

Unified Land Development Code



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LAKE ALFRED
CITY HALL
OFFICE

Article 1. General Provisions



Article 1. General Provisions

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Sec. 1.1. Title

This Code shall be designated as the "City of Lake Alfred Unified Land Development Code" as revised and updated herein and may be cited and referred to herein as the "Code" and/or "ULDC."

Sec. 1.2. Authority

This Unified Land Development Code is enacted pursuant to the following authority:

- A. The City of Lake Alfred is a Florida municipal corporation vested with home rule authority pursuant to the Municipal Home Rule Powers Act (F.S. Chapter 166) and Article VIII, §2 of the Florida Constitution.
- B. Ch. 166, Florida Statutes (City Government). Pursuant to Section 2(b), Article VIII of the Florida Constitution, and Chapter 166, Florida Statutes, the City is vested with governmental, corporate, and proprietary powers to enable it to conduct municipal government, perform municipal functions and render municipal services, including the general exercise of any power for municipal purposes.
- C. The Florida Legislature enacted the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. Ch. 163, Part II), which mandates the preparation of comprehensive plans and unified land development codes for all units of local government.
- D. Sections 163.3161 through 163.3215, Florida Statutes, empowers and mandates local governments to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide growth and development. Section 163.3202, Florida Statutes, part of the Florida Community Planning Act. (The Local Government Comprehensive Planning and Land Development Regulation Act).
- E. The City of Lake Alfred Charter.
- F. Lake Alfred Comprehensive Plan. The Unified Land Development Code (ULDC) regulates the development and use of land as set forth in the goals, objectives, and policies of the Comprehensive Plan and the Comprehensive Plan Map Series.

Sec. 1.3. Purpose

- A. The purpose of the Code is to establish regulations, standards, and review procedures for the "use" of land and the "development" of land within the city-limits of the City of Lake Alfred.
- B. It is the intent of this Code that the use and development of land comply with the requirements of those documents listed above and that the most appropriate use of land, water, and resources, consistent with the public interest, be allowed.
- C. It is the intent of this Code to improve the quality of life for Lake Alfred citizens, by preserving, promoting, and improving the public safety, health, comfort, good order, appearance, convenience, law enforcement, fire prevention, and general welfare of the citizens; to facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other required services; and to conserve, develop, utilize, and protect natural resources.
- D. It is the intent of this Code to provide a streamlined and effective review and approval process while protecting the citizens of Lake Alfred and respecting the rights of property owners.

Sec. 1.4. Applicability

Sec. 1.4.1. General Applicability

All development in the corporate limits of the City of Lake Alfred shall be subject to the provisions of this Code, and no development shall be undertaken without prior authorization pursuant to this Code unless otherwise provided for in applicable law.

Sec. 1.4.2. Pending Ordinance Doctrine

- A. From and after the effective date of this Code, no permit shall be issued where an amendment to the ULDC is pending before the City Commission, which amendment, if adopted, would make illegal the use authorized by the permit.
- B. From and after the effective date of this Code, a valid and current local development order shall be required prior to the issuance of any building permit to authorize development or a change of use.

No development or change of use shall be made or continued without a lawful building permit; and no development permit shall be issued where an amendment to the ULDC is pending before the City Commission or Planning Board, which amendment, if adopted, would make nonconforming the development authorized by the development order or permit.

- C. Subject to applicable Florida law, an amendment to the ULDC shall be considered “pending” within the meaning of this rule so long as there is an active and documented effort on the part of the City that, in the normal course of municipal action, culminates in the requisite amendment to the ULDC; and, at a minimum, the City’s Planning and Zoning Board must be aware of and have documented such efforts.

Sec. 1.4.3. Exceptions

- A. **Previously Issued Development Orders.** A development project with an approved site development plan or subdivision plat may proceed under regulations in effect at the time of approval provided that:
 - 1. The development order has not expired at the time of adoption of this Code or amendment thereto; and
 - 2. Development activity has begun or will begin according to the time limits under which the development was originally approved.
- B. **Previously Issued Development Permits.** The provisions of this Code and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit provided that:
 - 1. The development permit was issued prior to adoption of this Code and development activity has begun or will begin within six (6) months of the date of issuance of the development permit; and
 - 2. Development activity continues without interruption until the development is complete. If the development permit expires, any further development shall conform to the requirements of this Code or any amendments thereto.
- C. **Expired Development Orders or Permits.** If the development order or permit expires or is otherwise invalidated, any further

development activity on the development site shall conform to the requirements of this Code or amendment thereto.

- D. **Preemption.** Except where the subject or subject area is expressly prohibited or preempted by applicable law, including but not limited to, the Constitution, general law, or special law, this Code shall be applicable to all development within the corporate limits of the City of Lake Alfred.

Sec. 1.5. Interpretation

- A. **Legislative Intent.** It is the legislative intent of the City Commission of the City of Lake Alfred in adopting this ULDC that all provisions hereof shall be liberally construed to protect and preserve the peace, public health, safety, general welfare, natural environment, and economic vitality of the City of Lake Alfred.
- B. **Comprehensive Plan.** The provisions of this Code will be held to be the minimum requirements adopted to implement the Comprehensive Plan of the City of Lake Alfred. In the event of a conflict between the Comprehensive Plan and this Code, the Comprehensive Plan shall control.
- C. **Conflicts.** All ordinances or parts of ordinances and resolutions in conflict or inconsistent with the provisions of this Code are hereby repealed to the extent necessary to give this Code full force and effect. In the event this Code conflicts with any other statute, code, regulation, or other applicable federal or state law, the more stringent standard, limitation, or requirement shall govern or prevail to the extent of the conflict.
- D. **Continuation of Existing Ordinances.** The sections of the revised and updated Unified Land Development Code, insofar as they are substantially the same as legislation previously adopted by the City relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.
- E. **Abrogation.** This Code is not intended to repeal, abrogate, or interfere with any existing easements, covenants, existing lease agreements or deed restrictions duly recorded in the public records of Polk County, Florida, and/or any currently issued development orders so long as activity commences within the applicable time periods set forth in the City of Lake Alfred Code of Ordinances and/or applicable law on the date of issuance.

- F. **Severability.** If any section, subsection, sentence, clause, or phrase of this Code is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The City of Lake Alfred, Florida hereby declares that it would have passed Ordinance 1440-20 adopting this Code, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Sec. 1.6. Construction

In the construction of this Code, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the City Commission of the City of Lake Alfred, as follows:

- A. **Catchlines of sections.** The catchlines of the section(s) of this ULDC are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.
- B. **Gender.** Words importing masculine gender shall be construed to include the feminine and neuter. Words importing the feminine gender shall be construed to include the masculine and neuter.
- C. **Required consistency.** This ULDC is consistent with the City of Lake Alfred Comprehensive Plan. Any amendments to this ULDC shall be consistent with the City of Lake Alfred Comprehensive Plan in effect at the time of any proposed amendment to this ULDC. An amendment to this ULDC is consistent with the City of Lake Alfred Comprehensive Plan if it implements the Goals, Objectives, Policies, and Strategies set forth in the City of Lake Alfred Comprehensive Plan. No development may be approved unless it is determined that the proposed development is consistent with the City of Lake Alfred Comprehensive Plan.
- D. **Tense.** Words used in the past or present tense include the future as well as the past and present.
- E. **Amendments.** All ordinances passed subsequent to the adoption of the revised and updated Unified Land Development Code which

amend, repeal, or in in any way affect the ULDC may be numbered in accordance with the numbering system of the ULDC and printed for inclusion herein. All sections, articles, chapters or provisions desired to be repealed shall be specifically repealed by section, article, chapter, or number, as the case may be.

Sec. 1.7. Repeal of Conflicting Local Law

- A. **Established.** In August 1993, the City Commission of the City of Lake Alfred adopted Ordinance 742-93, the Unified Land Development Code of the City of Lake Alfred, which became effective upon adoption, and which has been subsequently amended by numerous ordinances comprising of:

| | |
|---------|---|
| 939-00 | Wellhead protection zones around potable water wells |
| 941-00 | Vehicle Sales in C-3 and M-1 Districts only |
| 966-00 | Outdoor displays and sales in C-2 Districts |
| 979-00 | Parking for semi-trucks and RVs |
| 990-01 | Creation of new zoning category R-1AAB |
| 1013-02 | Setbacks for accessory structures |
| 1021-02 | Exempt signs and On-site Commercial signs |
| 1032-03 | Green Swamp Development Regulations |
| 1104-05 | Street design and sidewalk standards |
| 1129-05 | Off-street parking; defining Chief Planning Official/Chief Building Official |
| 1131-05 | Street widths within Green Swamp |
| 1135-06 | Subdivision regulations |
| 1150-06 | Clarify buffer requirements in Green Swamp |
| 1156-06 | Separation of zoning districts; identifying cluster districts |
| 1171-06 | Minimum number of units requiring 2 ingress points; access to Road Network Plan |
| 1172-06 | Repealing Code Enforcement Board and adding Code Enforcement Special Magistrate |
| 1177-06 | Proportionate fair-share mitigation of transportation impacts |
| 1186-07 | Storage of propane gas and size of tanks |
| 1187-07 | Subdivision regulations |
| 1191-07 | Backup power supply for lift stations |
| 1196-07 | Accessory structures and temporary storage units |
| 1202-07 | Clarifying maximum height of communication towers |
| 1216-08 | Public school facilities concurrency management |
| 1231-08 | Accessory structure setbacks |

| | |
|---------|---|
| 1233-08 | Nonconforming use definition |
| 1243-08 | Creation of new zoning categories I-1 and I-2 |
| 1249-09 | Sidewalk cafes |
| 1267-10 | Flag lots |
| 1300-11 | Signs, adding definitions, increasing total signage allowed per site |
| 1302-12 | Evaluation and Appraisal Report (EAR) based amendments |
| 1308-12 | Signs in residential areas |
| 1312-12 | Agricultural uses in residential areas |
| 1315-12 | Floodplain management |
| 1319-13 | Accessory structures, clarifying height, and allow open carports |
| 1327-13 | Creating downtown overlay district with design standards |
| 1347-15 | Remove limitations on dogs, remove prohibition on bees, clarified captive wildlife to be permitted by FWC |
| 1348-15 | Removing requirement sandwich signs and special event signs must be on-site with business being advertised, clarifying content neutrality. |
| 1354-15 | Street width reduction in Green Swamp with criteria, stating right-of-way width requirements in City |
| 1372-16 | Floodplain management update to match Florida Department of Emergency Management Model floodplain ordinance; adopting Flood Insurance Rate Study Maps effective Dec. 2016 |
| 1379-17 | Downtown Overlay update regarding architectural treatments, landscaping, and low impact development |
| 1386-17 | Adding Pharmacies and Medical Marijuana Dispensing Facilities as a use with development standards |
| 1393-17 | Updating Airport Zoning Regulations |
| 1394-17 | Adding Solar Power Generation Facilities as a use with development standards |
| 1397-18 | Base Building Lines |

In addition, Ordinance 742 repealed the following ordinances:

| | |
|------------------------|-------------------------------------|
| Ordinance 192 3-2-59 9 | Trailers, Tourist and Trailer Camps |
| Ordinance 308 3-2-59 | Trailers, Tourist and Trailer Camps |
| Ordinance 309 3-2-59 | Trailers, Tourist and Trailer Camps |
| Ordinance 327 9-6-60 0 | Swimming Pools |
| Ordinance 387 2-13-67 | Planning Board |
| Ordinance 422 6-14-71 | Planning Board |
| Ordinance 466 3-13-72 | Zoning |

| | |
|------------------------|--|
| Ordinance 521 4-12-76 | Planning Board |
| Ordinance 614 8-3-84 4 | Code Enforcement Board |
| Ordinance 625 7-8-85 | Satellite Dishes and Antennas |
| Ordinance 629 12-9-85 | Planning Board |
| Ordinance 669-87 | Section 2(4) 1-11-88 Alcoholic Beverages |

- B. **Repealed.** The City of Lake Alfred revised and updated the Unified Land Development Code through Ordinance 1440-20 which supersedes and repeals any and all resolutions and ordinances in conflict therewith, specifically including Ordinance 742-93, as amended, on the date.
- C. **Effect of Repeal.** The repeal of any ordinances accomplished herein shall not revive any ordinance in force before or at the time the repealed ordinance took effect. The repeal of any ordinances herein shall not affect any punishment or penalty finalized before the repeal took effect, nor any suit, prosecution, or proceeding pending at the time of the repeal for an offense committed under the repealed ordinance.

Sec. 1.8. Effective Date

The effective date of Ordinance 1440-20 adopting this Code shall be the effective date of Ordinance 1439-20, subject to all appeals and/or challenges to same. No development orders, development permits, or land uses dependent on the revised and updated Unified Land Development Code may be issued or commenced before it has become effective.

Sec. 1.9. Penalties for Violation

- A. **General penalty.** Any person violating any provision of the ULDC may be prosecuted and punished in any manner provided by law which includes, but shall not be limited to: Parts I and II of Chapter 162, Florida Statutes; Section 1-14 of the City of Lake Alfred Code of Ordinances; as may be specifically provided for in the ULDC and/or as otherwise provided for elsewhere in the Florida Statutes or the City of Lake Alfred Code of Ordinances. Nothing in the ULDC shall be construed to prohibit the City from enforcing the ULDC by any means including, but not limited to, the issuance of a citation without warning, a summons, an arrest, an action before an enforcement board or special magistrate, a civil action for injunctive relief, a stop work order, demolition, or by any other manner provided for by law.

Each violation of the ULDC shall be a separate violation. All costs for

- B. enforcement, prosecution, administrative and judicial review may be assessed against the violator of the provision(s) of the ULDC on a finding by any adjudicatory tribunal that the violation(s) occurred.
- C. **Enforcement.** Any law enforcement official, City of Lake Alfred Code Enforcement Officer, and the City of Lake Alfred Planning Official or designee is hereby designated as a "Code Enforcement Officer" authorized to enforce the provision(s) of the ULDC which may include, but shall not be limited to, the issuance of citations. The failure of the City to enforce any requirement(s) of the ULDC shall not constitute a waiver of the City's right to enforce the ULDC with respect to that violation or subsequent violation(s) of the same type or to pursue other remedies.
- D. **Effect.** It shall be unlawful for any person to violate the provisions of this Code or to use land or structures in violation of any provision of this Code. Persons found guilty of violating this Code shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$500.00 for each day that a violation exists, or by imprisonment for a period not exceeding 60 days, or both.

Sec. 1.10. Amendments

Listed below are the revisions made since the adoption of this Code through Ordinance 1440-20.

| Ordinance | Date Adopted | Articles Amended |
|-----------|--------------|--|
| 1471-21 | 1/24/2022 | <ul style="list-style-type: none"> • Article 2, Zoning Districts • Article 3, Use Provisions • Article 4, Site Development • Article 7, Resource Protection |
| 1534-23 | 12/4/2023 | <ul style="list-style-type: none"> • Section 3.8.12, Swimming Pools and Enclosures |
| 1535-23 | 1/8/2024 | <ul style="list-style-type: none"> • Section 9.2.2.B.2, Planning and Zoning Board |
| 1537-24 | 1/22/2024 | <ul style="list-style-type: none"> • Section 2.3.2.G, Downtown Overlay District Compliance with District Standards |
| 1538-24 | 5/20/2024 | <ul style="list-style-type: none"> • Article 2, Zoning Districts • Article 7, Resource Protection |
| 1541-24 | 8/19/2024 | <ul style="list-style-type: none"> • Article 2, Zoning Districts • Article 3, Use Provisions • Article 8.3.1, Dedication of Sites for Public Uses or Fee in Lieu • Article 10, Definitions |
| 1553-25 | 2/3/2025 | <ul style="list-style-type: none"> • Article 2, Zoning Districts • Article 3, Use Provisions • Article 7, Resource Protection • Article 9.2.2, Development Review Boards and Committees • Article 10, Definitions |
| 1566-25 | 11/3/2025 | <ul style="list-style-type: none"> • Article 2, Zoning Districts • Article 3, Use Provisions • Article 9, Table 9.3 • Article 10, Definitions |

Article 2.

District Standards



Article 2. District Standards

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Sec. 2.1. Rules for All Districts

Sec. 2.1.1. General

A. **Site.** A site is any lot or group of contiguous lots assembled for the purpose of development.

1. **Site Area.**

- a. **Gross site area.** Gross site area is the total area of a site, including proposed streets or other land reserved for public use that is attributable to the site.
- b. **Net site area.** Net site area is the developable area of the gross site. This includes proposed streets or other land reserved for public use that is attributable to the site, but excludes areas with Conservation Future Land Use, or other conservation instrument, and water bodies.

2. **Density.** Residential density is expressed as units per acre. The maximum density allowed on a site is calculated by multiplying the net site area by the maximum number of units per acre allowed in the zoning district. Density shall not exceed the zoning district maximum density within the net site area.

3. **Intensity.** Non-residential intensity is expressed as floor area ratio (FAR) or non-residential floor area as a ratio of the total site area. The maximum intensity allowed on a site is calculated by multiplying the net site area (in square feet) by the maximum FAR allowed in the district. Site intensity shall not exceed the zoning district maximum intensity within the net site area.

Sec. 2.1.2. Lot Parameters

A. **Lot.** A lot is a parcel of land, either vacant or occupied, intended as a unit for the purpose, whether immediate or for the future, of transfer of ownership, or possession, or for development. For use as a development site, a lot shall be a lot recorded pursuant to the provisions in Article 9 of this Code.

1. **Corner lot** means a lot located at the intersection of two streets and abutting such streets on two adjacent sides of the lot, or a lot with two adjacent sides abutting adjoining and deflected right-of-way lines of the same street that form an interior angle of less than 135 degrees.

2. **Double-frontage lot** means a lot other than a corner lot having frontage on two or more streets or two portions of the same street.

3. **Interior lot** means a lot other than a corner lot having frontage only on one street.

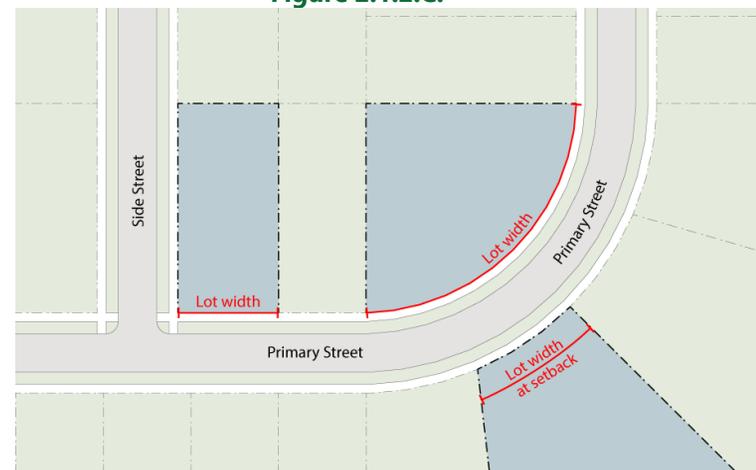
B. **Lot Area.** Lot area is the area included within the rear, side, and front lot lines. It does not include existing or proposed right-of-way, whether dedicated or not to public use.

C. **Lot Dimensions.**

1. **Lot width** is the distance between the side lot lines (generally running perpendicular to a street) measured at the setback line, whether a straight or curvilinear property line.

2. **Lot depth** means the mean horizontal distance between the front and rear lot lines.

Figure 2.1.2.C.



D. **Lot Coverage.**

1. **Impervious cover.** Impervious cover is expressed as the impervious surface ratio (ISR) and is calculated by dividing impervious surface area by the lot area. Impervious surface area is the area of ground covered by any part of a building, street, vehicular use area, or any other structure including swimming pools, improvement, facility, or material (asphalt, concrete, and other similar surfaces) that prevents or severely restricts natural percolation of rainfall into the soil.
2. **Maximum Impervious Surface** is the total area that may be covered on a lot.
3. **Tree canopy cover.** Tree canopy cover is calculated by dividing tree canopy surface area credit, (identified in Article 4, Figures 4.5 and 4.6) by the lot area. Street trees within the right-of-way are not eligible for canopy cover credit.

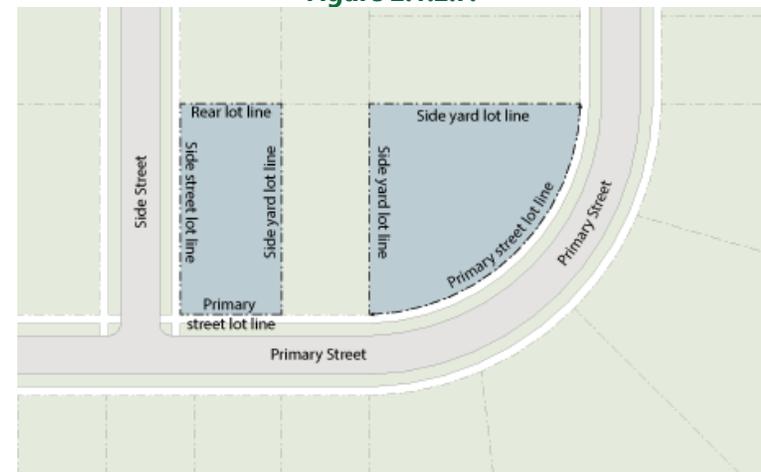
E. **Lot lines.**

1. **Primary street lot line.** A lot line separating the lot from a primary street.
2. **Side-street lot line.** A lot line separating the lot from a side-street.
3. **Rear lot line.**
 - a. A lot line which is opposite and most distant from the primary street lot line.
 - b. Corner lots or irregularly-shaped lots may not have a rear lot line. When a rear lot line cannot be easily identified, the rear lot line will be determined by the Planning Official.
4. **Side lot line.** Any lot line not considered a primary street, side-street, or rear lot line. A side lot line separates a lot from another lot or lots is an interior side lot line.

F. **Street designation.**

1. **One street frontage.** Where only one street abuts a lot, that street is considered a primary street.
2. **Multiple street frontages.** A multiple street frontage lot shall designate at least one primary street. A lot may have more than one primary street. The Planning Official will determine which streets are primary streets based on:
 - a. **Pedestrian orientation.** The pedestrian orientation of the street, existing or proposed.
 - b. **Building orientation.** The established orientation of buildings on the block.
 - c. **Longest block face.** The street or streets abutting the longest face of the block.
 - d. **Parallel to alley.** The street or streets parallel to an alley within the block.
 - e. **Address.** The street from which the lot takes its address.
3. **Side-street.** Streets that do not meet the criteria above are considered side-streets for the purposes of this Article.

Figure 2.1.2.F.



Sec. 2.1.3. Building Placement

- A. **Principal building setbacks.** A principal building setback is the minimum required and/or maximum allowed separation that shall be maintained between a property line and a principal building(s) on a lot.
1. **Types of principal building setbacks.** There are two (2) types of principal building setbacks:
 - a. **Setbacks.** Minimum distance required between the principal building(s) and a specified property line.
 - b. **Build-to zones (setback range).** Range from a specified property line in which the principal building(s) shall be located.
 2. **Measuring setbacks.**
 - a. **Primary and side-street setbacks.** Measured perpendicular from the front façade of the building, the edge of the existing or proposed right-of-way, whichever is greater.
 - b. **Side setbacks.** Measured perpendicular from the side façade of the building to the side property line.
 - c. **Rear setbacks.** Measured perpendicular from the rear façade of the building to the rear property line or the edge of the existing or proposed right-of-way, whichever is greater, where there is an alley.
 - d. The Planning Official shall determine how setbacks apply to irregularly-shaped lots.
 3. **Build-to zones (setback range).** The build-to-zone is the area between a minimum and maximum street setback, measured from the primary and/or side-street lot line. The build-to-zone is intended to provide a range for building placement that strengthens the street edge along the right-of-way, establishing a sense of enclosure by providing spatial definition adjacent to the street.
 - a. **General requirements.**
 - i. On corner lots, a building façade shall be placed within the build-to-zone for the first 30 feet along the street extending from the block corner.
 - ii. All structures and uses customarily allowed on the lot are permitted in the build-to-zone.
 - b. **Additions.** Within zoning districts that require build-to-zones, additions.
 - i. **Primary street additions.** Any addition along the primary street of an existing building shall be placed in the build-to zone. The addition does not have to meet the required percentage for the entire lot or site. Primary street additions no greater than 10% cumulatively of the existing building footprint are allowed outside of the build-to zone.
 - ii. **Side-street additions.** Side-street additions no greater than 20% cumulatively of the existing building footprint are allowed outside of the build-to zone. Once the required percentage for the entire lot or site has been met, side additions of any size are allowed.
- B. **Accessory structure setback.** An accessory structure setback, as defined in Article 3, is the minimum required separation that shall be maintained between a property line and an accessory structure on a lot. This requirement does not apply to fences/walls.
1. **Uses setbacks.** General rules for accessory structures and uses specific standards are established in Article 3.
 2. **Primary and side-street accessory setbacks.** Primary and side-street setbacks for accessory structures are measured perpendicular from the primary or side-street property line.
 3. **Rear accessory setbacks.** Rear setbacks for accessory structures are measured perpendicular from the rear property line or the

edge of the existing or proposed right-of-way, whichever is greater.

4. **Height restrictions.** The following height restrictions shall be applied when the accessory structure is located on or adjacent to property within a residential zoning district or a residential use within a commercial zoning district.

Accessory structures greater than 24 feet in height shall be at least 10 feet from rear or side property lines along the abutting residential property.

5. The Planning Official shall determine how setbacks apply to irregularly-shaped lots.

- C. **Setback encroachments.** All buildings and structures shall be located at or behind the required setbacks except as listed below. In no instance can a building or structure extend into a required bufferyard (see Sec. 4.5).

1. Handicap ramps may encroach to the extent necessary to perform their proper function.
2. Balconies may encroach into a required setback as long as a 5-foot setback is maintained from any lot line. Balconies are not required to be setback from lot lines in instances where a 0 foot setback is allowed.
3. Awnings/canopies may encroach into a required setback as provided in the Downtown Overlay District (see Sec. 2.3.2).
4. Porches, raised entries, and stoops including steps may encroach no more than 10 feet into a required setback, if such extension is at least 5 feet from any lot line.

- D. **Building separation.** Where buildings are separated (principal and/or accessory buildings), there shall be a minimum 10 feet of separation.

- E. **Parking setbacks.** In order to make the living area of a residential building visually more dominant than its parking structures, the following is required:

1. **Parking setbacks.** All garages, carports, or other parking structures shall be at or recessed from the parking setback line specified for each zoning district.
 - a. **Façade setback.** The parking setback is measured from the front ground story façade of the building.
 - b. **Primary street frontage.** The parking setback is measured perpendicular from the primary street property line.
2. **Exemptions.**
 - a. **A side-entry garage/carport** may be exempted from the parking setback if the following conditions are met.
 - i. The garage access does not face the primary street.
 - ii. The side of the garage facing the primary street has a façade matching the building including window treatments.
 - b. **Additions.** Additions to existing garages/carports do not need to meet the parking setbacks if the addition is flush with the existing garage/carport.

Sec. 2.1.4. Height

- A. **Finished Floor Elevation.**

1. Finished floor elevations shall be established for all new developments. This may be accomplished as part of the development construction plans or through other mechanisms approved by the City Engineer that determine the adequate disposal of surface water.

2. All structures shall have a first-floor level of each structure a minimum of 12 inches above the highest point of the crown of any street, highway, alley, or thoroughfare abutting or fronting on the property, unless otherwise specified on an approved construction plan.

B. **Building Height.** Building height is measured in feet from the average grade to the highest point of the building roof.

C. **Height Encroachment.** Any height encroachment not specifically listed is expressly prohibited except where the Planning Official determines that the encroachment is similar to a permitted encroachment listed below.

1. **Architectural features.** The maximum height limits of the district do not apply to spires, belfries, cupolas, domes, bell towers, monuments, water tanks/towers, or other similar structures not intended for human occupancy which, by design or function, shall exceed the established height limits.

2. **Accessory features.** The following accessory structures may exceed the established height limits, provided they do not exceed the maximum building height by more than 6 feet. Additional criteria for the accessory structure may be listed in Article 3.

- a. Chimney, flue or vent stack;
- b. Unenclosed deck, patio or shade structure;
- c. Rooftop garden, landscaping;
- d. Flagpole;
- e. Parapet wall;
- f. Rainwater collection or harvesting system;
- g. Solar panels, wind turbines.

Sec. 2.1.5. Building Activation

A. **Transparency.** Transparency is the minimum percentage of windows and glazed doors that shall cover a ground or upper-story façade.

1. **Purpose.** Transparency requirements are intended to lend visual interest to street-facing building façades for both pedestrians and

building occupants and minimize blank wall areas.

2. **Applicability.** Transparency applies to primary and side-street facing building façades only and may be reduced or waived by the Planning Official when particular conditions (such as required buffers or other visual obstructions) significantly reduce the visibility of the building from the public realm.

3. **Transparent Glass.** Glass is considered transparent where it has a transparency higher than 80% and external reflectance of less than 15%.

4. **Ground story transparency.** Ground story transparency is measured between 2 and 12 feet above the abutting sidewalk.

5. **Upper story transparency.** Upper story transparency is measured from the top of the finished floor of that story to the top of the finished floor above. When there is no floor above, upper story transparency is measured from the top of the finished floor to the top of the wall plate above.

6. **Side-street façades.** Minimum transparency requirements for side-street façades are half the numeric requirement for primary street façades.

B. **Building Frontage.** Building area within build-to area which has windows and entries oriented to the primary or side-street.

1. **Purpose.** Building frontage requirements are intended to lend visual interest to street facing building façades for both pedestrians and building occupants.

2. **Applicability.** Building frontage requirements apply only to primary and side-street-facing building façades.

- a. **Required frontage.** Zoning districts that require a minimum amount of the lot width occupied by front building façade within the build-to range, shall be measured based on the width of the building divided by the width of the site or lot.

3. **Building Elements.** Some building elements may be included in the calculation to meet the required frontage calculation.
 - a. Plazas or pedestrian accessible landscaped areas with depths no less than 30 feet may comprise 20% of the frontage area.
 - b. Garages or carports may comprise a percentage of the linear ground story of the principal structure.
 - c. Parking lots or blank rear or side walls shall not be included in the minimum required frontage calculation.

C **Blank wall length.**

1. **Defined.** Blank wall length means a portion of the exterior façade of the building that does not include: windows or doors; columns, pilasters or other articulation greater than 12 inches in depth; or a substantial material change (paint color is not considered a substantial change, although permitted mural art may be accepted as a substantial change).
2. **Purpose.** The blank wall area regulations are intended to prevent large, monotonous expanses of undifferentiated building mass. The level of architectural detail should be most intense at the street level, where it is within view of the pedestrians on the sidewalk.
3. **Applicability.** Blank wall length applies in both a vertical and horizontal direction as well as to ground and upper story primary and side-street-facing façades.

D. **Access facing primary street.**

1. **Defined.** An entrance and/or exit providing ingress and/or egress, operable to residents and/or customers during regular business hours, is required to meet the street-facing access requirements. Additional access points off another street, pedestrian area or internal parking area are allowed.
2. **Purpose.** The street-facing entrance regulations are intended to

concentrate pedestrian activity along the street edge and provide an easily identifiable and conveniently-located entrance for residents, visitors and patrons accessing a building as pedestrians from the street. Access points should be located or identified in a manner visible to the pedestrian from the street and be accessible by a direct path of travel.

3. **Angled Entrance.** An angled entrance may be provided at either corner of a building along the street to meet the street-facing entrance requirements.
4. **Exit Only.** Non-residential structures may meet this requirement with an exit only option, provided the exit resembles the store front entrance in terms of architecture style and façade treatments or provides Building Elements identified in 2.1.5.E. below along the primary street frontage.

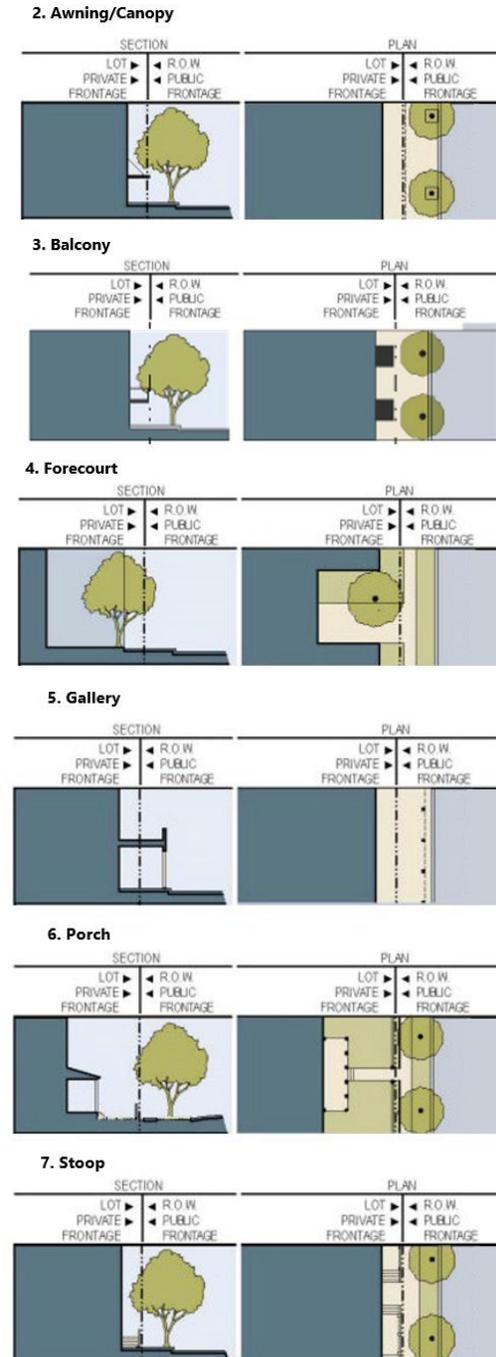
E **Building elements.**

1. **Purpose.** The following standards are intended to ensure that certain building elements when added to a building façade are of sufficient size to be both usable and functional and be architecturally compatible with the frontage to which they are attached.
2. **Awning/Canopy.** A wall-mounted, roof-like, cantilevered structure extended over doors and windows providing shade and cover from the weather for a sidewalk.
 - a. An awning/canopy shall be a minimum of 8 feet clear height above the sidewalk and shall have a minimum depth of 6 feet.
 - b. An awning/canopy may extend into a primary or side-street setback.
3. **Balcony.** A platform projecting from the wall of an upper-story of a building with a railing along its outer edge, often with access from a door or window.
 - a. A balcony shall be at least 4 feet deep.

- b. A balcony shall have a clear height above the sidewalk of at least 9 feet.
 - c. A balcony may be covered and screened.
 - d. A balcony may extend into a primary or side-street setback.
4. **Forecourt/Courtyard.** An open area at grade, or within 30 inches of grade, inset area along a building frontage that may be covered or uncovered and that serves as an open space, landscaped or garden area, building entry area, plaza or outdoor dining area.
- a. A forecourt shall be no more than one-third of the length of the building face, and in no case more than 35 feet in width or depth.
 - b. A maximum of one forecourt is permitted to count towards the minimum build-to-zone requirements per lot. A forecourt not used to meet the minimum build-to-zone requirement is not regulated as to width or depth.
 - c. No foundation planting is required in the forecourt area.
5. **Gallery/Arcade.** A covered open-airway passage extending along the outside wall of a building, close to the sidewalk, supported by arches or columns with an attached cantilevered shed or lightweight colonnade overlapping the sidewalk that is open on three sides.
- a. A gallery shall have a clear depth from the support columns to the building's façade of at least 8 feet, containing an 8-foot wide sidewalk, and a clear height above the sidewalk of at least 9 feet.
 - b. A gallery shall extend at least 75% of the façade length of the building.
 - c. A gallery may extend into a primary or side-street setback.
 - d. No foundation planting is required along the gallery.
6. **Porch.** A raised structure attached to a building, forming a covered entrance to a doorway.
- a. A porch shall be at least four (4) feet deep (not including the steps).
 - b. A porch shall be roofed and may be screened but shall not be fully enclosed.
 - c. A porch may extend up to 10 feet, including the steps, into a primary or side-street building setback.
 - d. Porches may be considered part of the front façade of the principal structure.
7. **Stoop.** A small, raised platform, entrance stairway that serves as a building entrance covered by a secondary roof awning.
- a. A stoop shall be no more than 6 feet deep (not including the steps) and 6 feet wide.
 - b. A stoop may be covered but shall not be fully enclosed.
 - c. A stoop may extend up to 10 feet, including the steps, into a primary or side-street building setback.
8. **Garage.** A walled, roofed structure for storing vehicle(s) that may be part of or attached to a home ("attached garage"), or a separate outbuilding ("detached garage"). Detached carports are not permitted in the front, side, or parking setbacks.
9. **Carport.** An open-air covered structure used to offer limited protection to vehicles. The structure can either be free standing ("detached carport") or attached to a one or two walls ("attached carport").
- a. Detached carports are not permitted in the front, side, or parking setbacks.
 - b. An open-air parking space that includes living space above

(except for an open-air balcony not to exceed 8 feet deep)
shall be regulated as a carport.

Figure 2.1.5.E. Building Elements

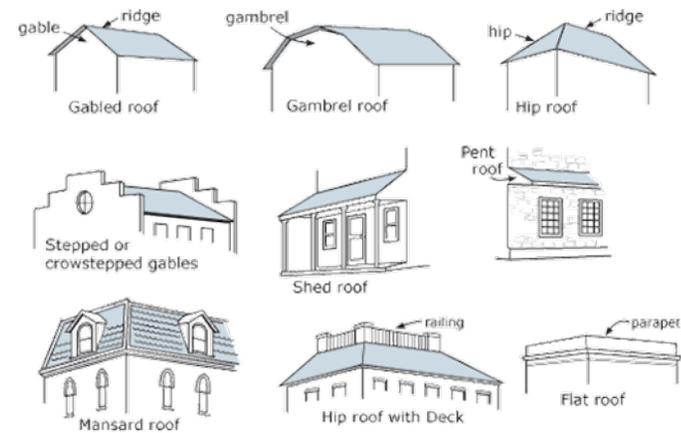


F. Architectural style & variation

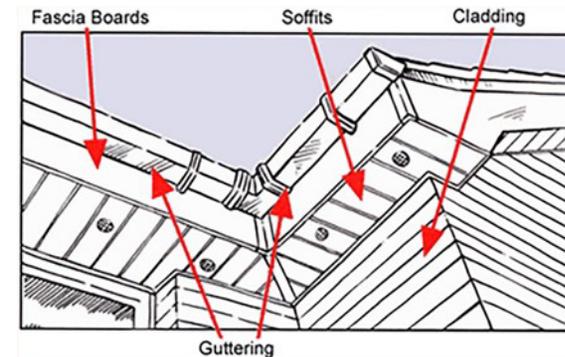
1. **Architectural elements.** Architectural elements are the unique details and component parts that, together, form the architectural style of a house, building, or structure. Elements for different components of the structure include, but are not limited to:

- a. **Roof Elements.** The roof includes the roof type, roof pitch, form and materials. Elements added to the roof may include dormers, parapets, or chimineas.
- b. **Roofline elements.** Roofline elements are located where the roof meets the wall and include the fascia or barge boards, soffits, cladding, and guttering. Decorative elements may include brackets/corbels, rafter tails, decorative fascia or timber truss, Tudor board, or other details.
- c. **Wall elements.** Wall elements may include banding, cornice, lighting, decorative stone, columns, sills, corner boards, or quoins.
- d. **Window Elements.** Window elements include the window and any molding/trim, cornice, apron, mullions/muntins, shutters, or other decorative details.
- e. **Garage elements.** Garages may include additional elements such as windows, brackets, pergolas, decorative trim/molding, or other decorative details (excluding stamped pattern).
- f. **Entry elements.** Entry elements include the front door and additional design elements such as door transom, door sidelights, door trim/molding, lights, entry banding, cornice, or columns (with taper, base and molding).

Roof Types



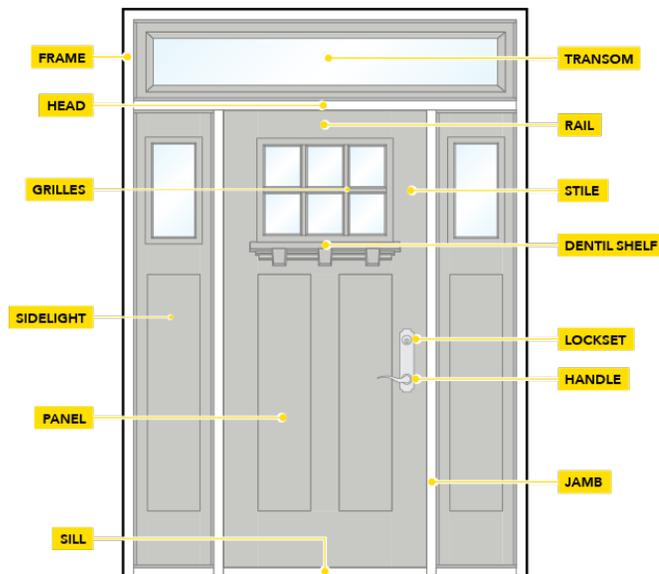
Roofline Elements



Window Elements



Door Design Elements



2. **Architectural style.** All architectural elements, details, features, and finishes on the exterior of the building shall be both consistent and compatible with the architectural style employed. Architectural elements and variations shall not be restricted to a single façade.

a. **Purpose.** Recognizing that architectural coherence contributes to sense of place along a street, the zoning district may require buildings to have consistent architectural elements that create a recognizable architectural style, including but not limited to classical revival, colonial revival, craftsman, Florida vernacular, Mediterranean revival, mid-century modern, minimal traditional, Florida ranch, or other styles identified in an industry-accepted architectural guidebook.

b. **Elements.** The building and architectural elements should create a cohesive structure that avoids boxy, flat façades; highlights architectural features using authentic and durable materials; and minimizes the visual impact of garages from the public right-of-way. The Planning Official will consider the following elements when evaluating conformance with this requirement, as follows:

- i. Building Activation.
- ii. Building Elements including width, depth, elevation, and any railings.
- iii. Architectural Elements and decorative details.
- iv. Exterior elevation, materials and finishes.
- v. Elements proportions, groupings, and details.
- vi. Building projections and recesses.
- vii. Garage placement, entry, and door design.
- viii. Exterior lighting.

ix. Incorporation of architectural features into any fire separation wall.

c. **Other similar or** generally accepted architectural elements, as determined appropriate by the Planning Official.

x. Other generally accepted architectural elements, as determined appropriate by the Planning Official.

3. **Architectural style variation.**

a. **Purpose.** Recognizing that architectural variety promotes visual interest, a determinant of walkability, a zoning district may require a variety of models and elevations for large developments.

b. **Variation.** Simple reverse configurations of the same elevation on adjacent building sites are not sufficient. In order to qualify as a different façade elevation, buildings shall have different roofline configurations. In addition, at least four of the following architectural elements shall be different from the adjacent building site(s):

i. Architectural banding, trim, or cornice detail.

ii. Window trim, the number of mullions or muntins, or shutters.

iii. Window size and placement.

iv. A covered entryway or front porch design.

v. Building projections and recesses.

vi. Decorative roofline elements such as brackets or chimneys.

vii. Façade articulation such as bay windows or dormers.

viii. Exterior color and material.

ix. One and two-story units.

Sec. 2.1.6. Development Standards

A. **Purpose.** The Development Standards Table presents, in a quick-reference form, information regarding the application of development potential, lot parameters, building placement, building height, building activation, and parking. This table shall be read in conjunction with the regulations, including:

1. Overlay districts in Section 2.3.
2. A complete set of development regulations is located in Articles 3 with the Use Table in Section 3.1.4.
3. Front Setbacks are subject to requirements as established in Section 2.3.2.L for the Downtown Overlay.

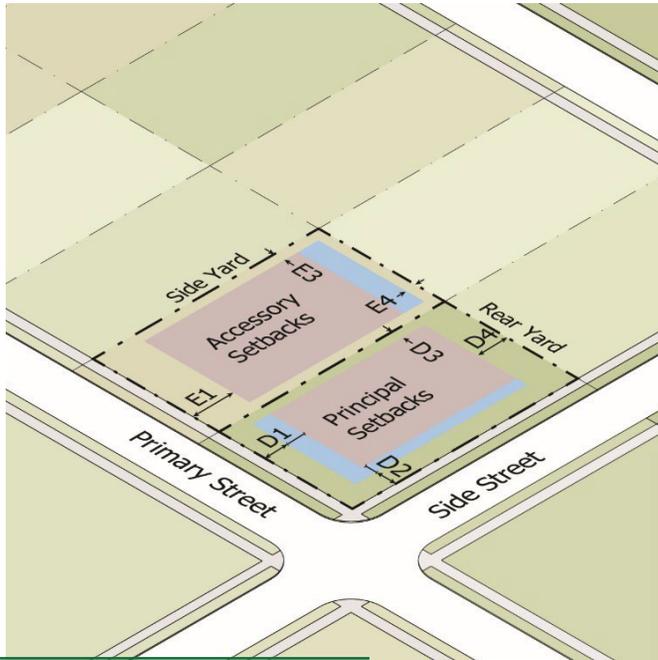
B. Development Standard Diagrams.

1. **Development Potential.** Item A on the Development Standards Table. The residential density and non-residential intensity calculations are based on the Comprehensive Plan and the site area of the lot as defined in Section 2.1.1.A.
2. **Lot Parameters.**



| B. Lot Parameters | Section 2.1.2 |
|---------------------------------|-------------------|
| 1. Area (min) | Section 2.1.2.(B) |
| 2. Width (min) | Section 2.1.2.(C) |
| C. Lot Coverage | Section 2.1.2 |
| 1. Impervious cover (ISR) (max) | Section 2.1.2.(D) |
| 2. Tree canopy (min) | Section 2.1.2.(D) |

3. **Building Placement**



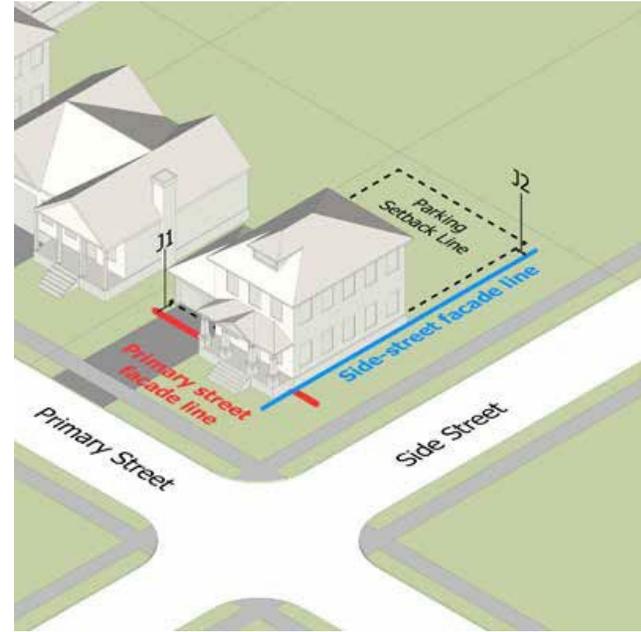
D. Principal setbacks Section 2.1.3.

| | |
|-----------------------------|-------------------|
| 1. Primary street (min/max) | Section 2.1.3.(A) |
| 2. Side-street (min/max) | Section 2.1.3.(A) |
| 3. Side (min) | Section 2.1.3.(A) |
| 4. Rear (min) | Section 2.1.3.(A) |

E. Accessory setbacks Section 2.1.3.

| | |
|-------------------------|-------------------|
| 1. Primary street (min) | Section 2.1.3.(B) |
| 2. Side-street (min) | Section 2.1.3.(B) |
| 3. Side (min*) | Section 2.1.3.(B) |
| 4. Rear (min*) | Section 2.1.3.(B) |

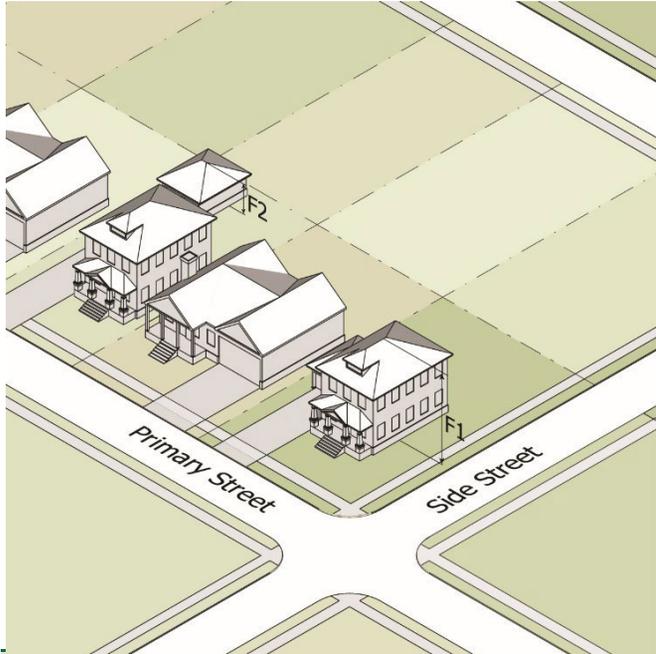
4. **Parking**



F. Parking setbacks Section 2.1.3.

| | |
|-----------------------------|-------------------|
| 1. Primary façade (min) | Section 2.1.3.(E) |
| 2. Side-street façade (min) | Section 2.1.3.(E) |
| 3. Primary street frontage | Section 2.1.3.(E) |

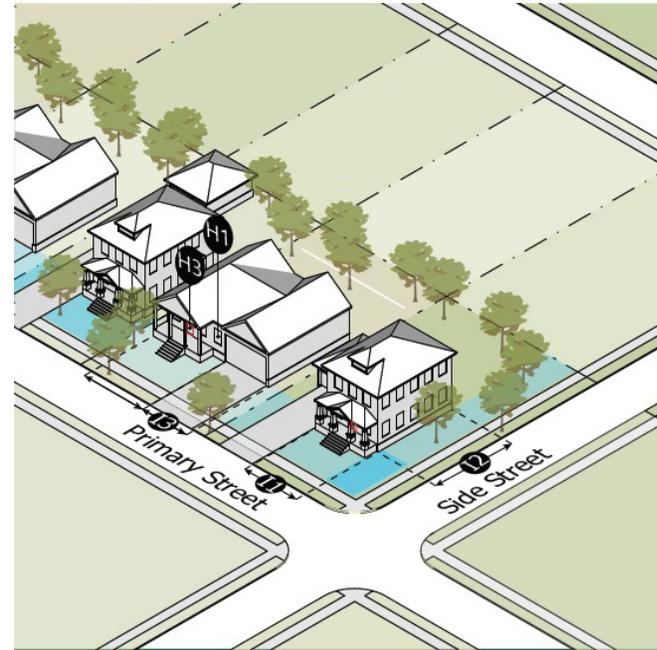
5. **Building Height.**



| G. Building height | Section 2.1.4. |
|--------------------------------|-----------------------|
| 1. Principal structure (max) | Section 2.1.4.(B) |
| 2. Accessory structure (max *) | Section 2.1.4.(B) |

NOTE: *See Sec. 2.1.3.B.4 for height restrictions for accessory structures.

