping and building orientation.

5.04.05 Architectural style and application

1. Building design and construction including, but not limited to, exterior building materials specifications, shall conform to the Bungalow, Classical Revival, Colonial Revival, Frame Vernacular, Gothic Revival, Italianate, Mediterranean Revival, Queen Anne and/or Shingle architectural styles. The Gateway Overlay Historical Style Guide dated March 9, 2017 was adopted as a reference guide for developers in preparing architectural elevations and to the City in reviewing architectural elevations for approval. The Gateway Overlay Historical Style Guide is only a guide and does not require strict compliance nor dictate the only acceptable architectural design. Architectural designs approved by the City, and not ordered by a Court, for construction in the Gateway Overlay Area shall be added to the Gateway Overlay Historical Guide.

2. Other historical styles may be permitted upon application to the Historic Preservation Board who will present a recommendation to the City Commission where the applicant demonstrates, and the City Commission or its designee determines, that the utilization of such style contributes positively to the historic character of the City and is consistent with the intent of this article.

3. Selection of the appropriate historical architectural style for any building shall consider compatibility of such style with surrounding and nearby buildings. In locations where there is no established architectural pattern between adjacent structures, or where a change in established patterns will result in improved aesthetics, the City shall determine the appropriate style, exterior construction materials and colors for a proposed building.

4. Buildings massing and style reflecting the surrounding neighborhood. The use of long areas of blank walls shall be avoided. Exterior walls shall contain periodic architectural features creating visual interest. Flat roofs, including those using parapet walls, shall be
prohibited. Windows shall be provided on all building façades facing arterial or collector streets.

The City Commission may consider approval of commercial subdivisions that propose utilization of a more limited number of architectural styles where the applicant demonstrates and the City Commission, or its designee, finds that such development is consistent with and furthers the intent of this article.

### 5.04.06 Building orientation

Buildings shall be oriented so as to enhance the appearance of the City’s streetscape. This requirement shall be met by incorporating the techniques set forth herein into the project design.

1. All sides of the building that faces a public road shall be designed with full architectural treatment in order to give the appearance that it is the primary facade. Such treatment shall be consistent with the design requirements of this article and shall incorporate door and window placements, exterior architectural details, roof design and building materials applications necessary to replicate the appearance of a primary facade.

2. The architectural treatment requirements of this article shall also be applied to any building exterior which, by nature of the site layout or location, is situated where it is clearly visible from a public right of way, or public access area of an adjoining property, unless the City approves the use of landscaping as an alternative to the required architectural treatments.

3. Residential garages shall accommodate at least two (2) cars and be constructed as a side entrance garage, or shall be constructed as a detached garage and located to the rear of the principal building, in order to minimize the negative aesthetic appearance of garage door openings as they face parallel to the public street.

4. In order to create a multidimensional, attractive exterior, new residential structures are required to be a minimum of twenty-four (24) inches above the crown of the road and incorporate a minimum of six (6) corners on the exterior wall, excluding roof. A corner shall be at least a 90 degree change of direction.

5. Building orientation, other than for single-family residences, shall ensure that service areas are placed out of view from public rights of way, parking areas and adjacent properties. Where, because of site constraints or other factors, service areas cannot be so located, such areas shall be screened from view by vegetative or structural means. Structural screening with enhanced landscaping shall be architecturally compatible with the building in terms, style, colors, construction materials and finish. Landscape screening shall be compatible with and integrated into the project’s landscape plan.

### 5.04.07 Exterior materials and colors

Exterior building materials and colors contribute significantly to the visual impact of a building on a community, which, in turn, reflects upon the visual character and quality of a community. In order to project an image of high quality City aesthetics, exterior building materials and colors shall conform to the following requirements:

1. All buildings shall be faced with materials that exhibit a durable, high quality appearance.

2. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.

3. Exterior building construction materials, to include, but not be limited to, materials used in the construction of walls, windows, roofs and doors, shall be consistent with the architectural
4. Exterior colors shall be consistent with colors that are historically consistent with the architectural style of building. Colors that are deemed loud, clashing or garish shall be prohibited.

5. Building materials and colors shall be consistent around the entire building. Upon application, the City Commission may grant exceptions to this requirement where the applicant demonstrates and the City Commission, or its designee, finds that portions of a building are not, and will not be, exposed to view of the general public.

6. Once final development plan approval has been granted by the City Commission for a non-residential development, no subsequent change in the colors or materials approved for the principle and/or accessory structure(s) shall be made without application to, and the approval of, the City Commission.

5.04.08 Roof design and materials

Roofs are an integral part of building design and, as such, shall be designed and constructed to complement the character of the building. Roof design and construction shall conform to the following requirements:

1. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofing materials shall be similar in appearance with materials that are historically consistent with the architectural style of the building.

2. The design of roof structures shall be consistent with the architectural style of the building and shall be extended to all sides of the structure.

3. Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is non-structural.

5.04.09 Fence and wall design

Design and construction quality of fences and walls are important visual reflections of community character and quality. Fence and wall design shall conform to the following requirements:

1. Fences and walls shall be designed to be consistent with the principal structure(s). Such design shall include the use of similar materials, colors and finishes as the principal structure. This requirement may be modified upon application to the City Commission where the applicant demonstrates and the City Commission, or its designee, determines that a change in materials, colors or finishes will result in enhanced City aesthetics.

2. Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic or monotonous appearance.

3. Where chain link fencing is required or approved, such fencing, shall be of the black or green vinyl type. Posts and rails shall also be black or green vinyl. This requirement may be modified upon application to the City Commission where the applicant demonstrates and the City Commission, or its designee, determines that design or location warrants the use of other colors or finishes.
4. Landscaped berms may be utilized in lieu of a fence or wall where the applicant demonstrates and the City Commission, or its designee, finds that berms will result in an equivalent aesthetic appearance.

5.04.10 Landscaping

Landscaping enhances site aesthetics, increases green space and increases oxygen output. Landscaping shall conform to Article 8: Landscaping and Tree Protection.

5.04.11 Screening of mechanical equipment

Lack of screening or inadequate screening of mechanical equipment can have negative visual impacts on the City’s streetscape, ambient landscape or community image. Such impacts shall be minimized through compliance with the following requirements:

1. Structures such as dumpster enclosures, mechanical equipment, backflow preventers, wells, pumps, tanks, buffer walls, HVAC units, transformers, lift stations, utility cabinets, electrical panels, or cable television equipment shall be wholly enclosed within either a natural or manmade enclosure on three (3) sides, with an opaque gate on the access side, so as not to interfere with the ability to access said equipment and/or empty the dumpster. Said access gate shall remain closed when not in use. Screening shall, at a minimum, be at the same height as the equipment to be screened. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, exterior construction materials, colors, and finish with the principle and accessory building(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.

2. All commercial trash dumpsters shall have lids which shall remain closed at all times, except when being filled or dumped.

3. If natural plantings substituted for structural screening plantings shall be compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.

4. All fencing or landscaping shall be between a minimum of six (6) feet high and a maximum height below the highest fence height allowed to provide complete screening of the area. All screen fencing and landscaping shall conform to all other applicable provisions of Article 5.

5. Equipment and appurtenances mounted on rooftops shall be kept to a minimum. All exposed rooftop mounted equipment and appurtenances shall be fully screened from view from any public right-of-way. All screening shall, at a minimum, be at the same height as the equipment and appurtenances to be screened. Screening shall be an integral part of the design of the building(s) and shall be architecturally consistent with the style, colors, exterior construction materials and finish of the building(s).

5.04.12 Lighting

Lighting fixture design and placement are important components of an attractive urban environment as well as important to public safety. In order to enhance site aesthetics and minimize visual distraction, yet maintain adequate public safety, project lighting shall comply with the following requirements:

An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project’s site plan submittal as outlined in 9.05.
Lighting fixtures shall be compatible with the architectural style of the principle and accessory building(s).

Sign Lighting shall comply with 4.10.20.

Lighting of parking areas, access drives and vehicular circulation areas shall comply with 9.05 and the following:

1. Lighting shall be consistent with historical styles (i.e., exhibit a "gas" lamp, coach light, or similar "look") rather than contemporary styles. Light poles and fixtures shall not exceed twenty feet (20') in height and shall be anodized bronze or black in color. Should a pole other than a metal pole be used for the mounting of lights, such pole shall be constructed so that the exterior finish color is consistent throughout the pole.

2. Light poles shall be located in, or immediately adjacent to, landscaped strips, buffers or plant islands.

3. The minimum setback of the light pole from public rights-of-way shall be a horizontal distance of twenty feet (20').

4. Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.

5.04.13 Utilities

The location and aesthetic treatment of utilities is an important factor in creating an attractive urban environment. In order to enhance and maintain the image of quality in the Gateway Overlay, utilities construction and placement shall comply with the following requirements:

1. All utility lines, whether new or relocated, shall be installed underground.

2. Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed.

3. Water and sewer lift stations, pump houses and similar features shall be located at the rear of the development site and shall be fully screened from view by structural or vegetative means. Where screening is accomplished by structural means, such screening shall be compatible in design and color with the principle building.

5.04.14 Outdoor storage

Outdoor storage areas shall be located behind the front façade of the main building and shall be fully screened from view by structural means, vegetative means, or a combination of earthen berms and vegetation. Where screening is accomplished by structural means, the structure shall be compatible in design and color with the principle and accessory building(s).

5.04.15 Accessory uses and structures

Structures and uses accessory to principal structures and uses shall be integrated into site design in a manner such that they will not detract from site aesthetics. Such structures and uses shall comply with the requirements listed below:

1. Accessory structures shall be designed and constructed so as to be compatible with the architectural design of the principal building. Exterior finishes, colors and materials on accessory structures shall be similar to those used on the principal building. However, these provisions shall not apply to any accessory structure that is:
a. Used for agricultural purposes on property that:
   i. is classified as agricultural by the Volusia County Property Appraiser in accordance with Section 193.461 of the Florida Statutes;
   ii. is greater than five (5) acres in area;
   iii. maintains a setback of at least one hundred feet (100') from any property line; and,
   iv. is not clearly visible from a public right of way; or
b. Approved by the City in accordance with the provisions of this article.

2. Miscellaneous structures such as coin-operated rides and other amusement devices shall only be permitted within the principle building.

3. Outdoor garden supply areas shall be screened from view and shall be incorporated into the building architecture of the principle building.

4. Outdoor display shall be structurally integrated into the architectural design of the principle building and located to the side or rear of the building. Displays and sales in these areas shall not be of a permanent nature and shall not impede the flow of pedestrian or vehicular traffic as specified in Article 4.04.

5. Site furnishings such as benches, bicycle racks, newspaper racks, trash receptacles and similar devices shall be compatible with the architectural design of the principle building. Permanent shopping cart storage shall be contained within the principle building or within an enclosed area that is architecturally integrated into the design of the principle and accessory building(s) as outlined in Article 4.04.

6. Tent sales, boat sales, car sales, recreational vehicle sales and similar activities shall not be permitted as an accessory use on either a temporary, seasonal or permanent basis, unless permitted by the City Commission as a special event found to provide a specific public benefit.

5.04.16 Special building design considerations

Gas stations, power supply facilities, commercial convenience stores, auto repair facilities and similar uses require additional special design considerations to integrate them into a quality community design fabric. Such facilities shall comply with the following requirements, in addition to the other requirements of this article:

1. Gas stations and convenience stores shall be constructed with a gable or hip roof design.

2. Gas station canopies shall be constructed with the same roof design and materials as the main building and shall be attached to the main building. Canopy facing and support poles shall be constructed of the same material, or of a material that is similar in appearance, as that of the main building facade. Canopy lighting shall be in fully enclosed, fully recessed fixtures and shall be designed to provide for subdued or diffused lighting under the canopy rather than overly bright lighting designed to draw attention to the site. Acceptability of site lighting shall be determined by the City. Lighting from canopies shall not spill over onto surrounding properties.

3. Power supply facilities shall, to the fullest practical extent, be screened from public view through use of structural or vegetative means.
4. Auto repair facilities shall be oriented on a site in such a fashion that open bays are not located parallel to the primary public road on which they are located. Facility site design shall utilize landscaping to maximize the screening of open bays.

5. Projects that contain attached buildings with multiple owners or tenants shall provide at a minimum of five feet (5') in width to facilitate pedestrian travel between businesses.

5.04.17 Special Building Size Considerations

In order to maintain the small-town atmosphere prevalent in the City, it is necessary to place a limitation of the square footage of buildings located within the Gateway Overlay. The maximum square footage of any commercial building, or series of commercial buildings under common ownership, constructed within a Gateway Overlay east of Interstate Highway 4 shall be fifty thousand (50,000) square feet. In the Gateway Commercial District (GCD) retail is restricted to five thousand (5,000) square feet. Where Retail is combined with another use, the retail area shall be less than five thousand (5,000) square feet.

5.04.18 Signage

Shall conform with Article 4.10 Signs.

5.04.19 Access Management

Access management design is important to maintaining adequate roadway capacity, providing for public safety and enhancing vehicular and non-vehicular movement. Access management in the designated Gateway Overlay shall conform to the following criteria:

1. Location and design of parking areas. Parking areas may be within the rear or side yards. Standard parking spaces shall comply with Article 11.08.08. Parking areas shall be located and designed so as to maximize traffic circulation patterns and minimize traffic hazards.

2. In order to provide adequate pedestrian access, sidewalks shall be provided along the rights-of-way adjacent to any road, subdivision or principle building construction within the Gateway Overlay. In addition, for commercial developments, a clear, safe and convenient hard surfaced pedestrian path shall be provided from the sidewalk along the corridor right-of-way to the main entry door of each principal building. The pedestrian path shall be functionally delineated by using construction materials that are different than the materials used for the construction of the parking area (e.g., use of brick or concrete for the pedestrian access when the parking lot is an asphalt surface). Sidewalks shall be five feet (5') in width within Gateway Overlay.

3. Curb cuts/driveway entrances along Prevatt Avenue shall be a minimum of three hundred feet (300') apart.

5.04.20 Gateway Overlay Requirements Variance Procedure

A variance may be requested pursuant to Article 13.

5.05.00 Designation of the Historic District

The City of Lake Helen Historic District shall be applied to all properties in the City Historic District Map so listed at the time of adoption of this article. All provisions outlined in this Article shall be effective immediately after adoption and all properties so assigned shall conform with the Certificate of Appropriateness process outlined herein.
The City of Lake Helen Historic District Regulations shall be applied to all additional appropriate properties in the City listed on the City of Lake Helen Historic District Map, by way of the Certificate of Designation process outlined herein.

The City of Lake Helen Historic Preservation Board shall create a process for recognizing Historic homes and properties not adjacent or contiguous to the Historic District.

5.05.01 Creation of Historic District

A map is attached to this article of the designated properties that constitute the City of Lake Helen Historic District.

5.05.02 Amendment of Historic District

Any properties seeking a Certificate of Designation shall be either located adjacent to or contiguous with the boundary of the Historic District. The Historic Preservation Board shall make recommendations for additions or deletions to the City of Lake Helen Historic District by way of the Certificate of Designation process, as outlined herein to the City Commission for consideration and/or approval. Applicants requesting modifications to the Historic District will be responsible for the associated costs including but not limited to cost of consultants, advertising, amendments to the Comprehensive Plan and the Land Development Code.

5.05.03 Certificate of Designation

The process for designation of historic resources may be initiated by the filing of a completed application for a Certificate of Designation by the property owner. The subject property must be either located adjacent to or contiguous with the boundary of the Historic District or the application will not be accepted.

Applicants requesting a Certificate of Designation will be responsible for the associated costs including but not limited to cost of consultants, advertising, amendments to the Comprehensive Plan and the Land Development Code.

5.05.04 Application for Certificate of Designation

Prior to the designation of any historic resource or historic district pursuant to this article, an application for a Certificate of Designation shall be submitted to the Historic Preservation Board. This application shall contain, as a minimum, the following information:

1. For individual historic building, structures and objects:
   a. The name and address of the property owner.
   b. A physical description of the building, structure or object and its character-defining features, accompanied by photographs.
   c. A description of the existing condition of the building, structure or object, including any potential threats or other circumstances that may affect the integrity of the building, structure or object.
   d. A statement of the historical, architectural or other significance of the building, structure or object as defined by the criteria for designation established by this article.
   e. The name of the building, if any, structure or object, and the Florida Site File number, if applicable.
   f. Any other appropriate information requested by the board.

2. For individual archaeological or historic sites:
a. The name and address of the property owner.
b. The name of the site, and the Florida Site File number, if applicable.
c. Culture or historic periods represented at the site.
d. The type of site and a list of any artifacts associated with the site.
e. A list of any references to human remains discovered at the site.
f. Photographs showing at least one general view of the site and photographs of diagnostic artifacts found at the site.
g. A statement of the historical and/or scientific significance of the site as defined by the criteria for designation established by this article.
h. A description of the physical condition of the site, including any potential threats or other threats that may affect the integrity of the site.
i. Any other appropriate information requested by the board.

5.05.05 Procedure for Issuance of Certificate of Designation

Application. A person seeking a Certificate of Designation shall file an application and supporting documents with the City Clerk or his/her designee. The application form shall be provided by the City Clerk. Applicants shall be responsible for the associated costs including but not limited to cost of consultants, advertising, amendments to the Comprehensive Plan and the Land Development Code.

Upon receipt of a completed application, along with the required filing fee the City Clerk shall place the application on the next available regularly scheduled meeting of the Historic Preservation Board. Applications for Certificates of Designation may be heard at specially called meetings of the Historic Preservation Board. Upon mutual agreement between the applicant and the City Clerk, the application may be set for a meeting later than the next regularly scheduled meeting.

Decision. The recommendation of the Historic Preservation Board shall be presented to the City Commission. The application may be continued to another meeting for the purpose of gathering additional information. The Historic Preservation Board shall:

1. Consider whether or not the building, structure or object is eligible for designation pursuant to this article and provide a listing of those features of the building, structure or object which require specific historic preservation treatments.

2. Consider whether or not the site is eligible for designation pursuant to this article, which shall include a location map showing site boundaries, justification for such boundaries, relevant land use information and any proposed development.

The Historic Preservation Board shall recommend approval, denial or approval with conditions, for a proposed Certificate of Designation, pursuant to this article, based on the criteria outlined herein. The Historic Preservation Board shall make written findings and conclusions that specifically relate to the criteria for review of Certificates of Designation and send to the City Commission for action.

Issuance of certificate; recommendation of amendments to comprehensive plan. If a recommendation for designation is made, the Board shall recommend issuance of the Certificate of Designation to the City Commission, who after their approval, shall direct amendments to appropriate elements of the City comprehensive plan, to show such designation.
5.05.06 Criteria for Issuance of Certificate of Designation

The historic resources considered for issuance of a Certificate of Designation by the Historic Preservation Board shall possess integrity of location, design, setting, materials and workmanship, and shall meet at least one criterion in one of the three significant categories listed in this section:

1. A historic resource shall be considered historically significant if it is:
   a. Associated with the life or activities of a person of importance in local, state or national history;
   b. The site of a historic event with a significant effect upon the city, state or nation;
   c. A prime historical example of the political, cultural, economic or social trends, successes or failures of the people of the city;
   d. Associated with a past or continuing institution which has contributed substantially to the life of the people in the city;
   e. A building or structure, site, object or district if its location, landscape setting or environment exemplifies a specific historical context; or
   f. Is an example of material of local historic significance such as the Lake Helen Florida Pine or materials milled or manufactured locally (i.e. Bond Brick).

2. A historic resource shall be considered architecturally significant if it is:
   a. A building, structure or district that embodies distinctive characteristics of an architectural style, type, form, period or method of construction;
   b. A building, structure or district that is the work of a prominent architect, builder or other design professional;
   c. A building, structure or district possessing elements of design, detail, material or craftsmanship which are of outstanding quality;
   d. A building, structure or district which represented, in its time, a significant technological innovation, or an adaptation to the state environment; or
   e. An exceptional or unique example of a utilitarian structure, building or district.

3. A historic resource shall be considered archaeologically significant if it is:
   a. A site associated with an important historical event or person and which contains intact archaeological deposits;
   b. A site of such condition that data recoverable from the site may provide unique or representative information on past human activities and behavior; or
   c. A site that has in the past revealed information vital in developing well-established and widely accepted models and theories about past cultures and/or activities.

5.05.07 Revocation of Certificate of Designation

A property owner may request revocation of Certificate of Designation. Applicants requesting revocation of the Certificate of Designation will be responsible for the associated costs including but not limited to cost of consultants, advertising, amendments to the Comprehensive Plan and the Land Development Code. A notarized letter must be submitted to the City Clerk and shall be
forwarded to the Historic Preservation Board and the City Commission. Notice of Withdraw from the District shall be forwarded to the City Commission. The City Commission shall direct amendment of the appropriate elements of the comprehensive plan.

After revocation of a Certificate of Designation, the owner cannot re-apply for a certificate of designation for five (5) years unless a change of ownership occurs.

### 5.05.08 Certificate of Appropriateness

A Certificate of Appropriateness shall be required for any of the following activities on properties located within the Lake Helen Historic District.

1. Demolition of any building or structure
2. The movement or relocation of any building or structure
3. Construction of any new buildings, or accessory buildings or structures
4. Any material change, addition or alteration in the exterior appearance of any buildings or structures

A Certificate of Appropriateness shall not be required for any work that can be deemed as ordinary maintenance or repair. Ordinary Maintenance or repair shall include improvements which do not involve a change of design, appearance or material, or ordinary maintenance of landscape features where such work will not adversely affect the exterior appearance of the resource. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and must receive a Certificate of Appropriateness issued by the City Commission prior to the commencement of said work.

A Certificate of Appropriateness shall be a prerequisite to the issuance of any other permits required by law. The issuance of a Certificate of Appropriateness shall not relieve the applicant from obtaining other permits or approvals required by the City of Lake Helen. A building permit or other city permit shall be invalid if it is obtained without a Certificate of Appropriateness required for the proposed work.

Temporary emergency repairs to a building or structure are permitted provided the Certificate of Appropriateness process has been properly initiated.

### 5.05.09 Criteria for Issuing Certificates of Appropriateness

The decision on all Certificates of Appropriateness shall be guided by specific criteria set forth by the Historic Preservation Board in adopted written guidelines and by the following general historic preservation principles. Recommendations will be made to the City Commission who issues the Certificate of Appropriateness.

### 5.05.10 For alterations in exterior appearance of buildings and structures, within the Lake Helen Historic District

1. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible;
2. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged;
3. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have
acquired significance in their own right, and this significance shall be recognized and respected;

4. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be maintained when reasonably possible;

5. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures; and

6. The surface cleaning of a building or structure shall be undertaken with the least destructive cleaning process reasonably available. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

5.05.11 New Construction, Renovation and Alteration within the Lake Helen Historic District

1. Development, including new construction, renovation, alteration and additions shall be consistent with the provisions established in Land Development Code of the City of Lake Helen. Notwithstanding the foregoing, contemporary design for renovations, alterations and additions to existing contemporary properties shall be allowed when such renovations, alterations and additions do not damage or destroy significant historic, architectural or cultural material, and such design is compatible with the size, scale, material, and character of the property, neighborhood or environment.

2. Wherever reasonably possible, new additions or alteration to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired;

3. The height, volume, proportions and relationship between doors and windows, rhythm of solids and voids created by openings in the façade, materials used in the façade, the texture inherent in the façade, the pattern and trim used in the façade, and the design of the roof should be compatible with existing historic buildings;

4. Rhythm and setbacks created by existing building masses and spaces between them should be preserved;

5. Site plans should be compatible with the buildings and environment to which it is visually related;

6. Proportions of existing facades, such as horizontal and vertical expression, should be in the new façade; and

7. Architectural details should be incorporated as necessary to relate the new with the old and to preserve and enhance the inherent architectural characteristics of the area.

5.05.12 For relocation of buildings and structures within the Lake Helen Historic District

A Certificate of Appropriateness is required for any relocation of buildings and structures within the Lake Helen Historic District.
1. The moving of buildings and structures designated as contributing properties in historic districts out of said districts is prohibited unless property owner establishes by evidence that the relocation is the only alternative for the preservation of such a building or structure;

2. The moving of modular buildings, mobile homes and noncontributing properties into the Lake Helen Historic District is prohibited;

3. The moving of a contributing property in the Lake Helen Historic District should not lessen its presence and contribution to the historic character and aesthetic interest of the neighborhood;

4. If definite plans are available for new construction on the property to be vacated, the proposed new construction should not have a negative impact on the character of the surrounding area; and

5. If the building or structure to be moved is a contributing property it should be demonstrated that said building or structure can be moved without significant damage to its physical integrity.

5.05.13 For demolition of buildings and structures within the Lake Helen Historic District

Demolition of a structure or property constitutes an irreplaceable loss to the history and character of the City of Lake Helen. No Certificate of Appropriateness shall be issued for the demolition of a contributing structure or property unless all reasonable measures to save the building or structure have been explored.

Applications for a certificate of appropriateness for demolition of designated properties and properties located within designated historic districts shall be denied if:

1. The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.

2. The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.

3. The structure is one of the last remaining examples of its kind in the city the county or the region.

4. The structure contributes to the historic character of a designated district.

5. Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

6. There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

The Historic Preservation Board may require architectural drawings, financial plans, expert testimony or other information necessary to make determinations.

5.05.14 Procedure for Certificate of Appropriateness Review

1. A person wishing to apply for a Certificates of Appropriateness shall file an application for a Certificate of Appropriateness and supporting documents, with the City Clerk or his/her designee.
2. If the proposed work is ordinary maintenance, then said work can proceed without further action required by this Article. Ordinary Maintenance or repair shall include improvements which do not involve a change of design, appearance or material, or to prevent ordinary maintenance of landscape features where such work will not adversely affect the exterior appearance of the resource.

3. If the proposed work is not ordinary maintenance, then the City Clerk or his/her designee shall advise the applicant of the nature and detail of exhibits required to be submitted with the application. Such advice shall not preclude the Historic Preservation Board from requiring additional material prior to making its determination in the case. Following the conference with the City Clerk or his/her designee, a pre-application conference may be held with the Historic Preservation Board at the next regularly scheduled meeting if requested by the applicant.

4. Upon receipt of a completed application and any required submittals and fees, the City Clerk or his/her designee shall place the application on the next available regularly scheduled meeting of the Historic Preservation Board allowing for public notice. Applications for Certificates of Appropriateness may be heard at specially called meetings of the Historic Preservation Board provided all notice requirements are met. Upon mutual agreement between the applicant and the City Clerk or his/her designee, the application may be set for hearing at a meeting later than the next regularly scheduled meeting.

5. Public Notice for an application for a Certificate of Appropriateness shall be posted by the applicant on the proposed premises in a prominent location and in a manner which is clearly visible from the street using a sign provided by the city. Such notice shall be posted within five (5) working days prior to the scheduled meeting.

6. The recommendation of the Historic Preservation Board to the City Commission shall be prepared at the meeting unless the application is continued to another meeting for the purpose of gathering additional information. Special Meetings of the Historic Preservation Board may be called to review an application for a Certificate of Appropriateness.

7. The Historic Preservation Board shall use the criteria set forth in this article to review the completed application and accompanying submittal. After completing the review of the application, the Board shall take one of the following actions:
   
   a. Recommend that the City Commission grant the Certificate of Appropriateness with an immediate effective date;
   
   b. Recommend that the City Commission grant the Certificate of Appropriateness with modifications and conditions;
   
   c. Recommend that the City Commission deny the Certificate of Appropriateness because of listed reasons.

8. The Historic Preservation Board shall make a recommendation to the City Commission after review of Certificate of Appropriateness. All parties shall be given the opportunity to present evidence through documents, exhibits, testimony, or other means. All parties shall be given the opportunity to rebut evidence through cross-examination or other means. The Historic Preservation Board reserves the right to solicit expert testimony. The recommendation will be forwarded for the City Commission to review at the next regularly scheduled City Commission meeting unless mutually agreed upon between the City Clerk or his/her designee and the applicant.
9. The City Clerk or his/her designee shall record and keep records of all meetings. The records shall include all official actions of the Historic Preservation Board, and the findings and conclusions of the Board.

5.05.15 Demolition by neglect

Every owner of a property within a designated historic district shall keep in good repair all of the exterior portions of such buildings or structures.

In the event the Board determines that a property within the City of Lake Helen Historic District is in the course of being “demolished by neglect,” the Board shall notify the City Code Compliance Office to institute proceedings under authority of applicable laws and regulations as outlined in Article 15.

5.05.16 Variances

The City Commission may grant variances as outline in Article 13.

Variances to achieve the design review standards for historic preservation may be granted provided the variance does not negatively affect the character of the area and with good cause shown. These variances may include those for building height, side, rear and front setbacks, building coverage, floor area ratio, impervious coverage, storm water retention, and walls and fences. Building code exemptions may be granted subject to the guidelines of the Florida Building Code for qualified historic buildings or structures. Additional information to justify variances and exemptions may be needed.

5.05.17 Appeals of Board Decisions

Any appeal of a decision or interpretation made by the Historic Preservation Board administering or enforcing this article shall be processed in accordance with procedures for such appeals as set forth in Article 15 or as defined by State Law.

5.05.18 Stop Work Orders

Any work conducted contrary to the provisions of this article shall be immediately stopped upon notice from the Code Compliance Officer, Chief Building Official (CBO) or his/her designee, City Administrator or his/her designee that the work does not conform to the terms of this Article. Notice shall be in writing and shall be given to the property owner, agent, or to the person doing the work. If none of these persons are immediately available on the construction site to receive the required notice, it shall be posted on the property. The notice shall state all conditions under which work may be resumed. In emergencies, the Building Inspector or designee shall not be required to furnish written notice of the stop work order.

6.00.00 Legal nonconforming lots, structures and uses

Within the districts established by these regulations and/or amendments thereto, there exist lots, structures, and uses which were lawful before these regulations were adopted but which would be classified as nonconforming under these Land Development Code (LDC) regulations. These lots, structures and uses are then classified as legally nonconforming.

These legal nonconformities shall be permitted to continue until they are removed, but they are not encouraged to remain in existence since they are declared to be incompatible with the current LDC regulations. These legal nonconformities shall not be expanded or extended, nor be used as grounds for adding other prohibited structures or uses.

It is the purpose of these regulations to bring nonconforming lots, structures and uses into compliance with the city’s regulations. Casual, temporary or illegal use of a lot, structure or use shall not be sufficient to set a precedent or establish the existence of a nonconforming use or to create rights for the continuance of such use.

6.01.00 Continuation of Nonconforming Uses and Structures

1. Subject to the provisions in this section, the lawful use of land or buildings existing on the date of enactment of this Land Development Code (LDC) shall be allowed to continue.
2. Nothing in this article shall be construed to prevent the ordinary and routine maintenance and repair of nonconforming structures.
3. The legal nonconforming structure, land, or use shall not be further extended or enhanced by the placement of additional signage on the property.
4. Nothing in this section shall require any change in plans, construction, or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been commenced within six (6) months of the date of that permit.
5. A nonconforming building or structure which is damaged or destroyed to the extent of fifty percent (50%) by fire, wind, hurricane or other calamity or act not attributable to the owner, the owner's agents or employees may not be reconstructed or restored for use, except as described below, unless such reconstruction or restoration is accomplished in compliance with this Code. If there are multiple principal structures on a site, the cost of reconstruction shall be compared to the combined fair market value of all the structures.
6. Residential dwellings that were in existence on April 3, 2003, or which were constructed in compliance with a building permit that was issued as of April 3, 2003, shall be permitted to be restored, enlarged or expanded so long as the restoration, enlargement or expansion does not create a new nonconformity or extend an existing nonconformity, other than the nonconforming size of a residential dwelling.
7. Accessory buildings that were in existence on August 13, 2004, shall be permitted to be reconstructed or restored so long as the restoration or reconstruction does not create a new nonconformity or extend an existing nonconformity.

6.02.00 Expansion or Modification of Nonconforming Uses or Structures

Nonconforming structures shall not be expanded except in compliance with this section.
1. An expansion in square footage shall be permitted where such expansion meets all requirements of this LDC.

2. Normal repairs and maintenance are permitted during any calendar year to an extent not exceeding ten percent (10%) of the current replacement cost and are made: (1) within the existing footprint of the dwelling; or, (2) along the front or rear of the dwelling within an area that represents a parallel extension of the footprint of an existing room, porch or portico that is under roof, and so long as a new nonconformity is not created; or, (3) along the sides of the dwelling, so long as a new nonconformity, or an extension of an existing nonconformity, is not created.


   Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a nonconforming historic structure may be permissible when authorized by the Historic Preservation Board in the form of a Certificate of Appropriateness (as outlined in Article 5), provided:

   a. The structure lies within the Historic District;
   b. Any unsafe conditions are corrected;
   c. The use(s) therein shall be in conformance with all applicable provisions of this article.

4. Change to Another Use.

   A nonconforming use cannot be changed to another nonconforming use unless it is recommended by the Planning and Land Development Regulation Commission (PLDRC) and approved by the City Commission subject to the following conditions:

   a. The new nonconforming use is a permitted use in a more restrictive zoning classification.
      i. Failure to have active utility accounts or an active local business tax receipt shall mean that the use has been discontinued.
   b. The new nonconforming use would improve the character of the immediate neighborhood.

5. An expansion of a nonconforming structure is permissible when required by law or ordered by the Chief Building Official (CBO) or his/her designee, City Administrator or his/her designee or Volusia County Fire Department to secure the safety of the building.

6. A non-conforming structure which was lawfully erected on a lot of record may be reconstructed if it is substantially damaged or destroyed, provided that:

   a. The reconstruction does not result in an increase in the nonconformity of the lot area, yards, setbacks or density;
   b. The number of dwelling units in such reconstructed structure does not exceed the number of units in existence at the time of damage or destruction;
   c. The repair or reconstruction is substantially completed within twelve (12) months of the date of such damage.

7. An expansion may be permitted where such expansion is solely to extend an existing use throughout the building in which the use occurs on the date of enactment of this LDC. Such
expansion shall not be extended to occupy any land outside the building, including parking and other impervious surfaces.

8. Any non-conforming use shall be brought into full compliance with all provisions of this Code if any of the following activities occur:
   a. When the non-conforming use has been discontinued for a period of 180 days;
   b. If a non-conforming structure or portion of any structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance and is declared by any duly authorized official of the city to be an unsafe building, it shall not thereafter be repaired or rebuilt except in conformity with this Land Development Code.

6.03.00 Exceptions for Affordable Housing and Historic Buildings

In accordance with, and in furtherance of the comprehensive plan, certain lots are exempt from the provision of this article regarding nonconforming buildings.

1. Development may be permissible when a lot meets the following conditions:
   a. The lot complies with the standards set forth in the LDC except that the lot size is less than the standard required for the zoning district in which the lot is located; and
   b. Evidence is provided that development will provide affordable housing for very-low, low, or moderate-income persons or families, as the same are defined in Section 420.602, F.S.

2. Development is permissible where development is necessary for the preservation of historically significant building, in compliance with the provisions of the comprehensive plan and the LDC.

6.04.00 Termination of Nonconforming Development

Nonconforming development must be brought into full compliance with the use regulations in this Code in conjunction with the following activities and in accordance with Article 6.05.00 for signs:

1. Abandonment

   When a nonconforming use of land or building has been discontinued for one hundred eighty (180) days or more, its future use shall revert to the uses permitted in the district in which said land is located with burden of proof of use to be documented and submitted by applicant. The new use shall be conforming.

2. When a portion of a nonconforming structure is removed or demolished to an extent which exceeds more than fifty percent (50%) of the current replacement cost of the entire structure, as determined by a cost estimate provided by a contractor licensed to do said work, and as approved by the City Administrator or his/her designee, said structure, if reconstructed, shall be done so in full conformance with current city and building codes.

3. If any portion of two (2) or more lots or combinations of lots with continuous frontage under single ownership existed on or before April 3, 2003, which do not meet these regulations for lot width and area, these lots shall be considered to be an undivided parcel and no portion of said parcel shall be used, divided or sold, which does not meet the minimum lot width and area requirements of these regulations.

4. Restoration
If a structure located within the city receives storm damage or other structural damage in excess of fifty (50%) of the appraised value of the structure, such structure may be replaced in compliance with current laws and ordinances, including those enacted since the construction of the subject structure. If the structure was non-conforming based on density or zoning, it may be re-constructed at no greater non-conformity than prior to when it was damaged. In no instance may the non-conformity be expanded.

5. Special Provisions for Specific Nonconformance

   a. Nonconforming with the parking and loading requirements of this Code.

      In addition to the activities listed in Article 11, full compliance with the requirements of this Code shall be required where the seating capacity or other factor controlling the number of parking or loading spaces required by this Code is increased by ten percent (10%) or more.

6.05.00 Nonconforming signs

All signs lawfully in existence which do not conform to the provisions of this article are declared nonconforming signs. It is the intent of this article to eliminate nonconforming signs expeditiously and fairly, and to avoid any unreasonable invasion of property rights. No nonconforming sign shall be changed, expanded or altered in any manner which would increase the degree of its nonconformity, or be structurally altered to prolong its useful life, or be moved in whole or in part to any other location where it would remain nonconforming.

1. Termination by abandonment or close of business:

   Any nonconforming sign structure determined to have been abandoned due to the business closing down or relocating shall be presumed to be abandoned and cannot be reestablished except in compliance with this article, excluding any such period caused by actions or events not caused by the property owner, such as natural disaster, government actions, or other acts of God. Signs related to a business which has closed or relocated shall be terminated on the date the business moves out. In the case of multi-tenant signs advertising more than one (1) business, the property administrator or owner shall work with the City Administrator or his/her designee to make any changes to the messages on said signage, and a sign permit shall be required.

2. Termination by damage or destruction:

   Any nonconforming sign damaged or destroyed, by any means, to the extent of more than fifty percent (50%) of its current replacement cost, as determined by a cost estimate provided by the sign contractor at the time of application, and as approved by the City Administrator or his/her designee, shall be terminated and shall not be restored, except in compliance with this article.

3. Termination by redevelopment, maintenance or repairs:

   Whenever any revisions, modifications, maintenance or repairs are made which affects the signage on a building or a site, to the extent of more than fifty percent (50%) of the signs' current replacement cost, as determined by a cost estimate provided by a sign contractor licensed to do said work at the time of application, and as approved by the City Administrator or his/her designee, then all affected signs and sign structures shall be brought into compliance with the current city and building codes, or be removed.
6.06.00 Nonconforming Vehicle Use Areas

1. A vehicle use area is any portion of a development site used for circulation, parking and/or display of motorized vehicles except junk or automobile salvage yards.

2. When the square footage of a vehicle use area is increased, compliance with this Code is required as follows:
   a. Expansion by Ten Percent (10%) Or Less
      When a vehicle use area is expanded by ten percent (10%) or less, only the expansion area must be brought into compliance with this Code.
   b. Expansion by More than Ten Percent (10%)
      When a vehicle use area is expanded by more than ten percent (10%), the entire vehicle use area shall be brought into compliance with this Code.
   c. Repeated Expansions
      Repeated expansions of a vehicle use area over a period of time commencing with the effective date of this Code shall be combined in determining whether the above threshold has been reached.
   d. Any vehicle use area in existence on the date of enactment of this Code which must be brought into conformity with this Code, and which has more than the number of parking spaces required by this Code shall be treated as, follows:
      i. The area shall be reconfigured to comply with requirements in this Code.
      ii. If, after the reconfiguration, a paved area or areas that are not needed to comply with the requirements of this Code remain, the developer may do any one or combination of the following:
         iii. Conform the area(s) to comply with this Code and continue to use them for parking.
         iv. Remove the paving and use as grassed overflow parking, as additional landscaped transitional zone or for any other purpose consistent with the land use plan and approved by the City.

6.07.00 Variances

The City Commission may grant variances as outlined in Article 13.
Article 7. Environmental and Resource Protection

7.00.00 Purpose and Intent

The purpose of this article is to safeguard the public health, safety, and welfare by ensuring the long-term protection and preservation of environmentally sensitive natural resource systems. Application of the provisions of this article shall result in development that reduces the potential for adverse impacts on the hydrologic functions of wetlands, natural systems, habitats, water quality, shorelines, aquatic wildlife and natural resources.

7.00.01 Applicability

All new development and redevelopment shall be designed to ensure protection of areas designated as floodplains, environmentally sensitive lands, wetlands, or wellfields. No permit for development shall be issued by the City that is not in full compliance with the provisions of this article, the technical manuals listed in Article 1 as well as state and federal laws and standards.

7.01.00 Requirements for Stormwater Management Plan

Stormwater facilities shall be designed to accommodate the 25-year, 24-hour design storm to meet the water quality and quantity standards that follow the City of Lake Helen Comprehensive Plan Chapter 8: Capital Improvement Element.

The stormwater management plan must:

1. Provide detailed design drawings and specifications for all facilities, temporary and permanent, required by the stormwater management plan.

2. Provide a construction schedule for both temporary and permanent facilities. Reference the schedule to other development activities such as clearing, rough grading, construction, final grading, and vegetation establishment.

3. Provide a plan for maintenance of the stormwater facilities. Describe specific actions and a recommended schedule of maintenance required to maintain the facilities at a satisfactory level of service.

4. Provide a cost estimate for construction of the stormwater management facilities. Provide a separate estimate of the annual cost for maintenance of the proposed facilities.

5. Be prepared under the supervision of, and certified by, a professional engineer or land surveyor registered in the state. The plan shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer shall certify on the drawings that all clearing, grading, drainage, construction and development shall be conducted in strict accordance with the plan. The minimum information submitted for support of a stormwater management plan shall be as follows:

   a. Provide a site plan drawn to a scale of not less than one (1) inch equals fifty feet (50') with the following characteristics and information:

      1. Graphic scale, north arrow and date. North arrow shall be identified as magnetic, true or grid north.

      2. Vicinity map showing the site location relative to surrounding landmarks, highway intersections, rivers and streams.
3. Topography showing existing and proposed elevations in accordance with the following:
   a. For sites smaller than one (1) acre in size, show the direction of drainage and spot elevations at all breaks in grade and along drainage channels or swales at selected points not more than one hundred feet (100') apart.
   b. For sites one (1) acre and larger with slopes less than approximately two percent (2%), show contours at intervals of not more than two feet (2') and spot elevations at all breaks in grade along drainage channels or swales at selected points not more than one hundred feet (100') apart.
   c. For sites one (1) acre and larger with slopes more than approximately two percent (2%), show contours with an interval of not more than five feet (5').
   d. Elevations shall be based on the datum plane established by the U.S. Coastal and Geodetic Survey.

4. Delineation of property lines and deed record names of adjacent property owners.

5. Location of existing structures.

6. Location and right-of-way of streets, roads, railroads and utility lines, either on or adjacent to the property to be developed. Specify whether utility lines are in easements or rights-of-way and show location of towers and poles.

7. Size and location of existing sewers, water mains, drains, culverts or other underground facilities within the tract or within the right-of-way of streets or roads adjoining the tract. Grades and invert elevations of sewers shall be shown.

8. Proposed conditions:
   a. Layout of streets, roads, alleys, drives and paved areas, public crosswalks, with widths, road names or designations.
   b. Location of structures.
   c. Preliminary plans of storm sewer system with grade, pipe size and location of outlet.
   d. Certification by a registered land surveyor or professional engineer attesting that the site plan has been prepared in conformity with the minimum standards of this article.

b. Provide computations and supporting documentation of hydrologic and hydraulic analyses.

c. The stormwater management plan shall provide the following information for pre-development and post-development conditions:
   1. The composite runoff curve number or runoff coefficient for the site;
2. The peak runoff rate at the point, or points, of discharge for the 25-year, 24-hour design storm; and

3. The capacity of storm sewers, ditches and other hydraulic structures.

d. Water Quantity

1. Peak post-development runoff shall not exceed peak pre-development runoff rates. The first one inch of runoff shall be retained on-site.

e. Water Quality

1. Treatment of stormwater runoff shall be required for all development, redevelopment and, when expansion occurs, existing developed areas. The stormwater treatment system or systems can be project specific, serve sub-areas 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 Chapter 40C-42, in particular section 40C-42.025, Florida Administrative Code (F.A.C.) to ensure that the receiving water quality standards of Chapter 17-302, section 17-302.500, F.A.C. 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 classifications as established in Chapter 17-302, F.A.C. It is intended that all standards in these citations are to apply to all development and redevelopment and that any exemptions or exceptions in these citations, including project size thresholds, are not applicable.