6. **Building Activation.**



| H. Activation | Section 2.1.5. |
|---------------------------------|-----------------------|
| 1. Transparency (min) | Section 2.1.5.(A) |
| 2. Blank wall length (max) | Section 2.1.5.(C) |
| 3. Access facing primary street | Section 2.1.5.(D) |
| I. Building frontage | Section 2.1.5. |
| 1. Primary street | Section 2.1.5.(B) |
| 2. Side-street | Section 2.1.5.(B) |
| J. Architecture | Section 2.1.5. |
| 1. Style | Section 2.1.5.(F) |
| 2. Variation | Section 2.1.5.(F) |

Sec. 2.1.6.C. Development Standards Table

| | | Residential | | | | | Mixed-Use | | | Commercial/Industrial | | | Special Use | | | Section Ref. |
|---|-----------------------------------|-------------------|-----------|-----------|-------------|-------------|-------------|------------|------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|----------------------------|-----------------|
| | | RR | VRN | RN-1 | RN-2 | MHP | UR | C-1 | C-2 | C-3 | I-1 | I-2 | CN | P-R | P-B | |
| A. Development potential | | | | | | | | | | | | | | | | 2.1.1(A) |
| Residential density (du/ac) | | 1 | 4 | 6 | 12 | 6 | 6-24 | 6 | 6-12 | 0 | 0 | 0 | 0 | 0 | 0 | |
| Non-residential intensity (FAR) | | N/A | N/A | N/A | 2,000 sf | 2,000 sf | 0.15 | 0.75 | 1.5 | 2.5 | 1.5 | 1.5 | 0.001 | 0.01 | 2.0 | |
| B. Lot | | | | | | | | | | | | | | | | 2.1.2 |
| Lot Parameters | 1. Min. area | 1 ac | 10,000 sf | 6,000 sf | 2,000 sf | 2,000 sf | 900 sf | 5,000 sf | 7500 sf | 7500 sf | N/A | N/A | N/A | 7000 sf | 7000 sf | 2.1.2(B) |
| | 2. Min. width | 80 ft | 70 ft | 50 ft | 20 ft | 20 ft | 16 ft | 50 ft | 60 ft | 60 ft | | | | 70 ft | 70 ft | 2.1.2(C) |
| C. Coverage | | | | | | | | | | | | | | | | 2.1.2 |
| Lot Parameters | 1. Impervious surface ratio (ISR) | 0.40 or 25,000 sf | 0.40 | 0.40 | 0.65 | 0.65 | 0.85 | 0.60 | 0.70 | 0.70 | 0.75 | 0.75 | 0.01 | 0.10 | N/A | 2.1.2(D) |
| | 2. Tree canopy cover | N/A | 30% | 30% | 30% | 30% | 30% | 30% | 30% | 30% | 30% | 30% | 30% | 30% | 30% | 2.1.2(D) |
| D. Principal setbacks / build-to | | | | | | | | | | | | | | | | 2.1.3 |
| Building Placement | 1. From primary street lot line | 30 ft | 5 - 30 ft | 5 - 20 ft | 10 to 20 ft | 10 to 20 ft | 10 to 40 ft | 0 to 60 ft | 0 to 60 ft | 0 to 60 ft | 20 ft | 25 ft | N/A | 25 ft | 25 ft | 2.1.3(A) |
| | 2. From side-street lot line | 30 ft | 15 ft | 15 ft | 10 to 20 ft | 10 to 20 ft | 10 to 20 ft | 0 to 20 ft | 0 to 20 ft | 0 to 60 ft | 20 ft | 20 ft | | 25 ft | 25 ft | 2.1.3(A) |
| | 3. From side lot line | 10 ft | 10 ft | 5 ft | 0 or 5 ft | 0 to 5 ft | 0 or 5 ft | 0 or 10 ft | 0 or 10 ft | 10 ft | 10 ft | 15 ft | | 10 ft | 10 ft | 2.1.3(A) |
| | 4. From rear lot line | 20 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | 10 ft | 10 ft | 10 ft | 10 ft | 20 ft | | 20 ft | 20 ft | 2.1.3(A) |
| E. Accessory setbacks | | | | | | | | | | | | | | | | 2.1.3 |
| Building Placement | 1. From primary street lot line | 30 ft | 30 ft | 20 ft | 20 ft | 20 ft | 20 ft | 10 ft | 10 ft | Same as principal setbacks | 2.1.3(B) |
| | 2. From side-street lot line | 30 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | 15 ft | | | | | | | 2.1.3(B) |
| | 3. From side lot line | 10 ft | 10 ft | 5 ft | 5 ft | 5 ft | 5 ft | 10 ft | 10 ft | | | | | | | 2.1.3(B) |
| | 4. From rear lot line | 20 ft | 5 ft | 5 ft | 5 ft | 5 ft | 5 ft | 10 ft | 10 ft | | | | | | | 2.1.3(B) |
| F. Parking setbacks | | | | | | | | | | | | | | | | 2.1.3 |
| Building Placement | 3. From primary street lot line | N/A | 20 ft | 15 ft | 15 ft | 15 ft | 15 ft | 20 ft | 20 ft | 20 ft | N/A | N/A | N/A | N/A | N/A | |
| | G. Height (ft) | | | | | | | | | | | | | | | |
| Height | 1. Principal structure | 36 ft | 36 ft | 36 ft | 36 ft | 36 ft | 48 ft | 36 ft | 72 ft | 72 ft | 72 ft | 100 ft | 36 ft | 36 ft | 36 ft | 2.1.4(B) |
| | 2. Accessory structures | 36 ft | 24 ft | 24 ft | 24 ft | 24 ft | | 36 ft | 30 ft | 30 ft | 50 ft | 50 ft | | | | 2.1.3(B) |
| H. Activation | | | | | | | | | | | | | | | | 2.1.5 |
| Building Activation | 1. Transparency (min) | N/A | N/A | N/A | 10% | 10% | 20% | 30% | 20% | 20% | 20% | N/A | N/A | N/A | N/A | 2.1.5(A) |
| | 2. Blank wall length (max) | N/A | 15 ft | 15 ft | 20 ft | 20 ft | 20 ft | 30 ft | 30 ft | 50 ft | 50 ft | | | | | 2.1.5(C) |
| | 3. Entrance facing primary street | Yes | Yes | Yes | Yes | N/A | Yes | Yes | Yes | Yes | Yes | | | | | 2.1.5(D) |
| I. Building Frontage (%) | | | | | | | | | | | | | | | | 2.1.5 |
| Building Activation | 1. Primary street lot line | N/A | N/A | N/A | N/A | N/A | 50% | 50% | 65% | N/A | N/A | N/A | N/A | N/A | N/A | 2.1.5(B) |
| | 2. Side-street lot line | | | | | | 30% | 30% | 30% | | | | | | | 2.1.5(B) |
| | 3. Garage/carport (max) | | | | | | 55% | 55% | 65% | | | | | | | 75% |
| J. Architectural style & variation | | | | | | | | | | | | | | | | 2.1.5 |
| Building Activation | 1. Style | N/A | MPC 3.6.3 | MPC 3.6.3 | MPC 3.6.3 | N/A | Yes | Yes | Yes | N/A | N/A | N/A | N/A | N/A | N/A | 2.1.5(F) |
| | 2. Variation | | | | | | N/A | N/A | N/A | | | | | | | 2.1.5(F) |

Sec. 2.2. Zoning Districts

Sec. 2.2.1. Purpose

- A. **Purpose.** In order to classify, regulate, and restrict the uses of land, water, buildings, and structures; to regulate and restrict the height and bulk of buildings; to regulate the area of yards, courts, and other open spaces between buildings; and to regulate the intensity of land use.
- B. **Zoning districts.** All the areas of the City of Lake Alfred are classified into one of the following base zoning districts.
1. **Residential**
 2. **Mixed Use**
 3. **Commercial/Industrial**
 4. **Special Purpose**

Sec. 2.2.2. Residential Districts

- A. **Purpose.** The intent of the Residential Districts is to provide a variety of decent, safe, and sanitary housing of various types, sizes, and within different price ranges to meet the needs of present and future residents of Lake Alfred.
- B. **Residential districts.** There are five (5) residential zoning districts.

1. **Rural Residential (RR).** The Rural Residential district provides for the lowest residential densities and all agricultural uses. This district only allows single-unit dwellings, residential accessory uses, and agricultural uses.



2. **Vintage Residential Neighborhood (VRN).** The Vintage Residential district intends to maintain the character of Lake Alfred neighborhoods established during the late 20th Century.



3. **Residential Neighborhood 1 (RN-1).** The Residential Neighborhood 1 district accommodates low-density residential development consisting primarily of single-unit, detached dwellings. While this district remains effective for property currently zoned Residential Neighborhood 1 (RN-1), the future application of this zoning district shall be prohibited effective (08/19/2024).



4. **Residential Neighborhood 2 (RN-2).** The Residential Neighborhood 2 district accommodates higher-density residential uses, typically consisting of a mix of housing types such as townhouses, duplexes, and apartments.



5. **Mobile Home Park (MHP) District.** Subject to Chapter 723 of the Florida Statutes, on the effective date of *City of Lake Alfred Ordinance No. 1553-25*, the zoning designation of Mobile Home Park District is hereby established for the purpose of providing a zoning designation for the establishment and/or development of Mobile Home Park(s) (as defined in Sec. 3.6.5.A).

The Mobile Home Park District is intended to provide a residential environment for Mobile Home(s) occupied as a Dwelling and includes, but shall not be limited to, land use(s), activity(ies), and service(s) which are consistent and compatible with residential neighborhoods. The Mobile Home Park District shall permit only such use(s), activity(ies), and service(s) which are consistent and compatible with a residentially zoned community and/or neighborhood with a residential density that does not exceed the maximum residential density applicable to any Mobile Home Park with a zoning designation of Mobile Home Park District.

The Mobile Home Park District shall not permit any commercial and/or industrial use(s) or activity(ies); and, the Mobile Home Park District may permit residential densities of up to six (6) Dwelling Units per developable acre. The maximum residential density shall be determined pursuant to Sec. 2.1.1.A.2 of this Code.

Sec. 2.2.3. Mixed Use Districts

- A. **Purpose.** The intent of the Mixed-Use Districts is to enable efficient use of land and energy resources by allowing a mix of uses to co-locate, thus reducing the need for automobile trips and promoting a distinctive and compact walkable place. Higher densities of 6-24 units per/net area also support additional modes of transportation such as transit.
- B. **Mixed use districts.** There are three (3) mixed-use zoning districts.
1. **Urban Residential (UR).** The Urban Residential (UR) district intends to promote complete, walkable communities that offer a variety of housing types and styles and enable people of all ages and incomes.



2. **Neighborhood Activity Center (C-1).** The Neighborhood Activity Center district provides for clusters of neighborhood activities, serving commercial, office, residential, recreational, and cultural facilities.
3. **Mixed-Use Corridor (C-2).** The Mixed-Use Corridor district provides for mixed residential and commercial uses extending along and oriented to collector and arterial roads, at intensities compatible with adjacent neighborhoods. A mixture of land uses is specifically encouraged.

Sec. 2.2.4. Commercial/Industrial Districts

- A. **Purpose.** The intent of the Commercial/Industrial Districts is to accommodate the facilities necessary for intense commercial and/or industrial activity, including the processing, fabrication, manufacturing, and distribution of goods. District areas shall be compatible with adjacent land uses, promote a variety of employment opportunities and facilitate a diversified economic base, and promote efficient use of public facilities and services.
- B. **Commercial/industrial districts.** There are three (3) commercial/industrial zoning districts.
1. **Commercial Activity Center (C-3).** The Commercial Activity Center (C-3) district is intended to provide for intense community-serving commercial and light-industrial uses. These activity centers are intended for locations where a combination of arterial street(s) and four lane collector street(s) are available with transit services providing access to other activity centers and surrounding neighborhoods.
 2. **Light Industrial (I-1).** The Light Industrial (I-1) district provides for light manufacturing, processing, storage and warehousing, wholesaling, and/or distribution not involving the use of any materials, processes, or machinery likely to require buffering due to undesirable impacts beyond the property line. Service and commercial activities relating to the character of the district are permitted. Regulations are intended to prevent or reduce friction between uses in this district and protect nearby residential districts.
 3. **Heavy Industrial (I-2).** The Heavy Industrial (I-2) district provides for heavy manufacturing and closely related uses that may involve potential nuisances in terms of noise, odor, emissions of particulate matter, lighting, and other potential nuisance factors or undesirable effects upon nearby residential or business property. To avoid burdensome regulations on heavy manufacturing, requirements in this district are intended to provide protection principally against harmful effects to other districts.

Sec. 2.2.5. Special Purpose Districts

- A. **Purpose.** Special purpose districts are intended to provide for development and uses that are desired by the community, but not easily incorporated into the residential, commercial, or industrial districts.
- B. **Special purpose districts.** There are three (3) special purpose zoning districts:
 - 1. **Conservation (CN).** The Conservation district intends to protect natural resources, such as wetlands, special flood hazard areas, lakes, and habitat from degradation. Residential, commercial and industrial land uses are not permissible on land classified as Conservation. Limited disturbance of the land is permissible to construct and provide recreation areas, such as boat docks, trails, parks, public beaches and access to recreation areas; and to allow for the construction of public utilities such as lift stations and wells.
 - 2. **Public Buildings & Grounds (PB).** The Public Buildings & Grounds district provides for properties and/or facilities owned by the government and used for purposes promoting and preserving the public health, safety, and welfare.
 - 3. **Public Recreation (PR).** The Public Recreation district provides for publicly owned recreation facilities and properties reserved for open space.

Sec. 2.2.6. Map Series

- A. **Official Zoning Map.**
 - 1. The zoning districts listed in Article 2 and the boundaries thereof are shown upon the Official Zoning Map or series of maps of the City enacted as law immediately upon enactment of this Code and made a part thereof, such maps being designated as the "Zoning Map of the City of Lake Alfred."
 - 2. This map or maps and all notations, references, and other information properly inscribed thereon are hereby incorporated as a part of this Article.
 - 3. The boundaries of such districts as shown on the Official Zoning Map, together with all regulations in this Code that are applicable in such districts, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district shown upon said map(s).
 - 4. Within five (5) business days of action by the City Commission or Planning and Zoning Board, the Official Zoning Map will be amended to reflect all approved changes in zoning classifications, land uses, variances, and any other relevant information pertaining to permitted uses or development standards in the City of Lake Alfred.
- B. **Overlay Maps.** As designated in Section 2.3.
- C. **Transportation Maps.** As designated in Article 5.
- D. **Resource Protection Maps.** As designated in Article 7.
- E. **Rules of Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the Map Series, the following rules shall apply:
 - 1. Boundaries indicated as approximately following the center lines of streets, highways or alleys shall be construed to follow

such center lines.

2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
4. Boundaries indicated as following shorelines shall be construed to follow the high water line, and in the event of a lowering of the water level shall be construed as moving downward to the current water level.
5. Boundaries indicated as following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed.
7. The legal description advertised for public hearing purposes on a zoning action or variance on any parcel of property shall override any and all of the above rules for interpretation of district boundaries.

Sec. 2.3. Overlay Districts

Sec. 2.3.1. Purpose

- A. **Purpose.** Overlay districts provide a means to incorporate various development regulations across a specified area. Overlay districts address special siting, use, and compatibility issues that require use and development regulations in addition to those found in the underlying base zoning districts. These districts are specialized zoning designations that float over existing base zoning categories to supplement or supersede existing regulations.
- B. **Conflicts.** Overlays typically provide specific development criteria for an area and may be more restrictive or permit exceptions. In cases where conflicting standards are given by an overlay district and the underlying base zoning district, those of the overlay district take priority. The boundaries of an overlay district may or may not coincide with the boundaries of the underlying base zone, and an overlay district may cover parts of more than one existing zone. In a unique situation where no standard is specified, the City Commission has the authority to determine the appropriate standard.
- C. **Land use standards.** Section 3.1.4 specifies the permitted uses for properties located within the overlay districts listed in Section E below. Overlay districts may correspond with any zoning district; however, when determining whether a use is allowable and/or the level of review, the overlay standards take precedence. Overlays are identified by a "/" on Table 3.1.4.
- D. **Overlay districts.** Overlay districts within this code include:
 1. **Downtown Overlay District (DOD; /DC and /DT)**
 2. **Green Swamp Overlay District (/GS)**
 3. **Historic Overlay District (/HOD)**
 4. **Planned Unit Development (PUD)**
 5. **Joint Planning Areas (JPA)**

Sec. 2.3.2. Downtown Overlay District (DOD)

- A. **Purpose.** The purpose of the **Downtown Overlay District (DOD)** is to encourage infill development, redevelopment, and reinvestment in areas with existing infrastructure investments as a means of achieving balanced growth, efficient land use, and cost-effective delivery of public services. The provisions of this district recognize the economic challenges inherent in developing successful infill properties and provide an alternative zoning option to promote private re-investment within the downtown area.
- B. **Relationship to Comprehensive Plan.** The DOD implements the **Downtown Mixed-Use** Future Land Use classification. This classification allows residential densities up to twenty-four (24) units per acre and non-residential intensities up to 2.5 FAR (Floor Area Ratio).
- C. **Applicability.** As of the adoption of this Downtown Overlay District on October 21, 2013, the standards and guidelines of this section are effective and apply to the following:
1. All new construction of buildings or structures.
 2. All exterior building improvements requiring a building permit.
 3. All new or reconstructed parking areas with five or more spaces.
- D. **Exemptions.** Any building, structure, or parking area that lawfully exists before the effective date of this section may continue. However, any future construction, additions, reconstruction, or renovation shall be subject to the requirements of the Downtown Overlay District.
- E. **District Objectives**
1. Provide development regulations and design standards that will set the downtown area apart from other commercial areas within the city, consistent with the vision expressed in the Lake Alfred Downtown Vision Plan.
 2. Accommodate growth within the downtown area by encouraging and facilitating new development on vacant and underutilized land within areas that already have infrastructure, utilities, and public facilities.
 3. Allow and encourage a mixed-use pattern of development in the downtown area.
 4. Provide development standards and incentives that stimulate infill and redevelopment within the downtown area.
 5. Create a compact mixture of land uses, including shops, workplaces, civic buildings, entertainment uses, and residences that satisfy market demand within the downtown area.
 6. Provide an environment that promotes safe pedestrian access and connections between developments, more pedestrian-scale amenities and an identifiable downtown core area.
 7. Create the opportunity to improve the quality of development and retail services within the downtown area.
 8. Create the opportunity to enhance property values and increase economic and financial benefits to the city, business owners, and property owners.
 9. Provide clear, understandable, predictable, and consistent development standards that promote compatibility between existing and future development.
 10. Encourage development of needed housing near downtown employment and services.
 11. Promote downtown preservation and enhancement through redevelopment of blighted, distressed, and underutilized properties.
 12. Encourage the development of flexible space for small and emerging businesses.
 13. Facilitate development proposals that are responsive to current and future market conditions.

F. **Map Series.** The Downtown Overlay District is comprised of three zones. Figure 2.3.2.F depicts the three zones as they exist at the establishment of the DOD. The current DOD boundaries are depicted on the Official Zoning Map. The Downtown Core and Downtown Transitional zones represent the developable properties within the downtown district, while the Downtown Gateway zone represents the entrances into the Transitional and Core areas along right-of-way corridors.

The three (3) zones differ in the mix of uses, development character, and development intensity. Each zone has a unique focus and role within the Downtown Overlay District. Together the zones are intended to create a diverse and vibrant business, commercial, and residential district within the heart of Lake Alfred. The areas described below and shown in Figure 2.3.2.F provide for development that is consistent with the adopted City of Lake Alfred Downtown Vision Plan.

1. **Downtown Core (DC) Zone.** The Downtown Core (DC) zone may be described as the central core of the City where the greatest concentration of businesses, infrastructure, and public services are located. A mix of uses and services, including commercial retail and professional offices, governmental and civic facilities, and an emerging multi-modal transportation corridor, characterizes the Downtown Core zone. The overlay district and design standards for this zone provide for an urban pattern of development, facilitating a more vibrant, walkable district supported by a continued mix of land uses and public service amenities. To foster compact, pedestrian oriented growth that will support downtown businesses, the city encourages mixed use development that includes higher density residential development than permitted in other parts of the city.
2. **Downtown Transitional (DT) Zone.** The Downtown Transitional (DT) zone is where complementary Downtown Core uses may be located. This zone is primarily contained within established residential neighborhoods surrounding the Downtown Core. A mix of existing single-family and multi-family residential uses and some commercial uses characterizes the transition area. The Downtown Transitional zone includes other uses such as small business establishments and professional offices

located within retrofitted residential structures. Businesses that are oriented toward serving the local neighborhood, as opposed to a regional area, are encouraged. The intention of the overlay district and design standards for this zone are to provide for a mix of land uses, compatible with the characteristics of the transition area, while supporting future growth of the Downtown Core. Existing residential structures may be utilized for office use so long as it does not adversely affect adjacent property owners or traffic patterns. Such uses are promoted adjacent to commercial areas to provide a transition to adjacent residential areas.

3. **Downtown Gateway (DG) Zone.** The Downtown Gateway Zones identify the four main transportation corridors that serve as entrance ways into the Downtown Transitional and Core zones. Identifiable streetscaping patterns and enhanced development standards provide a first impression of the Downtown Area and serve as the greeting to let visitors know they are arriving at a destination.

G. **Compliance with district standards.** At the time of application for any building permit and/or site development plan, the applicant shall demonstrate the proposed building, structure, improvement, or renovation complies with the requirements of this Downtown Overlay District. No building permit shall be issued until the requirements of this Downtown Overlay District have been met. It is the applicant's responsibility to provide the necessary information to the city staff to determine compliance with this section.

The Planning Official or their designee shall apply the DOD standards and guidelines to all development activity within the downtown overlay district, including new construction, minor exterior renovations, and substantial exterior renovations in keeping with Figure 2.1. Redevelopment of sites will be provided flexibility as long as the improved site meets the intent of these regulations, see (I) Flexible and alternate site development considerations below.

Figure 2.1. Downtown Overlay District Map



1. New Construction
 - a. Improvements include site preparation for and construction of entirely new freestanding structures, whether or not the site was previously occupied.
 - b. The area of development shall be the area of the site containing the following:
 - i. New freestanding building(s);
 - ii. Existing structures;
 - iii. Facilities; and/or
 - iv. Improvements proposed by the applicant; or
 - v. Improvements required to serve those new items proposed by the applicant.
2. Minor Exterior
 - a. Improvements include
 - i. Exterior improvement;
 - ii. Attached expansion; and/or
 - iii. Replacement of structures.
 - b. The value of such improvement(s) are, as follows:
 - i. Less than fifty percent (50%) of the appraised value of all buildings on the site or parcel at the time; and
 - ii. The expansion is the lesser of:
 1. Fifty percent (50%) of the existing structure's floor area; or
 2. Two thousand square feet (2,000 sf).
 - c. This value shall include the actual value of other such work performed on the subject site within the previous twenty-four (24) months.
 - d. The appraised value shall utilize the square footage construction costs from the International Code Council, latest edition, to estimate the value of both the existing and proposed structure(s).
3. Substantial Exterior
 - a. Improvements include, but are not limited to, the following:
 - i. Exterior improvement(s);

- ii. Attached expansion;
 - iii. Replacement of structures; and/or
 - iv. Improvements required which may include, but are not limited to, including parking lots and stormwater facilities.
- b. The value of such improvement(s) are as follows:
- i. Fifty percent (50%) or more of the appraised value of all buildings on the site or parcel at the time; and
 - ii. The expansion exceeds the lesser of:
 - 1. Fifty percent (50%) of the existing structure's floor area.
 - 2. Two thousand square feet (2,000 sf).
- c. The value shall include the value of other such work performed within the previous twenty-four (24) months.
- d. The appraised value shall utilize the square footage construction costs from the International Code Council, latest edition, to estimate the value of both the existing and proposed structures.
- e. For parcels with multiple structures, the structure(s) receiving the substantial improvement shall meet the requirements for substantial improvements, and the remaining structure(s) shall apply at least one (1) of the listed items in Section 2.3.2.L.2. The term "substantial improvement" does not include the following:
- i. Improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by the local code enforcement official and that are the minimum necessary to ensure safe living and/or working conditions; or
 - ii. If there is no alteration in the exterior appearance, maintenance items such as roof repair or replacement, HVAC repair and replacement, electrical and plumbing repair, foundation stabilization, masonry repair, replacement of rotten wood, and repair of existing windows and doors that do not significantly change the architectural character of a building shall not, in and of themselves, be considered substantial improvement.

H. **Required and Encouraged Design Standards.** The list of Development Design Standards is provided in Figure 2.2. The standards provide some flexibility based on the magnitude of development type and individual site constraints. These standards shall apply to all property within the DC and DT zones except for those uses that are exempt as explained in Section 2.3.2.D. The description of the design standards and the options available to meet the requirements of the design standards are included in Section 2.3.2.K.

Figure 2.2. Required (R) and Encouraged (E) Design Standards

| Design Standards | Type of Development Activity | | | | | | Design Guidelines Section |
|--|------------------------------|-----|-------------------------|---|------------------|---|---------------------------|
| | Minor Improvement | | Substantial Improvement | | New Construction | | |
| | R | E | R | E | R | E | |
| Building Setbacks | N/A | N/A | X | | X | | 2.3.2.L.1 |
| Architectural Treatments | X | | X | | X | | 2.3.2.L.2 |
| Façade Articulation | N/A | N/A | X | | X | | 2.3.2.L.3 |
| Connections and Cross-Access | | | | | | | 2.3.2.L.4 |
| Pedestrian access | X | | X | | X | | 2.3.2.L.4.a |
| Vehicular access | | X | X | | X | | 2.3.2.L.4.b |
| Parking ¹ | | | | | | | 2.3.2.L.5 |
| Off-street parking | X | | X | | X | | 2.3.2.L.5.b |
| Shared Off-street Parking | | X | | X | | X | 2.3.2.L.5.c |
| Screening | X | | X | | X | | 2.3.2.L.7 |
| Landscaping | | X | X | | X | | 2.3.2.L.8 |
| Low Impact Development | | X | X ³ | X | X | | 2.3.2.L.9 |
| Pedestrian Walkway Enhancements | | X | | X | X | | 2.3.2.L.10 |
| Public Open Space and Amenities ² | | X | X | | X | | 2.3.2.L.11 |
| Long-Term Bicycle Parking | | X | | X | | X | 2.3.2.L.12 |

¹Where applicable, on-street parking and/or a parking in-lieu fee may be pursued. See Section 2.3.2.L.5.d for the regulation of On-Street Parking and Section 2.3.2.L.5.e regarding the requirements for the Parking In-Lieu Fee.

²Site constraints may limit the ability to accommodate public open space requirements.

³For substantial improvements triggering the need for onsite stormwater retention improvements.

I. **Flexible and Alternate Site Development Considerations.** The city recognizes that specific sites and proposed uses may have different needs and requirements. The city will work with applicants to provide flexibility through alternate design considerations if the improved site meets the intent of these regulations. Alternate design considerations may be sought for standards that are identified as Required or Encouraged. Design departures are not for development standards (i.e.. floor area ratio, building height, sidewalks, etc.). Unless otherwise determined in this Code, the Planning Official shall determine whether a proposed alternate design consideration is a major or minor alternate design consideration.

1. **Major alternate site development considerations.**

- a. Major alternate site development considerations include design considerations that extend beyond the scope of the design standards as included in Section 2.3.2.L.
- b. Major alternate site development considerations require approval by the Planning Board. The Planning Board may approve the major alternate design considerations if they are consistent with the stated purpose and intent of the DOD and meet the criteria as outlined in (4) below.

2. **Minor alternate site development considerations.**

- a. Minor alternate design considerations are design considerations similar in nature to those included in Section 2.3.2.L. An Applicant may request to utilize differing levels of included design standards to best suit the property, project, or use if the outcome is consistent with the stated purpose and intent of the DOD.
- b. Minor alternate design considerations may be considered and approved by the Planning Official if consistent with the stated purpose and intent of the DOD, the design standards as included in Section 2.3.2.L, and meet the criteria as outlined in (4) below.
- c. Changes to buffering requirements may be approved as a

minor alteration due to design and/or site constraints

3. **The Planning Official**, at their discretion, may forward any request for alternate design consideration to the Planning Board for consideration.

4. **Alternate design** considerations may be approved through the following criteria:

- a. Has the applicant thoroughly determined how the options included as required could be applied as written?
- b. Does the proposal meet the intent and the general direction set forth by the Requirement?
- c. Is the specific change superior in design quality to that potentially achieved by the Requirement?
- d. Is the proposed alternative necessary to better address aspects of the site, the use, or its surroundings?
- e. Is the proposed alternative part of an overall, thoughtful and comprehensive approach to the design of the project as a whole or to the vision of the adopted Downtown Vision Plan?

5. **Standards Conflict.** The provisions of the Downtown Overlay District shall prevail in case of conflicts between the standards of the Downtown Overlay District and standards of the underlying base district, other requirements of the Development Code, or other applicable rules, regulations, covenants, and agreements.

6. **Exemptions and Waivers.** All single-family residential uses are exempt from the provisions of the Downtown Overlay District, except for landscape buffering provisions. Buildings may receive a Requirement waiver from the city if the building has met items under either the Requirements or Encouragements within the last 24 months.

7. **Relationship to Subdivision Regulations.** The character of proposed development within the Downtown Overlay District may require that standards for lot size, shape, and frontage be subject to modification from standards established in adopted subdivision regulations. An application for a final development plan for a site within the Downtown Overlay District shall be deemed to be an application for preliminary subdivision approval, with no separate filing required.
 8. **Incentives.** These provisions make available incentives for private sector participation in pursuing revitalization of downtown properties. In addition to the modified zoning standards provided in the Downtown Overlay District, development and redevelopment within the Downtown Overlay District may take advantage of the incentives provided in this Section or other incentives that may be established or approved by the City Commission.
 - a. **Staff Level Approval.** Applications for development within the Downtown Overlay District that conform to the requirements of the DOD and do not otherwise require Planning Board or City Commission approval may be approved at staff level, thereby reducing the amount of time involved in development approval.
 - b. **Floor Area Ratio Bonus.** Planning Official may approve a bonus of up to 0.5 floor area ratio according to the following:
 - i. All existing structures on the property are renovated or remodeled at a substantial improvement level in conjunction with the new buildings, remodel, or building area expansion.
 - ii. The applicant is providing Encouraged design standards.
 - iii. This bonus shall be available on a cumulative basis. The application for bonus floor area ratio after the first application, and any subsequent application thereafter, shall contain the documentation of any previous approvals and shall include analysis of how the cumulative total 0.5 bonus FAR is not being exceeded.
 - c. **Parking Reductions.** The Planning Official may approve an off-street parking reduction as a bonus to an applicant who provides Encouraged design standards.
 - d. **Sidewalk Café Regulation Reduction.** Section 3.8.11 includes requirements for the establishment of a sidewalk café. The Planning Official may waive requirements of the sidewalk café including annual fee, location requirements, and additional conditions requirements, if the applicant provides Encouraged design standards, especially as they relate to public open space and amenities.
 - e. **Technical Assistance.** The Planning Official is authorized, when requested and in his/her determination that there is a demonstrated need, to provide technical assistance from engineering or other technical consultants to help the applicant navigate the development review process including but not limited to site and construction plan submittals and revisions.
 - f. **Other Incentives as Established/Approved by City Commission.** The City Commission may adopt other incentives including financial or advertising incentives. In addition, an applicant may request a specific incentive that the Planning Official will forward to the City Commission for their approval.
- J. **Review and Approval Process.** To ensure that development, redevelopment, and improvements made to property located within the Downtown Overlay District are consistent with the goals of this Article, the following reviews and reports will be required prior to the issuance of building permits and/or approval of site plans by the city.
 1. **Application process.**
 - a. **Pre-Application Meeting.** A pre-application meeting is required if the proposal includes new construction or has
 - iv. Floor Area Ratio bonuses larger than 0.5 FAR shall be approved by the City Commission.

been determined to be a substantial improvement. The intent of this meeting is to discuss early and informally the purpose and effect of the Overlay District and the criteria and standards contained herein. It will also give the applicant the opportunity to become familiar with zoning regulations and procedures as well as the benefit of any comments on the specific proposal by City staff. Upon agreement of the Planning Official and the Applicant, the pre-application meeting may be waived.

It is recommended that the applicant provide a site analysis map at the pre-application meeting for discussion. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design. The site analysis map, which may be developed as a sketch, shall include the following features:

- i. Property boundaries.
 - ii. Representation of adjacent lots, existing buildings, adjacent streets, and opportunities for connectivity.
 - iii. Location of proposed uses and buildings on the lot.
- b. **Application.** The applicant shall submit a Certificate of Appropriateness application to the City for review and approval with the appropriate application fees as established by the City. The following items as determined by the Planning Official shall be submitted with the application:
- i. Sketch of site including proposed changes.
 - ii. Site plan meeting the requirements of Article 9 of the Code.
 - iii. Statement of how the plan meets the Code requirements.

- iv. Proposed alternative design considerations, if any, with a statement as to how they meet the intent of the requirements and why the requirements cannot be met.
 - v. Encouraged design standards being proposed.
 - vi. Requested incentives.
 - vii. Any applicable studies required by the Development Design and Guidelines Standards, Section 2.3.2.L.
- c. **Application Fees.** Application fees associated with plan review and approval of development or redevelopment projects in the Downtown Overlay Districts shall be set by the City Commission.

2. **Approval Process.**

- a. **Staff Level Approval.** The Planning Official has the authority to approve applications on behalf of the City. The Planning Official may approve requests for incentives as established in the Code or adopted by the City Commission in exchange for provisions of Encouraged items, unless specifically stated elsewhere in the Code. At the Planning Official's discretion, any development that may have compatibility concerns may be sent to the Planning Board for approval.
- b. **Review by Planning Board/City Commission.** The City Commission shall approve applicant requests for special incentives not specifically listed in this Code or otherwise established by the City Commission or designs that require easements or dedications with the City. The Planning Board shall approve major alternate design considerations.
- c. **Appeals.** Decisions made by the Planning Official may be appealed to the City Commission.

K. **Development Design Guidelines and Standards.**

1. **DOD General Design Principles.** The following design principles highlight important concepts in the establishment of the Lake Alfred Downtown Overlay District. These principles provide the foundation for the specific design standards and guidelines which have been established to actualize the City's vision.

- a. **Design for the Human Scale.** Create a sense of place that is interesting, safe, walkable, comfortable, and attractive to residents, businesses, shoppers, and other visitors to the Lake Alfred downtown area.
- b. **Design Character.** The Guidelines are designed to provide guidance for property owners, architects, and developers that result in a unique and harmonious physical downtown area. The Guidelines reflect a dense, urban pattern of development in the Downtown Core, while the Transitional area provides a mix of development types intended to support future growth of the entire downtown area.
- c. **Mixed Uses.** The Guidelines support the downtown overlay district regulations which provide for a mix of residential, commercial, and professional land uses which aim to vitalize the community and encourage people to live, work, shop, and play within the downtown area.
- d. **Property Values and Investment.** The Guidelines provide elements of design that are aimed at encouraging business development, attracting residents and visitors, and protect the overall value and investment of property in the downtown area.
- e. **Design and Development Flexibility.** While the design criterion of these Guidelines establishes the City's desired architectural character for the Downtown Overlay District, the review process encourages

reasonable architectural expression in each individual business and property owner. These Guidelines were designed to be specific enough to provide direction for quality development, but at the same time, provide flexibility foster creative design meeting individual site conditions for each property in the downtown area.

2. **DOD General Site and Building Design Guidelines.** The design and functionality of buildings and spaces within the DOD shall meet the general site and building design guidelines as follows.

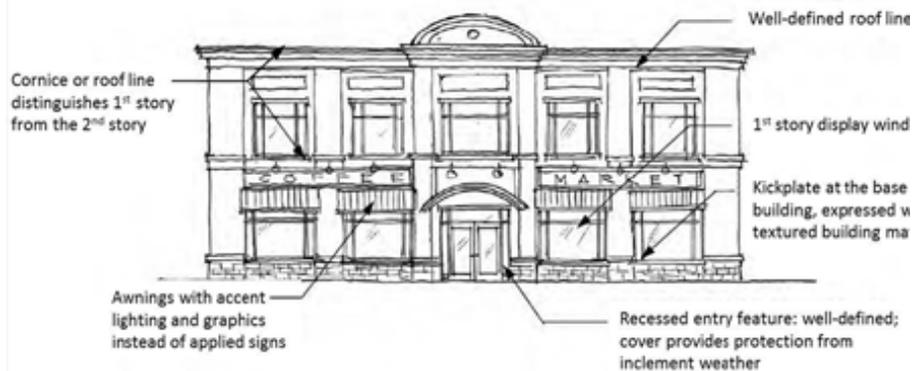
- a. Site design should be organized to respect the arrangement of buildings, open space, accessibility, and landscape elements on adjacent lots in the DOD. As best as feasibly possible, buildings and open spaces should be designed to provide mutual benefits of natural light, accessibility, circulation, and views.
- b. Multi-story buildings shall be designed to minimize overall building massing. This can be accomplished through upper story setbacks, façade articulation, and other architectural treatment methods.
- c. Flexibility in building orientation shall be provided to promote an interesting visual environment. A building's orientation may vary depending on site constraints and the need to meet other design guidelines and/or regulations.
- d. Building orientation with a primary operable entrance on the street-side of a lot is encouraged to help create an active street frontage.
- e. Site and building designs should support active modes of transport, such as walking and bicycling rather than driving. It is highly encouraged, that the planned-use of land support walk ability between destinations within and around the DOD.
- f. Building designs should be responsive to climate patterns

of the Central Florida region in order to minimize unnecessary heat gain from sun exposure and provide protection for pedestrians from inclement weather conditions.

- g. Buildings within the same development envelope are encouraged to utilize similar architectural treatments consistent with other buildings on the same lot.

L. **DOD Development Design Guidelines.** The development design guidelines established in this section are applicable to all properties located within the DC zone and commercially zoned properties within the DT zone. Different development activity types (i.e., minor building improvements vs. substantial building improvements) require different sets of design standards to be met. Required design standards are provided in Figure 2.3. and should be read in conjunction with the development design guidelines provided in this section.

Figure 2.3. Architectural Terms



1. **Building Setbacks**

a. **Front Yard.**

- i. No minimum front yard building setbacks are required.
- ii. Front yard building setbacks shall respect the front yard building setbacks of structures on adjacent lots. Proposed buildings directly fronting a street shall not

exceed the average front yard depths of the nearest lots directly abutting either side of the subject lot or a maximum of 15-feet, whichever is less. See Figure 2.4.

- iii. A portion of a building along a street front may be setback farther than the maximum setback in order to accommodate outdoor seating areas. In order to preserve the continuity of the street wall, at least 40 percent of the building façade shall be located within the maximum setback line. The total area of an outdoor seating area located between a public sidewalk and the building façade shall not exceed 15 times the building’s street frontage in linear feet. See Figure 2.5.

Figure 2.4. Calculating Front Yard Setbacks

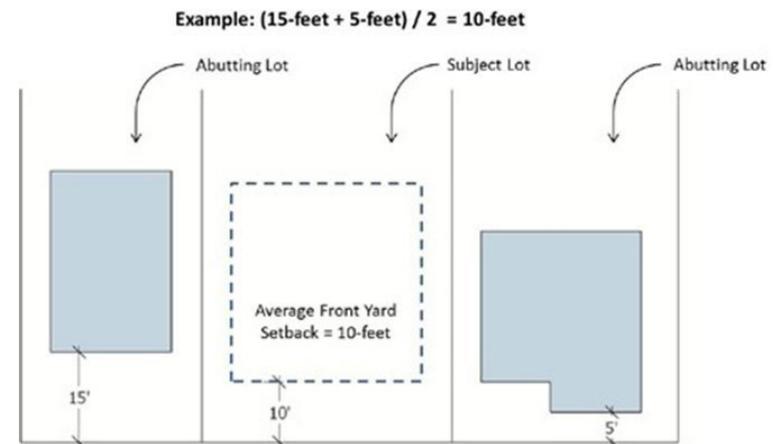
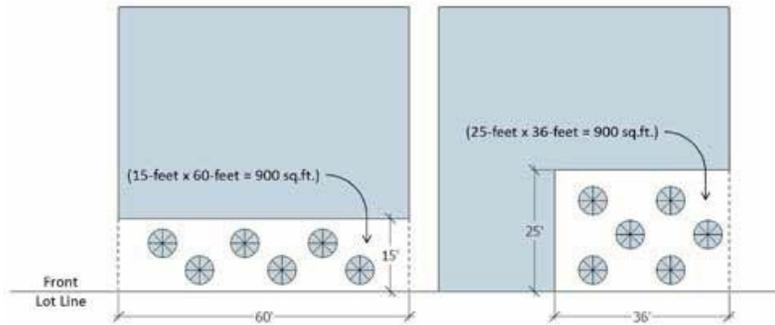


Figure 2.5. Exceptions to Front Yard Setbacks



b. **Rear Yard:**

- i. No minimum rear yard building setbacks are required, unless otherwise provided in this section.
- ii. A lot which abuts a residential lot shall maintain a rear yard building setback for all structures, providing for the necessary space to accommodate any required landscape buffer, in accordance with Section 4.5, Bufferyards, of this Code.

c. **Side Yard:**

- i. No minimum side yard building setbacks are required, unless otherwise provided in this section.
- ii. A lot which abuts a residential lot shall maintain a side yard building setback for all structures, providing for the necessary space to accommodate any required landscape buffer in accordance with Section 4.5, Bufferyards, of this Code.

2. **Architectural Treatments.** Architectural treatments shall be applied in a consistent manner along all sides of a building. Architectural treatments include:

- a. Horizontal banding or belt courses, when applied shall have a minimum vertical dimension of 12 inches and be projected outward from wall 2 inches.

- b. Architectural molding, when applied may be decorative framing around windows and doors, decorative caps on columns, or other types of architectural expression on wall surfaces.

- c. Decorative cornices, when applied shall have a minimum vertical dimension of 12 inches and be projected outward from wall 2 inches.

- d. Application of primary and secondary surface materials. The use of multiple surface materials is encouraged to add architectural interest.

e. **Suggested Surface Materials.**

- i. Stucco or synthetic stucco.
- ii. Brick or glazed brick.
- iii. Tinted and textured concrete masonry.
- iv. Concrete (Pre-Cast or Cast-in-place).
- v. Split face concrete block.
- vi. Wood or simulated wood finishes.
- vii. Fiber Cement (Hardiplank®).
- viii. Stone, cast stone, marble, or similar material.
- ix. Glass and glass storefront.
- x. Painting surfaces.

f. **Prohibited Surface Materials.**

- i. Metal and steel panels or metal sheathing, with the exception that such material may be used if finished with an approved surface material (see Suggested

Surface Materials).

ii. Exposed concrete block.

iii. Exposed plywood or particle board.

3. **Façade Articulation.** Façade articulation primarily applies to the street-side and/or pedestrian-oriented side of a building's façade. The following shall be required for all buildings or structures located on the development site.

a. Blank, opaque wall areas shall not exceed ten feet (10') in vertical direction or twenty feet (20') in the horizontal direction. This requirement applies to all sides of a building to ensure visual interest around the entire building.

b. The ground story shall be designed so that 30 percent of the total surface area of the ground story façade is comprised of transparent windows, doors, and other openings to provide visual interest and compliment pedestrian activity at the ground level.

c. Upper stories shall provide transparent windows, doors, and other openings along 15 percent of the total surface area of all upper floor façade.

d. Simulated or opaque windows may be used to provide visual interest and may count towards the fulfillment of meeting any required minimum transparency or other opening requirements based on 50% of the square footage provided.

e. Buildings with a primary operable entrance on the street-side of a building shall provide a recessed entranceway. For corner lots, the primary operable entrance may be located at the corner.

f. Buildings whose primary operable entrance is not located on the street-side of the building shall provide a minimum of 30% transparency through the use of windows and/or

other openings along the side serving as the operable entrance.

g. Buildings designed for multiple tenant spaces at the ground level, particularly, retail storefronts, shall provide visible articulations between such spaces and include well-defined entrance ways.

h. Clearly identifiable separation lines between the ground story and upper floors shall be expressed through the use of decorative cornice lines or other architectural treatments. Such lines shall be coordinated with buildings on adjacent lots to provide visual linkages. Where adjacent buildings do not provide such elements, a separation line shall have a minimum vertical dimension of 12 inches, projected outward from the wall 2 inches.

i. Varying roof heights and wall planes are encouraged to provide additional visual interest. Architectural rhythm should be considered in the design of roof heights and wall planes and should be coordinated with those of existing buildings on adjacent lots.

j. Requirements for architectural treatments, as established in Section 2.3.2.L.2, shall be applied to provide additional architectural character and visual interest. The application of architectural treatments alone shall not constitute fulfillment of the requirements for meeting façade articulation.

k. A kickplate, when applied, shall create a visual transition between the base of the building and pedestrian walkways. Kickplates shall be coordinated with adjacent buildings to provide visual linkages. Kickplates shall have a minimum vertical dimension of 12 inches and be projected outward from the wall 2 inches.

4. **Connections and Cross-Access.**

a. **Pedestrian Access.**

- i. Direct ADA-compliant pedestrian access shall be provided from the public sidewalk to the primary operable entrance of the business.
- ii. Walkways through any vehicular parking areas shall be clearly delineated with accessible slopes and ADA detection warnings.
- iii. All walkways and sidewalks shall be a minimum of 5' wide.
- iv. All sites shall provide cross-access connectivity between adjacent lots for future pedestrian interconnectivity. Such connections shall be constructed of a paved or other approved hard surface material.
- v. All crosswalks, direct-access, and cross-access pedestrian walkways within vehicular parking areas shall be constructed of a different surface material than the general parking area and associated driveways. The materials used shall clearly delineate such access-ways from the surrounding parking area and driveway surface.

b. **Vehicular Access.**

- i. Driveway improvements shall be provided to facilitate existing and future interconnection of parking areas with adjacent lots.
- ii. Continuous drive aisles between adjacent lots are encouraged. Drive aisle widths shall meet the standard minimum requirements as provided in Section 4.4.4 of this Code.

- iii. Driveway stub-outs shall be extended to adjacent property lines to provide future interconnectivity. Stub-outs providing shared access across property lines may be utilized.
- iv. Driveways serving as a shared access point along abutting property lines may be utilized to reduce the number of driveway cuts.
- v. Shared driveways or stub-outs may require a property owner agreement. All access/easement agreements shall be reviewed in accordance with Article 9 and recorded with the Polk County Clerk of Courts prior to final approval of a site development plan.

5. **Parking.**

a. **General Requirements.**

- i. Parking requirements for all development in the DOD shall respect the parking standards of Section 4.4 of this Code, except as expressly supplemented or modified in this section.
- ii. Parking areas for motor vehicles shall be located to the sides and rear of buildings, in order to shield and minimize the overall appearance of parking areas and to promote a safe and inviting pedestrian environment.
- iii. Off-street parking areas shall include internal landscaped islands to help visually soften the impact of paved surfaces. Traditional curb and gutter may be approved where LID strategies are not able to be utilized.
- iv. Parking areas for corner lots shall be located to the interior corner of the lot, as best as feasibly possible. Where a parking area for a corner lot, or any other lot, encroaches on a street, screening shall be provided as

established in Section 2.3.2.L.7.

- v. Any adjustments or alternatives to parking requirements not expressly provided in this Code shall be submitted to the Planning Board for consideration and approval. A parking study shall be required to support such adjustments as established in Section 2.3.2.L.5.f.

b. **Off-street Parking.**

- i. Off-street parking, as required by this section, shall be provided on the same lot as the building and use(s) for which parking is required.
- ii. On-street parking, parking located in the public right-of-way, and parking located in public parking facilities may only be used to satisfy off-street parking requirements, as provided in Sections 2.3.2.L.5.d and 2.3.2.L.5.e.
- iii. The maximum allowable number of off-street parking spaces for a given development site shall be as set forth in Figure 2.6.

- c. **Shared Off-Street Parking.** Notwithstanding any other parking requirements set forth in this Section for individual land uses, when any land or building is used for two (2) or more distinguishable purposes (i.e. joint or mixed-use development), the minimum number of parking spaces required to serve the combination of all uses shall be determined in the following manner. Multiply the maximum allowable parking requirement for each individual use (as set forth in Figure 2.6 for each use) by the appropriate percentage (as set forth in Figure 2.7, Parking Credit Schedule) for each of the five (5) designated time periods and then add the resulting sums from each vertical column. Where the computation results in a fractional number, a fraction over one-half (1/2) shall require one space. The column total having the highest total value is the maximum

shared parking space requirement for that combination of land uses.

- d. **On-Street Parking.** On-street public parking may be provided where adequate right-of-way exists. The construction of on-street parking spaces, directly and wholly abutting the lot, may be provided and counted towards the off-street parking requirement of the development site it is intended to serve, provided that:

- i. The adjacent right-of-way has not been previously utilized for parking or, in cases where the adjacent right-of-way has been used for proposed parking only those spaces in addition to the number of existing spaces shall be counted.
- ii. Such parking spaces are clearly identified on the final site development plan and designed in accordance with appropriate City, County and/or State standards, as applicable.
- iii. Such parking spaces shall be publicly accessible and cannot be reserved or restricted by the owner(s) or tenant(s) of the lot, unless approved by the City Commission for special events or valet parking purposes.
- iv. One parking space credit shall be given for each on-street public space constructed.
- v. No part of an on-street parking space shall extend past a side property line of the lot it serves.

Figure 2.6 Maximum allowable number of off-street parking spaces

| Land Use Type | Per Unit | Per 1,000 SFGFA ¹ / SFGLA ² | Per Other |
|---|----------|---|-----------|
| 2nd floor residential above retail | 1.0 | | |
| Hotel or Motel | 1.0 | | |
| Office and banks without drive-through | | 1.8 | |
| Small office (less than 3,000 SFGFA) | | 2.2 | |
| Bank with drive-through | | 2.2 | |
| Medical, dental, optical, chiropractor office | | 2.2 | |
| Medical clinic and professional buildings | | 2.8 | |
| Shopping center | | 3.0 | |
| General retail sales | | 3.0 | |
| Supermarket and discount store | | 2.6 | |
| Bowling alley, per lane | | | 2.8 |
| Theaters, freestanding, per seat | | | 0.2 |
| Restaurant, per seat | | | 0.3 |
| Restaurant with lounge, per seat | | | 0.4 |
| Fast food restaurant with drive-in, per seat | | | 0.4 |
| High school, per student | | | 0.3 |
| Elementary / Middle school, per teacher | | | 0.9 |
| University or college, per daytime student | | | 0.7 |
| Church, per seat in sanctuary | | | 0.2 |
| Hospital, per bed | | | 1.5 |
| Light industry | | 1.3 | |
| Lodges and assembly, per seat | | | 0.2 |

¹ Square Feet, Gross Floor Area (SFGFA) is defined as the total floor area of a building from its outside dimensions.

² Square Feet, Gross Leasable Area (SFGLA) is defined as the floor area of a building, less administrative, public and similar areas.

Figure 2.7 Shared-use parking credit schedule

| | Weekday | | | Weekend | |
|--------------------------|---------------------|--------------------|---------------------|--------------------|--------------------|
| | Night | Day | Evening | Day | Night |
| | 12:00 am to 7:00 am | 7:00 am to 5:00 pm | 5:00 pm to 12:00 am | 6:00 am to 6:00 pm | 6:00 pm to 7:00 am |
| Residential | 100% | 60% | 90% | 80% | 80% |
| Office | 5% | 100% | 10% | 10% | 5% |
| Commercial/Retail | 5% | 80% | 90% | 100% | 70% |
| Hotel | 70% | 70% | 100% | 70% | 100% |
| Restaurant | 10% | 50% | 100% | 50% | 100% |
| Entertainment/Recreation | 10% | 40% | 100% | 80% | 100% |
| All Other | 100% | 100% | 100% | 100% | 100% |

- vi. In the event the City, County or State removes the parking spaces at any time for a public purpose, the property shall be considered legal nonconforming with respect to parking.
 - vii. The construction of on-street public parking spaces may reduce the number of in-lieu public parking spaces required, where a parking in-lieu fee is sought to meet additional parking requirements.
- e. **Parking In-Lieu Fee.**
- i. Subject to the limitations of this Section, new development, changes of use, building additions and/or other improvements, that result in the requirement to provide new parking or additional parking, have the option of requesting some of the parking spaces to be approved by the City Commission through the payment in-lieu of parking program. Required parking for residential components of mixed-use developments are not eligible for this in-lieu option. A maximum limit of 30% of eligible required parking can be provided under this option, except for changes of use, for which there is no maximum.

- ii. Before granting such approvals, the City Commission shall find that adequate public parking options are available and that the request is consistent with the City's Land Development Regulations and the Comprehensive Plan.
- iii. Payment of a fee in-lieu of required parking shall satisfy off-street parking requirements and shall be made pursuant to the following provisions.
- iv. The in-lieu fee is authorized only for property located within the DOD, in compliance with the supplemental overlay district regulations provided herein.
- v. Arrangements for payment shall be approved by the City Commission at the time of the approval of the in-lieu fee. The fee amount shall be as established in the adopted fee schedule for the City of Lake Alfred.
- vi. All proceeds from such fee shall be used for parking facility purposes.
- vii. Parking in-lieu fees may be either paid in full upon issuance of a building permit, or applicants, who choose to pay in-lieu fees in installments, shall enter into an In-lieu of Parking Fee Agreement with the City of Lake Alfred prior to or upon issuance of a building permit. Such agreement shall be recorded with the Polk County Clerk of Courts. The obligations imposed by such an In-Lieu of Parking Fee Agreement constitute a restrictive covenant upon a property, and shall bind successors, heirs and assigns. The restrictive covenant shall be released upon full payment of the in-lieu parking fees including attorneys' fees and costs. In-Lieu of Parking Fee Agreements shall only be made between the City and the Owner(s) of the subject property. If an In-lieu of Parking Fee Agreement is entered into, installment payments shall be made over a three-year time period in three installments. The first installment shall be 50% of the

total fee and is to be paid upon signing the agreement. The second installment shall be 25% of the total fee and is due on the second anniversary date of the signing of the agreement. The third and final payment of 25% of the total fee is due on the third anniversary date of the signing of the agreement. There shall be no interest due under this payment schedule.

- viii. In addition to in-lieu fees due, where adequate right-of-way exists adjacent to a proposed project for which an in-lieu parking fee has been approved, the applicant shall construct additional on-street parking, not to exceed the total amount of spaces subject to in-lieu fees unless authorized by the City Commission. The applicant will be credited up to one-half of a parking space for each full parking space constructed within public right-of-way. (For example, the applicant requests to pay the in-lieu fee on 4 spaces; the applicant constructs 4 spaces in the right-of-way; the applicant shall only pay the in-lieu fee for 2 spaces). Crediting of spaces constructed in the right-of-way resulting in a fraction shall be rounded down.

f. Parking Study Requirements.

- i. Applicability: A parking study, in addition to the application for site development approval, shall be submitted for proposed developments requesting a waiver or reduction of the total number of required off-street parking spaces.
- ii. Contents of the Parking Study: The parking study shall be designed to provide evidence supporting the requested waiver of the required number of parking spaces. The study shall be prepared, signed, and sealed by a certified professional traffic engineer and shall consider the following:
 - Estimates of parking requirements shall be based

on recommendations in studies such as those from the Urban Land Institute (ULI) or the Institute of Transportation Engineers (ITE) based on data collected from uses or combinations of uses that are the same or comparable to the proposed use; comparability shall be determined by density, scale, area, type of activity and location the study shall document the source of data used to develop recommendations; and

- The extent to which a transportation system management program and use of alternative forms of transportation lessen the parking requirement.

6. **Fences.** Fences are prohibited in the Downtown Core (DC) except for the purpose of screening legally nonconforming outdoor storage areas, in accordance with Section 7 below and the requirements of Section 4.5.8 (excluding chain link fences). Fencing shall only be used to the minimum extent necessary to accomplish screening.

7. **Screening.**

- a. Dumpsters shall be fully screened from view. A dumpster enclosure shall be constructed at a height of seven (7) feet using durable building materials and colors coordinated with the overall building design as illustrated in Figure 2.8.
- b. Utility service cabinets and mechanical equipment installed at the ground level shall be located, as best as feasibly possible, where such equipment can be screened from view. Utility equipment shall not be located within a landscaping island in a parking area. Consideration should be given to accessibility for required service and maintenance of such facilities.
- c. Ground-level utilities and mechanical equipment shall be screened using decorative elements like lattice or other constructed features coordinated with the look and

character of the building. Landscaping may also be used to screen such equipment. (See Figure 2.9).

- d. Rooftop utilities and mechanical equipment shall be screened by architectural features like a parapet roof and/or painted to match the color of the building or roof. Figure 2.10 provides an illustration of what is desired and what is prohibited.
- e. Loading and service areas shall not be visible from public roadways and shall be shielded from parking areas, as best as feasibly possible.
- f. Outdoor storage areas are prohibited unless existing prior to the adoption of this Code and/or approved as an alternate design consideration as described in Section 2.3.2.1. Such areas shall be located behind or on the side of buildings and shall not be visible from public roadways or pedestrian activity areas.
- g. Parking areas abutting a street and/or pedestrian-oriented space shall be screened to visually shield the parking area from view. Screening shall be accomplished through the following:
 - i. A landscape buffer meeting the design standards of a "Type A" buffer shall be provided as established in Article 4 of this Code.
 - ii. A knee wall shall also be installed /constructed at a minimum of three feet (3') in height with decorative finish on both sides. The finish may include, but is not limited to, finished stucco, brick and stone treatments (real or simulated) and paint applications.

Figure 2.8 Dumpster enclosure



Figure 2.9 Desired ground-level utilities screening



Figure 2.10 Rooftop utilities screening



8. Landscaping.

a. General Requirements.

- i. Landscaping requirements for all development in the DOD shall also comply with the landscaping standards of Article 4 of this Code, except as expressly supplemented or modified in this section.
- ii. Canopy trees or other small to medium-sized trees are encouraged to be planted along street edges. Buildings with a primary operable entrance on the street-side of the building are encouraged to coordinate such plantings with the placement of pedestrian walkway enhancements, signage, entrance ways, and storefront windows.
- iii. All landscaping in the DOD shall be selected from the preferred plantings lists provided in Figures 2.12 through 2.18. Proposed species not provided in the preferred list may be considered by the Planning Official or his or her designee at the time of development review. The use of native and drought tolerable species is encouraged when a species not provided in the preferred list is proposed. Where LID strategies, as part of on-site stormwater control are proposed, additional species conducive to the operation of the proposed LID strategy may also be considered.
- iv. Trees shall be planted in accordance with Figure 2.11.

Figure 2.11 Minimum tree planting height, planting area, and distance from pavement

| Maximum Tree Size at Maturity | Minimum Planting Height | Planting Area | Minimum Distance from Pavement |
|---------------------------------|-------------------------|---------------------------|--------------------------------|
| (Small) Less than 30 feet tall | 6 feet | 50-150 square feet | 2 feet |
| (Medium) Less than 50 feet tall | 8 feet | 150-300 square feet | 4 feet |
| (Large) Taller than 50 feet | 10 feet | More than 300 square feet | More than 6 feet |

(Source: University of Florida "Planting Area Guidelines," 2011; planting area and distance from pavement; based on minimum 3' soil depth).

- v. Lawn Grasses, Decorative Grasses, and Ground Covers. Grasses and ground covers may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion (generally slopes steeper than a ratio of 10:1). Grassed areas that are installed by methods other than sod shall attain a full grassed coverage within three (3) months of the date of installation. A list of lawn grass, decorative grasses, and ground covers species and their characteristics, including drought tolerance level, soil type, light requirements, wear tolerance and plant maintenance, are provided in Figure 2.17 and Figure 2.18. The selection of lawn grasses, decorative grasses, and ground covers shall be based upon the species and characteristics which are most appropriate for the site.
- vi. Landscape Plans and Permits. Prior to issuance of a development permit, a landscape plan shall be submitted to the Planning Official or his or her designee.
- vii. The landscape plan shall be prepared consistent with the requirements provided in Article 4 of this Code. The landscape plan may be submitted separately, but shall be a part of a site development plan submission, where site development plan submission is required.

No building, grading or site preparation shall be allowed until the landscape plan has been approved by the City.

b. Landscape Buffers.

- i. Landscape buffers are not required within the DC zone, except as otherwise provided in this section.
- ii. Landscape buffers shall be required between uses in both DC and DT zones which directly abut residentially zoned properties. Landscape buffers shall be installed in accordance with the buffering standards provided in Section 4.5 of this Code. Notwithstanding the previous, required landscape buffers between uses may be reduced to a minimum of 2.5 ft in width.
- iii. A landscape buffer shall be provided to screen parking areas from abutting streets and/or pedestrian-oriented spaces as provided in Section 4.5.5 for substantial improvement and New Construction.

- c. **Maintenance.** All landscape areas, including landscaping used for screening purposes shall be maintained and kept in good, living condition so as to present a healthy, neat and orderly appearance and shall be kept free from weeds, refuse and debris, following the issuance of a certificate of occupancy. Maintenance violations shall be subject to penalty in accordance with Article 9 of this Code.

9. Low Impact Development.

- a. **General.** All development within the DOD is encouraged to incorporate Low Impact Development (LID) strategies into design proposals in order to provide mutual economic, environmental, stormwater management, and aesthetic benefits.

- b. **New Construction and existing developments** undergoing substantial improvements that trigger the need for onsite retention improvements are required to incorporate LID strategies into the site design.
- c. **Where LID strategies** are incorporated into the site design, the applicant shall coordinate with the Planning Official and other required permitting agencies.
- d. **Acceptable LID strategies.** The following is a non-exclusive list of acceptable LID strategies that may be applied. Additional strategies may be discussed and considered during the development review process.
 - i. **Shallow retention areas.** This category includes bioretention basins, rain gardens and planted retention areas. These strategies are an alternative to curb and gutter systems where surface water run-off is purposely directed to landscaped infiltration points/areas, generally designed less than two feet in depth and integrated within the landscaped area of a site and within parking areas.
 - ii. **Pervious pavement.** Pervious pavement techniques utilize a variety of materials and construction designs that allow movement and flow of stormwater through sustainable material that contain pores and separation joints with eventual seepage into a base material. Types of pervious pavement include, but are not limited to, porous asphalt and concrete, plastic or concrete grid systems with gravel-filled voids, grass pavers/turf blocks and granitic gravel. Soft gravel, asphalt millings, mulch, crushed limerock, or equivalent are not considered pervious pavement.
 - iii. **Green roofs.** A green roof is a roof of a building that is partially or completely covered with non-invasive vegetation and a growing medium, planted over a waterproofing membrane. The purpose of a green roof is to absorb and treat rainwater, provide buildings with thermal insulation, mitigate the heat island effect and enhance aesthetics.
- iv. **Resource efficient landscapes.** Resource efficient landscapes are Florida-friendly landscapes as defined by F.S. § 373.185. Resource efficient landscapes shall use in-situ (on site) native soils, avoid soil compaction, provide wildlife habitat, reduce cover of turf grass species, use native plant species best adapted to the conditions present before planting and will not need supplemental water, fertilizer and pesticides once established.
- v. **Stormwater reuse.** Engineered surface ponds and other catchment devices which store rainfall for future irrigation and other onsite water use or plumbing purposes. Small scale systems can include cisterns and rain barrels.
- e. **LID strategies** may be approved as set forth in this section, subject to the following, which shall be included by an applicant as part of the development plan submittal:
 - i. The applicant shall demonstrate that the use of LID strategies will address the site's post-development impervious area.
 - ii. LID strategies shall meet all stormwater management requirements required by the Southwest Florida Water Management District and any other permitting agencies.
 - iii. LID strategies shall mitigate and/or remove the need for traditional onsite retention (i.e., stormwater ponds). Any onsite retention that may still be required shall be designed to maximize developable space and be incorporated in such a way as to contribute to the aesthetic quality of the site.
- f. Maintenance shall be the responsibility of the facility owner unless a maintenance and easement agreements are executed.

Figure 2.12 Large trees for the urban environment

| Species | Common Name | Type | Soil | Light | Drought Tolerance | Mature Height (feet) | Mature Crown Spread (feet) | Crown Density | Crown Shape | Mature Canopy Area (sq. ft.) | Root Issues | Growth Rate | P/L (feet) |
|-------------------------|-------------------|--------------|------|-------|-------------------|----------------------|----------------------------|---------------|---------------------------------|------------------------------|------------------------------|-------------|------------|
| Acer rubrum | Red Maple | D | A | F, P | Medium | 35-50 | 25 | Moderate | Oval, Round, Upright | 491 | Can form large surface roots | Fast | 15-30 |
| Liquidambar styraciflua | Sweetgum | D | WD-M | F,P | Medium | 40-100 | 30 | Moderate | Pyramidal, Oval | 707 | Can form large surface roots | Moderate | 30+ |
| Magnolia grandiflora | Southern Magnolia | E | WD-M | F,P | Medium | 40-80 | 25 | Moderate | Pyramidal, Oval | 491 | No | Moderate | 30+ |
| Magnolia virginiana | Sweetbay Magnolia | D, E, Semi E | M-W | P, F | None | 30-60 | 16 | Moderate | Columnar, Vase | 201 | No | Moderate | 15-30 |
| Quercus laevis | Turkey Oak | D | WD | F | High | 40-50 | 25 | Moderate | Round | 431 | No | Moderate | 30+ |
| Taxodium distichum | Bald Cypress | D | A | F, P | High | 60-100 | 20 | Dense | Pyramidal, Upright | 314 | No | Fast | 15-30 |
| Ulmus parvifolia | Drake Elm | E, Semi E | WD-M | F, P | High | 30-40 | 16 | Moderate | Weeping, Round, Vase, Spreading | 201 | No | Moderate | 15-30 |

Type: D = Deciduous, E = Evergreen

Soil Type: WD = Well Drained, M = Medium Drained, W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

P/L: Distance from Power Lines

Note: This is not an all-inclusive list of trees for the urban environment. Trees listed in this Table are rated at 61%-100% for urban tree suitability and performance as based on their growth rate, structure, life span, urban tolerance, and maintenance, per arborists and tree experts throughout the State of Florida (International Society of Arboriculture, revised January 2016).

Figure 2.13 Medium trees for the urban environment

| Species | Common Name | Type | Soil | Light | Drought Tolerance | Mature Height (feet) | Mature Crown Spread (feet) | Crown Density | Crown Shape | Mature Canopy Area (sq. ft.) | Root Issues | Growth Rate | P/L (feet) |
|-----------------------------|--------------------|------|------|---------|-------------------|----------------------|----------------------------|---------------|---------------------------|------------------------------|-------------|-------------|------------|
| <i>Carpinus caroliniana</i> | American Hornbeam | D | A | F, P, S | Medium | 25-35' | 12' | Dense | Oval | 113 | No | Slow | 15-30 |
| <i>Ilex cassine</i> | Dahoon Holly | E | M-W | F, P, S | Medium | 25-30' | 16' | Open | Pyramidal, Oval | 201 | No | Moderate | 15-30 |
| <i>Ilex opaca</i> | American Holly | E | A | F, P, | High | 30-45' | 16' | Dense | Pyramidal | 201 | No | Slow | 15-30 |
| <i>Juniperus silicicola</i> | Southern Red Cedar | E | WD | F, P | High | 25-30' | 12' | Open | Pyramidal, Columnar, Oval | 113 | No | Fast | 15-30 |
| <i>Lagerstroemia indica</i> | Crape Myrtle | D | WD-M | F | High | 15-25' | 12' | Moderate | Vase | 113 | No | Moderate | 0 |

Figure 2.14 Small trees for the urban environment

| Species | Common Name | Type | Soil | Light | Drought Tolerance | Mature Height (feet) | Mature Crown Spread (feet) | Crown Density | Crown Shape | Mature Canopy Area (sq. ft.) | Root Issues | Growth Rate | P/L (feet) |
|----------------------------|--------------|------|------|-------|-------------------|----------------------|----------------------------|---------------|-------------|------------------------------|-------------|-------------|------------|
| <i>Eriobotrya japonica</i> | Loquat | E | WD | F, P | Medium | 15-20 | 10 | Dense | Round | 79 | No | Moderate | 0 |
| <i>Ilex vomitoria</i> | Yaupon Holly | E | A | P, F | High | 15-25 | 8 | Open | Vase, Round | 50 | No | Moderate | 0 |

Type: D = Deciduous, E = Evergreen

Soil Type: WD = Well Drained, M = Medium Drained, W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

P/L: Distance from Power Lines

Note: This is not an all-inclusive list of trees for the urban environment. Trees listed in this Table are rated at 61%-100% for urban tree suitability and performance as based on their growth rate, structure, life span, urban tolerance, and maintenance, per arborists and tree experts throughout the State of Florida (International Society of Arboriculture, revised January 2016).

Figure 2.15 Shrubs for the urban environment

| Species | Common Name | Type | Soil | Light | Drought Tolerance | Mature Height (feet) | Spread (feet) | Plant Density | Flower Color | Growth Rate |
|---|--|------|------|---------|-------------------|----------------------|---------------|--------------------------------|--|-------------|
| <i>Callicarpa americana</i> | American Beautyberry | D | WD | P | Med. | 3-8 | 4-8 | Open | Lavender spring flowers, purple berries | Mod. |
| <i>Duranta erecta</i> | Golden Dewdrop, Skyflower ('Gold mound') | E | WD | F, P | High | 4-18 | 10-15 | Dense | White, Blue, Lavender (Foliage = yellow-green) | Fast |
| <i>Hibiscus aculeatus</i> , <i>H. coccineus</i> <i>H. coccineus</i> <i>H. grandiflorus</i> <i>H. laevis</i> <i>H. moscheutos</i> | Comfortroot Scarlet Rosemallow Swamp Rosemallow Halberdleaf Rosemallow Crimson-eyed Rosemallow | D | WD-M | F, P | Med. | 4-12 | 3-10 | Varies | Varies | Fast |
| <i>Ilex vomitoria</i> | Shilling's Dwarf Holly | E | WD-W | P | High | 4-7 | 6-10 | Dense | White spring flowers | Slow |
| <i>Ligustrum japonicum</i> | Ligustrum or Japanese Privet | E | WD | F, P | High | 8-12 | 15-25 | Dense | White | Mod. |
| <i>Mycianthes fragrans</i> | Simpson's Stopper | E | A | S, P, F | High | Up to 25 | 10-15 | Dense | White w/ red berries | Slow |
| <i>Podocarpus macrophyllus</i> | Podocarpus | E | WD | F, P | High | 30-40 | 20-25 | Mod. | Small purple fruit | Slow |
| <i>Raphiolepis indica</i> | Indian Hawthorn | E | WD | S, P, F | High | 2-10 | 2-6 | Dense | White or pink flowers | Slow |
| <i>Schefflera arboricola</i> * | Dwarf Schefflera | D | WD-M | P, S, F | High | 10-15 | 6-15 | Dense | Brilliant orange-yellow fruit in the winter | Med. |
| <i>Rhododendron</i> cvs. | Azalea | D, E | WD | P | Med. | 3-16 | 3-10 | Ever-green varieties are dense | Varies | Slow |
| <i>Vaccinium obovatum</i> | Walter Viburnum | E | WD | P, F, S | High | 8-25 | 6-10 | Dense | White winter/spring flowers | Mod. |

*May also be used as a small tree (Crown shape:vase, round, spreading)

Figure 2.16 Palms and palm-like plants for the urban environment

| Species | Common Name | Soil | Light | Drought Tolerance | Mature Height (feet) | Spread (feet) | Flower Color | Growth Rate |
|---|--|------|----------|-------------------|----------------------|---------------|-------------------------------------|-------------|
| <i>Bismarckia nobilis</i> | Bismarck Palm | WD | F, P, S, | High | 40-70 | 15-20 | White/cream | Slow |
| <i>Butia capitata</i> | Pindo Palm | WD | F, P | High | 15-25 | 10-15 | White flowers; fruit | Slow |
| <i>Chamaerops humilis</i> | European Fan Palm | WD | F, P | High | 5-15 | 6-15 | Yellow summer flowers | Slow |
| <i>Livistona chinensis</i> | Chinese Fan Palm | WD | F, P | High | 20-50 | 8-15 | Varies | Slow |
| Phoenix spp. (except <i>Phoenix reclinata</i>) | Date Palms | WD-M | F, P | High | 6-80 | 6-25 | Yellow summer flowers | Slow |
| <i>Sabal palmetto</i> | Cabbage Palm, Sabal Palm, Cabbage Palmetto | A | F, P | High | 25-60 | 10-15 | White summer flowers | Slow |
| <i>Zamia floridana</i> | Coontie | WD | P, F, S | High | 2-4 | 3-5 | None; feathery leather-like foliage | Slow |

Soil Type: WD = Well Drained, M = Medium Drained W = Wet, A = All Types

Light: S = Shade, P = Partial Shade, F = Full Sun

Figure 2.17 Lawn grasses

| Characteristics | Bahia | Bermuda | Seashore Paspalum | Zoysia |
|-----------------------|------------------|-------------------------------|--------------------------------------|--------------------|
| Area Adapted To | Statewide | Statewide | Statewide | Statewide |
| Soil | Acid, Sandy | Whole Range | Wide Range | Wide Range |
| Leaf Texture | Coarse-Medium | Fine-Medium | Fine-Medium | Fine-Medium |
| Drought Tolerance | Excellent | Good | Good | Medium |
| Shade Tolerance | Poor | Poor | Poor | Good |
| Wear Tolerance | Poor | Good-Excellent | Good-Excellent | Good-Excellent |
| Nematode Tolerance | Very Good | Poor | Good | Poor |
| Maintenance Levels | Low | Medium-High | Medium | High |
| Uses | Lawns, roadsides | Athletic Fields, golf courses | Lawns, athletic fields, golf courses | Lawns |
| Establishment Methods | Seed, Sod | Sod, sprigs, plugs, some seed | Sod, plugs, sprigs | Sod, plugs, sprigs |

Source: "Selecting a Turf Grass for Florida Lawns," University of Florida IFAS Extension (ENH04, 2007).

Figure 2.18 Grasses and Ground Covers

| Species | Common Name | Soil | Light | Drought Tolerance | Mature Height (feet) | Spread (feet) | Flower Color | Growth Rate |
|----------------------------------|-------------------------|------|-------|-------------------|----------------------|---------------|---|-------------|
| <i>Arachis glabrata</i> | Perennial Peanut | WD | F | High | ½ - 1½ | 1-8 | Yellow flowers summer through fall | Slow |
| <i>Ipomoea batatas</i> | Ornamental Sweet Potato | WD-M | F, P | High | ½ - 1 | 8-10 | Varies | Fast |
| <i>Mimosa strigillosa</i> | Sunshine Mimosa | WD | F | Medium | ½ - ¾ | 8 -10 | Pink powder-puff flowers | Fast |
| <i>Muhlenbergia capillaris</i> | Muhly Grass | WD-W | F | High | 3-5 | 2-3 | Purple/pink plumes in the fall | Medium |
| <i>Trachelospermum asiaticum</i> | Asiatic Jasmine | WD-M | F, P | Medium | 1-3 | 1-30 | White, fragrant, showy spring flowers | Fast |
| <i>Tripsacum dactyloides</i> | Fakahatchee Grass | WD-M | F, P | Medium | 4-6 | 4-6 | Cream/orange/red/yellow spring through summer flowers | Medium |

Soil Type: WD = Well Drained, M = Medium Drained W = Wet

Light: S = Shade, P = Partial Shade, F = Full Sun

10. **Pedestrian Walkway Enhancements.**

- a. Awnings and canopies shall meet the following requirements:
 - i. Shall consist of opaque materials.
 - ii. Shall be uniform in design pattern and color.
 - iii. Shall not be backlit or internally illuminated.
 - iv. Shall be hung above display windows, or other openings providing a minimum of 8-foot vertical clearance above any pedestrian walkway.
 - v. Sign lettering and/or logos shall comprise no more than 30% of the total display surface of any awning or canopy, and shall be included in the calculation of the allowable sign area.
 - vi. Examples of permitted types of awnings and canopies are provided in Figure 2.19.
- b. Cantilevered Roofs, Arcades, and Colonnades, including columns or other supporting structures associated with such elements, shall meet the following requirements:
 - i. Shall be constructed with a minimum vertical clearance of 9-feet above any pedestrian walkway.
 - ii. Shall not encroach on the right-of-way line of any State or County designated roadway.
 - iii. May be constructed up to the curb-line within the right-of-way of any local roadway. A legal agreement between the City and the property owner shall be established acknowledging any encroachments on a right-of-way. The agreement shall be approved as to form by the City Attorney and recorded with the Polk County Clerk of Courts prior to final approval of a site

development plan.

- iv. Examples of a colonnade/arcade and a cantilevered roof are provided in Figure 2.20.

1. **Public Open Space and Amenities.** Public open spaces, including hardscape plazas, open green spaces, water features, public seating areas, and play areas are desirable elements which help contribute to the character of the DOD, and should be treated as visual and functional focal points. Public open spaces shall meet the following requirements:

- a. Public open space(s) on a development site shall constitute, at a minimum, five percent (5%) of the total gross square footage of building area on the site.
- b. Integration of public art is encouraged.

Figure 2.19 Permitted Awnings and Canopies



Figure 2.20 Colonnade, Arcade, Cantilevered Roof



Sec. 2.3.3. Green Swamp Overlay District (GS)

A. Purpose.

1. Pursuant to Article II, Section 7 of the Florida Constitution and F.S. 380.0551, the Green Swamp Area of Critical State Concern (GSACSC or Green Swamp) has been determined to be an area of statewide environmental value. In recognition of this, Lake Alfred shall preserve the integrity of the Green Swamp as an intact ecosystem of statewide significance by protecting its natural resources, including but not limited to, hydrologic regimes, wetland and upland communities, special flood hazard areas, ecologic connectivity, wildlife, and aquifer recharge.
2. Lake Alfred shall also pursue a land use strategy within the GSACSC that emphasizes passive parks, agriculture, and very low to low density residential development protective of the natural environment.
3. The City shall utilize the Conservation Future Land Use district to designate areas for conservation and designate upland areas for preservation for wildlife corridors and connectivity. Within the GSACSC, the City shall implement development criteria such as drainage patterns, soil types, flood types, flood zones, and indigenous vegetation and wildlife to protect natural resources. Lake Alfred, through implementation of these regulations and the Comprehensive Plan, work to balance the protection of the GSACSC as a natural resource of critical state and regional importance with the demands of future growth and development.

- #### B. Applicability.
- All development within the Green Swamp Overlay District, as depicted on the Future Land Use Map, annexed into the City Limits of Lake Alfred shall occur in accordance with the regulations included in this Article, the Lake Alfred Comprehensive Plan, the Lake Alfred Code of Ordinances, and all other laws and policies within Florida Statutes. Where there is a conflict, the more stringent policy or standard shall apply. Requirements addressed in this section are specific to the Green Swamp.

- C. **Agricultural Exemption.** Agricultural uses may be exempt based if a bona fide agricultural use has been established on and/or for the property.
- D. **Green Swamp boundary.** The GSACSC was designated in 1979 by the Florida Legislature pursuant to Florida Statutes. It is legally described within Rule 28-26.002, Florida Administrative Code as adopted in the Lake Alfred Comprehensive Plan. The boundary of the GSACSC as it relates to the boundaries of the City of Lake Alfred City limits and the City of Lake Alfred Public Supply Service Area is depicted on the Future Land Use Map.
- E. **Annexation within the public supply service area.** Based on the information contained in the adopted Development Limitations Map, the City will notify potential applicants for annexation within the Public Supply Service Area of the portions of their property that shall be assigned a Conservation Future Land Use designation.
- F. **Development limitation map.**
 - 1. To ensure the conservation and protection of all special flood hazard areas and wetland areas, areas designated as historical archaeological sites, and other sensitive habitat and natural areas within the Green Swamp ACSC, the data used to develop the Development Limitations Map shall be considered when any development is proposed within the Green Swamp ACSC.
 - 2. There shall be no right to transfer density from wetlands, special flood hazard areas, or lakes within the same ownership nor from one owner to another on the same parcel or on different parcels. However, density may be transferred from the upland buffers associated with these areas and the aquifer recharge area (K.7 below).
- G. **Wetlands, special flood hazard areas, and lakes.**
 - 1. There shall be no development within any wetlands or special flood hazard areas within the GSACSC. The wetlands and floodplains are mapped on the Development Limitations map so that the boundaries are clearly identifiable.
- 2. There shall be a 50-foot buffer upland of all wetlands, and the water's edge of a lake (Ordinary High-Water Line).
- 3. A Conservation area may consist of, but not limited to the following areas:
 - a. An Upland Buffer
 - b. Special flood hazard area
 - c. Areas assigned the Conservation Future Land Use and /or zoning designation
 - d. Other environmentally sensitive areas as identified on the City's Development Limitations Map.
- 4. Conservation Area Development Standards
 - a. The conservation area is in addition to and shall not be a part of any required rear, side, or front yard setback.
 - b. The conservation area shall not include any structures other than docks, nature paths, or elevated walkways.
 - c. The conservation area shall be planted with native species as set forth in this Code in order to encourage the establishment of wildlife habitat. This conservation area shall be planted and maintained as a condition of the development order.
 - d. The conservation area shall be maintained by the property owner, and /or otherwise specified in a deed or subdivision restriction or other instrument addressing the creation, ownership and maintenance of the conservation area or the conservation area may be offered or dedicated to the City of Lake Alfred at the City's option and with the City's consent to accept ownership and/or maintenance.
 - e. In the case where a structure is served by a septic

system rather than sanitary sewer, the setback to any part of the septic system shall be the buffer plus seventy-five (75) feet.

- f. Wetlands shall be maintained in their natural and unaltered state. However, controlled burns, selective thinning, and ecosystem restoration and maintenance activities may be conducted within the wetlands, provided they are performed in accordance with current Silviculture Best Management Practices, published by the Florida Division of Forestry. Any isolated wetland of less than one acre shall be exempt from these requirements.

H. **River and stream crossings.** New river or stream crossings shall be prohibited, unless required for site access. Any such crossings shall:

- 1. Maintain navigability;
- 2. Not impede natural flow of water; and
- 3. Be properly permitted through Local, County, State, and Federal agencies, as required.

I. **Protection of water resources.**

- 1. Lake Alfred shall protect surface and ground water resources associated with the GSACSC for the benefit of present and future residents of Lake Alfred, and to maintain natural hydrologic regimes and biologic functions.
- 2. Development in the GSACSC shall minimize the adverse impacts to and protect the following:
 - a. Floridan Aquifer;
 - b. Normal quantity, quality, and flow of ground and surface water;
 - c. Water available for aquifer recharge;

- d. Normal supply of ground and surface waters;
- e. Water quality and quantity in the GSACSC in accordance with the Principles for Guiding Development within the GSACSC;
- f. Groundwater recharge areas. Protection of aquifer recharge areas in the GSACSC is required by the Principles for Guiding Development for the GSACSC;
- g. Flood detention areas and the natural flow regime of natural; and
- h. drainage basins.

J. **Natural upland communities, habitat of designated species, and wildlife and natural community connection corridors.** See Section 7.5 of the Land Development Code.

K. **Development standards.**

- 1. **Minimum Standards established by FAC 28-27.008.** All development within the Green Swamp Area of Critical State Concern shall meet the minimum Standards established in FAC 28-27.008, which include criteria for surface water and stormwater runoff, soils, revegetation, dredged, borrowed or man-made water bodies, and water quality.
- 2. **Strict regulations.** All development shall be in compliance with and meet or exceed the goals, objectives, and policies adopted in the City's Comprehensive Plan in the Conservation and Future Land Use Elements.
- 3. **Density.**
 - a. **Without municipal service.** The density shall not exceed one unit per ten acres unless the development is served by paved roads, municipal water and sanitary sewer.

- b. **With municipal service.** Residential development is permitted on uplands consistent with the adopted Development Limitations Map at a density not greater than four (4) units per developable acre.
 - c. **Cluster Development.** Development sites may utilize the Master Planned Community (clustering).
 - d. Provisions in Section 3.6.3. along with the ISR incentive (k.7.c below) to reduce lot sizes and cluster residential units to achieve higher net densities per acre while meeting the overall density requirements for the development site.
4. **Minimum development limitations area.** A minimum of 30% of the land within the Lake Alfred GSACSC shall be held within the development limitations area. Included in the calculation for the minimum 30% shall be: land located within the special flood hazard areas; and all wetlands and areas largely characterized by wetlands consistent with the adopted Development Limitations Map; but excluding all surface water courses and lakes.
5. **Impervious surfaces.** Impervious surfaces shall be kept to a minimum. Paving stones or open blocks rather than conventional paving are encouraged; as well as any other building innovations that reduce the amount of overall impervious surface.
6. **Low Impact Development.**
- a. **General.** Existing development within the GS is encouraged to incorporate Low Impact Development (LID) strategies into design proposals in order to provide mutual economic, environmental, stormwater management, and aesthetic benefits.
 - b. New Construction and existing developments undergoing substantial improvements that trigger the need for onsite retention improvements are required to incorporate LID strategies into the site design.
- c. The applicant shall coordinate with the Planning Official and other required permitting agencies on site design for LID strategies.
 - d. **Acceptable LID strategies.** The following is a non-exclusive list of acceptable LID strategies that may be applied. Additional strategies may be discussed and considered during the development review process.
 - i. Shallow retention areas. This category includes bioretention basins, rain gardens and planted retention areas. These strategies are an alternative to curb and gutter systems where surface water runoff is purposely directed to landscaped infiltration points/areas, generally designed less than two feet in depth and integrated within the landscaped area of a site and within parking areas.
 - ii. Pervious pavement. Pervious pavement techniques utilize a variety of materials and construction designs that allow movement and flow of stormwater through sustainable material that contain pores and separation joints with eventual seepage into a base material. Types of pervious pavement include, but are not limited to, porous asphalt and concrete, plastic or concrete grid systems with gravel-filled voids, grass pavers/turf blocks and granitic gravel. Soft gravel, asphalt millings, mulch, crushed limerock or equivalent are not considered pervious pavement.
 - iii. Green roofs. A green roof is a roof of a building that is partially or completely covered with non-invasive vegetation and a growing medium, planted over a waterproofing membrane. The purpose of a green roof is to absorb and treat rainwater, provide buildings with thermal insulation, mitigate the heat island effect and enhance aesthetics.

- iv. Resource efficient landscapes. Resource efficient landscapes are Florida-friendly landscapes as defined by F.S. § 373.185. Resource efficient landscapes shall use in-situ (on site) native soils, avoid soil compaction, provide wildlife habitat, reduce cover of turf grass species, use native plant species best adapted to the conditions present before planting and will not need supplemental water, fertilizer and pesticides once established.
 - v. Stormwater reuse: Engineered surface ponds and other catchment devices which store rainfall for future irrigation and other onsite water use or plumbing purposes. Small scale systems can include cisterns and rain barrels.
 - e. LID strategies may be approved as set forth in this section, subject to the following, which shall be included by an applicant as part of the development plan submittal:
 - i. The applicant shall demonstrate that the use of LID strategies will address the site's post-development impervious area.
 - ii. LID strategies shall meet all stormwater management requirements required by the Southwest Florida Water Management District and any other permitting agencies.
 - iii. LID strategies shall reduce and/or remove the need for traditional onsite retention (i.e., stormwater ponds) by fifteen percent (15%). Any onsite retention that may still be required shall be designed to maximize developable space and be incorporated in such a way as to contribute to the aesthetic quality of the site.
 - f. Maintenance shall be the responsibility of the facility owner unless any maintenance and easement agreements are executed.
7. **Aquifer recharge area.** Recognizing the critical role that the Green Swamp plays in the hydrologic and natural systems of Florida; a portion of the **developable area** shall be reserved for aquifer recharge.
- a. Aquifer recharge area may include:
 - i. Reserved natural habitat;
 - ii. Passive recreation as defined in Sec. 3.3.5.A.2;
 - iii. Paths and trails (with less than 0.10 ISR);
 - iv. 100% of dry stormwater retention; and
 - v. Upland buffers (Setbacks associated with wetlands or lake protection).
 - b. Aquifer recharge does not include:
 - i. Conservation FLU;
 - ii. Wetlands;
 - iii. Surface water;
 - iv. Special Flood Hazard Area;
 - v. Any portion of a developable residential lot; and
 - vi. Right-of-way.
 - c. **Aquifer Recharge / Lot ISR Conversion.**
 - i. To provide opportunities for compatible development, a minimum of 30% of the developable area for a particular development shall be held in open space for aquifer recharge.

- ii. The maximum ISR allowed per residential lot is 0.50 based on the required 30% open space requirement.
- iii. Additional ISR may be added per lot for an equivalent percentage increase in open space on a one-for-one basis. Figure 2.3.3.K provides examples of the relationship between aquifer recharge provisions and maximum permitted ISR per lot.

Figure 2.3.3.K. Aquifer Recharge/ISR Conversion Matrix

| Additional Aquifer Recharge Area | Maximum ISR allowed per lot |
|----------------------------------|-----------------------------|
| 1% | 0.51 |
| 2% | 0.52 |
| 10% | 0.60 |
| Up to a maximum of | |
| 35% | 0.85 |

8. Effective recharge areas.

- a. Projects or portions of projects in Most Effective Recharge Areas shall retain three inches of runoff from directly connected impervious areas within the project. Applicants may instead demonstrate that the post-development recharge will be equal to or greater than the pre-development recharge.
- b. "Most Effective Recharge Areas" are defined as those areas with soils classified by the Soil Conservation Service as Type "A" Hydrologic Soil Group.

- c. "Directly connected impervious areas" are defined as those impervious areas that are connected to the surface water management system by a drainage improvement such as a ditch, storm sewer, paved channel, or other manmade conveyance.
- d. Stormwater shall be infiltrated into the soil or evaporated such that the storage volume is recovered within 14 days following a storm event.
- e. Pollution abatement requirements shall be the first inch (or 2.5 times the impervious area) of runoff for the developed site, or as per the Water Management district, with this volume being recovered within 72 hours.
- f. Single-family detached homes developed without a subdivision plat are exempt from this standard.

9. **Wildlife corridors.** To ensure connections to wildlife corridor in the uplands are not disrupted, and to preserve the natural systems within the uplands of a developable area, open space areas within a development shall be designed adjacent to and connected with the surrounding wildlife corridors. These corridors could be an adjacent open space, natural area, conservation area, wetland, or special flood hazard areas, and/or include open space within an adjacent development.

10. **Protecting existing agriculture.** To ensure that agricultural areas and uses are not impacted by development, a buffer of open space shall be provided between the development and agriculture wherever a developable area is adjacent to an agricultural use.

- a. Open space areas within a development are to be designed adjacent to and connected to the surrounding open space areas of all other developments.
- b. The buffer area may be rented out as pasture land for horses, cattle, or similar grazing animals by the owner of the land, such as the homeowners' association or the city,

at a minimum of one acre of pasture per animal.

- c. The buffer area may be planted and farmed with non-motorized equipment and without the spraying of airborne pesticides or fertilizers or other contaminants that could cause harm to the people in the adjacent development. This section does not apply to bona fide agricultural operations.

11. **Locate development away from environmentally sensitive lands.** Development shall be configured to preserve connections to existing environmentally sensitive lands to the greatest extent practical.

12. **Minimizing disturbance.** Minimize site disturbance and alteration of terrain, through use of design techniques that protect native vegetation and minimize earth movement such as reduced lane widths, stem-wall construction, and swales.

13. **Species list.** A study of listed species is required for all proposed development, based on site verification. If it is determined that listed species are located on the site, a habitat management plan shall be prepared and implemented using guidelines and criteria of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS). This plan shall be reviewed by the appropriate agency (FFWCC or USFWS) prior to commencement of development.

14. **Dark skies.** Dark skies shall be preserved in new developments or construction/renovation that installs or replaces lighting as described in Sec. 4.6.3.

15. **Conservation easements.** Common open space, wetlands, aquifer recharge area, and other natural features protected in perpetuity shall be identified as a separate tract, with associated conservation easement, development agreement, or similar recorded and legally binding instrument, on a recorded plat unless already designated with Conservation FLU.

16. **Landscaping.**

- a. Use of Best Management Practices for native landscaping and "right plant-right place" landscaping techniques to provide compatibility with the natural environment and minimize the use of chemicals, pesticides, and water for irrigation.
- b. No invasive exotic plant species shall be used in landscaping.
- c. Irrigation, beyond landscape establishment, is prohibited (except for food production).
- d. Where a new development creates more than 20 residential lots along CR 557 or CR 557A, a minimum Type D bufferyard, with a berm in lieu of a fence or wall, shall be required along the right-of-way.

L. **Neighborhood support commercial development.** Neighborhood support commercial uses with floor area greater than 2,000 square feet are allowed within residential districts, subject to PUD approval (see Section 2.3.5) and the following special considerations.

1. Neighborhood support commercial developments shall be minor scale (equal to or less than 7,500 square feet of gross floor area) and consistent with the scale and character of existing neighborhoods and businesses.
2. Neighborhood support commercial uses are limited to parcels abutting collector or arterial roadways.
3. Neighborhood support commercial uses may be permitted in areas that are specifically designated and platted for neighborhood commercial uses.
4. Neighborhood support commercial development, other than home occupations, is prohibited on interior subdivision streets.

M. **Uses and Zoning provisions.**

1. Allowed uses, and their provisions, are described in Article 3.
2. Prohibited uses include, but are not limited to:
 - a. Civic Uses: Major government facilities.
 - b. Commercial Uses: Hospitals.
 - c. Industrial: All Heavy Industrial uses.
 - d. Transportation/Utilities uses: airports, power generation.
 - e. Sewage disposal facility, including wastewater sludge, package plants.
 - f. Mining activities for peat, limerock mining, and sand.
 - g. Uses that would generate emissions, discharge, or waste that may result in soil and/or groundwater contamination.
 - h. **Prohibited Zoning Districts:** The assignment of the Heavy Industrial (I-2) Zoning District, and Urban Residential (UR) are prohibited.
 - i. Institutional and utility uses such as hospital, airport/aviation, correctional facility, jail, and/or electric power plant.

N. **Permitting requirements and effective dates.**

1. **In accordance with Chapter 73C-44.002, F.A.C.,** and the **Memorandum of Understanding** with the Florida Department of Economic Opportunity (DEO), the Planning Official shall deliver development orders to DEO for approvals including:
 - a. Subdivision plats.
 - b. Site plans.
 - c. Conditional uses.
 - d. Recreational and institutional uses, including golf courses.
 - e. Any development of principal structures utilizing septic tanks.
 - f. Unified Land Development Regulations.
 - g. Zoning and Rezoning.
 - h. Variances.
 - i. Accessory units that include a kitchen, bedroom, or bathroom.
 - j. Family density exceptions.
 - k. Excavations.
 - l. Any other development approval not referenced as an exemption.
2. **Exemptions.**
 - a. The construction of a single-unit dwelling in a subdivision, provided DEO has approved the construction plans and any amendment to the Development Order;
 - b. New construction or expansion of accessory structures which do not include kitchens, bedrooms, or bathrooms;

- c. Final plats of subdivisions when DEO has approved the construction plans and any amendments to the Development Order;
 - d. New construction of pole barns or agricultural structures that do not include kitchens, bathrooms, or bedrooms;
 - e. Expansion, replacement, or repair of single-family dwellings, or agricultural structures;
 - f. Demolition activity;
 - g. Installation, replacement, or repair of rip rap revetments, seawalls, boat ramps, and docks with appropriate Federal and State permits;
 - h. Temporary structures and uses in existence for less than thirty (30) days;
 - i. Signage and cell towers that do not require access through wetlands; and
 - j. Lot line deviations, provided both lots are not reduced in size to less than what was available prior to request for approval.
3. It shall be the responsibility of the developer to provide all necessary exhibits, applications, or documents to the City to be included in the development order for rendition to the DEO.
 4. City permits will include a reminder note that a development order in the Green Swamp Area of Critical State Concern shall not take effect or be acted upon by the developer until forty-five (45) calendar days after rendition to the DEO, unless a later date is specified in the order. If no comments are received from the DEO by the 45th day, the development order may be acted upon.

Sec. 2.3.4. Historic Overlay District (HOD)

- A. **Purpose:** The purpose of this Section is to establish criteria for historic preservation program.
- B. **Goals.**
 1. To identify structures and sites of historical significance in the City of Lake Alfred;
 2. To protect and preserve unique historic and cultural resources;
 3. To prevent the destruction of historic landmarks;
 4. To enhance public awareness of the city's historic and cultural resources;
 5. To discourage the demolition of sound historic structures; and
 6. To provide special consideration to projects that involve the use of older structures.
- C. **Applicability.**
 1. All properties listed in the National Register of Historic Places and/or the Florida Master Site File of Historic Places shall be classified as Designated Historic Sites.
 2. Any other site or zones may be classified by the City Commission upon a finding that it meets the criteria below.
 3. The Planning Official may issue an official certificate of historic significance to the owners of Designated Historic Sites and is authorized to issue and place official signs at such locations.
- D. **Exemptions.** Structures and buildings classified as Designated Historic Sites shall be entitled to modified enforcement of the Florida Building Code.
- E. **District Map.** The Historic Overlay District map shall be comprised of different zones and individual sites depicting the zones and sites as

approved by the City Commission.

1. **Designated Historic Zone.** A geographically definable contiguous or noncontiguous area possessing a significant concentration, linkage or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.
2. **Designation of Historic Sites.** Designation of historic sites shall be based on the following criteria:
 - i. The site or structure is associated with events that are significant to local, state, or national history; or the site or structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
 - ii. The property is one that, by its location, design, setting, materials, workmanship, feeling, and association adds to the City's sense of time and place and historical development;
 - iii. The property's design, setting, materials, workmanship, feeling, and association have not been so altered that the overall integrity of the site has been irretrievably lost; and
 - iv. The structure or site is more than 50 years old, unless there is a strong justification concerning its historical or architectural merit, or the historical attributes of the structure or site are considered to be less than 50 years old.

F. **Demolition.** Historic structures may be demolished if designated as a health or safety issue by the applicable authority.

G. **Modification of Designated Historic Structures.** No demolition, alteration, or relocation of a historic structure shall be permitted except as provided below:

1. Work that does not require a construction permit and that is done to repair damage or prevent deterioration or decay of a structure or part thereof, as nearly as possible to its condition prior to the damage, deterioration, or decay;-
2. Activity approved by the Building Official that restores the structure's original appearance, or a reasonable approximation;-
3. Activity approved by the City Commission that will not preserve or re-create the structure's original appearance. The Planning Board shall review the proposal and make a recommendation to the City Commission.
4. Nothing in this Section shall be construed to prevent ordinary maintenance or repairs which do not involve a change of design or material, or alter the outward appearance of a building.

H. **New Construction.**

1. All new construction within a Designated Historic Zone shall be reviewed by the Planning Board.
2. The Planning Board may place any conditions on approval that it determines are necessary to protect the integrity of the historic site or area.
3. New structures, parking lots, drainage facilities, and other objects shall be depicted on a site development plan or sketch plan, that shall be submitted to the Planning Official prior to review by the Planning Board. All site alterations shall be consistent with the approved site plan.
4. New construction should not hinder the use or enjoyment of the historic site or surrounding historic properties.
5. New construction shall be visually compatible with the buildings and environment with which it is visually related, including, but not limited to:
 - i. The height, the floor-to-area ratio, the proportion between

- width and height of the exterior, the proportions and relationships between doors and windows, the relationship of solids to voids created by openings in the exterior, the materials used in the exterior, the texture inherent in the exterior, the colors, pattern and trim used in the exterior, and the design of the roof.
- ii. The relationship of building masses and spaces between them.
 - iii. A new street exterior shall relate to adjacent buildings.
 - iv. Architectural features shall be incorporated whenever possible to relate the new with the old and to preserve and enhance the characteristics of the zone.
 - v. The new site feature(s) would be hidden to the greatest extent possible and/or are appropriate and compatible with the balance of the site and adjacent historic sites.

Sec. 2.3.5. Planned Unit Development (PUD)

- A. **Defined.** Planned Unit Development (PUD) districts are a type of development and regulatory process that permits a developer to meet the density and land use goals without being restricted by all the parameters and location of the base zoning districts requirements on the site. The development will usually include the clustering of buildings, designation of open space, and the incorporation of a variety of mixed land uses and increased flexibility for specialized uses.
- B. **Purpose.** The intent of the PUD is to allow a development site with multiple future land uses or zoning districts flexibility in design of the overall development site.
- C. **Relationship to Comprehensive Plan.**
 1. **Consistency.** The development of land uses within a PUD shall be consistent with the pattern of land use designations established on the Future Land Use Map of the Comprehensive Plan. Residential densities and non-residential intensities in a PUD shall not exceed the permitted densities and intensities established in the Comprehensive Plan for the development site.
 2. **Distribution.** The distribution of residential units and/or non-residential floor area, without regard to land use designation boundaries, is in harmony with the intent of the Comprehensive Plan, will not create adverse impacts on surrounding properties, and is justified in order to fulfill a beneficial development concept. In no case, however, shall the total density and/or intensity exceed what is allowed under the provisions of the Comprehensive Plan.
- D. **Goals.** The Planned Unit Development (PUD) district is established to provide for well-planned and/or orderly mixed-use development in any area of the city. Further, PUDs may:
 1. Promote flexibility in development design.
 2. Promote the efficient use of land.

3. Preserve, as much as possible, existing landscape features and amenities.
4. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided.
5. Combine and coordinate architectural styles, building forms, and building relationships within the planned development.
6. Lessen the burden of traffic conflict on streets and highways.
7. Provide for a balanced land use mixture.

E. **Permitted Principal Uses & Structures.** All development within a PUD district shall comply strictly with its approved Master Site Development Plan, the Land Development Code, and the Comprehensive Plan.

F. **Designated Open Space.-**

1. The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities, and other community facilities designated on the Master Development Plan and subdivision or site development plans for individual tracts.
2. Designated open space shall be defined as the total area within the PUD that has been set aside for recreational use, stormwater management, or for preservation in its natural condition, for the benefit of the residents of the development. Open space shall be shown on the Master Development Plan.

3. The minimum open space required in a PUD shall be 30 percent of the net site area, and may include, but shall not be limited to, the following:

- a. Common Recreation Areas, as defined below in Section G Common Recreation Area.
- b. Golf courses.
- c. Passive recreation, as defined in Sec. 3.3.5.A.
- d. Paths and trails (with less than 0.10 ISR).
- e. Upland buffers.
- f. Scrub or other natural areas to be set aside for the preservation of endangered plant or animal species.
- g. 100% of dry stormwater retention.
- h. Setbacks associated with wetlands or lake protection.

4. Designated open space shall not include the following:

- a. Lands designated for residential or commercial use (regardless of density or intensity of these uses).
- b. Parking areas.
- c. Utility easements and road rights-of-way.
- d. Perimeter setback areas, unless developed with bicycle or pedestrian trails.
- e. Sewer and/or water treatment plant sites or lift stations.
- f. Land that has been or is to be conveyed to a public agency for public use via a purchase agreement or dedication for schools, parks, community buildings, or other public

facilities (excluding drainage facilities).

- g. Wetlands, lakes, and other permanent or semi-permanent water bodies.

G. Common Recreation Area.

1. Common recreation areas shall be distributed throughout the PUD and shall be integrated into its overall design.
2. Common Recreation Area shall, at the election of the owner and/or applicant, either
 - a. Constitute not less than one-half of the total area qualifying as designated open space as defined above in Section F, Designated Open Space.
 - b. Provide a Master Park Plan that includes, but shall not be limited to, the following:
 - i. Provides 1,000 square feet of upland recreation space per detached residential unit and 500 square feet of upland recreation space per attached residential unit organized into Pocket, Neighborhood, and Community Parks in accordance with their definitions in Article 10 and applicable standards in Sec.3.3.5; and
 - ii. Provide that every residential unit is within 1,320 feet from a Pocket, Neighborhood, or Community Park (i.e. an average walking distance of 5 minutes). The foregoing distance requirement may not be met by trails.
3. Recreation areas shall be usable and accessible, and shall be improved with facilities to allow a specific use or range of uses. Types of recreation facilities and the acreage assigned to each

shall be shown in tabular form on the Plan.

4. Common Recreation Area may include the following uses and associated facilities:
 - a. Active recreation, as defined in Sec. 3.3.5.A.
 - b. Swimming pools, tennis courts, and playing fields.
 - c. Playgrounds.
 - d. Picnic areas and pavilions, up to twenty percent (20%) of total required Common Recreation Area acreage.
 - e. Golf courses, up to fifty percent (50%) of total required Common Recreation Area acreage.
 - f. Rights-of-way for nature trails, jogging/bicycle paths, or other pedestrian facilities, up to 15 feet in width (excluding sidewalks in residential or commercial areas).
5. The following shall not be included in Common Recreation Areas:
 - a. Streets, road rights-of-way, and parking areas.
 - b. All easements.
 - c. Water bodies and wetlands.
 - d. Ditches, swales, retention areas, and other stormwater management facilities.
 - e. Areas of less than fifty (50) feet in width and five thousand (5,000) square feet in size, unless incorporated into a pedestrian or bicycle circulation system.
6. The Common Recreation Area provisions and standards set forth in Sec. 2.3.5.G of this Code shall apply only to Planned Unit Development(s) with a residential density of two (2) units per acre or greater. Any Planned Unit Development with a residential density that is less than two (2) units per acre or, alternatively, a Planned Unit Development with no residential

use(s) shall not be subject to the Common Recreation Area provisions and standards set forth in Sec. 2.3.5.G of this Code. Residential density shall be determined in strict accordance with Sec. 2.1.1.A.2 of this Code; and, for purposes of this provision, the term "per acre" means developable acreage and/or Net Site Area.

H. **Landscaping.**

1. Landscaping requirements shall be as set forth in Sec. 4.5.
2. The City Commission shall be permitted to impose any additional landscaping requirements that it determines are necessary.

I. **Other Requirements.**

1. **Unified Control.** All land included for the purpose of development within a Planned Unit Development shall be owned or under the control of the applicant, whether that applicant is an individual, partnership or corporation, or a group of individuals, partnerships, or corporations.
2. **Subdivision of property.**
 - a. Property in a Planned Unit Development shall be platted prior to the issuance of building permits.
 - b. Platting of property for residential or non-residential uses shall be carried out according to the requirements of Article 9.
 - c. Development on individual sites shall be reviewed and approved according to the requirements of Article 9 and may occur in stages.
 - d. In the case of lands that have been platted prior to the adoption of this Code, the City Commission may require the landowner to vacate the previous plat or pre-platted lands before any rezoning and Site Plan approval will be considered.

- e. In addition, all payments, easements, and dedications required by this Code and other City ordinances will be applicable to any development within a Planned Unit Development, so that all new development within the City will bear its fair share of provision of public services.

3. **Developer's Agreement.** A developer's agreement, as defined in Section 9.6.8, shall be required for all PUDs.

- J. **PUDs within the Green Swamp Area of Critical State Concern.** Planned Unit Developments shall be allowed in the GSACSC consistent with Section 2.3.3. The Site Plan will undergo review by both the city and the DEO prior to final approval.

- K. **Map Series – PUD District Map.** The PUD District map shall be comprised of individual sites depicting the PUDs as approved by the City Commission. The map shall be accompanied by a table providing the uses, development character, and/or development intensity, and any modifications to setbacks or other development standards.

Sec. 2.3.6. Joint Planning Areas

A. Polk County Joint Planning Area (JPA) – RESERVED

B. Polk County Joint Airport Zoning District (JAZD)

1. **Definitions.**
2. **Polk County Airport Zoning Regulations.** To ensure that land uses, activities, and structures are compatible with the operations of Winter Haven Municipal Airport at Gilbert Field and Brown Seaplane Base, development shall conform to the standards set forth in the Polk County Airport Zoning Regulations, established by the Polk County Airport Board pursuant to Chapter 333, Florida Statutes. The regulations establish certain limits and requirements pertaining to structure height, noise-sensitive land uses, land uses within overflight zones, educational facilities, and land uses or activities that may induce a bird strike hazard or visual or electronic interference with aircraft.
3. **Education facilities.** Education facilities also need to ensure that they do not fall within airport noise zone (see Polk County Airport Zoning Reference Guide).
4. **Map Series.**
 - a. Jack Brown Seaplane Base – Overflight Zones.
 - i. Surface limits for Educational Facilities.
 - ii. Surface limits for Landfills.
 - b. Jack Brown Seaplane Base – Height Notification Zones.
 - i. Surface Limits related to the runway and approach.
 - ii. Horizontal surface limits.
 - iii. Conical surface limits.

- c. Winter Haven Municipal Airport – Overflight Zones.
 - i. Runway Protection Zone.
 - ii. Surface limits for Educational Facilities.
 - iii. Surface limits for Landfills.
- d. Winter Haven Municipal Airport – Height Notification Zones.
 - i. Surface Limits related to the runway and approach.
 - ii. Horizontal surface limits.
 - iii. Conical surface limits.

Sec. 2.4. Nonconformities

Sec. 2.4.1. General Provisions

- A. **Purpose.** The purpose of this section is to set forth regulations pertaining to the continuation and elimination of the existing “grandfathered” legal nonconforming uses and nonconformities which, based on the applicable provision(s) of this Code, no longer conform to the requirements in and/or for the applicable zoning district.
- B. **Intent.** It is the intent of this section to “grandfather” the continuation of existing legal nonconforming uses and/or nonconformities with limitations and restrictions on the extension, enlargement, or expansion of the nonconformity, change of use, rebuilding of damaged or destroyed structures, discontinuation of use, and abandonment of the structure or use; to provide procedure(s) for the elimination of such nonconformities through attrition and amortization; and to provide standards and procedures for determination that a property has lost its status as a legal or “grandfathered” nonconforming use and/or nonconformity.
- C. **Authority.** Pursuant to the provision(s), standards, and procedures set forth in Section 2.4, the Planning Official shall review, interpret, and issue determination(s) related to nonconformities.
 1. Including, but shall not be limited to, the amortization, loss, termination, and/or forfeiture of “grandfather” status of any nonconformity.
 2. At such time as the Planning Official determines that reasons exist for a nonconformity to lose its “grandfather” and/or legal nonconformity status, the Planning Official shall deliver notice of such determination to the property owner.
 3. The notice shall clearly identify the reasons for the determination and shall advise the property owner regarding the appeal process.
 4. The Planning Official shall determine vested development right

and/or entitlement for the continuation of a nonconformity or for qualification of a nonconforming project.

5. The Planning Official shall determine whether a nonconformity or nonconforming use constitutes an amortized nonconformity and/or nonconforming use.
6. Nonconformity relief may be granted in accordance with Section 2.4.6.

D. **Amortization and Determinations.**

1. It is the purpose and intent of this section to provide for the gradual elimination of nonconformities over time.
2. The City of Lake Alfred has legislatively declared that certain nonconformities, by their nature, present a substantial likelihood of detrimental effect on adjoining uses and on the health, safety, and general welfare of the community at large. As such, the city disfavors the extension and continuation of nonconformities and, by way of attrition or amortization, seeks to gradually eliminate such nonconformities.
3. The City Commission may, by resolution, establish an amortization schedule for nonconformities. The amortization schedule shall, at a minimum:
 - a. Identify the nonconformities subject to amortization.
 - b. Determine the length and duration of the amortization.
4. In accordance with the established amortization schedule, the Planning Official shall determine the applicable length and/or duration of the amortization for the subject nonconformities.
5. In determining whether a certain nonconformity constitutes an amortized nonconformity and the duration of any such amortization, the Planning Official shall consider certain criteria, as follows:

- a. The nature and extent of the nonconformity.
 - b. The type of use(s) located adjacent to the amortized nonconformity.
 - c. The length of time that the nonconformity has existed.
 - d. Consistency with the City of Lake Alfred Comprehensive Plan.
 - e. Whether the property owner possesses vested development rights.
 - f. Whether the nonconformity has been abandoned.
 - g. Whether the nonconformity has been expanded.
 - h. Improvements and investments made by the property owner.
 - i. The realistic investment-backed expectation(s) of the property owner in the development of the nonconformity.
6. The burden shall be the burden of the property owner to prove, by competent substantial evidence, that amortization of the subject nonconformity does not allow for the realization of the property owner's realistic investment backed expectation(s).
 7. Any determination or decision of the Planning Official may be appealed to the Development Review Special Magistrate.

E. **Types of Nonconformities.**

1. Nonconforming Lots.
2. Nonconforming Uses.
3. Nonconforming Buildings and Structures.
4. Nonconforming Communications Towers or Antennas.

F. **Continuation of Nonconformities.**

1. Unless otherwise specifically provided in this section and, subject to the restrictions and qualifications set forth herein, nonconformities and/or a nonconforming project existing on the effective date of this section may be continued.
2. In general, for nonconformities existing on the effective date of this section, the nonconformity shall not be changed, extended, enlarged, expanded, and/or relocated.

G. **Loss of Nonconformity Status.** Upon compliance with the procedure(s) set forth in Section 2.4.6., the Development Review Special Magistrate may determine that the "grandfather" status of the nonconformity and/or nonconforming use has been lost, terminated, and/or forfeited under any of the following circumstances:

1. Abandonment of the use.
2. Unlawful extension or expansion of the use.
3. Relocation of the use.
4. Reestablishment following abandonment.
5. The change of use to a more intensive use.

H. **Definitions.** For purposes of this Section, the following terms shall possess the meaning(s) set forth herein, as follows:

1. **Abandon/Abandonment** means the intentional and voluntary relinquishment of the nonconforming use and/or nonconformity. The temporary cessation of a nonconforming use and/or nonconformity does not operate to affect an abandonment of the nonconforming use and/or nonconformity. For purposes of this section, "temporary cessation" means a temporary cessation of a nonconforming use and/or nonconformity for a period of time not to exceed 120 consecutive days. In the event of discontinuance of a nonconforming use and/or nonconformity for a period of time

exceeding 120 consecutive days or a period of time totaling 180 calendar days within a calendar year, the nonconforming use and/or nonconformity shall be deemed abandoned.