2. Infill residential development within improved residential areas or subdivisions existing prior to the adoption of this comprehensive plan, must ensure that its post-development stormwater runoff will not contribute pollutants which will cause the runoff from the entire improved area or subdivision to degrade receiving water bodies and their water quality as stated above.

3. Development and redevelopment projects which are not exempt from the St. John’s River Water Management District permitting requirements must also meet the requirements of Chapter 40C-4 and 40C-40, F.A.C.

Note: The Florida Administrative Code citations refer to these regulations as they exist at the time of adoption of this comprehensive plan

7.02.00 Floodplain Management

Article 10 outlines the provisions that shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
7.03.00 Requirements for Streams and other Floodprone Areas

Within areas of special flood hazard, where small streams exist but where no base flood data or floodways have been provided, or landlocked areas susceptible to flooding, the following provisions apply:

A. No encroachments, including fill material or structures, shall be located within the floodprone area unless a Florida registered professional engineer certifies that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. The base flood elevation shall be determined for the project area by means of an appropriate hydrologic/hydraulic analysis by a Florida registered professional engineer as part of the certification process.

C. The City may require the landowner to submit a letter of map revision (LOMR) to FEMA if the stream information is determined to be inadequate for construction permitting purposes.

7.04.00 Environmental Lands Protection

1. Relationship to Other Requirements Relating to the Protection of Environmentally Sensitive Lands

In addition to meeting the following protection of environmentally sensitive lands requirements, development plans shall comply with applicable federal, state, county and water management district regulations relating to environmentally sensitive lands. In all cases the strictest of the applicable standards shall apply.

2. Future Land Use Element Incorporated By Reference

The Future Land Use Element of the City Comprehensive Plan as from time to time amended is hereby incorporated by reference into this Code.

3. Compliance When Subdividing Land

Each lot of a proposed development must include a site suitable for constructing a structure in conformity with the standards included in this Land Development Code.

7.05.00 Wetland Protection

There shall be no net loss of wetlands function or size as a result of a development activity. Wetlands shall be protected through the implementation of the following standards and guidelines:

1. Precise delineation of wetland areas shall be determined through site specific studies and field determination.

2. Impacts to high quality wetland shall be avoided whenever possible. Where impacts cannot be avoided, development shall be allowed at a minimum density/intensity and least disruptive type. Mitigation of lost wetland resources will be required.

3. Permitted land uses include conservation and passive recreation.

4. Wetland protective measures shall include the use of setbacks and vegetative buffers. Setbacks and buffer widths shall depend upon the nature and functional value of the wetlands to be protected. The minimum upland buffer from the wetland line is twenty-five feet (25').
5. All required permits from jurisdictional agencies shall be approved prior to, or concurrent with, the City issuing a final development order.

The requirements of this section shall apply to all of the areas under the jurisdiction of the Florida DEP, the USACOE, and the SJRWMD, as well as those lands identified as “Conservation” on the FLUM and on the adopted zoning map. Exemptions to buffering requirements exist for resource-based recreational facilities such as trails, boardwalks, piers and boat ramps.

7.05.01 Agency Coordination Required

All new development and redevelopment adjacent to jurisdictional wetlands shall be required to include coordination with the agencies with regulatory jurisdiction over wetlands, including the County, representatives of the Florida DEP, the USACOE, and the SJRWMD, for assistance and verification in identifying and delineating wetlands.

7.05.02 Development Within Wetlands

Except as expressly provided in this section, no development activity shall be permitted in a wetlands area.

1. Wetlands shall be preserved in their natural state. No fill shall be placed in a wetland, and the wetland shall not be altered, unless mitigation is approved as allowed under §7.05.00.2.

2. Buffering requirements for development adjacent to wetlands or natural water bodies:
   A. All new development and redevelopment adjacent to jurisdictional wetlands or surface water bodies shall be required to provide a buffer zone of native vegetation at least twenty-five feet (25') wide around wetlands and fifty feet (50') from natural water bodies to prevent erosion, retard runoff, and provide areas for habitat; and
   B. This setback shall be required for any development, except docks or piers which have received a permit from the Florida DEP, SJRWMD, or the USACOE.

3. Permitted activities within areas designated by the City, FDEP, SJRWMD, or the USACOE as wetlands protection zones:
   A. Potentially allowable uses adjacent to wetlands protection zones are those uses included in the Conservation land use category on the FLUM;
   B. Development is limited to buildings that are supportive of and accessory to the Conservation land use category, such as interpretative centers, rest rooms, or covered picnic pavilions;
   C. Developing an area that no longer conforms to the determination of the SJRWMD as wetlands, except former wetlands that have been filled or altered in violation of any rule, regulation, statute, or this LDC. The developer shall demonstrate that the water regime has been permanently altered, either legally or naturally, in a manner so as to preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetlands structure and function. Adequate proof shall include statements from federal and/or State agencies having jurisdiction as well as technical evidence from registered hydraulics engineers or other certified experts;
   D. Development of a wetlands stormwater discharge facility or treatment wetlands in accordance with State permits received under currently relevant sections of the F.A.C.; and
E. Boardwalks, piers, boathouses, boat shelters, fences, duck blinds, wildlife management shelters, footbridges, observation decks and shelters, and other similar water-related structures, provided that installation does not involve grading, fill, dredging, or draining, and provided that such structures are constructed on pilings so as to permit the unobstructed flow of water and light and preserve the natural contour of the wetlands. Any applicable permits are still required. All pilings shall be driven into place; no jetting of pilings shall be allowed.

7.05.03 Design Requirements for Development within Wetlands

1. There shall be no net loss of wetlands function or size as a result of a development activity, except where mitigated per §7.05.00.2. Wetlands shall be protected through the implementation of the following standards and guidelines:

   A. Precise delineation of wetland areas shall be determined through site specific studies and field determination.

   B. Impacts to high quality wetland shall be avoided whenever possible. Where impacts cannot be avoided, development shall be allowed at a minimum density/intensity and least disruptive type. Mitigation of lost wetland resources will be required.

   C. Wetland protective measures shall include the use of setbacks and vegetative buffers. Setbacks and buffer widths shall depend upon the nature and functional value of the wetlands to be protected. The minimum upland buffer from the wetland line is twenty-five feet (25').

2. All new development and redevelopment adjacent to jurisdictional wetlands shall be designed, constructed, maintained, and undertaken in a way that minimizes the adverse impacts on the functions of the affected environmentally sensitive zone.

3. In addition to any standards required by federal, State, or local agencies and any other section within this LDC, the following standards shall apply to uses found to be permissible in or adjacent to wetlands:

   D. The use shall allow the movement of aquatic life requiring shallow water;

   E. Existing flood channel capacity shall be maintained;

   F. Stable shoreline embankments shall be ensured on unstable shorelines where water depths are inadequate, to eliminate the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, and other lake, and channel maintenance activities;

   G. Uses in areas where there is inadequate water mixing and flushing shall be eliminated or stringently limited;

   H. Uses shall be prevented in areas which have been identified as hazardous due to high winds or flooding;

   I. Access roads, parking lots, and similar structures shall be limited to locations on properly zoned uplands;

   J. Any wetlands shown on the site plan to remain undisturbed that become damaged during construction shall be completely restored using native vegetation appropriate for the location. Complete restoration means that the restored area shall function equivalently to the wetland prior to damage;
K. Periodical removal of invasive vegetation shall be undertaken and non-native or invasive vegetation shall not be introduced.

L. Accessory uses shall be limited to those which are water dependent; and

M. Fill shall not be placed in waters or wetlands to create usable land space, unless mitigation is approved as delineated above.

7.06.00 Lake Protection Areas

A Lake Protection Area shall be established adjacent to and surrounding all lakes for a distance extending seventy-five feet (75’) landward of the mean high-water line.

1. Allowed Activities in a Lake Protection Area

   Within the Protection Area no development activity shall be permitted except for an allowance for access. No more than twenty percent (20%) or twenty-five feet (25’), whichever is greater, of the shoreline within property boundaries may be altered for reasonable access. The remainder of the shoreline shall be maintained in unaltered native vegetation, except for pruning, planting of suitable native vegetation and removal of exotic and nuisance plant species. Provided, however, that any portion of a principal or accessory residential dwelling structure, in existence on March 18, 2004, and which is non-conforming to the Code as a result of encroaching into a Lake Protection Area boundary, may be altered, expanded, enlarged or restored in the area of encroachment if such activity does not create an encroachment into the Lake Protection Area boundary that is closer than that which exists on March 18, 2004, and which does not create a new non-conformity. Any such afore described activity that is conducted within a Lake Protection Area shall be required to incorporate environmental best management practices for lake protection, as specified by the City at time of permit approval, into project design and implementation.

2. Lake Protection Permit

   A permit is required for any activity undertaken within a Lake Protection Area.

7.07.00 Wellfield Protection

The purpose and intent of this section is to safeguard the public health, safety, and welfare by ensuring the protection of the principal source of water from potential contamination and to control development in and adjacent to designated wellheads and surrounding wellfield areas to protect water supplies from potential contamination.

7.07.01 Wellfield Protection Area

1. A wellfield protection area is hereby established to include all land within a 500-foot radius from a public potable water wellhead.

2. The following uses shall be prohibited within the wellfield protection area:
   A. All regulated industries by the Florida DEP as defined in Rule 62-521, F.A.C.;
   B. Facilities for bulk storage, handling or processing of materials on the Florida Substance List;
   C. Landfills;
D. Activities that require the storage, use, or transportation of restricted substances, agricultural chemicals, hazardous toxic waste, medical waste, and petroleum products;

E. Feedlots or Commercial animal facilities, including veterinarian clinics;

F. Mines;

G. Excavation of waterways or drainage facilities which intersect the water table;

H. Industrial land uses;

I. Wastewater treatment plants, percolation ponds and similar facilities;

J. Commercial activities that involve the use of hazardous chemicals such as, but not limited to, dry cleaning operations, auto repair and servicing, pool supply, gas stations, junkyards, and machine shops;

K. Injection wells, irrigation wells, and domestic and commercial wells less than six inches (6”) in diameter;

L. Stormwater facilities, including the use of drainage wells or sinkholes for stormwater disposal; and

M. Human or animal cemeteries.

7.08.00 Preventing Destruction of Discovered Artifacts

1. Where a proposed development is located on a protected historical or archaeological site, a survey shall be conducted by a State of Florida qualified archaeologist or similar expert. The survey shall contain recommendations on methods of preservation, protection, or mitigation of resources on the site. The survey shall be submitted along with the application according to the submittal, review, and decision-making procedures set forth in the Land Development Code (LDC). Any proposed development shall be consistent with the findings and recommendations contained in the survey.

2. Where previously unidentified historical or archaeological resources are unearthed during site preparation, excavation, construction, or development activity on a site, development shall cease. The developer shall notify the Florida Department of State of such discovery. Construction shall not begin until the State has determined the archaeological significance of the discovery and the restrictions which shall be imposed on development. Development may continue in areas which will not impact the site of discovery.

7.09.00 Habitat and Wildlife Preservation

Development in upland wildlife habitats and areas with threatened and endangered species of plants and animals and plant and animal species of special concern shall be as follows:

1. For proposed non-residential development and residential development of more than one single family dwelling of five (5) acres or more the site must be inspected by an ecologist, biologist or other similar professional for the presence of state and federally protected plant and animal species.

2. Site surveys shall include:
   a. The size and distribution of the native habitat, wildlife and listed species populations within a proposed development site
b. The feasibility and viability of on-site protection through the retention of native habitat (canopy, understory and groundcover) needed to accommodate the various wildlife species utilizing the site (including protected plant and animal species).

c. A management program, whether the proposed development sits includes a wildlife corridor and the feasibility of maintaining the wildlife corridor.

d. The appropriateness of mitigation to an acceptable off-site location in the event that on-site mitigation is shown to be ineffective.

e. Protection of any wildlife and protected plant and animal species found on the site and their habitat will be required as part of the overall development plan submitted for development approval.

Development techniques such as clustering are to be used to ensure the protection of the habitats. The preservation of wildlife corridors within developments which connect to other protected wildlife habitats shall be required.

7.10.00 Operational Standard: Noise, Vibrations, Odors, Fumes

The purpose of this section is to provide appropriate standards for the objective measurement of potential nuisances within the City: to ensure that the community is protected by requiring methods to control or eliminate the hazards and nuisances; to protect potential uses from arbitrary exclusion or persecution based solely on perceived harm or past reputation.

These standards shall apply to all uses and operations within the City of Lake Helen.

7.10.01 Noise

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below:

**Table 7A Sound Levels by Receiving Land Use**

<table>
<thead>
<tr>
<th>Receiving Land Use Category</th>
<th>Time</th>
<th>Sound Level Limit dBA</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>7:00 am until 10:00 pm</td>
<td>61</td>
</tr>
<tr>
<td></td>
<td>10:00 pm until 7:00 am</td>
<td>55</td>
</tr>
<tr>
<td>Commercial</td>
<td>7:00 am until 10:00 pm</td>
<td>66</td>
</tr>
<tr>
<td></td>
<td>10:00 pm until 7:00 am</td>
<td>60</td>
</tr>
</tbody>
</table>

These levels may not be exceeded for more than three (3) cumulative minutes out of any continuous sixty (60) minute period.

7.10.02 Noise Level Limits in dBA

The following limits are in effect which if exceeded will have a high probability of producing permanent hearing loss in anyone in the area where the noise levels are being exceeded. No noise shall be permitted within the City which exceeds these limits.

**Table 7B Permissible Noise Exposures**

<table>
<thead>
<tr>
<th>Duration per day, continuous hours</th>
<th>Noise Level - dBA</th>
</tr>
</thead>
</table>
When the daily noise exposure is composed of two (2) or more periods of noise exposure at different levels, their combined effect should be considered, rather than the individual effect of each. If the sum of the following fractions: \( \frac{C_1}{T_1} + \frac{C_2}{T_2} + \ldots + \frac{C_n}{T_n} \) exceeds unity, then, the mixed exposure should be considered to exceed the noise level limit value. \( C_n \) indicates the total time of exposure at a specified noise level, and \( T_n \) indicates the total time of exposure permitted at that level.

If the device producing the noise level cannot be toned down below the permissible levels, then protection should be provided for those in the area of the noise. The protection must reduce the noise level to below the permissible limits and must not, itself, produce a safety hazard. Procedures must exist which guarantee that the people in the area of the noise will use the protection.

### 7.10.03 Exemptions

The following activities or sources are exempt from these noise standards:

1. Activities covered by the following: emergency signaling devices, air-conditioning and air-handling equipment for residential purposes, refuse collection vehicles.
2. From 7 a.m. to 9 p.m. construction operations for which building permits have been issued, or construction operations not requiring permits due to ownership of the project by an agency of the government; providing such equipment is operated in accord with the manufacturer’s specifications and with all manufacturer’s mufflers and noise reducing equipment in use in proper operating condition.
3. The lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other normal sounds of reasonably cared for agricultural or domestic animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation.
4. Noises resulting from any authorized emergency vehicle when responding to an emergency call or acting in time of emergency.
5. Construction or routine maintenance of public service utilities.
6. Houses of worship bells or chimes in conjunction with religious services or other sound used in calls to worship.
7. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

7.10.04 Noises Prohibited; Unnecessary Noise Standard, Statement of Intent, Sworn Complaint Required

Some sounds may be such that they are not measurable by the sound pressure level meter or may not exceed the limits of measurements listed herein, but they may be excessive, unnatural, prolonged, unusual and are a detriment to the public health, comfort, convenience, safety, welfare and prosperity of the residents of the city.

Noises prohibited by this section are unlawful notwithstanding the fact that no violation of any section prior hereto is involved, and notwithstanding the fact that the activity complained about is exempted in 7.10.03.

The following acts, among others are declared to be loud, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive:

1. Horns, signaling devices, etc. The sound of any horn or signaling device on any automobile, motorcycle bus or other vehicle on any street or public place of the city, except as a danger wanting; the creation by means of any such signaling device of any unreasonably loud or harsh sound; and the sounding of any such device for any unnecessary and unreasonable period of time.

2. Radios, televisions, phonographs, etc. The using, operating or permitting to be played used or operated any radio receiving set, television set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of the neighboring inhabitants, or at any time with louder volume than is necessary for convenient hearing for the person(s) who are in the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device in such manner as to be plainly audible at a distance of one hundred feet (100’) from the building, structure or vehicle in which it is located shall be prima facie evidence of a violate of this section.

3. Animals, birds, etc. The keeping of any animals or bird which causes frequent or long continued noise which is plainly audible at a distance of one hundred feet (100’) from the building or structure in which the animal or bird is located.

Any person making a complaint under this section shall be required to sign a sworn complaint prior to an arrest being made, otherwise no such complaint will be honored. Before any arrests being made, the law enforcement officer shall issue a warning to the offending person or persons and advise the person or persons of the violation and the possible penalty if they fail to reduce or eliminate the noise. Anyone who violates this section shall be guilty of a misdemeanor of the 2nd degree punishable by a fine not exceeding five hundred dollars ($500.00).

7.10.05 Variances and Permits

Applications for a permit for relief from the maximum allowable noise level limits may be made in writing to the City Administrator or his/her designee. This does not apply to the Permissible Noise Exposures detailed in section 7B. Any permit granted by the City Administrator or his/her designee
must be in writing and shall contain all conditions upon which the permit shall be effective. The City Administrator or his/her designee may grant the relief as applied for under the following conditions:

A. Entertainment. Permits for entertainment may be granted under the following conditions:

1. The function must be open to the public (admission may be charged).
2. The function must take place on public property or with permission of the City Commission on private property.
3. The permit will be given for only four (4) hours in one twenty-four hour day unless waived by the City Commission.
4. The function must be staged between the hours of 9:00 a.m. and 11:00 p.m.

B. Non-entertainment. Permits for non-entertainment special purposes may be issued under the following conditions:

1. If the special purpose relates to the operation of a trade or business that the special purpose not be in the ordinary course of that trade or business.
2. If the special purpose be a recurring purpose, that it not recur more often than four (4) times each calendar year.
3. That the special purpose be absolutely necessary to the operation of the applicant's trade or business.
4. Except in emergency situations, as determined by the City Administrator or his/her designee, the permit may be issued only for hours between 9:00 a.m. and 11:00 p.m.
5. Permits may be issued for no longer than one week, renewable by further application to the City Administrator or his/her designee and City Commission.

C. Additional Conditions

The City Administrator or his/her designee may prescribe any reasonable conditions or requirements he deems necessary to minimize adverse effects upon the community or the surrounding neighborhood, including use of mufflers, screens or other sound attenuating devices.

D. Use of Sound Devices

No permit may be issued to permit the use of any loudspeaker or sound device which at any time exceeds the noise level limits prescribed in 7.10.01 except those used for emergency warnings.

7.10.06 Vibration

Vibration which recurrently generated and perceptible to the normal senses, without instruments, is prohibited.

Vibration shall be determined along or beyond the property line of the site on which the use is located.

7.10.07 Air Pollution and Odor

A. Smoke and Particulate Matter Standards

All uses shall comply with standards set forth in the rules and regulations of the Florida Department of Environmental Regulation as amended to date, or hereafter amended. No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation. Open burning shall be permitted but only in strict compliance with the requirements established by the Florida Forestry Service.
B. Toxic Gases, Fumes, Vapors and Matter

All uses shall comply with standards as set forth in the rules and regulations of the Florida Department of Environmental Regulations as amended to date, or hereafter amended.

7.10.08 Debris, Insect, and Rodent Control

All premises shall be maintained free of insect and rodent harborage and infestation. Examination methods and other measures to control insects and rodents shall conform with the requirements of the county health authority. The premises shall be maintained free from accumulation of debris and litter.

Lots and parcels, either improved or unimproved, shall be maintained free from accumulation of debris and litter.

7.10.09 Electromagnetic Interference

In all districts, no use, activity, or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety, and welfare including but not limited to interference with normal radio, telephone, or television reception from off the premises where the activity is conducted.

7.10.10 Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. These regulations shall not apply to signs or floodlighting of parking areas otherwise permitted. There shall be no emission or transmission of heat or heated air so as to be discernible at the lot line.

7.10.11 Fire and Explosive Hazards

In all land use districts in which the storage, use or manufacture of flammable, combustible, or explosive materials occurs, the applicable standards of the National Fire Protection Association shall apply.
Article 8. Landscaping and Tree Protection and Preservation Requirements

8.00.00 Intent

The City of Lake Helen recognizes the substantial economic, environmental and aesthetic benefits that a well-managed tree canopy provides the community, its residents and its visitors. It is the purpose of this Section to establish specific responsibilities within the City of Lake Helen’s governmental structure to administer and implement the standards, techniques, methods and procedures necessary to protect and maintain the City’s tree resources. Trees decrease urban noise, encourage tourism and economic growth, preserve community character and identity, provide habitat for wildlife, and shade pedestrian walkways. It is the purpose and intent to establish policies, regulations, and standards to ensure that the City of Lake Helen, its residents and its visitors will realize the full benefits of a healthy, well-managed urban forest. The provisions of this division are enacted to:

1. Promote the establishment and maintenance of the optimum sustainable amount of tree cover on public and private lands.
2. Establish and maintain diversity in tree species and age classes to provide a stable and sustainable urban forest.
3. Minimize the removal or loss of non-specimen specimen and heritage trees.
4. Require mitigation for the removal of non-specimen specimen and heritage trees on public and private property.
5. Establish procedures to designate and protect heritage trees of unique or intrinsic value to the community, as defined in this division.
6. Maintain City of Lake Helen trees in a healthy and non-hazardous condition through good management practices.
7. Minimize maintenance costs and damage to sidewalks, streets, and other infrastructure by planting tree species that are appropriate for existing site conditions and available growing space.
8. Maintaining permeable land areas essential to surface water management and aquifer recharge, including reduction in stormwater runoff
9. Preserve the community’s character and quality of life well into the future.

Land shall not be cleared indiscriminately, but for a bona fide development or agricultural purpose. The amount of land cleared shall be the minimum necessary to accomplish a permitted development or agricultural activity. Clear cutting a development site shall not be permitted, and only that portion of the site required for ingress/egress, parking, loading, building footprint, waste management, utilities installation and stormwater management facilities shall be permitted.

8.01.00 Definitions

**A Tree** is any woody, self-supporting plant characterized by having a single trunk of at least six inches (6”) Diameter at Breast Height (DBH) or multi-stem trunk system with a combination of stem trunks of a least six inches (6”) DBH and a well-developed crown at least fifteen (15) feet high as measured from its base. As utilized herein, a palm tree is considered a plant, not a tree, and the term when used is not synonymous with a tree.

**A Protected Tree** is any existing, healthy tree having a six (6) inch DBH, or greater and not identified on the most recent Florida Exotic Pest Plant Council Invasive Plant list (Category I or II).

**Arborist** means a professional in the area of tree biology, insect and disease diagnosis and treatment, and tree pruning. Arborists with Certified Arborist certification and Landscape Architects
who are Licensed Landscape Architects are the only professionals considered to be arborists as defined herein.

**Boundary tree** means a tree on adjacent property whose root save area intrudes across the property line of the site under consideration.

**Buildable area** means that area of the lot available for the construction of a dwelling and permissible accessory uses after having provided the required front, side, rear and any other special yards required the city code.

**Canopy road** means a city owned and maintained roadway where oaks and other large shade trees form an overhead canopy and such trees are able to maintain their historic, aesthetic, cultural, and environmental significance through a program of preservation, maintenance, and education.

**Canopy road zone** means the city right-of-way for those portions of roadways designated as canopy roads as well as those portions of city or private property within twenty-five feet (25’) of the centerline of the roadway.

**Cover area** means that area which falls within the drip line of any tree.

**Critical root zone** means root save area, as defined below.

**Destroy** means any intentional or negligent act or lack of protection that is more likely than not to cause a tree to die within a period of five years. Such acts include, but are not limited to; performing grade changes (including lowering or filling the grade) that affect more than twenty percent (20%) of the root save area; trenching of roots; cutting, girdling or inflicting other severe mechanical injury to the trunk, roots or other vital sections of the tree; removing in excess of twenty percent (20%) of the live crown of the tree; inflicting damage upon the root system of a tree by the application of toxic substances, including solvents, oils, gasoline and diesel fuel; causing damage by the operation of heavy machinery; causing damage by the storage of materials; and/or deliberately or negligently burning or setting fire to a tree. In addition, topping, tipping, or any similar improper pruning practices will automatically be deemed as destruction of a tree.

**Diameter at breast height (DBH)** means the diameter of the main stem of a tree or the combined diameters of a multi-stemmed tree as measured 4.5 feet (54 inches) above the natural grade at the base. The top diameter of a stump less than 4.5 feet (54 inches) tall shall be considered the "DBH" of an illegally destroyed tree for the purpose of calculating recompense.

**Disease** means any fungal, bacterial, or viral infection that will result in the death of the tree, as determined by the responsible employee in the City Administrator or his/her designee. Disease shall also mean any fungal, bacterial or viral infection that has progressed to the point where treatment will not prevent the death of the tree, as determined by the City Administrator or his/her designee.

**Established recompense value** means the dollar value to the city of a tree on private or public property used for the purpose of calculating cash recompense for removal, loss or destruction. The established recompense value is the year’s current purchase value per DBH of an oak tree multiplied by the number of DBH inches removed plus the current estimated fee of planting and maintenance for a replacement tree. This figure shall be set by Resolution by the City Commission.

**Fair or better condition** means that the tree has a relatively sound and solid root, trunk, and canopy structure, no major insect infestation or other pathological problem, and a life expectancy greater than fifteen (15) years as determined by the City Administrator or his/her designee.
**Flush cutting** means the removal of limbs by cutting immediately adjacent to the trunk, destroying the protective branch collar and exposing the trunk to decay organisms. Fully stocked means a site occupied by trees at a density of 1,000 inches DBH/acre (e.g., 40 trees averaging 25 inches DBH on a one-acre site).

**Hardship** means a unique or otherwise special existing condition that is not addressed by the ordinance.

**Hazard tree** means a tree with uncorrectable defects severe enough to pose present danger to people or buildings under normal conditions, as determined by the City Administrator or his/her designee.

**Historic tree** means a tree that has been designated by the city historic preservation board, upon application by the City Administrator or his/her designee or any other interested person, to be of notable historic value and interest because of its age, size or historic association, in accordance with the city arboricultural specifications and standards of practice. Such designation may occur only by resolution of the City Commission, and the City Clerk shall maintain a file with a complete listing of the location of each historic tree.

**Illegally removed tree** means any protected tree that is removed or destroyed without a permit, or in violation of permit conditions.

**Impacted tree** means a tree that will suffer injury or destruction of more than twenty percent (20%) but not more than thirty-three percent (33%) of its root save area.

**Landscaped areas** mean the area of a development site that contains, in addition to ground cover, a coordinated planting or preservation of trees, shrubs, and flowers.

**Palm tree** means any of numerous plants of the family Palmae, most species being tall, unbranched and surmounted with a crown of large pinnate or palmately cleft leaves. Most plants of the species grow to a height of between four (4) and forty (40) feet.

**Preserved Tree** means a tree which is protected from the impacts thereof during development, preserved, and remains a viable, healthy tree at the issuance of the Certificate of Occupancy.

**Private property tree** means, for purposes of this article, where reference is made to a tree being on "private property", the tree shall be deemed to be on private property where more than fifty percent (50%) of the flair of the tree, where the tree interfaces with the earth, is located on private property.

**Protected Tree** means a tree with a DBH of six inches (6") or greater which shall not be removed without a permit unless otherwise exempted herein.

**Replacement Tree** means one (1) tree of a minimum of four (4) inches DBH which is planted to replace a tree found to be dead or beyond recovery, hazardous, or deteriorated; or one (1) tree of a minimum four (4) inches DBH replacing a removed tree with a DBH of 19 inches or under; or two (2) trees of a minimum of four (4) inches DBH replacing a removed tree having a DBH of 19 inches or greater.

**Required yard area** means the open space on a lot not occupied by a structure or any other impermeable surfaces.

**Root save area** means the area surrounding a tree that is essential to that tree’s health and survival. For a free-standing tree with no apparent root restrictions the root save area shall consist of a circle having a radius of one foot for each one inch of diameter at breast height of the tree. Adjustments...
to the root save area may be made by the City Administrator or his/her designee if justified by specific documented site conditions.

**Saved tree** means any tree that is to be protected and not destroyed or injured during construction as required by this article.

**Structural root plate** means the zone of rapid root taper that provides the tree stability against windthrow. The radius of the root plate is proportional to the stem diameter (DBH) of a tree. The table below provides examples of root plate radii for upright trees without restricted roots.

<table>
<thead>
<tr>
<th>DBH (inches)</th>
<th>8</th>
<th>16</th>
<th>32</th>
<th>48</th>
</tr>
</thead>
<tbody>
<tr>
<td>Root plate (feet)</td>
<td>5.5</td>
<td>8</td>
<td>10.5</td>
<td>12</td>
</tr>
</tbody>
</table>

**Shade Tree** means a self-supporting woody plant or species normally growing to a mature height of at least fifteen (15) feet and a mature spread of at least fifteen (15) feet.

**Tipping** means the cutting of a lateral limb in such manner as to leave a prominent stub extending beyond a branch node or the trunk.

**Topping** means the cutting of a leader trunk in such manner as to leave a prominent stub extending beyond the node (crotch) of another leader trunk or major branch that may become a leader trunk.

**Tree replacement plan** means a drawing depicting the location, size and species of existing trees and notes the existing tree requesting to be removed; indicates location, size and species of replacement trees on the lot; a table detailing, by species and DBH, the existing trees to be saved; and, by species and caliper, the replacement trees to be planted.

**Landscape Plan** means a drawing which depicts the planting of trees, shrubs, flowers, and ground cover on a site. It shall provide a table with information on the number, species, and size at planting of all tree, shrubs, and flora on the development site.

**Tree structure** means branch and trunk architecture that result in a canopy structure that resists failure. **Trimming** means cutting a stem to an indiscriminate length, as determined by the City Administrator or his/her designee. While trimming is unacceptable, **pruning**- the act of cutting stems at nodes- is permissible, unless otherwise restricted.

**Vacant lot** means a property of record that does not have a structure on it.

**Visibility triangle** means an area kept clear of visible obstructions where an adjacent road right-of-way meets an on-site road right-of-way or driveway meet to allow for adequate vehicular visibility. At such intersections, an area bounded by the first thirty (30) feet along each right-of-way line or driveway, projected where rounded and a diagonal line extending across the property and connecting the ends of such thirty (30) foot lines shall be provided, where any structures, signage, or landscaping between three (3) and six (6) feet in height shall be prohibited.
Xeriscape means a set of horticultural principles which promote quality landscapes and efficient use of water through the protection of existing vegetation, the use of appropriate plant material, the grouping of plants according to existing vegetation, the use of appropriate plant material, the grouping of plants according to similar water requirements and other similar techniques. “Xeriscape” is a registered trademark of the National Xeriscape Council.

8.02.00 Tree Removal

No person may cut, move, remove, damage or destroy any protected tree without obtaining a tree removal permit.

Tree removal permits are required for the removal of any tree, except as set forth below.

A. Exemption from permit, permit fee and replacement requirements:

1. Trees and landscaping specifically grown as landscape material for resale by duly approved and licensed plant nurseries and botanical gardens.

2. Damaged or hazardous trees during and for a one (1) month period, unless such period is extended by action of the city, following a declared disaster.

3. Minor maintenance activities including, but not limited to, removal of sucker growth, water sprouts, and overhanging branches on mature trees which do not affect the health or life of the tree and are where the removal of overhanging branches is not within a canopy road zone. All work shall be performed in compliance with the current ISA Arborist standards and best practices.

4. Removal of trees by the City on city owned land and within the city rights of way.

5. Trees having a diameter at breast height (DBH) of less than six inches (6”).

6. The removal of protected trees which fall or the removal of branches from said trees which have fallen due to acts of nature, including, but not limited to storms, fire, and natural decay.

B. Exemption from fee and replacement requirements:

A permit shall be required for removal of the following trees, however, removal of these shall be exempt from the permit fee and replacement plan requirements of this article as follows unless the removal of such tree results in the property not achieving the City’s minimum landscape standards as specified in Article 8.07.05 for Residential and Article 8.07.06 for Non-Residential and Mixed Use:

1. Removal of trees (thinning) within a forested area in order to reduce overcrowding and competition and to promote the health, growth, and resistance to stress may be permitted only when accompanied by written certification of the need to remove such
tree(s) at the property owner’s expense, from an ISA certified Arborist prior to
authorizing such removal.

2. Major and minor maintenance of trees located adjacent to utility lines, except within a
canopy road zone; and

3. The tree prevents access to a lot and no feasible alternative access points exist.

### 8.02.01 Tree Removal Permit

The property owner or his/her designee shall apply for a tree removal permit prior to removal of
any tree except as outlined in Article 8.02.00A. The applicant shall take reasonable measures to
design and locate the proposed improvements so the number of protected trees to be removed is
minimized. Authorization for removal of tree(s) shall be granted when one (1) or more of the
following conditions exist:

a. A permitted use of the site cannot reasonably be undertaken unless specific trees
   are removed or relocated.

b. The tree is located in such proximity to an existing or proposed structure that the
   safety, utility, or structural integrity of the structure is materially impaired.

c. The tree will interfere with the location or servicing of utility lines or services.

d. The tree creates a physical or visual impairment to motor, bicycle, or pedestrian
   traffic.

e. The tree is dead, diseased, or weakened and is likely to cause injury or damage to
   people, buildings, or other improvements.

f. The tree would not be able to survive in its current location following construction
despite all appropriate tree protections, as certified by an arborist.

### 8.02.02 Tree Removal Permit Application

The tree removal permit application shall include written statement indicating the reasons requiring
removal or relocation of trees; a tabulation of the species, DBH, and height of the trees to be
removed or relocated; an area map indicating the location of the trees to be removed or relocated;
and any proposed or pre-existing structures or vehicle use areas. In addition, part of the application
shall contain a signed acknowledgement by the applicant verifying that no protected trees will be
removed as a part of the development project except as noted on the approved application. At
the city’s request, the applicant shall be required to provide information from an arborist to verify
the trees’ impact on a developable area or regarding the survivability of a tree proposed for
removal near construction.

### 8.02.03 Tree Removal Permit Review Required Submittal Items

1. Application

2. Recompense Calculation

3. Tree Removal and Replacement Plan

   a. Drawing depicts the location, size and species of existing trees and notes the existing
tree requesting to be removed; indicates location, size and species of replacement
trees on the lot; and a table detailing, by species and DBH, the existing trees to be
saved.
b. If the construction of buildings or structures is involved, depicted the location of all building/structures, as well as existing and proposed grading of the site.

c. If grading is to be done without the construction of building/structures, provide existing and proposed grades.

d. A detail of how trees to be saved are to be preserved from removal or the impacts of tree clearing or land grading work.

8.02.04 Timing of Tree Removal Permit

1. A Tree Removal Permit shall be submitted for review prior to the commencement of tree clearing or removal.

2. The city shall have 14 days to review a Tree Removal Permit and approve it, approve it with conditions, deny it, or request additional information.

3. Tree recompense fees shall be paid at the time of permit issuance.

4. A Tree Removal Permit may be transferred from one property owner to another. The new property owner must confirm that nothing has changed from the original approval, and must abide by any existing conditions.

5. A Tree Removal Permit is valid for one (1) year, unless the permit is extended beyond this following approval of the City Commission.

8.02.05 Protection of Trees to be Preserved

When developing land, all trees to be preserved shall be surrounded by a barricade of at least 4 ½ feet (54 inches) which shall extend outward to the outer limit of the tree’s dripline. The barricade shall be made of wood, plastic, or similar materials, and shall be supported by wooden stakes driven into the ground to a depth which shall sustain the barricade in place during development activities. In the event that grading work is needed within the dripline of a protected tree during construction, grading shall not exceed three (3) inches. Any grading within the dripline shall utilize retaining walls or similar methods to protect the tree to be preserved from grading changes and/or root damage. The disposal of waste materials resulting from construction activity, including, but not limited to paint, oil, solvents, asphalt, concrete, wood, or mortar shall not be disposed of within the dripline of a protected tree.

When large groupings of protected trees located in close proximity are to be preserved, the protective measure may be changed to stakes fifty feet (50') on center, connected by string with bright color ribbons attached to the string.

8.02.06 Inspection

Prior to the issuance of a permit, the city shall conduct an on-site inspection to determine the accuracy of the depiction of trees to be removed and to ensure measures proposed to protect trees to be preserved are in place.

Tree Removal Permit Fees (permit, application and inspection fees) are set forth in the schedule of fees as adopted by Resolution set by the City Commission. No action shall be taken on an application until all applicable fees are paid.

Approval of paid recompense fee in lieu of tree replacement is determined by City Administrator or his/her designee. The applicant may be permitted to contribute recompense fee only if it is determined that there is no suitable way to balance the requested tree removal on site with required on-site replacement. Recompense fees may be used as outlined in 8.04.02.
8.03.00 Tree Replacement

All trees removed shall either be replaced or recompensed for as described below if the lot does not meet the requirements of 8.07.05 and 8.07.06. For each tree removed that is nineteen (19) inches or less DBH, one (1) replacement shade tree with a DBH of at least four (4) inches shall be provided. For each removed tree of more than nineteen (19) DBH, two (2) shade trees with a minimum of four (4) inches DBH shall be provided. Replacement trees shall be Florida Grade 1, and shall be maintained and warranted for survival for one (1) year. Trees which do not survive the one (1) year shall be replaced with similar trees, and must also be maintained/warranted for one (1) year from planting.

8.03.01 Off-Site Tree Replacement

Trees counting toward the required number of replacement trees that are not able to be planted on the subject property may be planted on other property(s) under ownership of the same person/entity as the subject property. The same maintenance/survivability standards of this article apply. The property owner, with city approval, may also plant required replacement trees on city property and/or right-of-way. A maintenance fee to recompense the city for these costs as established by the City Commission shall apply.

8.04.00 Tree Recompense

The difference between the number of trees required to replace destroyed or lost trees and the number of replacement trees planted on the property or mitigated elsewhere at the issuance of a Certificate of Occupancy. Recompense for the shortfall of replacement trees shall be calculated as follows, or as subsequently amended by the City Commission.

- As set by a Resolution of the City Commission, the set value per DBH of an oak tree multiplied by the number of DBH inches removed plus the current estimated fee of planting and maintenance for a replacement tree.

RECOMPENSE CALCULATION (CLICK HERE)

8.04.01 Conservation Easement

A Conservation Easement is the wooded lands or newly created wooded parkland afforested to one-hundred (100) DBH inches per acre that are perpetual in duration and accepted by the City shall receive a credit of $20,000 per acre, prorated, credited against recompense fees. There shall be no cash refund.

8.04.02 Tree Recompense Fund Established

There is hereby created a Tree Recompense Trust Fund established. All funding received for recompense of removed trees shall be administered by the City Administrator or his/her designee. Disbursements from the Tree Recompense Trust Fund shall be made only for the following purposes:

1. Purchasing trees for planting and any associated costs in accordance with the city's tree planting program;
2. Educational purposes as determined appropriate by the City Commission;
3. Protection of trees;
Fees for the Tree Recompense Fund shall be set by Resolution of the City Commission to reflect market conditions and may be modified from time to time. Fees are set forth in the schedule of fees as adopted by Resolution set by the City Commission. In establishing fees, the city shall consider the cost of material, labor, transportation, planting, watering, and mortality rate of replacement trees.

8.04.03 Illegal Recompense (known number and known diameter of trees)

1. A fine shall be imposed for the first violation of double the ordinary tree recompense fee. Subsequent violations may result in a fee of $400 per caliper inch, plus the established maintenance fee. After more than two (2) violations, the City Commission may consider revoking the right of the contractor to do work within the city limits.

2. The city may make either the property owner, the applicant, the contractor or any combination of these parties liable for the penalty for the illegal removal of a tree(s).

3. Any person who has illegally removed trees, or is liable for unpaid costs, fees, or fines, is subject to a Stop Work Order. This order shall prevent any further work under any permits previously approved for the site, until the violation is rectified.

8.05.00 Land Clearing Permit

The indiscriminate bulldozing or clearing of land within the City not done in connection with the improvement of said land shall be prohibited. The amount of land cleared shall be the minimum necessary to accomplish a permitted development or agricultural activity. Clear cutting a development site shall not be permitted. For phased development projects, clearing shall only be allowed for the phase approved and ready for development, and only for those areas outlined above. For subdivisions, land clearing shall be for infrastructure areas only. Individual lots within subdivisions shall be only cleared at the time of approval of a Building Permit. Where infrastructure cannot be constructed without the removal of trees within an individual lot, city permission shall be granted for the necessary tree removal on the lot on a tree by tree basis.

A land clearing permit is required for the removal of any underbrush other than that directly associated with a developed single-family home site or construction activities associated with a building permit already in effect, and land clearing necessary for surveying.

8.06.00 Appeal of Tree Preservation Decisions

Any person with a grievance as to a tree(s) being required to be preserved; the number of trees being required as replacement trees; tree recompense fees; or any other issues with the administration of tree preservation may request an appeal and/or interpretation by the City Commission as outlined in Article 15.

8.07.00 Landscaping Regulations:

8.07.01 Landscaping Regulations

It is the intent of the City of Lake Helen City Commission to promote the health, safety, and welfare for both current and future residents and visitors by establishing minimum standards for the installation and continued maintenance of landscaping within the City of Lake Helen, FL.

The importance of the installation and maintenance of landscaping:

1. Improves the aesthetic appearance of residential and commercial properties through the harmonizing of the built environment;

2. Improves environmental quality through the following scientifically-recognized benefits:
a. Improving air and water quality through such recognized processes as photosynthesis and mineral uptake;

b. Maintaining permeable land areas essential to surface water and riverine management, as well as aquifer recharge;

c. Reducing and reversing air, noise, and other pollutants through the biological filtering capacities of trees and flora;

d. Conserving energy through the creation of shade by reducing the heating of buildings and paved surfaces; and

e. Reducing the temperature of the microclimate though the process of evapotranspiration;

3. Maintains and increases the value of land, thus becoming a capital asset;

4. Provides direct and important physical and psychological benefits to humans through the reduction of noise and glare and the softening of the physiological impacts of urban development.

8.07.02 Relationship to Comprehensive Plan.

These regulations shall work towards implementing the goals, objectives, and policies of the Conservation element of the City of Lake Helen Comprehensive Plan.

City of Lake Helen Comprehensive Plan, Conservation Element.

1. Policy V1.2.10. Florida Friendly Landscaping. The City shall encourage the use and application of Florida-Friendly Landscaping and Florida-Friendly Yard practices to improve water quality and reduce the consumptive use of water. The City shall evaluate and adopt Florida-Friendly Landscaping regulations that, at a minimum, set standards for the use of native and drought tolerant species, removal of exotic plants, vegetative clearing and efficient irrigation to maximize conservation of water resources.

2. Policy V1.2.11. Restrict landscape irrigation. In order to conserve supplies of potable water, the City shall limit the use of potable water for landscape irrigation and require the use of Florida-Friendly Landscaping to the greatest extent practicable. High volume irrigation areas shall not exceed fifty percent (50%) of the landscaped area. Low or medium volume irrigation areas may be utilized in lieu of any high volume irrigated area.

3. Policy V1.2.12. Irrigation Rain Sensors or Soil Moisture Sensors. The City shall require irrigation rain sensors or soil moisture sensors with automatic cut-offs on all new irrigation systems in accordance with Florida Standard Building Code and Water Management District rules.

4. Policy V1.8.4. Native Plant Species. The City shall require the use of native plant species in the landscaping of new development projects and additions to existing projects and require the removal of exotic nuisance plants from the sites of new development.

5. Policy V1.8.5. Educational Materials. The City shall maintain and distribute a recommended native plant listing and other educational materials to increase public awareness of the need to utilize native plant species in the developed landscape and eliminate exotic nuisance plants from existing developed areas.

City of Lake Helen Comprehensive Plan, Conservation Element, Conserve Potable Water Supplies by:
• Promoting water reuse and reclamation, where appropriate, for landscape, farm irrigation, industrial use, and other appropriate applications;

• Encouraging the implementation of water revenue mechanisms that encourage the economical/conservational use of potable water supplies;

• The City shall require new development to use and/or preserve native or drought-tolerate vegetation for landscaping to the greatest extent feasible, and

• Distribute available educational materials that describe sources of water consumption and opportunities for conservation to the general public.

8.07.03 Landscaping Regulations Applicability

These landscaping regulations shall apply to any development or, in the case of non-residential development, to the intensification of building, site size, or land usage. The following shall be exempt from these landscaping regulations:

1. Commercial nurseries, as defined herein;

2. A bona-fide agricultural use, as defined by Florida Statutes.

8.07.04 Suspension of Landscaping Regulations

1. The installation of landscaping required for new development, redevelopment, or intensification of a use may be temporarily suspended by the City Commission:

   (a) after a freeze, when landscape materials are not available or available in greatly reduced quantities;

   (b) during a drought, when the use of water for the installation and maintenance of landscaping is restricted so as to make the survivability of landscaping highly unlikely, or the drought conditions themselves make the survivability of landscape materials unlikely;

   (c) as part of a state of emergency for the City of Lake Helen as declared by the City Commission, Volusia County, State of Florida or United States Government.

2. Upon the lifting of the temporary suspension of landscaping regulations by the City Commission, the holder of the permit shall have one (1) month to plant the landscaping as would have required prior to the suspension. Failure to do so would result in enforcement actions being taken as outlined in this article.

8.07.05 Minimum Requirement for Residential Development

It is the intent of this section to provide minimum landscaping requirements for residential development. Existing plant materials, other than invasive species, may be counted toward meeting the landscaping requirements set forth in this section. Based on the number/DBH of trees removed at construction, the requirements below may be required to be exceeded. The maximum of the below required minimum or the required number of replacement trees shall prevail.

1. Single-family and Two-family Residential Development

   New Single-family and two-family development shall submit a Landscape Plan (8.07.07) which includes, at a minimum:

   a. One (1) shade tree for every 2,000 square feet of lot area or fraction thereof.
b. At least two (2) trees shall be located in the front yard, unless this requirement is waived by the City Administrator or his/her designee due to front yard design constraints.

c. A minimum of three (3) shrubs shall be planted or preserved for every 2,500 square feet of lot area, excluding areas of landscaping required to be preserved by law.

d. The entire site, outside of the planting areas immediately surrounding the trees and shrubs, shall contain grass, ground cover, or other impervious materials such as stones, mulch, leaves, or other materials commonly accepted in xeriscaping principles.

e. For single-family homes being built on a lot or combination of lots three (3) acres or greater in size, trees shall be kept back a minimum of 30 feet from any residential structure in order to reduce the chance of the home being harmed from a wildfire.

2. Multi-family Residential Development

New Multi-family residential development sites shall submit a Landscape Plan (8.07.07) which includes, at a minimum:

a. One (1) tree for every 2,000 square feet of planting area or fraction thereof;

b. At least fifty percent (50%) of the trees shall be shade trees; and

c. A minimum of three (3) shrubs shall be planted for every 2,500 square feet of lot area where the land for units is platted as lots. For multi-family developments not involving platted lots, ten (10) shrubs shall be planted or preserved per acre of the cumulative development site, excluding areas of vegetation required to be preserved by law.

d. There shall be a planting area not less than ten (10) feet in width between an abutting right-of-way and parking areas. This landscaped area shall meet or exceed the requirements for the landscaping of the perimeter of parking areas in (8.07.17) of this article (8.07.11 and 8.07.12).

e. All other permeable areas outside of the planting areas immediately surrounding the trees and shrubs shall contain grass or ground cover.

8.07.06 Minimum Requirements for Non-Residential and Mixed Use Development

1. Minimum Landscaped Area

At least twenty percent (20%) of the total gross land area of a development site shall remain pervious. Ten percent (10%) of the total land area of a development site shall be landscaped with trees, plants, and shrubs. New construction and landscaped areas shall be located on the site in such manner as to maximize preservation of existing trees with priority given to specimen trees. Planting areas which fulfill landscape design strategies located within public rights-of-way shall count towards the minimum planting area, if installed and paid for by the developer or property owner.

2. Minimum Tree Planting in addition to the requirements in this Article.

New Nonresidential development shall submit a Landscape Plan (8.07.07) which includes, at a minimum:

a. One (1) shade tree for each 1,500 square feet of gross site area, or fraction thereof.

b. At least fifty percent (50%) of the trees shall be shade trees; and
c. Shrubs shall be planted at a ratio meeting or exceeding five (5) shrubs per every 2,500 square feet of building site.

d. There shall be a planting area not less than ten (10) feet in width between an abutting right-of-way and parking areas. This landscaped area shall meet or exceed the requirements for the landscaping of the perimeter of parking areas in (8.07.17) of this article (8.07.11 and 8.07.12).

e. The required landscaping islands within parking lots required under Article 8.07.08. Where sidewalks providing pedestrian access from roads not included within the development site to the project building(s) are required by the city for project approval or are voluntarily provided by the developer, the area within three (3) feet on either side of the sidewalk shall be landscaped. Where possible, this landscaping shall include shade trees.

8.07.07 Landscaping Plans

A landscaping plan shall be provided to demonstrate compliance with the standards of this Article and prepared in accordance with all applicable Florida Statutes. Landscaping plans shall utilize the principles for creating a Florida Friendly landscape; utilize native drought tolerant plant materials to conserve water; avoid invasive exotic species; reduce need for fertilizers; and establish integrated pest management to reduce or eliminate pesticide use. The use of plant material, site design techniques, and planting design techniques which enhance wildlife habitat benefits is strongly encouraged.

A landscape plan is like a floor plan for the property. Like a floor plan, a landscape design creates a visual representation of a site using scaled dimensions. Landscape plans include natural elements like flowers, trees, shrubs, and grass as well as man-made elements such as fences, walls, fountains, buildings, and accessory structures.

The landscape plan shall include the following elements:

1. The species, variety, quality and size of trees and plant material existing and proposed throughout the site. Existing vegetation shall be retained wherever possible and accurately shown on the landscaping plan.
   a. Landscape areas shall have a minimum of two (2) living plant/shrub materials other than trees. The total of all landscape areas on a site shall include a minimum of three (3) living plant/shrub materials other than trees.
   b. Tree Plantings shall consist of a minimum of seventy-five percent (75%) indigenous vegetation species.
   c. Landscaping shall demonstrate compliance with water wise landscaping principles.

2. An irrigation plan, including water outlet locations.
   a. Landscaped areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition. All irrigation systems shall be designed, installed, and maintained in such a manner as not to be a nuisance to adjacent properties and uses and to the general public. Irrigation systems shall include moisture sensors.
   b. Irrigation systems shall be designed to “Standards and Specifications for Turf and Landscape Irrigation Systems”, Florida Irrigation Society, Inc. and as subsequently amended.
c. Xeriscape areas must have a readily available water supply to provide temporary irrigation until plantings are established or for extremely dry prolonged drought conditions.

d. Natural areas and native vegetation left undisturbed by development may be excluded from the irrigation system.

e. A note shall be included on the irrigation plan that the property owner shall be responsible for adjusting the timing and use of the irrigation system in conjunction with any watering restrictions imposed by the St. Johns River Water Management District (SJRWMD).

3. Location of all existing or proposed structures, improvements and site uses, including the location of parking lot drive aisles and parking spaces.

4. The layout of the irrigation system and details of its design.

5. The topography of the site, including existing and post-construction elevation.

6. The scale of the drawing.

7. The name, address, and telephone number of the applicant, as well as the registered landscape architect.

8. For Non-Residential Sites:

   a. Shall include a plan showing the location, size, description, and specifications of landscaping, grade of plantings, mulch specifications, landscape area protection structures (e.g., curbs and planters), number of interior parking spaces, perimeter and interior landscape area plantings, existing trees and planting areas.

   b. Shall account for plant watering needs and group plants into “hydrozones.” Hydrozones and their corresponding irrigation category shall be identified on the landscape plan.

   c. Landscape Plans for non-residential and all projects larger than five (5) acres shall be prepared by a landscape architect. Landscape plans for residential projects may be prepared by any qualified person.

Trees identified as invasive exotic plants as listed within F.S. § 369.251, shall not be planted or utilized. Where nuisance species are present in numbers, up to thirty percent (30%) reduction in required replacement number may be obtained by eliminating the problem species from the site. Such a request shall be made in writing at the time of landscape plan submittal.

   a. As determined by the City Administrator or his/her designee and in lieu of site tree replacement, the applicant may be permitted to contribute cash to an arbor fund in an amount equal to the value in dollars of the replacement trees, including planting and maintenance, as prepared by a licensed arborist. The cash contribution to the arbor fund option shall only be available after the City Administrator or his/her designee has determined that it is not possible to plant or retain the required number of trees on site following removal of existing trees necessitated by construction.

8.07.08 General landscape requirements and material standards

1. Plant materials
a. Trees, Shrubs, and groundcovers shall be selected by using the Florida-friendly Plant Database.

b. Plants identified as “prohibited” or “noxious weeds” species on the most recent Florida Exotic Pest Plant Council Invasive Plant list shall be removed as part of the site development process. Plants identified as “invasive” may be retained on a development site, but shall not count toward meeting landscaping and buffering requirements.

2. Minimum specifications for plant materials

a. All plants used as part of any landscape plan shall be healthy, well proportioned, disease-free, pest-free, and hardy. All plant materials shall be a minimum of Florida Number One as defined in Grades and Standards Revised, Part II as published by the Florida Department of Agriculture and Consumer Services.

b. Shrubs shall be at least thirty-six (36) inches in height and have a minimum spread of at least fifteen (15) inches at the time of installation. For landscaping buffers abutting road right-of-ways, the required height of shrubs shall be measured from the height of the highest point of the adjoining road right-of-way. Shrubs shall be installed at least thirty-six (36) inches on center and may not be placed closer than three feet from the edge of any impervious area.

Example:

c. Hedges shall be planted to create a continuous, unbroken, solid visual screen within one (1) year of planting allowing for full mature height and spread.

d. All landscaped areas shall be sodded, covered with ground cover, or other materials permitted under 8.07.05 and 8.07.06. Grassed areas lacking trees, shrubs, or plants shall be consolidated and limited to those areas on the site which receive pedestrian traffic, provide for recreational use, provide cover for required drain fields or retention areas, or provide soil erosion control such as on slopes or in swales; and where grass is used as a design unifier or other similar practical use.

e. Ground cover used in lieu of grass shall be planted so as to present a finished appearance and reasonably complete coverage within three (3) months of installation.

f. Vines shall be a minimum of thirty (30) inches in height at planting and may be used in conjunction with fences, screens, or walls.
g. Natural mulch shall be designed and installed in all planting areas to a depth of three (3) inches. The type of mulch shall be specified on the landscape plan. Mulches are typically wood bark chips, wood grindings, pine straw, nut shells, small gravel, and shredded landscape clippings. Mulch rings should extend to at least three (3) feet around freestanding trees and shrubs. All mulch should be renewed biannually.

h. Retention of native and drought tolerant species is preferred. At least fifty percent (50%) of the required plants installed in landscaped buffers, landscaped parking areas, and for replacement shall be native species.

i. At least fifty percent (50%) of the required trees installed in landscaped buffers other than landscaped parking areas, and to meet tree planting requirements shall be shade trees. Parking islands within parking areas shall contain at least one (1) shade tree. Existing trees, other than invasive or prohibited species, which are five (5) inches DBH or larger, and shrubs may be counted toward meeting the requirements for landscaped buffers, landscaped parking areas, and tree retention. Existing trees preserved and counted towards the requirements for landscape islands within parking lots shall contain at least one (1) shade tree.

j. Trees shall be a minimum of two and a half (2.5) inches DBH and no less than eight (8) feet tall at the time of installation. Trees shall not be planted closer than three (3) feet from the edge of any impervious area. Planted trees must be a species with an average mature spread of at least twenty (20) feet, or they must be grouped so as to create a crown spread of at least twenty (20) feet. All trees shall be a Florida Grading Standards, Grade #1 or better.

Example:

k. When more than three (3) trees are required to be planted, a mixture of trees as follows shall be provided: from four (4) to eight (8) trees, two (2) species provided; from nine (9) to thirty (30) trees required, three (3) tree species provided; from thirty-one (31) to sixty (60) trees required, 4 species provided; and for over sixty-one (61) trees required, five (5) species provided.

l. Shade trees shall not be installed under any overhead utility line, over any buried utilities, or within a utility easement.
m. Where underground utilities conflict with proposed plantings, tree placement shall be a minimum of ten feet from the underground utility and a root barrier of two (2) feet deep shall be installed.

3. Installation

a. All required landscaping installed pursuant to this section shall be installed according to accepted horticultural practice.

b. Trees may not need to be staked if appropriate canopy to root ratio is achieved. However, trees shall be guyed, braced, and/or staked at the time of planting to ensure establishment of the tree and erect growth, as specified by the landscape designer or architect and compliant with the ISA staking and guying guidelines. Nail staking or other methods that cause cosmetic or biological damage to the tree are prohibited. Trees shall be re-staked within twenty-four (24) hours in the event of a failure in the staking or guying. Stakes shall be removed not later than twelve (12) months after installation. All areas where trees are to be planted shall be excavated to the width and depth of the root ball with the upper twelve (12) inches excavated to at least three (3) times the width of the root ball prior to being backfilled with the required topsoil mix.

c. Shade trees shall be provided with at least two hundred and fifty (250) square feet of planting area per tree.

d. Understory trees shall be provided with at least one hundred (100) square feet of planting area.

e. Landscaped areas shall be protected from vehicular encroachment by car stops, curbs, or other appropriate means.

f. Trees shall be installed a minimum of three (3) feet from a paved area. A root barrier shall be required prior to installation of replacement trees.

g. Landscaped areas shall be provided with an irrigation system of sufficient capacity to maintain the landscaping in a healthy growing condition. All irrigation systems shall be designed, installed, and maintained in such a manner as not to be a nuisance to adjacent properties and uses and to the general public. Irrigation systems shall include moisture sensors.

h. Xeriscape areas must have a readily available water supply to provide temporary irrigation until plantings are established or for use during prolonged periods of drought.

i. Natural areas and native vegetation left undisturbed by development may be excluded from the irrigation system.

8.07.09 Berms Standards within Required Landscape Buffers

1. All berms shall be a minimum of two (2) feet and a maximum of eight (8) feet in height.

2. No portion of any berm shall be within an easement or right-of-way.

3. Berms shall not be permitted between roadways and fire hydrants, or in any other place where they may prevent fire department access.

4. Berms shall not impede water flow to stormwater runoff facilities, nor shall they cause adverse drainage or flooding problems on adjoining properties.
5. The berm shall maintain side slopes of not less than four feet (4') horizontally for each one (1) foot vertically.

6. Berms shall not impede sight within the visibility triangle at the intersection of road right-of-ways with other roads or driveways.

7. Sod or similar ground cover shall be used to completely cover the berm so as to prevent erosion.

8. The only structures permitted on berms shall be wall and fences.

9. Berms to be built outside of the site plan or subdivision review process shall require a Building Permit.

8.07.10 General Landscaping Maintenance Requirements

1. All plantings shall be continually maintained in an attractive and healthy condition. Maintenance shall include, but not be limited to, watering, tilling, fertilizing and spraying, mowing, weeding, removal of litter and dead plant material, and necessary pruning and trimming.

2. Required plants that become diseased or die shall be replaced no later than three (3) months following the loss of the plant.

3. Replacement trees shall be maintained and warranted to survive for a period of one (1) year from installation. Trees which do not survive one (1) year must be replaced with new trees of the same size. New replacement trees shall comply with the same maintenance and replacement warranty as the original replacement tree(s), and the warranty period will restart at the date of planting.

4. All trees may be pruned to maintain shape and promote their shade-giving qualities and to remove diseased or dying portions in areas where falling limbs could be a hazard. The property owner is responsible for the maintenance of all required landscaping in a healthy, thriving condition. Trees shall be pruned only as necessary to promote healthy growth or to avoid power lines. Trees shall not be severely pruned or "hattracked," "lionstailed," or "topped" in order to permanently maintain growth at a reduced height. Pruning shall comply with current International Society of Arboriculture (ISA) standards. No more than 20% of the crown shall be removed within a one (1)-year period.

5. No attachment, wires (other than properly installed supportive wires), signs, or permits shall be nailed or otherwise fastened to any tree, and no equipment, materials or debris shall be placed within the protective barrier.

6. Fertilizers: It shall be the goal of each landscape plan to select plant materials capable of thriving without regular fertilizer application, with exception of palms which need quarterly fertilizer to avoid nutrient deficiencies.

7. Pesticides: It shall be the goal of each landscape plan to establish an Integrated Pest Management approach and reduce or eliminate the need for pesticide application.

8.07.11 Required landscaping in off-street parking areas

Landscaping is required in off-street parking areas to promote safe and efficient use of the facilities, conserve energy through the cooling effect of trees and vegetation and provide buffers between vehicular use areas so that potential negative impacts do not adversely affect activity in another area. Landscaping also aids in parking circulation by better directing access to proper
ingress and egress points, as well as the internal movement of vehicles and pedestrians to desired areas.

All off-street parking areas, except those which serve single-family and duplex structures, shall meet the following landscape requirements, along with all of the general landscape requirements outlined in this article. It is the intent of this section to promote vehicular and pedestrian safety; limit physical site access to established points of ingress and egress; delineate and buffer the bounds of abutting vehicular use areas so that distractions of movement, noise and glare from one area do not adversely affect the activity in another area; break up large expanses of pavement; and to reduce heat island effect within the vehicular use areas of a site.

All off-street parking lots with ten (10) or more required parking spaces and vehicular use areas (access driveways, service drives, and loading areas) are required to include landscaping. Required parking lot landscaping shall be in addition to requirements for protection of existing trees, except where preserved trees are part of required landscaping buffers.

1. A permit shall be required for development or redevelopment of any off-street parking area to serve an existing use, when it is not part of the original development or redevelopment building permit.

2. Parking areas that abut a public right-of-way shall include a minimum ten-foot wide landscaped buffer on the perimeter of the parking area that abuts any private or public street.

3. A minimum of one (1) landscaped island shall be provided for every ten (10) parking spaces. Each island shall contain a minimum of one shade (1) tree. Landscaped islands shall be a minimum of fifty (50) square feet in area.

4. Where a sidewalk is not provided, a minimum of five feet (5') of landscaping, consisting primarily of shrubbery, shall be provided along the front of any building which abuts a parking area.

5. Landscape areas shall have a minimum of two (2) living plant materials other than trees. The total of all landscape areas on a site shall include a minimum of three (3) living plant materials other than trees.

6. Interior planting areas shall be located to effectively accommodate stormwater runoff, as well as to provide shade in large expanses of paved areas. Use of swales, vegetated filter strips, and bioretention areas (rain gardens) shall be incorporated into the overall stormwater plan, grading plan, and landscape strategy for the entire parking area. Plant species should be selected based on their ability to tolerate urban stresses such as expected pollutant loadings, highly variable soil moisture conditions, ponding water fluctuations, and Soil pH and texture.

7. All right-of-way areas as well as any existing landscaping disturbed by construction shall be restored in a manner approved by the City.

8. If stabilized grass parking is utilized, the parking spaces shall be delineated with parking stops.

9. Landscape buffers shall be provided between the parking area and any residentially zoned properties which abut the parking area.

10. All landscaped areas serving the parking area shall be protected from encroachment by a barrier such as curbs, wheel stops, or similar devices.
a) Curbs shall be designed to allow percolation of water to the root systems of the plants. Where existing trees are preserved, tree wells, tree islands, or a continuous curb shall be installed to protect the trunk and root system from damage. A drainage system shall be provided within the area defined by the drip line of the tree(s).

b) Vehicle stops or other design features shall be used to prevent parked vehicles from overhanging more than two (2) feet into any landscape area.

11. All parking spaces adjacent to any structures shall be separated from that structure by a minimum five-foot wide landscape buffer. The landscape buffer may contain walkways, but in no instance shall the landscaped area within the buffer be less than fifty percent (50%) of the total buffer area.

In order to allow for flexibility and creativity in design standards, hedges may be replaced or interrupted in areas which provide for a decorative wall and berms and other creative landscape features, and landscape materials may be clustered so long as the parking area remains screened from the public right-of-way and adjacent private property.

8.07.12 Required Perimeter Landscaping in off-street parking areas

A landscaped area not less than ten (10) feet in width, exclusive of impervious area, using vertical layering of landscape materials shall be located around the perimeter of the parking lot in order to provide visual screening from the right-of-way or adjoining properties. Perimeter landscape area requirements shall not apply to shared vehicular access areas or to the portion of the perimeter areas where physical interconnections exist. When perimeter landscape areas are required on adjacent properties, the owners of such adjacent properties may agree to the installation of only one such landscape area on the adjacent boundary, as long as such agreement is binding on both property owners and their successors in the interest and is approved as part of the site plan review process.

A. An access, not exceeding four feet (4’) in width, may be provided through the buffer to an adjacent sidewalk, public street, or sidewalk.

B. Trees within the perimeter landscaped area shall be determined using a ratio of one (1) tree for each twenty (20) linear feet of required landscape perimeter area, or major portion thereof, with no less than fifty percent (50%) of said trees being shade trees. Creative design and spacing is encouraged. Where creative design or spacing is utilized, other features such as fencing, walls, berms, or similar structures may be required to fill visual gaps and meet opacity standards.

C. A visual screen is required within perimeter landscape areas, running the entire length of such areas excluding areas of ingress and egress. The visual screen may be provided using:
   a. Shrubs or Ornamental Grasses. Shrubs or Ornamental Grasses shall be spaced a minimum of three feet to a maximum of six feet on center dependent on the inherent growth of the species. Creative design and spacing is encouraged.
   b. Contoured berms or embankments. Contoured berms or embankments shall be a minimum of twenty-four (24) inches in height, measured from the adjacent parking surface level, at the time of planting and landscaped appropriately.
   c. Plant material must be non-deciduous for full year round screening.
   d. Where the adjacent right-of-way meets an on-site road right-of-way or driveway, an area bounded by the first thirty (30) feet along each right-of-way line or
driveway, projected where rounded and a diagonal line extending across the property and connecting the ends of such thirty (30) foot lines shall be provided, where visual obstructions from trees, plants, shrubs, and other landscaping materials of between three (3) and six (6) feet in height shall be prohibited.

e. Perimeter landscaping for parking lots along road right-of-ways shall provide opacity of seventy percent (70%).

**8.07.13 Sign Landscaping**

All monument (ground) signs shall have shrubbery or flowers planted around the perimeter of the sign. Signs shall be located so as to provide both adequate visibility from the public rights-of-way utilizing visibility triangles and to preserve protected trees.

If a freestanding sign cannot be shifted to allow the required room for perimeter plantings between the sign and the parking area without obscuring visibility to the sign, then the City shall allow a five (5) foot radius from the base of the freestanding sign in which lower accent plantings are allowed in lieu of perimeter plantings.

**8.07.14 Mechanical Equipment Screening Plantings**

Structures such as dumpster enclosures, mechanical equipment, backflow preventers, wells, pumps, tanks, buffer walls, HVAC units, transformers, lift stations, utility cabinets, electrical panels, or cable television equipment shall be wholly enclosed within either a natural or manmade enclosure on three (3) sides, with an opaque gate on the access side, so as not to interfere with the ability to access said equipment and/or empty the dumpster. Said access gate shall remain closed when not in use. Screening shall, at a minimum, be at the same height as the equipment to be screened. Structural screening shall be architecturally integrated into the overall project design and shall be compatible, in terms of style, exterior construction materials, colors, and finish with the principle and accessory building(s). Landscaping may be substituted for structural screening if plantings are compatible with the landscape plan for the project and are of such size and maturity as to be able to provide a fully opaque screen at time of planting.

All commercial trash dumpsters shall have lids which shall remain closed at all times, except when being filled or dumped.

If natural plantings are substituted for structural screening plantings shall be compatible with the landscape plan for the project and be of such size and maturity as to be able to provide a fully opaque screen at time of planting.

All fencing or landscaping shall be between a minimum of six (6) feet high and a maximum height below the highest fence height allowed to provide complete screening of the area. All screen fencing and landscaping shall conform to all other applicable provisions of Article 4.

**8.07.15 Perimeter Buffer Requirements**

The use of properly landscaped and maintained perimeter buffer areas can reduce the potential incompatibility of adjacent land uses, maintain open space, protect established residential neighborhoods, and enhance community identity. In order to minimize negative effects between adjacent zoning districts, this section sets forth the minimum specifications when a landscaped perimeter buffer area is to be provided as set forth in Article 2. The separation of land uses and the provision of landscaping along public rights-of-way through a buffer are designed to minimize potential nuisances, and to enhance community beautification, while allowing proper vehicular visibility.
8.07.16 Development Standards

The types of development listed below shall provide a landscaped buffer between uses; submit a tree survey prepared by a licensed Florida surveyor or a tree inventory prepared by a certified arborist with an application for site plan approval; obtain a tree permit prior to receipt of a building permit, and submit a landscape plan with any application for a development order for the situations listed below. The required landscape plan shall demonstrate compliance with the standards of 08.07.07.

1. All new non-residential construction;
2. All development of regional impact;
3. All commercial redevelopment which results in an increased building footprint, reconfiguration of existing parking, parking lot expansions, or development of outparcels within an existing shopping center.
4. Any non-residential site with non-conforming landscaping which has ceased business for greater than six (6) months and wishes to recommence the non-residential use shall submit a landscaping plan showing conformance with the current landscaping regulations.

8.07.17 Minimum Landscape Required within Buffers

Minimum Landscape Required within Buffers per 100 Linear Feet of Property Line:

1. Two (2) shade trees
2. Four (4) understory trees
3. A solid masonry wall at least four feet (4’) high or a continuous unbroken hedge, planted in a double-staggered row to form a solid visual screen within one (1) year of planting, planted on the outside of the wall facing the adjoining property.

Buffer plantings are required to create vertical layers of plant material in repeating patterns. The examples provided describe vertical layering of plants in the landscape through staggered heights, with low plants in the front interconnecting plant massing layers with taller plants in the back.

Examples:
A fence or wall included in a buffer screen shall be constructed with the side of the fence or wall with the finished appearance facing the adjoining property(s) or rights-of-way. If a fence or wall is utilized, the landscaping must be placed between the wall and the adjacent property being buffered. The landscaping adjoining the wall shall be automatically irrigated to not become an unnoticed nuisance to the neighboring property.

An opening through a buffer area may be provided to facilitate pedestrian or vehicular traffic between developments.

At the intersection of off-site road(s) with on-site road(s) or driveway(s), perimeter buffers shall meet visibility triangle requirements (see illustration under Definitions).

Perimeter buffers along adjoining properties shall provide opacity of at least 70%.

**Permitted use of buffer area:**

a. A buffer may be used for passive recreation and picnic facilities. It may contain pedestrian paths or bike trails, provided that the path or trail is not paved. These paths may cross a required continuous hedge provided that openings to allow such crossing points shall be a maximum of six (6) feet in width and shall be spaced not less than 100 feet apart.

b. Ingress and egress to the proposed development and utilities may cross the buffer provided they minimize the amount of buffer devoted to this use. Ingress and egress shall not be subtracted from the linear dimensions used to determine the minimum amount of landscaping required.

c. The buffer area may be included as part of the calculation of any required open space or as part of the required front, side, or rear yard.

d. Identification signs as specifically allowable pursuant to Article 4

e. Street, security, or similar accent lighting may be incorporated in to the buffer area, provided that measures are taken to shield light so as not to exceed city luminosity standards or otherwise negatively impact the adjoining property(s).

**Prohibited use of buffer area:**

a. A buffer area shall not be used for any building, parking, storage, or loading area.
8.08.00 Historic And Specimen Trees

A historic tree is any live oak (Quercus virginiana) or bald cypress (Taxodium distichum) with a thirty-six (36) inch or greater DBH or other tree which is determined by the City, through a public hearing and with due notice to the property owner, to be of such unique and intrinsic value to the general public because of its size, age, historic association or ecological value as to justify this classification. The following species of trees with the minimum specified DBH are determined to be specimen trees:

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
<th>DBH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Turkey Oak</td>
<td>Quercus leave</td>
<td>12 inches</td>
</tr>
<tr>
<td>Live oaks</td>
<td>Quercus virginiana</td>
<td>18 inches</td>
</tr>
<tr>
<td>Longleaf Pine</td>
<td>Pinus palustris</td>
<td>12 inches</td>
</tr>
<tr>
<td>Maple</td>
<td>Acer spp.</td>
<td>18 inches</td>
</tr>
<tr>
<td>Sweet gum</td>
<td>Liquidambar styraciflua</td>
<td>18 inches</td>
</tr>
<tr>
<td>Hickory</td>
<td>Carya spp.</td>
<td>18 inches</td>
</tr>
<tr>
<td>Elm</td>
<td>Ulmus spp.</td>
<td>18 inches</td>
</tr>
<tr>
<td>Cedar Tree</td>
<td>Cedrus</td>
<td>18 inches</td>
</tr>
<tr>
<td>Loblolly Bay</td>
<td>Gordonia lasianthus</td>
<td>12 inches</td>
</tr>
<tr>
<td>Sweet Bay</td>
<td>Magnolia virginiana</td>
<td>12 inches</td>
</tr>
<tr>
<td>Red Bay</td>
<td>Persea borbonia</td>
<td>12 inches</td>
</tr>
<tr>
<td>Swamp Bay</td>
<td>Persea palustris</td>
<td>12 inches</td>
</tr>
<tr>
<td>Sycamore</td>
<td>Platanus occidentalis</td>
<td>18 inches</td>
</tr>
<tr>
<td>Magnolia</td>
<td>Magnolia grandiflora</td>
<td>12 inches</td>
</tr>
</tbody>
</table>

A. No historic or specimen tree shall be removed without a finding by the appropriate city official that such removal is justified. Justification shall be documented by an arborist, and shall include evidence that the tree is a hazard or that not removing the tree so significantly interferes with the ability of the owner to develop the property, it is unreasonable.

8.08.01 Preservation of Historic or Specimen Trees As Grounds for Variance from Other Requirements of This Code

The preservation of any historic or specimen tree may be considered as a factor in rendering a decision upon an application for a variance from the literal application of other requirements of this Code.

8.09.00 Street Trees

1. No development shall be approved without reserving an easement authorizing the City to plant trees within five feet (5') of the required right-of-way boundary.
2. No street shall be accepted for dedication until such an easement is granted.
3. One street tree shall be required for every 40 linear feet of street frontage. All street trees are to be placed in a location in accordance with the requirement of the City Administrator or his/her designee in order to accommodate location of utilities.
4. Street trees shall be high quality shade trees and shall be planted in tree lawns with a minimum width of eight (8) feet, or within tree wells with minimum four-foot by four-foot surface openings.

5. Tree wells may be enclosed with pavers or other hardscape materials above the required rootzone volume. The landscape architect shall present a recommendation regarding the need for the installation of an aeration system necessary to conduit water and oxygen to the roots of trees within tree wells.

6. Where possible, street trees shall be planted between the street and the public sidewalk. Street trees may be planted between the sidewalk and adjacent buildings only where the location of existing or proposed utility lines along the street, or the clear zone requirements of the public works department or other maintaining agency, prevent the location of trees between the street and sidewalk. Where street trees are approved to be planted between the sidewalk and adjacent buildings, the trees may be located as close as five feet (5’) away from building face.

7. The City Administrator or his/her designee, may require the adjustment of the prescribed build-to line in order to accommodate the required street trees and ensure that the trees will meet separation requirements from utility lines, buildings, and paved areas.

8. Consideration shall be given to the selection of trees, plants and planting site to avoid serious problems such as cracked sidewalks and power service interruptions.

### 8.10.00 Special Provisions for Protection of Canopy Roads

The City Commission may determine that certain trees providing a canopy over or a line along roadways within the city merit special protection. This is due to the historic, aesthetic, and environmental impacts large shade trees forming canopies over roadways can provide. It is the purpose of this section to describe the procedures for designating roadway sections and the additional protection afforded to these trees.

1. **Designation of Roadways**

Roads shall be nominated as tree-lined and canopy road protection areas by recommendation of the Planning & Land Development Regulation Commission (PLDRC) or any resident of the city. Designation shall be through a public hearing held by the City Commission on the recommendation of the Planning and Land Development Regulation Commission (PLDRC).

2. **Allowable Uses**

The uses permitted within the canopy road zone shall be all uses otherwise allowed in the underlying zoning district.

3. **Development Standards**

The following standards shall apply to development within the canopy tree zone:

   A. All structures, excluding fences, shall be set back a minimum of twenty-five feet (25’) from the centerline of the roadway.

   B. Any structure over forty (40) feet in height shall be set back an additional one (1) foot in height for each foot above forty (40) feet.

   C. No clearing or trimming; flush cutting, or similar damaging practices, or removal of trees shall occur within the canopy road zone unless approved by the city as the only viable option for the preservation of the health, safety, or welfare of the public. Pruning of
trees may be performed within the tree canopy zone following approval of the City Administrator or his/her designee.

D. Where trees are removed, replacement trees shall be provided within the tree canopy zone of another portion of the same designated tree canopy road on a tree per tree basis. Where feasible, replacement trees shall be larger than the minimum size of tree permitted.

E. Where fences or work on existing fences are proposed, city approval shall be required to ensure that tree root systems within the canopy road zone are protected.

F. Where feasible, particularly for commercial development, cross access easements shall be utilized to limit the number of curb cuts along the canopy road.

G. When proposed development has access to another roadway, site access shall be from this roadway, unless determined by the city that the canopy road is the only viable access to the site.

H. There are no restrictions on the removal of trees within the road canopy zone which are considered to be noxious, including, but not limited to, Australian pines, Brazilian peppers, and the caipiru.

8.11.00 Establishment of Tree Protection and Maintenance Responsibilities

It shall be the responsibility of the City Administrator or his/her designee, to ensure that the tree resource protection standards established in Article 8 of the City of Lake Helen Code of Ordinances are administered and enforced. It shall be the responsibility of the City Administrator or his/her designee, as the City's Tree Protection Department, to prepare, annually update and implement a work plan for the care, preservation, pruning, planting, removal and replacement of trees within City rights-of-way and on City properties. It shall be the responsibility of the Planning and Land Development Regulation Commission and/or City Commission to ensure that the tree resource protection standards established in Article 8 of the Code of Ordinances are complied with through application of said Code provisions in the development review process.

8.12.00 Grading, Filling, and Excavating Permits

No person shall change, through modifying the grade, filling or excavating any land within the corporate limits of the City without having first obtained a permit from the City for such activity. Authorization for such work may be obtained through the issuance of a building permit for improvements on the property or through the issuance of a grading, filling, and excavating permit.

8.12.01 Burying of Material

The burying of rubbish, logs, lumber, building materials, underbrush, trash or other matter which would decompose or allow the land to settle is considered to be a change of the grade of land. No authorization or permit shall be issued for these activities except as authorized by these regulations.

8.12.02 Grading, Filling, and Excavating Standards and Procedures

Any person having secured a grading, filling, or excavation permit shall comply with the following procedures.

1. All development activity and non-residential development intensifying the site’s usage shall be in strict conformity with the requirements of these regulations and any special conditions of the permit.
2. No authorization for a change of grade shall be issued when it is determined that such change will result in a hole or depression which will create a health or safety hazard through pooling of water, or will undermine and/or cause flooding property of others situated adjacent to the land involved.

3. No person shall change any grade to any greater extent than is allowed by the authorization or permit granted for such change.

4. Any authorized bulldozing, clearing or fill of lands which would loosen sand or topsoil and permit it to blow upon the land and premises of other residents of the City is hereby declared to be a nuisance. Such lands shall therefore, within thirty (30) days after completion of such bulldozing, be seeded or planted with shrubbery to minimize the tendency of the sand or topsoil to blow. During the bulldozing process and until the seeding and/or planting, turbidity screening shall be utilized to prevent sand, topsoil, or other debris from blowing onto adjoining properties, right-of-way, or bodies of water.

5. No less than twenty-four (24) hours prior to beginning the clearing operation, the permittee shall notify the City of the precise time at which any permitted operation will begin.

6. In addition to a city permit, the applicant shall obtain any federal or state permitting required from any environmental or other regulatory agency.

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**8.13.00 Variances from Landscaping Provisions**

The City Commission may grant variances as outlined in Article 13. Landscaping standards and provisions may be modified through the Planned Development process.

**8.14.00 Enforcement**

Enforcement of violations of this article will be handled through the Code Enforcement Department, with assistance as needed by the Public Works Department as well as the City Administrator or his/her designee as outlined in Article 15.
Article 9. Easements, Utilities, Lighting, Water Conservation, Wells, Stormwater Management, Assessments

9.00.00 Easements, Utilities, Lighting, Water Conservation, Wells, Stormwater Management, Assessments

The purpose of this article is to safeguard the public health, safety, welfare and financial sustainability by securing and protecting easements, lighting, water conservation, wells as well as providing for utilities and stormwater management and providing for assessments.

9.01.00 Easements

Utility and other easements shall be provided as follows:

1. Easements centered on rear or side lot lines shall be provided and be at least fifteen (15) feet in width or as determined necessary by the City.

2. Prior to issuance of a development permit the city may request an easement for transportation and utility infrastructure. These easements shall be at least fifteen (15) feet in width or as determined necessary by the City.

3. Contingency easements centered on side lot lines of every lot shall be at least five feet (5') in width for the purpose of repair, extension or maintenance of public facilities and utilities by public agencies; and, may be shown on the plat by note.

4. As determined by the city to ensure retaining and continued operation of an easement which may be required shall be designated as "to remain unobstructed."

5. The city is empowered to prohibit structures in easements. Under certain circumstances the city may allow fences or other removable structures in easements, if requested, only after review and approval by the City Administrator or his/her designee.

9.02.00 Utilities

The purpose of this section is to provide improvement standards relative to utilities and applicable to all development activity within the City. All improvement required by this section shall be designed, installed and paid for by the developer.

9.02.01 General Provisions for All Utilities

9.02.02 Placement of Utilities Underground

All newly installed utility lines (i.e.: telephone, cable television, power) shall be placed underground with the exception of major transmission corridors.

9.02.03 Utility Easements

1. In any case in which a developer installs or causes to be installed water, electrical power, telephone or cable television facilities and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.
2. Storm drainage systems and water distribution systems shall be designed by an engineer, installed by the developer or subdivider and approved by the City prior to formal acceptance or ownership by the City.

9.03.00 Electricity

Every principal use and every lot within a subdivision must have available to it a source of electric power adequate to accommodate the reasonable needs of such use and lot within the subdivision. The City shall require connection to the designated Electric Franchise Service Provider.

9.04.00 Telephone and Cable Television Service

Every principal use and every lot within a subdivision must have available to it a telephone and cable television service adequate to accommodate the reasonable needs of such use and lot within the subdivision.

9.05.00 Outdoor Lighting and Road Glare

The purpose and intent of this section is as follows:

a. To protect against direct glare and excessive lighting;
b. To eliminate the increase of lighting levels on competing sites;
c. To provide safe roadways for motorists, cyclists and pedestrians;
d. To protect and improve the ability to view the night sky, and improve the quality of life;
e. To prevent light trespass in all areas which natural resources and residentially zoned property;
f. To promote efficient and cost effective lighting to conserve valuable natural resources;
g. To ensure that sufficient lighting can be provided where needed to promote safety and security;
h. To provide lighting guidelines; and,
i. Guide property owners/occupants on how to bring lighting into conformance.

9.05.01 Light Fixture Source Types Regulated

A. All of the following light fixture source types and wattages shall be subject to these regulations:

1. All metal halide, fluorescent, compact fluorescent lamp (CFL), LED lighting (light-emitting diodes), fiber optic and mercury vapor.
2. High pressure sodium: exceeding thirty-five (35) watts.
3. Low pressure sodium: exceeding eighteen (18) watts.
4. Incandescent and quartz-halogen: exceeding forty (40) watts.
5. Any new technology, or light fixture source types, not included in subsections 1—4 above, which is determined to be compatible with the listed light fixture source types, can be regulated as if listed, as determined by the City Administrator or his/her designee.
B. Filtering of source types. Mercury vapor, fluorescent, and metal halide lamps shall be installed in light fixtures enclosed by acrylic, translucent material, or glass which filters out ultraviolet light; quartz glass does not qualify.

9.05.02 Light Trespasses

A. All new and replacement exterior lighting shall utilize Dark Skies Lighting Standards.

B. All light fixtures, except street lighting, shall be located, designed, aimed, shielded, installed, and maintained to limit illumination only to the target on the lot where the fixture exists, and to minimize light trespass onto any adjacent, abutting or neighboring properties. Non-directional decorative lighting used on single family or duplex dwellings shall be exempt from this provision.

C. Directional light fixtures such as floodlights, wall pack lights, sconces, and spotlights shall be aimed so that the center of the beam is not more than sixty-two (62) degrees away from the ground. Directional luminaries shall be shielded as needed for minimizing misdirected light.

D. With the exception of lighting for flagpoles and accent lighting, all commercial lighting referenced to and focused upward from the ground is hereby prohibited. Existing commercial lighting facilities which are not consistent with this requirement are determined to be nonconforming facilities.

9.05.03 Glare Control

A. All lighting including, but not limited to, parking and building lighting, shall be focused, directed, and arranged so as to avoid producing glare and/or becoming a nuisance, a traffic or safety hazard.

B. Partial or full shielding may be required for any light source to eliminate glare.

C. Site lighting using spot or floodlight fixtures mounted on building walls, roofs, or poles shall be shielded, and angled downward, so that the light shines at a maximum of minus sixty-two (-62) degrees as measured from the vertical line created from the center of the light fixture down to the ground, and the light shall not cause glare or light trespass on any adjacent, abutting or neighboring properties. Under no circumstances shall LED lighting be used for site lighting.

D. The use of fixtures with motion detectors, photocells, or timers that allow a floodlight to turn on at dusk and turn off by 11:00 p.m. shall be encouraged.

9.05.04 Commercial business lighting

A. Lighting plan review and permit.

1. Permit required. All commercial electrical installations require a permit and must be performed by a licensed electrical contractor.

2. New site plan. When a new site plan is proposed which includes site lighting installations, the applicant must submit a lighting plan for review to determine consistency with these regulations, which must be approved prior to the commencement of construction.


B. Design standards.

1. All new commercial lighting will be required to utilize Dark Skies Lighting Standards
The purpose of the Dark Skies Lighting Standards is to protect and promote the public health, safety and welfare by permitting reasonable uses of exterior lighting for nighttime safety, utility, security, and enjoyment while minimizing light pollution and the adverse impacts of exterior lighting on wildlife habitat and human health.

2. When a commercial site abuts residentially zoned property the lighting must be designed and installed to direct light both vertically down and completely away from the residential property, and under no circumstances shall LED lighting be permitted to be located on the side of the property which abuts a residentially zoned property.

3. Whenever possible, all site lighting, and specifically illumination for parking areas, must be planned and installed to be as minimally intrusive to residentially zoned property as possible.

9.05.05 Restrictions on lighting

It is the policy of the City Commission to minimize artificial light illuminating the entire city. The purpose and intent of this section is to protect and conserve the natural resources and prevent light trespass onto adjoining properties within the city.

9.05.06 Federal, state and county regulations

Such restrictions as shall have been adopted by the federal, state or county governments or administrative agencies are and remain in full force and effect.

9.05.07 Violations and Enforcement

A. It shall be unlawful to install, erect, construct, enlarge, alter; repair, move, improve, convert, or operate a light fixture in violation of this section.

B. The city is authorized to order the modification of any light fixture that it finds to be a definite hazard or gross nuisance to the public and particularly a light fixture that causes objectionable glare to the users of a roadway.

C. Violations and enforcement of these provisions shall be in accordance with those procedures identified in Article 15.

9.06.00 Municipal Street Lighting

It is the policy of the City of Lake Helen, Florida to provide illumination of the streets, avenues and public areas of the City in the interest of public safety.