2. **Attrition** means the amortization of time or a stated time period which, upon the expiration and/or passage of same, requires the voluntary relinquishment and/or phasing out of a nonconforming use and/or nonconformity.
3. **Discontinue/Discontinuance** means to cease a use or activity or the use of a building or structure with the intent to resume the same or another use or activity within the short term; provided however, a discontinuation of use for a period of equal to or greater than 180 days in a calendar year shall constitute an abandonment, unless the owner of the subject property is granted an extension of time by the Development Review Special Magistrate in accordance with Section 2.4.6. Discontinuance includes temporary and/or short-term interruptions in a use (shall not exceed 365 days), during periods of remodeling, maintaining or rearranging a facility, or during normal periods of vacation or seasonal closure, and changes of use or tenancy, or periods during which the property is being held for sale or lease.
4. **Expansion/Enlargement** means the expansion, extension, or enlargement of a nonconforming use and/or nonconformity resulting in a nonconforming use and/or nonconformity forfeiting its "grandfather" status. In determining whether an expansion, extension or enlargement of a nonconforming use and/or nonconformity is unlawful, certain factors shall be taken into consideration, as follows: (1) change in scope; (2) change in volume; (3) change in geographic size; (4) change in area of the nonconforming use and/or nonconformity; and (5) change increases size, density and/or need for infrastructure.
5. **Forfeiture** means the unlawful expansion, extension, enlargement, reestablishment or relocation of a nonconforming use and/or nonconformity resulting in the forfeiture of its legal nonconforming or "grandfather" status. However, a change in ownership in and of itself shall not terminate or forfeit a legal

nonconformity and/or legal nonconforming use.

6. **Nonconforming lot** means a lot that does not meet the zoning requirements for minimum lot area, lot depth or lot width, for any use, for the zoning district in which such lot is located.
7. **Nonconforming structure** means a building or structure that was legally permitted prior to a change in law and, as a result of the change in law, the building or structure does not meet the applicable zoning district's regulations for dimensions (height, bulk, setback), location, site improvements, and/or development standards.
8. **Nonconforming project** means a development that has undergone any form of administrative review within the 180 calendar days immediately preceding the effective date of this section.
9. **Nonconforming Use** means a use that existed lawfully prior to a change in law, which includes, but shall not be limited to, the adoption of a zoning ordinance; and, as a result of the change in law, the establishment and/or re-establishment of such use is not legally permitted.
10. **Nonconformity** means a nonconforming use, nonconforming structure, nonconforming lot and/or zoning nonconformity that occurs as a result of the adoption of a zoning ordinance.
11. **Nonconformity relief** means relief necessitated by the establishment of a nonconforming use and/or nonconformity, abandonment of a nonconforming use and/or nonconformity, amortization of a nonconforming use and/or nonconformity, and forfeiture of a nonconforming use and/or nonconformity which may be granted by the Development Review Special Magistrate in accordance with Section 2.4.6.

Sec. 2.4.2. Nonconforming Lots

- A. When a nonconforming lot can be used in conformity with all of the regulations applicable to the intended use, except that the lot is

smaller than the required minimum lot area or lot width applicable to the zoning district, the Planning Official may approve the use of the lot provided:

1. A determination is made that the proposed use of the lot will not be contrary to the public interest.
 2. A determination is made that enforcement of the applicable regulation(s) would result in an undue hardship, which is not the result of any act and/or action(s) of the property owner.
 3. In all other instances, the lot is or shall be made conforming.
- B. When a use proposed for a nonconforming lot is one that is conforming in all respects, except for the setback requirements applicable to the zoning district, the applicant may apply for:
 1. A variance (Section 9.9.3).
 2. Nonconformity relief pursuant to Section 2.4.6.
 - C. For purposes of this section, nonconformity relief may be granted by the Development Review Special Magistrate in accordance with Section 2.4.6. and so long as:
 1. The proposed use is a permitted use in the applicable zoning district.
 2. Such use cannot be accomplished in conformity with the dimensional and/or setback requirements without undue hardship.
 3. For purposes of this section, an undue hardship shall not include a financial hardship.
 - D. If a property owner of one (1) or more undeveloped nonconforming lots adjoining one (1) or more other undeveloped nonconforming lots for which legal title is held by the same property owner, nonconformity relief shall not be granted where joining or resubdivision of the adjoining lots could result in making the lots conforming.

Sec. 2.4.3. Nonconforming Uses

A. Enlargement and Extension.

1. Except as otherwise provided for in this Section, a nonconforming use may not be enlarged, expanded, or increased.
2. A nonconforming use may not be extended to cover more land than was occupied by the use when it became nonconforming.

B. Moving Nonconformity.

1. A nonconformity and/or nonconforming use shall not be moved in whole or in part to any other portion of the parcel occupied by such use when it became nonconforming.
2. Pursuant to Sec. 2.4.4, this provision is not applicable to Mobile Homes and Mobile Home Parks.

C. Converting Nonconformity.

1. A nonconforming use shall not be converted to another less intensive nonconforming use, except pursuant to an order granting nonconformity relief pursuant to Section 2.4.6.
2. In no event shall a nonconforming use be changed to a more intensive nonconforming use.

D. Changing to Conforming Use.

1. A nonconforming use may be changed to a conforming use regardless of whether the new use conforms to the dimensional requirements of the applicable zoning district.
2. In such instances, the Planning Official may issue an administrative waiver identifying and waiving the nonconforming development standards and/or other dimensional requirements arising out of any change from a nonconforming use to a conforming use.

E. Discontinuation and Abandonment.

1. If a nonconforming use is discontinued, it may be resumed without further review by the City and/or Planning Official.
2. If a nonconforming use is abandoned, any subsequent use of the land shall conform to the use restrictions, development standards, and other dimensional requirements of the applicable zoning district.
3. Nonconformity relief may be granted in accordance with Section 2.4.6.

Sec. 2.4.4. Nonconforming Buildings and Structures

A. Mobile Homes and Mobile Home Parks.

1. Subject to Chapter 723 of the Florida Statutes, existing mobile homes and mobile home parks that are nonconforming by use shall not be expanded in area.
2. For purposes of this section, it shall not be unlawful for the replacement of a mobile home located within an existing mobile home park, which is nonconforming by use.
3. Except as otherwise provided for in this Section, the replacement of an existing nonconforming Mobile Home located on property, which is not part of a Mobile Home Park (as defined in Sec. 3.6.5.A) zoned to allow for mobile home(s), shall be prohibited.
4. Mobile homes and/or mobile home parks that are nonconforming by design may be expanded in area and/or modified so as to reduce or eliminate the aspects of design resulting in nonconformity.

5. **Annexation of Mobile Home(s) and Mobile Home Park(s).** In the event a Mobile Home and/or Mobile Home Park is annexed into the corporate limits of the City of Lake Alfred, Florida, and, as a result of the annexation and applicable provision(s) of this Code, the Mobile Home and/or Mobile Home Park is nonconforming by use or design, the Planning Official may authorize the annexed Mobile Home and/or Mobile Home Park to be moved and/or modified so long as the Gross Site Area (as defined in Sec. 2.1.1.A.1.a) is not enlarged or extended.
6. Nonconformity relief may be granted in accordance with Sec. 2.4.6 of this Code.

B. **Residential.**

1. **Indefinite Continuation.** Any residential dwelling unit, building, or structure made nonconforming as to dimensional requirements, site improvement requirements, and/or development standards set forth by this Code may be continued indefinitely, unless such dwelling unit, building or structure is made subject to amortization as more specifically set forth in Section 2.4.1.D.
2. **Repair, Maintain and Renovation.** Any existing single-family dwelling or multiple-family dwelling unit, building, or structure made nonconforming as to development standards, dimensional requirements, and/or site improvement requirements by this Code may be repaired, maintained, and remodeled without limitation as to the cost of work in relation to the value of the building or structure.
3. **Enlargement.** Any existing single-family dwelling or multiple-family dwelling unit, building, or structure that are nonconforming by size, but not by use, may be enlarged if the addition will reduce a nonconformity of floor area and will meet required setbacks. Any existing single-family dwelling or multiple-family dwelling unit, building, or structure that are nonconforming by setback, but not by use, may be enlarged if all new construction meets required setbacks.

4. **Extension.** Any existing single-family dwelling or multiple-family dwelling unit, building, or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code may be extended so long as such extension does not contribute to nor increase the specific nonconforming dimensional or site improvement requirements and comply with the applicable standards.
5. **Rebuild or reconstruct.** Any existing single-family dwelling or multiple-family dwelling unit, building, or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code shall not be rebuilt or reconstructed.
6. **More Intensive Use.** The use of any existing single-family dwelling or multiple-family dwelling unit, building, or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code shall not be changed to another more intensive use unless such use is permitted by this Code and complies with all applicable requirements, including development standards or other dimensional requirements, site improvement requirements, and parking requirements.
7. **Abandonment.** If any existing single-family dwelling or multiple-family dwelling unit, building, or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code are abandoned, any subsequent use of the unit, building, and/or structure shall conform to the use restrictions, development standards, and other dimensional requirements of the applicable zoning district.
8. **Parking.** Any existing single-family dwelling or multiple-family dwelling unit, buildings, or structures made nonconforming as to parking space requirements by this Code may be continued indefinitely; provided, however, that upon the extension or enlargement of such use, there shall be compliance with the parking space requirements of this Code.

9. Nonconformity relief may be granted in accordance with Section 2.4.6.

C **Non-Residential.**

1. **Indefinite Continuation.** Any existing non-residential building or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code may be continued indefinitely, unless such building or structure is made subject to amortization as set forth in Section 2.4.1.D.
2. **Rebuild, Repair and Renovation.** Any existing non-residential building or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code shall not be rebuilt, repaired and/or renovated in excess of fifty percent (50%) of the assessed value of the structure, as determined by the Polk County Property Appraiser.
3. **Extension and Enlargement.** Any existing non-residential building or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code shall not be extended or enlarged.
4. **More Intensive Use.** The use of any existing non-residential building or structure made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code shall not be changed to another more intensive use.
5. **Abandonment.** If any existing non-residential buildings or structures made nonconforming as to development standards or other dimensional requirements and/or site improvement requirements by this Code are abandoned, any subsequent use of the buildings and/or structures shall conform to the use restrictions, development standards, and other dimensional requirements of the applicable zoning district.

6. **Parking.** Any existing non-residential buildings or structures made nonconforming as to parking space requirements by this Code may be continued indefinitely; provided, however, that upon the extension or enlargement of such use, there shall be compliance with the parking space requirements of this Code.
7. Nothing in this Section shall be deemed to prevent the restoring to a safe condition of any building or part thereof declared to be unsafe by any City or State official charged with protecting the public health or safety, upon the issuance of a written order by any such official finding a building to constitute an unsafe and/or dangerous structure.
8. Nonconformity relief may be granted in accordance with Section 2.4.6.

Sec. 2.4.5. **Nonconforming Communications Towers or Antennas.**

A **Abandonment.**

1. In the event the use of any communications tower and/or communications antenna has been abandoned, the owner/operator of the communications tower and/or communications antenna shall have 180 calendar days from the date on which the Planning Official determines the use was abandoned in order to resume the use, transfer the ownership/operation and the use thereafter resume, or cause the communications tower and/or communications antenna to be removed or dismantled.
2. In no case shall a communications tower and/or communications antenna remain in a state of abandonment for more than one calendar year. The owner of the real property shall be responsible for all costs of and/or for the removal of the communications tower and/or communications antenna. In the event that the communications tower and/or communications antenna remain(s) in a state of abandonment for one calendar year, the City may initiate abatement proceedings and assess any and all costs arising out of the abatement against the real property.

B. **Nonconforming.** Nonconforming communications towers and/or

communications antennas that are damaged or destroyed may be rebuilt to the same or similar condition without having to first submit a Site Development Plan for review, as follows:

1. The type, height and location of the communications towers and/or communications antennas on the site shall be the same as the original facility (i.e., no expansion, modification or increased intensity).
2. Building permits shall be required in order to rebuild the communications towers and/or communications antennas, and the building permits shall be obtained within 180 calendar days from the date on which the communications towers and/or communications antennas were damaged or destroyed.
3. If no building permit is obtained as set forth herein, or said building permit expires and no request for extension is timely filed, the communications towers and/or communications antennas shall be deemed abandoned.

C. Nonconformity relief may be granted in accordance with Section 2.4.6.

Sec. 2.4.6. Nonconforming Relief and Appeals.

A. Procedures.

1. Administrative procedures for applications and review are established in Article 9.
2. All proceedings before the Development Review Special Magistrate shall be "quasi-judicial" and therefore, pursuant to the requirements (i.e., procedural, evidentiary, rehearing, etc.) set forth in Article 9.

B. Review Criteria. For purposes of this section, the Development Review Special Magistrate shall consider certain factors in deciding cases for "nonconformity relief" and any appeal related to the administrative decision(s) of the Planning Official, as follows:

1. Consistency with the City of Lake Alfred Comprehensive Plan.

2. Whether the property owner possesses vested development right(s).
3. Development of the property for permitted uses is not reasonably possible without the nonconformity.
4. Except as expressly provided in Section 2.4, the nonconformity shall not increase, expand, enlarge or create a nonconforming use and/or condition.
5. Whether the nonconformity may continue without any adverse impact on surrounding properties.
6. Whether the nonconformity is detrimental to the public health, safety, and general welfare.
7. Whether the nonconformity is the minimum necessary to accommodate the proposed use.
8. Whether the adverse impact on surrounding properties, if any, resulting from the nonconformity may be mitigated.
9. Any of the factors set forth in Section 2.4.1.D.5.
10. Any other competent substantial evidence presented to the Development Review Special Magistrate for review and consideration.

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Article 3. Use Provisions



Article 3. Use Provisions

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Sec. 3.1. Conditional Uses

Sec. 3.1.1. Classification of Uses

- A. **Use categories.** In order to regulate use, categories of uses have been established. Use categories provide a systematic basis for assigning land uses to appropriate categories with other similar uses. Use categories classify land uses and activities based on common functional, product, or physical characteristics.
- B. **Characteristics.** Characteristics include the type and amount of activity, the hours of operation, how goods or services are sold or delivered, impact on surrounding properties and site conditions.
- C. **Definitions.** Definitions are included for each use category. The definition are for terms used in this Article. Article 10 may also cross reference definitions in this Article for use throughout this Code.
- D. **Included Lists.** Where a use category contains a list of included uses, the list is serves as typical uses, and may not be all-inclusive.
 - 1. **Principal uses** means the use that constitutes the primary activity, function or purpose of a parcel of land or building. See Sections 3.2 thru 3.7.
 - 2. **Accessory uses.** See Section 3.8.
 - 3. **Temporary uses.** See Section 3.9.
- E. **Agricultural Exemption.** Agricultural uses may be exempt if a bona fide agricultural use has been established on and/or for the property.

Sec. 3.1.2. Use Approval and Interpretation

- A. **Approval Criteria.** Review and approval of a specific use considers adherence to use standards, if specified, as well as the following criteria:
 - 1. **Consistency with the comprehensive plan.** The proposed use is consistent with the goals and objectives of the City of Lake Alfred Comprehensive Plan and assigned Future Land Use.

- 2. **Location.** In some instances, uses require distance separation; distances shall be measured from property line to property line, along the shortest distance between property lines, without regard to the route of normal travel (as the crow flies), unless otherwise specified.
- 3. **Concurrency.** Level of Service shall be adequate at the time of the use proposal.
- 4. **Impact analysis.** The proposed use has been analyzed to identify impacts to adjacent properties, the character of the neighborhood, parking, or other matters affecting use compatibility, property values, and the general welfare of the city.

- B. **Interpretation by the Planning Official.** The Planning Official is responsible for categorizing all uses. If a proposed use is not listed in a use category, but is similar to a listed use, the Planning Official may consider the proposed use as part of that use category. When determining whether a proposed use is similar to a listed use, the Planning Official will consider the following criteria:

- 1. The actual or projected characteristics of the proposed use.
- 2. The amount of site area or floor area and equipment devoted to the proposed use.
- 3. The amounts of sales.
- 4. The number of employees.
- 5. Hours of operation.
- 6. Building and site arrangement.
- 7. Types of vehicles used and parking requirements.
- 8. The number of vehicle trips generated.
- 9. The proposed signage.
- 10. The impact on surrounding properties.

- C. **Planning Official determination.** A determination made by the Planning Official shall follow the administrative approval process, as described by Article 9, which would include the preservation of a written record.

Sec. 3.1.3. Key to Use Table

- A. **Administrative Approval (A).** "A" indicates that the use requires approval by the Planning Official (see Article 9).
- B. **Board Approval (B).** "B" indicates that the use requires approval by the Planning Board (see Article 9).
- C. **Commission Approval (C).** "C" indicates that the use requires approval by the City Commission (see Article 9).
- D. **Use Not Permitted (-).** A hyphen indicates that a use is not permitted.

Sec. 3.1.4. Use Table

- A. The tables on the following pages present, in a quick-reference form, information regarding permissible, conditional, temporary and special land uses, and development standards for all base zoning districts.
- B. These tables shall be read in conjunction with the regulations within this Code including sections for specific zoning districts in Section 2.1.6 and regulations for specific overlay districts in Section 2.3. In the event of a conflict with the Use Table and specific zoning districts in Section 2.1.6, the provisions in the applicable zoning districts shall prevail. In the event of a conflict with the Use Table and the provisions within the respective overlay district in Section 2.3, the provisions within the applicable overlay district shall prevail.

- C. All approval processes are described in Article 9.

Sec 3.1.4(a) Key to Use Table for Overlay Districts:

Underlying Zoning (UL): Unless otherwise provided for in this Code, the (UL) designation means that the uses in the overlay district defer back to the underlying zoning designation. Specific uses or types of uses prohibited within the overlay district section (Sec. 2.3) shall supersede the table of uses.

Prohibited (Pr): Prohibited use in the overlay district. This prohibition shall supersede any use allowance in the underlying zoning designation.

Administrative (A), Board (B), or Commission (C): Represents the level of approval required for the respective use in the overlay district. However, the use must also be permissive in the underlying zoning designation for it to be allowed in the overlay district.

An **asterisk (*)** in the table indicates that specific provisions regarding the respective type of use is provided for in the respective overlay district and/or underlying zoning district.

Sec. 3.1.4. Use Table

| District Category | Residential | | | | | Mixed-Use | | | | Commercial/ Industrial | | | Special Purpose | | | Overlay Districts | | | Definitions & Standards |
|--------------------------------|-----------------|----|-----|------|------|-----------|----|-----|-----|---------------------------|-----|-----|-----------------|-----|-----|-------------------|-----|--------------|-------------------------------|
| | Zoning District | RR | VRN | RN-1 | RN-2 | MHP | UR | C-1 | C-2 | C-3 | I-1 | I-2 | CN | P-R | P-B | /GS | /DT | /DC | |
| Agriculture | | | | | | | | | | | | | | | | | | | |
| Rural Agriculture | A | - | - | - | - | - | - | - | - | - | - | - | - | - | - | UL | Pr | Pr | Sec. 3.2.2 |
| Urban Agriculture | A | A | A | A | - | A | A | A | - | - | - | - | A | A | UL | UL | UL | Sec. 3.2.3 | |
| Civic | | | | | | | | | | | | | | | | | | | |
| Civic Assembly | B | B | B | B | - | B | A | A | A | B | - | - | A | A | UL | UL | UL | Sec. 3.3.2 | |
| Education | | | | | | | | | | | | | | | | | | Sec. 3.3.3 | |
| Primary Education | B | B | B | B | - | B | B | A | - | - | - | - | - | A | C | UL | UL | Sec. 3.3.3 | |
| Secondary & Higher Education | - | - | C | C | - | C | C | B | - | - | - | - | - | B | C | UL | UL | Sec. 3.3.3.C | |
| Government Facility | | | | | | | | | | | | | | | | | | Sec. 3.3.4 | |
| Major Facilities | - | - | - | - | - | - | - | - | B | C | - | B | C | - | Pr | Pr | Pr | Sec. 3.3.4.B | |
| Minor Facilities | - | - | - | - | - | B | A | A | A | A | B | A | A | A | UL | UL | UL | Sec. 3.3.5 | |
| Recreation and Open Space | A | A | A | A | - | A | A | A | - | - | - | B | A | A | UL | UL | UL | Sec. 3.3.5 | |
| Commercial | | | | | | | | | | | | | | | | | | | |
| Adult Entertainment | - | - | - | - | - | - | - | A | A | A | - | - | - | - | UL | Pr | B | Sec. 3.4.2 | |
| Alcohol Beverage Establishment | - | - | - | - | - | - | A | A | A | A | A | - | - | - | UL | UL | UL | Sec. 3.4.3 | |
| Day Care | | | | | | | | | | | | | | | | | | Sec. 3.4.4 | |
| Day care home (≤6 persons) | A | A | A | A | - | A | A | - | - | - | - | - | - | - | UL | UL | UL | Sec. 3.4.4.C | |
| Day care home (>6 persons) | - | - | - | A | - | A | A | A | A | - | - | - | - | - | UL | UL | UL | Sec. 3.4.4.D | |
| Lodging | | | | | | | | | | | | | | | | | | Sec. 3.4.5 | |
| Bed & Breakfast (≤5 rooms) | B | B | A | A | - | A | A | A | - | - | - | - | - | - | UL | A | A | Sec. 3.4.5.C | |
| Boutique Hotel (≤15 rooms) | - | - | - | A | - | A | A | A | - | - | - | - | - | - | UL | UL | UL | Sec. 3.4.5.D | |
| Hotel (>15 rooms) | - | - | - | B | - | A | B | A | - | - | - | - | - | - | Pr | Pr | B | Sec. 3.4.5.E | |
| Vacation Rental-Reserved | | | | | | | | | | | | | | | | | | Sec. 3.4.5.F | |
| Medical | | | | | | | | | | | | | | | | | | Sec. 3.4.6 | |
| Hospital | - | - | - | - | - | - | - | B | B | B | B | - | - | A | Pr | UL | UL | Sec. 3.4.6.A | |
| Pharmacy | - | - | - | - | - | B | B | B | - | - | - | - | - | B | UL | UL | UL | Sec. 3.4.6.B | |
| Mini-Warehouse | - | - | - | - | - | - | B | A | A | A | - | - | - | - | UL | Pr | Pr | Sec. 3.4.7 | |

| District Category | Residential | | | | | Mixed-Use | | | Commercial/ Industrial | | | Special Purpose | | | Overlay Districts | | | Definitions & Standards | |
|--|-----------------|----|-----|------|---|-----------|-----|----|---------------------------|-----|-----|-----------------|-----|----|-------------------|-----|-----|----------------------------|---------------|
| | Zoning District | RR | VRN | RN-1 | | RN-2 | MHP | UR | C-1 | C-2 | C-3 | I-1 | I-2 | CN | P-R | P-B | /GS | | /DT |
| Office | - | - | - | - | - | A | A | A | A | - | B | - | A | A | A | UL | UL | A | Sec. 3.4.8 |
| Recreation, Indoor | - | - | - | - | - | - | - | A | A | A | B | - | A | A | UL | UL | UL | UL | Sec. 3.4.9 |
| Recreation, Outdoor | - | - | - | - | - | - | - | - | A | B | - | - | A | A | UL | Pr | Pr | Pr | Sec. 3.4.10 |
| RV Campground | - | - | - | A | - | A | - | B | B | - | A | - | B | B | UL | Pr | Pr | Pr | Sec. 3.4.11 |
| Restaurant | - | - | - | B | - | A | B | A | A | A | A | - | - | B | UL | UL | UL | UL | Sec. 3.4.12 |
| Retail & Services, Heavy Flea Market | - | - | - | - | - | - | - | B | A | A | - | - | - | B | C* | Pr | Pr | Pr | Sec. 3.4.13 |
| Retail & Services, Light Commercial Center (CC) | - | - | - | B | - | B | A | A | A | - | - | - | - | A | A | UL | UL | A | Sec. 3.4.14 |
| Community CC (< 150,000 SF) | - | - | - | - | - | - | - | B | A | A | - | - | - | - | UL | B | A | A | Sec. 3.4.15.A |
| Regional CC (≥ 150,000 SF) | - | - | - | - | - | - | - | - | A | A | - | - | - | - | C | C | A | A | Sec. 3.4.15.B |
| Vehicle Service & Repair | - | - | - | - | - | - | - | - | A | A | A | - | - | A | Pr | Pr | Pr | Pr | Sec. 3.4.16 |
| Major Vehicle Service | - | - | - | - | - | - | - | - | A | A | A | - | - | A | Pr | Pr | Pr | Pr | Sec. 3.4.16.D |
| Minor Vehicle Service | - | - | - | - | - | - | - | B | A | A | A | - | - | A | UL | B | A | A | Sec. 3.4.16.E |
| Industrial | | | | | | | | | | | | | | | | | | | |
| Artisan Manufacturing | - | - | - | - | - | A | A | A | A | A | - | - | A | A | B* | UL | UL | UL | Sec. 3.5.2 |
| Heavy Industrial | - | - | - | - | - | - | - | - | - | B | A | - | - | - | Pr | Pr | Pr | Pr | Sec. 3.5.3 |
| Light Industrial | - | - | - | - | - | - | - | B | A | A | A | - | - | B | B* | Pr | Pr | Pr | Sec. 3.5.4 |
| Warehouse | - | - | - | - | - | - | - | - | A | A | A | - | - | A | UL | Pr | Pr | Pr | Sec. 3.5.5 |
| Waste/Recovery | - | - | - | - | - | - | - | - | B | B | A | - | - | B | Pr | Pr | Pr | Pr | Sec. 3.5.6 |
| Junkyard | - | - | - | - | - | - | - | - | B | B | A | - | - | B | Pr | Pr | Pr | Pr | Sec. 3.5.6.D |
| Recycling Center, Outdoor | - | - | - | - | - | - | - | B | A | A | A | - | - | A | Pr | Pr | Pr | Pr | Sec. 3.5.6.E |
| Recycling Center, Indoor | - | - | - | - | - | - | - | - | A | A | A | - | - | - | Pr | Pr | Pr | Pr | Sec. 3.5.6.F |
| Wholesale Trade | - | - | - | - | - | - | - | - | - | A | - | - | - | - | Pr | Pr | Pr | Pr | Sec. 3.5.7 |

| District Category | Residential | | | | Mixed-Use | | | | Commercial/ Industrial | | | Special Purpose | | | Overlay Districts | | | Definitions & Standards |
|---|-------------|-----|------|------|-----------|----|-----|-----|---------------------------|-----|-----|-----------------|-----|-----|-------------------|-----|-----|----------------------------|
| | RR | VRN | RN-1 | RN-2 | MHP | UR | C-1 | C-2 | C-3 | I-1 | I-2 | CN | P-R | P-B | /GS | /DT | /DC | |
| Residential | | | | | | | | | | | | | | | | | | |
| Congregate Living | | | | | | | | | | | | | | | | | | Sec. 3.6.2 |
| Assisted Living Facility | - | - | - | A | - | A | - | A | - | - | - | - | - | - | UL | UL | UL | Sec. 3.6.2.B |
| Community Residential Home | | | | | | | | | | | | | | | | | | Sec. 3.6.2.C |
| 6 or fewer residents | A | A | A | A | - | B | - | B | - | - | - | - | - | - | A | UL | UL | Sec. 3.6.2.C.1 |
| 7 to 14 residents | - | - | - | A | - | A | - | A | - | - | - | - | - | - | UL | UL | UL | Sec. 3.6.2.C.2 |
| 15+ residents | - | - | - | B | - | A | - | A | - | - | - | - | - | - | UL | UL | UL | Sec. 3.6.2.C.3 |
| Group Housing | - | - | - | A | - | A | - | A | - | - | - | - | - | - | UL | UL | UL | Sec. 3.6.2.D |
| Nursing Home | - | - | - | A | - | A | - | A | - | - | - | - | - | - | UL | UL | UL | Sec. 3.6.2.E |
| Master Planned (Cluster) Development | A | A | A | B | - | - | B | - | - | - | - | - | - | - | UL | UL | UL | Sec. 3.6.3 |
| Live/Work | B | B | B | B | - | A | A | A | - | - | - | - | A | A | UL | A | A | Sec. 3.6.4 |
| Mobile Home Park | - | - | - | A | A | A | - | B | - | - | - | - | - | - | - | - | - | Sec. 3.6.5 |
| Multi-unit | | | | | | | | | | | | | | | | | | Sec. 3.6.6 |
| Multiplex (<9 units) | - | - | B | A | - | A | B | A | - | - | - | - | - | - | A | UL | UL | Sec. 3.6.6.D |
| Apartment (≥9 units) | - | - | - | B | - | A | - | A | - | - | - | - | - | - | Pr | B | A | Sec. 3.6.6.E |
| Single-unit, attached | - | A | A | A | - | A | A | A | - | - | - | - | A | - | UL | UL | UL | Sec. 3.6.7 |
| Single-unit, detached | A | A | A | A | - | A | A | A | - | - | - | - | - | - | UL | UL | Pr | Sec. 3.6.8 |
| Transportation/ Utilities | | | | | | | | | | | | | | | | | | |
| Airport & Heliport | - | - | - | - | - | - | - | - | - | B | B | - | - | B | Pr | Pr | Pr | Sec. 3.7.2 |
| Power Generation | B | - | - | - | - | - | - | - | - | B | B | - | - | B | Pr | Pr | Pr | Sec. 3.7.3 |
| Service Station/Truck Stop | - | - | - | - | - | - | B | A | A | A | A | - | - | A | C | Pr | B | Sec. 3.7.4 |

| District Category | Residential | | | | | Mixed-Use | | | | Commercial/ Industrial | | | Special Purpose | | | Overlay Districts | | | Definitions & Standards |
|-------------------------------------|-----------------|----|-----|------|---|-----------|-----|----|-----|---------------------------|-----|-----|-----------------|----|-----|-------------------|-----|-----|-------------------------------|
| | Zoning District | RR | VRN | RN-1 | | RN-2 | MHP | UR | C-1 | C-2 | C-3 | I-1 | I-2 | CN | P-R | P-B | /GS | /DT | |
| Utilities | | | | | | | | | | | | | | | | | | | |
| Major Utilities | B | B | B | B | - | B | B | B | B | B | B | B | - | - | A | UL* | UL | UL | Sec. 3.7.5.B |
| Minor Utilities | A | A | A | A | - | A | A | A | A | A | A | A | A | A | A | UL | UL | UL | Sec. 3.7.5.C |
| Wireless Communication Facility | - | - | - | - | - | - | - | - | - | B | B | B | - | - | A | UL | UL | UL | Sec. 3.7.6 |
| Accessory Structures and Use | | | | | | | | | | | | | | | | | | | |
| Accessory Dwelling Unit | A | A | A | A | - | A | A | A | A | A | A | A | A | A | A | UL | UL | UL | Sec. 3.8.2 |
| Boathouses, Docks, Piers | A | A | A | A | - | A | A | A | A | A | A | A | - | A | A | UL | UL | UL | Sec. 3.8.3 |
| Communication Devices | A | A | A | A | - | A | A | A | A | A | A | A | - | A | A | UL | UL | UL | Sec. 3.8.4 |
| Collection Bin | - | - | - | - | - | - | A | A | A | A | A | A | - | - | A | UL | UL | UL | Sec. 3.8.5 |
| Drive-Thru Facility | - | - | - | B | - | A | A | A | A | B | - | - | - | - | A | UL | B | UL | Sec. 3.8.6 |
| Home-Based Business | A | A | A | A | - | A | A | A | - | - | - | - | - | - | - | UL | UL | UL | Sec. 3.8.7 |
| Micro-brewery | - | - | - | - | - | B | A | A | A | A | A | A | - | - | - | UL | UL | UL | Sec. 3.8.8 |
| Renewable Resource Structures | A | A | A | A | - | A | A | A | A | - | - | - | - | - | - | UL | UL | UL | Sec. 3.8.10 |
| Residential Accessory Structures | A | A | A | A | - | A | A | A | - | - | - | - | A | A | UL | UL | UL | UL | Sec. 3.8.1 |
| Sidewalk Café | - | - | - | B | - | B | A | A | - | - | - | - | - | - | A | UL | UL | A | Sec. 3.8.11 |
| Swimming Pools & Enclosures | A | A | A | A | - | A | A | A | - | - | - | - | A | A | UL | UL | UL | UL | Sec. 3.8.12 |
| Sales and Storage of Gas | B | - | - | - | - | - | B | A | A | A | A | A | - | - | A | B | A | UL | Sec. 3.8.13 |
| Temporary Use Structures | | | | | | | | | | | | | | | | | | | |
| Farmers' Market | A | A | A | A | - | A | A | A | A | - | - | - | - | A | A | UL | UL | UL | Sec. 3.9.2 |
| Food Trucks | - | - | - | A | - | A | A | A | A | A | A | A | - | A | A | UL | UL | UL | Sec. 3.9.3 |
| Open Air Seasonal Sales | - | - | - | - | - | - | A | A | A | A | A | - | - | A | A | UL | UL | UL | Sec. 3.9.4 |
| Roadside Stands | A | - | - | - | - | - | - | - | - | - | - | - | - | - | - | UL | Pr | Pr | Sec. 3.9.5 |
| Special Events | A | A | A | A | - | A | A | A | A | A | A | A | A | A | A | UL | UL | UL | Sec. 3.9.6 |
| Temporary Events Tents | A | A | A | A | - | A | A | A | A | A | A | A | A | A | A | UL | UL | UL | Sec. 3.9.7 |
| Temporary Construction Buildings | A | A | A | A | - | A | A | A | A | A | A | A | - | A | A | UL | UL | UL | Sec. 3.9.8 |
| Portable Storage Container | A | A | A | A | - | A | A | A | A | A | A | A | - | A | A | UL | UL | UL | Sec. 3.9.9 |

Sec. 3.1.5. Rules for All Uses

- A. Development sites shall be large enough to accommodate all required parking, stormwater management or other development requirements as required by all appropriate permitting agencies and regulations, and other standards and facilities within the associated Zoning District.
- B. **Outdoor display.** Outdoor display is the temporary placement of merchandise for sale or rental outside of the enclosed building, subject to the following provisions.
 - 1. **Hours of operation.** Outdoor display of merchandise is only permitted during hours of operation for the use.
 - 2. **Signage.** Signage for goods or materials displayed outdoors may also require permitting in accordance with Article 6.
 - 3. **Obstructions.** Good or materials shall not be displayed where it obstructs any ingress/egress to any building; where it obstructs any required off-street parking spaces, loading areas, drive aisles, pedestrian ways, visibility triangles or emergency vehicle access; or on any required landscaped areas. The display of goods or materials shall not obscure the visibility of posted street address numbers from the primary street frontage.
- C. **Outdoor storage.** Outdoor storage is the placement of merchandise offered for sale as a permitted use or equipment, machinery and materials used in the ordinary course of a permitted use, outside of a completely enclosed building.
 - 1. Outdoor storage is prohibited unless otherwise specified within the standards of a specific use.
 - 2. When permitted by a specific use, the following provisions apply.
 - 3. Location.
 - a. Outdoor storage forward of the front building line is prohibited.
 - b. Allowed to the rear and sides of the lot, except where prohibited by use.
- c. On corner lots, outdoor storage shall not extend forward of the front building line in the side yard.
- d. Outdoor storage shall be prohibited on through-lots.
- e. Outdoor storage for multiple buildings, within a development site, shall be permitted in a manner consistent with the intent of this section.
- f. Outdoor storage for multiple buildings shall only be permitted behind the front building line of the building that is farthest from any street.
- g. Outdoor storage must be located at least 10' from any other building.
- 4. **Buffer.** Outdoor storage uses are subject to bufferyard requirements outlined in Section 4.5.4 where a buffer is required, outdoor storage shall not occur higher than the buffer within twenty (20) feet of the property boundary requiring the buffer.
- 5. **Screening.** All outdoor storage shall be screened from off site view. Outdoor storage visible along a right- of - way shall, at a minimum, be screened using a Type B buffer with a fence/wall in accordance with Section 4.5.4.
- 6. **Obstructions.** Outdoor storage shall not obstruct any ingress/egress to any building; obstruct any required off-street parking spaces, loading areas, drive aisles, pedestrian ways, visibility triangles or emergency vehicle access; or be placed on any required landscaped areas.
- 7. **Nuisance.** Outdoor storage areas shall be maintained so as to prevent any nuisance conditions including odors, the harborage of rodents and pests, and the wind drift or drainage of material onto adjacent properties, streets or stormwater collection facilities.
- D. **Night Operations.**
 - 1. Night operations are conducted between the hours of 10:00 p.m. and 6:00 a.m.

2. Night operations, including loading and unloading, are prohibited within 100 feet of the property line in any residential zoning district, unless conducted within a completely enclosed building.
3. This prohibition shall not apply to night watchmen or other security operations or in the event residential development subsequently develops adjacent to an existing use.

Sec. 3.2. Agricultural

Sec. 3.2.1. General

A. **Defined.**

1. Bona fide agriculture and/or silviculture means the good faith commercial agricultural and/or silvicultural use of the land determined by using the factors outlined in F.S. § 193.461.
2. Agricultural Tax-Exempt Properties means, in Polk County, in order to qualify for an agricultural tax-exempt status, the property must be fenced and must be certified by an inspector from the Polk County Property Appraiser's Office. All rules for tax-exempt status are in accordance with F.S. § 193.461.
3. Agritourism is any agricultural-related activity consistent with a bona fide farm, livestock operation, ranch, or a working forest that allows members of the general public for recreational entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training, and exhibition, or harvest-your-own activities and attractions.

B. **Includes.** Agriculture includes, but is not limited to, "horticulture; floriculture; viticulture; forestry; dairy; livestock; poultry; bee, pisciculture (breeding, hatching, and rearing of fish), when the land is used principally for the production of tropical fish; aquaculture; sod farming; and all forms of farm products and farm production." F.S. § 193.461.

C. **Annexed Property.** Such properties may be annexed into the City of Lake Alfred and continue an already qualified agricultural use, as allowed by the State, under F.S. § 193.461.

Sec. 3.2.2. Rural Agriculture

- A. **Defined.** Rural Agriculture means the cultivation of plants and livestock in residential areas that are characterized as agricultural in nature.
- B. **Includes.**
 1. **Commercial greenhouses and orchards.**
 2. **Groves, row crops, and vineyards.**
 3. **Plant nurseries, horticulture, and ornamental horticulture areas.**
 4. **Ranching and pasturing livestock.**

Sec. 3.2.3. Urban Agriculture

- A. **Defined.** Cultivation of plants and limited livestock on a lot no greater than one (1) acre in area, within the core of the City with municipal infrastructure. Food products sold for human consumption may require permits from the Florida Department of Agriculture and Consumer Services (FDACS) Division of Food Safety and/ or Division of Fruit and Vegetables.
- B. **Includes.**
 1. **Aquaponics/hydroponics.**
 2. **Community/market gardens.**
 3. **Limited livestock.**
- C. **Within Downtown.** All urban agricultural activities shall be contained within an enclosed structure or on a rooftop.
- D. **Aquaponics/Hydroponics.** Raising plants and/or aquatic species in a closed system that is in no way connected to natural waterways.
- E. **Community or Market Gardens.** Community Gardens means land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Activities may include districts allowing retail sales, the incidental retail sale of edible fruits or vegetables, or other plant products.
 1. **Property maintenance.** The property shall be maintained in an orderly and neat condition:

- a. No trash or debris shall be stored or allowed to remain on the property outside of approved garbage containers.
- b. Tools and supplies shall be stored indoors or removed from the property daily.
- c. Vegetative material (e.g., compost), additional dirt for distribution and other bulk supplies shall be stored to the rear or center of the property, shall be kept in a neat and orderly fashion and shall not create a visual blight or offensive odors.
- d. Large power tools (e.g., mowers, tillers) shall be stored at the rear of the property.
- e. The community garden shall be designed and maintained to prevent any chemical pesticide, fertilizer or other garden waste from draining off of the property. Pesticides and fertilizers may only be stored on the property in a locked building or shed and shall comply with any other applicable requirements for hazardous materials.

2. **Sale of produce.**

- a. On-site retail sales of products grown on-site, including value-added products such as pickles and jams, are permitted only in zoning districts where retail sales are allowed.
- b. Surplus produce may be sold off the premises.

F. Limited Livestock.

- 1. **Apiary.** Apiaries are only allowed if the person owning or leasing the property is a beekeeper with an apiary that is registered with the Florida Department of Agriculture and Consumer Services.

Sec. 3.3. Civic

Sec. 3.3.1. General

- A. **Defined.** Civic Assembly is defined as places of assembly that provide knowledge and cultural enrichment to the general public, as well as public meeting areas.
- B. **Includes:**
 - 1. **Civic Assembly.**
 - 2. **Education.**
 - 3. **Government Facility.**
 - 4. **Recreation and Open Space.**

Sec. 3.3.2. Civic Assembly

- A. **Defined.** Civic Assembly is defined as places of assembly that provide knowledge and cultural enrichment to the general public, as well as public meeting areas.
- B. **Includes:**
 - 1. **Clubs or lodges.**
 - 2. **Community centers.**
 - 3. **Educational facilities.**
 - 4. **Libraries, museums.**
 - 5. **Place of worship.**

Sec. 3.3.3. Education

- A. **Defined.** A facility that provides educational instruction. Education uses include:
 - 1. **Secondary and higher education facilities.** An institution of higher education, such as a high schools, college, university, or vocational school including general or liberal arts education, graduate level education, and technical or professional training.
 - 2. **Primary schools.** A public or private schools at the primary,

elementary, middle, or junior high level that provides basic academic education.

B. Uses Standards.

1. **Frontage.** The development site shall frontage on and have two primary access points.
2. **Landscaping.** Landscaping, canopy trees, and bufferyards shall be designed and installed in accordance with Section 4.5. Landscaping shall be provided in all setback areas according to Table 4.9.
3. **Lighting.** Parking lot and outdoor recreation lighting shall be required and meet the standards established in Section 4.6.

C. Secondary and Higher Education Facilities.

1. **Permitted uses.** Permitted uses include activities conducted in order to conduct classes, undertake research, and house students and faculty.
 - a. Research sites and facilities including indoor or outside laboratories, greenhouses, processing facilities,
 - b. Recreation facilities such as parks; public and private golf courses; tennis and racquetball centers and facilities; playgrounds; softball, baseball, football, soccer fields and stadiums and associated concessions, parking and facilities; walking paths and trails; water sports facilities; jogging and bike trails with exclusive right-of-way; and other similar facilities and uses.
 - c. Commercial facilities to serve the students, such as, offices, banks, bookstores, health centers, and cafés.
 - d. Residential facilities such as dormitories, apartments, and single-unit or security dwellings.
2. **Density and intensity.** The Floor Area Ratio shall not exceed 2.0 and the residential density shall not exceed 12 units per acre.

Sec. 3.3.4. Government Facility

- A. **Defined.** Any building, structure, or use owned, occupied, or operated by a governmental agency.
- B. **Major Facilities.** A government facility that may involve dangerous, noxious, or offensive uses or a facility that includes assembly of large groups or populations with increased infrastructure or resource impacts.
 1. **Includes:**
 - a. Auto license/tag facility.
 - b. Jail/correctional facility.
 - c. Landfills.
 - d. Police station with jail.
 2. **Use Standards.**
 - a. Minimum of five (5) acres.
 - b. A minimum of a Type B Buffer shall be installed.

- C. **Minor Facilities.** A government facility that is similar to a light retail and service facility in terms of size, scale, infrastructure needs and impacts.

Includes:

- a. City Hall.
- b. Fire station.
- c. Library.
- d. Police station.
- e. Post Office.

Sec. 3.3.5. Recreation and Open Space

- A. **Defined.**
 1. **Recreational area or recreation area** means any common area or dedicated public area, including open space or buildings, but not including streets or off-street parking or loading areas, which is usable for either passive or active recreational activities.

2. **Passive recreational activities** are those that involve mere observation or only a small amount of activity to derive relaxation or pleasure, and they include such pursuits as sightseeing, bird watching, picnicking, fishing, and the like.
3. **Active recreational activities** are those that require a certain degree of physical exertion in order to obtain exercise or a release of energy, and they include both team sports and individual sports, playground activities, exercise facilities, and the like.

B. Includes:

1. **Cemetery-** A burial ground or graveyard with or without a mausoleum.
2. **Open Space** - Open space includes greens and plazas that provide a place to focus civic activity at the center of town or a neighborhood.
3. **Parks** – An area of natural, semi-natural, man-made, or other designated space set aside for human enjoyment, recreation, or protection of wildlife or natural habitats. See Article 10 for definitions of specific park types, including but not limited to pocket, neighborhood, community, linear, and regional parks.

C. Use Permits:

1. The use of an open space area, park, or recreational facility open to the public may require a special event permit as described in Sections 3.8 or 3.9.
2. Use of an open space area, park, or recreational facility is not permitted between the hours of 11:00 PM and 6:00 AM, unless other hours are specifically approved as part of a PUD, conditional use, or special event permit.

D. Open Space. Open spaces provide opportunities for public gathering, such as:

1. Multi-purpose lawn areas and trails.
2. Tot lots.
3. Informal picnic areas.
4. Amphitheatres.

5. Raised stages and gazebos.
6. Larger hardscape and seating areas

E. Neighborhood Parks. Neighborhood parks provide local centers of activity and recreation immediately accessible to residents. Neighborhood Parks should be distributed throughout neighborhoods, to allow all residents a 15-minute walk to a local park. Most users should not need to cross any arterial streets to get to the park. Where possible, Neighborhood Parks should be shared with elementary schools and should connect with the trail and greenway network. Neighborhood Parks should provide modest and flexible recreation opportunities that meet basic neighborhood needs and accommodate multiple purposes. They are designed with a focus on informal active and passive recreation serving the immediate neighborhood needs, providing recreational activities such as field games, court games, picnicking, and playground areas. Neighborhood parks can range in size and dimension and may include, but are not limited to, linear open spaces, playgrounds, splash pads, dog parks, and other similar facilities.

1. Required features include:

- a. Sidewalk access.
- b. Meet or exceed ADA requirements.
- c. Playground.
- d. Shaded passive amenities.
- e. A minimum of half an acre of upland open space.

2. Recommended Features include:

- a. Multi-purpose lawn areas and trails.
- b. Small court game areas.
- c. Community gardens.
- d. Band Stage.
- e. Dog Park.
- f. Outdoor Gym.
- g. Splash Pad.

F. Community Parks. Sites for community parks should be distributed to allow each major area within Lake Alfred to be within bicycling or driving distance or an active recreation area. Where possible, link these sites and their facilities with the trail and greenway network. Community Parks should contain features that serve the larger community. These parks may contain, but are not to be limited to, athletic complexes, aquatic amenities, walking

paths, picnic areas, and various other active and passive amenities, depending upon community needs and site suitability.

Recommended features include:

1. Multiple recreation playing fields (suitable for organized play).
2. Multiple tennis and basketball courts.
3. Swimming centers, amphitheaters.
4. Group picnic areas.
5. Tot lots.
6. Storage.
7. Off-street parking.
8. Larger group pavilions for a minimum of 900 sq ft of pavilion space.

G. Park Design.

1. **Perimeter Frontage.** Parks shall be surrounded by streets and/or building fronts, except where they are bound by woodlands, creeks, agricultural uses, or other significant open space features. In any event, at least one-quarter (25%) of a park's perimeter should front onto a public street. Under no circumstances may the edge of a park be formed entirely by a rear yard fence unless such property consists of a linear park or trail with the facing edge being a natural system; surrounding buildings shall have entries and windows facing the park.
2. **Paths.** Park paths shall support direct connections from neighborhoods and surrounding commercial areas into parks. A fence shall not prohibit access from neighborhoods into a park. Parks that are contiguous to dry or wet retention are recommended to have paths or trails that loop the pond or otherwise connect to other parks or portions of the surrounding pedestrian network (i.e., no dead ends). Up to 10 feet wide of a path or trail's area that is outside of the envelope of a given park may be credited and attributed to up to twenty percent of a park's acreage (e.g. A 5-acre Community Park could have up to 1 acre of trail added to the park for a total of 6 acres; in excess of the defined maximum of 5 acres).
3. **Climatic Design.** Parks should provide comfortable areas for sitting and recreation year-round. Parks should include adequately shaded areas for comfortable summer use and sun-exposed areas for

comfortable winter use. Mailbox kiosks and bus shelters may be placed within a park and included in its space.

4. **Natural Features.** Parks shall be designed to conserve valuable natural features, including creeks, habitats, woodlands, and existing heritage trees.
5. **Views.** Vistas from surrounding streets that end in a park shall be encouraged. Loading and storage areas shall not occupy these vistas.
6. **Crime Prevention.** All greens, plazas, parks, and trails shall incorporate Crime Prevention Through Environmental Design (CPTED) concepts.
7. **Space.** All park types should be designed as functional and accessible spaces that support active and passive recreation. To promote functional and optimal usage, a park's length should not exceed three times its average width (with the exception of Linear Parks). Parks built as functional and accessible spaces may be considered as both passive and active recreation.

Sec. 3.4. Commercial

Sec. 3.4.1. General.

A. **Defined. RESERVED**

Sec. 3.4.2. Adult Entertainment Establishment

A. **Defined.** Any sexually oriented business that excludes minors by virtue of age and includes sexually oriented cabaret, sexually oriented motion picture theater, motion picture arcade, massage parlor, establishment, or practice that is not licensed under F.S. Ch. 480, and sexually oriented retail store.

B. **Includes:**

1. Adult bookstores and theaters.
2. Establishments offering massage, body rubs, and similar activities to the exclusion of minors.

C. **Does Not Include:**

1. Medical and therapeutic services provided by state-licensed practitioners.
2. Any business qualifying as an incidental adult material.

D. **New Establishments:**

1. No adult entertainment establishment shall be located within 500 feet of any residential zoning district.
2. No adult entertainment establishment shall be located within 2,000 feet of any civic facility.
3. No adult entertainment establishment shall be located within 1,000 feet of another adult entertainment establishment.

E. **Applicability of Other Laws and Ordinances.** Nothing in this Code shall be construed to authorize, allow, or permit the establishment of any

business, the performance of any activity, or the possession of any item, which is obscene under the judicially established definition of obscenity.

Sec. 3.4.3. Alcohol Beverage Establishment

A. **Defined.** A commercial use with the primary function of serving alcoholic beverages for consumption on the premises, although some establishments may also serve food or have entertainment.

B. **Includes.**

1. **Bar, tavern, or lounge.**
2. **Brewpub.**
3. **Nightclub or bottle club.**

C. **Distance Restrictions.**

1. No alcoholic beverage establishment may be located within 600 linear feet of any public or private school, duly accredited and offering any grades from kindergarten through the twelfth grade.
2. The distance shall be measured by path of travel from main entrance of each facility.

D. **Exceptions.** The following are exempt from separation requirements:

1. **Restaurants.** Establishments primarily in the service of food and non-alcoholic beverages, with alcoholic beverages generally only consumed or sold in connection with the consumption or sale of food during all hours of operation. The facility shall have permanent kitchen facilities located within the premises in which meals are regularly prepared for service to patrons of the establishment and furthermore shall meet the following criteria:
 - a. **License.** The establishment is licensed as a restaurant by the State of Florida, pursuant to Chapter 509, F.S.
 - b. **Revenues.** The establishment derives at least 51% of its gross revenues from the sale of food and non-alcoholic beverages.
 - c. **Outdoor Sales.** The establishment does not allow outdoor sale

or outdoor consumption of alcoholic beverages between 7 a.m. and 5 p.m., Monday through Friday.

- d. **Continuous Food Sales.** Food shall be continuously ready to be prepared, served, and sold during all business operational hours.
 - e. **Record of Sales.** The establishment promptly provides all records of food and alcoholic beverage sales to the City, upon request by the City.
2. **Package Sale of Beer and/or Wine.** The provisions of this section shall not apply to a vendor who operates an establishment, the primary purpose of which is the package sale of beer and/or wine, and who permits on-premise consumption only for the purpose of beer and/or wine tasting, incidental to the package sale of such beer and/or wine, at no charge to the customer.
3. **Alcohol Sales as an Accessory Use.** The provisions of this section shall not apply to facilities where alcoholic beverages sales are incidental including, but not limited to; bowling alleys, fraternal and benevolent clubs, chartered or incorporated clubs, colleges and universities, congregate living facilities with common dining facilities, hotels, bed and breakfasts, tennis clubs, golf courses, and civic centers.

Sec. 3.4.4. Day Care

- A. **Defined.** A use in which shelter, care and supervision for children or adults on a regular basis away from their residence for less than 24 hours a day. A day care facility may provide basic educational instruction.
- B. **Includes.**
 - 1. **Day care home (≤6 persons).**
 - 2. **Day care center (>6 persons).**
- C. **Day Care Home.** A day care for a maximum of six (6) persons in the residence of the provider. The following use standards apply:
 - 1. **Owner occupied.** The day care shall be carried on by a resident of

the structure as either a sole proprietorship or a corporation that is wholly owned by the residents of the structure or a partnership where all partners are residents of the structure.

- 2. **Occupancy.** No more than six (6) persons shall be cared for at any given time.
- D. **Day Care Center.** A day care is any place, building, or location, other than an occupied dwelling, where care is provided for six (6) or more persons, not related to the operator. Such care may be rendered day or night. Such term specifically includes a kindergarten (when not part of a school), nursery school, childcare center, preschool, and adult day care facility where staffing complies with state licensing requirements.

Sec. 3.4.5. Lodging

- A. **Defined.** A building or other structure used and maintained as primarily a place where sleeping and supplemental accommodations are supplied to transient guests.
- B. **Includes:**
 - 1. **Bed and breakfast (≤5 rooms).**
 - 2. **Boutique hotel (≤15 rooms).**
 - 3. **Hotel (>15 rooms).**
 - 4. **Vacation rental.**
- C. **Bed & Breakfast.** A residential dwelling unit personally and physically operated and occupied by the owner or manager in which, as a use subordinate to and included in the residential dwelling unit, provide accommodations for transient guests, in return for payment, are provided an overnight sleeping room and limited food service. Bed and breakfast facilities shall not exceed five (5) rooms nor shall they include retail uses, public bar, conference center, or special event facilities.
- D. **Boutique Hotel.** A facility where overnight accommodations not exceeding 15 rooms are provided for compensation.
- E. **Hotel.** A facility with more than 15 rooms where overnight accommodations are provided for compensation.

- F. **Vacation Rental.** A dwelling unit that is also a transient public lodging establishment, according to F.S. 509.242, shall be licensed by the State of Florida, including registration with the Florida Department of Revenue for tax purposes.