Further, it is the intent of the City of Lake Helen through this policy, to reduce the risk of accident by the public when traveling upon said streets, avenues and public areas. It is not the intent of this policy to provide security lighting for individual businesses or residences.

9.06.01 Municipal Street Lighting Procedure

In order to establish uniformity in the installation, location and relocation of municipal lighting within the Corporate limits of the City of Lake Helen, Florida, the following criteria shall be used:

1. All lighting installed upon streets, avenues or public areas shall be 100 Watt Sodium Vapor lamps, or their equivalent, as approved by the appropriate regulatory agency.

2. Said lamps shall only be installed on open, dedicated public right-of-way or other public areas.

3. No lamps shall be installed by or for the City on private property.
4. Lamps shall be installed at the intersection of all right-of-way or at the nearest practical location adjacent thereto.

5. The minimum distance between lamps in a residentially built-up area shall be three hundred (300) feet or as close thereto as is practical consistent with available lamp standards (light poles).

6. The maximum distance between lamps in a residentially built-up area shall be six hundred (600) feet or as close thereto as is practical consistent with available lamp standards (light poles).

7. Special conditions not consistent with the above, such as blind curves, shall be considered on the basis of the potential danger to travelers of right-of-ways and lighting of special conditions shall be by approval of the City Commission.

8. Existing street lighting not in conformance with the provisions of this policy shall be removed or relocated wherever practical to comply with the provisions of this policy.

9. Rural right-of-way, such as open land or grove areas, shall be lighted only at intersections.

9.07.00 Water

9.07.01 Development Requirements

Each lot in a subdivision shall be provided with a connection to an appropriate water supply provided that the existing water service is capable of servicing and supplying the necessary water. The owner, at his expense, shall furnish and install such water distribution system from plans and specifications approved by the Florida State Board of Health (or other state agencies with jurisdictions over such matters at that time) and the City Commission, and in addition shall install fire hydrants and mains not less than six inches (6") in diameter and placed so that no residence or structure is more than 600 feet from such hydrant. Said water distribution system shall be so constructed as to allow it to be joined with the City water distribution system at the property line nearest the City existing lines. Fire hydrants and shut-off valves shall be of the type, size and brand specified by and approved by the City of Lake Helen.

9.07.02 Classification of Service.

1. Single Family Dwellings: This category applies to Single Family dwellings.

2. All Others: This category applies to all services not classified as single family dwellings.

9.07.03 Application for Service.

The customer will make application for service with the city, and shall make the necessary deposit and connection fees. Fees are set forth in the schedule of fees as adopted by Resolution set by the City Commission. No action shall be taken on an application until all applicable fees are paid.

It is mandatory that all residences, dwellings, or units be connected to the City Water Service provided that the existing water service is capable of servicing and supplying the necessary water to the customer. In the event the customer fails to connect with the water services provided by the City, and the existing City water service is capable of supplying that customer, the customer shall be charged a minimum water usage fee. However, private wells that are supplying these water services prior to the adoption of these regulations are exempted from this provision.

9.07.04 Deposits

Service Deposits shall be set and amended as necessary by the City Commission by resolution.
The State, its departments and agencies, the County and its departments and agencies, and all other governmental entities are hereby exempt and shall not be required to post water Service Deposits in order to obtain such services from the City.

### 9.07.05 Water Connection Fees

For each connection for water service made by the City the user shall pay fees set forth in the schedule of fees as adopted by Resolution set by the City Commission. No action shall be taken on an application until all applicable fees are paid. The fee shall be paid upon application for service.

### 9.07.06 Installation and Maintenance Requirements

The property owner or customer is responsible for installing and maintaining the water service line extending to the meter. A back-flow valve is required for Commercial Uses to be installed at the meter and the customer is required to pay for the valve and its maintenance. An annual inspection is required with results sent to the Public Works Superintendent or his/her designee.

### 9.07.07 Rate for Water Service (All Services)

Minimum charges and rates for all water services shall be determined and amended as deemed necessary by the City Commission by Resolution.

All customers or required customers, shall pay the minimum water service charge whether or not such service is utilized.

### 9.07.08 Billing Procedures

Meters will be read on a frequency as set by the City Commission.

Non-payment after twenty (20) days of the billing date, will be subject to a penalty determined and amended as deemed necessary by the City Commission by Resolution.

Non-payment after thirty (30) days of the billing date, will result in the water being shut off and shall not be reconnected until all delinquent penalties have been fully paid, together with a reconnect fee to be determined and amended by the City Commission by Resolution. The customer shall be responsible for payment of a reasonable attorney’s fee plus cost for collection of delinquent water service accounts. All unpaid accounts after three (3) months will be reported to the Credit Bureau. The water utility will impose a twelve percent (12%) per annum interest charge on all uncollected accounts.

### 9.07.09 Returned Checks

A charge determined by the City Commission and amended as deemed necessary by Resolution will be imposed for each check returned for insufficient funds.

### 9.07.10 Suspension of Service

Customers requesting the temporary discontinuance or suspension of City water service shall be charged the minimum water service charge for the period of time of discontinuance or suspension. A reconnect fee will not be imposed.

### 9.07.11 Unlawful Connection

No person shall be allowed to connect into the city water service unless approved by the City. Connection to the service shall only be made under the direction and supervision of the appropriate city official. Any person who violates this provision commits a misdemeanor of the second degree punishable by a fine of $500.00.
9.07.12 Tampering

No person shall tamper, destroy, alter or injure in any way the city water lines, meters, meter seals or any other apparatus or device. Any person who violates this provision commits a misdemeanor of the second degree punishable by a fine of $500.00.

9.07.13 No Exemptions

No person, firm, corporation, or government entity is exempt from this regulation.

9.07.14 Service Metered Separately

Each new residence, dwelling, or unit, whether residential or commercial, shall be metered separately, if water service available, after adoption of these regulations.

9.07.15 Cross Connection Control Program

1. The Public Works Superintendent or his/her designee shall cause inspections to be made of all properties served by the public potable water supply where cross-connections with the public potable water supply are deemed possible. The frequency of inspections and re-inspections based on potential health hazards involved shall be as established by the Manual of Cross-Connection Control of the department of public works of the City and in no case shall be less than once per year. Any fees or charges established by the City pursuant to the regulations or requirements established herein may be changed from time to time by resolution of the City Commission. Fees are set forth in the schedule of fees as adopted by Resolution set by the City Commission. No action shall be taken on an application until all applicable fees are paid.

2. Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter any building, structure or property served by a connection to the public potable water supply of the City for the purpose of inspecting the piping system or systems on such property. Consent to such access shall be obtained from a person of suitable age and discretion therein or in control thereof. The refusal of such information or refusal of access, when requested, shall be deemed evidence of the presence of cross-connections.

3. The Public Works Superintendent or his/her designee is hereby authorized and directed to discontinue potable water service to any property, after notice, wherein any connection in violation of this article exists and to take other such precautionary measures deemed necessary to eliminate any danger of contamination of the public potable water supply system. Water service to such property shall not be restored until the cross-connection(s) has been eliminated in compliance with the provisions of this section.

4. The potable water supply made available on the properties served by the public potable water supply system shall be protected by present or possible future contamination as specified by this section and by state and Florida Building Code. Any water outlet which could be used for potable or domestic purposes and which is not supplied by the potable system must be labeled WATER UNSAFE FOR DRINKING or NONPOTABLE WATER in a conspicuous manner.

5. The consumer shall bear all expense of installing, testing and maintaining the protective devices required by this article to ensure proper operation on a continuing basis. Installation, testing and maintenance of protective devices shall be conducted by certified personnel approved by the city’s department of public works. The consumer shall notify the city’s department of public works at least forty-eight (48) hours in advance in writing when the
tests are to be undertaken so that it may have a representative witness the tests if it is so desired. The consumer shall keep records on his testing, maintenance and repair activities related to cross-connection control and shall make these records available upon request. Copies of all testing, maintenance and repair records shall be sent to the city's department of public works immediately after the work is performed.

6. Section 9.07 does not supersede the Florida Building Code, the Florida State Department of Health Guidelines or any city ordinance but is supplementary to them; where conflicts exist, the more restrictive provision shall apply.

7. Any person or customer found guilty of violating any of the provisions of section 9.07 or any written order of the City or pursuance thereof shall be subject to the provisions of Article 15. In addition, such person or customer shall pay all costs and expenses involved in the case to include attorney’s fees. Notice of such violation shall be given by delivering the same to the premises and a copy thereof mailed to the billing address as appears on the City's billing records. Each day upon which a violation of the provisions of section 9.07 shall occur shall be deemed a separate and additional violation. Any person or customer in violation of any of the provisions of section 9.07 shall become liable to the City for any expense, loss or damage incurred by the City by reason of such violation to include attorney’s fees. In addition to any penalty provided by law for the violation of any of the provisions of section 9.07, the City may bring suit in the appropriate court to enjoin, restrain or otherwise prevent the violation of any of the provisions of this section.

8. No provisions of this section designating the duties of any City officer or employee shall be so construed as to make such officer or employee liable for any fine or penalty for failure to perform such duty.

9. All territory within the City and the County of Volusia served by the City’s potable water system shall be governed by this section to the extent permitted by law.

9.07.16 Water Conservation and Restrictions

The City Commission shall be empowered and is hereby authorized to impose whatever controls and restrictions on water usage within the corporate limits of the City it deems necessary to comply with the St. Johns River Water Management District orders relating to water conservation.

1. The controls and restrictions may include, but shall not be limited to:

   a. Reduction of pressure in the City water supply;

   b. Prohibiting of nonessential residential use, such as car washing, landscape irrigation, washing down of buildings or driveways;

   c. Discontinuance of routine flushing of mains and hydrants;

   d. Restricting the outside use of water to certain hours and certain days;

   e. Imposing rationing on all meter service;

   f. The consideration of adopting an escalating block rate charge for water system customers;

   g. The banning of water use from fire hydrants and standpipes for any purpose except legitimate fire-fighting activities.

2. General Restrictions on Water Use:
a. Excessive or unnecessary water use. Excessive, wasteful and unnecessary water use is hereby prohibited. Excessive, wasteful and unnecessary water use includes, but is not limited to:

I. Allowing water to be dispersed without any practical purpose to the water user, regardless of the type of water use.

II. Allowing water to be dispersed in a grossly inefficient manner, regardless of the type of water use.

III. Allowing water to be dispersed to accomplish a purpose for which water use is unnecessary or which can be readily accomplished through alternative methods of significantly less water use.

b. Discharge of groundwater used in heating or air-conditioning systems. All groundwater utilized in water-to-air heating and air-conditioning systems must be directed to landscape irrigation systems, groundwater injection or exfiltration systems. Off-site discharge from heating and air-conditioning systems is prohibited.

c. All automatic landscape irrigation systems shall be equipped with rain sensor devices

The City Commission, in order to provide the necessary levels of year round water conservation and provide for the most logical transition to declare water shortage, water shortage emergency or the St. Johns River Management District water shortage plan, shall establish the following levels of water conservation and use:

I. Base Water Conservation Level. This level is as follows:

1. The use of water for landscape irrigation is allowed only during the following times: Three (3) days a week from 4:00 a.m.-8:00 a.m. and 4:00 p.m.-8:00 p.m. (5:00 p.m.-9:00 p.m. during daylight savings time) for manual irrigation systems and 4:00 a.m.-8:00 a.m. only for automatic irrigation systems.

2. Even numbered addresses and residences without address numbers may water at these times on Tuesdays, Thursdays and Sundays, odd numbered addresses on Mondays, Wednesdays and Saturdays. On Fridays no watering is permitted.

3. The use of water for irrigation from a reclaimed water system is allowed anytime provided appropriate signs are placed on the property to inform the general public and District enforcement personnel of such use. For the purpose of this paragraph, a reclaimed water system includes systems in which the primary source is reclaimed water, which may or may not be supplemented by water from another source during peak demand periods.

4. Irrigation of new landscape plantings is allowed any day, except between 10:00 a.m. and 4:00 p.m., for one (1) thirty (30)-day period, provided irrigation is limited to the amount necessary for plant establishment.

5. Watering of chemicals, including insecticides, pesticides, fertilizers, fungicides, and herbicides, when required by law, the manufacturer, or best management practices, is allowed anytime within twenty-four (24) hours of application.

6. Irrigation systems may be operated anytime for maintenance and repair purposes, not to exceed ten (10) minutes per hour per zone.
7. Excessive use of water for landscape irrigation or over watering of landscaping is prohibited. Overspray of irrigation water onto impervious surfaces is prohibited.

8. Mobile equipment washing shall utilize an automatic shutoff/self-canceling spray nozzle. Mobile equipment washing shall be on pervious surfaces whenever feasible or at a commercial water recycling automobile wash.

9. The washing of sidewalks, walkways, driveways, parking lots, tennis courts and all other impervious areas shall utilize an automatic shutoff/self-canceling spray nozzle or low volume pressure cleaning. Excessive use of water for washing of impervious areas is prohibited. Runoff from impervious surface washing shall be directed as much as possible towards pervious areas.

10. Filling or refilling of swimming pools, except as necessary during construction process, repairs, or following any voluntary cessation of use of the pool to prevent the leakage of water, and except as necessary to raise the level of water to allow the pool’s skimmer to properly function, is prohibited. The continuous refilling of swimming pools while a leak is occurring is hereby prohibited.

II. Level II. Water Conservation Level. Level II shortage corresponds to the St. Johns River Water Management District’s Phase II Sever Water Shortage Plan and all provisions therein as set forth in Rule 40C-21.631, Florida Administrative Code. In addition, the use of water for landscape irrigation purposes by manual irrigation systems is allowed during the evening from 4:00 p.m. - 8:00 p.m. (5:00 p.m. - 9:00 p.m. during daylight savings time) on specific days and street addresses permitted by the St. Johns River Water Management District in the above-described Phase II - Sever Water Shortage Plan requirements. In the event the District declares a Phase II - Sever Water Shortage Plan, the District requirements shall supersede this provision.

III. Level III. Water Conservation Level. Level III shortage corresponds to the St. Johns River Water Management District’s Phase III Extreme Water Shortage Plan and all provisions therein as set forth in Rule 40C-21.641, Florida Administrative Code. In addition, the use of water for landscape irrigation purposes by manual irrigation systems is allowed during the evening from 4:00 p.m. - 7:00 p.m. (5:00 p.m. - 8:00 p.m. during daylight-savings time) on the specific days and street address permitted by the St. Johns River Water Management District in the above-described Phase III - Extreme Water Shortage Plan requirements. In the event the District declares a Phase III - Extreme Water Shortage Plan, the District requirements shall supersede this provision.

IV. Level IV. Water Conservation Level. Level IV Shortage corresponds to the St. Johns River Water Management District’s Phase IV Critical Water Shortage Plan and all provisions therein as set forth in Rule 40C-21F.651, Florida Administrative Code. In addition, the use of water for landscape irrigation purposes by manual irrigation systems is allowed during the evening, from 6:00 p.m. - 7:00 p.m. on the specific days and street addresses permitted by the St. Johns River Water management District in the above-described Phase IV - Critical Water Shortage Plan requirements. In the event the District declares a Phase IV - Critical Water Shortage Plan, the District requirements shall supersede this provision.

9.07.17 Regulation of Wells

1. Any person desiring to strike, sink, dig or drill any shallow or deep well within the limits of the City shall apply to the Volusia County Health Department or specified State Regulatory Agency for a permit with a copy forwarded to the City Clerk.
2. Any person applying for such permit to strike, sink, dig or drill a well in accordance with the terms of this article and state regulations, shall, before receiving such permit, pay to the city a permit fee as established by the City Commission by resolution.

3. No permit shall be issued for any well serving a private, public or commercial water supply without prior approval of the Volusia County Health Department or specified State Regulatory Agency, and further providing that any well shall be located more than fifty feet (50') from any active septic tank, drain field, dry well or other waste disposal facility or as dictated by State Regulations.

4. All wells dug or drilled shall be constructed and regulated with a cap or valve, and all wells shall be capped or the valves turned off when not being used, and water from the wells shall not be allowed to accumulate and stand as stagnant water. The City shall have the right and authority to immediately cap and keep closed any well found to be in violation of this section.

5. It shall be unlawful for any person to make any connection into any waterlines connected with the supply system of the City, either upon public or private property, or for the owner, agent, tenant, manager or any person having interests in any property within the City to permit to be constructed in or upon such property, any such connections between waterlines of the waterworks system of the City and any waterwell.

6. No drainage well shall be permitted, except in closed circuit systems after written approval by both the City and the Volusia County Health Department or specified State Regulatory Agency.

7. The City, through its commissioners, officers, agents and employees, shall have at all times, the right of access to any property upon which a well is located, for the purposes of inspecting the same or otherwise regulating the operation of the well under the terms of this section.

9.08.00 Wastewater Systems

Septic tanks shall be installed consistent with the requirements of Chapter 100-6, F.A.C. and the requirements of the City of Lake Helen Comprehensive Plan. All septic tanks shall be properly maintained.

9.09.00 Assessments

Article VIII, section 2 of the Florida Constitution and Section 166.021, Florida Statutes, grant the City all governmental, corporate, and proprietary powers to enable the City Commission to conduct municipal government, perform municipal functions, and render municipal services, and exercise any power for municipal purposes, except when expressly prohibited by law, and such powers may be exercised by the enactment of City ordinances.

The Assessments authorized herein shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

The Assessments imposed pursuant to this Ordinance will be imposed by the City Commission, not the Property Appraiser or Tax Collector. Any activity of the Property Appraiser or Tax Collector under the provisions of this Ordinance shall be construed solely as ministerial.

9.09.01 Authority and Purpose

The City Commission is hereby authorized to impose Assessments against property located within an Assessment Area to fund Capital Improvements or Essential Services. The Assessment shall be
computed in a manner that fairly and reasonably apportions the Capital Costs or Service Costs among the parcels of property within an Assessment Area, based upon objectively determinable Assessment Units related to the value, use or physical characteristics of the property.

9.09.02 Creation of Assessment Areas

1. The City Commission is hereby authorized to create Assessment Areas by resolution. Each Assessment Area shall encompass only that property specially benefited by the Capital Improvements or Essential Services proposed for funding from the proceeds of Assessments to be imposed therein. Either the Initial Assessment Resolution proposing an Assessment Area or the Final Assessment Resolution creating an Assessment Area shall include brief descriptions of the Capital Improvements or Essential Services proposed for such area, a description of the property to be included within the Assessment Area, and specific legislative findings that recognize the special benefit to be provided by each proposed Capital Improvement or Essential Service to property within the Assessment Area. Properties in any Assessment Area need not be adjacent or contiguous to any other property in an Assessment Area.

2. At its option, the City Commission may establish a process pursuant to which the owners of property may petition for creation of an Assessment Area to fund Capital Improvements and Essential Services. Notwithstanding any petition process established pursuant to this section, the City Commission shall retain the authority to create Assessment Areas without a landowner petition.

9.09.03 Initial Assessment Resolution

The initial proceeding for imposition of an Assessment shall be the City Commission’s adoption of an Initial Assessment Resolution. The Initial Assessment Resolution shall:

A. describe the proposed Assessment Area;

B. describe the Capital Improvements or Essential Services proposed for funding from proceeds of the Assessments;

C. estimate the Service Cost or Capital Cost;

D. establish a Maximum Assessment Rate if desired by the City Commission;

E. describe with particularity the proposed method of apportioning the Service Cost or Capital Cost among the parcels of property located within the Assessment Area, including any applicable Assessment Unit;

F. include specific legislative findings that recognize the equity provided by the apportionment methodology;

G. schedule a public hearing at a meeting of the City Commission, which meeting shall be a regular, adjourned or special meeting, at which to hear objections of all interested persons and to consider adoption of the Final Assessment Resolution and approval of the Assessment Roll; and

H. direct the Assessment Coordinator to (1) prepare the Assessment Roll pursuant to Section 9.09.04 hereof, (2) publish the notice required by Section 9.09.05 hereof, and (3) mail the notice required by Section 9.09.06 hereof using information then available from the Property Appraiser.
9.09.04 Assessment Roll

A. The Assessment Coordinator shall prepare a preliminary Assessment Roll that contains the following information:

1. a summary description of each parcel of property (conforming to the description contained on the Tax Roll) subject to the Assessment;
2. the name of the owner of record of each parcel, as shown on the Tax Roll;
3. the number of Assessment Units attributable to each parcel;
4. if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each Assessment Unit; and
5. if applicable, the estimated maximum annual Assessment to become due in any Fiscal Year for each parcel.

B. Copies of the Initial Assessment Resolution and the preliminary Assessment Roll shall be on file in the office of the Assessment Coordinator and open to public inspection. The foregoing shall not be construed to require that the Assessment Roll be in printed form if the amount of the Assessment for each parcel of property can be determined by use of a computer terminal or otherwise accessible through the internet or similar data base.

9.09.05 Notice by Publication

After filing the Assessment Roll in the office of the Assessment Coordinator, as required by Section 9.09.04B thereof, the Assessment Coordinator shall publish once in a newspaper of general circulation within Volusia County a notice stating that at a meeting of the City Commission on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned or special meeting, the City Commission will hear objections of all interested persons to the Final Assessment Resolution and approval of the Assessment Roll. The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) a geographic depiction of the property subject to the Assessment; (B) the proposed schedule of the Assessment; (C) the method by which the Assessment shall be collected; (D) the Maximum Assessment Rate in the event one was adopted in the Initial Assessment Resolution; and (E) a statement that all affected property owners have the right to appear at the public hearing and to file written objections within 20 days of the publication of the notice. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.

9.09.06 Notice by Mail

In addition to the published notice required by 9.09.05 Notice by Publication hereof, the Assessment Coordinator shall provide notice of the proposed Assessment by first class mail to the owner of each parcel of property subject to the Assessment. The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include (A) the purpose of the Assessment; (B) the total Assessment to be levied against each parcel of property including a Maximum Assessment Rate in the event one was adopted by the Initial Assessment Resolution; (C) the Assessment Unit to be applied to determine the Assessment; (D) the number of such Assessment Units contained in each parcel; (E) the total revenue to be collected by the Assessment; and (F) a statement that failure to pay the Assessment will cause a tax certificate to be issued against the property or foreclosure proceedings may be instituted, either of which may result in a loss of title to the property; (G) a statement that all affected property owners have a right to appear at the
hearing and to file written objections with the City Commission within 20 days of the notice; and (H) the date, time and place of the hearing. Notice shall be mailed at least 20 calendar days prior to the hearing to each property owner at such address as is shown on the Tax Roll at least thirty (30) days prior to the date of mailing; provided, however, that failure to mail or receive such notice shall not invalidate any Assessment imposed hereunder. Notice shall be deemed mailed upon delivery thereof to the possession of the U.S. Postal Service. The Assessment Coordinator may provide proof of such notice by affidavit. Notwithstanding anything herein to the contrary, notice of a proposed Assessment may be given in any manner authorized by law.

9.09.07 Adoption of Final Assessment Resolution

A. At the time named in such notices, or to which an adjournment or continuance may be taken, the City Commission shall conduct a public hearing to receive written objections and hear testimony of interested persons and may then, or at any subsequent meeting of the City Commission, adopt the Final Assessment Resolution which shall:

1. confirm, modify or repeal the Initial Assessment Resolution with such amendments, if any, as may be deemed appropriate by the City Commission;
2. create the Assessment Area;
3. establish the maximum amount of the Assessment for each Assessment Unit;
4. approve the Assessment Roll, with such amendments as it deems just and right; and
5. determine the method of collecting the Assessments and when collection shall commence.

B. In any instance where the public hearing is adjourned or continued prior to adoption of the Final Assessment Resolution or any Annual Assessment Resolution requiring mailed notice as provided in Section 9.09.08 hereof, the City shall not be required to provide additional notices pursuant to Sections 9.09.05 Notice by Publication and/or 9.09.06 Notice by Mail. hereof, provided:

1. The public hearing is continued to a time and date certain as determined by majority vote of the City Commission at the public hearing included in the original mailed notices; and
2. Such time and date certain is within sixty (60) days of the public hearing date included in the original mailed notices.

9.09.08 Annual Assessment Resolution

The City Commission shall adopt an Annual Assessment Resolution during its budget adoption process for each Fiscal Year in which Assessments will be imposed to approve the Assessment Roll for such Fiscal Year. The Final Assessment Resolution shall constitute the Annual Assessment Resolution for the initial Fiscal Year. The Assessment Roll, as prepared in accordance with the Initial Assessment Resolution and confirmed or amended by the Final Assessment Resolution, shall be confirmed or amended by the Annual Assessment Resolution to reflect the then applicable portion of the cost of the Capital Improvements or Essential Services, or both, to be paid by Assessments. If the proposed Assessment for any parcel of property exceeds the Maximum Assessment Rate established in the Initial Assessment Resolution for the area and described in the notices provided pursuant to Sections 9.09.05 Notice by Publication and/or 9.09.06 Notice by Mail hereof or if an Assessment is imposed against property not previously subject thereto, the City Commission shall provide notice to the owner of such property in accordance with 9.09.06 Notice by Mail hereof and conduct a public hearing prior to adoption of the Annual Assessment Resolution. In the case of an Annual Assessment Resolution which approves an Assessment against property not previously subject thereto, notice
and public hearing shall not be required if all owners of the newly affected property provide written consent to the imposition of the Assessment. Failure to adopt an Annual Assessment Resolution during the budget adoption process may be cured at any time.

9.09.09 Effect of Assessment Resolutions

The adoption of the Final Assessment Resolution or of an Annual Assessment Resolution requiring notice as provided in Section 9.09.08 Annual Assessment Resolution hereof, shall be the final adjudication of the issues presented (including, but not limited to, the apportionment methodology, the rate of assessment, the maximum annual Assessment of each parcel, the adoption of the Assessment Roll and the levy and lien of the Assessments), unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the City Commission's adoption of the Final Assessment Resolution. The Assessments for each Fiscal Year shall be established upon adoption of the Annual Assessment Resolution. If the Assessments are to be collected pursuant to the Uniform Assessment Collection Act, the Assessment Roll, as approved by the Annual Assessment Resolution, shall be certified to the Tax Collector.

9.09.10 Repayment of Assessments

A. Unless determined otherwise in the applicable Initial Assessment Resolution, Final Assessment Resolution or any Annual Assessment Resolution, the Assessment imposed against any parcel of property to fund Capital Improvements shall be subject to prepayment at the option of the property owner, as follows:

1. Prior to the issuance of Obligations, the Assessment Coordinator shall provide first class mailed notice to the owner of each parcel of property subject to the Assessment of the City Commission's intent to issue such Obligations. On or prior to the date specified in such notice (which shall not be earlier than the thirtieth day following the date on which the notice is delivered to the possession of the U.S. Postal Service), or such later date as the City Commission may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total Assessment obligation.

2. Following the date specified in the notice provided pursuant to Section 9.09.10 (A)(1) hereof, or such later date as the City Commission may allow in its sole discretion, the owner of each parcel of property subject to the Assessment shall be entitled to prepay the total remaining Assessment upon payment of an amount equal to the sum of (a) such parcel's share of the principal amount of Obligations then outstanding, (b) the premium associated with redemption of such parcel's share of the principal amount of Obligations then outstanding, and (c) interest on such parcel's share of the principal amount of Obligations then outstanding, from the most recent date to which interest has been paid to the next date following such prepayment on which the City can redeem Obligations after providing all notices required by the ordinance or resolution authorizing issuance of such Obligations; provided however, that during any period commencing on the date the annual Assessment Roll is certified for collection pursuant to the Uniform Assessment Collection Act and ending on the next date on which unpaid ad valorem taxes become delinquent, the City may reduce the amount required to prepay the Assessments imposed against any parcel of property by the amount of the Assessment certified for collection with respect to such parcel.

B. At the City's election, the Assessment imposed against any parcel of property may be subject to acceleration and mandatory prepayment if at any time a tax certificate has been issued and remains outstanding in respect of such property. In such event, the amount required for
mandatory prepayment shall be the same as that required for an optional prepayment authorized by Section 9.09.10 (A)(2) hereof.

C. The amount of all prepayments computed in accordance with this Section 9.09.10 shall be final. The City shall not be required to refund any portion of a prepayment if (1) the Capital Cost is less than the amount upon which such prepayment was computed, or (2) annual Assessments will not be imposed for the full number of years anticipated at the time of such prepayment.

9.09.11 Lien of Assessments

A. Upon adoption of the Annual Assessment Resolution for each Fiscal Year, Assessments to be collected under the Uniform Assessment Collection Act shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected upon adoption by the City Commission of the Annual Assessment Resolution and shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes.

B. Upon adoption of the Final Assessment Resolution, Assessments to be collected under the alternative method of collection provided in Section 9.09.17 Alternative Method of Collection hereof shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other liens, titles and claims, until paid. The lien shall be deemed perfected on the date notice thereof is recorded in the Official Records of Volusia County, Florida.

C. The lien of any Assessment imposed against any tax parcel hereunder shall survive a tax sale, and the purchaser of such parcel shall take title thereto subject to the lien of the Assessment.

9.09.12 Revisions to Assessments

If any Assessment made under the provisions of this Article is either in whole or in part annulled, vacated or set aside by the judgment of any court, or if the City Commission is satisfied that any such Assessment is so irregular or defective that the same cannot be enforced or collected, or if the City Commission has omitted the inclusion of any property on the Assessment Roll which property should have been so included, the City Commission may take all necessary steps to impose a new Assessment against any property benefited by the Capital Improvement or Essential Service, following as nearly as may be practicable the provisions of this Article, and in case such second Assessment is annulled, the City Commission may levy and impose other Assessments until a valid Assessment is imposed.

9.09.13 Procedural Irregularities

Any informality or irregularity in the proceedings in connection with the levy of any Assessment under the provisions of this Ordinance shall not affect the validity of the same after the approval thereof, and any Assessment as finally approved shall be competent and sufficient evidence that such Assessment was duly levied, that the Assessment was duly made and adopted, and that all proceedings related to such Assessment were duly had, taken and performed as required by this Ordinance; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby. Notwithstanding the provisions of this Section 9.09.13: Procedural Irregularities, any party objecting to an Assessment imposed
pursuant to this Ordinance must file an objection with a court of competent jurisdiction within the
time periods prescribed herein.

**9.09.14 Corrections of Errors and Omissions**

A. No act of error or omission on the part of the City Commission, Assessment Coordinator, Property
Appraiser, Tax Collector, or their deputies or employees, shall operate to release or discharge
any obligation for payment of any Assessment imposed by the City Commission under the
provisions of this Ordinance.

B. The number of Assessment Units attributed to a parcel of property may be corrected at any
time by the Assessment Coordinator, including upon presentation of competent substantial
evidence by the owner of such parcel. Any such correction which reduces an Assessment shall
be considered valid from the date on which the Assessment was imposed and shall in no way
affect the enforcement of the Assessment imposed under the provisions of this Ordinance. Any
such correction which increases an Assessment or imposes an assessment on omitted property
shall first require notice to the affected owner at the address shown on the Tax Roll notifying
the owner of the date, time and place that the City Commission will consider confirming the
correction and offering the owner an opportunity to be heard.

C. After the Assessment Roll has been delivered to the Tax Collector in accordance with the Uniform
Assessment Collection Act, any changes, modifications or corrections thereto shall be made in
accordance with the procedures applicable to errors and insolvencies for ad valorem taxes.

**9.09.15 Collection of Assessments**

**9.09.16 Method of Collection**

Unless directed otherwise by the City Commission, Assessments (other than Assessments imposed
against Government Property) shall be collected pursuant to the Uniform Assessment Collection Act,
and the City shall comply with all applicable provisions thereof, including but not limited to (1)
entering into a written agreement with the Property Appraiser and the Tax Collector for
reimbursement of necessary expenses, (2) certifying the Assessment Roll to the Tax Collector, and
(3) adopting a Resolution of Intent after publishing weekly notice of such intent for four consecutive
weeks preceding the hearing. The Resolution of Intent may be adopted either prior to or following
the Initial Assessment Resolution; provided however, that the Resolution of Intent must be adopted
prior to January 1 (March 1 with consent of the Property Appraiser and Tax Collector) of the year
in which the Assessments are first collected on the ad valorem tax bill. This section shall not be
construed to require adoption of an additional Resolution of Intent, and notice thereof, if a
Resolution of Intent was previously adopted and is currently in effect for the area in question. Any
hearing or notice required by this Ordinance may be combined with any other hearing or notice
required by the Uniform Assessment Collection Act.

**9.09.17 Alternative Method of Collection**

In lieu of using the Uniform Assessment Collection Act, the City may elect to collect the Assessment
by any other method which is authorized by law or provided by this Section 9.09.17 as follows:

A. The City shall provide Assessment bills by first class mail to the owner of each affected parcel
of property, other than Government Property. The bill or accompanying explanatory material
shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units
used to determine the amount of the Assessment, (3) the number of Assessment Units attributable
to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, (6) the date on which the Assessment is due, and (7) a statement that the Assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

B. A general notice of the lien resulting from imposition of the Assessments shall be recorded in the Official Records of Volusia County, Florida. Nothing herein shall be construed to require that individual liens or releases be filed in the Official Records.

C. The City shall have the right to appoint or retain an agent to foreclose and collect all delinquent Assessments in the manner provided by law. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The City or its agent shall notify any property owner who is delinquent in payment of an Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the City or its agent will initiate a foreclosure action and cause the foreclosure of such property subject to a delinquent Assessment in a method now or hereafter provided by law for foreclosure of mortgages on real estate, or otherwise as provided by law.

D. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the City may be the purchaser to the same extent as an individual person or corporation. The City may join in one foreclosure action the collection of Assessments against any or all property assessed in accordance with the provisions hereof. All delinquent property owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City and its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of or in addition to, the costs of the action.

E. In lieu of foreclosure, any delinquent Assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by law and this Ordinance, and (2) any existing lien of record on the affected parcel for the delinquent Assessment is supplanted by the lien resulting from certification of the Assessment Roll to the Tax Collector.

9.09.18 Responsibility for Enforcement

The City and its agents, if any, shall maintain the duty to enforce the prompt collection of Assessments by the means provided herein. The duties related to collection of Assessments may be enforced at the suit of any holder of Obligations in a court of competent jurisdiction by mandamus or other appropriate proceedings or actions.

9.09.19 Government Property

A. If Assessments are imposed against Government Property, the City shall provide Assessment bills by first class mail to the owner of each affected parcel of Government Property. The bill or accompanying explanatory material shall include (1) a brief explanation of the Assessment, (2) a description of the Assessment Units used to determine the amount of the Assessment, (3) the number of Assessment Units attributable to the parcel, (4) the total amount of the parcel's Assessment for the appropriate period, (5) the location at which payment will be accepted, and (6) the date on which the Assessment is due.
B. Assessments imposed against Government Property shall be due on the same date as Assessments against other property within the Assessment Area and, if applicable, shall be subject to the same discounts for early payment.

C. An Assessment shall become delinquent if it is not paid within thirty (30) days from the due date. The City shall notify the owner of any Government Property that is delinquent in payment of its Assessment within sixty (60) days from the date such Assessment was due. Such notice shall state in effect that the City will initiate a mandamus or other appropriate judicial action to compel payment.

D. All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of Government Property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the City or its agents, including reasonable attorney fees, in collection of such delinquent Assessments and any other costs incurred by the City as a result of such delinquent Assessments including, but not limited to, costs paid for draws on a credit facility and the same shall be collectible as a part of, or in addition to, the costs of the action.

E. As an alternative to the foregoing, an Assessment imposed against Government Property may be collected on the bill for any utility service provided to such Government Property. The City Commission may also contract for such billing services with any utility not owned by the City.

F. Nothing herein shall require the imposition of Assessments against Government Property.

**9.09.20 Issuance of Obligations**

**9.09.21 General Authority**

A. The City Commission shall have the power and is hereby authorized to provide by ordinance or resolution, at one time or from time to time in series, for the issuance of Obligations to fund Capital Improvements and any amounts to be paid or accrued in connection with issuance of such Obligations including but not limited to capitalized interest, transaction costs and reserve account deposits.

B. The principal of and interest on each series of Obligations shall be payable from Pledged Revenue. At the option of the City Commission, the City may agree, by ordinance or resolution, to budget and appropriate funds to make up any deficiency in the reserve account established for the Obligations or in the payment of the Obligations, from other non-ad valorem revenue sources. The City Commission may also provide, by ordinance or resolution, for a pledge of or lien upon proceeds of such non-ad valorem revenue sources for the benefit of the holders of the Obligations. Any such ordinance or resolution shall determine the nature and extent of any pledge of or lien upon proceeds of such non-ad valorem revenue sources.

**9.09.22 Terms of the Obligations**

The Obligations shall be dated, shall bear interest at such rate or rates, shall mature at such times as may be determined by ordinance or resolution of the City Commission, and may be made redeemable before maturity, at the option of the City, at such price or prices and under such terms and conditions, all as may be fixed by the City Commission. Said Obligations shall mature not later than forty (40) years after their issuance. The City Commission shall determine by ordinance or
resolution the form of the Obligations, the manner of executing such Obligations, and shall fix the denominations of such Obligations, the place or places of payment of the principal and interest, which may be at any bank or trust company within or outside of the State of Florida, and such other terms and provisions of the Obligations as it deems appropriate. The Obligations may be sold at public or private sale for such price or prices as the City Commission shall determine by ordinance or resolution. The Obligations may be delivered to any contractor to pay for the provision of Capital Improvements or may be sold in such manner and for such price as the City Commission may determine by ordinance or resolution to be for the best interests of the City.

9.09.23 Variable Rate Obligations

At the option of the City Commission, Obligations may bear interest at a variable rate.

9.09.24 Temporary Obligations

Prior to the preparation of definitive Obligations of any series, the City Commission may, under like restrictions, issue interim receipts, interim certificates, or temporary Obligations, exchangeable for definitive Obligations when such Obligations have been executed and are available for delivery. The City Commission may also provide for the replacement of any Obligations which shall become mutilated, destroyed or lost. Obligations may be issued without any other proceedings or the happening of any other conditions or things other than those proceedings, conditions or things which are specifically required by this Ordinance.

9.09.25 Anticipation Notes

In anticipation of the sale of Obligations, the City Commission may, by ordinance or resolution, issue notes and may renew the same from time to time. Such notes may be paid from the proceeds of the Obligations, the proceeds of the Assessments, the proceeds of the notes and such other legally available moneys as the City Commission deems appropriate by ordinance or resolution. Said notes shall mature within five (5) years of their issuance and shall bear interest at a rate not exceeding the maximum rate provided by law. The City Commission may issue Obligations or renewal notes to repay the notes. The notes shall be issued in the same manner as the Obligations.

9.09.26 Taxing Power Not Pledged

Obligations issued under the provisions of this Ordinance shall not be deemed to constitute a general obligation or pledge of the full faith and credit of the City within the meaning of the Constitution of the State of Florida, but such Obligations shall be payable only from Pledged Revenue and, if applicable, proceeds of the Assessments, in the manner provided herein and by the ordinance or resolution authorizing the Obligations. The issuance of Obligations under the provisions of this Ordinance shall not directly or indirectly obligate the City to levy or to pledge any form of ad valorem taxation whatsoever. No holder of any such Obligations shall ever have the right to compel any exercise of the ad valorem taxing power on the part of the City to pay any such Obligations or the interest thereon or to enforce payment of such Obligations or the interest thereon against any property of the City, nor shall such Obligations constitute a charge, lien or encumbrance, legal or equitable, upon any property of the City, except the Pledged Revenue.

9.09.27 Trust Funds

The Pledged Revenue received pursuant to the authority of this Ordinance shall be deemed to be trust funds, to be held and applied solely as provided in this Ordinance and in the ordinance or resolution authorizing issuance of the Obligations. Such Pledged Revenue may be invested by the City, or its designee, in the manner provided by the ordinance or resolution authorizing issuance of the Obligations. The Pledged Revenue upon receipt thereof by the City shall be subject to the lien
and pledge of the holders of any Obligations or any entity other than the City providing credit enhancement on the Obligations.

9.09.28 Remedies of Holders

Any holder of Obligations, except to the extent the rights herein given may be restricted by the ordinance or resolution authorizing issuance of the Obligations, may, whether at law or in equity, by suit, action, mandamus or other proceedings, protect and enforce any and all rights under the laws of the state or granted hereunder or under such ordinance or resolution, and may enforce and compel the performance of all duties required by this part, or by such ordinance or resolution, to be performed by the City.

9.09.29 Refunding Obligations

The City may, by ordinance or resolution of the City Commission, issue Obligations to refund any Obligations issued pursuant to this Ordinance, or any other obligations of the City issued to finance Capital Improvements, and provide for the rights of the holders hereof. Such refunding Obligations may be issued in an amount sufficient to provide for the payment of the principal of, redemption premium, if any, and interest on the outstanding Obligations to be refunded. If the issuance of such refunding Obligations results in an annual Assessment that exceeds the estimated maximum annual Assessments set forth in the notice provided pursuant to Section 2.06 hereof, the City Commission shall provide notice to the affected property owners and conduct a public hearing in the manner required by Article III of this Ordinance.

9.10.00 Stormwater Management Utility

9.10.01 Authority

The City Commission is authorized by the home rule power of Article VIII, 2(b), Florida Constitution, Chapter 166, Florida Statutes and Section 403.0893, Florida Statutes, to establish a stormwater management utility and declare its intention to acquire, own, construct, operate and maintain open drainageways, underground storm drains, treatment facilities, equipment and appurtenances necessary, useful or convenient for a complete stormwater management system, and also including maintenance, extension and construction of the present stormwater management system of the city; to minimize by suitable means the system’s contribution to flooding; to minimize by suitable means the system’s adverse effect on the water quality of lakes, ponds, rivers and basins within the city and to seek the cooperation of the county and other municipalities in minimizing the effects of all such systems and other sources of accelerated runoff to the flooding and water quality, and to establish just and equitable fees and charges for the services and facilities provided for such systems.

9.10.02 Purpose and Intent

1. That the Legislature of the State of Florida has adopted Section 403.893, Florida Statutes, stormwater management legislation which encourages proper management of stormwater runoff and water quality.

2. That there is a desire to develop a stormwater management program, to be responsible for the operation, construction, and maintenance of stormwater devices and for stormwater system planning.

3. That the cost of operating and maintaining the city’s stormwater management system and financing of existing and future necessary repairs, replacements, improvements, and
extensions thereof, should, to the extent practicable, be allocated in relationship to the
benefits enjoyed and services received therefrom.

4. That the ability of the City to effectively conserve, manage, protect, control, use, and
enhance the water resources of the City is dependent on the provision of adequate,
equitable and stable funding for the stormwater management program.

5. That the stormwater management system including the components which provide for the
collection of and disposal of stormwater and regulation of groundwater, is of benefit and
provides services for the welfare of Lake Helen and all of its citizens.

6. That the formation of a stormwater utility, the establishment of a separate fund for
accounting of the revenues, expenditures, assets, and earnings of the utility, and adoption
or various rates, fees, charges, rentals, fines, and penalties are necessary to meet the needs
identified in engineering reports.

7. That proper stormwater management may protect, restore, and maintain the chemical,
physical, and biological integrity of community waters; minimize the transport of pollutants
to community waters; maintain or restore groundwater levels; protect, maintain, or restore
natural salinity levels in estuarine areas.

8. That the adoption of this Ordinance is necessary to protect the public health, safety, and
welfare of the citizens of Lake Helen.

9.10.03 Stormwater Management Utility - Fee Imposed

1. Charges and fees are to be levied against all real property within the city to accomplish
the purpose and intent of the utility. A uniform schedule of charges and fees for the services
and uses of the facilities of the stormwater management system by the owner of real
property using the services and facilities of the system.

2. A stormwater utility fee is hereby imposed for the general purposes described in section B.
above. Said fee shall be in the form of a special assessment (non-ad valorem) on Volusia
County’s tax bill and the amount shall be based on the lot/parcel classification as listed in
section D.

3. The amount of said stormwater utility fees shall be set and may be amended by resolution
of the City Commission.

9.10.04 Lot/Parcel Classification

1. A stormwater fee is hereby imposed upon all real property within the City unless otherwise
exempt for services and facilities provided by the stormwater management utility system.
For purposes of imposing the stormwater fee, all real property within the City with an
Equivalent Residential Unit (ERU) of 2067 square feet of man-made impervious area will
be assessed.

2. The County tax rolls will be used to prepare a list of lots and parcels within the City and to
assign the Equivalent Resident Unit (ERU).

9.10.05 Stormwater Management Fund

Stormwater management utility fees collected shall be paid into a separate fund to be known as
the "stormwater management fund". Such fund shall be used for the purpose of paying the cost of
stormwater drainage facilities to be constructed and paying the cost of operation, administration
and maintenance of the stormwater system of the City. To the extent that the stormwater
management fees collected are insufficient to construct the needed stormwater system, the cost of
the same may be paid from such city fund as may be determined by the City Commission, but the
City Commission may order the reimbursement of such fund if additional fees are thereafter
collected. When the fund has surplus dollars on hand in excess of current needs, the surplus dollars
will be invested to return the highest yield consistent with proper safeguards.

The fees and charges paid shall not be used for general or other governmental or proprietary
purposes of the city, except to pay for the equitable share of the cost of accounting, management
and government thereof. Other than as described above, the fees and charges shall be used solely
to pay for the cost of operation, repair, maintenance, improvements, renewal, replacement, design,
right-of-way acquisition and construction of public stormwater management facilities and costs
incidental thereto.

9.10.06 Enforcement

Authorized employees of the City, bearing proper credentials and identification shall be permitted
to enter all properties tributary to the City’s stormwater management system for the purposes of
inspections, observations, measurement and testing in accordance with the provisions of this article
and any rules or regulations adopted pursuant hereto.

Any person violating any of the provisions of this article shall be punished under Article XIV,
Administration and Enforcement of the City Ordinances, and shall become liable to the City for any
expense, loss or damage occasioned by the City by reason of such violation to include reasonable
attorney’s fees whether or not litigation is necessary.

9.10.07 Exemptions

The following property shall be exempt from Stormwater Management Utility fees:

1. public right-of-ways
2. lakes
3. ponds
4. retention/detention areas
5. jurisdiction wet lands
6. vacant unimproved land in its natural state
Article 10. Floodplain management.

10.01.00 Administration

10.01.01 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; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

10.01.02 Intent

The purposes 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;
7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the 44 CFR 59.22.

10.01.03 Coordination with the 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.

10.01.04 Warning

The degree of flood protection required by this section and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be
increased by manmade 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 44 CFR 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this section.

10.01.05 Disclaimer of Liability

This section shall not create liability on the part of City Commission of the City of Lake Helen or by any officer or employee thereof for any flood damage that results from reliance on this section or any administrative decision lawfully made thereunder.

10.01.06 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 of Lake Helen, as established in subsection 10.01.06(c) of this section.

(c) Basis for establishing flood hazard areas. The Flood Insurance Study for Volusia County, Florida and Incorporated Areas dated September 29, 2017, 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 at the Building & Zoning Office in Kelly Administration Building, 123 W. Indiana Ave, DeLand, Florida.

(d) Submission of additional data to establish flood hazard areas. To establish flood hazard areas and Base Flood Elevations, pursuant to subsection 10.01.09 of this section the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable Base Flood Elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered 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 local, 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 land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this section and any other ordinance, 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.

10.01.07 Duties and powers of the floodplain administrator

(a) Designation. The City Administrator or his/her designee is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(b) General. 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 the intent and purpose of this section 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 pursuant to subsection 10.01.11 of this section.

(c) Applications and permits. The floodplain administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this section;
3. Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;
4. Provide available flood elevation and flood hazard information;
5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
6. Review applications to determine whether proposed development will be reasonably safe from flooding;
7. Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this section is demonstrated, or disapprove the same in the event of noncompliance; and
8. Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this section.

(d) Substantial improvement and substantial damage determinations. For applications for building permits to improve buildings and structures, including alterations, movement,
enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

1. Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

4. Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this section is required.

(e) 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 pursuant to Section 10.01.11 of this section.

(f) 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.

(g) Inspections. The floodplain administrator shall make the required inspections as specified in Section 10.01.10 of this section 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.

(h) Other duties of the floodplain administrator. The floodplain administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 10.01.07(d) of this section;

2. Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change Base Flood
Elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

4. 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

5. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Lake Helen are modified.

(i) Floodplain management records. Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this section and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this 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 pursuant to this section and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at City of Lake Helen City Hall, 327 S. Lakeview Drive, Lake Helen, Florida 32744.

10.01.08 Permits

(a) Permits required. Any owner or owner’s authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this section, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this section and all other applicable codes and regulations has been satisfied.

(b) Floodplain development permits or approvals. Floodplain development permits or approvals shall be issued pursuant to 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.

(c) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 CFR 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 section 604.50, Florida Statutes.
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 366.02, F.S., Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
9. Structures identified in section 553.73(10)(k), Florida Statutes, 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 community. The information provided shall:
1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in subsection 10.01.09 of this section.
5. State the valuation of the proposed work.
6. Be signed by the applicant or the applicant's authorized agent.
7. Give such other data and information as required by the floodplain administrator.

(e) Validity of permit or approval. The issuance of a floodplain development permit or approval pursuant to this section shall not be construed to be a permit for, or approval of, any violation of this section, the Florida Building Code, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(f) Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the
work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(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 or any other ordinance, regulation or requirement of this community.

(h) **Other permits required.** Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

1. The St. Johns River Water Management District; section 373.036, Florida Statutes.
2. Florida Department of Health for onsite sewage treatment and disposal systems; section 381.0065, Florida Statutes and chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the joint coastal permit; section 161.055, Florida Statutes.
4. Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; section 404 of the Clean Water Act.
5. Federal permits and approvals.

**10.01.09 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 subsection 10.01.09(b)(2) or (3) of this section.
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 10.01.09 (b)(1) of this section.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.
7. Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this 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.

(b) Information in flood hazard areas without Base Flood Elevations (approximate Zone A).

Where flood hazard areas are delineated on the FIRM and Base Flood Elevation data have not been provided, the floodplain administrator shall:

1. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.

2. Obtain, review, and provide to applicants Base Flood Elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use Base Flood Elevation and floodway data available from a federal or state agency or other source.

3. Where Base Flood Elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
   a. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices; or
   b. Specify that the Base Flood Elevation is two 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.

(c) Additional analyses and certifications. As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

1. For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in Base Flood Elevations; where the applicant proposes to undertake development activities that do increase Base Flood Elevations, the applicant shall submit such analysis to FEMA as specified in subsection 10.01.09(d) of this section 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 community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 10.01.09(d) of this section.

(d) Submission of additional data. When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from FEMA to change the Base Flood Elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

10.01.10 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 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 subsection 10.01.09(b)(3)(b) of this section, 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 10.01.10(d) of this section.

(f) **Manufactured homes.** The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this section and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

### 10.01.11 Variances and appeals

(a) **General.** The planning board as established by the City of Lake Helen shall hear and decide on requests for appeals and requests for variances from the strict application of this section. Pursuant to section 553.73(5), Florida Statutes, the planning board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(b) **Appeals.** The planning board 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 of the planning board may appeal such decision to the circuit court, as provided by Florida Statutes.

(c) **Limitations on authority to grant variances.** The planning board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 10.01.11(g) of this section, the conditions of issuance set forth in subsection 10.01.11(h) of this section, and the comments and recommendations of the floodplain administrator and the building official. The planning board has the right to attach such conditions 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 subsection 10.01.09(c) of this section.

(e) **Historic buildings.** A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, article 11 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building’s continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building’s continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(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 meets the requirements of subsection 10.01.11(d), 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 issuance of variances. In reviewing requests for variances, the planning board 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 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 issuance of variances. Variances shall be issued only upon:

1. Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this section or the required elevation standards;
2. Determination by the planning board 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 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 $25.00 for $100.00 of insurance coverage), and stating that construction below the Base Flood Elevation increases risks to life and property.

10.01.12 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. 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.

(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 law.

10.02.00 Definitions

10.02.01 General

(a) Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this section, have the meanings shown in this section.

(b) Terms defined in the Florida Building Code. 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.

(c) Terms not defined. Where terms are not defined in this section or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

10.02.02 Terms Defined

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. A standard titled *Flood Resistant Design and Construction* that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

*Base Flood.* A flood having a one percent chance of being equaled or exceeded in any given year. (Also defined in FBC, B, section 1612.2.) The Base Flood is commonly referred to as the "100-year flood" or the "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 1612.2.)

*Basement.* The portion of a building having its floor subgrade (below ground level) on all sides. (Also defined in FBC, B, section 1612.2.)

*Design flood.* The flood associated with the greater of the following two areas: (Also defined in FBC, B, section 1612.2.)

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 community’s legally designated Flood Hazard Map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building’s perimeter plus the depth number (in feet) specified on the Flood Hazard Map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. (Also defined in FBC, B, section 1612.2.)

*Development.* Any manmade 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 March 18, 2004. (Also defined in FBC, B, section 1612.2.)

*Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before March 18, 2004.

*Expansion to an existing manufactured home park or subdivision.* The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are
to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: (Also defined in FBC, B, section 1612.2.)

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. (Also defined in FBC, B, section 1612.2.)

Flood hazard area. The greater of the following two areas: (Also defined in FBC, B, section 1612.2.)

1. The area within a floodplain subject to a 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 community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. (Also defined in FBC, B, section 1612.2.)

Flood Insurance Study (FIS). The official report provided by the Federal Emergency Management Agency that contains the Flood Insurance Rate Map, the Flood Boundary and Floodway Map (if applicable), the water surface elevations of the Base Flood, and supporting technical data. (Also defined in FBC, B, section 1612.2.)

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this section (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this section.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the Base Flood without cumulatively increasing the water surface elevation more than one foot. (Also defined in FBC, B, section 1612.2.)

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and Base Flood Elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, article 11 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:

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.

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the Base Flood Elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community’s floodplain management regulations.

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; or
2. Designed primarily for transportation of persons and has a capacity of more than 12 persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. (Also defined in FBC, B, section 1612.2.)
Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." (Also defined in 15C-1.0101, F.A.C.)

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this 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 March 18, 2004 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after March 18, 2004.

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 section 320.01, Florida Statutes.)

Recreational vehicle. A vehicle, including a park trailer, which is: (See in section 320.01, Florida Statutes.)

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 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 1612.2.)

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.
Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (Also defined in FBC, B Section 1612.2.)

**Substantial damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. (Also defined in FBC, B Section 1612.2.)

**Substantial improvement.** Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: (Also defined in FBC, B, section 1612.2.)

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

2. Any alteration of a historic structure provided the alteration will not preclude the structure’s continued designation as a historic structure.

**Variance.** A grant of relief from the requirements of this 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.

### 10.03.00 Flood resistant development

#### 10.03.01 Buildings and structures

(a) **Design and construction of buildings, structures and facilities exempt from the Florida Building Code.** Pursuant to subsection 10.01.08(c) of this section, 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 subsection 10.03.07 of this section.

#### 10.03.02 Subdivisions

(a) **Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
2. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

3. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) Subdivision plats. Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

2. Where the subdivision has more than 50 lots or is larger than five acres and Base Flood Elevations are not included on the FIRM, the Base Flood Elevations determined in accordance with subsection 10.01.09(b)(1) of this section; and

3. Compliance with the site improvement and utilities requirements of subsection 10.03.03 of this section.

10.03.03 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 chapter 64E-6, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(c) Water supply facilities. All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in chapter 62-532.500, F.A.C. and ASCE 24 chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(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 subsection 10.01.09(c)(1) of this section 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.

### 10.03.04 Manufactured homes

(a) General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to section 320.8249, Florida Statutes, and shall comply with the requirements of chapter 15C-1, F.A.C. and the requirements of this section. If located seaward of the coastal construction control line, all manufactured homes shall comply with the more restrictive of the applicable requirements.

(b) Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code, Residential section R322.2 and this section. Foundations for manufactured homes subject to subsection 10.03.04(f) of this section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(c) Anchoring. All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(d) Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 10.03.04(e) or (f) of this section, as applicable.

(e) General elevation requirement. Unless subject to the requirements of subsection 10.03.04(f) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential section R322.2 (Zone A).

(f) Elevation requirement for certain existing manufactured home parks and subdivisions. Manufactured homes that are not subject to subsection 10.03.04(e) of this section, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

1. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential section R322.2 (Zone A); or
2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(g) Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential section R322 for such enclosed areas.
(h) **Utility equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential section R322.

### 10.03.05 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 10.03.05(a) of this section for temporary placement shall meet the requirements of subsection 10.03.04 of this section for manufactured homes.

### 10.03.06 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 meet the elevation requirements of subsection 10.03.06(c) of this section 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 attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(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.

### 10.03.07 Other development

(a) **General requirements for other development.** All development, including manmade changes to improved or unimproved real estate 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. Meet the limitations of subsection 10.03.03(d) of this section if located in a regulated floodway;

3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

4. Be constructed of flood damage-resistant materials; and

5. Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(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 subsection 10.03.03(d) of this section.

(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 subsection 10.03.03(d) of this section.

(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 meet the limitations of subsection 10.03.03(d) of this section. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 10.01.09(c)(3) of this section.
Article 11. Transportation and Improvement Standards

11.01.00. Transportation Systems

This section establishes minimum standards to be met in the development of transportation systems, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The requirements set out in this section are designed to minimize the traffic impacts of development and to assure that all developments adequately and safely provide for the storage and movement of vehicles.

Where no parking standards are listed for a use, the appropriate number of spaces shall be determined by the City Administrator or his/her designee based on the parking standard of the most similar use codified.

11.01.01. Relationship to the Comprehensive Plan

The Transportation and Improvement Standards Article implements the following goals, objectives, and policies of the City of Lake Helen 2035 Comprehensive Plan:

1. Objective III-I: to provide a safe, convenient, and effective multimodal transportation system through the establishment of minimum level of service standards and the joint provision of non-motorized transportation facilities with proposed road improvements, and to provide high volume, multi-lane facilities with access controls, as needed, to preserve the through carrying capacity of the facilities;

2. Objective III-4, Policy 4.1: Adequate Parking. The City of Lake Helen shall continue to develop enact and implement land development regulations that ensure the provision of adequate parking areas to accommodate all vehicular traffic, both motorized and non-motorized;

3. Objective III-4, Policy 4.2: Parking Needs. The City of Lake Helen shall review all development for accommodation of vehicular traffic parking needs, both motorized and non-motorized;

4. Objective III-5, Development review. The City of Lake Helen shall review all development for accommodation of bicycle and pedestrian transportation needs.

11.02.00. Streets

This section establishes minimum standards to be met in the development of transportation systems, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The requirements set out in this section are designed to minimize the traffic impacts of development and to assure that all developments adequately and safely provide for the storage and movement of vehicles.

1. Street Classification System

   a. Table 11B indicates three categories of roadways as described in the Comprehensive Plan.

   b. Private streets and streets that are to be dedicated to the City are classified in a street hierarchy system with design tailored to function. The street hierarchy system shall be defined by road function and average daily traffic (ADT), calculated by trip generation rates prepared by the Institute of Transportation Engineers. The following streets hierarchy is established: local, collector, and arterial.

2. Official Streets

   Table 11A lists all existing roadways within the jurisdiction of the City. All public streets
and roads, existing and new, shall be identified on this table in accordance with the streets hierarchy scheme. The table shall be the basis for all decisions regarding required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

Table 11A: Inventory of Streets and Roads

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City of Lake Helen Land Development Code

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<table>
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<tr>
<th>Street/Road</th>
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City of Lake Helen Land Development Code
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<tr>
<th>Street</th>
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<th>Category</th>
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<th>Type</th>
<th>Destination</th>
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<td>John</td>
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</table>

**NOTE:** Cat = Category. Cat 1 = Opened, paved. Cat 2 = Opened, unpaved. Cat 3 = Private. Cat 4 = Unopened, dedicated.

**Source:** City of Lake Helen, and LPG Urban & Regional Planners, Inc. (2015)

### Table 11B Street Classification Standards

Table 11B specifies the number of lanes and pavement and right-of-way widths for local, collector,
TABLE 11B: Street Classifications; Lane and Right-of-Way Requirements

<table>
<thead>
<tr>
<th>Street Type</th>
<th>Number of Lanes</th>
<th>Pavement Width per Lane</th>
<th>ROW Width</th>
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<tr>
<td>Local</td>
<td>2</td>
<td>20 feet</td>
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<tr>
<td>Collector</td>
<td>2-4</td>
<td>24 feet</td>
<td>60-80 feet</td>
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<tr>
<td>Arterial</td>
<td>2-5</td>
<td>24 feet</td>
<td>120 feet</td>
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11.03.00 Rights-of-Way

11.03.01 Right-of-Way Reservation

Right-of-way requirements shall be as specified in Table 11B of this Code. The right-of-way shall be measured from lot line to lot line. Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy other minimum requirements of this Code.

11.03.02 Protection and Use of Rights-of-Way

1. No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the City.

2. Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the approval by the City.

3. Sidewalks and bicycle ways may be placed within the right-of-way subject to the approval by the City.

4. Setbacks shall not include right-of-way.

11.03.03 Vacations of Rights-of-Ways

Applications to vacate a right-of-way may be approved upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the Transportation Circulation Element of the City Comprehensive Plan.

2. The right-of-way does not provide the sole access to any property.

3. Remaining access shall not be by easement.

4. The vacation would not jeopardize the current or future location of any utility.

5. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the City.
11.03.04 Street Design Standards

1. Streets shall be dedicated to the City upon completion, inspection, and acceptance by the City.

2. Street names. Proposed streets, which are in alignment with others existing and named, shall bear the assigned name of the existing streets, with the same spelling. In no case shall the name for a proposed street duplicate or be phonetically similar to existing street names, and the street shall also be designated the same as the existing streets, such as street, avenue, boulevard, etc. Street names shall require the approval of the City Commission, E-911 addressing for Volusia County, and the postmaster of the U.S. Postal Office.

3. Private streets may be allowed only within developments where all streets remain under common ownership.

4. The street system of the proposed development shall, to the extent practicable, mirror the existing historic grid network, conform to the natural topography of the site, preserve existing hydrological and vegetative patterns, and minimize erosion potential, runoff, and the need for site alteration.

5. Streets shall be laid out to avoid environmentally sensitive areas.

6. The street layout in all new development shall be coordinated with and interconnected to the street system (existing and projected) of the surrounding area. All streets shall terminate at other streets on at least one end.

7. Streets in proposed developments shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are un-platted, stub outs in the new development shall be provided for future connection to the adjacent un-platted land.

8. Streets shall intersect as nearly as possible at right angles and shall not create an intersection of streets of less than 75 degrees.

9. New intersections along one side of an existing street shall coincide with existing intersections on the opposite side, where possible. Where an offset (jog) is necessary at an intersection, the distance between center lines of the intersecting streets shall be no less than 150 feet.

11.03.05 Collector and Arterial Streets

Specifications for construction and paving of collector and arterial streets shall be in accordance with Volusia County and FDOT standards.

11.03.06 Curbing Requirements

Curbing shall not be required unless it is determined to be needed for drainage or safety reasons during the development review process.

11.03.07 Shoulders

Shoulders, where required by the Florida Department of Transportation or Volusia County, shall meet their respective standards.
11.03.08 Acceleration, Deceleration, and Turning Lanes

Acceleration, deceleration or turning lanes may be required by the City along roads with a functional classification of collector or arterial, or a design speed of 35 miles per hour or greater. Requirements will be based upon a traffic impact study required of the developer or other information available to the City that indicates a need.

11.03.09 Cul-de-sacs

An unobstructed twelve (12) foot wide moving lane with a minimum outside turning radius of thirty-eight (38) feet shall be provided at the terminus of every permanent cul-de-sac.

11.03.10 Stub Streets

Stub streets are required as necessary to allow connection to future development on existing unplatted land adjacent to the development. The location and alignment of the stub streets shall ensure that the resulting street system will conform to the general design standards of this Article. Stub streets shall terminate with a temporary cul-de-sac meeting the dimensions of this Article.

11.03.11 Clear Visibility Triangle

In order to provide clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met.

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of three (3) feet and six (6) feet above the grade, measured at the centerline of the intersection.

2. The clear visibility triangle of the intersection of any streets shall be formed by the intersection of the edge of the road traveled way with two sides of each triangle being equal in length from the point of the intersection and the third side being a line connecting the ends of the two other sides as indicated below.

3. The distance from the intersection of the edge of the road traveled way shall be thirty (30) feet.

11.03.12 Signage and Signalization

Sufficient funds shall be deposited with the City to provide all necessary roadway signs and traffic signalization as may be required by the City or County, based upon City, county or state traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent with the style established by the City and of a uniform size and color.
11.04.00 Street Trees

Street trees shall be provided in accordance with the standards established in Article 8.09 of this Code.

No development shall be approved without reserving an easement authorizing the City to plant trees within five feet (5’) of the required right-of-way boundary. No street shall be accepted for dedication until such an easement is granted.

11.05.00 Sidewalks and Bikeways

1. Projects abutting collector or arterial facilities shall provide sidewalks adjacent to the collector or arterial roadway. Location of sidewalks shall be consistent with any planned roadway improvements.

2. Sidewalks shall be provided where recommended by the Downtown Master Plan and/or Bicycle/Pedestrian Study and/or Transportation Study. The City Commission may grant exceptions to this requirement when finding a sidewalk is not practicable. Improvements or new construction of collector or arterial roadways shall include provision for sidewalks and bikeways within the right-of-way.

3. Repair. When a public sidewalk exists, the landowner is responsible for any repair or replacement of sidewalk or bike path which is damaged by the landowner or builder.

5. When acceleration, deceleration and/or turning lanes are incorporated into a street with on-road bicycle facilities, the extra land width, paved shoulder, or bike lane should be incorporated into the right-hand through lane, with FDOT design standards being met.

6. Sidewalks shall be required to be constructed on any new or redeveloped, individual or subdivided, residential or non-residential development site. The developer may have an alternative of paying an "in lieu of" fee for sidewalk construction if it is determined by the City Commission that a public purpose will be served by applying said fee to an existing, or planned, sidewalk linkage rather than constructing the sidewalk on the development site. The City of Lake Helen shall prioritize street segments with sidewalk gaps. The following criteria shall be used in prioritizing sidewalk gap improvements:
   a. Proximity to schools
   b. Proximity to major public parks or cultural facilities
   c. Proximity to residential and commercial areas, or any area exhibiting a high volume of walking
   d. Arterial and collector streets

11.05.01 Sidewalks and Bikeways Design and Construction Standards

All sidewalks and bikeways shall conform to the latest design and construction standards approved by the Florida Department of Transportation and outlined in the FDOT’s Bicycle Facilities Planning and Design Manual. If curbs are constructed as part of a sidewalk, inclined curb approaches or curb cuts having a gradient of not more than one foot in twelve feet and a width of not less than four feet shall be provided for access by wheelchairs.

11.06.00 Golf Carts

The City Commission has determined that the City-maintained streets are uniformly configured by platting and right of way designation; that golf carts are currently an accepted mode of limited
destination travel; that traffic counts do not generate negative results germane to restricted golf
cart use and legislation; that use of golf carts has been reviewed, investigated, and analyzed by
the police department and no negative findings were generated; and the City of Lake Helen has
found it operationally and economically feasible to implement Section 316.212, Florida Statutes.

It is the intent of the City Commission of the City of Lake Helen to protect the public health, safety
and welfare and to ensure the protection of the travelling public and the citizens of the City of Lake
Helen by this legislative enactment.

11.06.01 Use of Golf Carts within City of Lake Helen

1. In accordance with the provisions of Section 316.212, Florida Statutes, relating to the
operation of golf carts on roadways, the operation of a golf cart upon the streets of the City
is permitted on streets within the municipal limits of Lake Helen with posted speed limits of 30
m.p.h. or less. The City Commission has determined that golf carts may safely travel on and/or
cross the public roads and/or streets of Lake Helen, considering the facts of speed, volume,
and the character of pedestrian, non-motorized travel and all motor vehicle traffic, using the
streets of the City of Lake Helen.

2. Upon a determination that golf carts may be safely operated on a designated road or street,
the City Administrator or his/her designee, shall post appropriate signs to indicate that such
operation is authorized and allowed. With regard to the streets where the operation of golf
carts is prohibited, the City Commission has, and shall be deemed for all purposes to have,
determined that such prohibition is necessary in the interest of public safety in accordance
with subsection 1 hereof.

3. A golf cart may be operated at any time, day or night, on public roads or streets with a
posted speed limit of 30 m.p.h. or less provided the golf cart is equipped with headlights,
brake lights, turn signals, a windshield, and such other equipment as is required in subsection
5 hereof. The City Administrator or his/her designee, shall post appropriate informational
signage within the City upon specific direction from the City Commission.

4. No golf cart shall be driven, operated, or controlled on the public roads or streets of the City
of Lake Helen unless the golf cart has a visible City of Lake Helen permit tag on the golf cart
that is current and unrevoked indicating compliance with all necessary laws. An administrative
fee as set by Resolution by the City Commission for the permit shall be issued only to a specific
golf cart. The Chief of Police or his/her authorized designee, upon compliance with this Article
and all other applicable state and federal law, shall inspect each golf cart for compliance,
issue and install required permits. Each permit issued shall be renewed on an annual basis by
the last day of the month issued. Further, any permit issued is subject to administrative
revocation by the City for non-compliance with any local, state, or federal law or regulation
germane to the operation of golf carts. The Chief of Police or his/her designee, shall issue a
letter of revocation to the permittee and the golf cart permit shall be returned to the issuing
authority of the City immediately.

5. In accordance with the provisions of State law, a golf cart must be equipped with efficient
brakes, reliable steering apparatus, safe tires, a rearview mirror, and red reflectorized
warning devices in both the front and rear to the satisfaction of the Chief of Police or his/her
designee in accordance with the requirements hereof.

6. All operators of golf carts on public streets within the city limits of Lake Helen must possess a
valid operator’s license and it is prohibited and unlawful for a golf cart to be operated at
any time on public streets by any person who does not possess a valid operator’s license.
11.06.02 Use of Golf Carts by City Personnel

City of Lake Helen personnel, who have been issued a valid Florida operator’s license, are hereby authorized to operate golf carts and utility vehicles on City maintained roads located within the City limits of the City of Lake Helen if the golf carts and utility vehicles comply with the operational and safety requirements of State law and this section and are solely operated by City employees for City purposes including, but not limited to, police patrol, traffic enforcement, and inspection of public facilities, and golf carts and utility vehicles may only be operated on City maintained roadways, pursuant to Section 316.2126, Florida Statutes.

11.06.03 Penalties

The City may enforce the provisions of this section in accordance with any legal remedy permitted by State law and violations hereof shall carry the maximum penalty authorized by State law under Chapter 316. A violation of this section is a noncriminal traffic violation infraction, punishable pursuant to Chapter 318 and Chapter 322, Florida Statutes.

11.07.00 Access

All proposed development shall meet the following standards for vehicular access and circulation:

A. Number of Access Points

1. Every lot or parcel shall have direct access from a public street (or private street where permitted under Article 11.01.05).

2. Where a development site comprises more than one building site, the building sites shall not be considered as separate properties for the purpose of the standards associated with access points.

3. The number of access points shall be kept to the minimum required to adequately serve the development. Table 11C shows the number of access points by type of development.

<table>
<thead>
<tr>
<th>Type of Development</th>
<th>Number of Access Points</th>
<th>Preferred Type of Access</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-residential, less than 10 parking spaces</td>
<td>1</td>
<td>Local</td>
</tr>
<tr>
<td>Non-residential, more than 10 parking spaces</td>
<td>2</td>
<td>Collector / Arterial</td>
</tr>
</tbody>
</table>

4. The City Commission may approve access points in excess of those allowed in Table 11C based upon study results and recommendations of the Traffic Engineer.

5. Adjacent users may share a common driveway provided that appropriate access easements are granted between or among the property owners.

B. Separation of Access Points

1. Access points to adjacent properties for which site plans are required shall be separated
1. Parking areas shall be surfaced with acceptable materials, shall be constructed in compliance with the City’s stormwater management regulations, shall contain wheel stops for individual vehicle parking space delineation and shall be constructed in compliance with the City’s landscaping regulations.

2. Acceptable materials means a durable all-weather surface composed of concrete, brick, asphalt, permanent porous grating, or other permanent dust-free surfaces. The aforesaid notwithstanding, the City may, during the development review process, and on an individual project specific basis, consider approval of the use of alternate parking area surface materials. Such consideration shall weigh such factors as surface materials proposed, site location, site topography, environmental benefits, size of parking area, maintenance requirements, site aesthetics, potential impacts on surrounding properties, potential impacts on City rights-of-way and facilities, and hours and days of use of the parking area.

11.08.02 Off Street Parking Requirements

1. The following matrix Table 11E specifies the required minimum number of off-street automobile and bicycle parking spaces for a specific land use.

2. A plan showing off-street parking and delineating traffic flow within shall be submitted to and approved by the City Administrator or his/her designee before a permit is issued for the construction or use of the building, structure or facility being considered, except for single-family residences. This plan shall show the location and accurately designate the number and size of spaces, access aisles, drive-thru window(s) location and associated drive-thru queue parking, driveways/access points, loading zones, fire lanes, and dumpster locations. The off-street parking plan shall be included in the site plan submittal requirements.

3. The number of parking spaces for uses not specifically listed in the matrix shall be determined by the City Administrator or his/her designee. They shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of spaces based upon the principles of this Code.

4. For several uses listed in the matrix the parking requirement is to be determined by the City Administrator or his/her designee. These uses have a large variability in parking demand, making it impossible to specify a single parking requirement. A developer proposing to develop or expand one of these uses must submit a parking study that provides justification for the requirement proposed. The City Administrator or his/her designee will review this study along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use proposed.
5. For the purpose of computing the number of off-street parking spaces, the gross floor area (GFA) of a building is the sum of the gross horizontal area of all floors of a building measured from the exterior faces of exterior walls. Seating capacity is the total number of seats or chairs permitted for a use. For the purposes of this section, one (1) seat shall mean one seating area which can accommodate one (1) person sitting, such as one (1) chair or one (1) such area on a church pew or bench. The applicant is encouraged to develop a parking plan which can prove the number of actually needed spaces for a site and use, and based on the supporting evidence the City Administrator or his/her designee can approve the applicant's parking plan.

6. When computing the number of required parking spaces, round to the nearest whole number.

7. Excessive parking spaces beyond that required are not encouraged. If requested by the applicant and approved by the City Administrator or his/her designee, excessive parking shall not be located as part of the required principle parking facility or area.

8. A reduction in the number of parking spaces may be granted by the City Administrator or his/her designee if the applicant can demonstrate that a reasonable number of trips to the site will be generated by transportation not requiring parking; or joint use with another site that has different temporal parking demands will satisfy parking space requirements.

9. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design and location of these spaces shall be consistent with the requirements of Sections 316.1955 and 316.1956, Florida Statutes, or succeeding provisions. Parking space required for the handicapped shall be counted as a parking space to comply with the minimum requirements of this Code. All spaces for the handicapped shall be paved.

10. Compact car parking spaces may satisfy no more than twenty-five (25%) percent of required parking spaces. These spaces shall use appropriate signage and shall be located no more or no less conveniently than standard size car spaces.

11. For the purposes of this section, a compact vehicle is defined as any vehicle less than fifteen feet (180 inches) in length. A standard vehicle is any vehicle that is fifteen feet or larger.

12. Off-street parking shall be available for use prior to the issuance of any Certificate of Occupancy.

13. A permit shall be required for any temporary use of right-of-way. Permanent use of right-of-way is prohibited.

11.08.03 Shared Parking Provisions

Shared parking may be applied when land uses have different parking demand patterns and can use the same parking spaces/areas throughout the day or night. Shared parking may also be applied when an existing development can demonstrate excess parking. Factors evaluated to establish shared parking arrangements shall include operating hours, seasonal/weekly/daily peaks in parking demand, the site’s orientation, location of access driveways, accessibility to other nearby parking areas, pedestrian connections, distance to parking area, and availability of parking spaces.

Shared parking is subject to an agreement that addresses the following:

1. The agreement is valid only as long as the conditions described in the application for the shared parking exist. The City must be a party identified in the agreement requiring a
signature from the City Administrator or his/her designee, and the agreement must be in a form acceptable to the City Attorney recorded with the Volusia County Clerk of Courts.

2. A copy of the recorded agreement shall be submitted to the City Clerk within ten (10) days of its recording.

### 11.08.04 Off-Site Parking

Up to 75% of the overall required parking may be met in off-site parking areas through a shared parking agreement. A pedestrian connection providing a safe, well lighted walking environment shall be required.

<table>
<thead>
<tr>
<th>Table 11 E Matrix for Land Use and Required Parking Spaces</th>
</tr>
</thead>
</table>

#### Residential Required Parking Spaces

**Conventional Detached:**

- **1-3 Bedrooms:** Two (2) Spaces
- **4 or more Bedrooms:** Three (3) Spaces
- **Residential Accessory Dwelling Unit:** One (1) Space (per Article 4.01.01)

**Cluster/Multi-Family Development:**

- **1 Bedroom:** One and a half (1.5) Spaces per Unit
- **2 to 4 Bedroom:** Two (2) Spaces per Unit
- **Visitor Parking:** One-half (1/2) the total number of required spaces for dwellings, may be located in a common parking facility not more than two hundred (200) feet distant from the nearest boundary of the site.

**Mobile Home Park (MHC Zoning):**

- **Resident Parking:** Two (2) Spaces per Unit
- **Visitor Parking:** One-half (1/2) the total number of required spaces for dwellings, may be located in a common parking facility not more than two hundred (200) feet distant from the nearest boundary of the site.

#### Commercial Required Parking Spaces

**Amusement arcades and centers:** One (1) space for each six hundred (600) square feet of GFA.

**Auditoriums, bowling alleys, convention halls, theaters, or other places of assembly:** One (1) space for each six (6) seats, or where viewing booths or compartments without seats exist, one (1) space for each four (4) booths or compartments.

**Automobile rental agency:** One (1) space for each four hundred (400) square feet of GFA, plus one (1) space for each automobile to be rented.

**Automotive maintenance facility:** Two (2) spaces for each stall, bay, rack or pit, plus a six-foot screened storage area, to accommodate two (2) additional spaces for each stall, bay, rack or pit to store vehicles left on the premises longer than forty-eight (48) hours.

**Banks and financial institutions:** One (1) space for each three hundred (300) square feet of GFA.

**Barber shops and beauty salons:** Two (2) spaces for every beauty or barber chair.
Bed and Breakfast Inn: One (1) space for each sleeping unit, two (2) spaces for owner/operator, plus one (1) space for each one and one-half (1½) employees.

Car wash: One (1) space for each auto washing machine or bay.

Churches or places of worship: One (1) space for each six (6) seats.

Clubs (including health clubs or lodges): One (1) space for each four hundred (400) square feet of the principle area(s) of assembly, plus one (1) space for every two (2) employees.

Contractor, service business and communication media and offices: One (1) space for each six hundred (600) square feet of GFA, plus one (1) space for each vehicle stored on site.

Daycare, Pre-School, Nursery Schools: One (1) space for each employee plus one (1) space for every seven (7) children.

Dwelling units: Two (2) spaces for each dwelling unit. For multiple-family dwellings the parking facilities one-half (1/2) the total number of required spaces for multiple-family dwellings, may be located in a common parking facility not more than two hundred (200) feet distant from the nearest boundary of the site.

Grocery stores and convenience marts: One (1) space for every one hundred fifty (150) square feet of floor sales area, which only the patrons are permitted to access.

Hospitals and sanitariums: One and one-half (1.5) spaces for every bed in the facility.

Hotels, motels, lodging facilities:

a. One (1) space for each sleeping unit, plus one (1) space for each one and one-half (1½) employees.

b. The required number of spaces for affiliated accessory uses of restaurants, lounges, banquet, meeting rooms, convention facilities and retail sales may be reduced by up to sixty percent (60%) as approved by the City Administrator or his/her designee.

Laundromat: One (1) space for every two (2) washing machines installed.

Medical and dental clinics or laboratories: Five (5) spaces, plus one (1) space for each five hundred (500) square feet of GFA.

Medical and dental offices: One space for each two hundred fifty (250) square feet of GFA.

Mini-storage or self-storage: Five (5) spaces, or one (1) for every fifty (50) storage bays, whichever is greater.

Mortuaries and funeral homes: One (1) space for every four (4) seats, plus spaces needed for funeral vehicles per each establishment’s needs.

Nursing, convalescent or community residential homes: One (1) space for every two (2) patient beds.

Office—Professional buildings: One (1) space for each three hundred (300) square feet of GFA.

Outdoor recreation facilities: The number of needed spaces shall be as determined by a parking study, which shall be reviewed and approved by the city engineer and City Administrator or his/her designee, since no two (2) outdoor facilities are the same and they each have individual and specific parking needs.

Personal service establishments: A minimum of two (2) spaces, or one (1) space for each five hundred (500) square feet of GFA, whichever is greater.
Public libraries and museums: One (1) space for each eight hundred (800) square feet of GFA.

Restaurants, bars, cocktail lounges: Four (4) spaces, plus one (1) space for every four (4) seats approved for the service area.

Restaurants with no seating: One (1) space for every two hundred (200) square feet of GFA.

Retail sales: Three (3), plus one (1) space for every six hundred (600) square feet of GFA.

Schools: Junior high and elementary schools: Twenty (20) spaces, plus two (2) spaces per classroom.

High school: One (1) space for each employee, plus one (1) for every six (6) students.

Special exception uses: The number of spaces needed for special exception uses shall be based on the supporting evidence provided by the applicant, for the amount of needed parking for said use, which must be authorized by the City Administrator or his/her designee.

Technical, trade and vocational schools:

a. Classrooms, planetarium: One (1) space for each five (5) seats.

b. Gymnasium, natatorium, auditorium, theater, amphitheater, and other places of public assembly: One (1) space for each four (4) seats.

c. Stadium: One (1) space for each four (4) seats.

d. Infirmary, libraries, computer center, laboratories, greenhouses, radio/TV stations, cafeteria, bookstores, retail facilities, post office, student military building, administrative offices, teacher’s offices, etc.: One (1) space for each six hundred (600) square feet of GFA.

Tourist homes and guest cottages: One (1) space for every two (2) sleeping rooms.

The number of parking spaces for uses not specifically listed in the above matrix shall be determined by the City Administrator or his/her designee. They shall consider requirements for similar uses and appropriate traffic engineering and planning data, and shall establish a minimum number of spaces based upon the principles of this Code.

11.08.05 Fractional Measurements

Where units or measurements determining the number of required off-street parking spaces result in the requirement of a fractional space, a fraction equal to or greater than one-half (.5) space shall be rounded up to include an additional full parking space (i.e. 7.5 calculation would require 8 parking spaces).

11.08.06 Mixed Uses

In the case of mixed uses, the total requirement for off-street parking shall be the sum of the requirements of the various uses computed separately, and the off-street parking for one (1) use shall not be considered as providing the required off-street parking for another use.

11.08.07 Required bicycle spaces for specified uses

Bicycle parking shall be provided at multi-family developments on two (2) or more acres, parks and recreation facilities, and commercial establishments according to the following standards:

The number of bicycle spaces required is as follows:
Table 11F Required bicycle spaces for specified uses.

<table>
<thead>
<tr>
<th>Type of Use</th>
<th>Minimum Number of Bicycle Spaces</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parks and recreation facilities</td>
<td>1 space per 5 required vehicle parking spaces</td>
</tr>
<tr>
<td>Commercial uses</td>
<td>1 space per 10 required vehicle parking spaces</td>
</tr>
<tr>
<td>Multi-family development</td>
<td>1 space per 15 required vehicle parking spaces</td>
</tr>
</tbody>
</table>

Bicycle parking spaces may be provided as either bicycle racks or other storage facilities, provided that the following standards are met:

1. Facilities shall be designed to allow each bicycle to be secured against theft;
2. Facilities shall be installed to resist removal;
3. Facilities shall be installed to resist damage by rust, corrosion, or vandalism;
4. Facilities shall accommodate a range of bicycle shapes and sizes and allow easy locking without interfering with adjacent bicycles; and
5. Facilities shall be located not to interfere with pedestrian or vehicular movement.

11.08.08 Location of Off-Street Parking Spaces

1. Parking areas may be within the rear or side yards. Standard parking spaces shall be a minimum size of ten feet (10') x twenty feet (20'). Up to ten percent (10%) of the required number of parking spaces may be designated for compact vehicles and reduced in size to nine feet (9') x eighteen feet (18'). Parking areas shall be located, designed and visually screened/landscaped so as to minimize potential aesthetic impacts on adjacent property owners. Parking areas shall be located and designed so as to maximize traffic circulation patterns and minimize traffic hazards.
2. No parking spaces shall be arranged so as to permit a vehicle to back onto a publicly dedicated right-of-way.
3. In no case shall any parking space in any district be located within ten (10) feet of any property line.
4. Accessory parking may be located in a rear or side yard for single-family dwellings.
5. Parking spaces for all dwellings shall be located on the same property with the main building, except that one-half (1/2) the total number of required spaces for multiple-family dwellings, may be located in a common parking facility not more than two hundred (200) feet distant from the nearest boundary of the site.
6. When off-site parking is allowed, the owner of the site receiving parking shall submit to the City Clerk a restrictive covenant in recordable form reserving the off-street parking site for off-street parking for the building for as long as the parking shall be required.
7. Off-street parking requirements for commercial and industrial land uses shall be located on site, except where off-site parking is allowed and utilized.
8. Required off-street parking areas for three (3) or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated in such a manner that no parking or maneuvering incidental to parking shall be on any area, public street, walk or alley, and so that any automobile may be parked and moved without moving another.

### 11.08.09 Off-Street Parking Layout

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.

2. Parking and loading areas, 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.

3. 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 not unreasonably exposed to vehicular traffic.

4. 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.

5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family, two-family and multi-family residences, is not a public street.

6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the appropriate City official based on the size and accessibility of the driveway.

7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

8. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.

9. No parking space shall be located so as to block access by emergency vehicles.

10. Single and two-family residences abutting arterial and collector roads shall not be allowed to have single driveways entering said roadways.

### 11.08.10 Loading

1. Schools, hospitals, nursing homes and other similar institutional uses and multi-family residential uses shall provide one (1) loading space for the first fifty thousand (50,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional fifty thousand (50,000) square feet or fraction thereof.

2. Auditoriums, gymnasiums, stadiums, theaters, and other buildings for public assembly shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional fifty thousand (50,000) square feet.

3. Commercial centers, commercial uses, hotels, hospitals, and institutional uses with less than 10,000 square feet of gross floor area shall provide one (1) off-street loading
4. Commercial centers, commercial uses, hotels, hospitals, and institutional uses with 10,000 square feet or more of gross floor area shall provide one (1) space for the first 10,000 square feet of gross floor area, plus one (1) space for each additional 20,000 square feet, or fraction thereof.

5. Industrial uses shall provide one (1) space for each 10,000 square feet of gross floor area.

6. Offices shall provide one (1) space for each 20,000 square feet of gross floor area.

7. Off-street loading spaces shall meet the following design requirements:
   - Loading spaces shall not block streets, alleys, or sidewalks. Loading spaces shall not impair the movement of vehicles or pedestrians on streets, alleys, or sidewalks.
   - Every loading space shall meet the following minimum dimensions:

<p>| | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Length</td>
<td>30 feet</td>
</tr>
<tr>
<td>Width</td>
<td>12 feet</td>
</tr>
<tr>
<td>Height</td>
<td>12 feet</td>
</tr>
</tbody>
</table>

11.08.11 Handicapped Access

Handicapped shall be provided in accordance with the Florida Statutes (553.5041 FS) and the American Disabilities Act, particularly in relation to space size/marking, signage, location, and access.

11.08.12 Emergency Vehicle Lane

All commercial and industrial developments shall provide a minimum twelve (12) foot wide emergency vehicle lane, with the inner edge of the lane no closer than ten (10) feet and no further than thirty (30) feet from the building, with the zone extending thirty (30) feet on either side from the main entrance to the building. The emergency vehicle lane shall be constructed to accommodate fire trucks with a minimum weight of thirty-two (32) tons.