Sec. 3.4.6. Medical

- A. **Hospital.** Establishments providing medical, diagnostic, and treatment services, including physician, nursing, specialized accommodations, and other health services to inpatients. Hospitals may also provide outpatient services as an accessory use.
- B. **Pharmacy.** Establishments preparing, dispensing, and retail sale of prescription or nonprescription drugs, as well as medical, healthcare, and other personal products. Uses involving drive-thru facilities shall be subject to the applicable use restrictions (see Section 3.8.6).
1. **Medical Marijuana Dispensing.** Subject to F.S. 381.986, medical marijuana dispensing facility means a facility that dispenses cannabis to qualified patients for a medical use, and not a recreational use, pursuant to all applicable regulations of the State of Florida, as may be amended from time to time.
- a. **Distance separation.** A medical marijuana dispensing facility may not be located within 500 feet of the real property that comprises a public or private elementary school, middle school, or secondary school unless approved by the City Commission at a public hearing at which the City determines that the location promotes the public health, safety, and general welfare of the community.
- b. **Security.** Maintain a fully operational security alarm system that secures all entry points and perimeter windows and is equipped with motion detectors; pressure switches; and duress, panic, and hold-up alarms.
- c. **Surveillance.** Maintain a video surveillance system that records continuously twenty-four (24) hours a day and meets the following criteria:
- i. Controlled areas. Cameras are fixed in a place that allows

for the clear identification of persons and activities in controlled areas of the premises. Controlled areas include grow rooms, processing rooms, storage rooms, disposal rooms or areas, and point-of-sale rooms.

- ii. Entrances/exits. Cameras are fixed in entrances and exits to the premises, which shall record from both indoor and outdoor, or ingress and egress, vantage points.
- iii. Time and date. Recorded images shall clearly and accurately display the time and date.
- iv. Retention time. Retain video surveillance recordings for at least forty-five (45) days or longer upon the request of a law enforcement agency.
- d. **Lighting.** Ensure that the medical marijuana dispensing facilities outdoor premises have sufficient lighting from dusk until dawn.
- e. **Hours for dispensary.** Not dispense from its premises marijuana or a marijuana delivery device between the hours of 9 p.m. and 7 a.m., but may perform all other operations and deliver marijuana to qualified patients 24 hours a day.
- f. **Storage.** Store marijuana in a secured, locked room or a vault.
- g. **Security personnel.** Require at least two (2) of its employees, or two (2) employees of a security agency with whom it contracts, to be on the premises at all times where cultivation, processing, or storing of marijuana occurs.
- h. **Employee screening.** All employees shall be twenty-one (21) years of age or older and have passed a background screening.

Sec. 3.4.7. Mini-Warehouse/Self-Storage

- A. **Defined.** A self-service facility consisting of individual self-contained units used allowing private access by the tenant for storage and no other purpose, plus an office/residence for a manager.

B. **Use Standards.**

1. **Place of business.** No storage bay or unit in a mini-warehouse shall be used as a place of business, and no occupational license shall be approved for the property other than that of the mini-warehouse owner/operator.
2. **Place of residence.** No mini-warehouse shall be used as a place of residence.
3. **Storage.** No mini-warehouse shall be used as a storage location for hazardous materials.
4. **Outdoor storage.** Outdoor storage associated with this use may be permitted as described in Section 3.1.5.C.

C. **Development Standards.**

1. **Access.** No unit on the ground level shall be accessed from the primary façade of any building facing the primary road.
2. **Fencing.** Where a property line abuts and is contiguous to any residential land use classification, a six-foot solid face masonry wall shall be constructed along the property line.
3. **Parking.** There shall be a maximum of two (2) parking spaces, that shall be located in proximity to the business or manager's office on the site.
4. **Drive Aisles.** Drive aisles between units be a minimum of twelve (12) feet for a one-way aisle and twenty-four (24) for a two-way aisle.

Sec. 3.4.8. **Office**

- A. **Defined.** Office use is a professional service or other activity customarily providing in an office environment where appointments are scheduled.
- B. **Includes:**
 1. **Administrative services.**

2. **Broadcast studios for television and radio.**
3. **Counseling and social services.**
4. **Engineering, architectural, and other design services.**
5. **Insurance and real estate.**
6. **Legal, accounting, investment, and financial services.**
7. **Medical, dental, laboratory, and other health services.**

Sec. 3.4.9. **Recreation, Indoor**

- A. **Defined.** Indoor recreation is an indoor public or private establishment designed and equipped for the conduct of sports and leisure time activities. This category does not include sexually-oriented motion picture theaters, stadium/sports arenas, or any public recreation facilities.

B. **Includes:**

1. **Amusement center, game arcade, children's amusement center.**
2. **Billiard hall, pool hall, Bingo parlor.**
3. **Bowling alley.**
4. **Convention center, arena.**
5. **Dance, martial arts, music studio or classroom.**
6. **Health club.**
7. **Shooting range.**
8. **Sports academy.**
9. **Motor track.**
10. **Movie theater or other indoor theater.**
11. **Skating rink.**

Sec. 3.4.10. **Recreation, Outdoor**

- A. **Defined.** Outdoor recreation is any premises where the principal use is the provision of outdoor amusements, sports, games, athletic facilities, or other outdoor recreational facilities and/or services.

B. **Includes:**

1. **Camp, campground (excluding Recreation Vehicle campground see Section 3.4.11).**
2. **Drive-in theater.**
3. **Extreme sports facility such as paintball, BMX or skateboarding.**
4. **Golf course and Miniature golf facility.**

5. **Outdoor commercial activity such as batting cage, golf driving range, amusement park, miniature golf facility, water park.**
6. **Outdoor sports or entertainment facility.**
7. **Outdoor theater.**
8. **Racetrack or motor track.**
9. **Riding stable.**
10. **Shooting range.**
11. **Sports academy for active recreational or competitive sports.**
12. **Stadium, arena.**

C. **Standards.**

1. **Area.** Minimum site area shall be two (2) contiguous acres.
2. **Width.** Minimum width shall be 150 feet at the front building setback line.
3. **Depth.** Minimum depth shall be 200 feet.
4. **Setbacks.** Minimum perimeter setbacks shall be as follows:
 - a. **Front.** 25 feet, measured from property line to the most forward projection of any structure or RV.
 - b. **Side and rear.** 15 feet. Where a public right-of-way abuts a side or rear property line, the minimum setback shall be 25 feet.
5. **Facilities.** The site shall include access to covered seating, permanent restroom facilities, improved ingress and egress, and parking adequate to serve the number of associated customers.

D. **Outdoor storage.** Outdoor storage associated with outdoor recreation may be permitted as described in Section 3.1.5.C.

Sec. 3.4.11. Recreation Vehicle (RV) Campground

A. [Reserved].

B. **Defined.**

- a. **Recreational vehicle (RV)** means any vehicle, not exceeding 35

feet in overall length or eight feet in width, designed and intended for recreational purposes, including trailers, travel trailers, boats, campers, pickup campers, buses, tent trailers, motor homes and other similar vehicles with or without motive power, designed and constructed to travel on public thoroughfares.

- b. **Tiny Home:** means a residential dwelling or lodging unit that has a minimum living space of two hundred and fifty (250) feet, and which is capable of being connected to available utilities including plumbing (water and sewer service), mechanical, natural gas, communications, and electrical systems.
- c. **RV Campground** means a development site designed specifically to accommodate recreation vehicles for overnight, limited vacation-season stays, and/or permanent residency. For the purpose of this Section, Recreational Vehicles shall include Tiny Homes.

C. **Development Site Requirements.**

- a. **Area.** Minimum size for an RV campground development shall be two (2) contiguous acres.
- b. **Width.** Minimum width shall be 150 feet at the front building setback line.
- c. **Depth.** Minimum depth shall be 200 feet.
- d. **Setbacks.** Minimum perimeter setbacks shall be as follows:
 - i. **Front. Twenty-five (25) feet,** measured from property line to the most forward projection of any structure or RV.
 - ii. **Side and rear. 15 feet.** Where a public right-of-way abuts a side or rear property line, the minimum setback shall be **twenty-five (25) feet.**

D. **Lot Requirements.**

- a. **Area.** The minimum lot area shall be 1,000 square feet.

- b. **Width.** The minimum lot width shall be twenty (20) feet.
- c. **Depth.** The minimum lot depth shall be forty (40) feet.
- d. **Separation.** The minimum distance between RVs shall be 10 feet. The minimum distance between an RV and any structure shall be twenty (20) feet. The minimum allowable distance between RV shall, for the purpose of this section, be measured from and between the outermost structural parts or attached accessory features.
- e. **Identification.** Each RV site shall be clearly defined by a permanent marker, constructed of a durable material such as masonry or metal, placed at all corners.
- f. **Additions prohibited.** The addition or attachment of any permanent structures, such as awnings, porches, carports, or individual storage facilities, not specifically designed and included as a standard part of the original RV unit, shall be expressly prohibited in an RV Campground.
- g. **Pull-through lots.** No part of any RV shall be closer to the pavement than fifteen (15) feet on those sites having a street on each end of the lot.
- h. **Buffer yard.** All lots located along an arterial or collector street shall include a Type C buffer.

E. Open Space Requirements.

- a. There shall be provided within an RV Campground at least one area designed for recreational and open space use that is easily accessible from all RV sites. The size of such recreation area shall not be less than 20 percent (20%) of the entire development site.
- b. Calculations of common open space areas shall not include storm water detention/retention areas, wetlands, streams, floodways, parking areas, yard areas within individual lots, private open spaces, driveways, or required landscaped buffer areas.
- c. Swimming pools, playgrounds, courts, and other recreational amenities on site may be calculated as part of the total common

open space requirement.

F. Street System and Off-Street Parking Requirements.

- a. **Access.** Access to an RV campground from a public street or road shall be designed to minimize congestion and hazards at the entrance and on adjacent streets. All traffic into or out of the parking areas shall be through such entrances and exits.
- b. **Internal Streets.** All internal streets shall be designated. Road surfacing shall meet the following minimum width requirements:
 - i. One-way travel, no parking on street: 10 feet.
 - ii. Two-way travel, no parking, serving less than 50 lots, one-way with on-street parking on one side, serving less than 50 lots: 18 feet.
 - iii. Two-way, no parking, serving more than 50 lots: 20 feet.
 - iv. Two-way, parking on one side only: 24 feet.
 - v. Two-way, parking on both sides: 34 feet.

c. Off Street Parking and Maneuvering Space.

- i. Each RV campground shall be designed so that parking, loading, or maneuvering of vehicles incidental to RV parking spaces shall not necessitate the use of any public street, sidewalk, or right of way, or any private grounds not part of the RV campground parking area.
- ii. A system of interior paved sidewalks & pathways and paved or unpaved trails shall interconnect all common open space areas, each lot, parking areas, and sidewalks abutting any public streets bordering the development site.
- iii. Paved sidewalks and pathways shall be at least five (5) feet in width.

- iv. Sufficient maneuvering space and off-street parking facilities shall be provided at each site to accommodate one (1) standard vehicle besides the RV.
- v. Location of parking. Parking spaces may be established on individual lots or within common parking areas.
- vi. Number of parking spaces. Parking spaces shall be provided at a ratio of not less than two (2) parking spaces for each lot.
- vii. Number of guest parking spaces. A minimum of 0.25 guest parking spaces, rounded up to the next whole number, shall be provided for each tiny home unit.
- viii. Guest parking may be co-located within a driveway on an individual lot or can be established in a common parking area.
- ix. **Handicap parking spaces.** Where guest parking is provided within common parking areas, handicap parking spaces shall be provided at a ratio of not less than one (1) handicap parking space for each twenty-five (25) guest parking spaces. Any additional parking areas established to accommodate parking requirements for community buildings or common recreation areas shall also provide one (1) handicap parking space for each twenty-five (25) spaces established.
- x. **Parking surface.** All designated parking areas shall be constructed of a stabilized, paved asphalt, concrete, permeable or other surface material, with Administrative Approval. Crushed shell, compacted clay and other similar materials shall not suffice as a permitted parking surface material. All handicap parking spaces shall be paved.
- xi. **Fire lanes.** All designated fire lanes shall be paved and engineered to City standards to accommodate the weight of a fire truck and associated apparatus. Said paving system shall require Administrative Approval.

G. Other Utility Requirements.

- a. **Watering Stations.** Each RV Campground shall be provided with one or more easily accessible water supply outlets for filling RV water storage tanks in accordance with design and construction requirements established by the State of Florida.
- b. **Sanitary Connections.** Each RV Campground shall be provided with individual connections to each vehicle site in the RV Campground.
- c. **Electrical and Gas Systems.** Each RV Campground shall be provided with an electrical or gas system that shall be installed and maintained in accordance with applicable law.
- d. **Lighting.** Adequate lighting shall be provided for all roads, walkways, service buildings, watering and sanitary stations, and other shared facilities.
- e. **Shelter Requirements.**
 - i. The RV campground shall provide a shelter for the benefit of the residents of the development.
 - ii. The shelter shall be constructed in accordance with the ICC 500 standards and designated for use during a severe windstorm event, such as a hurricane or tornado.
 - iii. Alternative cooking fuel sources (i.e. propane tanks); electrical generator at the facility; sanitary sewer facilities; and, an alternate form of fresh water (i.e. stored water (bottles, drums, etc.) or a dedicated well) shall be provided and maintained.
 - iv. The shelter should at a minimum accommodate twenty (20) square feet of habitable floor space per residential RV site.
 - v. Shared facilities may be constructed to meet the shelter requirements.

H. Refuse Handling,

- a. **Location.** All refuse shall be stored in watertight, fly-proof, rodent proof containers, that shall be located within 150 feet of any RV site.
- b. **Collection.** All refuse containing garbage shall be collected at least twice weekly, in accordance with requirements established by the State of Florida.

I. **Service Buildings and Facilities.** The requirements of this section shall apply to service buildings, recreation buildings, and other service facilities, such as:

- a. **Management offices, repair shops, and storage areas.**
- b. **Sanitary facilities.**
- c. **Laundry facilities.**
- d. **Indoor recreation areas.**
- e. **Convenience establishments.** Includes as groceries, ice sundries, bait and fishing equipment. Such establishments shall be designed to serve only the needs of occupants of the park and shall not, including their parking area, occupy more than five percent (5%) of the park area.
- f. **Marinas and launching ramps.**

J. **Minimum Sanitary Facilities Required for RV Campgrounds.** A central service building containing the necessary toilet and other plumbing fixtures specified by the State of Florida shall be provided in an RV Campground. Service buildings shall be conveniently located within a radius of approximately 300 feet of the lots to be served. Minimum sanitary fixture requirements for every RV Campground are as follows:

- a. **Service Facilities in Connection with Other Businesses.** When an RV Campground is operated in connection with a resort or other business establishment, the number of sanitary facilities for such business establishment shall be in addition to those required by the public health standards for vehicle sites and shall be based upon the total number of persons using or expected to use such facilities.

- b. **Pedestrian Access to Service Buildings and Facilities.** Surfaced, appropriately drained walkways having a width of not less than five (5) feet shall be provided from the vehicle sites to all service buildings and facilities, refuse collection areas, and recreation areas.
- c. **Outdoor Cooking.** All outdoor cooking shall be so located, maintained, and used as to minimize fire hazard and smoke nuisance both on the property on which they are used and on neighboring property.

Sec. 3.4.12. Restaurant

- A. **Defined.** Restaurants are establishments that primarily involve the retail sale of food and beverages, which may include alcoholic beverages for consumption on the premises and where at least 51 percent of the monthly gross revenues derived from such use are attributable to the sale of food and nonalcoholic beverages. This use may include caterers and industrial and institutional food service establishments.
- B. **Includes:**
 - 1. **Bakery or cake shop.**
 - 2. **Coffee or tea shop.**
 - 3. **Food truck pod.**
 - 4. **Juice bar or smoothie shop.**
 - 5. **Restaurant.**
 - 6. **Yogurt or ice cream shop.**
- C. **Standards.**
 - 1. **Outdoor cafes** or seating areas are permitted as an accessory use to restaurants. Outdoor cafés means a seating area, located outside of the public right-of-way, that is adjacent to, operated by, and an accessory use to a restaurant, alcoholic beverage establishment, or microbrewery.
 - 2. Reserved.
- D. **Food Truck Pods.** A food truck pod refers to a permanent location established for food trucks, either as a stand-alone use or as part of a

restaurant with a permanent food truck presence.

1. **Facilities.** Food truck pods shall have access to covered seating, permanent restroom facilities, improved ingress and egress, and parking adequate to serve the number of food trucks within the pod and associated customers.
2. Where a food truck pod is associated with a restaurant facility, the food truck shall be located behind the primary façade of the restaurant.
3. Food Trucks pods shall also follow the provisions of Section 3.9.4.

Sec. 3.4.13. Retail/services, heavy

A. **Defined.** The sale, lease, rental of new or used products, that are of a greater intensity than light retail or service uses. The use may involve dangerous, noxious, or offensive uses or a facility that has a greater impact on infrastructure or resources than light retail and services.

B. **Includes:**

1. **Carpet cleaning plants.**
2. **Exterminating services.**
3. **Garden center.**
4. **Equipment, (construction, medical, etc.) sales and rental.**
5. **Industrial-type cleaning and laundry.**
6. **Kennels, outdoor.**
7. **Open air, flea markets (excluding farmers' markets).**
8. **Outdoor storage (see Sec. 3.4.1).**
9. **Plant nursery.**
10. **Utility trailer sales and rental.**
11. **Vehicle, boat sales and rental.**
12. **Wholesale photo processing.**

C. **Flea Markets.**

1. **General standards.**

- a. Flea markets shall be permitted only on property fronting on an arterial road, as designated on the Future Traffic Circulation Map of the Lake Alfred Comprehensive Plan, with all major points of ingress/egress connecting to the arterial.
- b. At least one enclosed building of 300 square feet or more in size shall be constructed on the property.

2. **Development Site Requirements.**

- a. **Minimum Lot Size.** An area not less than five (5) contiguous acres, with a minimum width of 200 feet and a minimum depth of 300 feet.
- b. **Setbacks.**
 - i. Front: 50 feet.
 - ii. Side: 100 feet if contiguous to property designated for residential use on the Future Land Use Map; 30 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.
 - iii. Rear: 100 feet if contiguous to property designated for residential use on the Future Land Use Map; 30 feet if contiguous to property designated for commercial or industrial use on the Future Land Use Map.
- c. **Maximum Lot Coverage.** No more than 40 percent of the development site shall be covered by structures.

3. **Screening.** Where a property line abuts and is contiguous to property zoned for residential use, a Type D buffer shall be required along the property line. Within required structural setback distances from public roads, the height of the wall shall be four (4) feet.

Sec. 3.4.14. Retail/services, light

- A. **Defined.** The sale, lease, rental of new or used products, or services for personal, household, or business consumption. The intensity and impact of light retail/services is compatible with a mix of commercial uses.
- B. **Includes:**
1. **Retail.**
 - a. Antique shops, florists, gift, jewelry, stationery.
 - b. Appliance and furniture stores.
 - c. Art, music, photo shops, specialty shops.
 - d. Bicycle, appliance, small equipment sales or rental.
 - e. Department stores, bookstores.
 - f. Clothing store, costume rental shop.
 - g. Groceries and Liquor stores.
 - h. Hardware, paint and wallpaper, plumbing fixtures, and building materials.
 - i. Office supplies.
 - j. Retail plant nurseries
 2. **Personal Service** means a service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances.
 - a. Barber, beauty, body art.
 - b. Film, audio, photographic production studios.
 - c. Health spas, massage establishments.
 - d. Laundromats, tailoring, shoe repair.
 - e. Veterinary clinic, indoor pet grooming.
 3. **Light Service**
 - a. Automobile quick-wash, tune-ups (indoor).
 - b. Catering, decorating service.
 - c. Copy/print services.
 - d. Funeral homes.
 - e. In-house carpet servicing.
 - f. Appliance, television, radio stores and repair.

Sec. 3.4.15. Commercial Centers

- A. **Defined.** Commercial centers include at least one large scale retail or wholesale user such as membership warehouse clubs that emphasize bulk sales, and discount, home improvement, sports equipment, furniture and department stores. Commercial centers are planned, constructed and/ or managed as a total entity with unified design and parking provided on-site.
- B. **Includes.**
1. **Community commercial center (<150,000 sf).** Total square ft of gross leasable area (SFGLA) will not exceed 150,000 square ft.
 2. **Regional commercial center (≥150,000 sf).** Total square ft of gross leasable area (SFGLA) will exceed 150,000 square ft.

Sec. 3.4.16. Vehicle Service & Repair

- A. **Defined.**
1. **Vehicle service and repair** means repair and service to passenger vehicles, trucks, and other consumer motor vehicles such as motorcycles, boats and recreational vehicles.
 2. **Carwash** means a facility for the cleaning and washing of motor vehicles including interior cleaning, vacuuming, waxing and detailing, by means of self-service, automated mechanical equipment, manual labor or a combination thereof.
- B. **Includes.**
1. **Major vehicle services.** A facility where general vehicle repair is conducted, including transmission, along with body and paint shops.
 2. **Minor vehicle services.** A facility where minor vehicle repair and service is conducted. Includes tires, brakes, mufflers, oil change, audio and alarm installation, custom accessories, quick lubrication facilities, minor scratch and dent repair, emissions testing, bed-liner installation, glass repair or replacement, car wash, and fuel/gasoline sales. Outdoor washing and detailing of vehicles is prohibited. All vehicle service shall be conducted inside a building.

C. **General Standards.**

1. Roll-up, garage or bay doors and similar wide openings shall not face a primary street.
2. Outdoor display of tires is prohibited.
3. All require maneuvering or parking shall be accomplished on-site.
4. Gas Stations shall be constructed with a transfer switch to enable their operation on emergency power in accordance with applicable Florida law which includes, but shall not be limited to, Section 526.143, Florida Statutes (2024).

D. **Major Vehicle Services.** Vehicles awaiting repair may be stored up to 14 days within a screened storage area.

E. **Outdoor Storage.** Outdoor storage associated with this use may be permitted as described in Section 3.1.5.C

Sec. 3.5. Industrial

Sec. 3.5.1. General

A. **Defined.** Industrial means a use where the principal purpose is the mechanical or chemical transformation of materials or substances, including the bulk storage of raw materials, and which process may emit noise, vibration, dust, odor or pollutants.

B. **Includes:**

1. **Artisan manufacturing.**
2. **Heavy industrial.**
3. **Light Industrial.**
4. **Warehouse.**
5. **Waste/Recovery.**
6. **Wholesale Trade.**

Sec. 3.5.2. Artisan Manufacturing

A. **Defined.** A facility for small-scale, craft production, with less than 3,500 square feet of gross floor area.

B. **Includes:**

1. **Blacksmith, metalwork.**
2. **Ceramics manufacturing.**
3. **Cobbler.**
4. **Cottage food processing.**
5. **Glass blowing.**
6. **Jewelry, silverware and plated ware manufacturing.**
7. **Leatherwork.**
8. **Makerspace.**
9. **Musical instrument manufacturing.**
10. **Woodworking, cabinet makers or furniture manufacturing.**

C. **Use Standards.**

1. **Enclosed building.** Production of goods by the use of hand tools or small-scale, light mechanical equipment shall occur solely within an

enclosed building where such production requires no outdoor operations or storage.

2. **Occupancy.** Production, operations, and storage of materials related to production occupy no more than 3,500 square feet of gross floor area.

Sec. 3.5.3. Heavy Industrial

- A. **Defined.** Heavy industrial uses are manufacturing, assembly, and fabrication, including large-scale or specialized industrial operations, processing, and compounding of mostly finished and/or raw material in bulk form to be used in an operation. facility that may involve dangerous, noxious, or offensive uses or a facility that has smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, and/or interference with radio, television reception, or radiation.
- B. **Includes:**
 1. **Animal processing, slaughtering.**
 2. **Bottling plant.**
 3. **Bulk fuel sales.**
 4. **Bulk storage of flammable liquids, chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.**
 5. **Chemical, cosmetics, drug, soap, paints, fertilizers and abrasive products.**
 6. **Concrete batch plant.**
 7. **Food processing.**
 8. **Metal fabrication.**
 9. **Petroleum, liquefied petroleum gas and coal products and refining.**
 10. **Prefabricated building manufacturing.**
 11. **Rubber and plastic products, rubber manufacturing.**
 12. **Sawmill, log production facility, lumberyard.**
- C. **Standards.**
 1. Outdoor recycling uses are subject to outdoor storage requirements outlined in Section 3.1.5.C.

Sec. 3.5.4. Light Industrial

- A. **Defined.** Light industrial uses are the assembly, fabrication, processing, packaging and/or distribution of materials, components, or products that are derived from previously prepared materials.
- B. **Includes:**
 1. **Assembly of semiconductors, clocks, jewelry, medical instruments.**
 2. **Brewery, winery, cidery, distillery.**
 3. **Clothing, textile or apparel manufacturing.**
 4. **Furniture upholstery installation or reupholstery.**
 5. **Pharmaceutical or medical supply manufacturing.**
 6. **Printing and publishing plants.**
 7. **Recreational equipment manufacturing.**
 8. **Recycled materials processing.**
 9. **Research and development laboratories.**
 10. **Sheet metal, welding, machine shop, tool repair.**
 11. **Toy manufacturing.**
 12. **Woodworking, cabinet makers or furniture manufacturing.**
- C. **Standards.**
 1. This use is distinguished from heavy industrial uses based on the size and scope of the operation.
 2. No heavy manufacturing processes.
 3. No outdoor storage.
 4. Conduct all operations within a fully enclosed structure.
 5. Low emissions, discharge, or waste. No hazardous waste.

Sec. 3.5.5. Warehouse/ Distribution

- A. **Defined.** Establishments that store, ship, and distribute goods and materials within completely enclosed structures. Warehouse uses may provide a range of services related to the distribution of goods, such as labeling, breaking bulk, inventory control and management, assembly, order entry and fulfillment, packaging, pick and pack, price marking and ticketing, and transportation.

B. **Includes.**

1. **Building materials.**
2. **Contractor.**
3. **Distribution center.**
4. **Enclosed storage (includes bulk storage, cold storage plants, frozen food lockers, ice, household moving and general freight storage).**
5. **Fleet storage.**
6. **Furniture transfer and storage.**
7. **Newspaper distribution.**

Sec. 3.5.6. **Waste/Recovery**

A. **Defined.** Waste and recovery facilities collect, transport, processes or dispose, manage and monitors waste materials. They are characterized by uses that receive solid or liquid wastes for manufacturing or to produce goods or energy from the composting of organic material.

B. **Includes.**

1. **Junkyard or salvage yard** means an open area where junk is bought, sold, exchanged, stored, processed or handled as a principal or accessory use.
2. **Recycling center, indoor.**
3. **Recycling center, outdoor.**

C. **Junkyard.**

1. **Includes.** Junkyard or salvage yard shall also include:
 - a. **Automobile Operations.** Automobile operations are primarily engaged in the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof.
 - b. **Automobile graveyard.** Automobile graveyard means an establishment, or place of business, which is maintained or operated for the use of storing, keeping, buying, or selling wrecked, scrapped, ruined, or dismantled motor vehicles.

2. **Storage of Materials.**

- a. **Accumulation period.** Material that is not salvageable shall not be permitted to accumulate, except in bins or containers, and shall be disposed of in an approved sanitary landfill. The period of accumulation is limited to two (2) months.
- b. **Recycling.** Any items that can be recycled or salvaged shall be accumulated in bins containers to be sold to a recycling firm. Recyclable material that cannot be stored in bins or containers may be stored in the open.
- c. **No burying.** In no case shall material that is not salvageable be buried or used as fill.
- d. **Compliance.** Junkyard operators shall be responsible for compliance with all applicable Federal and State regulations pertaining to the handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on-site, except with the express approval of the Florida Department of Environmental Protection (DEP).
- e. **Other storage.** In any open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker, clothes washer, clothes dryer, or similar air-tight unit having an interior storage capacity of 1.5 cubic feet or more from which the door has not been removed.

3. **Screening.** All junkyards shall comply with screening requirements as follows:

- a. **Buffer.** All outdoor storage facilities shall be surrounded by a Type D buffer with a continuous masonry, wood or metal fence (not including chain link fences), or a wall, any of which shall be a minimum of eight (8) feet in height without openings of any type except for one entrance.
- b. **Gates.** Gates at entrance or exit shall be of a material without openings.
- c. **Noncorrosive screen.** The screen shall be constructed of the

noncorrosive material throughout.

d. **Maintained.** Screens shall be maintained and in good repair at all times.

4. **Residential buffer.** Junkyards shall be located a minimum of 500 feet from a residential zoning district.

D. **Recycling Center, Indoor.**

1. **Indoor.** All processing activities, as well as associated machinery or equipment, shall be located inside a permanent structure.

2. **Outdoor storage.** No recycled materials shall be stored outdoors, either before or after processing.

3. **Setbacks.** Facility structure shall be set back no less than 40 feet from all property lines.

E. **Recycling Center, Outdoor.** Outdoor recycling uses are subject to outdoor storage requirements outlined in Section 3.1.5.C.

Sec. 3.5.7. **Wholesale Trade**

A. **Defined.** Wholesale trade facilities involved the sale of goods and materials in bulk quantities primarily for purposes of resale, lease, or rent of products to industrial, institutional, or commercial businesses only. The use emphasizes on-site sales or order-taking and often includes display areas. Businesses may or may not be open to the general public, but sales to the general public are not permitted. Products may be picked up on-site or delivered to the customer.

B. **Includes.**

1. Sale of building materials, special trade tools, welding supplies, machine parts, electrical supplies, plumbing supplies, janitorial supplies, restaurant equipment and store fixtures.

2. Sale or rental of machinery, equipment, heavy equipment.

3. Wholesale sales of food, clothing, auto parts, building hardware and similar products.

Sec. 3.6. **Residential**

Sec. 3.6.1. **General.**

A. **Define:**

1. **Residential dwelling** unit means any building used primarily for human habitation. The term shall not include building for transients such as a hotel, motel, or tourist court.

2. **Residential dwelling unit** means a room or rooms in a dwelling, comprising the essential elements of a single housekeeping unit. Each unit with one address for billing, one electric meter, and/or one full kitchen shall be considered a separate residential dwelling unit.

3. **Living Area** means the area within a dwelling unit utilized for living, sleeping, eating, cooking, bathing, washing and sanitation purposes, also including interior halls, closets, utility and storage areas, but excluding garages, carports, screened porches, and unenclosed and unheated areas.

4. **Habitable space** means the space in a building for living, sleeping, eating or cooking. Bathrooms, lavatories, toilet rooms, closets, halls, screen enclosures, sunroom Categories I, II and III as defined in the AAMA/NPEA/NSA 2100, storage or utility spaces, garages, carports and similar areas are not considered habitable spaces.

B. **Minimum Living Area.** Residential dwelling units require a minimum living area, as follows:

1. **Mobile home unit.** 750 square feet.

2. **Multi-unit and single-unit, attached.** 450 square feet per unit.

3. **Single-unit, detached.** 960 square feet.

C. **Minimum Space and Use Requirements.** No person shall occupy, or let to another for occupancy, any dwelling or residential dwelling unit for the purpose of living therein, which does not comply with the following requirements:

1. Every residential dwelling unit shall contain a minimum habitable space of at least two hundred fifty (250) square feet.
2. All habitable spaces shall be a minimum of seven (7) feet in any horizontal dimension.
3. No residential dwelling unit containing two (2) or more sleeping rooms shall be so arranged that access to a bathroom, shower room, or water closet compartment intended for use by occupants of more than one (1) sleeping room can be had only by going through another sleeping room or outside the structure, nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room, bathroom, shower room, or water closet compartment.

D. Residential Density.

1. Residential densities shall comply with both the minimum and maximum densities established in Sec. 2.1.6.C.
2. Densities within the Mixed-Use Districts may be met utilizing a combination of housing types, including single-unit (attached and detached) and mixed occupancy structures.
3. Commercial buildings with accessory residential or residential above commercial are not required to meet the minimum residential density requirement.

E. Model Homes. Model homes are residential structures built to code for eventual residential use, not occupied as a dwelling unit, open to the public for inspection, and used solely for demonstration and selling of residential dwellings being constructed in the same subdivision or development.

1. Model residential dwelling units shall not be used for a period of longer than one year; however, the Planning Official may grant an extension for a period not to exceed one year.
2. The number of model units shall not exceed four (4) in number.
3. At least two off-street parking spaces per model unit shall be provided on the same lot as the model unit or on contiguous lots

and shall be maintained as long as the model unit is used as such.

4. The model unit shall provide ADA access and an ADA parking space on a concrete surface.

Sec. 3.6.2. Congregate Living

A. Defined. Residential occupancy of a structure by a group of people that does not meet the definition of household living. Generally, group living facilities have a common eating area for residents, and residents may receive care or training. Congregate living includes the following:

1. **Assisted Living Facility.**
2. **Community residential homes.**
3. **Group housing.**
4. **Nursing home.**

B. Assisted Living Facilities (ALF). An ALF is an establishment providing a place of residence with common, centralized eating, and one or more personal services for a period exceeding 24-hours, in which the residences consist of individual rooms or quarters occupied by one or two persons with or without individual cooking facilities. Generally, the owner, operator, or administrator does not live on-site, nor is related to the residents. These uses are commonly referred to as "Retirement Homes." (See F.S. § 429).

C. Community Residential Home. A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

1. **1 to 6 residents.** A community residential home serving six or fewer residents with necessary supportive staff is a single-family residential use and a permitted use in all zoning districts which permit single-family or multifamily uses as required by Chapter 419, F.S. Such homes shall not be located within 1,000 feet of another such home with six or fewer residents or within 1,200 feet of another existing community residential home.

2. **7 to 14 residents.** A community residential home serving seven (7) to fourteen (14) residents with necessary supportive staff is a multifamily residential use and shall be a permitted use in zoning districts permitting multifamily uses as required by Chapter 419, F.S. Such homes shall not be located within 1,200 feet of another community residential home.

3. **15+ residents.** A community residential home serving fifteen (15) or more residents with necessary supportive staff is a multifamily residential use and shall be a permitted use in zoning districts permitting multifamily uses as required by Chapter 429, F.S. Such homes shall not be located within 1,200 feet of another community residential home.

D. **Group Housing.** Dwelling units share common areas like lounges, living areas, kitchens, and bathrooms. Unlike care facilities, residents live independently without the need for supervision or assistance to participate in normal activities or meet the demands of daily living.

1. **Boarding houses.** Residential facility other than an apartment building, hotel/motel, or restaurant where meals and/or lodging are provided in exchange for monetary compensation for three or more persons.

2. **Co-living facility.**

3. **Dormitories.** Dormitory, large means a dwelling used, or intended to be used, for the furnishing of sleeping accommodations for pay to transient or permanent guests, or intended to be used for such purpose. Meals or housekeeping facilities may also be provided such guests or tenants, but no group housing shall maintain an eating or drinking place, open to the public, in the same building or in any building in connection therewith. This use includes rooming houses, group or youth hostels, fraternities, and sororities.

E. **Nursing Home.** An establishment that provides, for a period exceeding 24 hours, nursing care, personal care, or custodial care for persons not related to the owner or manager, who by reason of illness, physical infirmity, or advanced age require such services, but shall not include any place providing care and treatment primarily for the acutely ill. Includes nursing services as defined in Chapter 464, F.S., and which is licensed according to Chapter 400, F.S.

Sec. 3.6.3. Master Planned Community (Cluster development).*

A. Use Standards.

1. **Density.** Density of the development site shall not exceed the maximum density permitted by the zoning district.
2. **Open Space.** The minimum open space required shall be 30 percent of the net site area, and may include areas as described in Section 2.3.5 F., Designated Open Space.
3. **Non-Residential Tracts.** Common, conservation, and/or recreation areas shall be platted as separate tracts and identified if the tract will be dedicated to the public or remain under private ownership/maintenance.
4. **Development Agreement.** A development agreement may be required as approval.
5. **Green Swamp.** All cluster development within the Green Swamp ACSC is also subject to provisions of the Green Swamp Overlay (see Sec. 2.3.3).

B. Development Standards.

1. **Lot parameters.**
 - a. **Lot size.** Cluster developments may utilize a reduction of the lot area and width standards (2.1.6 B) by up to 60% of the respective zoning district.
 - b. **Impervious surface ratio.** Individual lots may exceed district standards for coverage as long as the overall development site (net site area) adheres to coverage standards for the zoning district.
2. **Building placement.**
 - a. **Bufferyard.** All buildable lots located along an arterial or collector street shall include a Type C buffer.)

- b. **Multi-Unit Setback.** Where the development site includes multi-units structures and abuts a single unit residential zoning district, all principal structures shall be located at least 25 feet from the perimeter adjacent to the single unit district.
 - c. **Single-Unit residential building setbacks.** Cluster developments may utilize a reduction of the Principal Setback (2.1.6.D) setback standards by up to 50% of the respective zoning district.
 - d. **Parking Setbacks.** All garages, carports, or other parking structures shall be located a minimum of 25' from the property line.
3. **Community Oriented.** In order to make the living area of a residential building visually more dominant, visually appealing, and engaging in the community, the following criteria shall be applicable for each residential building in addition to the Development Standards for the zoning district as outlined in Sec. 2.1.6.C.
- a. **Transparency.** Minimum transparency for the front and rear facades of 10% as described in Sec. 2.1.5.A.
 - b. **Blank Wall.** Blank wall requirements also apply to the rear and sides of buildings as described in Sec. 2.1.5.C.
 - c. **Building Elements.** Provide one (1) building element in addition to the garage or carport as described in Sec. 2.1.5.E., which, when on the ground level, may be used to measure the setback from the front façade.
 - i. Balcony
 - ii. Forecourt/Courtyard
 - iii. Gallery/Arcade
 - iv. Porch/Portico
 - d. **Architectural Style & Variation** as described in 2.1.5.F (1-3) are required.
 - e. **Architectural Elements.** Provide a minimum of three (3) architectural elements for different components of the structure, as follows:
 - i. **Roof Elements.** Provide dormers, parapets, chimney, or include more than one roof type.
 - ii. **Roofline Elements.** Provide a minimum of two (2) of the following components: brackets/corbels, rafter tails, decorative fascia, or timber truss under gable, Tudor board, or other decorative details.
 - iii. **Wall Elements.** Provide a minimum of three (3) of the following components: banding, cornice, lighting, decorative stone, columns, sills, enhanced wall siding, corner boards, or quoins.
 - iv. **Window Elements.** Provide a minimum of three (3) of the following components: arched windows, molding/trim, cornice, apron, mullions/muntins, shutters, or other decorative details.
 - v. **Garage Elements.** Provide a minimum of three (3) of the following components: windows, brackets, pergolas, decorative trim/molding, decorative hardware, or other decorative details (excluding the basic stamped pattern).
 - vi. **Entry Elements.** Provide a minimum of four (4) of the following components: door transom, door sidelights, solid wood entry door, door trim/molding, entry banding, cornice, or columns (with taper, base, and molding).
 - f. **Element Placement.** One (1) of the following standards shall be met:
 - i. **Single-Story Home:** The garage is setback a minimum of five (5) feet from the ground story front façade. The setback may be additionally decreased by five (5) feet for each additional architectural element added up to three (3) additional elements (for a total of six elements: 3 baseline requirements plus the 3 additional) for a maximum garage placement of ten (10) feet forward of the front façade.
 - ii. **Two-Story Home:** The second story is flush or protrudes forward of the garage. The setback may be additionally decreased by five (5) feet for each additional architectural element added up to three (3) additional elements (for a

total of six elements: 3 baseline requirements plus the 3 additional) for a maximum garage placement of fifteen (15) feet forward of the ground story front façade.

- iii. **Building Element.** One (1) Building Element is set forward (street ward) of the garage a minimum of five (5) feet.
- iv. **Side Entry.** A side-entry garage/carport where the garage access does not face the primary street and the side facing the primary street has a façade matching the building including window treatments.

*Amendments to 3.6.3 were made on balance to the entire section and were interdependent upon one another and intended to be read and applied collectively. Due to SB 180 this section, in its entirety, has reverted to the previous version of the code that predates the SB 180 prohibition.

Sec. 3.6.4. Live/Work Unit.

- A. **Defined.** A building or spaces within a building used jointly for commercial and residential purposes.
- B. **Use standards.**
 - 1. **Street level access.** Live/work is only permitted in units with street level access.
 - 2. **Work area.** The work area of the live/work unit shall not exceed 2,000 square feet.
 - 3. **Hours of operation.** Hours of operation shall begin no earlier than 6 AM and end no later than 10:00 PM.

- 4. **Occupant.** A minimum of one employee or owner of the business shall occupy the live/work unit as their primary place of residence.
- 5. **Employees.** The live/work unit may employ no more than two persons not living on the premises at any one time.
- 6. **Storage.** All business storage or warehousing of material, supplies or equipment is permitted outside of the live/work unit, within an enclosed structure.
- 7. **Nonresidential uses.** The nonresidential use of the unit is limited to office, light retail/services, restaurant, and artisanal manufacturing uses as defined in this Article, except that the following uses are **prohibited**:
 - a. Alternative financial services establishment (such as check cashing, bail bonds, or title loan establishments).
 - b. Automobile quick-wash, tune-ups.
 - c. Department stores.
 - d. Laundromats.
 - e. Liquor store and alcohol sales.
- 8. **Nuisance.** No equipment or process may be used in connection with the live/work unit that a nuisance detectable to the normal senses off the premises.

Sec. 3.6.5. Mobile Home Park.

- A. **Defined.** A Mobile Home Park means a parcel of land designed, constructed, or used for the provision of individual lots or spaces, through lease or separate ownership, on which Mobile Home(s) and/or modular homes are placed for residential purposes—installed and organized around a common set of amenities—including, but not to be limited to, private internal roads, clubhouse, and/or recreation facility, and common open space.
- B. **Use Standards.**
1. **Foundation.** Homes may be placed on a temporary foundation and may remain on the transportation chassis.
 2. **Site requirements:**
 - a. **Development site.** Two (2) acres, with a width of not less than 150 feet and a depth of not less than 200 feet.
 - b. **Mobile home site.** All mobile home sites shall be identified on the development site plan and adhere to the following size standards:
 - i. **Single Wide Unit:** Minimum 30 feet in width, 100 feet in depth.
 - ii. **Double Wide Unit:** Minimum 50 feet in width, 100 feet in depth.
 - iii. **Triple Wide Unit:** Two lot minimum.
 - c. **Setbacks.** Where the development site adjoins property with a commercial or industrial zoning designation, the required side and rear setback shall be 15 feet.
 - d. **Setbacks.** Any Mobile Home or structure within a Mobile Home Park shall meet the setback requirements set forth in Sec. 2.1.6.C.
 3. **Frontage requirements.** The front unit(s) shall face the front. Each unit shall be developed consistent with one of the two following options:
 - a. Frontage on a public street, or a private street that meets public street design standards.
 - b. Modifications may be granted through the site plan application for rear units to front on a courtyard or a water body.
 4. **Vehicular use area.** Parking is not permitted between the front building(s) and the primary or secondary street, but is permitted on the side and the rear of mobile home unit.
 5. **Landscaping.** Shall meet Sec. 4.5 Landscaping Standards.
 6. **Distance separation.**
 - a. Mobile homes and freestanding structures serving as shared facilities shall be at least 15 feet apart.
 - b. No carport or other appurtenant structure may be attached to a mobile home less than 10 feet from another mobile home or appurtenant structure.
 - c. The separation distance shall be measured between the closest points of the units.
 7. **Allowable Accessory Uses.**
 - a. **Shared facilities.** Clubhouse, laundry, swimming pool, and other shared facilities for the common use of the residents of a development.
 - b. **Security residence.** No more than one single-unit, detached or accessory dwelling unit is allowed for the use of a security resident.
 - c. **Structures.** Carports, porches, and awnings that are physically attached to mobile homes. Such structures shall not exceed a cumulative total of 300 sq.ft. Freestanding cabanas, storage

sheds, and other detached structures for private use are prohibited.

- d. **Vehicle storage.** Storage of agricultural equipment, vehicles, or recreational vehicles shall be located in a shared common area. Storage area is for the use of residents only, and shall be fenced and landscaped. Storage of these vehicles shall be prohibited on individual mobile home sites or on roads within the Mobile Home Park.

8. **Shelter Requirements.**

- a. The Mobile Home Park shall provide a shelter for the benefit of the residents of the development.
- b. The shelter shall be constructed in accordance with the ICC 500 standards and designated for use during a severe windstorm event, such as a hurricane or tornado.
- c. Alternative cooking fuel sources (i.e. propane tanks); electrical generator at the facility; sanitary sewer facilities; and, an alternate form of fresh water (i.e. stored water (bottles, drums, etc.) or a dedicated well) shall be provided and maintained.
- d. The shelter should at a minimum accommodate 20 s.f. of habitable floor space per residential unit.
- e. Shared facilities may be constructed to meet the shelter requirements.

9. **Other Requirements.**

- a. **Ownership.** Mobile Home lots may be platted or conveyed in accordance with Chapter 723 of F.S. and/or applicable law. All facilities including roads, however, shall be privately owned or owned in common by the residents. The City of Lake Alfred shall not be responsible for maintenance and/or repair of facilities.
- b. **Parking.** For each mobile home site, two (2) paved off-street parking spaces of 10 feet by 20 feet each shall be provided.

- c. **Common Open Space.** An area comprising 20 percent of the development site or 5 acres, whichever is less, shall be set aside as common open space as defined in Article 9.
- d. **Nonconformities.** No new mobile homes may be added to an existing Mobile Home Subdivision that does not comply with applicable requirements of this Code. However, previously installed units may be moved, and additional property and common facilities may be incorporated into the site of such activities will eliminate nonconforming conditions or reduce the degree of nonconformity.
- e. **10 Year Age Limit.** Any new or replacement mobile home shall be less than 10 years old.

Sec. 3.6.6. **Multi-units.**

- A. **Defined.** Multi-unit means a building containing two or more residential dwelling units.
- B. **Includes:**
 - 1. **Multiplex (less than 9 units).**
 - 2. **Apartment (9 or more units).**
- C. **General development standards.**
 - 1. **Frontage requirements.** Each unit shall be developed consistent with one of the two following options:
 - a. Frontage on a public street, or a private street that meets public street design standards.
 - b. Modifications may be granted through the site plan application for rear units to front on a courtyard or a water body.
 - 2. **Vehicular use area.** Parking is not permitted between the front building(s) and the primary or secondary street, but is permitted on

the side and the rear of building(s).

3. **Articulation.** Each façade that faces a street shall include projections or recesses such as a front porch, front stoop, bay window, building recesses, or other feature to prevent a boxy shape.
4. **Transparency.** A minimum 15% transparent material is required on all façades facing a public street, private street, or courtyard, on each story below the roof line. A minimum 10% transparent material is required on all interior side façades on each story below the roof line.

D. **Multiplex (less than 9 units).** A structure containing less than nine (9) attached dwelling units.

1. **Purpose.** Multiplex standards are intended to enable multi-unit development that is compatible with a mix of unit types including single-units, duplexes, and apartments. Multiplexes have the appearance of a medium-sized single-unit home or multiple small-scale structures and is appropriately scaled to fit within primarily single-unit residential neighborhoods or into medium-density neighborhoods. Multiplexes enables a broad choice of housing types and promote infill development.
2. **Unit size.** The majority of units on a single development site shall be 750 square feet or less to conserve residential character.
3. **Pedestrian access.** One (1) entrance minimum shall face the primary street; on corner lots, each unit entrance shall face each street, except where entrances are provided from within an interior vestibule or hallway.

E. **Apartments (9 or more units).** A lot containing greater than nine (9) attached dwelling units.

1. **Purpose.** Apartment standards are intended to provide flexible building and site design in locations where residential redevelopment and development is desired at medium to high intensity.
2. **Building separation.** Individual apartment building shall be separated a minimum of 20 feet.

3. **Pedestrian access.** A pedestrian path from the public sidewalk to the primary pedestrian entrance is required.

4. **Pedestrian circulation.** A network of pedestrian connections shall be designed to connect all entrances of each building to the right-of-way.

Sec. 3.6.7. Single-unit, attached

A. **Defined.** Single-unit, attached means two (2) or more dwelling units in a row in which each unit is located on an individual lot and has front access to the outside from the ground level, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common walls.

B. **Includes.**

1. **Duplexes.**
2. **Townhomes, row house.**

C. **Use Standards.**

1. Attached units within the VRN Zoning district should resemble single-unit dwellings including a shared entrance and driveway.
2. The unit count per lot may not exceed the density/acres allowed by the zoning district.

D. **Zero Lot Line Development Standards.** A development approach in which a building is sited on one lot line with no yard while retaining the other required yards. The intent is to allow more flexibility in site design and to increase the amount of usable open space on the lot.

1. **Setbacks.**

- a. All principal structures shall be located at least 10 feet from side lot lines where there is no common wall.
- b. Where the development site includes multi-units that abut a single-unit residential lot or zoning district, all principal and

accessory structures shall be located at least 20 feet from the adjacent single-unit district.

- c. Where a lot fronts on a curved right-of-way, there shall be no less than 12 feet of frontage, as measured along the arc of the curve.
- d. On corner lots, the front setback requirement shall apply to both road frontages.
- e. Front and rear setbacks for principal structures shall be those required by the zoning district.

2. **Building Envelope and Maintenance Easements.**

- a. All zero lot line subdivision plats shall show building envelopes wherein all structures shall be located.
- b. No structures shall be placed outside the designated building envelope.
- c. No windows, doors, air conditioning units, or other openings or projections of any kind shall be permitted where the structure meets the zero lot line.
- d. Structures on abutting lots may share a common zero lot line, and may be structurally joined by a common fire wall or by porches, garages or privacy fence/wall.
- e. For each unit constructed along a side lot line, an easement five (5) feet in width shall be created on the neighboring property. The purpose of this easement is to permit maintenance and repair of the exterior portion of the structure or structures bordering the zero side yard.
- f. All maintenance easements shall be shown on the final plat, along with an indication of the lot to which each easement is assigned.

3. **Other Requirements.**

- a. Each unit shall have individual access to the outside, both in the front and rear.
- b. Where ingress/egress to residential lots is from an arterial or collector road, driveway access points shall be limited to one (1) per structure or one (1) for each 50 feet of frontage, whichever is less.
- c. Accessory structures, including swimming pools, shall be prohibited on residential lots of less than 5,000 square feet. Where permitted, such structures shall be limited to a cumulative total of 400 square feet per lot. Swimming pools and screen enclosures are not included in this size limitation.

Sec. 3.6.8. **Single-unit, detached**

A. **Defined.** One (1) detached dwelling unit on a single lot. Single-unit, detached includes the following:

B. **Includes:**

- 1. **Site built homes.** Site-built homes are designed, built, permitted and inspected to the Florida Building Code (FBC), and installed on permanent foundations. The home is built entirely on site, but may include factory manufactured components such as roof and floor trusses, wall panels, doorframes, etc. that are brought to the site for installation within the site-built home.
- 2. **Modular homes.** Modular homes are designed, built, permitted and inspected to the Florida Building Code (FBC), and are considered real property once installed on-site. Finished 3-dimensional sections are designed and built specifically for that home by a contractor licensed by the Department of Business & Professional Regulation (DBPR). The completed dwelling is built in a factory and transported, with or without a chassis, to the site to be joined together on a permanent foundation, as specified in Chapter 428.4 of the Florida Building Code.

C. **Use Standards.**

- 1. **Foundation.** Single-unit dwellings shall be permanently attached to a permanent foundation. This may include a continuous concrete

footer system with a concrete block perimeter wall and piers.

- 2. **Parking.** Single-units shall include a minimum of one (1) enclosed off-driveway parking spot within a garage or carport.
- 3. **Modular homes.** Any modular unit transported on a chassis shall have the chassis (steel frame) removed before placement on the permanent foundation.

Sec. 3.7. Transportation / Utilities

Sec. 3.7.1. General – Reserved

Sec. 3.7.2. Airports/Heliports

- A. **Defined.** Facilities for the takeoff and landing of planes and helicopters.
- B. **Includes:**
 - 1. **Airport.**
 - 2. **Heliport.**
 - 3. **Runway/landing strip.**
- C. **Use Standards.**
 - 1. **Area.** The area proposed shall be sufficient and the site otherwise adequate to meet the standards of the Federal Aviation Administration.
 - 2. **Obstructions within approach zones.** Any proposed runway or landing strip shall be situated so that any structures, high voltage power lines, towers, chimneys, and natural obstructions within the approach zones shall comply with regulations for height restrictions in airport approach zones of the Federal Aviation Administration and the Polk County Joint Airport Zoning Regulations.
 - 3. **Distance separation.** There shall be sufficient distance between the end of each usable landing strip and the airport boundary to satisfy the requirements of the Federal Aviation Administration and the Polk County Joint Airport Zoning Regulations. If air rights or easements have been acquired from the owners of abutting properties in which approach zones fall, proof thereof shall be submitted with the application.
 - 4. **Avoiding residential areas.** No existing or planned approach areas shall be permitted over existing residential areas or over vacant areas zoned for future residential development; however, approach areas may be allowed over such vacant areas if deed restrictions or other mechanisms ensure that they will not be developed for residential uses.

5. **Noise zone.** Residential uses shall not be located within the approach path or the noise zone.
6. **Off-street parking required.** One (1) space for every plane space within the hangers plus one (1) space for every tie-down space plus one (1) for every two (2) employees.
7. **Building setback.** Any building, hangar, or other structure shall be at least one hundred (100) feet from any street or lot line.
8. **Aircraft repair.** All repair of airplanes and machinery shall be done inside hangers.

Sec. 3.7.3. Power Generation

A. **Defined.** An electrical power-generating facility using any process or fuel, including the associated facilities and those directly associated transmission lines required to connect the electrical power plant to an existing transmission network or rights-of-way.

B. **Includes:**

1. **Electrical power plant.** An electrical power generating facility using any process or fuel including the associated facilities and those directly associated transmission lines required to connect the electrical power plant to an existing transmission network or rights-of-way. This term does not include any solar power generation facility of less than 75 megawatts in capacity.
2. **Solar power generation facilities.** A type of electrical power generation facility which utilizes a collection of ground mounted solar panels to produce electricity for off-site use. These facilities are a principal use of a property and include directly associated transmission lines required to connect the solar power generation facility to an existing transmission network or rights-of-way. A solar power generation facility can also be known as a solar power plant, solar farm, or solar generation station.

C. **Solar Power Generation Facility.**

1. **Generally.**

- a. All solar equipment and devices shall comply with Florida law and shall be certified by the Florida Solar Energy Center. The regulations imposed herein are not intended to prohibit or have the effect of prohibiting the installation of energy devices based on renewable resources pursuant to F.S. § 163.04.
 - b. **Solar Energy System.** A solar energy system is the equipment used for collecting, transferring, converting, storing, and/or using solar energy for the generation of electricity. Devices could include solar panels, films, shingles, or other solar components. The equipment could be used for water heating, space heating, cooling, or other applications that normally require an energy source and are located on the same property on which the solar energy is collected. A solar energy system may be mounted on the building or on the ground, and as deemed in these regulations, is not the principal use of the property but is an accessory to a private use.
 - c. **Solar Panel.** A solar panel is a device comprised of solar cells, also known as photovoltaic devices, which convert sunlight into electricity.
2. **Design standards.** The following provisions are intended to facilitate the commercial generation and distribution of solar power within the City.
- a. **Types of Solar Panels.** The solar panels shall be ground mounted and may be fixed mount or solar tracker.
 - b. **Minimum lot size.** The minimum lot size shall be ten (10) contiguous acres.
 - c. **Placement.** The devices that capture energy and convert it to electricity shall not be placed in wetlands, environmentally sensitive resources or habitats, imperiled and critically imperiled habitats as defined by the Florida Natural Areas Inventory, and buffers. The development shall comply with the requirements of Article 7, Resource Protection Standards of this Code.
 - d. **Setbacks.** All solar panels and related equipment shall be setback a minimum of 50 feet from all property lines and shall

comply with all applicable right-of-way setbacks. On-site power lines and interconnections to electrical grids shall be placed underground where feasible. Transmission lines and supporting poles necessary to move electricity off-site are excluded from this requirement.