11.08.13 Emergency Vehicle Lane Signage

1. Signs required. Fire lanes shall be marked with freestanding signs with the wording “NO PARKING-FIRE LANE-BY ORDER OF THE FIRE DEPARTMENT.” Said signs shall be twelve (12) inches by eighteen (18) inches with a white background and red letters.

2. Demarcation of emergency vehicle lanes. All fire lanes shall have a minimum width of twelve (12) feet, and be marked as follows:
   a. All fire lanes shall be completely outlined with yellow traffic paint striped eight (8) inches minimum in width; also diagonal striping a minimum of three (3) inches wide at least five feet (5’) on center, to the curb line.
   b. The curb, or the line of the curb, shall be painted yellow for the entire length of the fire lane.
   c. Within the diagonal striping shall be the words “FIRE LANE-NO PARKING” in block letters no less than twelve (12) inches in height with a minimum three (3) inch stroke, directly in front of the primary entry/exit doors.
d. All of the above referenced markings shall be ninety (90) mil thermoplastic or of City approved material and shall be maintained by the property owner.

3. Open access area for fire department connections. All non-residential buildings with fire department connections (FDC) shall provide a twelve (12) foot by twenty (20) foot open access area adjacent to each FDC. Such access areas shall be accessible by emergency equipment, and be centered fifteen (15) on either side of the connection.

4. The curb, or the line of the curb, shall be painted with yellow stripes for the entire length of the FDC open access area. Within the stripes shall be the words “NO PARKING-FIRE” in block letters no less than twelve (12) inches in height with a minimum three (3) inch stroke.

5. All markings shall be ninety (90) mil thermoplastic.

11.08.14 Design Standards for Off-Street Parking and Loading Areas

1. Standard and compact car parking spaces shall be sized according to the most recent design standards recommended by the Institute of Transportation Engineers (IT).

2. Handicapped parking requirements contained in Section 316.1955, F.S. shall be followed in identifying spacing needs.

3. Parking spaces shall be designed to accommodate emergency vehicles down main aisles.

11.09.00 Lighting for Parking Areas

1. For businesses and facilities open during evening hours, all parking areas shall provide illumination which meets the safety standards as outlined in Article 9.05.00.

2. Mounting height and spacing of luminaries should be sufficient to distribute adequate lighting for safety purposes to the entire facility.

3. Lighting shall be designed, arranged and constructed such that no source of such lighting is visible from any adjoining or nearby property including residential areas, public streets, or other adjacent land uses.

4. All lighting shall be designed, arranged, and constructed to shield public roadways and all other adjacent properties from direct illumination.

5. Lighting shall be in place before a Certificate of Occupancy is issued.

11.10.00 Landscaping for Parking Lots

Article 8.07.11 outlines requirements for Landscaping in parking areas.

11.11.00 Drive-Thru and Stacking Lane Standards

1. All uses and facilities providing drive-up or drive-through service shall provide stacking lanes in compliance with the standards of this section.

2. Restaurants with drive-up or drive-through facilities shall provide a minimum stacking space to accommodate eight (8) vehicles. A by-pass lane shall be required.

3. Banks and financial institutions shall provide stacking spaces according to Table 11 G.

4. A by-pass lane shall be provided.
11.12.00 Restricted Parking

There shall be no parking at any time on arterial streets i.e., Lakeview Drive, New York Avenue, Summit Avenue, Church Street, Main Street, Ohio, Cassadaga Road and South High Street.

11.13.00 Large Vehicles

1. No tractor (bob-tail), tractor trailers, automobile delivery units, refrigerated units (compressors running overnight) or any truck larger than one (1) ton, buses or similar vehicles will be permitted to park on any street, municipal right-of-way or any area zoned residential within the city limits.

2. Only commercial vehicles meeting all of the following standards shall be permitted to be parked within residential districts:
   1. Gross vehicle weight not over 10,000 pounds;
   2. Not over 2 axles nor more than 6 tires;
   3. Total sign area on the vehicle not over 4 sq. ft.

3. The parking of all other commercial vehicles exceeding the standard above is prohibited on the public streets or on or within privately owned driveways or property within all residential districts, except for loading or unloading purposes or when parked within a completely enclosed private garage.

11.14.00 Residential Parking

In the residential zoned area, motor vehicles shall not be parked anywhere within that portion of the lot lying across the full width of the lot between the front lot line and the front most part of the principal structure, except driveways. All such vehicles shall bear a current license plate or validation sticker.

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Table 11G. Stacking Lane Requirements

<table>
<thead>
<tr>
<th>Number of Drive-Through Lanes</th>
<th>Total Number of Vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>8</td>
</tr>
<tr>
<td>2</td>
<td>12</td>
</tr>
<tr>
<td>3</td>
<td>18</td>
</tr>
<tr>
<td>Each additional lane</td>
<td>2 additional vehicles accommodated</td>
</tr>
</tbody>
</table>

1. A solid wall or fence shall be provided when a drive–thru window and/or stacking lane is located parallel to a property line abutting lots or parcels zoned for residential purposes in order to block lights from vehicles using said facility(s).

2. Stacking lanes shall not be located within a designated delivery area, loading spaces, or emergency vehicle lanes.
11.15.00 Vehicles exceeding thirteen (13) feet in a Residential Zoning District

1. Any recreational vehicle, whether wheeled, motorized, or in an unassembled state, including trailers, boats and boat trailers separately or in combination, exceeding thirteen (13) feet in length shall not be permanently parked, stored or located on private property in a residential zoning district unless parked in an enclosed garage, or as otherwise provided herein.

2. The length of the vehicle shall be the (registered hull length for boats) length of the vehicle without accessories, not including hitches, masts, outboard motors, trailers, nor any vehicle temporarily attached to it.

3. Recreational vehicles including trailers, boats and boat trailers exceeding thirteen (13) feet in length may be parked at owner’s property subject to the following parking and use regulations:

   a. The vehicle may be parked in the side or rear yard, if accessible, or in the front yard if space is available to meet the following regulations.

   b. Such vehicle may not be parked closer than two (2) feet to any abutting property line.

   c. Such vehicle in the front yard must be parked perpendicular to the front curb.

   d. Such vehicle shall be parked on a driveway or other prepared surface.

   e. The vehicle must be at least eight (8) feet from the face of a curb or edge of pavement on a street and no part of the vehicle may extend over a public sidewalk or bike path.

   f. Such vehicle shall not obstruct the visibility triangle at intersections as defined in section 4.08.00.

   g. If parked within ten (10) feet of an adjacent property, a minimum four-foot wall, fence, or vegetative hedge providing opacity of eighty percent (80%) or greater must be provided to screen the vehicle from the adjacent property.

   h. Such vehicle shall not be used as a residential detached dwelling unit, or be connected to any public utilities, or used for storage, or as an office for business purposes.

   i. Such vehicle must be operable, in good visible condition, in regular use, and have a current license and registration.

4. Any vehicle that cannot comply with the parking regulations in [subsection 3] above, may park at the owner’s property home a maximum of three (3) days in any calendar week for the purposes of loading, unloading, trip preparation or repairs/maintenance.

11.16.00 Truck Routes

1. There is hereby established within the City a system of truck routes, pursuant to State statutory law, as shown on the map on file in the office of the City Administrator or his/her designee or of the City of Lake Helen (See Truck Route Map attached to this Article).

2. Non-regulated motor vehicles may operate anywhere within the City Limits.

3. The streets indicated as truck routes on the map and no others may be used by regulated motor vehicles, except when making deliveries within the City Limits of the City. It is unlawful for a regulated motor vehicle to use any street within the City Limits of the City for any purpose except for the purpose of making a delivery to a location within the City Limits of the City unless the street is designated a truck route.
4. All amendments to Truck Route Map may be made by means of adoption of a resolution by the City Commission of the City of Lake Helen.

5. All motor vehicles, regardless of size or type, that display or are required to display hazardous material warning placards shall travel on a street designated as a truck route except when making a delivery to a location within the City Limits of the City. It is unlawful for a motor vehicle displaying a hazardous material warning placard on any street except a street designated as a truck route or when making a delivery within the City Limits of the City.

6. This Section shall not prohibit:
   a. Operation of a motor vehicle on streets of destination, but only if authorized truck routes are used until reaching the intersection nearest to the destination point, which destination must be proven upon request by a law enforcement officer, through possession of a valid and current delivery ticket or other dispatch order to the destination address. This exception shall relate to all provisions of this section pertaining to deliveries within the City Limits of the City.
   c. Detoured motor vehicles, on an officially established detour, if such motor vehicles could lawfully be operated upon the street for which the detour is established.
Article 12. Level of Service (LOS) Concurrency Management

12.00.00 General provisions/purpose, intent and applicability

This article is established for the purpose of ensuring that the issuance of a building permit will not degrade the level of service for any facility located within the City below the adopted level of service standard. This article provides processes for measuring compliance with level of service (LOS) standards adopted in the Comprehensive Plan for the following public facilities: transportation; potable water; solid waste; stormwater; public schools; and, parks and recreation. No final development order or building permit shall be issued to construct, reconstruct, or alter any building or structure; use of an existing building shall be not be changed; and no special exception shall be granted; until a site plan for the property has been reviewed and evaluated to determine compliance with the concurrency management provisions of this article. Any proposed rezoning which would result in an increase in the densities or intensities of development, shall be tested for facility capacity and concurrency at the time of rezoning.

Concurrency evaluation is one factor in the development review process, and compliance with only this article does not guarantee approval of the project. Unless otherwise provided herein, this article shall apply to all new developments of structures or property and the additional impacts from changes to existing development. The provisions of this article shall assess only the net impacts created from the development of a lot. Please reference Section 12.01.00 of this article which lists those projects exempt from the concurrency evaluation review process.

12.01.00 Concurrency Requirements

1. A Concurrency Certificate shall be required to be granted by the City prior to the issuance of the earliest of the following development permit or approvals except as exempted in the Article. The following are determined to require a concurrency certificate:
   a. Building Permit
   b. Preliminary Development Order
   c. Final Development Order
   d. Final Plat

2. A Concurrency Certificate shall not be required prior to commencement of construction of any new public facility by any other government, school board, quasi-governmental agency or health care facility constructed to meet the obligation to furnish health care services to indigents and residents of the district and authorities created by the special legislative acts creating the independent special taxing districts to the extent that such construction is authorized by the special acts as they may be amended.

3. A Concurrency Certificate shall not be required when development orders or building permits for single family homes or duplexes within existing platted subdivisions of record recorded prior to the effective date of this Article or where all public facilities required within the subdivision to support the property has been provided and accepted by the City.

4. If a proposed development includes land use of such low intensity as to have a de minimis effect, if any, upon the level of service standards set forth in the City’s Comprehensive Plan, the development shall be exempt from concurrency review. De minimis development impact for transportation concurrency applies to a project that does not exceed one percent (1%) of the maximum volume at the adopted level of service (LOS) on affected transportation facilities. Said project shall be exempt from the requirements of this article.
5. A Concurrency Certificate shall not be required for the replacement of structures destroyed by fire, hurricanes, tornadoes or other acts of God not exceeding the area and cubic content of the structure prior to its destruction.

6. If the proposed change of use shall have an impact on public facilities and/or services which is equal to or less than the previous use, then the proposed change, redevelopment or modification of use may proceed without the encumbrance of additional capacity in accordance with the provisions of this Article.

7. All applications for development orders or permits shall demonstrate that the proposed development does not degrade adopted levels of service in the City.

8. The standards used in the review of projects for available capacity shall be the level of service standards established in the City’s Comprehensive Plan referenced below:

<table>
<thead>
<tr>
<th>Required Facilities</th>
<th>Comprehensive Plan Element</th>
<th>Comprehensive Plan Objectives and Policies</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transportation</td>
<td>Capital Improvement Element</td>
<td>Goal VIII-1; Objective VIII-4; Policy VIII 4.1</td>
</tr>
<tr>
<td>Stormwater Drainage</td>
<td>Capital Improvement Element</td>
<td>Goal VIII-1; Objective VIII-4; Policy VIII 4.1</td>
</tr>
<tr>
<td>Potable Water</td>
<td>Capital Improvement Element</td>
<td>Goal VIII-1; Objective VIII-4; Policy VIII 4.1</td>
</tr>
<tr>
<td>Solid Waste</td>
<td>Capital Improvement Element</td>
<td>Goal VIII-1; Objective VIII-4; Policy VIII 4.1</td>
</tr>
<tr>
<td>Public Schools</td>
<td>Intergovernmental Coordination Element</td>
<td>Goal IX-1; Objective IX-3; Policy IX 3.3</td>
</tr>
</tbody>
</table>

9. For purposes of this section, the term “previous use” shall mean either: the use existing on the site when a concurrency evaluation is sought; or if no active use exists on the site at the time when a concurrency evaluation is sought, then the most recent use on the site within the 10-year period immediately prior to the date of application.

12.02.00 Application and Review Procedures

1. Development projects shall be reviewed to determine the effect of the project on the capacity of the following public facilities:
   a. Transportation Systems
   b. Potable Water Systems
   c. Park and Recreation Facilities
   d. Stormwater Management Systems
   e. Solid Waste Collection and Disposal Capacity
   f. Public School Facilities

2. Review shall be initiated by the owner, developer or authorized agent by submitting a completed Concurrency Application. This may be done in conjunction with other development review procedures. The application shall include a site plan drawn from or based on a survey of the site, legal description of the property and all other information requested so that a determination of the size, scale and nature of the infrastructure impacts can be determined. Incomplete applications will be returned to the applicant.
3. The applicant shall provide all of the pertinent information required for the City to assess the impacts of the development and make a concurrency determination. The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant.

4. The applicant shall utilize evaluation methodologies as identified below and may also consider other appropriate methodologies, evaluations, studies, documents, or other information that are deemed to provide accurate information in the quantification of infrastructure capacity impacts.

5. Concurrency evaluations shall be conducted prior to the issuance of all development permits specified in this Article as requiring a Concurrency Certificate. In addition, a Concurrency Evaluation shall be prepared for review in conjunction with all preliminary plats in excess of four residential lots.

6. Concurrency evaluations shall also be prepared for review in conjunction with applications for Comprehensive Plan map amendments.

7. In order to measure the demands for infrastructure capacity from development, the following methods shall be used:

<table>
<thead>
<tr>
<th>Infrastructure System</th>
<th>Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Potable Water</td>
<td><strong>Capacity:</strong> Established by the Dept. of Environmental Regulation</td>
</tr>
<tr>
<td></td>
<td><strong>Demand:</strong> Rule 100 - 6, FOHRS</td>
</tr>
<tr>
<td>Solid Waste</td>
<td><strong>Capacity:</strong> As determined by Volusia County’s Environmental Service</td>
</tr>
<tr>
<td></td>
<td>Department</td>
</tr>
<tr>
<td></td>
<td><strong>Demand:</strong> Average customer demand based on records of past usage.</td>
</tr>
<tr>
<td>Parks and Recreation</td>
<td><strong>Capacity:</strong> Total existing park land acreage</td>
</tr>
<tr>
<td></td>
<td><strong>Demand:</strong> Number of permanent residential housing units x 2.51 persons</td>
</tr>
<tr>
<td>Traffic Circulation</td>
<td><strong>Capacity:</strong> Florida Highway Capacity Manual</td>
</tr>
<tr>
<td></td>
<td><strong>Demand:</strong> ITE Trip Generation Manual, latest edition</td>
</tr>
<tr>
<td>Stormwater Drainage</td>
<td>Established in Article 9 of the Stormwater regulations and Chapter 40C-</td>
</tr>
<tr>
<td></td>
<td>171 42, in particular section 40C-42.025, Florida Administrative 172</td>
</tr>
<tr>
<td></td>
<td>Code (F.A.C.)</td>
</tr>
<tr>
<td>Public Schools</td>
<td>Established by the Volusia School Districted as noted in Chapter 9 of</td>
</tr>
<tr>
<td></td>
<td>the comprehensive plan</td>
</tr>
</tbody>
</table>

8. Potable Water. The applicant shall submit proof that sufficient capacity exists as demonstrated by documentation that the applicable water production plan has the capacity to serve the proposed project, at or above the adopted level of service. If the ability to
serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted.

9. Stormwater Drainage. The applicant shall submit an affidavit acknowledging that all stormwater quality and quantity requirements of this article and Article 9, the Florida Department of Environmental Protection, and the St. Johns River Water Management District can and must be met prior to the issuance of a certificate of occupancy for the proposed development.

10. Solid Waste. In performing concurrency evaluations for solid waste, the applicant shall submit proof that sufficient capacity exists at the County’s solid waste disposal facilities.

11. Public Schools. The applicant of development subject to school concurrency review shall submit a completed School Planning and Concurrency Application to the school district for review and concurrency finding which shall then be submitted to the City.

12. In performing concurrency evaluations for traffic circulation or roadway capacity, the evaluation shall conform to the following parameters:

   a. The level of service shall be based on the peak hour directional traffic flow.

   b. Trip generation rates shall be based upon the latest edition of ITE's Trip Generation Manual or other specific local site surveys deemed by the City to be representative of the proposed use. All generated trips shall be assumed to be external, unless documented. Any internal capture passersby, or transit that is assumed, must be documented and is subject to acceptance by the City.

   c. For commercial projects which are greater than five (5) acres or generate more than 100 P.M. peak hour trip ends, the applicant shall provide a traffic study which is certified by a Florida Registered professional engineer.

   d. Where improvement to an existing facility is proposed, and no change in use of the existing facility is being made, the trip generation calculation may reflect only the newly proposed improvement and its use. Where improvement to and/or change in use of an existing facility is proposed the trip generation calculation shall reflect the volume of traffic generated by the existing facility’s current and/or new use(s) and the volume of traffic generated by improvements if proposed (i.e. the combined uses).

   e. For phased developments, calculation of the trip generation traffic volume and traffic impact analysis shall be presented for the completed development, and shall include all proposed phases of development and land uses.

   f. Where the proposed development lies within one mile of an educational facility or ancillary facility, potentially impacted by changes in traffic volume and where AM trips are germane, both AM and PM traffic counts and impacts must be calculated.

   g. In determining the impact of a project, the review shall encompass the impact within a minimum one-half mile of the development site. However, the City may require a larger traffic impact area to be studied based on the scale of the project and its traffic generation. In general, the study area shall encompass an area in which the project contributes three percent (3%) or greater to the adopted LOS service volume.
h. Any proposed reduction factors for internal capture of trips between and uses of a mixed-use project or for passerby trips shall be provided by the applicant and considered by the department.

12.03.00 Concurrency Determination

1. Within ten business days after receipt of an application, the City shall determine whether the application is complete and exempt.
   a. If it is determined that the application is not complete, written notice shall be provided to the applicant, by mail or email, specifying the deficiencies. The City shall take no further action on the application unless the deficiencies are remedied.

2. The City shall review the completed application to determine if the proposed development is exempt. If deemed exempt from this section, the City shall issue a Certificate of Exemption to the applicant.

3. Within 45 days following receipt of completed application, the City Administrator or his/her designee shall confirm or deny city staff's determination of capacity and issue a written Concurrency Determination stating whether infrastructure capacity is available to accommodate the proposed project. The determination shall specify the capacity needed for the project.

4. In order to ensure adequate public facilities are available to handle impacts of development, the City shall ensure that prior to the approval of an application for a final development order or permit:
   a. The necessary facilities and services are in place at the time the permit is issued; or
   b. The necessary facilities will be in place when the impacts of development occur; or
   c. The necessary facilities are under construction at the time the permit is issued; or
   d. The necessary facilities and services are guaranteed in an enforceable development agreement or development order to ensure that the necessary facilities and services will be in place when the impacts of the development occur.

5. If the necessary capacity is available, the determination shall constitute a temporary reservation of that capacity for the project for a period of 30 days. During this temporary reservation period, a Concurrency Certificate shall be issued upon payment of fees as established by the City.

6. If the necessary capacity is available, but action by the City Commission is required for approval of the development, the temporary reservation period shall extend for 30 days following Commission action.

7. If the necessary capacity is not available, the Concurrency Determination shall identify each infrastructure system where capacity is not available and the extent of the deficiency. The applicant may challenge the concurrency determination by presenting substantial, competent evidence that sufficient capacity does exist by virtue of the following:
   a. The proposed development's impacts will differ from the impacts estimated by the city as a result of special circumstances of that development;
   b. The City's analysis data has an error;
c. For Transportation concurrency, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels than indicated by the city. In the event the travel time/distance/time studies are warranted, the city or its agent shall conduct such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study.

8. If the necessary capacity is not available, strategies may be used to rectify deficiencies including:
   a. Lowering the LOS for affected facilities through a plan amendment.
   b. Reduction in scale or impact of proposed development.
   c. Phased development based on capacity availability.
   d. Other mitigation strategies presented by the applicant as approved by the City.

9. The city may approve developments in phases to determine whether the necessary public facilities and services will be available concurrent with the impacts of development. Conditions for permitting each phase shall be included in an enforceable development agreement. Calculation of the total need for public facilities and/or services shall be presented for the entire development upon site plan submittal, and shall include all proposed phases of development and land uses. In some cases, construction or acquisition of the necessary total facilities and services may be required in the initial phase of development.

12.04.00 Expiration of Concurrency Certificates

1. The Concurrency Certificate shall expire upon the expiration of the building permit or development order for which the certificate was issued including any extensions, renewals, or subsequent development orders for the same project.

2. Where not otherwise provided a Concurrency Certificate shall expire after one year.

12.05.00 Infrastructure Capacity Reporting and Monitoring

The City shall work with the agencies or parties responsible for service capacity on a periodic bases to evaluate development permitting activity and determine existing conditions with regard to available capacity for the infrastructure facilities subject to concurrency. A report will be developed which shall specify the capacity used since previous evaluation and shall evaluate and project the capacity available and time remaining until available infrastructure capacity is exhausted. The report shall include any vested capacity as well as that for which development permits have been issued.
Article 13. Administrative and Decision-Making Procedures

Procedures for Changes of Use, Lot Combination, Minor Subdivisions, Rezoning, Variance, Special Exceptions, Amending the Land Development Code or Comprehensive Plan and Annexations

13.00.00 Purpose and Intent

This article sets forth the procedures for receiving, reviewing, and rendering decisions on applications for changes of use, certificate of occupancies, lot combinations, minor subdivisions and lot splits, annexing land, issuing local development orders for variances, special exceptions and rezoning, as well as amendments to the Land Development Code and Comprehensive Plan.

13.01.00 Change of Use

A change of use occurs when an existing use is replaced by a different use. A proposed change of use shall be subject to the uses listed in Article 2 Zoning.

A. A change of use shall not require a local development order when all of the following conditions are met:
   1. The existing use conforms to the comprehensive plan and this LDC;
   2. The proposed use conforms to the comprehensive plan and this LDC;
   3. The proposed increase does not increase density;
   4. Any proposed modifications to an existing building are only to the façade or interior of the building;
   5. The proposed use does not require a greater number of parking spaces than the existing use;
   6. The proposed use does not require a greater number of parking spaces than are currently available on the site;
   7. The proposed use does not increase the amount of impervious surface, whether due to expansion of an existing building, proposed construction of additional buildings, or addition to paved areas for any purpose; and
   8. All applicable development permits are obtained.

B. The determination that a proposed use or development constitutes a change of use is an administrative decision subject to appeal as set forth in Article 15.

C. When a local development order is required due to a proposed change of use, all standards and procedures of the comprehensive plan and this LDC shall apply to the proposed new use.

13.02.00 Certificate of Occupancy

A certificate of occupancy is a demonstration that the use and occupancy of land or buildings conform to the requirements of this LDC. A certificate of occupancy shall be received by the property owner prior to the use or occupancy of land or buildings. When a change of use occurs, as set forth in Section 13.01, a new certificate of occupancy shall be required.

13.03.00 Lot Combinations

All applications requesting to combine two or more lots shall contain the following information:

1. Parcel Numbers of each impacted lot
2. Address or Location of impacted each lot
3. Reason for the request
4. The name, address, telephone number, email address, and signature of the property owner.

Along with the above information, the following must be submitted for review:
   1. Proof of Ownership;
   2. Summary Plat. A plan clearing depicting the contiguous/adjacent lots to be combined;
   3. Existing and proposed legal descriptions, including existing easements and rights-of-way;
   4. Proposed points of ingress and egress;
   5. Existing and proposed dimensions of the lots;
   6. Applicable zoning district, future land use and site design requirements pursuant to this LDC.

The Request for lot combination shall meet the following criteria:
   1. Lots shall be under same ownership.
   2. Lots shall be adjacent.
   3. Shall not result in a lot that does not comply with the density, dimension, or other design requirements of this LDC.
   4. Shall not create a nonconforming situation with regard to a lot or any structures located on a lot.
   5. Shall comply with density, dimension, and other design requirements of this LDC.

The owner(s) of the properties shall meet with city staff and complete the application requesting to combine the adjacent properties. After review of the submitted documents and request form, staff will complete the Combination of Tax Parcels letter to be approved by the City Administrator or his/her designee. The Combination of Tax Parcels Letter along with the Survey shall be recorded by the Volusia County Clerk of Court with copies delivered to the Volusia County Property Appraiser. Copies of the Recorded Documents shall be submitted to the City Clerk.

Once the parcels are combined into one lot under one tax parcel, if at some point in the future the property owner wishes to split the lots back into separate lots, the lots must go through the City's subdivision process (13.04.00).

### 13.04.00 Minor Subdivisions/ Lot Split

All applications requesting a minor subdivisions or lot split shall contain the following information:
   1. Parcel Numbers of each impacted lot
   2. Address or Location of each impacted lot
   3. Reason for the request
   4. The name, address, telephone number, email address, and signature of the property owner.

Along with the above information, the following must be submitted for review:
1. Proof of Ownership
2. Survey clearing depicting the contiguous/adjacent lots to be combined
3. Existing and proposed legal descriptions, including existing easements and rights-of-way
4. Proposed points of ingress and egress
5. Existing and proposed dimensions of the lots
6. Applicable zoning district, future land use and site design requirements pursuant to this LDC

The Request for a minor subdivisions or lot split shall meet the following criteria:
1. Lots shall be under same ownership
2. Lots shall be adjacent
3. Shall not result in a lot that does not comply with the density, dimension, or other design requirements of this LDC
4. Shall not create a nonconforming situation with regard to a lot or any structures located on a lot
5. Shall comply with density, dimension, and other design requirements of this LDC

Specific requirements for minor subdivisions
1. A minor subdivision is an alteration of a common property boundary between two (2) platted lots (also called a lot line adjustment); or the division of a parcel into two (2) lots where required as a subdivision under Florida law;
2. A lot line adjustment may increase or decrease the lot areas, but shall not result in a lot that does not comply with the density, dimension, or other design requirements of this LDC.
3. A lot line adjustment shall not create a nonconforming situation with regard to a lot or any structures located on a lot.
4. Lot creations of two (2) lot subdivision shall comply with density, dimension, and other design requirements of this LDC.
5. A minor subdivision is exempt from the platting requirements set forth for preliminary and final plats in Article 14.

The owner(s) of the properties shall meet with city staff and complete the application requesting a minor subdivisions or lot split. After review of the submitted documents and request form, the City Administrator or his/her designee will determine if review by the Planning and Land Development Regulation Commission (PLDRC) is needed.

The City Administrator or his/her designee is authorized to approve small scale minor subdivisions or lot splits. The Minor Subdivision or Tax Parcel Split Letter along with the Survey shall be recorded by the Volusia County Clerk of Court with copies delivered to the Volusia County Property Appraiser. Copies of the Recorded Documents shall be submitted to the City Clerk.

If the City Administrator or his/her designee determines that the minor subdivision is not small scale or he/she determines the application needs to be reviewed by the Planning and Land Development Regulation Commission (PLDRC), the application with supporting documentation will be scheduled for the next available Planning and Land Development Regulation Commission (PLDRC) Meeting.
The Planning and Land Development Regulation Commission (PLDRC) will submit to the City Commission a recommendation of Approval, Approval with Conditions, or Denial.

13.05.00 Local Development Orders for Rezoning, Special Exceptions, Variances

A local development order shall be issued to indicate approval for Rezoning, Special Exceptions and/or Variances.

1. A local development order shall not be required when:
   a. There is no increase in the amount of impervious surface within the development;
   b. The number of dwelling units does not change by five percent (5%) or more;
   c. There is no change in the floor area ratio;
   d. There is no modification in the original design concept, such as a change in housing types, building scale, or compatibility factors;
   e. There is no change in the land use categories on the approved site plan;
   f. There is no increase in traffic volume, flow, or points of ingress or egress;
   g. There is no reduction of required setbacks;
   h. There is no reduction in the number of parking spaces;
   i. There is no change in parking lot design; or
   j. There is no reduction in landscaping or buffering.

13.06.00 Exemptions

The situations described in (A) and (B) below are exempt from the provisions of this LDC.

A. The provisions of this LDC and any amendments thereto shall not affect the validity of any valid and effective local development order or permit that was issued prior to the effective date of this LDC under the following situations:
   1. The development activity authorized by the local development order or permit was commenced prior to the effective date of this LDC, and such activity continues without interruption (except because of war or natural disaster) until the development is complete;
   2. The development activity authorized by the local development order or permit will be commenced after the effective date of this LDC but within six (6) months of the issuance of a valid building permit which was issued prior to the effective date of this LDC; or
   3. The development activity authorized by the local development order is proceeding in accordance with the time limits contained in the local development order.

B. The provisions of this LDC and any amendments thereto shall not affect work required for public facilities and services within the public right-of-way, as further described below:
   1. Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, electricity, cable, telephone, or telecommunications services;
   2. Work required for the purpose of inspecting, repairing, or replacing any existing water or sewer lines, mains, or pipes; and
3. Work required for the purpose of inspecting, repairing, or replacing cables, power lines, utility poles, utility tunnels, or the like.

13.07.00 Fees Required

A fee shall be required for all applications. Fees are set forth in the schedule of fees as adopted by Resolution set by the City Commission. No action shall be taken on an application until all applicable fees are paid.

The City is authorized to enter into a contract with persons who have expertise necessary for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant, according to the schedule of fees.

13.08.00 Requirements for All Board Applications

Each application is due no later than the first day of the month prior to the scheduled public hearing dated for which the application will be considered and at a minimum include the following information:

1. At least one (1) pre-application meeting with the City Administrator or his/her designee prior to submittal of an application.
2. A completed application form available from the City.
3. The name, address, telephone number, email address, and signature of the property owner.
4. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
5. A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed by a surveyor licensed in the State, and shall have been performed not more than two (2) years prior to the date of application.
6. Payment of applicable fees.
7. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.
8. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.

13.09.00 Request for Rezoning

All applications requesting a rezoning shall contain the following information:

1. All Board Application Submittal Criteria as explained in Section 13.08.00.
   a. A completed application form available from the City.
   b. The name, address, telephone number, email address, and signature of the property owner.
   c. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
d. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.

e. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.

2. The applicants interest in the property in question.

3. The legal description of the property.

4. The current Zoning and Land Use Designation (consistent Future Land Use shall be in place prior to rezoning approval).

5. The Proposed Zoning Designation.

6. A map of the area identifying the proposed zoning district designation for the subject property. The map shall show the current zoning district designations and land use categories from the Future Land Use Map in the comprehensive plan for the subject property and all adjacent properties.

7. A detailed statement shall be provided including the following information:
   a. The reason for the requested change.
   b. The consistency of the proposed zoning district with the land use category on the Future Land Use Map in the comprehensive plan.
   c. A justification for the proposed zoning district.

13.09.01 Rezoning Guidelines

In recommending a change in zoning to the City Commission, staff and/or the Planning and Land Development Regulation Commission (PLDRC) may recommend the City Commission impose such conditions and restrictions upon the premises benefitted by the change in land use as may be necessary to allow a positive finding to be made on any of the foregoing factors or to minimize the injurious effect of the change in Zoning.

The City shall maintain a record of all changes in Zoning by means of a Local Development Order which shall include the justification for their issuance and copy of the notice of the change in Zoning.

13.10.00 Rezoning to a Planned Development

All land within the Planned Development (PD) shall be under the ownership of one person, either by deed, agreement for deed or contract for purchase. Planned Development (PD) applicants shall present either an opinion of title by an attorney licensed in Florida or a certification by an abstractor or a title company, authorized to do business in Florida, that, at the time of initial application, unified ownership of the entire area within the proposed Planned Development (PD) is in the applicant, or contract seller. Unified ownership shall thereafter be maintained until after the recording of the master development plan or final plat.

Article 2 outlines specific requirements for Residential Planned Development (PD-R), Commercial Planned Development (PD-C), Mixed-Use Planned Development (PD-MUX).
13.10.01 Rezoning to a Planned Development Pre-application Meeting

A pre-application meeting is required before a Planned Development (PD) rezoning application can be accepted. After the pre-application meeting, a sketch plan may be submitted for review and comment prior to filing the application for rezoning.

The pre-application meeting is intended to provide an opportunity for an informational exchange between the applicant and the administrative staff. No fee shall be charged. The applicant need not submit any plans or other information; however, the more information, such as sketch plans, proposed land uses, site information, adjacent land uses, and proposed density, that the applicant does submit, the more complete the responsive comment can be. At a minimum, the applicant will be advised of the usual procedures and requirements. Forms, application materials, guidelines, checklists, copies of the comprehensive plan, and copies of the zoning and subdivision regulations will be made available at a reasonable cost.

13.10.02 Concept plan/Sketch plan for Rezoning to a Planned Development

After the pre-application meeting, a concept plan/sketch plan shall be submitted to the City Administrator or his/her designee and scheduled for the next Planning and Land Development Regulation Commission Meeting. All proposed Planned Developments (PDs) must undergo a Concept Plan review.

The sketch plan shall indicate zoning and future land use categories and the approximate height, location, architectural character and density of dwellings, and other structures. The sketch plan shall also show the tentative major street layout, approximate street widths, sites of schools, open space areas and parks, existing structures, waterways, wooded areas, wetlands, floodplain areas (if applicable), total acreage and existing zoning. Finally, it shall include a vicinity map, and any other information deemed appropriate by the applicant.

The Planning and Land Development Regulation Commission (PLDRC) shall issue no binding order, finding or other indication of approval of disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

Comments on the sketch plan are informational only and are subject to change after a more detailed review of the rezoning application.

13.10.03 Application Requirements for Rezoning to Planned Development

An application for rezoning to a Planned Development (PD), shall be submitted with a master development plan (MDP) and application fees to the City Administrator or his/her designee.

13.10.03A Residential Planned Development Application.

An application for rezoning to Residential Planned Development (PD), together with a master development plan (MDP) and application fees shall be submitted to the City Administrator or his/her designee.

The master development plan shall consist of a preliminary plan and a written development agreement. Those documents shall include the following information:

1. Preliminary plan exhibits. The preliminary plan shall consist of the following:
   (a) Name of project and name, address, telephone number of the developer and his professional project engineers, architects and planners.
(b) The date the plan was drawn, its scale, and a north arrow.
(c) Names and location of adjoining streets and names of abutting property owners.
(d) Legal description of property, boundary survey and the location of all existing streets, buildings, railroads, bulkhead lines, easements, and other important features in or adjoining the property.
(e) The general topography and physical conditions of the site, including natural areas of vegetation and type, general soil types, wetland areas, 100-year floodplain areas, watercourses, water bodies, and natural drainage patterns.
(f) Conceptual configuration of proposed streets, which depict access into and traffic flow within the development, with particular reference to the separation of vehicular traffic from pedestrian or other types of traffic.
(g) General feasibility plans for potable water, sewage disposal, and stormwater drainage.
(h) Approximate location and area encompassed for each proposed land use within the development.
(i) Approximate location and size of common open space.
(j) Such additional material maps, studies, or reports subsequently deemed necessary by any reviewing department or agency.

2. **Written development agreement.** In addition to a preliminary plan, a written development agreement shall be prepared, following a general format supplied by the City Administrator or his/her designee at the pre-application meeting. The development agreement, along with the preliminary plan, shall govern the development of the Planned Development (PD) and shall regulate the future use of the land. The development agreement shall include any statements or information requested by any reviewing department or agency at the pre-application meeting or Concept Plan Review by the PLDRC, such as:
   (a) Evidence of unified ownership and control.
   (b) Statement agreeing to:
      i. Proceed with the proposed development according to all regulations.
      ii. Provide appropriate performance and maintenance guarantees.
      iii. Follow all other provisions of this chapter to the extent not expressly inconsistent with the Development Agreement, and bind the applicant's successors in title to his commitments.
      iv. The acreage and percentage of the total land area devoted to each of the proposed land uses.
      v. Maximum density for each type of dwelling.
      vi. Maximum building heights.
      vii. Minimum building spacing and floor areas.
      viii. Lot sizes, yard areas and buffer areas, including perimeter buffers.
      ix. Statement regarding the disposition of sewage and storm water, and arrangements for potable water.
      x. When the Residential Planned Development (PD) is planned for phase development, a schedule of the phases.
      xi. The proposed language of any covenants, easements or other restrictions.
      xii. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.
13.10.03B Commercial and Mixed Use Planned Development Application.

An application for rezoning to Commercial Planned Development (PD-C) or Mixed-Use Planned Development (PD-MUX), together with a Master Development Plan (MDP) and application fees shall be submitted to the City Administrator or his/her designee.

The master development plan shall consist of a preliminary plan and a written development agreement. Those documents shall include the following information:

1. **Preliminary plan exhibits.** The preliminary plan shall be drawn to an appropriate engineer’s scale to include the location and boundary of the site referenced by the legal description and boundary survey; the date the plan was drawn, its scale, and a north arrow; and the name, address and telephone number of the developer and his professional project engineers, architects and planners. In addition, the preliminary plan shall include all of the following, if applicable:
   (a) The approximate size and location of all proposed buildings and other structures, the specified use of buildings and structures may be indicated, if known.
   (b) Generalized off-street parking and loading plans, including circulation plans for vehicular movement.
   (c) Driveway and access controls, including number and approximate location of driveways.
   (d) Approximate location, size and description of open spaces, landscaped areas, or buffers.
   (e) Approximate location and size of all easements, rights-of-way, or drainage facilities and structures.
   (f) Approximate boundary lines and dimensions of parcels proposed to be subdivided.
   (g) The general topography and physical conditions of the site, including features such as waterbodies, wooded areas, wetland areas, vegetation types, soils, 100-year floodplain areas, and steep grades or depressions on the site.
   (h) General location of signs.
   (i) Any other conditions of development, specifications, limitations, constraints, standards or proposed physical features not specifically included in items a. through h. above.

2. **Written development agreement.** In addition to a preliminary plan, a written development agreement shall be prepared, following a general format supplied by the City Administrator or his/her designee at the pre-application meeting. The development agreement, along with the preliminary plan, shall govern the development of the Planned Development (PD) and shall regulate the future use of the land. The development agreement shall include the following information:
   (a) Evidence of unified ownership and control.
   (b) Statement agreeing to:
      i. Proceed with the proposed development according to all regulations.
      ii. Provide appropriate performance and maintenance guarantees.
      iii. Following all other provisions of this chapter to the extent not expressly inconsistent with the Development Agreement, and bind the applicant’s successors in title to his commitments.
      iv. A listing of the land uses agreed upon in each component of the Planned Development (PD).
      v. Maximum building heights.
      vi. Minimum building spacing and floor area ratios, and impervious surface ratios.
      vii. Lot sizes, yard areas, and buffer areas, including perimeter buffers.
      viii. Statement regarding ingress/egress controls to the site.
ix. Statement regarding any road improvements to be made and the thresholds for the traffic impact analysis.

x. Statement regarding the disposition of sewage and stormwater, and arrangements for potable water.

xi. When the Planned Development (PD) is planned for phase development, a schedule of the phases.

xii. The proposed language of any covenants, easements or other restrictions.

xiii. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.

13.10.04 Procedure for Rezoning to Planned Development Application

Consideration of applications for rezoning to a Planned Development (PD) as specified above shall be reviewed by the Planning and Land Development Regulation Commission (PLDRC) for the purpose of making a recommendation to the City Commission as outlined in 15.07.00 and the City Commission shall render decisions as outlined in 15.08.00.

13.10.05 Post-approval stage.

Following approval of Rezoning to a Planned Development (PD), the preliminary plan, and the Development Agreement, both signed by the mayor and attested by the City Administrator or his/her designee, shall be recorded in the public records of Volusia County, Florida, at the expense of the applicant.

After the Master Development Plan (MDP) is recorded, site plan and subdivision regulations shall follow the processes outlined in Article 14.

Amendments the Planned Development (PD) shall follow 13.18.01 for Minor Amendments and 13.18.03 for Major Amendments.

13.11.00 Requests for Variances and Special Exceptions

All applications requesting a Variances and Special Exceptions shall contain the following information:

1. All Board Application Submittal Criteria as explained in Section 13.08.00:
   a. A completed application form available from the City.
   b. The name, address, telephone number, email address, and signature of the property owner.
   c. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
   d. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.
   e. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.

2. Site Plan
   a. Lot dimensions with property line monuments located thereon.
b. Location and size of existing and proposed structures.

c. Zoning, Land Use, Easements (public and private), water courses, and if existing and proposed structures, fences, streets, and street right-of-way lines

d. Information regarding abutting property, as directly affects the application.

13.12.00 Variance and Special Exception guidelines

A Variance or Special Exception may be granted, upon application, from the terms and provisions of this article as will not be contrary to the public health, safety, welfare and morals where, owing to special conditions, a literal enforcement of the provisions of this article will, in an individual case, result in unnecessary hardship. Such Variance or Special Exception may be granted by the City Commission after receiving a recommendation from the Planning and Land Development Regulation Commission.

Variances. The Planning and Land Development Regulation Commission shall hear and make recommendations to the City Commission regarding requests for variances from the quantitative terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefor, and not surrounding properties. In order to recommend approval of said variance, the Planning and Land Development Regulation Commission must find:

1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; such on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;

2. That the special conditions and circumstances do not result from the actions of the applicant;

3. That granting the variance requested will not confer on the applicant any special privilege that is denied by the article to other lands, buildings or structures in the same zoning district;

4. That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the article and would work [incur] unnecessary and undue hardship on the applicant;

5. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

6. That the grant of the variance will be in harmony with the general intent and purpose of this code and the comprehensive plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and

7. The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

8. In granting any variance, the commission may prescribe appropriate conditions and safeguards, the violation of which shall be deemed a violation of this code. The commission may also prescribe a reasonable time limit within which the action for which the variance was requested shall be begun, completed or both.

9. Under no circumstances shall the commission grant a variance which permits a use not generally, or by special exception use, permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this code in the zoning district.
involved. Nonconforming uses of neighboring lands, structures or buildings in the same zoning classifications or district, and permitted uses of lands, structures or buildings in other zoning classifications or districts shall not be considered grounds for the authorization of a variance. For purposes of this section, an unnecessary hardship shall mean that without the granting of the variance or special exception the owner will be deprived of all reasonable use of the property as allowed in the zoning district.

10. The public notice and approval process for a variance and a site plan is the same. Since they are the same, the City can approve variances as part of the site planning process assuming that the site plan approval goes through the approval process and the required notices are provided for site plan approval and the notices incorporate the notice provisions for a variance. However, the review criteria for a variance approval shall remain the same.

**Special Exception Uses.** The Planning and Land Development Regulation Commission shall hear and make recommendations to the City Commission on requests for Special Exception uses. In doing so, the commission may decide such questions as are involved in determining when special exception uses should be granted and either grant special uses with appropriate conditions and safeguards or deny special exception uses. After review of an application and a public hearing thereon, the Planning and Land Development Regulation Commission (PLDRC) may make a recommendation that the City Commission allow special exception uses only upon a determination that the use meets the following standards:

a. The intensity of the proposed use is harmonious with the character of the area and is consistent with trends of development in the area.

b. Does not have an unduly adverse effect on existing traffic patterns, movements, intensity, and safety.

c. Is consistent with the comprehensive plan goals and policies and the density/intensity standards based on the Comprehensive Plan and Future Land Use Map for the district in which the property is located.

d. The proposed use is consistent with the intent of the zoning district in which it is located.

e. The proposed use shall not be detrimental to the health, safety, welfare, and morals of adjoining properties or residents of the city, and shall be economically beneficial to the city.

f. The height and orientation of any proposed structure(s) shall be compatible with existing neighboring structures.

g. The subject property shall be of adequate size and shape to accommodate the proposed development while providing adequate separation from neighboring uses.

h. The proposed use shall not create or intensify flooding issues on neighboring properties.

i. The proposed use shall be effectively buffered so as to screen neighboring properties from traffic, noise, light, odor, or visual impacts.

j. The refuse and/or loading areas shall be adequately screened so as not to have visual, odor, or noise impacts on neighboring properties.

k. The size, design, and location of proposed sign(s) shall be in conformance with the city sign regulations, as well as being compatible with neighboring uses.

l. Exterior lighting shall be harmonious with neighboring uses in terms of glare and intensity.
m. On-site traffic circulation shall meet the requirements for the Police Department, Fire Department and other first responders.

### 13.13.00 Procedures for Review and Decision Making

Article 15 outlines the procedures for review and decision making including action by the Planning and Land Development Regulation Commission (PLDRC), action by the City Commission, Requests for Continuation of a Public Hearing, Withdrawal of Pending Applications as well as the process for Quasi-Judicial Hearings.

### 13.14.00 Notice Requirements

Notice Requirements are outlined in Article 15.02.00.

### 13.15.00 Determination of Completeness & Sufficiency

All applications are subject to a determination of completeness.

A determination of completeness is a determination that all required documents and plans has been submitted in sufficient number, and whether all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

1. The City Administrator or his/her designee shall issue a determination of completeness to the applicant, within five (10) working days of receipt of an application. When the application is not complete, the determination shall specifically identify the missing documents and/or plans.

2. The applicant shall have thirty (30) days from the date of determination to correct the deficiencies. The application shall not be processed until deficiencies are corrected and the application is determined to be complete. If the applicant fails to correct the deficiencies within the thirty (30) day period, the application shall be deemed withdrawn.

3. A determination of completeness is an administrative decision subject to appeal as set forth in Article 15.

### 13.16.00 Material Changes to an Application

A determination by the City Administrator or his/her designee that the Applicant has made material changes to an application, not proposed by and/or approved by the Planning and Land Development Regulation Commission (PLDRC), will require a new review and action in accordance with the procedures set forth below.

### 13.17.00 Pre-Application Conference

A pre-application conference is a meeting between an applicant and the City Administrator or his/her designee for the purposes of:

1. Exchanging information on the potential development of a site;

2. Providing information on permissible uses of the site proposed for development;

3. Providing information to an applicant regarding the design standards set forth in this LDC that are applicable to a potential application;

4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;

5. Determining the need and requirements for supporting plans, documents, and studies;
6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and

7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.

8. It is the City’s intent that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.

9. A pre-application conference shall be held not more than six (6) months prior to submission of an application.

10. The pre-application conference may include representatives of City departments responsible for reviewing applications and independent reviewers hired by the City, and may include representatives of regional, State, or federal agencies with authority over specific aspects of the proposed development.

13.18.00 Amendments to Local Development Orders

When a local development order has been issued and an applicant wishes to modify a site plan or subdivision plat to which the local development order applies, the procedures of this section shall apply. Amendments to development permits shall be governed by the applicable building or technical codes, or City permit procedures.

13.18.01 Minor Amendments

Minor amendments include the following:

1. Changes in the types and locations of landscaping materials, provided that:
   a. Such changes do not reduce total amount of landscaping material;
   b. Any required buffer area complies with the standards of this LDC; and
   c. The proposed landscaping materials comply with the specifications of this LDC.

2. A minor adjustment in the location of dumpsters, sidewalks, bicycle facilities, sheds, or other accessory buildings, provided that:
   a. The adjustment does not deviate from the approved location more than ten (10) feet in any direction;
   b. Such adjustment does not encroach into any required buffer or stormwater management area;
   c. Such adjustment does not increase the approved impervious surface ratio for the project; and
   d. The location continues to comply with all standards of this LDC, including, but not limited to, setbacks, landscaping, and buffer requirements.

3. A minor adjustment in the location and design of parking lots and access drives, provided that:
   a. Such adjustment does not encroach into any required buffer or other landscaped area;
b. Such adjustment does not increase the approved impervious surface ratio for the project;

c. Such adjustment does not reduce the number of parking spaces; and

d. Such adjustment continues to comply with all standards of this LDC and the Public Works Manual.

13.18.02 Procedures for Minor Amendments

The applicant shall submit one (1) copy of the approved site plan, or subdivision plat indicating the proposed minor amendments.

The City Administrator or his/her designee shall determine that the amendment is consistent with:

1. The requirements of Section 13.18.01 Minor Amendments; and

2. The standards and criteria of the LDC.

The City Administrator or his/her designee shall approve or deny the application for a minor amendment and issue a written order to modify the local development order.

Upon review by the City Administrator or his/her designee, a minor amendment to the exterior elevations for development within the Gateway Overlay or Historic District may be subject to consideration by the Historic Preservation Board with a recommendation to the City Commission.

13.18.03 Major Amendments

Any proposed change to an approved local development order that is not a minor amendment as described in Section 13.08.01 shall be considered a major amendment. Major amendments are processed in the same manner as the original application.

13.18.04 Expiration of Local Development Orders and Development Permits

A request may be applied for by the applicant to extend the expiration date of a Development Order. An application and the application fee shall be submitted prior to the expiration date of the original Development Order. Fees are set forth in the schedule of fees as adopted by Resolution set by the City Commission. No action shall be taken on an application until all applicable fees are paid. The extension may be granted by the City Administrator or his/her designee at his/her discretion if the following conditions are applicable:

1. the developer has provided documentation showing that they have been diligently working towards the construction of substantial infrastructure improvements;

2. the granting of the extension shall not be injurious to neighboring properties or to the City;

3. the developer shows just cause for the extension;

4. the property(s) involved in the subdivision plan/plat does not have any outstanding fines, fees, liens, or taxes;

5. no additional extensions have been approved. Only one (1) extension shall be granted per project.

13.19.00 Annexation

Annexation is the process of adding real property to the boundaries of the City of Lake Helen. Once annexed, the property becomes fully a part of the City and realizes all benefits and services.
thereof. The Florida Statutes will allow unincorporated property to be annexed only if it is contiguous with the City limits.

In order for specific property within unincorporated areas to be voluntarily annexed, Chapter 171.044 of the Florida Statutes requires the following criteria be met:

1. An application must be filed bearing the signatures of all property owners within the area proposed to be annexed.
2. The property must be contiguous to the municipality’s boundaries and must be reasonable compact.

13.19.01 Annexed Properties Land Use and Zoning Designations

All properties have Land Use and Zoning designations, regardless of their political jurisdiction. The Lake Helen Comprehensive Plan allows properties annexing into the City to convert the existing Volusia County Future Land Use designations to similar City of Lake Helen designations, provided the City’s planning objectives for the area can be met. Alternatively, if the City determines the County’s designations are not the most appropriate for the property, a request for City designations must be made in accordance with the Land Use Plan Amendment process. In either case, a Zoning Map Amendment request must be made to establish a City Zoning designation that is consistent with the Future Land Use designation.

13.19.02 Procedure for Annexation

The owner(s) of the properties shall meet with city staff and complete the application requesting Annexation. The Application will be forwarded to the Planning and Land Development Regulation Commission for review and recommendation to the City Commission and will ensure compliance with Chapter 171 of the Florida Statutes.

13.20.00 Procedures for Revisions to the Land Development Code, Amendments to the Comprehensive Plan; text amendments and changes in Future Land Use Map

All requests for Revisions to the Land Development Code, Amendments to the Comprehensive Plan; text amendments and changes in Future Land Use (map amendments) shall be reviewed in accordance with the provisions of this section. The general procedure for amendments to the zoning map or for text amendments to these regulations shall be as follows:

1. An amendment may be proposed by:
   a. The City Commission;
   b. The Planning and Land Development Regulation Commission (PLDRC); or
   c. By a person. Any person wishing to request an amendment shall submit their request which shall be accompanied by the necessary fees and shall contain all pertinent information which may be required by the Planning and Land Development Regulation Commission for proper consideration of the matter, including a letter of authorization from all property owners of land which is the subject of the request for the Comprehensive Plan future land use map change (FLUM amendment).

2. All proposed amendments shall be submitted to the Planning and Land Development Regulation Commission (PLDRC) for study and recommendation. One (1) public hearing before the PLDRC required, but they are authorized to hold a public workshop on the request prior to holding a public hearing. A report shall be prepared
stating the Planning and Land Development Regulation Commission’s recommendations to the City Commission for final action on each request.

### 13.20.01 Requirements of Future Land Use Text and Map Amendments

A Future Land Use Map amendment request to the City Commission shall be in accordance with F.S. Chapter 163, and shall show that the Planning and Land Development Regulation Commission has studied, considered and found (where applicable) whether or not:

1. The request is consistent with the densities, intensities and general uses set forth in the Comprehensive Plan and LDC regulations.
2. The requested uses are compatible with existing or planned uses in the surrounding area.
3. Approval of the request will be consistent with the population density pattern and not place an undue burden upon existing transportation or other services, utilities and facilities and will be capable of being adequately served by them, should the highest use allowed by the requested zoning be developed.
4. The proposed uses are appropriate at the subject location.
5. The proposed change is consistent with the established land use pattern, and would not create an isolated district unrelated to adjacent and nearby districts.
6. Changed or changing conditions make the passage of the proposed amendment necessary.
7. The proposed change will be compatible with improvements or development of adjacent property in accordance with existing regulations.
8. The proposed change will not constitute a grant of special privilege to an individual owner as contrasted with the public welfare.
9. Substantial reasons exist why a reasonable use of property cannot be accomplished under existing zoning.
10. Whether the change suggested is out of scale with the needs of the neighborhood or city, and it is impossible to find other adequate sites for the proposed use in districts already established.

### 13.20.02 Requirements for Land Development Regulation and Comprehensive Plan Text Amendments

Before granting any text amendment, the Planning and Land Development Regulation Commission (PLDRC) must recommend and the City Commission must determine a need and justification for change, finding that:

1. The amendment is consistent with the densities; intensities; general uses; and goals, objectives, and policies set forth in the Comprehensive Plan and City Charter.
2. The text amendment is in compliance with the City Charter, Comprehensive Plan, the LDC regulations, the Code of Ordinances, and any other applicable code or regulation.
13.20.03 Procedures for Review of Proposed Revisions to the Land Development Code, Amendments to the Comprehensive Plan; text amendments and changes in Future Land Use Map

1. Following the Planning and Land Development Regulation Commission public hearing, staff shall submit the request and report to the City Commission with the board’s recommendation. The recommendation and report shall include the findings of fact and written statement of reasons for such recommendation. The board recommendation is advisory only and shall not be binding upon the City Commission.

2. Staff shall forward the Planning and Land Development Regulation Commission’ (PLDRC) recommendations, report and all necessary supporting data, to the City Commission for their review.

3. The City Commission public hearing notices shall comply with the requirements set forth in the Florida Statutes and City established policies, as may be amended from time to time.

4. If the Planning and Land Development Regulation Commission’s recommendation for change is not acted upon by the City Commission within six (6) months of the date of its receipt, the petition upon which the recommendation was based shall be deemed to have been denied.
Article 14. Site Development Plans and Subdivision Regulations

14.00.00 Site Development Plans and Subdivision Regulations

14.00.01 Generally

The intent of this article shall be to:

1. To protect and provide for the public health, safety, welfare, character and economic stability of the City
2. Assure that the subdivision of land and subsequent development shall conform to the provisions of the Comprehensive Plan
3. Require that land shall not be subdivided unless there is reasonable assurance that both the City and the developer of the subdivision will adequately provide the necessary public facilities, services, and improvements for which each is responsible when there is a need for such facilities
4. To provide for adequate light, air, and privacy
5. To prevent overcrowding and undue congestion of population
6. To minimize conflicts and uses of land and buildings
7. To preserve the value of lands and buildings through a means of orderly and beneficial development
8. To provide for adequate systems of transportation, potable water, central sewage, solid waste management, and parks and recreation areas
9. To provide for educational and cultural activities
10. To provide for procedures and basic standards for the development of land
11. To provide for adequate vehicular traffic movement
12. To provide opportunities for pedestrian and bicycle traffic movement
13. To provide for adequate drainage and reduction in the chances of flooding
14. To allow for the wise management and preservation of natural resources
15. To provide a diversity of housing types for persons in all stages of life

14.00.02 Purpose and Intent

This article sets forth the procedures for receiving, reviewing, and rendering decisions on applications for development projects or activities, including local development orders for Development Permits, and Subdivisions. It is the City’s intent that the procedures set forth in Article 15 shall be followed in order to seek approval for any development.

14.00.03 Relationship to Comprehensive Plan

The Site Development Plans and Subdivision regulations in this article implement the following goals under the Future Land Use Element of the City of Lake Helen’s Comprehensive Plan:

1. To preserve the existing quality of life afforded by the City to its residents and visitors;
2. To preserve the City’s small town charm;
3. To build upon the City's historical heritage;
4. To preserve the City’s residential and rural character;
5. To promote economic vitality and provide local jobs while protecting residential neighborhoods;
6. To minimize the need to develop new infrastructure to support growth, as well as minimize the adverse impacts of growth on existing infrastructure;
7. To encourage a mix and location of land uses designed to increase accessibility of Lake Helen’s residents to services, recreation, jobs and housing;
8. To develop opportunities that reduce the use of fuel and encourage alternative forms of transportation;
9. To develop a network of paths, walkways, equestrian trails, public art and cultural facilities to encourage a sense of place and the overall health and well-being of the community.

14.01.00 Local Development Orders and Site Development Permits Required

1. A local development order shall be issued to indicate approval of any site plan, subdivision plat.

2. A local development order shall be required prior to the issuance of any development permit to authorize construction, reconstruction, site improvements, installation of improvements, establishment of a temporary or accessory use or structure, or other modifications to the land or water on a site, except that a local development order shall not be required prior to issuance of a permit for installation or construction of a telecommunications tower and any improvements to an existing single family residential lot.

3. Any person who commences any work on land, or a building, structure, or sign, or an electrical, gas, mechanical, or plumbing system before obtaining the necessary permits, shall be subject to a penalty as described in Section 11.08.00.

4. A local development order shall not be required when:
   a. A Single-Family Home on an existing residential lot.
   b. There is no increase in the amount of impervious surface within the development;
   c. The number of dwelling units does not change by five percent (5%) or more;
   d. There is no change in the floor area ratio;
   e. There is no modification in the original design concept, such as a change in housing types, building scale, or compatibility factors;
   f. There is no change in the land use or zoning categories on the approved site plan;
   g. There is no increase in traffic volume, flow, or points of ingress or egress;
   h. There is no reduction of required setbacks;
   i. There is no reduction in the number of parking spaces;
   j. There is no change in parking lot design; or
   k. There is no reduction in landscaping or buffering.
1. Commercial, Industrial or Multi-Family may add an accessory structure up to 5,000 square feet without a local development order.

14.01.01 Exemptions

The situations described in (A) and (B) below are exempt from the provisions of this LDC.

A. The provisions of this LDC and any amendments thereto shall not affect the validity of any valid and effective local development order or permit that was issued prior to the effective date of this LDC under the following situations:

1. The development activity authorized by the local development order was commenced prior to the effective date of this LDC, and such activity continues without interruption (except because of war or natural disaster) until the development is complete;

2. The development activity authorized by the local development order will be commenced after the effective date of this LDC but within six (6) months; or

3. The development activity authorized by the local development order is proceeding in accordance with the time limits contained in the local development order.

B. The provisions of this LDC and any amendments thereto shall not affect work required for public facilities and services within the public right-of-way, as further described below:

1. Work required for the installation of facilities for the distribution or transmission of gas, water, sewer, electricity, cable, telephone, or telecommunications services;

2. Work required for the purpose of inspecting, repairing, or replacing any existing water or sewer lines, mains, or pipes; and

3. Work required for the purpose of inspecting, repairing, or replacing cables, power lines, utility poles, utility tunnels, or the like.

14.01.02 Fees Required

A fee shall be required for all applications for final local development orders and development permits. Fees are set forth in the schedule of fees. No action shall be taken on an application until all applicable fees are paid.

The City is authorized to enter into a contract with persons who have expertise necessary for the review of an application or a specific technical aspect of an application. The costs of such review shall be paid by the applicant, according to the schedule of fees.

14.02.00 Requirements for All Board Applications

Each application is due no later than the first day of the month prior to the scheduled public hearing dated for which the application will be considered and at a minimum include the following information:

1. At least one (1) pre-application meeting with the City Administrator or his/her designee prior to submittal of an application.

2. A completed application form available from the City.

3. The name, address, telephone number, email address, and signature of the property owner.

4. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
5. A property survey containing the legal description, land area, and existing improvements on the site. The survey shall be signed by a surveyor licensed in the State, and shall have been performed not more than two (2) years prior to the date of application.

6. Payment of applicable fees.

7. An application regarding development within or affecting environmentally sensitive lands (see Article 3) shall include proof of receipt of applicable permits or exemptions from regional, State, or federal agencies with permitting authority for wetlands.

8. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.

9. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.

14.03.00 Concept Plans

All proposed developments must undergo a Concept Plan review.

The PLDRC shall issue no binding order, finding or other indication of approval of disapproval of the proposal, and no person may rely upon any comment concerning the proposal, or any expression of any nature about the proposal, made by any person during the concept review process as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.

14.03.01 Concept Plan Submittal Requirements

A Concept plan shall be required prior to the issuance of any local development order.

All applications for concept plans shall contain the following information:

1. All Board Application Submittal Criteria as explained in Section 14.02.00
   a. A completed application form available from the City.
   b. The name, address, telephone number, email address, and signature of the property owner.
   c. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
   d. An application regarding development within or affecting environmentally sensitive lands (see Article 3) shall include proof of receipt of applicable permits or exemptions from regional, State, or federal agencies with permitting authority for wetlands.
   e. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.
   f. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.
2. The location of the proposed development, surrounding streets and thoroughfares, existing zoning on the site and abutting lands, Future Land Use designation on the property and abutting lands, and existing development shall be noted;

3. All land parcels and tracts;

4. Existing flood plain delineations;

5. Proposed land uses, open space, recreation and major streets or thoroughfares internal to the development;

6. Proposed utility service concept for sanitary sewers, storm drainage, potable water and reclaimed water.

7. Proposed phasing, if applicable.

8. Type of development proposed along with building sizes and placement, square footage by type of development.

9. List of potential issues or unique features, if any, that the development may present, or that the developer may want to discuss with the PLDRC.

14.04.00 Site Development Plan Submittal Requirements

All applications for site development plans shall contain the following information:

1. All Board Application Submittal Criteria as explained in Section 14.02.00.
   a. A completed application form available from the City.
   b. The name, address, telephone number, email address, and signature of the property owner.
   c. When the applicant is a representative of the property owner or purchaser under contract, a notarized statement authorizing the representative to act as an agent of the property owner with regard to the application and associated procedures.
   d. An application regarding development within or affecting environmentally sensitive lands (see Article 3) shall include proof of receipt of applicable permits or exemptions from regional, State, or federal agencies with permitting authority for wetlands.
   e. All site plans and drawings for an application shall be prepared at the same scale. The sheet size shall not be less than eleven inches by seventeen inches (11 x 17) and shall not be more than by thirty-six inches by forty-eight inches (36 x 48). An electronic version is required.
   f. The number of copies of the application materials shall be as specified by the City Administrator or his/her designee.

2. The names, address, telephone number, facsimile number, and email address of the person preparing the plan.

3. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.

4. The legal description of the property, consistent with the required survey.

5. A vicinity map showing the location of the property.
6. The location of streams, bodies of water, natural features, roads, rights-of-way, street
   intersections, and paved areas within the boundaries of the property.

7. The location of streams, bodies of water, dunes and dune systems, and other natural features
   within 250 feet of the boundaries of the property.

8. The location of the mean high water line, if such line is within the boundaries of the property.


10. A general floodplain map indicating areas subject to inundation and high groundwater
    levels up to a 100-year flood classification.

11. A statement indicating the distances to schools and public safety facilities intended to serve
    the proposed development.

12. The name, plat book, and page number of any recorded subdivision comprising all or part
    of the site.

13. The location and use of any existing and proposed principal or accessory buildings and
    structures, showing proposed setbacks, building heights, and other dimensional requirements
    of the zoning district in which the property is located.

14. Elevations of all proposed structures.

15. The access points, driveway design, on-site parking, including required parking lot
    landscaping, internal circulation, sidewalks, and bicycle facilities.

16. The location of existing and proposed utilities, utility services, and easements.

17. A tree survey showing protected trees, proposed replacement trees, if required, and
    landscaping and buffering. (See Section 8.07.07)

18. For a Planned Development (PD) site plan, a detailed, written list and explanation of how
    the proposed Planned Development (PD) differs from any provision of this LDC applicable
    to the underlying zoning district.

19. For site plans and Planned Development (PD) site plans where development is proposed in
    phases, the plans shall include phase lines and the following supporting information:

   a. Timeline for the development; and

   b. Benchmarks for monitoring the progress of construction of each phase regarding
      land clearing, soil stabilization and erosion control, installation of infrastructure, and
      installation of landscaping.

20. A summary block containing:

   a. Land use category from the Future Land Use Map in the comprehensive plan;

   b. Zoning district;

   c. Total acreage;

   d. Total square footage for non-residential uses;

   e. Total density and number of units, proposed and permissible, for residential uses;

   f. Impervious surface ratio calculation, proposed and permissible;

   g. Floor area ratio calculation, proposed and permissible;
h. Total number of parking spaces, required and provided; and
i. Number of trees required to be protected, number of trees remaining on the site, and number of trees to be planted.

21. Additional plans, documents, or reports that are necessary to support the application shall be submitted. Such plans, documents, or reports may include, but are not limited to, concurrency analysis, traffic analysis reports, parking studies, stormwater management plans, or environmental impact studies.
   a. Concurrency analysis reports shall contain the information set forth in Article 12.
   b. Requirements for traffic analysis reports are set forth in Section 14.06.01.
   c. Requirements for parking requirements are set forth in Article 11.
   d. Requirements for stormwater management plans are set forth in Section 7.01.00.
   e. Requirements for environmental impact studies are set forth by regional, State, and federal agencies with jurisdiction and in Article 7 of this LDC.

14.05.00 Requirements for Subdivision Plats (Preliminary and Final)

14.05.01 Preliminary Subdivision Plan

A preliminary subdivision plat shall be required when new streets, water lines, and sewer lines are required; when three or more residential lots are created; and where one nonresidential lot is created or proposed for development. Where new streets, water lines, and sewer lines are not required, the preliminary and final plat may be combined into a single submittal. A preliminary plat provides for a complete review of technical data and preliminary engineering drawings prior to completion of the final plat for recording.

In addition to the information required in Section 14.04.00, all applications for preliminary subdivision plat approval shall contain the following information:

1. The name, address, telephone number, facsimile number, and email address of the person preparing the plat.
2. The date of preparation and date(s) of any modifications, a north arrow, and a written and graphic scale.
3. The proposed name of the subdivision.
4. Development specifications for the tract: area, proposed number and layout of lots and blocks, location, names, and widths of proposed roadways, consistent with this LDC and the Future 2035 Multimodal Transportation System Map of the Comprehensive Plan.
5. All contiguous properties shall be identified by subdivision title, plat book and page, or, if un-platted, the land shall be so designated, and otherwise identified.
6. Location of land to be dedicated or reserved for public use for rights-of-way, streets, sidewalks, bike trails, pedestrian trails, easements, schools, parks, open spaces, or other public uses. Proposed street names shall be included.
7. Locations of utilities, utility service, connections to existing utility facilities, and easements necessary to provide access to the utility facilities for maintenance or other activity.
8. Location of the nearest available public water supply and wastewater disposal system.


10. Existing surface water bodies, wetlands, streams, and canals, including the location of the mean high water line for each feature.

11. A preliminary surface drainage plan showing direction of flow and methods of stormwater retention.

12. A floodplain map indicating areas subject to inundation and high groundwater levels up to a 100-year flood classification, and establishing a base flood elevation for all proposed lots within the subdivision.

13. A tree survey showing protected trees, proposed replacement trees, if required, and landscaping and buffering.

14. An improvements plan shall be submitted with a preliminary plat application. The improvements plan shall include the following information:

15. A stormwater management plan showing the complete drainage system in compliance with the requirements set forth in Section 7.01.00.

16. Soils map, soil infiltration test locations, results of test borings, and subsurface conditions, providing at least one (1) test per drainage retention or detention area.

17. Paving and drainage plans and profiles showing existing and proposed elevations and grades of all paved and open areas, including the size, location, and type of facilities.

18. Water distribution and wastewater collection plans and proposed profiles.

19. Proposed locations for electric, telephone, cable lines, and any supporting facilities.

20. Typical roadway and drainage sections and a summary of quantities to include a driveway apron and culvert schedule with typical sections.

21. Profile sheet showing special situations such as intersections or waterways.

22. Plans showing existing and proposed improvements to waterways, lakes, streams, channels, ditches, bridges, culverts, seawalls, bulkheads, and retaining walls.

23. A street lighting plan, showing approval of the appropriate utility authority.

24. Landscaping plan, demonstrating compliance with Section 8.07.07.

25. Construction details for all proposed improvements described on the improvements plan, demonstrating compliance with the requirements set forth in the Public Works Manual.

26. Written specifications demonstrating compliance with all applicable design standards for site improvements.

27. Additional plans, documents, or reports that are necessary to support the application shall be submitted. Such plans, documents, or reports may include, but are not limited to, concurrency analysis, traffic analysis reports, parking studies, stormwater management plans, or environmental impact studies.

   a. Concurrency analysis reports shall contain the information set forth in Article 12.

   b. Requirements for traffic analysis reports are set forth in Section 14.06.01.

   c. Requirements for parking requirements are set forth in Article 11.
d. Requirements for stormwater management plans are set forth in Section 7.01.00.

e. Requirements for environmental impact studies are set forth by regional, State, and federal agencies with jurisdiction and in Article 7 of this LDC.

**14.05.02 Final Subdivision Plan**

The final plat shall meet the following requirements:

1. The final plat shall conform to the approved preliminary plat in all respects, except that minor variations in dimensions and alignment resulting from more precise final computations may be accepted.

2. The final plat shall be drawn at the same scale, using the same sheet size, as for the associated preliminary plat and improvements plan.

3. The subdivision shall be given a name by which it shall be legally known. The name shall not be the same as any other recorded subdivision name, except where the subdivision is an additional unit or section of an existing subdivision. a. Lots and blocks shall be numbered or lettered consecutively.

4. Excluded parcels shall be clearly indicated and labeled.

5. Acknowledgements, dedications, notifications, notes, and declarations shall be on the first sheet, and extended to following sheets if necessary.

6. All areas reserved for use by residents of the subdivision shall be so indicated. All areas reserved for public use, such as parks, rights-of-way, easements, drainage areas, and other public areas shall be dedicated by the owner of the land at the time the final plat is recorded. All streets shall be named. Dimensions, purpose, and reservation of easements shall be indicated.

7. The mortgagee’s consent and approval of dedications shall be required on all plats where mortgages encumber the land to be platted. The signature(s) of the mortgagee(s) shall be witnessed.

8. Restrictive covenants pertaining to use of improvements, land, and water shall be submitted with the final plat for recording.

9. The final plat shall be prepared by a professional surveyor, licensed in the State, who shall certify on the plat that the plat is a true and correct representation of the lands surveyed, and that the survey data complies with all requirements of Chapter 177, F.S., this LDC, and that permanent reference monuments have been set in compliance with the Florida Statutes. The certification shall bear the signature, registration number, and official seal of the surveyor.

10. Signature blocks shall be provided for all appropriate officials, together with the name and title of the officials.

11. A certificate of ownership shall be dated not more than sixty (60) days prior to the recording date of the final plat. The certificate shall be an attorney’s opinion of title or a title company certificate.

12. The final plat shall include a legal description of the lands subdivided.
13. When two (2) or more sheets are necessary to accurately portray subdivided lands, an index sheet shall be provided showing the entire subdivision as well as the sheet layout. Sheets shall be numbered.

Upon approval by the City Commission, a print on mylar shall be provided to the City Clerk for signature. The applicant shall record the final plat with the clerk of the circuit court and provide a copy of the recorded final plat to the City Clerk.

### 14.05.03 Vacating of Plats

The owners of any land subdivided into lots may petition the City Commission under the provisions of Chapter 177, Florida Statutes, to remove (vacate and abandon) the existing plat, or portion of a plat, from the official records of City.

The applicant for vacating a plat, or a part of a plat, shall:

1. Pre-Application Conference with the City Administrator or his/her designee
2. File a petition as prescribed under the provisions of Chapter 177, Florida Statutes
3. Submit proof of publication of notice of intent
4. Submit certificate of title
5. Submit statement of taxes and resolution;
6. Pay the appropriate filing fee as established by the City Commission.

Following review by the City Attorney and appropriate departments, the petition shall be reviewed by the Planning and Land Development Regulation Commission and a recommendation made to the City Commission for final review.

The City Commission may, on its own motion, order the vacation and abandonment of all or any part of the subdivision within its jurisdiction. Such action may include the vacation of streets or other parcels, provided that:

1. The subdivision plat was lawfully recorded more than five (5) years before date of such action by the City Council; and
2. No more than ten percent (10%) of the total subdivision or part thereof has been sold as lots by the original subdivider or his successor in title. Before acting on a proposal for vacation and abandonment of subdivided land, the City Council shall conduct a public hearing, with due public notice in accordance with F.S. Ch. 177.
3. No owner of any parcel of land in a subdivision shall be deprived by the vacation and abandonment of a plat, or a portion of a plat, of reasonable access to such parcel nor of reasonable access therefrom to existing facilities to which such parcel has theretofore had access; provided, however, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

### 14.05.04 Replats and Re-Subdivisions

Any change in a previously approved plat shall be labeled a replat, and a replat must conform with this part. An application for a replat shall be processed and reviewed in the same manner as the application for the Final Plat.
14.05.05 Substantially Similar Plats

If a platted area is proposed to be platted again and if the proposed plat is substantially similar in design, layout, and concept to the original plat, as determined by the City Administrator or his/her designee and; if all lots, roads, and easements are in conformance, without variance, to this LDC or other appropriate standards, only a final plat complying with the requirements of these regulations needs to be filed.

14.05.06 Corrective Plats

In the event an appreciable error or omission in the data shown on any plat duly recorded under the provisions of this article and F.S. Ch. 177, is detected by subsequent examination or revealed by a retracement of the lines during the original survey of the lands shown on such recorded plat, the land surveyor who was responsible for the survey and the preparation of the plat as recorded may file an affidavit confirming that such error or omission was made. However, the affidavit must state that he or she has made a resurvey of the subject property in the recorded subdivision within the last ten (10) days and that no evidence existed on the ground that would conflict with the corrections as stated in the affidavit. The affidavit shall describe the nature and extent of such error or omission and the appropriate correction that, in his or her opinion, should be substituted for the erroneous data shown on such plat or added to the data on such plat. Said affidavit shall be filed and recorded in accordance with F.S. Ch. 177.

14.06.00 Requirements for Supplemental Analysis Reports and Plans

14.06.01 Requirements for Traffic Analysis Reports

1. Traffic analysis reports shall be prepared by a licensed traffic engineer.

2. As part of the pre-application conference, the City and the applicant shall determine the area of impact, including streets, street segments, and intersections, for the traffic analysis, based on accepted traffic planning principles and practices.

3. The analysis shall consider both on-site and off-site traffic impacts, including:

4. The existing average daily traffic on adjacent streets and streets impacted by the proposed development. Where traffic counts conducted within the previous six (6) months are not available, the applicant shall conduct traffic counts.

5. The total trips generated by the project and the distribution of the trips onto adjacent streets. Institute of Traffic Engineers (ITE) trip generation rates shall be used as the basis for trip generation calculations. An alternative source of data may be used, where specifically approved by the City in advance.

6. Level of service calculations at each project access point for both the a.m. and p.m. peak hours, both existing and with the proposed development.

7. Level of service calculations at impacted intersections for both the a.m. and p.m. peak hours, both existing and with the proposed development.

8. Analysis of the need for turning lanes or additional lanes on impacted roadways.

9. Analysis of the need for intersection improvements.

10. Analysis of the need for traffic signals or other traffic control devices.

11. Other transportation factors based upon generally accepted traffic engineering practices.
12. The report shall include a statement of the assumptions used in conducting the analysis, including the following:

13. Type and intensity or density of development.

14. Projected population of a residential development.

15. Proposed timing and phases of development.

16. Proposed design of streets, access points, driveways, alleys, sidewalks, and other components of the transportation system.

14.07.00 Procedures for Review and Decision Making

Article 15 outlines procedures for review and decision making including action by the Planning and Land Development Regulation Commission (PLDRC), Action by the City Commission, Requests for Continuation of a Public Hearing, Withdrawal of Pending Applications as well as the process for Quasi-Judicial Hearings.

14.07.01 Notice Requirements

Notice Requirements are outlined in Article 15.02.00.

14.07.02 Determination of Completeness & Sufficiency

All applications are subject to a determination of completeness.

A determination of completeness is a determination that all required documents and plans have been submitted in sufficient number, and whether all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

1. The City Administrator or his/her designee shall issue a determination of completeness to the applicant, within five (10) working days of receipt of an application. When the application is not complete, the determination shall specifically identify the missing documents and/or plans.

2. The applicant shall have thirty (30) days from the date of determination to correct the deficiencies. The application shall not be processed until deficiencies are corrected and the application is determined to be complete. If the applicant fails to correct the deficiencies within the thirty (30) day period, the application shall be deemed withdrawn.

3. A determination of completeness is an administrative decision subject to appeal as set forth in Article 15.

14.07.03 Material Changes to an Application

A determination by the City Administrator or his/her designee that the Applicant has made material changes to an application, not proposed by and/or approved by the Planning Advisory Board, will require a new Determination of Completeness and Determination of Sufficiency including the assignment of a new number for review and action in accordance with the procedures set forth below.

14.08.00 Pre-Application Conference

A pre-application conference is a meeting between an applicant and the City Administrator or his/her designee for the purposes of:

1. Exchanging information on the potential development of a site;
2. Providing information on permissible uses of the site proposed for development;

3. Providing information to an applicant regarding the design standards set forth in this LDC that are applicable to a potential application;

4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;

5. Determining the need and requirements for supporting plans, documents, and studies;

6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and

7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.

8. It is the City’s intent that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.

9. The pre-application conference may include representatives of City departments responsible for reviewing applications and independent reviewers hired by the City, and may include representatives of regional, State, or federal agencies with authority over specific aspects of the proposed development.

Following the Pre-Application Conference, the City Administrator or his/her designee will determine if the application shall be reviewed by the Development Review Committee (DRC).

14.09.00 Development Review Committee

As determined by the City Administrator or his/her designee, the application shall be reviewed by the Development Review Committee (DRC).

The Development Review Committee will make a recommendation before a staff report is generated and submitted for review to the Planning and Land Development Regulation Commission (PLDRC) and City Commission. Official DRC members are the appointed representatives from the Planning Department, Public Works Department, Building Department, Fire Services and the City Engineer (list can vary depending on project and at the discretion of the City Administrator or his/her designee).

1. Upon a determination that an application is official or sufficient, the City Administrator or his/her designee shall call a meeting of the Development Review Committee for examination.

2. Development Review Committee. The Development Committee (DRC) shall consist of official and advisory members. All official and sufficient applications and amended plans shall be sent to both official and advisory members for review. Before the drafting of a staff report and transmittal of a site development plan, subdivision and/or plat to the PLDRC and City Commission, official DRC members shall have given a final recommendation of Approval, Approval with Conditions, or Denial. Although not giving a binding recommendation, the comments of advisory members shall be included in the Staff Report.

3. Timely review. The DRC shall forward a site development plan, subdivision and/or plat to the next scheduled PLDRC meeting within 60 days of an official DRC Review. In the event of
large or complicated projects, the City Administrator or his/her designee may waive and/or extend length of the review time period necessary to get the project forward to public review before the PLDRC and City Commission as requested by a DRC member or the applicant.

14.10.00 Preliminary Review of Development Plans

Projects which exceed ten (10) acres in size, shall submit the proposed development for preliminary review as outlined.

The developer shall within six (6) months after completion of Concept Review (as outlined in 14.03), submit a Preliminary Development Plan to the PLDRC for preliminary review. If more than six (6) months elapse, the developer must resubmit the plan for Concept Review (as outlined in 14.03).

14.11.00 Final Review of Development Plans

The developer shall, within six (6) months after completion of Concept Review (as outlined in 14.03) or issuance of a Preliminary Development Order (whichever is applicable), submit a Development Plan for final review by the PLDRC for recommendation to the City Commission. If more than six (6) months elapse, the developer must resubmit the plan for Concept Review (as outlined in 14.03).

14.12.00 Project Phasing

Phasing Plan for the entire development site must be approved for a development that is to be developed in phases. The phasing plan shall be submitted simultaneously with an application for review of the development plan for the first phase of the development and must be approved as a condition of approval of the plan for the first phase. A development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

14.12.01 Phasing Plan Submittal Requirements

In addition to the general plan submittal requirements, a Phasing Plan shall provide the following information for the entire development:

a. A Concept Plan for the entire Phasing Plan area.
b. A Development Plan for the first phase or phases for which approval is sought.
c. A development phasing schedule including the sequence and requirements for each phase as follows; buildout year for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and Common Open Space areas and facilities.
d. Total acreage and gross intensity (non-residential) and gross density (residential) of each phase.
e. Number, height and type of residential units.
f. Floor area, height and types of office, commercial, industrial and industrial area.
g. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
h. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.
i. A vicinity map of the area within one (1) mile surrounding the site showing:
   a. Land use designations and boundaries.
   b. Traffic circulation systems.
   c. Major public facilities.
   d. Municipal boundary lines.

j. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the City Administrator or his/her designee.

14.13.00 Construction and Improvements

14.13.01 Compliance with Local Development Orders and Development Permits

1. All construction of buildings, structures, and systems shall comply with the construction or installation permit and the procedures and requirements of the Florida Building Code.

2. Construction of facilities and improvements described in a local development order shall be performed in strict compliance with the approved local development order and any development permits (other than permits issued pursuant to the Florida Building Code).

3. Any deviation from the local development order and subsequent development permits shall require additional review of the change to the plans by the City and shall receive approval prior to commencement of work. (Section 14.14 regarding amendments to approved local development orders.)

4. Upon completion of improvements, the applicant shall provide record drawings sealed by an engineer, licensed in the State, certifying that the actual construction conforms to the approved site plan(s), subdivision plats, or improvements plans.

5. All improvements required by this LDC shall be designed, installed, and paid for by the developer. Such improvements may include, but are not limited to, transportation facilities, potable water facilities, sewer facilities, stormwater and drainage facilities, and recreation facilities. Improvements shall be guaranteed as set forth in Section 14.13.

6. All improvements as approved through either a Local Development Order or an official building permit shall be inspected by the City. The applicant shall notify the City of commencement and completion of the following, for purposes of scheduling and conducting inspections:
   a. Clearing and grubbing;
   b. All utilities prior to backfilling;
   c. All concrete structures when steel is in place, prior to pouring;
   d. Stabilized sub-grade;
   e. Curb and concrete work;
   f. Roadway or parking lot base;
   g. Wearing surface during application; and
   h. The water and hydrant system.
7. In cases of construction of facilities dedicated to the public, the owner shall be responsible for maintenance for a period of two (2) years following completion of the construction and approval of the construction by the City. Upon completion of the maintenance period, the owner shall advise the City in writing requesting final inspection for perpetual maintenance by the City. Final acceptance shall not be given until all necessary repairs have been completed and an engineer, licensed in the State, provides a final certificate of completion to the City.

8. Acceptance of a final plat shall be deemed acceptance by the City of the public improvements and public areas dedicated to the City. The final plat shall not be accepted by the City Commission until all required performance and maintenance guarantees as set forth herein have been posted by the Developer. The acceptance of dedications for public purpose shall be permanently affixed to the face of the final plat (See Section 14.05.02).

9. Upon completion of construction of the improvements, the applicant shall provide the following:

10. A letter stipulating that the construction of the improvements has been completed and requesting final inspection and approval;

11. The testing reports and certificates of compliance from material suppliers;

12. As-built construction plans; and

13. Certification from a professional engineer, licensed in the State, that the improvements have been constructed in conformity with the approved construction plans and specifications.

14. Upon receipt and review of the items listed above, and after satisfactory final inspection, a certificate of completion shall be issued by the City Administrator or his/her designee.

15. Grading, fill, or tree removal permits may not be issued prior to the issuance of a Local Development Order or building permit, whichever occurs first.

14.13.02 Performance Agreements, Guarantees, and Sureties

A performance agreement shall meet the following requirements:

1. The term shall not exceed two (2) years from the date of issuance of the local development order.

2. The agreement shall include:

   A. The projected total cost for each improvement determined either by an estimate prepared and provided by the applicant or a copy of an executed construction contract provided by the applicant.

   B. Specification of improvements to be made and dedicated together with a timetable for completing such improvements.

   C. Stipulation that, upon failure of the applicant to make required improvements according to the timetable, the City shall utilize the security provided under the agreement to complete the improvements.

   D. Provision of the amount and type of security provided to insure performance as set forth herein.

   E. The security specified in the performance agreement shall be approved as sufficient by the City Administrator or his/her designee. The amount of security shall be one
hundred twenty-five percent (125%) of the estimated or contracted improvements costs.

F. Security requirements may be met by:
(a) Bank check;
(b) Certified check;
(c) Irrevocable letter of credit; or
(d) Surety bond executed by an approved surety company, licensed to do business in the State of Florida and otherwise acceptable to the City.

14.13.03 Installation and Maintenance Guarantees for Landscaping, Irrigation, and Replacement Trees

A maintenance guarantee shall be provided to ensure that required landscaping, and irrigation system, or protected trees are perpetually maintained in accordance with the provisions of this LDC. For all development projects, the applicant shall provide legal documents, approved by the City, which insure such protection after building construction has occurred on the site. Such documents may include, but are not limited to, conservation easements, dedication of common open space, tree protection easements, deed restrictions, and homeowner association documents.

14.13.04 Maintenance Guarantees for Stormwater Facilities

The property owner or other entity approved by the City shall be responsible for maintenance of all stormwater facilities installed on private property. Maintenance shall be perpetual or for a time period specified in the local development order. At any time during the maintenance period, or after in cases where adverse impacts to public stormwater facilities are believed to be occurring due to the action of a private property owner, the City reserves the right to enter, following advance notice, upon that property for purposes of visual inspection. Property owners shall be notified in writing of the results of any such inspection and its results.

14.13.05 Installation and Maintenance Guarantees for Water and Sanitary Sewer Facilities, Streets, Sidewalks and other Infrastructure Elements

A maintenance guarantee shall be provided to ensure that all required stormwater facilities, water and sanitary sewer facilities, streets, sidewalks and other infrastructure elements shall be maintained by the developer according to the following requirements:

The maintenance period shall be a minimum of two (2) years;

The maintenance period shall begin with the acceptance by the city of the construction of the improvements.

The security shall be in the amount of fifty percent (50%) of the cost of improvements.

14.13.06 Facilities Not Dedicated to the City

Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the city, a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

No final development approval or certificate of occupancy shall be issued for a development for which a condominium association or homeowners association is required until all required documents establishing such association have been approved by the City Administrator and his/her designee and proof of recording documents has been provided to the City Administrator or his/her designee.
14.14.00 Amendments to Local Development Orders

When a local development order has been issued and an applicant wishes to modify a site plan or subdivision plat to which the local development order applies, the procedures of this section shall apply. (Amendments to development permits shall be governed by the applicable building or technical codes, or City permit procedures.)

14.14.01 Minor Amendments

Minor amendments include the following:

1. Changes in the types and locations of landscaping materials, provided that:
   a. Such changes do not reduce total amount of landscaping material;
   b. Any required buffer area complies with the standards of this LDC; and
   c. The proposed landscaping materials comply with the specifications of this LDC.