- e. **Height.** The maximum height allowed for all equipment associated with the solar power generation facilities shall be limited to 15 feet in height, excluding transmission lines, supporting poles, and communication equipment. Solar panel height is measured when the panels are tilted to the design degree that creates the greatest overall height. All other structures shall conform with principal structure height requirements of the zoning district.
- f. **Fencing.** Physical access to a solar power generation facility shall be restricted by fencing or walls. The security fence shall be a minimum height of six feet high and a maximum of eight feet high. When immediately adjacent to single and multi-unit residential uses, community uses and commercial uses, opaque fencing shall be required. All fencing and wall details shall be shown on the site plan.
- g. **Impervious Surfaces and Landscaping.** Solar panels associated with solar power generation facilities are considered pervious if configured to promote sheet flow of stormwater from panels and natural stormwater infiltration into the ground beneath the panels. The solar panels are not subject to lot coverage restrictions or canopy tree landscaping requirements. Solar power generation facilities shall meet the buffering requirements of Section 4.5.4 of this code. However, walls, fences, and berms (or a contribution thereof) a minimum of six feet in height throughout the buffer may be installed to reduce the buffer width and planting requirements by 50%.
- h. **Glare reduction.** Where ground mounted solar panels face abutting residentially developed or zoned parcels or public roadways, the panels shall be made of glare reducing materials.
- i. **Emergency access and response.** Reasonable accessibility for

emergency service vehicles shall be provided and noted on the site plan. An emergency response plan including access routes, documents, schematics, and important contacts and other technical material shall be submitted to the City.

- j. **Internal access roads.** Internal access roads are not required to meet the street design standards of Article 5 but shall provide sufficient capacity to serve emergency vehicles as established in the emergency response plan.
- k. **Maintenance.** Solar panels and associated equipment shall be maintained in proper working order and shall not be allowed to enter a state of disrepair.
- l. **Abandonment.** A solar power generation facility shall be considered abandoned after a one-year period without energy production. The property owner shall be responsible for removing all energy production and transmission equipment and appurtenances within 120 days of abandonment.
- m. **Utility Coordination.** Prior to site plan approval, the applicant shall submit proof of notice to the utility company that operates the power grid where the solar power generation facility will be located of the intent to develop an interconnected power generation facility. Prior to site construction plan approval, the applicant shall submit proof of an executed interconnection agreement with the utility or other written proof of an agreement with the utility that construction can proceed.

Sec. 3.7.4. **Service Station/Truck Stop**

- A. **Defined.** A **Service Station/Truck Stop** use is intended to dispense, sell, or offer for sale any motor fuels, oils, or automotive accessories, but where no major automotive repair, body rebuilding, welding, tire capping, or painting is or is intended to be performed.
- B. **Equipment.** Pits, hoists, and all lubricating, washing, and repair equipment and work space shall be enclosed within a building. Washing and lubricating service areas shall drain to a City standard sand and grease trap, drain field and dry well.

- C. **Truck parking areas.** Truck parking areas shall be set back at least 50 feet from any residentially zoned property or property designated as residential on the Future Land Use Map.
- D. **Bulk storage.** Liquid petroleum fuels shall be stored in accordance with applicable standards of the Florida Department of Environmental Protection (FDEP). No loading or unloading of freight shall be permitted on the site.
- E. **Building.** The building shall be set back a minimum of 40 feet from street property lines. This distance shall be measured to vertical canopy supports if they are used, and the building vertical walls if vertical canopy supports are not used. The building shall be set back a minimum of 10 feet from interior property lines. A canopy overhang shall not project more than 10 feet from the canopy vertical supports.
- F. **Pump Islands.** Pump islands shall be set back a minimum of 25 feet from any property line.

Sec. 3.7.5. Utilities

- A. **Defined.** Structures necessary to provide a public or semi-public utility.
- B. **Minor Utilities.** Minor utilities are public or private infrastructure serving a limited area with no on-site personnel, including on-site stormwater retention or detention facility, neighborhood serving telephone exchange/switching center, gas/ electric/telephone/cable transmission lines, water and wastewater pump station or lift station, gas gates, reservoir, control structure, drainage well, water supply water well, utility and public service uses.
- C. **Major Utilities.** Major utilities are public or private infrastructure serving the general community, and often requiring on-site personnel, including aeration facility, electrical substation, filter bed, transmission towers, waste treatment plant, water tower or tank, gas metering and control stations.

Sec. 3.7.6. Wireless Communication Facility

- A. **Defined.**
 1. **Wireless communications facility** means any equipment or facility used to provide personal wireless services, including antennae, towers, equipment enclosures, cabling, antenna brackets, and other such equipment. Placing a wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility. This does not include accessory communication devices as defined in Sec. 3.8.4. or as allowed by the Code of Ordinances.
 2. **Wireless communications tower** means a building or ground-mounted tower that is built for the sole or primary purpose of supporting any Federal Communications Commission (FCC) licensed antennas and their associated facilities. The term communication tower shall not include amateur radio operators' equipment licensed by the FCC.
- B. **Include:** Devices greater than thirty-five (35) feet in height but do not exceed 300 ft in height (including antenna) when measured from the finished grade of the property parcel to the highest point on the tower or other structure, including the base pad and any antenna.
 1. Monopole (freestanding).
 2. Guyed (anchored with guy wires).
 3. Self-Supporting (square, triangular, or pyramidal in plain view and constructed of steel lattice, tubular steel, reinforced concrete, or wood). Lattice tower means a guyed or self-supporting three or four-sided, open, steel frame structure used to support communications equipment.
- C. **Purpose.** The purpose of this section is to provide for the siting, performance, and construction standards and general regulations governing communications towers and antennas; and to:
 1. **Minimize adverse visual impacts.** Minimize adverse visual impacts of communications towers and antennas through appropriate design, siting, and landscape screening; and

2. **Accommodate need.** Accommodate the growing need for communications towers and antennas, while promoting and encouraging collocation of antennas on new and existing tower structures as a primary option rather than construction of additional single use towers.

D. **Receive Only Antennas/Residential Personal Wireless Services.** This section shall not apply to antennas that are used exclusively to receive signals, such as those that receive video programming services via multi-point distribution services, and those which receive television broadcast signals. Further, this section shall not apply to antennas attached to single unit residential dwelling units that are utilized, solely, to provide personal wireless services to the occupants of the single-unit dwelling.

E. **Applicability.** New communications towers and communications antennas, subject to applicable law, shall be subject to the regulations set forth in this section.

F. **Exceptions.**

1. **Amateur radio station operators.** This section shall not apply to any communications tower or communications antenna that is owned and operated by a federally licensed amateur radio station operator that is less than the maximum height allowed in any zoning district. In addition, the said owner/operator shall comply with any and all applicable federal and state laws, regulations and standards and the installation and use of the equipment shall be in accordance with manufacturer's specifications, and grounding standards in conformance with those established by the National Electric Safety Code.

2. **AM Array.** For purposes of this section, an AM array, consisting of one or more tower units and supporting ground system that functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array.

3. **Antennas installed prior to this amendment.** All communications

towers and communications antennas legally installed in the City prior to the effective date of this amendment to the Unified Land Development Code shall be considered permitted nonconforming uses, allowed to continue their usage as they presently exist; provided, however, that anything other than routine maintenance, shall comply with the requirements of this Section.

4. **Government-owned and/or operated antennas.** This section shall not apply to communications towers and communications antennas approved by the City and that are governmentally owned and/or operated and primarily used for public health and safety.

G. **Regulations for Communications Antennas.**

1. **Collocation.** To encourage collocation and to minimize the number of communications towers within the City, communications antennas shall be considered a permitted accessory use when placed on or attached to any structure that constitutes a principal use, including existing communications towers (whether or not such tower is considered a principal or accessory use). Subject to the height restrictions for each zoning district. In approved zoning districts, communications antennas shall not extend more than the district height maximum requirement.

2. **Single-unit dwelling.** Communications antennas shall not be placed on, or attached to, any structure used as a single-unit dwelling.

3. **Compliance.** Communications antennas, including any supporting electrical and mechanical equipment, shall be operated and installed in accordance with all applicable laws, regulations and standards, including applicable FCC regulations relating to radio frequency emissions and manufacturer standards.

4. **Aesthetic character.**

a. Communications antennas and any supporting electrical and mechanical equipment shall be designed and installed to blend into or meet the aesthetic character of the principal structure to which it is attached.

b. Other than camouflaged communication antennas, communications antennas shall not be placed on historic landmarks, recognized by federal, state, local law or ordinance, or listed in the National Register of Historic Places.

5. **Support structure color.** If a communications antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment shall be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
6. **Accessory building setbacks.** Communications antennas, including any supporting electrical or mechanical equipment, shall comply with the accessory building setback requirements of the district in which the communication antenna is located.

H. **Regulations for Communications Towers.**

1. **Lot size.** For purposes of determining whether the installation of a communications tower complies with the Table of Development Standards, Article 2 in any zoning district, the dimensions of the entire lot shall control, even though the tower may be located on leased parcels within such lot. Any further development on the lot would have to be setback from the tower as per Table 3.7.6.a.
2. **Finished materials.** Communications towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness. Communications towers not requiring FAA painting/marketing shall have either a galvanized finish or be painted a non-contrasting blue or gray finish. The color should be selected so as to minimize the equipment's obtrusiveness.
3. **Building design.** The design of the buildings and related structures at a tower site shall, to the extent practicable, use materials, colors, and textures that will blend them into the natural setting and surrounding buildings.
4. **Building Codes and Safety Standards.** To ensure the structural integrity of towers, the owner of a tower shall ensure that

communications towers, and any accessory structures are designed, constructed, and maintained in compliance with the City's codes and to the extent not in conflict therewith, the applicable standards that are published by the Electronic Industries Association, as amended. Designs for new communications towers shall be signed and sealed by an engineer registered in the State of Florida.

5. **Setbacks.** Communications tower setbacks shall be measured from the base (including foundations above ground level) of the tower or protruding accessory building structure at the base of the tower, whichever is closest to the property line of the parcel on which it is located. Each tower shall be set back from all property lines a distance equal to its height. Alternatively, a statement from a registered engineer in the State of Florida may be provided to certify that, in the event of structural failure, the tower would fall within the boundaries of the property on which it is located. In no case shall the tower be set back a distance of less than 50 percent of its height.
6. **Separation from off-site uses/Designated areas.** The following separation from off-site uses/designated areas shall apply to all communications towers. Communications tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated area as specified in Table 3.7.6.a.
7. **Separation distances between communications towers.** Separation distances between communications towers shall be measured between the proposed tower and the preexisting tower and shall be as specified in Table 3.7.6.b. The separation distance shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan.
8. **Security fencing.** Communications towers and accessory structures shall be enclosed by security fencing not less than six feet in height. The tower and the fence shall be equipped with an appropriate anti-climbing device.

Table 3.7.6.a. Separation from off-site uses/Designated areas

| Off-Site Use/Designated Area | Separation distance |
|--|---|
| Single family or duplex residential units, including modular homes and mobile homes used for living purposes | 200 feet |
| Vacant land zoned residential single family or duplex, which is either platted or has preliminary subdivision plan. | 200 feet Separation is measured from base of tower to closest residential lot line. |
| Vacant unplatted residentially zoned lands. Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex; and land zoned for parks of any type. | 100 feet or 100% height of tower, whichever is greater. |
| Existing multi-family residential units of a greater density than duplex units; and commercially zoned property. | 100 feet or 100% height of tower, whichever is greater. |
| All lands zoned or used other than for residential. | None; only setbacks set forth in subsection (5) "Setbacks." |

Table 3.7.6.b. Separation distances between communications towers

| | Lattice | Monopole or Guyed >75 feet | Monopole, Camouflaged, or Guyed <75 feet |
|---|---------------------|--------------------------------------|--|
| Lattice: Not allowed in City | Not allowed in City | 1,500 feet | 750 feet |
| Monopole or Guyed greater than 75 feet | 1,500 feet | 1,500 feet | 750 feet |
| Monopole, Camouflaged, or Guyed up to 75 feet | 750 feet | 750 feet | 750 feet |

9. **Landscaping.** Landscaping, as required by this section, shall be installed on the outside of security fences. Further, existing vegetation shall be preserved and may be used as a substitute for or in supplement to meeting landscaping requirements. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent. In cases such as towers sited on large, wooded lots, natural growth around the property perimeter may be a sufficient buffer. Further, in cases where the tower is sited on paved or impervious surfaces, such as parking lots, the placement of landscaping required by this subsection may be modified so long as equivalent screening is provided. The following landscaping and buffering of communications towers shall be required around the perimeter of the tower and accessory structures:
 - a. A row of trees, a minimum of eight (8) feet tall and a maximum of twenty-five (25) feet apart, shall be planted around the perimeter of the fence and be in place when the tower is completed; and
 - b. A continuous hedge at least thirty (30) inches high at planting capable of growing to at least thirty-six (36) inches in height within eighteen (18) months shall be planted in front of the tree line referenced above; and
 - c. All landscaping shall be of the evergreen variety; and once installed, shall be preserved and maintained in an appropriate manner.

10. **Height.**
 - a. No communications tower, whether freestanding or installed on another structure, shall exceed 150 feet in height from ground level.
 - b. An existing communications tower may be modified to a taller height, not to exceed 150 feet in total height, to accommodate the collocation of an additional communications antenna(s); provided however, that any communications tower modified by greater than 40 feet shall continue to be in compliance with all requirements of this section.

- c. The height of a communication tower may be further regulated by the Polk County Joint Airport Zoning Regulations.
 - d. A variance for height over two hundred (200) feet shall be reviewed and approved by the FAA.
11. **Type of Construction.** Communications towers shall be monopole, guyed, or camouflaged construction.
- a. **Monopole tower** means a communication tower consisting of a single pole, constructed without guy wires and ground anchors, used for the transmission of wireless communication.
 - b. **Guyed tower** means a communication tower that is supported, in whole or in part, by guy wires and ground anchors.
 - c. **Camouflaged facility** means any wireless communication facility that is designed to blend into the surrounding environment or that camouflages or conceals the presence of the wireless communication facility.
12. **Signs and Advertising.** The use of any portion of a communications tower for sign or advertising purposes including, without limitation, company name, banners, or streamers, is prohibited.
13. **Illumination.** Communications towers shall not be artificially lighted except to assure human safety or as required by the FAA. Strobe lighting is prohibited.
14. **Collocation.**
- a. **Additional service provider for monopoles.** Monopole communications towers shall be engineered and constructed to accommodate a minimum of one additional communication service provider.
 - b. **Camouflaged.** Camouflaged communication towers may be engineered and constructed without accommodating additional communication service providers.
 - c. **Within electrical substations.** Communications towers located within electrical substations may be engineered and constructed without accommodating additional communication service providers.
- d. **Onsite relocation.** Before onsite relocation is allowed, a tower shall be deemed conforming. This section does not apply to nonconforming towers. A communications tower, which is being rebuilt to accommodate the collocation of an additional communication antenna, may be moved onsite within 50 feet of its existing location; however, the tower shall meet the setback requirements of this section. After the communications tower is rebuilt to accommodate collocation, only one tower may remain on the site. The relocation of a tower in accordance with this subsection shall in no way be deemed to cause a violation of this section.
15. **Noninterference.** No communications tower or communications antenna shall interfere with public safety communication. Frequency coordination is required to ensure noninterference with public safety systems and/or public safety entities.
16. **Green Swamp Impact Assessment Statement.** No communications tower or communications antenna shall be approved for location in the Green Swamp Area of Critical State Concern by the City of Lake Alfred without a copy of the Green Swamp Impact Assessment Statement and proof of approval of the construction plan from the DEO Office in Tallahassee, Florida.
- I. **Abandonment.** In the event the use of any communications tower or communications antenna has been discontinued for a period of 180 consecutive days, the tower or antenna shall be deemed to have been abandoned. Upon such abandonment, the owner/operator of the tower or antenna shall have an additional 180 days within which to reactivate the use, transfer the ownership/operation to another actual user, or dismantle the tower. In no case shall a tower remain in the state of abandonment for more than one calendar year. The owner of the real property shall be ultimately responsible for all costs of dismantling and removal, and in the event the tower is not removed within 180 days of abandonment, the City may initiate legal proceedings to do so and assess the costs against real property.
 - J. **Nonconforming Communication Towers and Antennas.** See Sec. 2.4.5 regarding Nonconforming communication towers and antennas.

Sec. 3.8. Accessory Uses and Structures

Sec. 3.8.1. General

A. **Defined.**

1. **Accessory uses** are those activities and functions, on the same lot that are incidental and secondary to a principal use that is permitted within a given zoning district and customarily found in connection with such principal use.
2. **Accessory structure** means an incidental and subordinate structure permitted within a given zoning district. The use of which is incidental and secondary to that of the principal structure on the same lot.
3. RESERVE.

B. **Purpose.** It is the purpose of this Section to regulate accessory uses and structures for construction, placement, and use, in order to ensure that they do not adversely affect nearby residents and/or surrounding properties. In addition to the standards of this Section, accessory structures shall meet all requirements set forth in individual zoning districts, other applicable provisions of this Code, and the Florida Building Code.

C. **Buffer requirements.** Uses accessory to a principal use are subject to the same bufferyard requirements, as outlined in Section 4.5.4, associated with that principal use.

D. **Accessory Structure Impervious Surface Ratio Allowance.** An additional ten percent (10%) or 0.1 ISR allowance shall be granted for accessory structures and their related areas (e.g. parking for an ADU, patio for a pool, etc.) within all residential zoning districts in addition to the ISR requirements established in Table 2.1.6.C. ISR Attributable to the primary structure (e.g. primary driveway, entry walkway, etc.) which may generally be present at the time of the initial construction of the primary structure shall not be attributable to this allowance.

E. **Location, Separation, Setbacks, and Heights.**

1. Setbacks and heights for Accessory Structures are established in Table 2.1.6.C based on the zoning district.

2. Accessory structures shall not be located in a required landscape buffer or building setback area.
3. In residential districts, accessory structures shall not be located forward of the principal building line or, on a corner lot, within the required side street setback area.
4. Except where otherwise provided, detached accessory structures shall be separated from each other and from the principal structure by no less than 10 feet.
5. Surface constructed uses, such as a pool deck, patio, or similar features, when not greater than 30 inches in height above the median grade covered by such proposed use, shall be permitted within the required side and rear yards, but not closer than five feet to the property line.

F. **Construction.**

1. No accessory structure shall be constructed before the construction of a principal structure.
2. Accessory structures shall not be served by an electrical or water meter separate from that of the principal structure.
3. Height standards for accessory structures are established in Section 2.1.6 based on the zoning district.

G. **Other requirements.**

1. Accessory Structures shall be included in all calculations of impervious surface area (lot coverage) and stormwater runoff.
2. No mobile home, trailer, or vehicle of any kind shall be permitted as an accessory structure on any development site, unless otherwise specified.

Sec. 3.8.2. Accessory Dwelling Unit (ADU)

A. **Defined.** An Accessory Dwelling Unit (ADU) is a subordinate, ancillary, or secondary living unit added to, created within, or detached from the primary residential dwelling (but located on or within the same lot) that provides basic requirements for independent living, sleeping, eating, cooking, and sanitation.

B. **Use Standards.**

1. **Conformance with residential zoning district.**

- a. Residential lots or parcels that are conforming to their district in terms of area and impervious surface ratio are permitted to develop one (1) accessory dwelling unit.
- b. The addition of the ADU shall not result in the lot exceeding the impervious surface ratio for the lot.
- c. Accessory dwelling units shall require connections to the City's water/wastewater system. An ADU shall share utility meters with the primary structure.
- d. Electric service to an accessory dwelling unit shall be by a feed from the principal dwelling unit. An accessory dwelling unit shall share an electric meter with the principal structure.
- e. An ADU does not count against the otherwise applicable maximum dwelling units per acre density standard.
- f. An ADU shall not be added to a lot or parcel with an existing attached dwelling unit, nor shall an attached dwelling unit serve as an ADU.
- g. An ADU shall not be split from the parent lot or parcel containing the principal residential structure.
- h. An ADU shall meet the accessory setbacks for the district.
- i. Home-based business office, as provided in Section 3.8.7.

2. **Conformance with non-residential zoning district.**

- a. An ADU may be used as a security residency for non-commercial use.
- b. An ADU may be permitted on a residential lot within a Commercial Zoning District.

3. **Attached or detached.** An ADU may be detached or attached from the principal building to include garage apartments.

4. **Appearance.**

- a. An ADU subordinate to the principal building as to location, height, square footage, and building coverage.
- b. An ADU shall be located on a permanent foundation.
- c. The design of the ADU shall be uniform, compatible, or complementary in appearance to the primary structure.
- d. An ADU structure shall have the same exterior finish as the principal structure and shall emulate the architectural style and details of the principal structure into its design. Examples of similar architectural details include, but are not limited to, windows, doors, roof style, cornice detailing, vents, and dormers.
- e. A Tiny Home may serve as an ADU.

5. **Size.**

- a. **Ratio.** An ADU may not exceed fifty percent (50%) of the living area of the primary residential structure.
- b. **Max.** An ADU may not exceed 1,200 square feet in gross floor area.
- c. **Existing accessory structures.** For existing accessory structures built prior to February 1, 2021, the aforementioned maximum and ratio areas shall not be applicable to an ADU, unless the unit is to be reconstructed or expanded in size.

6. **Access and Parking.**

- a. **Principal Structure.** Each building site shall have one parking space and driveway that complies with the Land Development Code at the time the principal structure was constructed.
- b. **Parking.** If the ADU is greater than 600 sq. ft. in gross area, an additional parking space shall be constructed behind the primary street setback and at least 10 feet from the street side lot line is required. The additional parking space shall be independently accessible to the street and not enclosed within the principal structure.

- c. **Parking Exception.** ADUs that are 600 sq. ft. or smaller that have code-compliant parking for the principal structure are not required to construct an additional parking space for the ADU.

7. **Other Development Standards.**

- a. **Functional Areas.** Every accessory dwelling unit shall be constructed to include a habitable sleeping area, lavatory, and a bathtub or shower stall in each unit. Kitchens with cooking and eating spaces are not required.
- b. The use of a Recreation Vehicle (RV) or mobile home as an accessory dwelling unit shall be strictly prohibited.

Sec. 3.8.3. **Boathouses, Docks, Piers**

- A. **Defined.** Structure designed for the storage of boats, normally smaller craft for sports or leisure use, located on or near open water.
- B. **General requirements.** Boathouses, docks, and piers are considered private and may be constructed by the owner on any lot bordering a lake, provided they comply with the following minimum requirements pertaining to docks, piers, and boathouses. These requirements shall not preclude the applicability of laws, rules, standards, and criteria adopted by the State of Florida and other regulating authorities:
 - 1. **Location.** Dock, piers, and boathouses shall only be constructed in the center one-third of the waterfront of the property. Bait houses, storage shelters, wet bars, living quarters, and other “non-water dependent” structures and uses are prohibited on or in connection with a dock, pier, or boathouse. No person shall occupy any watercraft as a residence.
 - 2. **Overnight mooring.**
 - a. In the case of a dock, pier, or boathouse constructed on a single-unit lot, no more than three watercraft may be moored overnight at any dock, pier, or boathouse.
 - b. For residential multi-unit, hotel/motel, and private clubs, the following limitations apply:
 - i. Lakes 100+ acres. One boat slip for each ten dwelling units or hotel/motel rooms, or 30 club members.
 - ii. Lakes less than 100 acres. One boat slip for each 20 dwelling units or hotel/motel rooms, or 60 club members.
 - 3. **Permit required.** A permit issued by the City is required for the construction of all docks, piers, and boathouses when:
 - a. Both the lakefront property from which the structure is extended and the lake lie within the city limits;
 - b. The lakefront property is in the city, but the lake is outside the

City Limits; and

- c. The lakefront property is outside the city, but the lake is within the City Limits.
 4. **FDEP permit.** A permit or an exemption letter from the Florida Department of Environmental Protection (DEP) shall also be required prior to construction.
- C. **Site Plan.** The site plan shall include the name of the water body in which the structure will be located and the distance between the existing shoreline and the residence at the point where the structure is to be constructed.
- D. **Docks and Piers.**
1. **Distance.** Docks and piers shall not extend into a lake for a distance greater than seventy-five (75) feet measured from the Minimum Low Water Elevation established by the Southwest Florida Water Management District (SWFWMD). For lakes in the Chain of Lakes, the water levels may be established by the City Commission on any other lake in the city.
 - a. Where the depth of water at the lakeward end of a dock or pier is less than thirty (30) inches, a floating dock of not more than twenty (20) feet in length may be attached to the permanent seventy-five (75) foot dock or pier.
 - b. Should the depth of water be less than thirty (30) inches after a floating dock has been permitted and installed, the owner shall make application for a variance, in accordance with Article 9 of this Code, and gain specific approval for any further construction that would add length to the dock or pier.
 2. **Size.** The surface area of a dock, pier, boathouse, or combination thereof, shall not exceed 1,000 square feet, which shall include all platforms, walkways, and roof area, as measured on a horizontal plane. The terminal platform may not exceed 250 square feet in area. The total roof area of the structure may not exceed 500 square feet, including the boathouse.

3. **Access.** The main access pier from the shore to the dock, boathouse or terminal platform shall not exceed six feet in width. A handrail is required on one side of any part of a dock or pier that is less than four feet in width.
4. **Warning device.** All docks and piers shall be equipped with a structural member or a warning device that is clearly visible at a minimum of six feet above the surface of the water. Such devices may be flags, reflectors or standard warning shapes painted International Orange, or some other bright color. Such devices shall be installed at the lakeward end of the structure, and shall be installed at intervals of not more than twenty-five (25) feet along the structure to the shoreline.
5. **Height.** The overall height of the structure shall not exceed 24 feet above the deck of the dock or pier. The vertical distance between the eaves of any roof and the deck of a dock or pier shall be at least six feet. The sides of any structure, including a boathouse, shall remain open. The open sides may be covered by screen material that permits visibility.
6. **Surety bond.** The applicant shall post a cash or surety bond in the amount of one hundred percent (100%) of the estimated construction cost to assure that the work proposed will be completed in a manner not inconsistent with the public interest.

E. **Maintenance and Removal.**

1. **Substandard structures.** All docks, piers, and boathouses shall be maintained as safe and structurally sound facilities. Substandard structures are identified as those having deteriorated or damaged structural components, and those in a dilapidated condition that present a hazard to pedestrians and persons in boats. Structural components include, but are not limited to, pilings, stringers, joists, beams, decking, and any component hanging loose or no longer connected to the structure.
2. **Repair requirement.** It shall be the responsibility of the owner to repair any substandard dock, pier, or boathouse, in accordance with the Building Regulations of the City, or to remove it.

Sec. 3.8.4. Communication Devices

- A. **Defined.** Any exterior transmitting or receiving device, less than 30 feet in height, the purpose of which is to receive television or radio signals directly from ground-based sources, or to transmit such signals directly to ground-based receivers.
- B. **Includes.**
 - 1. **Antennas.**
 - 2. **Satellite dishes.**
- C. **Use standards.**
 - 1. No more than one device shall be placed on any one lot or development site, except at schools, colleges and broadcast studios.
 - 2. All devices shall be wind resistant that has the ability to withstand winds up to 100 miles per hour.
 - 3. All devices shall be set back from all property lines a distance at least equal to its height. Setbacks shall be measured from the outermost projection of the device or supporting structure.
 - 4. Where mounted on a building, the combined height of the building and the device shall not exceed the maximum permitted building height in the applicable zoning district.
- D. **Satellite Dishes.**
 - 1. Roof-mounted dish antennas shall be affixed only to buildings of conventional construction.
 - 2. Where the satellite dish antenna is not mounted on a building, the supporting structure holding the antenna shall not elevate the lower edge of the antenna dish more than 18 inches above the elevation of the eaves of the roof of the principal structure.
 - 3. No satellite dish antenna shall exceed 12 feet in diameter and 18 feet in height, as measured from the ground to the highest projection of the antenna or supporting structure.

Sec. 3.8.5. Collection Bin

- A. **Defined.** Structures used for collecting recyclable materials and/or resalable goods.
- B. **Use Standards.**
 - 1. **Location requirements.**
 - a. Collection bins shall be located upon improved, level, paved surfaces which constitute part of larger developed and occupied non-residential building sites.
 - b. No collection bin shall be permitted on any vacant or building site that is developed but unoccupied.
 - c. Each collection bin shall be affixed to the paved surface upon which it is located.
 - d. All sites shall have adequate driveway access and maneuverability to accommodate service vehicles and loading vehicles.
 - e. Bins may be placed in parking lots or parking spaces. However, they cannot be placed in or next to accessible parking spaces or cause the development site to have insufficient required parking spaces.
 - 2. **Maximum number.** Up to two collection bins are permitted on an occupied building site. Both bins shall be arranged side-by-side and may not be separated by more than 12 inches.
 - 3. The receiving door on each bin shall be oriented toward the interior of the building site and away from the public right-of-way.
 - 4. Each bin shall be enclosed by use of a receiving door or safety chute to prevent vandalism and locked so that the contents of the bin cannot be accessed by anyone other than those responsible for the retrieval of the contents.
 - 5. No bin shall exceed 25 square feet in area nor 7 feet in height.

Sec. 3.8.6. Drive-Thru Facility

- A. **Defined.** A drive-thru means an establishment that provides services or sales that are extended mechanically or personally to customers who do not exit their motorized vehicle. A drive-thru facility is typically associated with banks, restaurants, and pharmacies.
- B. **Includes.**
 - 1. **Drive-thru window.** A drive-thru window may be comprised of a window, teller, ordering box, or kiosk, or another similar amenity accessed from a vehicle. A drive-thru window may be attached or detached from the primary structure.
 - 2. **Drive-thru lane.** A vehicle lane devoted to the traffic circulating to the drive-thru window. The dedicated lane may include menu boards, trash receptacles, or other signage.
- C. **Use Standards.**
 - 1. **Distance separation.** No drive-thru facility is allowed within 50 feet of a residential district (measured from the residential lot line to the closest point of the drive-thru facility).
 - 2. **Location.** All drive-thru facilities shall be located to the side or rear of the principal building. Drive-thru facilities may not be placed between a street (not including an alley) and the associated principal building.
 - 3. **Queuing.** Adequate off-street vehicle queuing space shall be made available on-site for any use having a drive-thru facility, or pick-up/drop-off area.
 - 4. **By-pass lane.** A vehicle by-pass lane shall be provided if the drive-thru lane prevents movement or access to parking or access location.
 - 5. **Markings.** Drive-thru lanes shall be striped, marked, or otherwise distinctly delineated and separated by striping or curbing from other off-street parking areas.

- 6. **Safe connection.** Vehicles utilizing the drive-thru facility may not encroach on or interfere with the use of public streets and sidewalks by vehicles, bicycles, or pedestrians. Safe pedestrian and bicycle routes shall be provided which connect to the street sidewalk and adjacent developments and do not cross drive-through lanes.
- 7. **Screening.** Screening may be required for a drive-thru facility as described in Section 4.5.7.

Sec. 3.8.7. Home-Based Business

- A. **Defined.** A home-based business is an accessory residential use; a gainful occupation, profession, or use conducted by the occupant of a dwelling, that is incidental and secondary to the use of the dwelling for residential purposes.
- B. **Includes.** Typical home occupations include, but are not limited to:
 - 1. Personal services such as are furnished by a musician, artist, beauty operator, seamstress, notary public.
 - 2. Home party sales venue such as makeup, home accessories, clothing, cleaning products.
 - 3. Other sales such as catalog sales; telephone sales; internet sales.
 - 4. Office or computer work such as that conducted by a licensed professional, such as an architect, attorney, certified public accountant, consultant, financial advisor, insurance broker/salesman, mapper, or planner.
 - 5. Small-scale production of inventory, such as art, crafts, cottage food, or similar products, is created for sale in commercial shops or other settings off-site.
- C. **Use Standards.**
 - 1. **Size and Location.**
 - a. A home-based business shall be conducted in the primary residential unit or an accessory dwelling unit, provided that the

ADU is not occupied as a living unit and no other activity is conducted in the ADU.

- b. No home-based business shall occupy more than 20% of the livable area of the primary dwelling unit.
- c. Storage. Storage of merchandise and materials, incidental to the home-based business, shall take place within an enclosed structure.

2. **Employees.**

- a. At least one resident residing in the residential dwelling shall be employed or engaged in the home occupation at the premises.
- b. No more than two (2) employees may reside outside of the residential structure.

3. **No outside appearance.**

- a. The home-based business is conducted entirely within a residential dwelling by occupants of the dwelling and in no way impacts the residential character of the dwelling exterior or property.
- b. There shall be no evidence of the home-based business from outside the property lines.
- c. There shall be no display of goods in the yard or visible from inside the structure at the property lines.
- d. No signage shall be allowed or permitted.

4. **Nuisance.**

- a. No equipment or process used in a home-based business shall create a nuisance detectable to the normal senses off premises.
- b. Corrosive, combustible, or hazardous.

5. **Vehicular traffic.**

- a. No pedestrian or vehicular traffic in excess of that which is customary in residential areas shall be generated.
- b. No home-based business shall generate vehicular traffic in excess of two (2) vehicles concurrently, nor more than ten (10) vehicles per day.
- c. Vehicles associated with the home-based business must be parked in compliance with Sec. 4.4.2.B.e.
- d. All trailers must be parked in accordance with Sec. 4.4.3 or parked within an enclosed structure.
- e. Equipment shall be located within an enclosed structure.
- f. No commercial vehicles are kept on the property or parked overnight on the property, unless otherwise permitted by this Code.

6. **Authorizations.**

- Wherever the occupant undertaking a home-based business is not the owner of the premises, the property owner and/or agent shall give notarized written approval for the home occupation.
- Businesses shall apply for a Business Tax Receipt (BTR) from the City of Lake Alfred pursuant to Sec. 50-187 of the Lake Alfred Code of Ordinances.
- Businesses regulated by state or federal laws or licensing shall provide a copy of such license or inspections during the renewal of their City of Lake Alfred BTR.

Sec. 3.8.8. Micro-brewery

- A. **Defined.** Micro-breweries, micro-wineries, craft distilleries, and brewpubs are manufacturing operations that produce alcoholic beverages for on-site consumption and off-site sales, may include a tasting room in which guests/customers may sample the product, and other related uses.

B. **Use Standards.**

1. **Mixed-use districts.** Up to 50% of the floor area in a mixed-use zoning district for a micro-brewery, micro-winery, craft distillery, or brewpub (or any combination thereof); or
2. **Industrial districts.** Up to 50% of the floor area may be allowed as a restaurant, tasting room, or retail operation (or any combination thereof) in an industrial zoning district.
3. **License.** Licenses from the Florida Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco are required.
4. **Sales.** Sale of alcoholic beverages in sealed containers for take-away may be permitted in accordance with Florida law.

Sec. 3.8.9. **Owner-Occupied Home Share**

1. **RESERVED**

Sec. 3.8.10. **Renewable Resource Structures**

- A. **Defined.** Renewable energy devices and other sustainable development technologies including, but not limited to, solar photovoltaic (pv) panels, solar hot water, solar pool heaters, tankless water heaters, geothermal heat pumps, gray-water systems, and rainwater harvesting devices, such as rain barrels and cisterns.
- B. **Development standards within residential districts.** Ancillary equipment shall comply with the following:
 1. **Ground-mounted base.** The base of ground-mounted equipment shall not exceed one (1) foot above ground level or, in flood zones, one foot above the minimum base flood elevation required by this Code for flood protection.
 2. **Screening.** The sides of any new or replacement equipment facing or visible from a street, excluding alleys, shall be landscaped as required in the landscaping and irrigation section, unless installed above the ground story.

C. **Development Standards within all Districts.**

1. **Glare.** Reflection angles from solar collection surfaces shall be oriented away from neighboring windows. If glare from reflective surfaces reflects onto neighboring windows or creates a safety concern for vehicles in a street, then the use of a non-reflective surface or the installation of artificial or natural screening may be required to mitigate glare.

Sec. 3.8.11. **Sidewalk Café**

- A. **Defined.** A sidewalk café is an outdoor seating area, located within the public right-of-way and is generally located on a sidewalk, which is adjacent to, operated by, and an accessory use a business establishment which receives 50% of their revenue from the sale of food or beverage products. Sidewalk cafés may use awnings, canopies, or umbrellas for shade, provided that the awnings, canopies or umbrellas comply with all other applicable laws.

B. **Use Standards.**

1. **Business tax receipt required.** Only a holder of a valid Lake Alfred business tax receipt for a business establishment who wishes to provide outdoor tables and chairs on the sidewalk frontage abutting the establishment for use by the general public may be issued a permit.
2. **Sidewalk frontage.** Sidewalk cafés are restricted to the sidewalk frontage of the abutting business establishment to which a permit has been issued.
3. **Unobstructed pedestrian path.** Sidewalk cafés shall be located in a manner that promotes efficient and direct pedestrian movement. A minimum unobstructed pedestrian path of at least five (5) feet, measured from the curb line to the edge of the café, shall be maintained at all times. In areas of congested pedestrian activity, or if the public health, safety, and welfare should require it, Planning Official may require a wider unobstructed pedestrian path before issuance of a permit. A narrower unobstructed pedestrian path may be allowed by the Planning Official only upon a showing by the applicant, by competent substantial evidence, of the following:

- a. A narrower path would not endanger the health, safety, and welfare of the general public.
 - b. A narrower path would add to the design, character, and environment of the downtown area.
 - c. An unusual circumstance, including, but not limited to, lack of future significant pedestrian activity or unusual and unique locale justifies a narrower unobstructed pedestrian path.
4. **Streets, driveways, and alleys.** Sidewalk cafés shall not interfere with any driveways, public non-pedestrian alleys, streets, or building entrances, and shall comply with all applicable laws.
 5. **Outdoor trash receptacle.** Sidewalk cafés shall have at least one outdoor trash receptacle.
 6. **Perimeter delineation.** The perimeter around the sidewalk café may be delineated using nonpermanent fixtures such as railings, potted plants, decorative chains, or other approved items. Permanent anchoring of tables, chairs, umbrellas, awnings, canopies, railings, or other fixtures may be approved by the Planning Official provided such anchoring meets all other applicable laws. Permanent anchoring of items by a permittee requires the permittee to repair the sidewalk or public right-of-way consistent with City requirements for sidewalk repair in the event anchored items are removed.
 7. **Encroachment.** No furnishing or fixture may extend beyond the delineated boundaries of sidewalk cafés.
 8. **Adherence to approved drawing.** Only items authorized in the approved permit may be placed in sidewalk cafés. Furniture and other items placed in sidewalk cafés shall be durable and sufficiently stable to prevent removal by winds. All furniture and objects shall compliment and add to the design, character, and environment of the downtown areas.
 9. **Menu board.** Sidewalk cafés may only display one folding movable menu or display board, not exceeding four (4) square feet of display space on either side. The menu or display board shall not be located in any designated pedestrian path.

10. **Design constraints.** Sidewalk café permits and design constraints apply only to uses on public sidewalks or public right-of-way.

C. **Operation Standards.**

1. Unanchored furnishings and objects shall be removed from the sidewalk café during the hours in which the abutting business establishment is closed for business.
2. Sidewalk cafés, sidewalk café furniture and fixtures, and the sidewalk frontage from the edge of the café to the curb line shall be kept clean and free of litter.
3. Upon reasonable written notice, the City may require the temporary removal of sidewalk cafés by the permittee. The permittee shall be responsible for removing all sidewalk café items within twenty-four (24) hours prior to the date identified in writing by the City. The City shall not be responsible for any costs associated with the removal or return and installation of any sidewalk café fixtures.
4. The City may cause the immediate removal or relocation of all or any part of any sidewalk café or sidewalk café fixtures in emergency situations. The City, its officers, employees, and agents shall not be liable for any damages or loss of sidewalk café fixtures relocated during emergency situations and shall not be responsible for any costs associated with the removal or return and installation of any sidewalk café fixtures.
5. The sidewalk café shall be limited specifically to the sidewalk café shown in the issued permit or site sketch on file at the City Building Department.
6. The permittee shall ensure the sidewalk café does not interfere with the unobstructed pedestrian path shown in the issued permit or drawing on file at the City Building Department.
7. No fixtures of sidewalk café may be attached to or affixed in any matter to a sign, tree, post, or other fixtures.
8. The hours of operation of the sidewalk café are limited to the legal hours of operation of the business holding the sidewalk café permit.

or from 7:00 a.m. to 10:00 p.m., Monday through Sunday, whichever is more restrictive. The City Manager or designee may authorize expanded hours for the sidewalk café for holidays including New Year's Eve and specific City-sponsored or City co-sponsored special events.

- 9. No food preparation shall be allowed on the sidewalk. No cooking, cooling, storage, refrigeration, or other equipment shall be located on the sidewalk.
- 10. Permittee shall meet all applicable City, County, State, and Federal Laws.

Sec. 3.8.12. Swimming pools and enclosures

- A. **Setbacks.** For purposes of setback measurement, the term "swimming pool" shall include all surrounding decking and vertical supports for screen enclosures.
 - 1. Detached swimming pools shall meet the accessory structure setbacks.
 - 2. Swimming pool decks attached to the primary structure may meet the side setback requirements for the primary structure.
- B. **Easements.** Swimming pools and screen enclosures shall not be located within public utility or drainage easements.
- C. **Enclosure.** All swimming pools shall be completely enclosed by a fence, wall, screened or other enclosure not less than four (4) feet high.
- D. **Lighting.** Lighting for pools and screen enclosures shall be located and installed such that no direct light nor reflected light is visible on adjoining property.
- E. **Other Permits.** Commercial or community pools shall also be required to submit a permit from the Department of Health prior to opening for public use.

Sec. 3.8.13. Sales and Storage of Gases

- A. **Defined.** Flammable gases are explosive when they are mixed with air or oxygen in the right proportions and include propane, hydrogen, butane, methane, ethylene, acetylene, ammonia, ethane, and silane.
- B. **Development standards.**
 - 1. Propane Gas: No more than 500 gallons shall be present on the development site without adhering to the American Society of Mechanical Engineers (ASME) standards and specifications and receipt of a Special Exception Permit.
 - 2. Bulk Storage of Explosive Gases: Storage tanks shall be located at least 75 feet from all property lines unless underground or protected by other measures.

Sec. 3.9. Temporary Uses

Sec. 3.9.1. General Provisions

- A. **Applicability.** Temporary uses are intended to allow for the short-term placement of structures, vehicles, and/or activities to promote economic development and maintain the health, safety, and welfare of the surrounding area and the greater community.
- B. **Permits.** All temporary uses require site plan or sketch and permit approval in accordance with Article 9.

Sec. 3.9.2. Farmers' Market

- A. **Defined.** A farmers' market is an outdoor market at a fixed location consisting principally of farmers and gardeners for the purpose of selling the agricultural products of their farm, garden, greenhouse, apiary, or forest directly to the public.
- B. **Use Standards.**
 - 1. **Residential districts.** In residential districts, a farmers' market shall be located on a lot at least one (1) acre in area.
 - 2. **Location.** Sales at a farmers' market may be intermittent during a limited time period, but the market itself is permanently located.
 - 3. **Five (5) or fewer vendors.** Sales shall be limited to no more than two (2) days per week between the hours of 7:00 a.m. and 7:00 p.m.
 - 4. **More than five (5) vendors.** The following conditions apply for farmers' markets with more than five (5) vendors:
 - a. A special event permit is required.
 - b. The use shall be limited to no more than three (3) days per week.
 - c. Foods, manufactured goods, wares, and merchandise may be sold if approved by the Planning and Zoning Board.

Sec. 3.9.3. Food Truck

- A. **Defined.** A mobile food dispensing vehicle, also known as a food truck, is a vehicle or trailer that is a public food service establishment; that is self-propelled or otherwise movable from place to place; and includes self-contained utilities, including, but not limited to, gas, water, electricity, or liquid waste disposal.
- B. **Use Standards.**
 - 1. **Number.** The maximum number of food trucks per parcel is limited to two (2) food trucks, unless otherwise permitted through a special event permit or as a food truck pod.
 - 2. **Site criteria.**
 - a. The property shall have improved, safe ingress and egress and an area surfaced with asphalt, concrete, or other all-weather hard durable surface, approved by the Planning Official, sufficient to accommodate the Food Truck and three (3) parking spaces per food truck.
 - b. Food trucks shall be located in an area that will not obstruct vehicular or pedestrian circulation, bus stops, or any ingress or egress from building entrances or exits.
 - c. Food trucks, and any accessory outdoor tables or seating, shall be setback a minimum of five (5) feet from any sidewalks, ten (10) feet from any driveways and above ground utilities, fifteen (15) feet from any fire hydrants.
 - d. Food trucks, and any accessory outdoor tables or seating, shall not block or otherwise impede access to any sidewalks, driveways, ADA accessible parking or fire lanes.
 - e. Food Truck dispensing shall have a minimum ten (10) foot clearance from all buildings, structures, vehicles, other food trucks, and any combustible materials.
 - f. Two (2) portable signs may be located on the site and shall not obstruct or impede pedestrian or vehicle traffic.

3. **Hours of operation.**

- a. Non-residential areas. Hours of operation are limited to the hours between 6 AM and 2 AM the next day.
- b. Residential proximity. If the designated location is within 150 feet of the property line of a single-unit or two-unit dwelling, the hours of operation are limited to the hours between 7 AM and 9 PM.

4. **Distance separation - Restaurants.**

- a. Food trucks shall be located at least 50 linear feet from any restaurant during such restaurant's operating hours.
- b. This regulation shall not apply to food trucks that operate as part of and on the location of a restaurant.
- c. This distance shall be measured by extending a straight line from the food truck to either the main entrance or any outdoor seating area of the restaurant.

5. **Distance separation - Residential.**

- a. Food trucks shall be located at least 100 linear feet from any residential zoning district.
- b. Food trucks powered by generators shall be located at least 150 feet from any residential use.

6. **Seating areas.**

- a. Food trucks and any associated seating areas shall not occupy any parking spaces reserved for persons with disabilities.
- b. Food trucks and any associated seating areas shall not, during the operating hours of any principal use, occupy parking spaces provided to meet the minimum parking requirements of that principal use.

7. **Trash containers.** Appropriate trash containers shall be provided,

and all sidewalks, parking areas, and other pedestrian spaces shall be kept clean and free from any refuse or obstruction.

8. **Fire extinguisher.** Each food truck shall be equipped with at least one approved portable fire extinguisher with a minimum rating of 8 BC.

9. **License.** Food trucks shall be licensed to operate by the State of Florida and shall receive any necessary approvals from Florida Department of Business and Professional Regulations and the City of Lake Alfred. Food trucks shall comply with state/county health department licensing requirements for preparing and selling food items.

C. **Special Events.**

1. **Food truck rally.** An owner, or authorized agent, of property located may apply for a food truck special event permit under this section to allow food trucks to operate on the property in a greater number than allowed under subsection B. above.

2. **Public property.** A special event permit is required for any Food Truck to operate on city-owned property or on public right-of-way.

3. **Hours of operation.** Food truck special events may take place only between the hours of 5:00 p.m. and 2:00 a.m. the following day, for no more than two consecutive days. Food truck special events area may be set up no earlier than 3:00 p.m. and shall be returned to the property's original condition no later than four hours after the event.

4. **Permit.** A permit is not required under this section where food trucks will be operating as part of a special event that is permitted under another section of the Code of Ordinances.

- a. The application shall include a site sketch drawn to scale that includes dimensions and the proposed location of the food truck special event area, all entrances and exits to the property, parking areas, bus stops, loading zones, fire hydrants and any other information reasonably required by the City to determine whether the food truck special event is in compliance with all applicable requirements of the Code of Ordinances.

- b. A food truck special event permit may be issued no more than

once every 30 days per location.

Sec. 3.9.4. Open Air Seasonal Sales

- A. **Defined.** The outside sales of seasonal products such as Christmas trees and pumpkins.
- B. **Use Standards.**
 - 1. The property shall have improved, safe ingress and egress and an area surfaced with asphalt, concrete, or other all-weather hard durable surface, approved by the Planning Official, sufficient to accommodate three (3) parking spaces. If utilizing shared parking or additional grass parking areas, the areas shall be identified to prevent parking in the road right-of-way or other unsecured areas.
 - 2. Activities and parking shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
 - 3. Temporary structures and vehicles may be utilized during the event.
 - 4. A recreational vehicle (RV) may be permitted to provide security during an event and must be setback a minimum of 20 feet from any residential structure. An RV powered by a generator shall be located a minimum 50 feet from any residential structure.
 - 5. Any temporary structures used in association with the use shall be removed within 48 hours after the final day of sales.
- C. **Permit.**
 - 1. It is unlawful for any person to place, use or employ open air sales without first obtaining a temporary use or special event permit.
 - 2. A set of operating rules addressing hours of operation, maintenance and security shall be prepared and submitted with a permit application.
 - 3. A site sketch shall be provided that depicts the proposed location of the sales area including any temporary tents, fencing, structures, vehicles, parking areas, generators and/or lights.

Sec. 3.9.5. Roadside Stands

- A. **Use Standards.**
 - 1. Roadside stands may sell only agricultural products grown on-site.
 - 2. The property shall have improved, safe ingress and egress and an area surfaced with asphalt, concrete, or other all-weather hard, durable surface, approved by the Planning Official, sufficient to accommodate the Food Truck and three (3) parking spaces.
 - 3. No parking or structures shall be in any rights-of-way.
 - 4. Structures shall be temporary.
 - 5. Structures shall be well-maintained and in good repair.
 - 6. The stand shall not cause a public nuisance in any way.
 - 7. Structures shall be set back a minimum of 20 feet from the property line that fronts on the road and at least 50 feet from all other property lines.

Sec. 3.9.6. Special Events

- A. **Defined.**
 - 1. Special event means a temporary meeting, activity, gathering, or group of persons or vehicles, or a combination thereof, having a common purpose, design, or goal that will affect or impact the ordinary and normal use by the general public upon any public or private facility, street, sidewalk, alley, public or private area, or building where the event substantially inhibits the usual flow of pedestrian or vehicular traffic, and is not the type approved for, or customarily associated with, the site upon which the event is located.
 - 2. Special event includes any organized activity for which the organizer requests the use of municipal services above and beyond the ordinary, everyday use.
 - 3. Special events include events located wholly or partially on city-

owned property or within city-maintained rights-of-way. However, it does not include casual park or public property use by residents, visitors, or tourists.

4. Event venue shall mean any contiguous or connected area (improved and including parcels separated by a street or other public right-of-way but coordinated as a whole for the event) under common or coordinated control and used for a special event. An event venue may consist of one (1) or more patron gathering spaces, in particular indoor and outdoor spaces, but also other types of spaces with different occupancy limits.

B. Include.

- a. **Yard sales or exhibits.**
- b. **Festivals, ceremonies, or parades.**
- c. **Rallies, meetings, or other large assemblies.**
- d. **Temporary markets, performances, contests.**
- e. **Athletic or other competitions.**

C. Use Standards.

1. No parking or structures shall be in any rights-of-way.
2. Structures shall be temporary.
3. Structures shall be set back a minimum of 20 feet from the property line that fronts on the road and at least 50 feet from all other property lines.
4. Structures shall be well-maintained and in good repair.
5. The event shall not cause a public nuisance in any way.
6. A recreational vehicle (RV) may be permitted to provide security during an event and must be setback a minimum of 20 feet from any residential structure. An RV powered by a generator shall be located a minimum 50 feet from any residential structure.

D. Permits.

1. Permits shall be required as identified in Article 9.
2. Yard sales are permitted on a private property up to four times a year without a permit.

Sec. 3.9.7. Temporary Event Tents

A. Use Standards.

1. Temporary event tents may be erected as accessory structures for special events. At the conclusion of the event all tents shall be removed from the site.
2. The property shall have improved, safe ingress and egress and an area open area sufficient to accommodate the event tent.
3. The tent shall not exceed 10% of the existing parking area, and the tent shall not block any point of ingress or egress to the development site.

B. Permits.

1. An event tent may be permitted as a building permit or in association with a special event permit.
2. Tents may not be erected more than ninety (90) days per year.
3. All electrical connections shall be inspected and approved by the Building Department.
4. The tent and fire safety equipment shall be inspected and approved by the Lake Alfred Fire Department.

Sec. 3.9.8. Temporary Construction Buildings

- A. Defined.** Temporary buildings used as a field office or for storage in conjunction with construction activities may be located at the development site during construction.

B. Include:

1. **Temporary office or construction trailer.**
2. **Temporary mobile home.**

C. **Temporary Office or Construction Trailer.**

1. The Building Official may authorize the use of a mobile home or other temporary structure not meeting the requirements of the Florida Building Code at a construction site of an approved Site Development Plan.
2. The temporary structure may be used only as an office, tool shed or other facility in support of construction work, and shall not be used for living accommodations, for sales/rental of lots or offices, or for any other purpose.
3. The applicant shall designate the exact location of the temporary structure on the Site Development Plan and shall place it only in the approved location.
4. The temporary structure shall not be installed prior to issuance of the site or building permit for the development site and shall be removed upon completion of the site work, expiration of the building permit, or issuance of the last Certificate of Occupancy for the development site.
5. If a mobile home is to be used, the wheels and axles shall not be removed.

D. **Temporary Mobile Home.** The Building Official may authorize the use of a mobile home as a temporary residence during construction of a permanent residence under the following conditions:

1. The applicant has received approval of a building permit for construction of a single-unit residence on the property.
2. The foundation and rough plumbing for the permanent structure have been completed and approved by a City building inspector.
3. The mobile home shall be placed at least 20 feet from all lot lines, and 10 feet from any other existing or planned structure.

4. The unit shall be connected to a public sewer system or when a septic system will be utilized by the permanent dwelling, a septic tank permit from the Polk County Health Department for the permanent dwelling.
5. Wheels and axles shall not be removed.
6. The mobile home shall be removed from the building site prior to issuance of the Certificate of Occupancy for the permanent residence, or at the end of a one-year period commencing at the date of its installation, whichever comes first.
7. This administrative approval may not be renewed or granted a second time for the same building site.

Sec. 3.9.9. Portable Storage Container

A. **Defined.** A portable storage container or PODs is any portable container or facility that is designed and/or used for the temporary storage or shipment of personal property, household goods, wares, building materials or merchandise, and which is located outside of an enclosed building and is delivered and removed by truck.

B. **Use Standards.**

1. Erection of an accessory structure known as a temporary/moveable storage unit requires a building permit in all zoning districts.
2. The unit shall be designated and built for temporary or portable storage of personal property.
3. No built, modified or rebuilt sections of trucks or trailers, nor any similar type of unit, including a unit that, at one time, had wheels or was utilized on roadways, may be permitted.
4. Temporary/movable storage units may only be located for a maximum of one hundred twenty (120) contiguous days from the date of issuance of a building permit.
5. All temporary/movable storage units shall meet the Florida Building Code wind velocity capacity of 110 mph and certification shall be filed with the permit application.