2. A minor adjustment in the location of dumpsters, sidewalks, bicycle facilities, sheds, or other accessory buildings, provided that:
   a. The adjustment does not deviate from the approved location more than one (1) foot in any direction;
   b. Such adjustment does not encroach into any required buffer or stormwater management area;
   c. Such adjustment does not increase the approved impervious surface ratio for the project; and
   d. The location continues to comply with all standards of this LDC, including, but not limited to, setbacks, landscaping, and buffer requirements.

3. A minor adjustment in the location and design of parking lots and access drives, provided that:
   a. Such adjustment does not encroach into any required buffer or other landscaped area;
   b. Such adjustment does not increase the approved impervious surface ratio for the project;
   c. Such adjustment does not reduce the number of parking spaces; and
   d. Such adjustment continues to comply with all standards of this LDC and the Public Works Manual.

14.14.02 Procedures for Minor Amendments

The applicant shall submit one (1) copy of the approved site plan, or subdivision plat indicating the proposed minor amendments.

The City Administrator or his/her designee shall determine that the amendment is consistent with:

1. The requirements of Section 14.14.01; and
2. The standards and criteria of the LDC.

When an application is proposed to be approved or approved with conditions, a notice of intent shall be provided as set forth in Section 11.02.01(C) and (F).
The City Administrator or his/her designee shall approve or deny the application for a minor amendment and issue a written order to modify the local development order.

Upon review by the City Administrator or his/her designee, a minor amendment to the exterior elevations for development within the Gateway Overlay or Historic District Overlay may be subject to consideration by the Historic Preservation Board with a recommendation to the City Commission.

14.14.03 Major Amendments

Any proposed change to an approved local development order that is not a minor amendment as described in Section 14.14.02 shall be considered a major amendment. Major amendments are processed in the same manner as the original application.

14.15.00 Expiration of Local Development Orders and Development Permits

A request may be applied for by the applicant to extend the expiration date of a Development Order. An application and the application fee established by the City Commission shall be submitted prior to the expiration date of the original Development Order. The extension may be granted by the City Administrator or his/her designee at his/her discretion if the following conditions are applicable:

1. the developer has provided documentation showing that they have been diligently working towards the construction of substantial infrastructure improvements;
2. the granting of the extension shall not be injurious to neighboring properties or to the City;
3. the developer shows just cause for the extension;
4. the property(s) involved in the subdivision plan/plat does not have any outstanding fines, fees, liens, or taxes;
5. no additional extensions have been approved. Only one (1) extension shall be granted per project.
Article 15 Hearing Procedures, Appeals, Code Compliance and Enforcement, Violations, Penalties, Special Magistrate, Citations, Nuisance Abatement

15.01.00 Procedures for Review and Decision Making

A quasi-judicial hearing shall be held for consideration of applications for site development plans, preliminary and final plats, variances and special exceptions and rezoning.

15.02.00 Notice Requirements

All meetings are public meetings that must be held in compliance with the provisions of the Sunshine Law and Florida Statutes.

Public Hearings for Annexations, City Ordinances, Comprehensive Plan Changes, Rezonings will comply with Florida Statutes.

Public Hearings for Variances, Special Exceptions, Site Development Plans, Subdivisions and any other public hearing shall be posted on the site and noticed once in a newspaper of general circulation in the city at least seven (7) days prior to the public meeting. The city shall provide the notices which shall state the date, time, place, and purpose of the meeting as well a place within the city where the documents relating to the meeting may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposal.

15.03.00 Determination of Completeness & Sufficiency

All applications are subject to a determination of completeness.

A determination of completeness is a determination that all required documents and plans has been submitted in sufficient number, and whether all fees have been paid. A determination of completeness is not a determination of compliance with substantive standards and criteria.

1. The City Administrator or his/her designee shall issue a determination of completeness to the applicant, within fourteen (14) working days of receipt of an application. When the application is not complete, the determination shall specifically identify the missing documents and/or plans.

2. The applicant shall have thirty (30) days from the date of determination to correct the deficiencies. The application shall not be processed until deficiencies are corrected and the application is determined to be complete. If the applicant fails to correct the deficiencies within the thirty (30) day period, the application shall be deemed withdrawn.

3. A determination of completeness is an administrative decision subject to appeal as set forth in Section 15.12.02.

15.04.00 Material Changes to an Application

A determination by the City Administrator or his/her designee that the Applicant has made material changes to an application, not proposed by and/or approved by the Planning and Land Development Regulation Commission, will require a new Determination of Completeness and Determination of Sufficiency including the assignment of a new number for review and action in accordance with the procedures set forth below.

15.05.00 Pre-Application Conference

A pre-application conference is a meeting between an applicant and the City Administrator or his/her designee for the purposes of:
1. Exchanging information on the potential development of a site;
2. Providing information on permissible uses of the site proposed for development;
3. Providing information to an applicant regarding the design standards set forth in this LDC that are applicable to a potential application;
4. Providing information to an applicant regarding standards of regional, state, or federal agencies that may be applicable to a potential application;
5. Determining the need and requirements for supporting plans, documents, and studies;
6. Providing information to an applicant regarding infrastructure requirements and the construction of required improvements; and
7. Providing information to an applicant regarding the appropriate procedures and schedules for receiving and reviewing applications and rendering decisions regarding a potential application.

8. It is the City’s intent that all requirements be identified during the pre-application conference. However, no person may rely upon any comment concerning a proposed development, or any expression of any nature about the proposal, made by a participant at the pre-application conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.

9. Prior to the submission of an application for a local development order, an applicant shall submit a written request for a pre-application conference.

10. A pre-application conference shall be held not more than two (2) weeks following the date of submission of the written request for such conference.

11. A pre-application conference shall be held not more than six (6) months prior to submission of an application.

12. The pre-application conference may include representatives of City departments responsible for reviewing applications and independent reviewers hired by the City, and may include representatives of regional, State, or federal agencies with authority over specific aspects of the proposed development.

Following the Pre-Application Conference, the City Administrator or his/her designee will determine if the application shall be reviewed by the Development Review Committee (DRC).

15.06.00 Development Review Committee

As determined by the City Administrator or his/her designee, applications reviewed by the Development Review Committee (DRC) shall follow the following:

The Development Review Committee will make a recommendation before a staff report is generated and submitted for review to the Planning and Land Development Regulation Commission (PLDRC) and City Commission. Official DRC members are the appointed representatives from the Planning Department, Public Works Department, Building Department, Fire Services and the City Engineer (list can vary depending on project and at the discretion of the City Administrator or his/her designee).

1. Upon a determination that an application is official or sufficient, the City Clerk shall call a meeting of the Development Review Committee for examination.
2. Development Review Committee. The Development Committee (DRC) shall consist of official and advisory members. All official and sufficient applications and amended plans shall be sent to both official and advisory members for review. Before the drafting of a staff report and transmittal of a site development plan, subdivision and/or plat to the PLDRC and City Commission, official DRC members shall have given a final recommendation of Approval, Approval with Conditions, or Denial. Although not giving a binding recommendation, the comments of advisory members shall be included in the Staff Report.

3. Timely review. The DRC shall forward a site development plan, subdivision and/or plat to the next scheduled PLDRC meeting within 60 days of an official DRC Review. In the event of large or complicated projects, the City Administrator or his/her designee may waive and/or extend length of the review time period necessary to get the project forward to public review before the PLDRC and City Commission as requested by a DRC member or the applicant.

15.07.00 Procedures for Action by the Planning and Land Development Regulation Commission

Consideration of applications by the Planning and Land Development Regulation Commission shall be for the purpose of making a recommendation to the City Commission.

1. After a determination of an application’s completeness has been made by the City, the application shall be scheduled for consideration by the Planning and Land Development Regulation Commission (PLDRC) according to the published meeting schedule.

2. Notices shall comply with the requirements set forth in the Florida Statutes and City established policies, as may be amended from time to time.

3. The Planning and Land Development Regulation Commission (PLDRC) shall recommend to the City Commission that the application be approved, approved with conditions, or denied.

15.08.00 Procedures for Action by the City Commission

1. The City Commission shall consider applications for preliminary subdivision plat approval, final subdivision plat approval, rezoning, and amendments to this LDC at a public hearing.

2. Notices shall comply with the requirements set forth in the Florida Statutes and City established policies, as may be amended from time to time.

3. A quasi-judicial hearing shall be held for consideration of applications for site development plans, preliminary and final plats, variances and special exceptions and rezoning.

4. The City Commission shall approve, approve with conditions, or deny the application.

5. The City Commission shall issue a written local development order for approval or a written notice of denial.

6. The local development order shall not be final and enforceable until signed by the Mayor or Vice Mayor.

15.09.00 Requests for Continuation of a Public Hearing

1. An applicant may request, in writing, a continuance of the public hearing regarding a specific application.
a. If the City Administrator or his/her designee receives the written request for a continuance at least seven (7) business days prior to the public hearing at which the application is scheduled to be heard, the applicant’s request for a continuance will be automatically granted. An applicant shall be limited to one (1) such automatic continuance.

b. If the City Administrator or his/her designee receives the written request for a continuance less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant is not entitled to an automatic continuance. The decision-making entity will consider the request for a continuance, and shall only grant such request upon a demonstration by the applicant of good cause for a continuance.

2. If an applicant receives a continuance, the applicant shall reimburse the City for all advertising costs associated with rescheduling the public hearing for the application. The public hearing will not be rescheduled until such payment is received.

3. If a public hearing is continued on the record, at the scheduled public hearing, to a date and time certain, no additional notice shall be required.

15.10.00 Withdrawal of Pending Applications

An applicant may withdraw an application at any time prior to issuance of a local development order. The applicant shall provide written notice of the withdrawal to the City Administrator or his/her designee.

If the City Administrator or his/her designee receives an applicant’s written notice of withdrawal less than seven (7) days prior to the public hearing at which the application is scheduled to be heard, the applicant shall be precluded from submitting the same or substantially same application for the subject property for a period of twelve (12) months.

The applicant shall reimburse the City for all outstanding and incurred costs associated with the application.

15.11.00 Quasi-Judicial Hearings

1. A quasi-judicial hearing shall be scheduled when all required reports and procedures have been completed. A quasi-judicial hearing shall not be scheduled until an applicant has paid all outstanding amounts.

2. A quorum of the decision-making entity shall be present.

3. The hearing shall be conducted in a manner to protect the due process rights of the applicant and affected parties.

4. All testimony presented by the applicant, any affected party; any witness for a party, or the staff (other than legal advice given by the City Attorney or personal attorney) or the public shall be given under oath.

5. The applicant, any affected party, and the staff may cross-examine any person presenting information at the hearing.

6. An electronic record shall be made of the hearing.

7. All ex parte communications are presumed prejudicial, unless the approximate date and general substance of the ex parte communication is disclosed at the beginning of the quasi-judicial hearing at which the decision-making entity considers the pending application. The City may rebut the presumption of prejudice by demonstrating the
absence of any actual prejudice to any party challenging the validity of a decision-making entity’s decision on the basis of ex parte communications.

8. The decision-making entity may question the applicant, other parties, witnesses, and the City staff at any time during the hearing.

9. The decision-making entity may approve, approve with conditions, or deny the matters under consideration. The decision shall be based upon competent substantial evidence presented during the hearing.

10. The decision-making entity shall enter a written order which contains findings of fact and conclusions of law in support of its decision.

11. The decision-making entity’s written order shall be transmitted and filed with the City Clerk as part of the official records of the City.

15.11.01 Conduct of Quasi-Judicial Hearings

All quasi-judicial hearings shall be conducted in the following order:

1. The chairperson of the decision-making entity shall call the hearing to order at the time specified on the public notice.

2. Each member of the decision-making entity shall disclose the existence and general substance of any conflicts and ex parte contacts.

3. The City Administrator or his/her designee shall present the compliance report regarding the pending application.

4. The applicant shall present evidence supporting the application and shall bear the burden of demonstrating that the application should be granted.

5. An affected party is entitled to present evidence opposing the application.

6. Public comment.

7. Rebuttal by the City Administrator or his/her designee, any affected party, and the applicant.

8. Conclusion of the evidentiary portion of the hearing.

9. Closing arguments by the City Administrator or his/her designee, any affected party, and the applicant.

10. Deliberation by the decision-making entity.

15.12.00 Procedure for Appealing Decisions

15.12.01 Appeals

15.12.02 Appeals to the City Commission

Any person or persons, jointly or severally adversely affected by a decision of any officer, administrative official, committee and/or board may appeal a final decision to the City Commission unless otherwise indicated in this Code. Appeals are made to the City Commission by filing a notice of appeal with the City Clerk within thirty (30) days of the decision.
15.12.03 Notice of Appeal to the City Clerk

The notice of appeal shall contain:

A. A statement of the decision to be reviewed, and the date of the decision.

B. A statement of the interest of the person seeking review.

C. The specific error alleged as the grounds of the appeal.

15.12.04 Appellate Hearing by the City Commission

When a decision is appealed to the City Commission, the Commission shall conduct the hearing in compliance with the following procedures as supplemented where necessary:

15.12.05 Appellate Hearing by the City Commission: Scope of Review

1. The City Commission shall set a reasonable time for hearing the appeal.

2. The City shall require proper advertised notice thereof, as well as notice to property owners in accordance with this Code.

3. The City Commission shall have the authority to review questions of law, including interpretations of this Code, and any constitution, ordinance, statute, law, or other rule or regulation of binding legal force.

4. The decision appealed shall be presumed correct and the appealing party has the burden of proof. The party appealing the decision must prove that the decision is not supported by substantial, competent evidence.

5. The appeal shall be conducted as a de novo appeal.

15.12.06 Authority of the City Commission during an Appeal

The City Commission shall have the authority:

1. To request briefs to be filed on behalf of any party and prescribe filing and service requirements.

2. To hear oral argument on behalf of any party.

3. To adjourn, continue, or grant extensions of time for compliance with these rules, either on their own motion or upon application of the party, provided no requirement of law is violated.

4. To dispose of procedural requests or similar matters including motions to amend and motions to consolidate.

5. To keep a record of all persons requesting notice of the decision in each case.

15.12.07 Decision of the City Commission and Final Action

1. City Commissioners shall be ruled by the Conflict of Interest requirement as established by the Sunshine Laws and Florida Statutes.

2. No officer or employee of the City who has a financial or other private interest in a proposal shall participate in discussions with or give an official opinion to the hearing body on the proposal without first declaring for the record the nature and extent of the interest.
3. The City Commission must affirm or remand as not supported by substantial competent evidence.

4. When the Commission affirms or reverses a contested decision pertaining to a final action of a decision-maker, that action shall be deemed to be the final action and be subject to no further review under this Code.

5. When the Commission finds any decision is remanded, that decision shall be referred back to the decision-maker for reconsideration in light of the Commission's opinion.

15.13.00 Code Compliance and Enforcement

This section establishes and references procedures through which the city seeks to ensure compliance with the provisions of this Code and obtain corrections for Code violations. It also sets forth the remedies and penalties that apply to violations of this Code. The provisions of this article are intended to encourage the voluntary correction of violations, where possible.

15.13.01 Compliance Required

Compliance with all the procedures, standards, and other provisions of this Code is required by all persons owning, developing, managing, using or occupying land or structures in the city. Compliance with federal, state, and local laws applicable to the use is required.

15.14.00 Violations and responsible persons.

15.14.01 Failure to comply with code or term or condition of approval constitutes code violation.

Any failure to comply with a standard, requirement, prohibition, or limitation imposed by this Code, or the terms or conditions of any development order or authorization granted in accordance with this Code shall constitute a violation of this Code punishable as provided in this article.

15.14.02 Development order only authorized development approval.

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 the development order.

15.14.03 Specific violations

It shall be a violation of this Code to undertake any activity contrary to the provisions of this Code, including but not limited to any of the following:

1. Develop land or a structure without first obtaining all appropriate development permits, and complying with their terms and conditions.

2. Occupy or use land or a structure without first obtaining all appropriate development permits, and complying with their terms and conditions.

3. Subdivide land without first obtaining all appropriate development permits required to engage in subdivision, and complying with their terms and conditions.

4. Excavate, grade, cut, clear, or undertake any land disturbing activity without first obtaining all appropriate development permits, and complying with their terms and conditions.

5. Remove existing trees from a site or parcel of land without first obtaining appropriate development permits, and complying with their terms and conditions.
6. Disturb any landscaped area or vegetation required by this Code.

7. Install, create, erect, alter, or maintain any sign without first obtaining the appropriate development permits, and complying with their terms and conditions.

8. Failure to remove any sign installed, created, erected, or maintained in violation of this Code, or for which the development permit has expired.

9. Create, expand, replace, or change any nonconformity, except in compliance with this Code.

10. Reduce or diminish the requirements for development, design, or dimensional standards below the minimum required by this Code.

11. Increase the intensity or density of development, except in accordance with the standards of this Code.

12. Through any act or omission, fail to comply with any other provisions, procedures, or standards as required by this Code.

15.14.04 Responsible persons

The owner, tenant, or occupant of any land or structure, or any other person who participates in, assists, directs, creates, or maintains a situation that constitutes a violation of this Code may be held responsible for the violation and be subject to the remedies set forth in this article.

15.15.00 Enforcement

15.15.01 Responsibility for enforcement

City staff shall be responsible for enforcing the provisions of this Code. Enforcement authority may be assigned to code inspectors, other city officials involved with reviewing or inspecting development and law enforcement officers. All other officers and employees of the city shall have the duty to assist in enforcing this Code by reporting apparent violations of this Code to the code inspector or other city staff assigned responsibility for enforcement. Further references in this article to city staff shall include code inspectors or other city officials to whom code enforcement authority under this code has been assigned.

15.15.02 Complaints regarding violations

Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a complaint with city staff. On receiving a complaint, city staff shall properly record such complaint and take appropriate action as provided by the Code. However city staff has the authority and duty to institute code enforcement against an observed violation without a complaint being received.

15.15.03 Inspections

On presenting proper credentials city staff may enter on land or inspect any structure to ensure compliance with the provisions of the Code. If the occupant or property owner objects to the entry on the land or inspection of a structure, the city may seek an inspection warrant as provided by state law.
15.15.04 Investigation of complaints

On receiving a complaint about alleged noncompliance(s) with the provisions of this Code, city staff shall investigate the complaint and determine whether a violation of this Code exists. However a complaint is not required for city staff to investigate an observed potential violation by city staff.

15.15.05 Enforcement procedure

If city staff finds reasonable cause to believe a violation of this Code exists (whether from an investigation or a complaint or otherwise), the city may act to enforce compliance with this Code in accordance with the notice and hearing procedures authorized in this article.

15.15.06 Remedies and penalties

The city may use any lawful means to enforce the City’s Codes and Regulations including but not limited any combination of the following remedies and enforcement powers.

15.15.07 Civil remedies and penalties

15.15.08 Issuance of stop work order

Whenever a building or structure is being constructed, demolished, renovated, altered or repaired in violation of any applicable provision of this Code, the city may issue a stop work order. The stop work order shall be in writing, directed to the person doing the work, and shall state the specific work to be stopped, the specific reasons for cessation, and the action(s) necessary to lawfully resume work.

15.15.09 Revocation of development order or building permit

Any development order or building permit may be revoked by the issuing authority (defined as the person or body who made final approval) by written notice to the holder when false statements or misrepresentations were made in securing the development order or building permit, work is or has been done in substantial departure from the approved plan or conditions, there has been a failure to comply with the requirements of this Code, or a development order or building permit has been mistakenly issued in violation of this Code. Prior to revocation of a development order or building permit, city staff shall provide written notice to the holder of the development order outlining the basis for the revocation and the corrective action that is required to prevent revocation.

15.15.10 Denial or withholding of related authorization

1. The city may deny or withhold authorization to use or develop any land, structure or improvement until a violation related to such land, structure or improvement is corrected and any associated civil penalty is paid.

2. Unless necessary for purposes of correcting a violation of this Code or to avoid imminent peril to life or property, no officer, official, agent, employee or board of the city shall approve, grant, or issue any development order for any person where:

   a. The property that is the subject of the requested development order is the site of an uncorrected violation of any provision of this Code, or an unpaid code enforcement, correction or abatement lien; or

   b. The applicant for the development order has any unpaid civil penalty or costs arising from a code enforcement action regarding the real property that is the subject of the request.
15.15.11 Citation and civil penalties

A fine shall be assessed for violation of this Code as allowed in this article.

15.15.12 Demolition

The City may seek authorization to demolish a structure as outlined in this Article or other procedures to abate or remedy the violation as allowed in this Article, including an order from the Special Magistrate or as allowed under State law.

15.15.13 Misdemeanor penalties

Any person violating any of the provisions of this Code or who fails to abide by or obey all orders and resolutions promulgated as herein provided, shall be subject to arrest for a municipal ordinance violation, and shall be subject to the same penalties as a second degree misdemeanor.

15.15.14 Cumulative remedies and penalties

The remedies and penalties provided for violations of this Code, whether civil or criminal, shall be cumulative and in addition to any other remedy or penalty provided by law, and may be exercised in any order.

15.16.00 Special Magistrate

It is the intent of this article to promote, protect, and improve the health, safety and welfare of the citizens of the city by providing an equitable, expeditious, effective and inexpensive method of enforcing the various codes of the city.

Further, the provisions of this article are intended to provide an additional and supplemental means of enforcing the various codes of the city, and nothing contained herein shall prohibit the city from enforcing its codes or ordinances by any other means.

15.16.01 Special Magistrate and Citation Code Enforcement System

The city hereby establishes a special magistrate/citation code enforcement system for the enforcement of its various codes. In order to avoid any potential conflict of interest, it is preferable for a special magistrate not to be a resident of the city, own real property in the city or own a business with a location in the city. This requirement can be waived by the City Commission. Special magistrate shall be an active or retired lawyer, but an attorney who has been disbarred by any state bar association shall be disqualified to serve as the special magistrate. Furthermore, a person will be disqualified to serve as a special magistrate if the person has been convicted or has plead no contest to any felony, any crime involving personal gain or the crime of perjury. If a person is serving as special magistrate and is charged with a crime referenced above, the person shall automatically be suspended from serving as special magistrate until the final conclusion of the case. One (1) or more special magistrate shall be appointed by the City Commission based upon the joint recommendation of the City Attorney and City Administrator or his/her designee. The City Administrator or his/her designee shall have the authority to appoint a temporary special magistrate in the event of a conflict or other temporary absence of the appointed special magistrate. Special magistrate shall serve at the pleasure of the City Commission and may be removed at any time with or without cause by the City Commission. Special magistrate shall be compensated based on budgetary appropriations and approved by the City Administrator or his/her designee.

A special magistrate shall have the power to:

(1) Adopt rules for the conduct of hearings.
(2) Special magistrate shall have the authority to hold hearings and access fines against violators of the various codes of the city.

(3) Subpoena alleged violators and witnesses to the hearings. Subpoenas may be served by any law enforcement officer of the city or as otherwise permitted by law.

(4) Subpoena evidence to the hearings.

(5) Take testimony under oath.

(6) Issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance with city codes or ordinances. However, any orders that require the city to expend money or directs city employees to perform work, i.e. demolition or repair of a structure, must be approved by the city administrator or City Commission.

15.16.02 Enforcement Procedure

1. It shall be the duty of the code enforcement officer to investigate complaints of violations of city codes and to initiate enforcement proceedings relative thereto. Special magistrate shall not have any independent authority to conduct their own investigation of such complaints or to initiate enforcement proceedings.

2. Except as provided in subsections (4), and (5) of this section, if a violation of a code is found, the code enforcement officer shall notify the violator in writing and advise him or her of the nature of the violation and shall give the violator a reasonable time to correct the violation. However, a "fire safety inspector" as that term is defined in F.S. § 633.052, shall provide the violator a minimum time period of forty-five (45) days to correct the violation, except for major structural changes, which may be corrected within an extended adequate period of time. A Life Safety Code violation as per National Fire Prevention Codes may be ordered to comply in less than forty-five (45) days. In the event the violation continues to exist beyond the time specified for correction, the code enforcement officer shall issue a citation to the violator in accordance with the requirements of section 15.16.03.

3. The case may be presented to a special magistrate even if the violation has been corrected prior to the hearing but after the initial time period for compliance. The special magistrate shall have the right to levy a fine for each day the violation was in existence beginning with the date of the citation through the date the code enforcement officer confirms compliance. It is the responsibility of the violator to notify the city that the violation has been corrected. The violation will be deemed to have continued until the code enforcement officer has determined that the violation has been corrected.

4. If a repeat violation is found, the code enforcement officer shall notify the violator in writing and advise him or her of the nature of the repeat violation, but is not required to give the violator a reasonable time to correct the repeat violation. The code enforcement officer shall, upon notifying the violator of a repeat violation, issue a citation to the violator in accordance with the requirements of section 15.16.03. The case may be presented to a special magistrate even if the repeat violation has been corrected prior to the hearing. The special magistrate shall have the authority to levy a per day fine beginning on the day that the violation was first observed by the code enforcement officer until the violation is corrected.

5. If a code enforcement officer has reason to believe a violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, a code enforcement officer shall make a reasonable effort to notify the violation of
the same and may immediately issue a citation and schedule the matter for a hearing before a special magistrate.

6. Each day that a violation exists shall constitute a separate violation for the purpose of assessing a fine by a special magistrate.

7. All fines imposed pursuant to this article shall be paid to the city through its finance department and shall be paid by cash or check with coins only being accepted for any amounts which may require change to pay the exact amount.

15.16.03 Content of citations

A citation issued by a code enforcement officer shall be in the form prescribed by the city and shall contain:

1. The date and time of issuance.
2. The name and address of the person to whom the citation is issued.
3. The date and time the violation was first observed.
4. The section of the code that has been violated and a description of the nature of the violation.
5. The necessary corrective action.
6. The maximum per day fine for each violation or repeat violation that may be levied by the special magistrate if found in violation. That the special magistrate has the authority to levy the per day fine starting on the date the citation was issued through the date the violation is corrected or from the day the violation was first observed by the code enforcement officer for repeat violations.
7. The name, work phone number and work address of the code enforcement officer. That it is the responsibility of the person to contact the city for an inspection when the violation is corrected. The violation will be deemed to be in existence until the code enforcement officer determines that the violation has been corrected.
8. The date, time and place the special magistrate hearing will be conducted.
9. A conspicuous statement that if the person fails to appear at the special magistrate hearing to contest the violation, the failure to appear shall be deemed an admission that the violation exists.
10. A statement that the alleged violator is responsible for providing a court reporter at the hearing if the violator intends to appeal the determination of the special magistrate.

After issuing a citation to an alleged violator, the code enforcement officer shall deposit the original citation in a file for the special magistrate, and shall deposit one (1) copy thereof with the city’s finance director.

Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 or 775.083.

15.16.04 Conduct of hearing

1. Special magistrate hearings should be held once a month, but may be held more or less often as the demand necessitates. Minutes shall be kept of all special magistrate hearings and all
such hearings shall be open to the public. The City Administrator or his/her designee shall provide clerical and administrative personnel as may be reasonably required for the proper performance of his or her duties. At any hearing, a special magistrate may continue any matter to a future hearing date.

2. Each case before a special magistrate shall be presented by a code enforcement officer, a member of the city’s administrative staff, or the City Attorney, any assistant City Attorney, or any special counsel. The City Attorney may present the case before the special magistrate or serve as advisor to the special magistrate, but cannot perform both functions on a single case. If the city prevails in prosecuting a case before a special magistrate, it shall be entitled to recover all costs incurred in prosecuting the said case, including attorney fees, and such costs may be added to the fine and become part of any lien authorized under section 15.17.00.

3. A special magistrate shall proceed to hear the cases on the agenda for the respective hearing. All testimony shall be under oath and shall be recorded. Formal rules of evidence shall not apply, however, fundamental due process shall be observed and shall govern all proceedings. Both the city and the alleged violator shall have the right to subpoena witnesses to testify at the hearing.

4. A special magistrate shall advise the alleged violator of the section of the code of which he or she is accused of violating and the nature of the violation. A special magistrate shall first seek to determine whether or not the alleged violator admits the violation. If the alleged violator admits the violation, the special magistrate shall hear such testimony and evidence as he or she deems necessary to determine the extent of the violation and appropriate fine amount. If the alleged violator denies the violation, the special magistrate shall hear first from the city and any city witnesses and evidence, and the alleged violator shall have the right to cross-examine city witnesses. At the close of the presentation of the city’s case against the alleged violator, the violator shall be permitted to present his evidence, testimony of other witnesses and his own testimony in his defense. The city shall have the right to cross-examine the alleged violator and his or her witnesses. The city shall have the burden of proving the violation by a preponderance of the evidence.

5. At the conclusion of the hearing, the special magistrate shall issue findings of fact, conclusions of law and order imposing fine based on the evidence of record, and shall issue an order affording the proper relief consistent with the powers granted herein. If the special magistrate finds the person in violation, the special magistrate shall establish a per day fine amount that may begin accruing on the date the citation was issued and shall continue accruing until the violation is corrected. A certified copy of such order may be recorded in the public records of Volusia County and shall constitute notice to any subsequent purchasers, successors in interest or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. Upon compliance and payment of the fine, the city shall record an order acknowledging compliance of the code violation and satisfaction of the fine. A hearing is not required for the issuance of such an order acknowledging compliance.

15.17.00 Administrative fines and liens

15.17.01 Amount of fine

A special magistrate may impose a fine up to the maximum amount described in this subparagraph as provided below:
1. A fine imposed pursuant to this section shall not exceed two hundred fifty dollars ($250.00) per day for the first violation and shall not exceed five hundred dollars ($500.00) per day for a repeat violation; and, in addition thereto, may include all costs of repairs pursuant to subsection (a) of this section. However, if a special magistrate finds the violation to be irreparable or irreversible in nature, he or she may impose a fine not to exceed five thousand dollars ($5,000.00) per day per violation.

2. In determining the amount of the fine, if any, a special magistrate shall consider the following factors:
   a. The gravity of the violation;
   b. Any actions taken by the violator to correct the violation; and
   c. Any previous violations committed by the violator.

3. Each day a violation exists shall constitute a separate violation for the purpose of assessing such fine.

15.17.02 Reduction of fine

The special magistrate shall have the right to reduce a code fine pursuant to the following procedure:

1. The violation(s) for which the code fine is related must be corrected. The city staff must inspect the property and file with the special magistrate a notice of compliance.

2. The property owner or representative must submit in writing to the city a request to be placed on the special magistrate agenda for a fine reduction request.

3. City staff shall submit a written recommendation to the special magistrate regarding the requested fine reduction and set the fine reduction request on the special magistrate agenda. The special magistrate shall only consider a fine reduction that has been placed on the agenda unless the city otherwise consents.

4. In considering whether to grant a fine reduction and the amount of the reduction, the guiding principle should be the city's primary goal in code enforcement is to attain code compliance and to recoup the expenses incurred by the city. The special magistrate shall consider all factors considered relevant in making such a determination, including but not limited to, the following:
   i. The costs incurred by the city in investigating and prosecuting the code violation, including staff time, recording costs and attorney fee.
   ii. The responsiveness and cooperation of the property owner in correcting the violation and mitigating reasons for any lack of cooperation such as age, physical disabilities or financial limitations.
   iii. Prior code enforcement actions by the city against the same owner or an entity directly or indirectly under the control of the same person.

5. The City Administrator or his/her designee shall have the authority to issue lien releases without the special magistrate's approval as long as a fine reduction is not associated with the lien release. The City Administrator or his/her designee may require a portion of the lien to be paid as a condition of the lien release.
6. Any fine reduction shall be contingent on the reduced fine amount being paid within the time allowed by the Special Magistrate.

**15.17.03 Lien for unpaid fine**

A certified copy of the findings of fact, conclusions of law and order imposing fine may be recorded in the public records of Volusia County and shall thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A lien arising from a fine imposed pursuant to this section runs in favor of the city and the City Administrator or his/her designee may authorize the execution of a satisfaction and release of lien entered pursuant to this article. No lien created pursuant to the provisions of this section may be foreclosed on real property that is a homestead under Section 4, Article X of the Florida Constitution.

**15.17.04 Notices**

1. All notices required by this article shall be provided to the alleged violator by certified mail, return receipt requested to the address listed in the tax assessor’s office for tax notices, or by hand delivery by the sheriff or other law enforcement officer, or code enforcement officer, or by leaving the notice at the violator’s usual place of residence with any person residing therein who is above fifteen (15) years of age and informing such person of the contents of the notice. In the case of commercial property, the notice may be provided to the manager or other person in charge. Further, in the event notice is provided by certified mail, return receipt requested, and acceptance of such notice is refused or is returned to the city, or is not signed as received within 30 days from the postmarked date of mailing, the City may provide the notice as provided in (b)(2).

2. In addition to providing notice as set forth in subsection (a) notice may also be served by publication or posting, as follows:
   a. Such notice shall be published once during each week for four (4) consecutive weeks (four (4) publications being sufficient) in a newspaper of general circulation in Volusia County. The newspaper shall meet such requirements as are prescribed under F.S. Ch. 50, for legal and official advertisements. Proof of publication shall be made as provided in F.S. §§ 50.041 and 50.051.
   b. In lieu of publication as described in paragraph (b)(1), such notice may be posted for at least ten (10) days in at least two (2) locations, one (1) of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
   c. Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail as required under subsection (1). Evidence that an attempt has been made to hand deliver or mail notice as provided in subsection (1), together with proof of publication or posting as provided in subsection (2), shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.
3. The provisions of this section shall not apply to the enforcement, pursuant to F.S. §§ 553.79 and 553.80, as amended from time to time, of the building codes adopted pursuant to F.S. § 553.73, as they apply to construction, provided that a building permit is either not required or has been issued. For purposes of this section, "building codes" means only those codes adopted pursuant to F.S. § 553.73.

15.17.05 Appeals

Except as otherwise provided herein, an aggrieved party, including the city, may appeal a final administrative order of a special magistrate by certiorari to the Circuit Court of Volusia County. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the special magistrate. An appeal shall be filed within thirty (30) days of the execution of the order to be appealed.

15.17.06 Duration of lien

No lien provided by this article shall continue for a period longer than twenty (20) years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the city is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The city shall be entitled to collect all costs incurred in recording and satisfying a valid lien.

15.18.00 Citation Enforcement

15.18.01 City citation

1. Certain code violations shall be issued a city citation that provides the violator with the option of contesting the violation or paying the fine. The specific code violations that can be enforced through this procedure and the fine amount shall be established by resolution. In the event the person issued the city citation does not pay the fine amount or request a hearing within the required time, it shall be presumed that the violator is waiving the ability to contest the violation. In the event a violator elects to contest the violation and the special magistrate finds a violation, the special magistrate shall have the right to levy the maximum fine allowed under the law without regard to the fine amount set forth in the city citation.

2. A city citation issued by a law enforcement officer shall contain identifying information of the person issued the citation; the city regulation(s) alleged to have been violated; a description of the facts that constitute the basis of issuing the citation; the amount of the fine; the time within which the fine must be paid and where the fine can be paid; that the city citation can be challenged with the special magistrate; that failure to pay shall result in violation being referred to the special magistrate and that the special magistrate can levy a fine up to two hundred fifty dollars ($250.00) for first-time violations and five hundred dollars ($500.00) for repeat violations.

15.19.00 Abatement of Structures Used for Drugs, Prostitution, Stolen Property and Gang Related Activity
15.19.01 Nuisance abatement

The city hereby adopts and incorporates all of F.S. § 893.138, as amended, as is specifically set forth herein. The city hereby authorizes and delegates to the special magistrate the right and authority to enforce all of the city’s rights, duties and obligations as set forth in F.S. § 893.138, as amended.

15.19.02 Fines

The special magistrate shall have the authority to levy fines to the maximum extent allowed in F.S. § 893.138, as amended.

15.19.03 Continuing jurisdiction

The special magistrate shall retain continuing jurisdiction for a period of one (1) year over any place or premises that has been or is declared to be a public nuisance.

15.19.04 Recording of orders; foreclosure

Orders of the special magistrate on public nuisances shall be recorded in the public records to provide notice to subsequent purchasers, successors in interest, or assigns of the real property that it is subject to the order. Recorded orders shall become a lien against the real property that is the subject of the order and may be foreclosed as provided by law. The city shall be entitled to reimbursement of all costs, including reasonable attorney fees, associated with the recording of the orders and foreclosure.

15.20.00 Nuisance Abatement

15.20.01 Abatement of nuisance by demolition

The city shall have the right to abate a nuisance by demolishing the structure or other property constituting such nuisance pursuant to the following procedure:

1. The city official shall provide a written notice to the property owner and tenant setting forth the following:
   a. The violation(s) that exist on the premises and a cite to the Code section(s) that are in violation;
   b. The corrective action to be taken;
   c. A reasonable time for the corrective action to be performed; and
   d. That if the corrective action is not taken within the time allowed, the City Commission will hold a public hearing to determine whether a public nuisance exists and if so, the appropriate remedy to abate the nuisance, including the demolition of the structure or property.

2. The city shall also perform a title search on the subject property to determine all lien holder(s) and shall provide the notice in subsection (1), above, to such lien holder(s).

3. If the corrective action is not performed within the time allowed, and any extensions thereto, the city official is authorized to request a public hearing before the City Commission for a determination as to whether or not a public nuisance exists on the subject property and if so, the remedy that the city official deems appropriate, including the demolition of the structure. The property owner(s), tenant(s) and all lien holders shall receive a copy of the
notice of public hearing. At such public hearing, the City Commission shall hear testimony and receive other forms of evidence from all interested parties and shall make its determination based on the evidence presented.

**15.20.02 Notice requirements**

All notices required by this article shall be provided to the required party in one of the following methods:

1. By certified mail, return receipt requested, to the last known address of the alleged violator pursuant to the tax rolls;
2. By hand delivery by the code inspector, by a city police officer or other person designated by the city;
3. By publishing the notice once a week for four consecutive weeks in a paper of general circulation in the county, with the proof of publication made in compliance with F.S. §§ 50.041 and 50.051, as amended;
4. By posting for at least ten days in two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at City Hall, along with a proof of posting by affidavit which shall include a copy of the notice posted and the date and place of posting;
5. Evidence that an attempt has been made to hand deliver or mail the notice as provided in subsections (1) and (2), above, together with proof of publication or posting as provided in subsections (3) and (4), above, shall be sufficient to establish that the notice requirements have been met, without regard to whether or not the party actually received such notice.

**15.21.00 Chronic Nuisance Premises**

Any premises that has generated more than the [monthly allowance of] calls for police service or code enforcement responses for nuisance activities found in section 15.21.02, has received more than the level of general and adequate police service and code enforcement activity and has placed an undue and inappropriate burden on the taxpayers of the city.

The intent of this section is to encourage the appropriate management of properties, to ensure that properties are maintained in a high-quality manner as required of all properties and to ensure that properties are maintained with the care necessary to ensure code compliance as evident in the throughout the city.

**15.21.01 Definitions**

As used in this article, the following terms shall have the following meanings, unless the context clearly indicates that a different meaning is intended and the definitions set forth in F.S. §§ 509.242 and 320.01(2)(b), shall apply to the interpretation of this article as shall the terms defined otherwise in the land development regulations of the city.

Monthly period means any consecutive thirty-day period.

Nuisance activity means any activity, behavior or conduct whenever engaged in by premises owners, operators, occupants or persons associated with a premises that could be enforced by means of a proceeding before the city’s special magistrate, through citation as set forth in this Code, through nuisance abatement, or relating to any actions or offenses relating to the following subject matter:

1. Firearms and weapons;
(2) Harassment of a neighbor, disorderly conduct, or disturbing the peace;
(3) Battery, substantial battery or aggravated battery;
(4) Indecent exposure;
(5) Keeping a place of prostitution, or otherwise using the premises for the purpose of prostitution;
(6) Littering, solid waste or public health;
(7) Arson;
(8) Possession, manufacture or delivery of a controlled or illegal substance or related offenses;
(9) Gambling;
(10) Trespass to land or criminal trespass to a dwelling;
(11) Production or creation of excessive noise or vibration;
(12) Loitering;
(13) Public drinking and other matters relating to alcoholic beverages;
(14) Intoxicating beverages;
(15) Unpermitted or illegal business;
(16) Selling or giving away tobacco products to underage persons;
(17) Illegal sale, discharge and use of fireworks;
(18) Junk vehicles;
(19) Action deemed a nuisance under state law;
(20) Any action that is a violation of this Code which could be enforced by the through the city’s code enforcement procedure;
(21) Act of aiding and abetting of the activities, behaviors or conduct enumerated in this article; or
(22) Conspiracy to commit or attempt to commit any of the activities, behaviors or conduct enumerated in this article.

Person associated with means any person who, whenever engaged in a nuisance activity, enters, patronizes, visits or attempts to enter, patronize or visit, or waits to enter, patronize or visit, a premises or person present on a premise including, but not limited to, any officer, director, customer, agent, employee or independent contractor of a premises owner.

Service call means each time one (1) or more city police officer(s) or city code enforcement officer(s) commences and completes a response to an identifiable unit of property as recorded by the Volusia County Sheriff’s Communication Center’s computer aided dispatch system or a written report of a police officer or code enforcement officer which sets forth the time the officers were present upon the property. Responses caused by false reports of nuisance activity or for criminal activity that commences elsewhere and subsequently comes upon a unit of property despite reasonable efforts of persons responsible for the unit of property to exclude it, will not constitute a service call. Excluded from this definition are courtesy inspections, criminal investigations of matters not arising from or connected with the property, paid off-duty details of police officers, follow-up police officer
activity to investigate a previous criminal violation, such as interviewing witnesses, or follow-up code enforcement activity to a previously cited code violation, such as inspections to determine if code violations are corrected. Also, excluded is police or code enforcement activity when it is determined that no criminal or code violation exists. If the city receives more than one (1) call related to the same circumstance or event and the multiple calls do not result in the city dispatching more police officers to the scene, all calls shall be deemed one (1) service call regardless of the number of calls received.

Unit of real property means any contiguous lands within the city which are under common ownership or are devoted to a single use, whichever is greater. Common ownership shall include all entities from which the same natural or fictitious person or people have ultimate benefit. Contiguous land shall include those separated by easements, sidewalks, alleys, rights-of-way and water bodies.

### 15.21.02 Monthly allowance of services

The City Commission has determined that the below schedule is a reasonable and permittable number of nuisance activities calls for city law enforcement and/or code enforcement personnel to respond to any property in the city. The monthly allowance shall be the combined total of both law enforcement and code enforcement service calls.

<table>
<thead>
<tr>
<th>1—50 living units</th>
<th>3 service calls per month</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>4 service calls per month</td>
</tr>
<tr>
<td>Gas Stations</td>
<td>5 service calls per month</td>
</tr>
<tr>
<td>MHC Zoning (Lake Helen Villas)</td>
<td>5 service calls per month</td>
</tr>
</tbody>
</table>

In the event the property owner or agent can establish to the satisfaction of the city staff or the special magistrate that sufficient corrective action has been taken to correct the problem that created the service call, the service call shall not be counted to the monthly allowance. Corrective action may include, but is not limited to, commencement of eviction proceedings of the source of the service call or retaining on-site security.

The City Commission has determined that nuisance activity calls in excess of the monthly allowance of nuisance activity calls as set forth in this article shall be a violation of this regulation. Each service call in excess of the monthly allowance shall be a separate violation.

### 15.22.00 Utility services

Should the city determine that the use of city water utility services facilitates, contributes to or exacerbates a nuisance activity, the city may, consistent with any controlling provisions of state law, terminate the provision of such utility services to the property on which the nuisance activity is occurring.

### 15.23.00 Inspections

External inspections of properties subject to this article shall occur based upon complaints, or as initiated by code inspectors.

Internal inspections by the city shall occur based upon complaints or as initiated by code inspectors to ensure that such properties are in compliance with the provisions of all applicable codes and...
ordinances; provided, however, that this provision shall not be interpreted as authorizing the city to conduct inspections of properties without the consent

15.24.00 Attorney fees and costs

In the event the city must institute legal action to collect money owed to the city, the city shall be entitled to receive attorneys' fees and costs incurred in such action. The city shall have the authority to record a lien against real property for lot clearing charges and demolition charges. Such lien shall include the cost of recording the lien. This lien shall accrue interest at a rate of one percent (1%) per month.