6. All temporary/movable storage units shall be setback a minimum of five (5) feet from any property line.

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Article 4. Site Development Standards



Article 4. Site Development Standards

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Sec. 4.1. General Provisions

Sec. 4.1.1. Purpose

- A. **Intent.** The intent of this Article is to provide development design and improvement standards applicable to all development activity within the City of Lake Alfred.
- B. **Responsibility for improvements.** Unless otherwise specifically provided, all improvements required by this Article shall be designed, installed, and paid for by the developer or property owner.
- C. **Principles of development design.** The provisions of this Article are intended to ensure the following:
 - 1. Provide functional and attractive design.
 - 2. Protect natural resources.
 - 3. Avoid unnecessary impervious surface cover.
 - 4. Provide adequate access to lots and sites.
 - 5. Avoid creation of nuisances or adverse impacts on surrounding properties.
- D. **Review process.** Unless otherwise specified, the review of these provisions shall be through the site development or subdivision review process as outlined in Article 9.

Sec. 4.1.2. Applicability

- A. **Intent.** Unless otherwise specified, this section applies to new construction, additions, and/or changes in use.
- B. **New construction.** Any new building or development site improvement shall comply with this Article.
- C. **Additions.**
 - 1. **Additional floor area.** When an existing building, use, or development site is increased in gross floor area or outside use area by less than 50% cumulatively, this Article applies to the additional floor or use area only.

- 2. **Existing building and additional floor area.** When an existing building, use, or development site is increased in gross floor area or outside use area by more than 50% cumulatively, both the existing building, use, or site and the additional floor or use area shall conform to this Article.
- D. **Change in use.**
 - 1. **Defined.** When any use category differs from the previous use of a building or development site, or a discontinuance of an existing use and the substitution thereof of a different kind of use. Change of use is not intended to include a change of tenants or proprietors, unless accompanied by a change to a use of a different use category.
 - 2. **Vehicle parking.**
 - a. **Maximum parking.** Where the number of existing parking spaces exceeds the maximum number of allowed parking spaces for the proposed use, the additional parking spaces may remain in place, at the applicant's discretion.
 - b. **Minimum parking.** When the use of the building or structure is changed and such change creates an increase of 15% or more in minimum off-street parking space requirements, then this Article applies.
 - c. **Handicapped access.** Handicapped access including number of spaces, entrance pathway, ramp, and signage.
 - 3. **Landscaping.** A change in use does not trigger the application of this Section except when there is a specific use standard requiring landscaping or screening for the new use.
 - 4. **Outdoor lighting.** A change in use does not trigger the application of this Section.
 - 5. **Other.** All other changes shall meet the design standards in other sections of this Code.
- E. **Maintenance and repair.**
 - 1. All commercial buildings located within the City, regardless of zoning, shall meet the following minimum requirements. In addition, all

buildings, whether used for commercial purposes or not, which are located in commercial zoning districts shall meeting the following minimum requirements. These regulations are in addition to any other requirements posed by law.

a. **Windows, Glass, Signs, Miscellaneous.**

- i. Every broken or missing window glass shall be repaired or replaced. It shall not be permitted to replace the glass with plywood or other non-translucent materials except on emergency basis. Plywood or other accepted materials may be used as a temporary covering to secure openings on vacated buildings or vacated portions of occupied buildings. The coverings must be painted to blend with the structure that it is applied to and installed according to requirements of the building code. If windows are eliminated on buildings, they shall be closed in with material that is of the same type as or is compatible with, the construction used in the exterior wall of that building.
- ii. Display windows, entrances, signs, lighting, sun protection, awnings, porches, security grills, etc., shall be maintained, and kept in good repair. Any elements that are in disrepair shall be brought into compliance by repair or removal. Awnings that are torn, badly faded, or structurally compromised shall be removed, repaired, or replaced. Existing nonfunctional elements on the building, such as empty electrical conduit, unused sign brackets, unused awning brackets, unsecured signs, etc., shall be removed and the building surface repaired or rebuilt.

- b. **Walls and other structural elements.** The exterior of all structures shall be maintained in good repair. This shall include painted wood, masonry, or other building materials that are not designed to otherwise exist naturally without a weather proofing system. A structure shall be considered to be in violation of this section if more than ten percent of the painted surface or weather proofing system is exposed to the elements as a result of the wear, peeling, dirt, mold, mildew, or deterioration of the material.

- c. **Temporary Coverings.** No temporary covering of any part of a structure may remain more than 30 days.

2. An existing building or site may be repaired, maintained or modernized without conforming to the requirements within this Article for new structures, provided there is no increase in gross floor area or improved outside use area.

Sec. 4.2. Access

Sec. 4.2.1. General

- A. **Intent.** To provide and manage access to properties while preserving the operating efficiency of the roadway system, to improve the safety of motorists and pedestrians, reduce traffic congestion and delays associated with poor access location and design, to coordinate access management with the Florida Department of Transportation (FDOT) and Polk County, and to support a multi-modal transportation system.
- B. **Access.** Existing and proposed development shall provide a vehicular, pedestrian and bicycle ingress and egress to and from a street or an abutting site.

Sec. 4.2.2. Pedestrian Access

- A. **Intent.** All development shall provide safe, direct and convenient pedestrian access connecting abutting public streets and parking lots to the primary entrance and to all other uses in the development that allow for public access, including parking, streets, sidewalks and transit stops.
- B. **Required.** Required pedestrian facilities include:
 1. Pedestrian access shall consist of an accessible, easily discernible, and an ADA compliant walkway with a minimum of 5 feet in width.
 2. The pedestrian access surfaces shall be constructed of concrete, asphalt or other fixed, firm and nonslip material as identified in the City's technical design standards or as approved by the Planning Official.
 3. Pedestrian access routes between buildings and parking shall be physically separated from drive aisles, except where required to cross a drive aisle.
 4. Where a pedestrian walkway crosses a drive aisle, the walkway shall

have a continuous surface treatment across the drive aisle.

5. Pedestrian walkways shall be designed and installed to allow for cross-access between abutting properties.
6. Site plans containing multiple principal buildings shall submit a phasing plan. The phasing plan shall include all necessary elements to address phasing of walkway construction for the existing principal buildings and uses on the site as new buildings and building expansion occurs in the future.
7. Residential developments shall provide internal ADA-compliant pedestrian connectivity within the development with special emphasis on access to on-site recreational amenities, trails, clubhouses, and open spaces.
8. Residential developments shall provide a sheltered bus stop for each 125 residential units within an individual phase or as part of cumulative phasing. Bus stops should be located at intersections along the neighborhood collector near on-street parking and include a shelter and seating.

C. **Exempt.** Uses exempt from providing the required pedestrian facilities include the following:

1. Agriculture uses.
2. Minor utilities.
3. Communication tower.

Sec. 4.2.3. Vehicle Access

A. **Design standards.**

1. All site access and off-street parking areas shall have vehicular access from a street, an alley, a drive aisle, or a cross-access easement.
2. Newly constructed streets and intersections shall be designed and constructed in compliance with Article 5.
3. All new driveways shall be designed and constructed in compliance with the City's technical design standards and Figure 4.2.3.A.

4. No point of access shall be allowed within 36 feet of the intersection of the right-of-way lines of any public road. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent driveway or roadway, at the property line.
5. All site access and off-street parking areas shall be designed to allow vehicles to enter and exit the site or parking area in a forward motion onto a Collector or Arterial, unless otherwise approved by the Planning Official. An improved alley may be used as maneuvering space for access to the site or off-street parking areas.
6. Where the roadway is undivided or where there is no signal control, and when existing or projected connection volumes exceed 75 vehicles in the peak hour or 500 vehicles per day, a 3-lane (turn-lane addition) connection section may be required.
7. Driveway dimensions measured at the street right-of-way shall be in accordance with Figure 4.2.3.A.

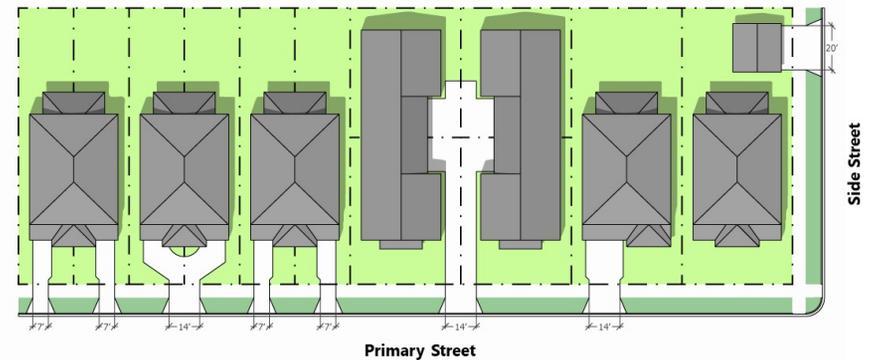
Figure 4.2.3.A. Driveway types and dimensions

| Driveway type | Min width at ROW | Max width at ROW | Radius |
|-------------------------------|------------------|------------------|--------------|
| Residential | | | |
| Single drive | 8 ft | 16 ft | 10 ft |
| Shared drive | 12 ft | 16 ft | 10 ft |
| Two-way | 16 ft | 22 ft | 10 ft |
| Mixed-Use / Commercial | | | |
| One-way | 12 ft | 18 ft | 10 ft |
| Two-way | 20 ft | 32 ft | 15 ft |
| Industrial Service | 30 ft | 40 ft | 30 ft |

B. **Subdivision access**

1. Subdivisions shall provide roadways that remain permanently open to the public and provide community-wide access as part of an overall connected street network unless otherwise approved by the City Commission.
2. Proposed streets shall be interconnected and shall connect with adjacent streets external to the subdivision in order to provide multiple routes for pedestrian and vehicle trips from, to and within the subdivision.
3. Any residential development with 70 or more units shall have, at a minimum, two (2) ingress and egress points. Each ingress and egress point shall access to one or more public collector or arterial roads with adequate access to the public transportation system. Adequate access to the public transportation system shall be determined by the Planning Official prior to development approval.
4. Residential developments with 20 or more units shall provide a divided entrance with 24-foot paved travel lanes and a planted median.
5. All development within the area identified in the North Lake Alfred Road Network Plan as identified in Ordinance 1157-06 shall be subject to providing right-of-way, if applicable, and/or a proportionate fair share contribution to develop the proposed road segments impacted by the development based on the methodology adopted by the City.

Figure 4.2.3.C. Residential Lot Access



C. Individual residential lots access.

1. When an improved alley with a right-of-way width of at least 16 feet is provided, vehicles shall access from the alley. Access may be taken from the side street on corner lots.
2. Recognizing that frequent vehicular crossings along pedestrian paths degrades the walkability of a street; all lots with widths less than 40 feet shall only allow vehicle access via alleyway, shared driveway, or side-street.
3. Side-streets or alleys that dead end without a cul-de-sac, hammerhead T-Turn or turning are approved by the Planning Official shall be limited to providing access for up to four (4) residential lots from intersection to the dead end.
4. **Driveway widths & frequency.** Restricting driveway widths and frequency along sidewalks helps preserve safety and comfort for pedestrians within the public realm.
 - a. Driveway cuts shall not exceed seven (7) feet in width along thirty (30) linear feet of the right-of-way sidewalk and/or fourteen (14) feet in width along fifty (50) linear feet of right-of-way sidewalk.
 - b. Driveway cuts along side streets shall not exceed twenty (20) feet in width, with no limits placed on frequency.

c. There shall be a minimum distance of ten (10) feet between any two openings onto the same street.

5. For lots sharing driveways, each lot shall contain a minimum of five (5) feet of the shared driveway width along the shared property line.
6. No residential lot may have more than two (2) driveways on the same street. Multiple driveways that service one (1) lot may be no closer than 30 feet to each other.
7. Non-alley loaded driveways may intersect a street no closer than twenty (20) feet from the intersection of two (2) street rights-of-way.
8. Parking and driveway areas shall not constitute more than 40% of the area between the front building line and the front property line.
9. Access connections on local roads shall be a minimum distance of 10 feet, measured at the property line, between any two openings onto the same street.
10. No residential lots having a width less than 125 feet shall access an arterial.
11. No residential lots having a width less than 80 feet shall access a collector unless utilizing a shared drive.

D. **Mixed use and non-residential uses access.**

1. If site access and off-street parking areas can be accessed from an improved alley with a right-of-way of at least 24 feet in width, access from the alley is required, and new curb cuts along the public right-of-way are not allowed.
2. Driveways are allowed based on the property frontage of any street.
3. Driveways accessing up to 70-foot wide street rights-of-

way shall be spaced 200 feet apart (centerline to centerline) and driveways accessing more than a 70-foot wide street right-of-way shall be spaced 300 feet apart (centerline to centerline).

4. A driveway serving any non-residential use or multi-unit living shall not be permitted to access neighborhood local streets unless the proposed access point is the lesser of 300' from an avenue, boulevard, or parkway, or the intersection of another public street.
5. Driveways may intersect a street no closer than fifty (50) feet from the intersection of two (2) street rights-of-way, not including an alley.

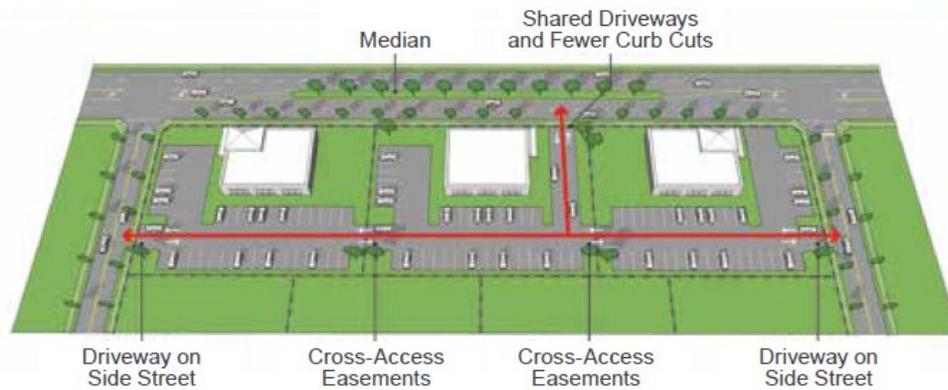
E. **Joint use access**

1. Applicants for all non-residential developments may be required to use cross access easements and joint use connections to connect adjacent properties in order to reduce curb cuts, to increase the area for parking and landscaping, and to preserve the capacity and safety of the roadway system.
2. All lots abutting a street other than a local street shall provide internal vehicular circulation areas and shall be designed and installed to allow for cross-access between abutting lots.
3. If the connection spacing standards in Section 5.2.4 cannot be achieved, then joint use connections and/or cross access easements shall be required.
4. A paved stub-out may be required to the property line for future cross access connection.
5. Offers of cross-access shall be prohibited where a proposed non-residential use or multi-unit living may potentially obtain access from a neighborhood or residential street, unless the resulting access meets the provisions of Section 4.2.3. D above.
6. Properties that provide for joint use driveways under this section

shall be eligible for a reduction in the number of required off-street parking spaces of up to 15 percent.

7. Driveways serving as a shared access point along abutting property lines may be utilized to reduce the number of driveway cuts.
8. Shared driveways or stub-outs may require a property owners agreement. All access/easement agreements shall be reviewed in accordance with Article 9 and recorded with the Polk County Clerk of Courts prior to final approval of a site development plan.

Figure 4.2.3.E. Non-Residential Lot Access



Sec. 4.3. Blocks and Lots

Sec. 4.3.1. General

- A. **Intent.** The intent of the block and lot standards is to provide a safe and efficient street network.
- B. **Efficiency.** Large blocks with limited connectivity discourage walking, contribute to street congestion and add driving distance that can negatively impact emergency services. New streets should be designed to consider future development.
- C. **Safety.** Access regulations are intended to provide a means for safe, efficient and convenient vehicular and pedestrian access within developments and between adjacent developments and to lessen traffic congestion. Pedestrian, bike and vehicular access should be safe, direct and convenient.

Sec. 4.3.2. Blocks

A. Block perimeters

1. **Applicability.** The block perimeter standards apply to preliminary lot layout plats, final plats, and site plans.
2. **Block standards.** Figure 4.3.2.A establishes the average block perimeter and maximum length for a dead-end street.
3. Block means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers.

Figure 4.3.2.A. Block perimeters

| District | Vehicle Block perimeter | Pedestrian Block perimeter (max) |
|-----------------------|-------------------------|----------------------------------|
| Residential districts | 2,400 ft | 1,600 ft |
| Mixed Use districts | 1,800 ft | 800 |
| Other districts | 3,600 ft | N/A |

B. Block measurement.

1. A block is bounded by a public right-of-way (not including an alley).
2. Block perimeter is measured along the edge of the property adjoining the public right-of-way, except for the measurement of dead-end streets, which are measured from intersecting centerlines.
3. The maximum block perimeter may be extended by 50% where the block includes an alley that connects the two streets on opposing block faces. Pedestrian passages and alleys may connect dead-end streets. Otherwise, dead end streets do not count as break in the block.
4. A block may be broken by a civic building or open lot, provided the lot is at least 50 feet wide and 50 deep and provides a pedestrian passage meeting the requirements to directly connects the two streets on each block face.
5. Where the block pattern is interrupted by public parks, open space, or greenways, that are open and accessible to the public, pedestrian access points may be provided with a minimum spacing equal to half (1/2) of the maximum block perimeter.

Figure 4.3.2.B Block Measurements



Sec. 4.3.3. Lots

A. Lot frontage.

1. Every lot shall have frontage on a public street, except developments which are approved with private streets.

2. Except as otherwise stated in this ULDC, all lots shall front on a street that has a pavement width of at least 18 feet.
3. Lots with frontage on more than one street shall meet the front yard regulations for all streets as required of the zoning district in which they are located.

B. Lot Arrangement

1. New subdivisions shall ensure that all lots conform with applicable law to ensure for orderly urban growth, proper building and street arrangement to allow for the efficient provision of City services and facilities.
2. Lot dimensions shall provide for the potential development of all lots and future compliance with the design standards of this Code.

C. Lot Dimensions. Developed lots shall conform with the minimum lot size, lot width and lot depth requirements as set forth in Article 2.

D. Flag Lots.

1. **Defined.** A flag lot is a residential lot that does not provide the minimum required frontage width on a public or privately maintained street, but is created to be served by a private driveway extending along a stem from the street to the portion of the lot which is deemed to be buildable.
2. **Applicability.**
 - a. Flag lots are generally most appropriate for dividing property that has sufficient area for two (2) or more lots meeting the minimum lot size of the zoning district, and where lot depth is extraordinary such that the buildable portion of the flag lot is typically located behind a separate lot that meets the minimum street frontage width.
 - b. Flag lots may not be created within new or existing recorded subdivision plats.

3. Standards.

- a. The narrow extension (a/k/a pole) of a flag lot shall abut on a public street, or private street constructed to public street standards.
- b. The pole portion of the flag lot must be under the same ownership as the buildable (flag) portion. An easement over an adjoining property not under the same ownership as the flag lot is not allowed as the sole means of providing access.
- c. The minimum lot width for the pole of a flag lot, from the buildable area of the lot to the street, shall be no less than twenty (20) feet for one (1) dwelling and thirty (30) feet for two (2) dwellings.
- d. The length of the pole from the street may not exceed two hundred fifty feet (250'), but may extend up to a distance of four hundred feet (400') where a utility easement is dedicated to the City on the owner's property in which the owner shall install, at his expense and subject to City specifications, a fire hydrant and water main. Said hydrant shall be located so as not to exceed two hundred fifty feet (250') of any structure on the lot.
- e. Driveways along the pole from the street property line to the buildable (flag) area shall be constructed and surfaced by an acceptable paving material capable of supporting emergency vehicles. The width of a driveway shall be a minimum of twelve feet (12') for one single-unit residence access, and twenty-two feet (22') for a second single-unit access.
- f. Driveways shall be designed so as not to direct water runoff to an abutting property.
- g. No more than two (2) flag lots may be located adjacent to each other or share access along a pole.

- h. The square footage of the pole may account for up to ten percent (10%) of the required minimum lot area of the zoning district.
- i. The width of the flag lot of the buildable flag portion shall meet the minimum width for the zoning district.
- j. In measuring the setbacks required for a structure on the lot, the requirements of the applicable zoning district shall apply based on the orientation of the residence to the street, *provided however* that if adjoining property to the flag lot is in a zoning district with more restrictive setbacks than those of the zoning district of the flag lot, the flag lot's structure must comply with the more restrictive setback requirements applicable to the adjoining property.

Sec. 4.4. Parking

Sec. 4.4.1. Bicycle Parking

A. General

1. Each required bike parking space shall be at least 2 feet by 6 feet. Where a bike can be locked on both sides of a bike rack without conflict, each side may be counted as a required space.
2. Bike racks shall be securely anchored, usable with both U-locks and cable locks, and support a bike at 2 points of contact to prevent damage to the bike wheels and frame.
3. No fee may be charged for bike parking where free automobile parking is provided.
4. Bike parking shall be provided in a well-lit area.
5. Bike parking shall be located adjacent to pedestrian areas but shall not block or interfere with pedestrian movements.

Figure 4.4.1.A Short-term bicycle parking

| Use | Required bicycle spaces |
|----------------------------|-------------------------|
| Residential | |
| Single-unit | N/A |
| Multi-unit | 0.5 / unit |
| Non-residential | |
| Educational | |
| Elementary and junior high | 5 / vehicle space |
| High school and college | 0.5 /vehicle space |
| Recreation | 0.25 /vehicle space |
| Other non-residential | 0.1/vehicle space |

B. Short-term bicycle parking

1. Calculation.

- a. **Residential.** Bicycle parking is only required for multi-unit uses (0.5 spaces per unit).
- b. **Non-Residential.** One (1) bicycle parking space shall be provided for every 10 vehicle parking spaces, or fraction thereof, except as identified in Figure 4.4.1.A.

2. Standards.

- a. Required short-term bicycle parking spaces shall be located close as the closest non-accessible automobile
- b. Bike facilities may be placed within the right-of-way, provided the encroachment is approved by the City.

C. Long-term bicycle parking.

1. **Defined.** Long-term bicycle parking provides employees, residents, commuters, and others who generally stay at a site for several hours, a secure and weather-protected place to park bicycles. Long-term bicycle parking is not required, but is highly

encouraged especially in the Downtown Overlay District.

2. **Calculation.** One (1) of every five (5) required bicycle spaces shall be designed for long-term bicycle parking.
3. **Design Standards.**
 - a. Long-term bicycle parking shall be located on site or within 300 feet of the site as measured along the nearest pedestrian walkway.
 - b. Areas devoted to long-term bicycle parking shall be paved of a hard surface material.
 - c. Long-term bicycle parking shall be provided in racks or in lockers.
 - d. Where lockers are provided, such lockers shall be securely anchored and installed per the manufacturer's design standards.
 - e. Spaces for residential uses shall not be located within a residential dwelling unit or within deck, patio areas, or private storage areas which are accessory to a dwelling unit.
 - f. At least 50 percent of required long-term bicycle parking shall be covered and meet the following standards:
 - i. Provided inside buildings, under roof overhangs, awnings, or canopies, within bicycle lockers, or within or under other approved structures.
 - ii. For covered spaces not located in a building or within a locker, the cover shall be: Constructed as a permanent structure; Designed to protect the bicycle from rainfall; and Constructed at a height of at least 7-feet above the finish grade of the paved surface.
 - iii. The structure shall be secure and accessible to intended bike users.

Figure 4.4.2.A Vehicle Parking Space Standards

| Use Classification | Minimum | Maximum |
|--|-------------------|-----------------|
| Residential | | |
| Efficiency (≤ 500 sf) | 0.50 | |
| Studio (≤ 750 sf) | 0.75 | |
| 1-2 Bedroom (> 750 sf) | 1.25 | |
| ≥ 3 Bedroom | 1.75 | |
| Non-residential | | |
| Commercial agriculture | 2 per 1,000 sf | 4 per 1,000 sf |
| Civic, except: | N/A | N/A |
| Assembly | 0.25 per seat | 0.5 per seat |
| Education | | |
| Elementary, middle schools | 1 per classroom | 2 per classroom |
| High school, tech, college, university | 0.4 per student | 0.8 per student |
| Commercial, except: | 2 per 1,000 sf | 4 per 1,000 sf |
| Day care | 2 per 1,000 sf | 5 per 1,000 sf |
| Lodging | 0.5 per room | 1.25 per room |
| Recreation, indoor | 1 per 1,000 sf | 4 per 1,000 sf |
| Recreation, outdoor | N/A | N/A |
| Restaurant (seats) | 0.4 per seat | 1 per seat |
| Industrial, except: | 1 per 1,000 sf | 3 per 1,000 SF |
| Warehouse | 0.25 per 1,000 sf | 3 per 1,000 SF |
| Wholesale trade | 1.5 per 1,000 sf | 3 per 1,000 sf |

Sec. 4.4.2. Vehicle Parking

A. Calculation.

1. **Minimum parking.** The minimum required parking space provisions for off-street vehicle parking are set forth in Figure 4.4.2.A.
2. **Maximum parking.** Where applicable, the maximum required parking space provisions for off-street vehicle parking are set forth in Figure 4.4.2.A. the number of parking

spaces shall not be exceeded.

3. **Rounding.** In computing the number of required vehicle parking spaces, a fraction greater than or equal to 0.50 is rounded up to the nearest whole number.
4. **Use category.** Where a specific use is not listed or included in the category of uses in Article 3, the Planning Official is responsible for categorizing the use based on industry standards.
5. **Alternative Parking Calculation.**
 - a. **Reserved**
 - b. **Applicability:** A parking study, in addition to the application for site development approval, shall be submitted for proposed developments requesting a waiver, shared parking request, or reduction of the total number of required off-street parking spaces.
 - c. **Contents of the Parking Study:**
 - i. The parking study shall be designed to provide evidence supporting the requested waiver of the required number of parking spaces.
 - ii. The study shall be prepared, signed, and sealed by a certified professional traffic engineer.
 - iii. The study should be based on methods and data derived from reputable organizations such as Urban Land Institute (ULI), Institute of Transportation Engineers (ITE), or National Association of City Transportation Officials (NACTO).
 - iv. Estimates of parking requirements shall be based on uses or combinations of uses that are the same or comparable to the proposed use; comparability shall be determined by density, scale, area, type of activity and location. The study shall document the source of

data used to develop recommendations.

- v. The study shall also address the extent to which a transportation system management program and use of alternative forms of transportation lessen the parking requirement.
- vi. The Planning Official will decide the appropriateness of the waiver for an alternative parking calculation on a case-by-case basis.

B. **Residential parking.**

1. **Purpose:** To preserve the character of residential and single-family neighborhoods; to enhance the public health, welfare and safety as well as the aesthetic value of residential property by controlling off-street parking; and to reduce soil erosion and improves surface and groundwater by filtering rainwater.
2. **Parking Space Requirements.**
 - a. Unless otherwise specified elsewhere in this Code, required parking calculations for residential uses are based on the unit type as shown in Figure 4.4.2.A.
 - b. All off-street ADA parking, loading areas, and vehicle parking areas shall be surfaced with concrete, asphaltic concrete, asphalt, or another dust-free surface.
 - c. Parking spaces shall be accessed from an improved driveway. Porous pavement material may be substituted for standard dust-free pavements subject to the approval of the Planning Official. Permitted materials may include, but are not limited to "grasscrete," ring and grid systems used in porous or grid pavers.
 - d. Off street parking shall be limited to the driveway parking area leading from the permitted driveway connection to the enclosed parking space (garage or carport).

- e. Vehicle parking is prohibited on front lawns.
- f. No more than 40% of front open space may be devoted to driveway and parking area.

3. **Tandem Parking.**

- a. Tandem parking is allowed for single-unit residential uses.
- b. Two parking spaces in tandem, one parking space behind another parking space, such that only one parking space has unobstructed access to a driveway, shall have a combined minimum dimension of 9 feet in width by 36 feet in length.
- c. Both parking spaces in tandem shall be assigned to the same dwelling unit.

C. **Non-residential vehicle parking.** Unless otherwise specified on Figure 4.4.2.A., required vehicle parking calculations for non-residential uses are based on the gross floor area of a single development site.

D. **Handicapped Access.** Handicapped access, including number of spaces, entrance pathways, ramps, etc., shall be provided as required by and in accordance with the Federal ADA (Americans with Disabilities Act) Standards for Accessible Design and the Florida Accessibility Code.

E. **On-Street Vehicle Parking.**

- 1. One (1) on-street vehicle parking space may be substituted for every required off-street vehicle parking space.
- 2. Each on-street vehicle parking space may only be counted for the property it abuts.
- 3. Where a vehicle parking space straddles a property line, the vehicle parking space may only be counted by property abutting 50% or more of the on-street vehicle parking space.

F. **Shared Parking.** Where a mix of uses creates staggered peak periods of parking demand, shared parking calculations within a parking study, may reflect a reduction in the total amount of required parking. Retail, office, and entertainment uses should share parking areas and quantities, particularly within mixed use districts.

F. **Remote Parking.**

- 1. All required vehicle parking spaces, except required ADA accessible spaces, may be located off-site, provided the remote parking spaces are located within an 880-linear foot walkable route to the primary entrance of the use served and are located within the same or more intense zoning district as the principal use served.
- 2. Applicants shall provide adequate documentation to verify permission to utilize a remote parking location. Approval of the remote site for parking shall be for a minimum of one year and is required for annual renewal of the on-site business license.

G. **Valet Parking Options.**

Valet parking may be permitted as a means of satisfying the parking requirements as long as all the following standards are satisfied:

- 1. An attendant is provided to park vehicles during business hours of the use.
- 2. The temporary storage of valet parked vehicles is on a lot which is permitted and zoned as a vehicle parking area.
- 3. The parking area for mass parking of valeted vehicles does not require individual striping.

Sec. 4.4.3. Other Vehicle Parking

A. **General.** Other vehicles types include, but shall not be limited to, the following:

1. **Agricultural equipment.** Tractors, balers, combines, plows, mowers, planters, or sprayers.
2. **Non-standard vehicles.**
 - a. Freight-carrying vehicle, box truck, bus, etc.
 - b. Heavy vehicles and equipment such as those used for construction (dump trucks, bucket trucks, dump trailers), or tree trimming.
 - c. Heavy trucks (in excess of 1-ton capacity),
 - d. Semi-tractors and trailer rigs, either as one unit, or separately.
3. **Recreation vehicles.**
 - a. Boats
 - b. Campers, motor homes, travel trailers, etc
 - c. Trailers; utility trailers, boat trailers, etc.

B. Parking in residential districts.

1. **Agricultural equipment.** Parking shall be associated with a bona fide agricultural use, on-site, and parked within a fully enclosed structure.
2. **Non-standard vehicle.** Parking is prohibited within all residential districts. The following exception apply:
 - a. Loading and unloading purposes.
 - b. Temporary parking for heavy equipment such as those used for construction or tree trimming, while the permitted activity is underway and located in accordance with the minimum side or rear setbacks applicable to accessory buildings in the underlying zoning district.
 - c. The storage of lawn maintenance equipment within an enclosed structure.

3. Recreation vehicles.

- a. Parking and storage of unoccupied recreational vehicles, boats, and trailers are permitted in residential zoning districts; however, no sleeping, eating, or living shall be permitted.
- b. Recreational vehicles and trailers shall not be parked within the side or rear yard setback and shall be set back at a minimum of five (5) feet from the side and rear property line and a minimum of five (5) feet from any building or structure.
- c. Recreational vehicles shall be screened from adjacent properties by a solid wall or solid fence at least six (6) feet in height.
- d. Recreation vehicles may be occupied if within properly zoned and licensed mobile home parks, mobile home subdivisions or recreation vehicle parks in accordance with Article 3.

C. Parking in non-residential districts.

1. **Agricultural equipment.** Agricultural equipment parking shall be associated with a bona fide agricultural use, on-site, and parked within a fully enclosed structure.
2. **Non-standard vehicle.** Non-standard vehicle parking and storage may be permitted, as follows:
 - a. Loading and unloading purposes.
 - b. Vehicles for sale, rental, servicing or storage of equipment may be permitted as described in Section 3.4
 - c. Storage of non-standard vehicles as a primary use shall be permitted as described in Section 3.
 - d. Temporary parking for heavy equipment such as those used for construction or tree trimming, while the permitted activity is underway and located in accordance with the minimum side or rear setbacks applicable to

accessory buildings in the underlying zoning district.

- e. Non-standard vehicle parking is not permitted on undeveloped or vacant property.

3. **Recreation vehicles.**

- a. Parking or storage of boats, unoccupied motor homes, trailers or recreational vehicles shall be permitted where the sales, rental, servicing or storage is permitted, however, no sleeping, eating, or living shall be permitted.
- b. Recreation vehicles may be occupied if within properly zoned and licensed mobile home parks, mobile home subdivisions or recreation vehicle parks in accordance with Article 3, or through a permitted temporary use or special events permit.
- c. Recreational vehicles and trailers shall be parked at least five feet behind the front façade of the building.
- d. Recreational vehicles and trailers shall be set back at least five (5) feet from the side and rear property line and at least five (5) feet from any adjacent building or structure.

Sec. 4.4.4. Parking Lot Layout and Design

A. **Parking access.**

- 1. All off-street vehicle parking shall have direct vehicular access to a public right-of-way through an alley, driveway, or access easement.
- 2. All off-street vehicle parking areas shall be designed to allow vehicles to enter and exit in a forward motion, except for parking associated with a single-unit use. An improved alley may be used as maneuvering space for access to off-street parking areas.
- 3. All off-street vehicle parking shall be designed so that vehicle access is available from one parking aisle to another parking aisle without the need to access a street or alley.

B. **Pedestrian facilities.**

- 1. All off-street parking areas with at least 6 or more rows of vehicle parking shall provide a separated pedestrian walkway.
- 2. The pedestrian walkway shall consist of an accessible, easily discernible, and ADA compliant walkway a minimum of 5 feet in width.
- 3. A landscaped median island with a pedestrian walkway shall be a minimum of 9 feet wide (see Sec. 4.5.5.).
- 4. Pedestrian walkways shall provide direct connections to building entrances from the spaces furthest from the entrance.
- 5. Where a pedestrian walkway crosses a drive aisle, the walkway shall have a continuous surface treatment across the drive aisle.

- C. **Parking lot landscaping.** All off-street vehicle parking areas designed to accommodate more than 20 vehicle parking spaces shall be landscaped as specified in Sec. 4.5.3. Bufferyards.

D. **Surfacing and drainage.**

1. All off-street vehicle parking spaces and loading areas shall be graded and drained to collect, retain and infiltrate surface water on-site so as to prevent damage to abutting properties or public streets.
2. Curbing shall have openings to allow drainage to enter and percolate through landscaped areas.
3. All off-street ADA parking, loading areas, and vehicle parking areas with three or more vehicle parking spaces shall be surfaced with concrete, asphaltic concrete, asphalt, or another dust-free surface material.
4. Off-street vehicle parking for 2 or fewer spaces may have a compact gravel surface.
5. Vehicle parking in excess of the minimum parking required may have a compact gravel surface, porous pavement material, or delineated grassed vehicle parking areas. These vehicle parking areas shall be accessed from an improved driveway. Porous pavement material may be substituted for standard dust-free pavements subject to the approval of the Planning Official. Permitted materials may include, but are not limited to "grasscrete," ring and grid systems used in porous or grid pavers.

E. **Parking space and aisle specifications.** Off-street vehicle parking areas shall satisfy the dimensional requirements set forth herein.

1. **Standard parking space.** A standard off-street parking space shall consist of at least 162 square feet (9 feet by 18 feet) of storage space for one automobile, plus adequate space for maneuvering and parking one automobile.
2. **Compact parking space.** A compact off-street parking space shall consist of at least 128 square feet (8 feet by 16 feet) of storage space for one vehicle, plus adequate space for maneuvering and parking one vehicle.

3. **Parallel parking space.**

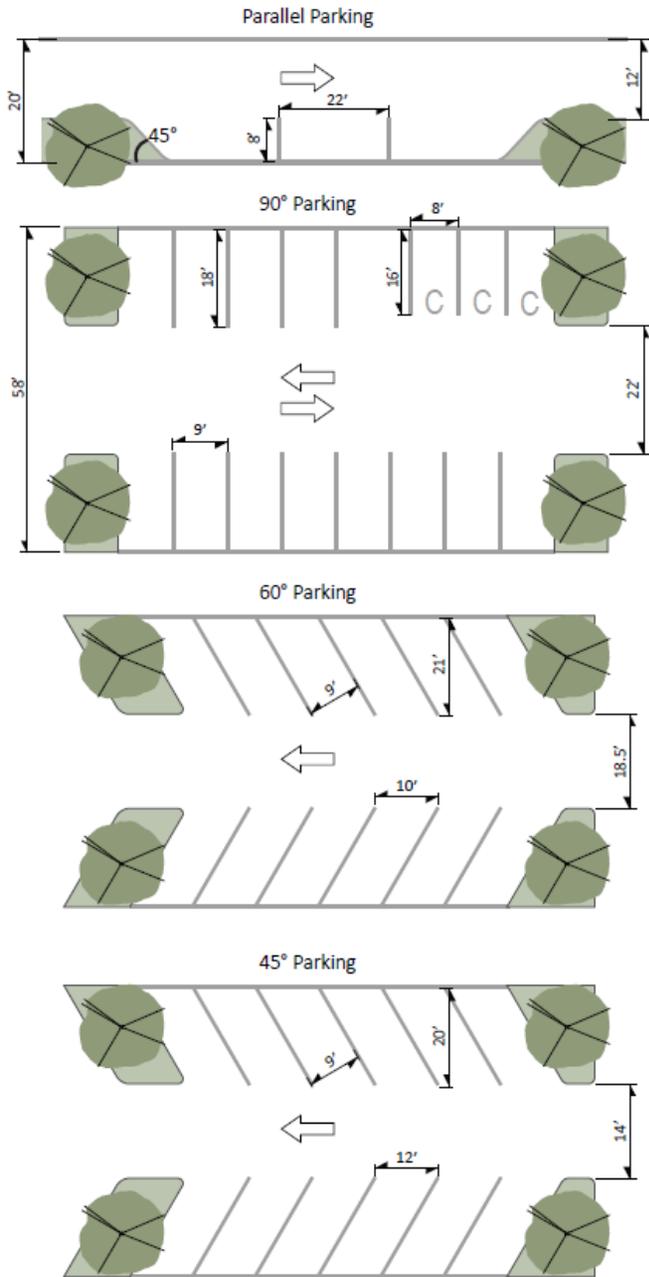
- a. A parallel on/off-street parking space shall consist of at least 176 square feet (8 feet by 22 feet) of storage space for one automobile, plus adequate space for maneuvering and parking one automobile. If a parallel parking space abuts no more than one (1) other parallel parking space, and adequate access room is available, then the length may be reduced to 20 feet.
- b. An additional 45-degree curbing angle on each end of the row of parallel parking for ease of entering or exiting the last space is provided.

4. **Maneuvering and parking.** Adequate space for maneuvering and parking one automobile shall mean as following:

- a. Two-way aisles between vehicle parking spaces shall be at least 22 feet in width.
- b. One-way aisles between vehicle parking spaces shall be at least 14 feet in width for 45-degree angle parking, at least 18.5 feet in width for 60-degree parking, and at least 22 feet in width for 90-degree angle parking.

5. **Alternative Parking.** Parking spaces and drive aisles using dimensions other than those specified may be approved if sufficient evidence is provided that vehicles can maneuver on-site and the documentation and parking layout is prepared and sealed by a by a professional engineer registered in the State of Florida, subject to Administrative approval by the Planning Official.

Figure 4.4.4.E Vehicle Parking Space and Aisle Standards



Sec. 4.4.5. Vehicle Loading

- A. **Purpose.** In order to prevent undue interference with public use of streets and alleys, every civic, commercial, industrial, and other similar use customarily receiving or distributing goods by motor vehicles shall provide vehicle loading and unloading space on-site for that number of vehicles normally on-site at any one time on an average day of full use for the purposes of loading and unloading such goods.
- B. **Loading and unloading space.**
 - 1. **Loading required.**
 - a. Each building with over 5,000 square feet of gross floor area but less than 20,000 square feet of gross floor area shall be provided with at least one off-street loading/unloading space, adjacent to the principal building.
 - b. In addition, one off-street vehicle loading/unloading space shall be provided for each additional 10,000 square feet of gross floor area, or fraction thereof, over 20,000 square feet up to 50,000 square feet, plus one for each 25,000 square feet over 50,000 square feet.
 - c. Where the requirement exceeds five vehicle loading spaces, the city engineer shall determine whether additional vehicle spaces are needed.
 - 2. **Space size.** Such space is defined as an area of at least 35 feet in depth, 12 feet in width and with an overhead clearance of not less than 14 feet, exclusive of access, platform or maneuvering area, to be used exclusively for vehicle loading and unloading of goods and/or merchandise. The exact dimensions of the loading/unloading space(s) shall be subject to Administrative approval.
 - 3. **Access and maneuvering.** Access to all truck standing, loading and unloading facilities shall be provided directly from a public street or alley and shall be so designed that all maneuvering areas are located on the same property.

4. **Location and screening.** Vehicle loading areas shall be located in the rear of the site or incorporated into the building mass, and screened from public view by a wall (up to a maximum of eight feet) and landscaping.

Sec. 4.5. Landscaping & Buffers

Sec. 4.5.1. Installation and Maintenance

A. **Plant selection.** All plants used to meet the requirements of this Section shall be selected from the Approved Plant List, Section 2.3.2 DOD, Section 4.5, or as approved by the Planning Official if sufficiently documented that the requested plant possesses the characteristics required as determined by the Planning Official. Additional references for plant cultural characteristics are provided by the University of Florida Institute of Food and Agricultural Services (UF/ IFAS) and the Southwest Florida Water Management District Waterwise landscaping references or its successor.

B. **Installation.**

1. All installed plant materials shall be graded Florida No. 1 or better as outlined under current Grades and Standards for Nursery Plants, Division of Plant Industry, State of Florida. All plants not listed shall conform to a Florida No. 1 or better as to health and vitality.
2. Condition of foliage; root system; freedom from pest or mechanical damage; and heavily branched and densely foliated according to the accepted normal shape of the species.
3. All required canopy trees shall have a minimum caliper of 3 inches diameter breast height (DBH) and be at least 9 feet tall at time of planting.
4. All required understory trees shall have a minimum caliper of 2 inches DBH at time of planting.
5. All newly planted trees shall be properly guyed and staked. Guys and stakes shall be maintained for a minimum of one year.
6. All installed plant materials shall be installed in an

appropriate planting soil medium for the required plants and shall be irrigated to sustain healthy growth of all plants until established. Required plants that die shall be replaced before the next growing season.

7. Bare soil in planted areas shall be covered with a minimum of three inches of mulch consisting of shredded softwood or hardwood chips, nuggets, needles or oak leaves, or two inch diameter stone or brick chips. Non-porous materials shall not be placed under or over the mulch.
8. Grass areas shall be planted in species normally grown in permanent lawns in Polk County. Grass areas may be sodded, plugged, sprigged, or seeded. Solid sod shall be used in swales and other areas subject to erosion. In areas where grass seed is needed, nurse grass seed (i.e., rye, millet) shall also be sown for immediate effect.
9. Landscape plants shall not interfere at maturity with overhead or underground utilities, storm sewer or water pipes, or any other proposed overhead or underground utility service.
10. All landscaped areas shall be provided with an appropriate irrigation system, consistent with the needs of the plants contained therein. Properties on which required landscape areas are in disrepair or improperly maintained shall be subject to Code Enforcement action by the City.

C. **Florida Water Star Program.**

1. Florida Water Star SM (FWS) is a water conservation certification program for new and existing homes and commercial developments. To maximize water conservation and minimize fertilizer/pesticide runoff, all new construction shall be certified as Florida Water Star™ Silver. To maximize water conservation, all new construction shall incorporate WaterSense® plumbing fixtures (faucets, showerheads and toilets) and ENERGY STAR® appliances.
2. Prior to the issuance of any Certificate of Occupancy, the a FWS Silver Certificate shall be provided to the City to verify that all specified indoor plumbing, landscape and irrigation silver standards were met for the residential and recreational/amenity buildings.

3. A written request for an exception shall be submitted and approved by the Planning Official. Where Florida Water Star Certification will not be obtained, a "Letter of Certification of the Design for an Irrigation System" signed by the contracted irrigation installation/design professional certifying the design is consistent with Florida Water Star criteria shall be required before issuance of a building permit. In addition, where Florida Water Star Certification will not be obtained, a "Letter of Completion Certifying Compliance with Design for an Irrigation System" signed by the contracted irrigation installation/design professional certifying the installation is consistent with Florida Water Star criteria shall be required before issuance of a certificate of occupancy.
4. In appliances where WaterSense plumbing fixtures and ENERGY STAR appliances are not available, a written request for an exception shall be submitted and approved by the Planning Official.
5. Irrigation, beyond landscape establishment, is not required outside of the Green Swamp and is prohibited within the Green Swamp (except for food production).

D. Maintenance.

1. All required landscape areas, including landscaping used for screening purposes, shall be maintained and kept in good, living condition so as to present a healthy, neat, and orderly appearance and shall be kept free from weeds, refuse, and debris, following the issuance of a certificate of occupancy.
2. Mulch shall be replenished as necessary to maintain a three-inch depth.
3. No required shrubs or trees shall be destroyed without approval of a revised landscape plan or construction plan.
4. Any landscape that is considered hazardous or unsafe, interferes with public utilities, conflicts with required corner visibility, obstructs pedestrian or vehicular access, constitutes a traffic hazard, or is listed as an invasive species by the Florida Exotic Pest Plant Council is subject to Code Enforcement action.

Sec. 4.5.2. City Landscape Palette

- A. Canopy trees, understory trees, and shrubbery that are best acclimated to the environment in the City are listed in Figures 4.5 through 4.7.
- B. In order to satisfy the requirements of this Section, trees and shrubs from these lists shall be selected for new landscape installations.
- C. The use of exotic and nuisance plants is prohibited and shall not be accepted as part of an approved landscape plan. For purposes of this Section, exotic and nuisance plants shall be those provided in the most recent Invasive Plant List of the Florida Exotic Pest Plant Council.

Figure 4.5 Canopy trees

| Species | Common Name | Height | Canopy (sq.ft.) |
|--|--------------------------|----------|-----------------|
| <i>Acer Rubrum</i> | Red maple | 35-50 | 500 |
| <i>Carya glabra</i> | Pignut hickory | 80-100 | 700 |
| <i>Carya Illinoensis</i> | Pecan | 60-100 | 700 |
| <i>Carya tomentosa</i> | Mockernut hickory | --80-100 | 700 |
| <i>Celtis laevigata</i> | Sugarberry (Hackberry) | -- 40-60 | 1,300 |
| <i>Cinnamomum camphora</i> | Camphor | -- 40-50 | 700 |
| <i>Fraxinus caroliniana</i> | Pop ash | 40-60 | 500 |
| <i>Liquidambar styraciflua</i> | Sweetgum | 60-100 | 500 |
| <i>Magnolia grandiflora</i> | Southern magnolia | 50-100 | 500 |
| <i>Pinus clausa</i> | Sand pine | 60-80 | 500 |
| <i>Pinus elliottii</i> | Slash pine | 80-100 | 500 |
| <i>Pinus elliottii</i> var. <i>densa</i> | South Florida slash pine | 80-100 | 500 |
| <i>Pinus palustris</i> | Longleaf pine | 80-100 | 500 |
| <i>Platanus occidentalis</i> | Sycamore | 50-80 | 700 |
| <i>Quercus laurifolia</i> | Laurel oak | 60-100 | 970 |
| <i>Quercus nigra</i> | Water oak | 60-100 | 700 |
| <i>Quercus virginiana</i> | Live oak | 50-60 | 2,000 |
| <i>Tilia Caroliniana</i> | Carolina basswood | -- 50-60 | 500 |
| <i>Ulmus slata</i> | Winged elm | 20-25 | 500 |
| <i>Ulmus americana</i> | Florida elm | 80-100 | 700 |

Figure 4.6 Understory trees

| Species | Common Name | Height (ft) | Canopy (sq.ft) |
|------------------------|--------------------------|-------------|----------------|
| Baccharis halimifolia | Groundsel tree salt bush | 6-12 | 50 |
| Betula nigra | River birch | 45-65 | 200 |
| Callistemon viminalis | Weeping bottlebrush | 15-20 | 80 |
| Carpinus caroliniana | American hornbeam | 25-35 | 120 |
| Carya folioides | Scrub hickory | 10-20 | 120 |
| Chionanthus virginicus | Fringe tree | 15-25 | 80 |
| Cornus florida | Flowering dogwood | 20-30 | 200 |
| Crataegus | Hawthorne | 15-20 | 120 |
| Eriobotrya japonica | Loquat, Japanese plum | 15-20 | 80 |
| Eucalyptus cinerea | Silver dollar eucalyptus | 15-25 | 120 |
| Gleditsia aquatica | Water locust | 40-60 | 180 |
| Gordonia lasianthus | Loblolly bay | 30-40 | 200 |
| Ilex attenuata | East palatka holly | 25-30 | 200 |
| Ilex cassine | Dahoon holly | 25-30 | 200 |
| Ilex opaca | American holly | 30-45 | 200 |
| Juniperus silicicola | Southern red cedar | 25-30 | 120 |
| Koelreuteria elegans | Golden rain tree | 30-50 | 320 |
| Lagerstroemia indica | Crepe myrtle | 15-25 | 120 |
| Magnolia virginiana | Sweetbay magnolia | 30-60 | 200 |
| Osmanthus americana | Wild olive, Devilwood | 15-30 | 50 |
| Osmanthus megacarpa | Scrub olive | 12-15 | 80 |
| Parkinsonia aculeata | Jerusalem thorn | 20-30 | 200 |
| Persea borbonia | Red bay | 20-60 | 120 |
| Prunus caroliniana | Cherry laurel | 30-40 | 120 |
| Prunus serotina | Wild black cherry | 50-65 | 320 |
| Quercus chapmanii | Chapman oak | 15-20 | 180 |
| Quercus geminata | Sand live oak | 15-30 | 120 |
| Quercus incana | Bluejack oak | 20-30 | 120 |
| Quercus laevis | Turkey oak | 40-50 | 180 |
| Quercus myrtifolia | Myrtle oak | 15-20 | 80 |
| Taxodium distichum | Bald cypress | 60-100 | 320 |
| Ulmus parvifolia | Drake elm, Chinese elm | 30-40 | 320 |

Figure 4.7 Shrubs

| Species | Common name | Species | Common name |
|-------------------------------|-------------------------|--------------------------------|---------------------------|
| Abelia grandiflora | Glossy abelia | Juniperus squamata "expansa" | |
| Baccharis halimifolia | Groundsel tree/saltbush | Leucophyllum frutescens | Texas sage |
| Befaria racemosa | Tarflower | Ligustrum japonicum | Ligustrum |
| Bumelia tenax | Silver buckthorn | Lyonia ferruginea | Rusty lyonia |
| Camellia japonica | Camellia | Lyonia lucida | Shiny lyonia/fetterbush |
| Carrissa | Boxwood beauty | Myrica cerifera | Wax myrtle |
| Cortaderia selloana | Pampas grass | Persea humilis | Silk bay |
| Cycas revoluta | King sago | Photinia glabra | Red tip |
| Duranta repens | Golden dewdrop | Pittosporum tobira | Green pittosporum |
| Garberia heterophylla | Garberia | Pittosporum tobira "compacta" | Compact pittosporum |
| Gardenia jasminoides | Gardenia | Pittosporum tobira "variegata" | Variegated pittosporum |
| Hydrangea macrophylla | Hydrangea | Raphiolepis indica | India hawthorn |
| Hypericum hypericoides | St. Andrew's cross | Rhododendron "Duc de Rohan" | Azalea, "Duc de Rohan" |
| Hypericum reductum | St. John's wort | Rhododendron simsii | Indian azalea |
| Ilex cornuta "Bufordi" | Buford holly | Rhododendron serrulatum | Swamp azalea |
| Ilex cornuta "Dwarf Bufordi" | Dwarf Buford holly | Serenoa repens | Saw palmetto |
| Ilex cornuta "rotunda" | Rotunda holly | Thryallis glauca | Thryallis, Shower-of-gold |
| Ilex glabra | Gallberry | Vaccinium darrowi | Little blueberry |
| Ilex opaca arenicola | Scrub holly | Viburnum obovatum | Blackhaw |
| Ilex vomitoria "nana" | Shillings holly | Viburnum odoratissimum | Sweet viburnum |
| Ilex vomitoria "Pendula" | Weeping yaupon holly | Viburnum suspensum | Sandankwa viburnum |
| Illicium anisatum | Japanese anise | Zamia floridana | Coontie |
| Illicium floridanum | Star anise | | |
| Illicium parviflorum | Florida anise | | |
| Itea virginica | Virginia willow | | |
| Jasminum naidum | Shining jasmine | | |
| Jasminum pubescens | Downy jasmine | | |
| Juniperus "Pfitzeriana" | Pfitzer juniper | | |
| Juniperus conferta "compacta" | Dwarf shore juniper | | |

Sec. 4.5.3. Tree Canopy Requirements

- A. **Canopy requirements.** The minimum tree canopy cover, as identified for each zoning district within the Zoning Table (Section 2.1.6), may comprise of canopy tree plantings (Figure 4.5) or understory tree planting (Figure 4.6).
- B. **Tree planting requirements.**
1. Canopy trees shall be selected from Figure 4.5 and planted no closer than five (5) feet to any paved surface.
 2. Planting areas for canopy trees shall be no less than 100 square feet in area.
 3. Planting areas under canopy trees should be planted in compatible shrubs from Figure 4.7 or ground covers. Grass planting is discouraged because of the high water demand of grass versus shrubs and ground cover.
- C. **Canopy calculation.** Canopy cover is calculated by dividing the total tree canopy area by the total lot area. Canopy areas shown in Figures 4.5 and 4.6 are for the mature growth canopy of each tree that shall be the credit for canopy at the time of planting.
- D. **Tree protection or removal.** An existing canopy tree shall be preserved whenever possible and its canopy calculated as it exists or from Figure 4.5, whichever is greater. When a buffer is to be provided by preserving existing trees and shrubs, all healthy species growing in the location shall be acceptable to the City, and shall be maintained in their natural setting.
- E. **Additional tree canopy.** In addition to the required canopy cover, more trees may be required by other parts of this Section to meet minimum landscape standards. Trees planted within bufferyards count toward the minimum canopy cover requirements.

Sec. 4.5.4. Bufferyards

- A. **Purpose.** Bufferyards are intended to minimize conflicts between potentially incompatible, but otherwise permitted land uses on abutting property or property on the opposite side of the right-of-way.
- B. **Location.**
1. A required buffer shall be located within the outer perimeter of the lot, parallel to and extending to the property boundary line.
 2. A required buffer shall be provided along the entire frontage immediately abutting the property line.
 3. Bufferyards may be located within a required setback.
 4. Breaks for pedestrian, bicycle and vehicle access are allowed. Driveways or walkways shall cross a buffer at as near a perpendicular angle as practical.
 5. The width of a required buffer is calculated on the average width per 100 feet or portion of buffer. The minimum width of the buffer at any one point cannot be less than one-half the required width of the buffer.
 6. The location of the trees and shrubs may be spaced evenly along the length of the bufferyard or grouped to best display the plant material.
- C. **Encroachment.**
1. The parking of vehicles and the placement of buildings or structures are not allowed in a required buffer, except for walls, fences, play equipment, and pedestrian paths.
 2. No building or structure on the subject site may be located closer than 10 feet to a required buffer.
 3. A required buffer may not be located on any portion of an existing, dedicated or reserved public right-of-way or utility easement.

D. **Grade.** In lieu of a required wall or fence, a natural or man-made grade separation may be provided, subject to the following:

1. A berm or other elevated planting area may be utilized in place of a fence or wall to enhance planting areas and screen off-site impacts such as noise and lights. The berm shall be a minimum of 2/3 the height of a required fence or wall. Fences placed on top of a berm may not exceed the fence/wall standards in Sec. 4.5.8.
2. The developing property shall be located at an elevation lower than the property to be screened.
3. The stabilized side slopes of the grade change may be no greater than 3:1.

E. **Alternative standards.** The buffer requirements may be modified in consideration of the following criteria:

1. For each buffer yard standard, options are provided with varied widths and fencing requirements for the developer therefore, the developer is free to choose the option that best fits the site constraints and the features of the site design.
2. The width of a required buffer is calculated on the average width per 100 feet or portion of buffer.
3. The minimum width of the buffer at any one point cannot be less than one-half the required width of the buffer. Generally, as buffer yard width increases or a fence is installed, the planting requirements are reduced.
4. When the adjacent property is vacant, the buffaryard planting requirements may be reduced by half.
5. The existing topography or vegetation achieves the purpose and intent of this Article.
6. For topographic reasons, a fence or wall or other required screening device could not screen activities from an abutting property as required by this Article.

7. The Planning Official may provide relief to the standards as described in Section 9.9 or defer the matter to the Planning Board and Zoning Board for alteration approval.

Figure 4.8 Bufferyard requirements

| | Existing Use | | | | |
|--|---|-------------------------------------|---|--|---|
| | Residential (up to 8 units); outdoor recreation; cemeteries | Office, live/work; mobile home park | Residential (8+ units); utility substations; light commercial; civic; bed & breakfast | Light industrial; heavy commercial; hospitals; warehouse; wholesale; hotel; minor vehicle; outdoor recreation. | Heavy industrial; major vehicle; waste recovery |
| Residential (up to 8 units); open space | -- | A | B | C | D |
| Office, live/work; mobile home park | A | -- | B | C | D |
| Residential (8+ units); utility substations; light commercial; civic; bed & breakfast | B | B | -- | B | C |
| Light industrial; heavy commercial; hospitals; warehouse; wholesale; hotel; minor vehicle; outdoor recreation, outdoor storage | C | C | B | -- | B |
| Heavy industrial; major vehicle; waste recovery | D | D | C | B | -- |

Figure 4.9 Bufferyard types



| Bufferyard Type | A-1 | A-2 | A-3 | B-1 | B-2 | B-3 | C-1 | C-2 | C-3 | D-1 | D-2 | D-3 |
|-------------------|-------|-------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| Min. Width | 20 ft | 10 ft | 7 ft | 25 ft | 15 ft | 10 ft | 30 ft | 20 ft | 15 ft | 40 ft | 30 ft | 20 ft |
| Canopy trees | -- | 2 | -- | 1 | 3 | 1 | 2 | 4 | 2 | 3 | 6 | 3 |
| Understory trees | 2 | 2 | 5 | 2 | 2 | 4 | 3 | 5 | 6 | 6 | 12 | 6 |
| Shrubs | 10 | 20 | 6 | 10 | 20 | 6 | 15 | 25 | 10 | 15 | 30 | 20 |
| Fence/wall height | -- | -- | 6 ft | -- | -- | 6 ft | -- | -- | 6 ft | 6 ft | 6 ft | 8 ft |

Sec. 4.5.5. Parking Lot Landscaping

A. **General.** Parking lot landscaping consists of perimeter trees and landscape areas used for screening, as well as interior trees and landscaped areas within the parking lot. Effective parking lot landscaping can offset environmental impacts of parking by using on-site stormwater infrastructure that more closely mimics the natural water cycle, and manages stormwater through effective rainfall retention, pollutant removal, and water infiltration.

B. **Perimeter landscaping.** All surface parking areas as well as drive aisles and other related vehicular use areas shall be screened from view from the adjacent street using one of the options below. A required landscape strip shall be located at the outer perimeter of the parking area and shall be provided along the entire parking area, excluding breaks for pedestrians, bicycles and driveways. For screening options that include shrubs, those shall be 30 inches tall at the time of planting and 70% of them shall be evergreen.

1. **Landscape strip with shrubs.** A minimum 10-foot wide landscape strip planted with shrubs that fully screen paved areas and parking lots from the right-of-way and one (1) canopy tree per thirty (30) linear feet.
2. **Landscape strip with screening wall.** A three (3) foot high screening wall located within a minimum four (4) foot planting strip. Screening walls shall be closed and constructed of high-quality materials including one or a combination of the following: decorative blocks; brick; stone; cast-stone; stucco over standard concrete masonry blocks; glass block; or other material approved by the Planning Official.
3. **Landscape strip with berm.** An earth berm a minimum of 2.5 feet higher than the finished elevation of the parking area, planted with five (5) shrubs for every thirty-five (35) linear feet and one (1) canopy tree per thirty (30) linear feet. The berm shall contain a rounded crown suitable for planting, and a stabilized side slope of no greater than 3:1.

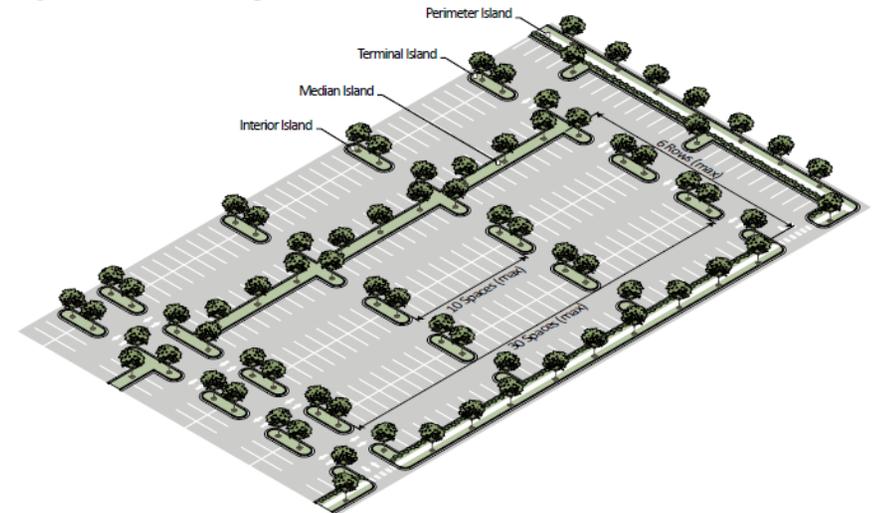
C. Interior Island.

1. A landscaped interior island shall be provided every 8 parking spaces.

Interior islands shall be distributed evenly throughout the parking area. Interior islands may be consolidated or intervals may be expanded in order to preserve existing trees.

2. An interior island abutting a single row of parking spaces shall be a minimum of 9 feet in width and 200 square feet in area. Each island shall include 1 shade tree.
3. An interior island abutting a double row of parking spaces shall be a minimum of 9 feet in width and 400 square feet in area. Each island shall include 2 shade trees.

Figure 4.10 Parking lot dimensions



D. Median Island.

1. A landscaped median island shall be provided between every 4 single parking rows. Intervals may be expanded to preserve existing trees on the lot.
2. A landscaped median island shall be at least 8 feet wide.
3. At least three shrubs shall be planted in the median island for every 80 feet in length.

E. Island Plantings.

1. All required shade trees species shall be chosen from the approved list in the canopy tree plantings (Figure 4.5) or understory tree planting (Figure 4.6).
2. Islands shall be installed below the level of the parking lot surface and designed to allow for runoff capture.

Sec. 4.5.6. Residential District Landscaping

A. Groundcover.

1. **Outside Green Swamp.** Turf grass shall not exceed 60% of the total pervious area of a building site. The remaining area shall be landscaped with shrubs, groundcovers, and annuals.
2. **Inside Green Swamp.** Turf grass shall not exceed 40% of the total pervious area of a building site. The remaining area shall be landscaped with Southwest Florida Water Management District Waterwise shrubs, groundcovers, and annuals.

B. Building perimeter landscaping.

1. **Requirement.** Landscaping with a minimum planting width of 5 feet is required along the perimeter of all building facades facing a street or alley, except where doorways and driveways are located.
2. **Grade.** Building perimeter landscaping may be located at grade, in raised planters or in freestanding planters. Any raised or freestanding planter shall match the adjacent building materials.
3. **Mulching.** Building perimeter landscaping shall be mulched or include groundcover to cut down on irrigation needs and weed growth. Sod, pine straw, and stone do not count as groundcover for the purpose of foundation planting.
4. **Approval.** The Planning Official may approve the location of landscaping equivalent to the foundation planting farther away from the building if hardscape is preferred adjacent to the facade, for an outdoor seating area, as an example.

C. Waterfront swales.

Any development abutting a water body (including natural water bodies and wet retention ponds) shall provide a planted pollution-control swale or other landscape feature approved by the Planning Official, upland of the normal high-water elevation, along the entire length of the waterfront. The swale shall be designed as follows:

1. The swale shall be a minimum of 6-feet in width.
2. Turfgrass and non-native ornamental plants shall not be planted closer than 10-feet from the normal high water elevation.
3. The swale and littoral area shall be planted with native and native aquatic plants covering 75% of the area.

D. CPTED. Crime Prevention Through Environmental Design

1. Landscaping should not create blind spots or hiding spots, particularly between the driveway or street sidewalk and the primary entrance of a residential structure. Properly maintained landscaping should provide maximum viewing to and from the house.
2. The street address should be clearly visible from the street with numbers a minimum of 5 inches high that are made of non-reflective material that provides significant contrast to the affixed background.

Sec. 4.5.7. Screening

A. Service Areas.

1. Trash collection, trash compaction, recycling collection, and other similar service areas shall be located to the side or rear of the site and shall be screened from view from adjacent properties or streets (not including an alley).
2. Service areas that are fully integrated into a building shall be screened with a roll down door or another opaque screen.
3. Service areas that are not integrated into a building shall be screened from three sides by a wall at least 6 feet in height and on the fourth side by a solid gate at least 6 feet in height. The gate and wall shall be maintained in good working order and shall remain

closed except when trash pick-up occurs.

B. **Mechanical Equipment.**

1. **Intent.** All mechanical equipment shall be screened from view at ground level as viewed from any public or private right-of-way, common areas, lakes and abutting property. Such screening shall utilize opaque fencing, screenwalls, and/or shrubs and other vegetation, maintained at a minimum one (1) foot distance from said mechanical equipment.
2. **Exemptions.** Free-standing or roof-mounted renewable energy systems such as solar panels are exempt from these screening requirements.
3. **Roof-Mounted Equipment.**
 - a. Roof-mounted equipment shall be screened from ground level view from adjacent property or adjacent street (not including an alley).
 - b. New buildings shall provide a parapet wall or other architectural element that screens roof-mounted equipment from view.
 - c. For existing buildings with no or low parapet walls, roof-mounted equipment shall be screened on all sides by an opaque screen compatible with the principal building in terms of texture, quality, material and color.
4. **Wall-Mounted Equipment.**
 - a. Wall-mounted equipment shall not be located on any surface that directly faces a street (not including an alley).
 - b. Wall-mounted equipment located on any surface that is visible from a street (not including an alley) shall be fully screened by landscaping or an opaque screen compatible with the principal building in terms of texture, quality, material and color.
5. **Ground-Mounted Equipment.**

- a. Ground-mounted equipment screening shall be as high as the highest point of the equipment being screened.
- b. Screening shall consist of landscaping or an opaque screen similar to the principal building in terms of texture, quality, material, and color.

C. **Utility Service Areas.**

1. Utility service areas located outside of the right-of-way that exceed 42 inches in height and 42 inches in any other dimension shall be screened from the street.
2. Screening shall consist of landscaping or a wall or fence compatible with the principal building in terms of texture, quality, material, and color.
3. Utility service areas shall be located an adequate distance from the street to allow for any required screening to be installed without encroaching into the public right-of-way.
4. Screening is not required for utility service areas located more than 50 feet from a street.

D. **Drive-Thru Facilities.**

1. Where drive-thru windows and lanes are allowed to be placed between a street (not including an alley) or ground floor residential use and the associated building, the entire length of the drive-thru lane, including but not limited to menu boards, stacking lanes, trash receptacles, ordering box, drive up windows, and other objects associated with the drive-thru shall be screened.
2. Screening shall be a continuous compact evergreen hedge. At the time of installation, the screening shall be at least 4 feet.
3. In lieu of the compact evergreen hedge, a screening wall with a minimum height of 4 feet may be installed. The wall shall be similar to the principal building in terms of texture, quality, material and color.

Sec. 4.5.8. Fences and Walls

A. **Purpose:** Fences and walls serve multiple purposes. They can be used to identify and demarcate property boundaries, serve as screening devices, and/or provide privacy, confinement, and security.

B. **Defined.**

1. **Fence** is defined as a barrier primarily constructed of materials other than masonry materials. The term “fence” does not include natural barriers, such as, but not limited to, trees, hedges, or shrubs.

2. **Wall** is defined as a solid barrier constructed completely of concrete, masonry, brick, stone, or other such solid materials.

C. **Requirements.** Fences and walls may be required or elective, but when installed shall follow the requirements of this section unless otherwise specified elsewhere in this Code.

D. **Maintenance.** Fences and walls, whether required or optional, shall be maintained in sound condition. Owners of property where fences or walls are constructed are required to maintain the fence or wall in good repair ensuring that it remains sightly and structurally sound. All fences and walls shall be continuous in alignment and construction.

E. **Materials.**

1. Ornamental wrought iron, aluminum; or
2. Treated or finished wood or wood units such as a split-rail fence; or
3. Brick, stone, split block, stucco on concrete block or other finished precast materials; or
4. Masonry units of uniform size; or

5. Finished poured concrete.

6. The Planning Official may approve other fence or wall materials on a particular site if the proposed materials would provide equal or greater protection, would result in equivalent impacts on the general appearance of near or adjacent property, and do not violate the intent of this Code.

F. **Height.**

1. **Non-Residential.**

- a. **Primary and side streets.** Fence heights shall not exceed 6 feet within the required primary and/or side street setback or build-to lines.
- b. **Sides and rear.** Fence heights shall not exceed 8 feet in height within side and rear yard setbacks.

2. **Residential.**

- a. **Primary and side streets.** Fence heights shall not exceed 4 feet within the required primary and/or side street setback or build-to lines.
- b. **Sides and rear.** Fence heights shall not exceed 6 feet in height within side and rear yard setbacks.

G. **Location Limitations.**

1. **Drainage.** No fence or wall shall be erected in such a manner as to interfere with drainage or cause the collection or ponding of stormwater. Weep holes of sufficient size and design shall be installed where the foregoing condition would occur.
2. **Visibility.** Fences may not be located within the Clear Visibility Triangle per Section 5.3.6. or in any other location that would hinder the visibility of pedestrians or vehicles interact.
3. **Easements.** Walls and fences shall not encroach upon any utility or

right-of-way easements.

4. **Waterbodies.** All fences located adjacent to water bodies shall not extend into such water body beyond the normal high water elevation.

Figure 4.5.8 Fence and Wall Types



H. **Public street visibility.** The following standards apply to all fences and walls located adjacent to and parallel to a right-of-way. Figure 4.5.8 provides several examples of permitted and prohibited fencing and wall types.

1. **Visual Interest.** Fences or walls abutting a public right-of-way or having a public visual presence, shall be constructed of durable material and be detailed to include distinctive cap/coping, columns/pillars, and/or other decorative items in order to break up monotonous wall planes and create visual interest.
2. **Subdivisions.** Where a new development creates residential lots that have rear yards facing a public street, a fence or wall shall be required as provided in this Section.
3. **Finish.** All walls and fences shall have a decorative or ornamental finish on the public side at a minimum. These may include, but are not limited to, finished stucco, brick and stone treatments (real or simulated) and paint applications.

4. **Decorative columns.** Decorative columns or pillars shall be provided at systematic intervals, not to exceed a separation distance of more than twenty-four feet (24') on center for all fencing and walls.
5. **Pillars.** Pillars are required at any point where the fence changes direction. Pillars shall be at least 12 inches wide. Pillars may extend up to 12 inches above the height limitations of this Section.
6. **Landscaping.** A minimum Type A-3 buffer landscape shall be provided between the fence or wall and the public-right-of-way.
7. **Prohibited.** Chainlink, whether vinyl coated or galvanized, vinyl, or PVC is prohibited for use as wall or fence surrounding a residential community.
 - I. **CPTED.** Crime Prevention Through Environmental Design
 1. **Non-Residential.** The height requirements of this Section for may be exceeded by two feet where an approved CPTED fence is installed.
 2. **Residential.** CPTED fences are allowed and should be considered in combination with CPTED landscaping standards.
 3. **Materials.** An approved CPTED fence shall be a wrought iron or wrought iron-type fence. No barbed wire may be used with a CPTED fence.
 - J. **Security fences.** A security fence is a fence or wall with a special defensive feature designed primarily to protect property from theft, vandalism, trespass, or other criminal activity.
 1. Security fences are permitted within industrial and public-building zoning districts.
 2. Security fencing may be used, in other zoning districts, at sites such as electrical substations and communications facilities, and government facilities where such fencing is required by federal, state, or local law, or other sections of this Code.

3. Temporary security fencing may be utilized for construction sites while a permit for the work is active for the construction site. All temporary fences shall be removed prior to the issuance of a Certificate of Occupancy.
4. Security fences may be used for properties with a bona fide agricultural use.
5. **Materials.**
 - a. A vinyl-coated chain-link fence, by itself, is not a "security fence" for the purposes of this section, but is a "security fence" when combined with other special defensive features.
 - b. Barbed wire and electrified fences are security fences for purposes of this part.

K. **Residential fences & walls.**

1. **Defined.** Two types of fences are allowed on individual residential lots:
 - a. Picket fences
 - b. Privacy fences.
2. **Primary and side street.**
 - a. Picket fences shall not be more than 4 feet in height. Picket fences shall not be solid and shall not be more than 50% opaque above 30 inches in height.
 - b. A possible alternative to a picket fence is a hedge, which shall be maintained at a maximum height of not more than 3.5 feet. A trellis, gate, or arbor shall be exempt from the maximum height when located where the walk (from the public sidewalk to the porch) passes through the fence or hedge.

- c. Picket fences or hedges may be located at the back of sidewalks along the front or street side yard of a lot. They may also be located along the alley to give privacy to an accessory unit yard.

3. **Rear and side yard.**

- a. Privacy fences may be located along interior lot lines to within 5 feet of the front facade of the principal building.
- b. Where a fence is adjacent to public right-of-way, the fence shall not be placed within 5 feet of the property line.

4. **Materials.**

- a. All fencing shall be built out of attractive, long-lasting materials, such as wood, PVC, masonry, stone, wrought iron, aluminum, vinyl, or vinyl-coated wire.
- b. Unfinished or exposed materials. With masonry fences, the use of exposed or unfinished/unpainted concrete block is prohibited.
- c. Treated or finished wood or wood units of uniform size, and the unfinished side shall not be visible from public streets.

Sec. 4.6. Site Lighting

Sec. 4.6.1. General

- A. **Purpose.** Exterior lighting shall be utilized to enhance the visual impact of buildings and development sites. Exterior lighting shall be designed with regard to placement, intensity, timing, duration, color, and ultimately the user (pedestrian and vehicular users).
- B. **Conformance.**
All outdoor illuminating devices shall be installed in conformance with the provisions of this Development Code, the Building Code, and the Electrical Code as applicable and under proper permit and inspection.
- C. **Lighting plan.**
All developments subject to site plan review shall submit a lighting plan, stamped by a licensed engineer or other qualified professional, demonstrating compliance with this Section.
- D. **Light level measuring.**
 - 1. Light levels are specified, calculated, and measured in footcandles. All footcandle values are maintained footcandles.
 - 2. Measurements are to be made at ground level, with the light-registering portion of the meter held parallel to the ground pointing up.

Sec. 4.6.2. Applicability

- A. **New fixtures.** All lighting fixtures installed shall conform to all applicable design standards and requirements of this Section.
- B. **Existing fixtures.**
 - 1. **Maintenance.** Routine maintenance, including changing the lamp, ballast, starter, photo control, fixture housing, lens, and other required components, is allowed for all existing fixtures.

- 2. **Replacement.** The installation of site lighting, replacement of site lighting, and changes to existing light fixture wattage, type of fixture, mounting, or fixture location shall be made in compliance with this Section.

- C. **Additions.** When an existing building, use, or site is increased in gross floor area or improved site area by more than 25% cumulatively over the past 3 years, both the existing building, use, or site and the additional floor or site area shall conform to the lighting requirements of this Section.
- D. **Change in use.** A change in use does not trigger the application of this Section.
- E. **Exempt lighting.** The following luminaires and lighting systems are exempt from these requirements:
 - 1. Lighting for pools used at night.
 - 2. Underwater lighting used for the illumination of swimming pools and fountains.
 - 3. Temporary holiday lighting for a period of no more than 30 days.
 - 4. Lighting required and regulated by the Federal Aviation Administration, or other federal, state, or local agency.
 - 5. Emergency lighting used by police, fire, or medical personnel, or at their direction.
 - 6. All outdoor light fixtures producing light directly from the combustion of fossil fuels.
 - 7. Security lighting controlled and activated by a motion sensor device for a duration of 10 minutes or less.
- F. **Prohibited lighting.** The following lighting systems are prohibited:

1. Aerial lasers;
2. Temporary searchlights and other high-intensity narrow-beam fixtures;
3. Mercury or sodium vapor lamps and other light sources that lack color correction or do not allow for uniform site lighting;
4. Cobra-head-type fixtures having dished or drop lenses or adversely affect flora and fauna or disturb the character of the area. Lighting may be used for safety and convenience but is not necessarily uniform or continuous.
5. Blinking or flashing lights, rope lights or lights outlining architectural features.
6. Spotlights or floodlights mounted on any tree.

Sec. 4.6.3. Lighting Zones

- A. **Lighting zone descriptions.** Each zone is assigned a lighting zone that describes the level and type of illumination allowed per site. The lighting zones are described as follows:
1. **LZ 1: Inside Green Swamp lighting.** Areas where lighting might adversely affect flora and fauna or disturb the character of the area. Dark Sky standards also control light pollution and preserve a view of the stars in the night sky. Lighting may be used for safety and convenience but is not necessarily uniform or continuous.
 2. **LZ 2: Outside Green Swamp residential district lighting.** Areas of activity with moderate light levels. Lighting is used for safety and convenience, but it is not necessarily uniform or continuous.
 3. **LZ 3: Outside Green Swamp non-residential district lighting.** Areas of activity with moderately high light levels. Lighting is generally desired for safety, security, and convenience and is often uniform and continuous.

3. **Light Limits.** The maximum allowed lighting limit shall be determined as follows:
 1. The power allowance for the application type shall not exceed the total allowance footcandles listed in Figure 4.6.3. Footcandles: ("FC") are the basic unit of illuminance (the amount of light falling on a surface).
 2. Footcandle measurements may be taken with a handheld light meter measured 18" above the ground.
 3. One footcandle is equivalent to the illuminance produced on one square foot of surface area by a source of one candle at a distance of one foot.
 4. Horizontal footcandles measure the illumination striking a horizontal plane.
 5. Alternative lighting calculation may be submitted for based on methods and data from the Illuminating Engineer Society (IES).
 6. The Planning Official will decide the appropriateness of the alternative lighting calculation on a case-by-case basis, based on uses or combinations of uses that are the same or comparable to the proposed use; comparability shall be determined by density, scale, area, type of activity, and location.

Figure 4.6.3. Limited-zone lighting by footcandles

| Lighting Application | LZ1 | LZ2 | LZ3 |
|---|-------------|-------------|-----------------|
| | Green Swamp | | Non-Residential |
| Parking Areas | | | |
| Parking lots, plazas, hardscape lighting, driveways | 0.40 | 1.0 | 3.0 |
| Ornamental lighting | Waiver | 0.10 | 0.20 |
| Roadways | | | |
| Local Roads | 0.40 | 0.40 | 0.9 |
| Collector Roads | 0.90 | 0.60 | 1.2 |
| Buildings | | | |
| Building entrances (without canopy) | 1.0 | 2.0 | 5.0 |
| Building entry, drive-up sales, and general-use with canopies | 2.0 | 5.0 | 8.0 |
| Sidewalks | 0.4 | 1.0 | 3.0 |
| Building façades | Waiver | 0.18 | 0.35 |
| Vehicle service station | 4.0 | 6.50 | 10.20 |

Sec. 4.6.4. Lighting Design

A. Design and installation:

1. Illumination levels.

- a. Illumination levels may not exceed 0.5 footcandles at the property line where the neighboring property is an LZ2, residential use, or is zoned for a residential use.
- b. Illumination levels may not exceed 0.1 footcandles at the property line where the neighboring property is an LZ1 zone within the Green Swamp.
- c. For all other uses, illumination levels may not exceed 1.0 footcandles at the property line.
- d. The Planning Official may waive this requirement where property lines are adjacent to public sidewalks.

- 2. Site lighting shall not be oriented onto adjacent properties, streets, or sidewalks. Lighting shall not be aimed onto adjacent properties, except in cases of shared parking, shared pedestrian pathways, or for coordinated development sites spanning multiple parcels.
- 3. Service connections for all freestanding lighting fixtures shall be installed underground.

B. Parking and Pedestrian Areas.

- 1. Light fixtures within vehicle parking areas may be no higher than 30 feet.
- 2. Light fixtures within pedestrian areas may be no higher than 15 feet.
- 3. Light fixtures within 25 feet of a street right-of-way (not including an alley) shall be forward throw fixtures.

C. Lighting Fixtures. Light trespass is defined as light projected onto a property from a light source located on a different property.

- 1. Full cutoff and fully shielded lighting fixtures shall be utilized so as to not create unwarranted distractions that may be caused by glare or light trespass.
- 2. Unshielded fixtures are strictly prohibited.
- 3. Floodlight fixtures shall either be aimed down at least 45 degrees from vertical, or the front of the fixture shielded so that no portion of the lightbulb extends below the bottom edge of the shield.
- 4. Illumination Levels.
 - a. Illumination levels may not exceed 0.1 footcandles at the property lines.

D. **Vehicular Canopies.** Lighting under vehicular canopies shall be less than 24 footcandles and be designed to prevent glare off-site. Acceptable lighting designs include the following:

1. **Recessed.** Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.
2. **Shielded.** Light fixture incorporating shields or is shielded by the edge of the canopy itself, so that light is restrained to 5 degrees or more below the horizontal plane.
3. **Surface Mounted.** Surface-mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution.
4. **Indirect.** Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the bottom of the canopy.

E. **Building Lighting**

1. Lighting fixtures shall be selected, located, aimed, and shielded so that direct illumination is focused exclusively on the building facade, plantings, and other intended site features and away from adjoining properties and the street right-of-way.
2. All wall pack fixtures shall be full cutoff fixtures.
3. Only lighting used to accent architectural features, landscape, or art may be directed upward, provided that the fixture is located, aimed, or shielded to minimize light spill into the night sky.

Sec. 4.6.5. **Special Uses**

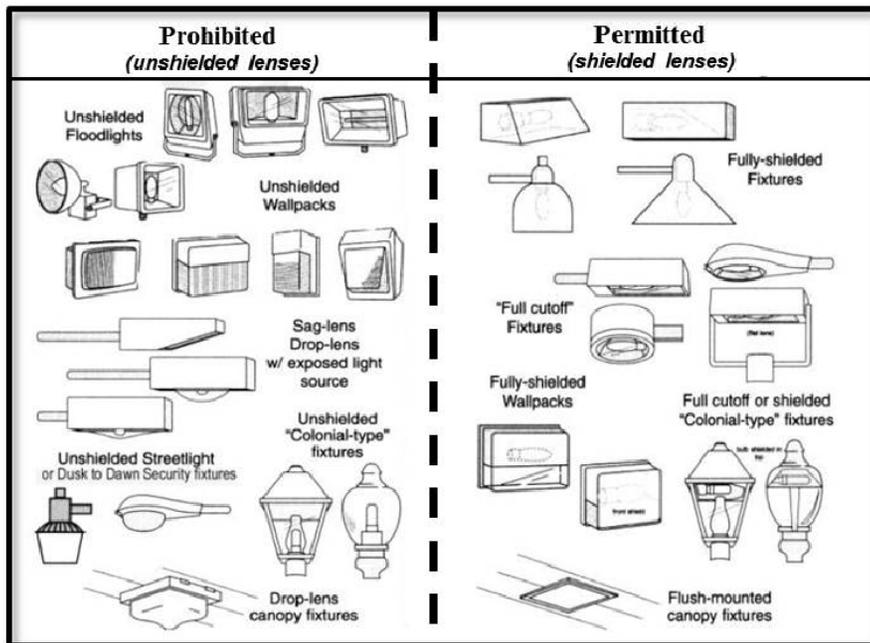
All lighting not directly associated with the special use areas designated below shall conform to the lighting standards described in this Section.

A. **Outdoor Sports, Recreation Fields, or Performance Areas**

Lighting of outdoor recreational facilities (public or private), such as, but not limited to, outdoor athletic fields, courts, tracks, special event or show areas, shall meet the following requirements:

1. Facilities designed for municipal leagues, elementary to high school levels of play, and training fields for recreational or social levels of play, college play, semi-professional, professional, or national levels of play shall use luminaires with minimal up-light consistent with the illumination constraints of the design. Where fully shielded fixtures are not used, acceptable luminaires include those which:
 - a. Are provided with internal or external glare control louvers or lenses, and are installed to minimize up-light and off-site light trespass and glare; and
 - b. Are installed and maintained to avoid aiming more than 2.5 times the mounting height.

Figure 4.6.4 Light Fixtures



2. All lighting installations shall be designed to achieve the illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA RP-6).
3. The installation shall also limit off-site spill (off the lot containing the sports facility) to the maximum extent possible consistent with the illumination constraints of the design. For all recreational or social levels of play and training fields, as well as performance areas, illumination levels shall not exceed 1.5 foot-candles at any location along any nonresidential property line, and 0.5 foot-candles at any location along any residential property line.
4. All events shall be scheduled to complete all activities no later than 10:30 PM. Illumination of the playing field, court, or track may be permitted after the curfew only to conclude a scheduled event that was unable to conclude before the curfew due to unusual circumstances. Field lighting for these facilities shall be turned off within 30 minutes after the last event of the night.
5. All light poles shall be set back the greater of 50 feet or 1 foot for every foot in height from any residential property line or right-of-way.

Article 5. Public Improvements Standards



Article 5. Public Improvements Standards

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Sec. 5.1. General Provisions

Sec. 5.1.1. Purpose

- A. **Intent.** The purpose of this Article is to provide development design and improvement standards applicable to all development activity within the City of Lake Alfred.
- B. **Responsibility for improvements.** Unless otherwise specifically provided, all improvements required by this Article shall be designed, installed, and paid for by the Developer.
- C. **Principles of development design.**
 - 1. The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article 7 of this Code.
 - 2. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid creating any nuisance including adverse effects of glare, noise, odor, traffic, drainage, and utilities on surrounding properties.

Sec. 5.2. Street Design

Sec. 5.2.1. General Provisions

- A. **Intent.** This Section establishes minimum requirements applicable to the development of the transportation system, including public and private streets, bikeways, pedestrian ways, parking and loading areas, and access control to and from public streets. The standards in this Section are intended to minimize the traffic impacts of development, to ensure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.
- B. **Compliance with technical construction standards.** All required elements of the transportation system shall be provided in compliance with engineering design and construction standards adopted by the City of Lake Alfred. New streets within the city-limits shall be dedicated to the City upon completion, inspection, and acceptance by the City unless otherwise exempted by the City Commission.

- C. **Signage and signalization.** The developer shall deposit with the city sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the City, based upon County or State traffic standards.
- D. At least two (2) street name signs shall be placed at each four-way street intersection, and one at each "T" intersection.
- E. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent of a style appropriate to the community, and of uniform size and color.
- F. **Street names.** No street names shall be used which will duplicate or be confused with the names of existing streets, provided that where alignment is appropriate, new streets shall bear the names of existing street. Street names shall be subject to the approval of the city commission.

Sec. 5.2.2. Street Classification

- A. **Street Types.** Public and private streets are classified according to the following types. The titles are intended for the regulatory purposes of this Code only and are not synonymous with words or terms used elsewhere to describe the functional classification, maintenance classification or other classification of streets or roadways. Except where streets of any type are approved in accordance with the adopted roadway improvement plans of the State of Florida, Polk County or the City, new streets within each context shall be limited by the following types:
 - 1. **Accessways.** Accessways may be located in residential or commercial areas and are designed at slow speeds for pedestrians, bicyclists and automobiles to mix on the same surface. They generally provide a secondary access to properties used by residents rather than visitors.
 - 2. **Local streets.** Local streets are residential in character and intend to connect driveways/alleyways to the roadway network. Local streets should be designed to encourage slow speeds that allow for bicyclists and automobiles to mix.
 - 3. **Collector streets.** Collector streets are designed to carry and distribute traffic between local streets, downtown, and arterial roadways. Collector streets should be designed to separate automobile traffic from bicyclists. Collector streets are further

categorized based on their general use as a residential, mixed-use, and industrial street.

4. **Arterial streets.** Arterial streets are routes that generally serve to interconnect activity centers and/or provide connections between cities. Arterial streets should be designed to allow for multiple modes of mobility including bicycle and bus transport.

Figure 5.2.2. Street type characteristics

| Street types | Purpose | Property | Facilities | Design Speeds |
|-----------------------|------------------------------------|-----------------|---|---------------|
| Local | Neighborhood serving | High access | Sidewalks | Up to 25 mph |
| Collector | Connect neighborhoods and downtown | Moderate access | Sidewalks, off-street bikeways, transit | 20 to 35 mph |
| Collector, industrial | Moving freight | Low access | Sidewalks, transit | Up to 45 mph |
| Arterial | Commuting, freight travel | Low access | Sidewalks, off-street bike paths, transit | up to 55 mph |

B. Classifying Streets.

1. The initial street classification will be determined by the City at the time of Site Plan approval.
2. Only the Planning Official, the Planning Board or the City Commission may initiate proposals for the classification or reclassification of street types. Changes to street types shall be by the same procedure as for Code amendments.

Sec. 5.2.3. Construction of Streets

- A. **Owner’s cost.** Where streets are platted and dedicated on the periphery of a subdivision and after the street location has been approved by the City Commission, the owner or subdivider shall bear one-half the total cost of improvements so situated, and the owners of adjoining property shall bear the other one-half of the cost of such improvements abutting

their property. In the event that the street location is determined by the City Commission not to be essential to the overall improvement and development of the City of Lake Alfred, then the owner or subdivider shall pay all the cost of the improvements. All paving and drainage plans shall be approved by a registered engineer.

- B. **Half-streets prohibited.** Half-streets shall be prohibited, except where essential to the reasonable development of the subdivision in conformity with the other requirements of these regulations and where the City Commission finds it will be practicable to require the dedication of the other half when the adjoining property is subdivided. Wherever a half-street is adjacent to a tract to be subdivided, the other half of the street shall be platted within such tract.
- C. **Full width of grade.** All subdivisions shall have streets graded to the full width of the right-of-way and paved in accordance with City-approved specifications, including the installation of curbs, gutters and storm drains where required by the City. All such improvements shall be constructed by the owner or subdivider, according to plans and specifications approved by the City Engineer.
- E. **Stub Streets.**
 1. Where a development adjoins unsubdivided land, stub streets within the new subdivision shall be extended to meet maximum block perimeter standards.
 2. The stub street must be extended to the boundary of the abutting property to the point where the connection to the anticipated street is expected.
 3. Stub streets must be located so that the portion of the block perimeter located on the subject property does not exceed 50% of the applicable block perimeter maximum.
 4. If a stub street exists on an abutting property, the street system of any new subdivision must connect to the stub street to form a through street.
 5. When the entirety of a creek crossing is in the subdivision, the crossing must be in a single phase in its entirety.
 6. When stubbing to the edge of the site, the stub street will be built to the furthest point possible without outside-jurisdictional approval and a fee in lieu of construction is paid for the remainder. Any right-of-way and slope easements needed to build the

connection shall be dedicated for the stub street, pending the extension of the street into abutting property. A sign noting the future street extension shall be posted at the applicant's expense.

D. Private streets.

1. Private ownership of streets may be approved by the City Commission.
2. Private streets may be allowed within any development, provided they are designed and constructed pursuant to all engineering standards applicable to public roads of the same street type.
3. Private streets shall be kept in a satisfactory state of repair and maintenance by the developer or by the legally established homeowner's association, and/or appropriate entity which shall be clearly stated on the face of the final plat.
4. Private streets may have a security gate or other form of barrier to restrict access. However, the developer or homeowners' association or other appropriate entity shall be responsible for providing access to City emergency vehicles when necessary.

E. Dead end streets.

1. Dead end streets or other street terminations shall be limited as much as possible in new development designs.
2. Dead end streets are prohibited in non-residential districts.
3. Dead end streets will not be allowed where the ability to connect to an existing street, cul-du-sac, or stub out is available to provide vehicular connectivity and accessibility.
4. Where physical barriers such as limited access highways, railroads, canals or wetlands prevent connectivity or where street connections cannot be made to existing development, a dead end street may be utilized.
5. When the terminus of a dead end street has restricted access to another street due to barriers or access restrictions, the dead end street shall be located a minimum of 100' from the other street or a Type D Landscape buffer shall be installed between the two streets.
6. Dead-end streets extending more than two (2) lots or more than 125 feet shall provide a cul-de-sac turnaround or hammerhead "T"-turn, the location and specification which shall meet the access

requirements for fire safety and municipal service vehicles.

7. An unobstructed 12-foot wide moving lane with a minimum outside turning radius of 50 feet shall be provided at the terminus of every permanent cul-de-sac.

Sec. 5.2.4. New Streets

- A. Purpose.** This section describes the minimum guidelines for the construction of new streets throughout the City and is intended to provide a catalog of pre-approved street types.
- B. Intent.**
1. The intent of the new streets regulations is to provide a palette of street typologies and design elements that reflect the character of different areas within the City.
 2. The new street regulations provide adequate travel lanes for vehicles, cyclists, and pedestrians.
 3. Public streets shall not be gated. Private gated streets must be approved by the City Commission.
 4. Developments that require construction of new streets shall also be in conformity with the block structure standards of Section 4.3, unless approved by the City Commission.
- C. Applicability.**
1. When a preliminary plat, final plat, or site plan proposes the construction of a new street, the requirements of this Article apply.
 2. Sidewalks, streets and street trees must be installed and constructed in accordance with this Article.
- D. Development Standards.**
1. Streets shall be laid out to avoid environmentally sensitive areas.
 2. No public street shall be designed within 40 feet of the high-water elevation of any lake, except where public access to the lake is to be provided.
 3. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area to the greatest extent possible. In general, provisions should be made for through streets at intervals not exceeding four blocks.

4. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land.
5. Street and lot access connections on collector or arterial roads shall meet the FDOT, County, or connection spacing standards below. As the design speed increases, the connection spacing along the roadway shall also increase.
 - a. Speed <35 mph shall have a minimum spacing of 125'
 - b. Speed 35-45 mph shall have a minimum spacing of 245'
 - c. Speed >40 mph shall have a minimum spacing of 440'
6. Street jogs on undivided roadways with centerline offsets of less than one hundred and twenty-five feet (125') shall be avoided. As the design speed increases, the offset distance of the connection on the opposite side of the roadway shall also increase.
 - a. Speed <35 mph shall have a minimum offset of 125'
 - b. Speed 35-40 mph shall have a minimum of 450'
 - c. Speed >40 mph shall have a minimum of 600'
7. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.

E. Street elements.

1. Street Design.

- a. **Right of way.** Land in which the state, a county, or a municipality owns the fee simple title or has an easement dedicated or required for a transportation or utility use.
- b. **Speed.** The maximum speed the travelway is designed to accommodate.
- c. **On-Street Parking options.**
 - i. **None.** No on-street parking is allowed.
 - ii. **One.** On-street parking is required and allowed on one side of the street and may alternate sides.
 - iii. **Both.** On-street parking is required on both sides of the street.

- d. **Bulbout spacing.** Provides the maximum amount of parking spaces allowed between each bulbout.
2. **Travelway.** Area within right of way or easement designed for automobile transport such as:
 - a. **Pavement width.** Width of pavement between gutters.
 - b. **Travel lanes width.** Area designated for vehicle travel.
 - c. **Curb & gutter.** Concrete curb and gutters shall be constructed in accordance with City standards. Any curb damaged after being set and before pavement is completed must be replaced.
 - d. **Parallel parking lane width.**
 - e. **Median/turn lanes.** Area used for left turns or planted areas.
 3. **Streetscape.** Area within right of way or easement dedicated to use such as:
 - a. **Planting/furniture zone.** All trees planted in accordance with this Article must be shade trees planted every 20 feet on center, on average. Where overhead utilities exist, one understory tree planted every 20 feet on center, on average, must be substituted for each required shade tree. All required street trees must meet the design, installation and maintenance requirements of Article 4 of this Code.
 - b. **Sidewalk.** A concrete sidewalk must be installed on both sides of all street rights-of-ways.
 - c. **Bikeway.** Where specified, a pavement bikeway must be installed on both sides of street rights-of-way.
 - d. **Utility/maintenance strip.** Major public utility lines should be located underground. All electrical, fiber optic, cable, telephone, water, sewer service, and distribution lines within private developments shall be located underground. Stub-outs should be provided at shared property lines.
 4. **Context Classification.** The FDOT adopted roadway classification system for all non-limited-access state roadways.
 - a. **C2T-Rural Town.** Small concentrations of developed areas immediately surrounded by rural and natural areas; includes many historic towns.

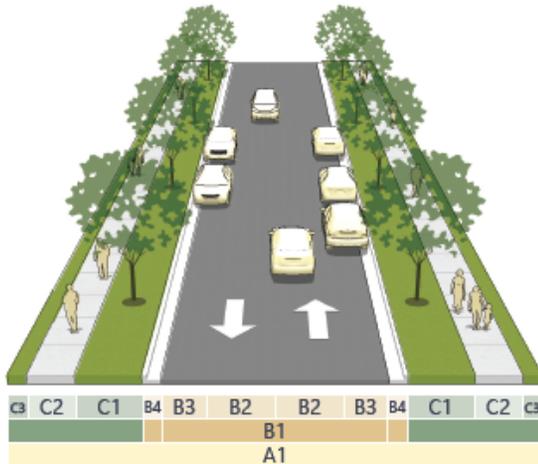
- b. **C3R-Suburban Residential.** Mostly residential uses within large blocks and a disconnected or sparse roadway network.

Figure 5.2.4.E Street types table

| | | Street design | | | | Travelway | | | | | Streetscape | | | |
|---------------------|----------------|-----------------------------|------------------------|------------------------------------|--------------------------|-----------------------------|---------------------------|-------------------------|----------------------------------|---|--|-------------------------|------------------------|--------------------------------------|
| | | Min right of way width (ft) | Max design speed (mph) | Optional on-street parking (sides) | Max bulbout spacing (ft) | Min-max pavement width (ft) | Min-max travel lane width | Max curb & gutter width | Parallel parking lane width (ft) | Min-max turn lane/planted median width (ft) | Min planting/furniture zone width (ft) | Min sidewalk width (ft) | Min bikeway width (ft) | Min utility / maintenance strip (ft) |
| Local | | | | | | | | | | | | | | |
| Neighborhood | Narrow alt | 40 | 20 | none | N/A | 18-20 | 9-10 | | N/A | | 3 | 5 | | |
| | Narrow | 50 | 25 | one | N/A | 18-20 | 9-10 | 2 | 8 | N/A | 7 | 5 | N/A | 1 |
| | Wide | 56 | | both | | 24-26 | 12-13 | | 8 | | | | | |
| Collector | | | | | | | | | | | | | | |
| Neighborhood | Narrow | 60 | 35 | one | 66 | 20-22 | 10-11 | 2 | 8 | 0-10 | 7 | 5 | 6 | 1 |
| | Wide | 70 | | both | 110 | 30-36 | | | | 10-14 | | | | |
| Mixed use | Narrow | 62 | 35 | one | 88 | 20-22 | 10-11 | 2 | 8 | 0-10 | 5 | 8 | 6 | 1 |
| | Wide | 72 | | both | | 30-38 | | | | 10-14 | | | | |
| Industrial | Regular | 70 | N/A | both | N/A | 30-42 | 15-16 | 2 | 10 | N/A | 7 | 5 | NA | 1 |
| Arterial | | | | | | | | | | | | | | |
| US 17/92 | Lake Shore Way | 65 - 80 | 35 | one | 88 | 22-32 | 10-11 | 2 | 8 | 0-10 | 18-28 | | | |
| | Shinn Blvd | 90 - 105 | 45 | both | 88 | 26-32 | 11-12 | 2 | 8 | 12-16 | 14-25 | | | |
| | US 17/92 | 90 - 110 | 45 | none | N/A | 22-26 | 11-12 | 2 | N/A | 10-14 | 8-12 | | | |
| Alternative Designs | | Planning Official Approval | | | | Planning Official Approval | | | | | Planning Official Approval | | | |
| Accessways | | | | | | | | | | | | | | |
| Alley | Residential | 18 | N/A | none | N/A | 12-14 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 2 |
| | Mixed-Use | 20 | | | | 16-18 | | | | | | | | |
| Pedestrian passage | | 12 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | 6 | | 5 |
| Multi-use trail | | 18 | | | | | | | | | | 12 | | 4 |

Sec. 5.2.5. Local Street Types

A. Neighborhood local



| A Street design | Narrow Alt | Narrow | Wide |
|------------------------------|-------------|----------|------------|
| 1 ROW width (min) | 40 ft | 50 ft | 56 ft |
| 2 Design speeds (max) | 20 mph | 25 mph | 25 mph |
| 3 Optional on-street parking | not allowed | one side | both sides |
| 4 Bulbout spacing (max) | N/A | N/A | N/A |

B. Travelway

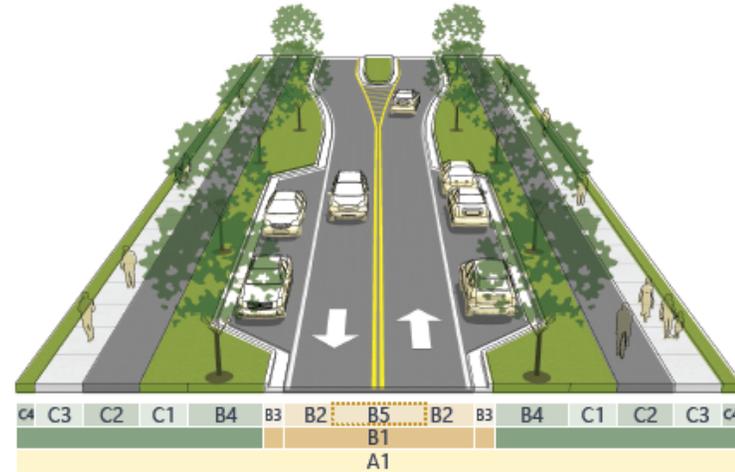
| | | | |
|----------------------------|------------|------------|------------|
| 1 Pavement (min - max) | 18 - 20 ft | 18 - 20 ft | 24 - 26 ft |
| 2 Travel lanes (min - max) | 9 - 10 ft | 9 - 10 ft | 12 - 13 ft |
| 3 Parallel parking lane | N/A | 8 ft | 8 ft |
| 4 Curb and gutter | 2 ft | 2 ft | 2 ft |

C. Streetscape

| | | | |
|-----------------------------------|------|------|------|
| 1 Planting zones (min) | 3 ft | 7 ft | 7 ft |
| 2 Sidewalks | 5 ft | 5 ft | 5 ft |
| 3 Utility/maintenance strip (min) | 1 ft | 1 ft | 1 ft |

Sec. 5.2.6. Collector Street Types

A. Neighborhood collector



| A Street design | Narrow | Wide |
|------------------------------|------------------|-------------------|
| 1 ROW width (min) | 60 ft | 70 ft |
| 2 Design speeds (max) | 35 mph | 35 mph |
| 3 Optional on-street parking | one side | both sides |
| 4 Bulbout spacing (max) | 3 spaces / 66 ft | 5 spaces / 110 ft |

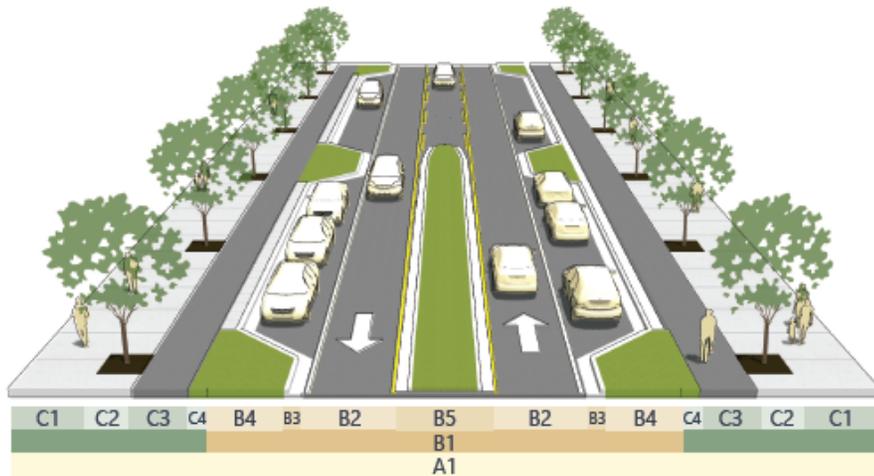
B. Travelway

| | | |
|--------------------------------------|------------|------------|
| 1 Pavement (min - max) | 20 - 22 ft | 30 - 36 ft |
| 2 Travel lanes (min - max) | 10 - 11 ft | 10 - 11 ft |
| 3 Curb and gutter | 2 ft | 2 ft |
| 4 Parallel parking lane | 8 ft | 8 ft |
| 5 Turn lane/planted median (min-max) | 0-10 | 10 - 14 ft |

C. Streetscape

| | | |
|-----------------------------------|------|------|
| 1 Planting zone (min) | 7 ft | 7 ft |
| 2 Bikeway (min) | 6 ft | 6 ft |
| 3 Sidewalk (min) | 5 ft | 5 ft |
| 4 Utility/maintenance strip (min) | 1 ft | 1 ft |

B. Mixed use collector street



| A Street design | Narrow | Wide |
|------------------------------|------------------|------------------|
| 1 ROW width (min) | 62 ft | 72 ft |
| 2 Design speeds | 35 mph | 35 mph |
| 3 Optional on-street parking | one side | both sides |
| 4 Bulbout spacing (max) | 4 spaces / 88 ft | 4 spaces / 88 ft |

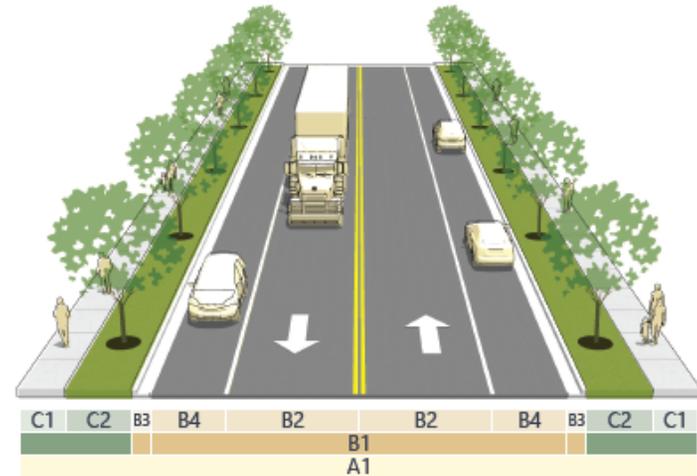
B. Travelway

| | | |
|--|------------|------------|
| 1 Pavement (min - max) | 20 - 22 ft | 30 - 38 ft |
| 2 Travel lanes (min - max) | 10 - 11 ft | 10 - 11 ft |
| 3 Curb and gutter | 2 ft | 2 ft |
| 4 Parallel parking lane / bulbout | 8 ft | 8 ft |
| 5 Turn lane/planted median (min - max) | 0-10 | 10 - 14 ft |

C. Streetscape

| | | |
|-----------------------------------|------|------|
| 1 Sidewalk (min) | 8 ft | 8 ft |
| 2 Furniture zone (min) | 5 ft | 5 ft |
| 3 Bikeway (min) | 6 ft | 6 ft |
| 4 Bikeway buffer (min) | 2 ft | 2 ft |
| 5 Utility/maintenance strip (min) | 1 ft | 1 ft |

C. Industrial street



| A Street design | Regular |
|------------------------------|------------|
| 1 ROW width (min) | 70 ft |
| 2 Design speeds | N/A |
| 3 Optional on-street parking | both sides |
| 4 Bulbout spacing (max) | N/A |

B. Travelway

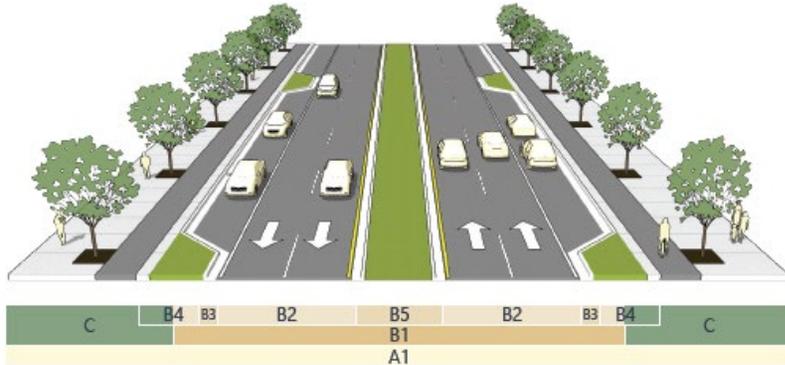
| | |
|----------------------------|------------|
| 1 Pavement (min - max) | 30 - 42 ft |
| 2 Travel lanes (min - max) | 15 - 16 ft |
| 3 Curb and gutter | 2 ft |
| 4 Parallel parking lane | 8 ft |

C. Streetscape

| | |
|-----------------------------------|------|
| 1 Sidewalk (min) | 5 ft |
| 2 Planting zone (min) | 7 ft |
| 3 Utility/maintenance strip (min) | 1 ft |

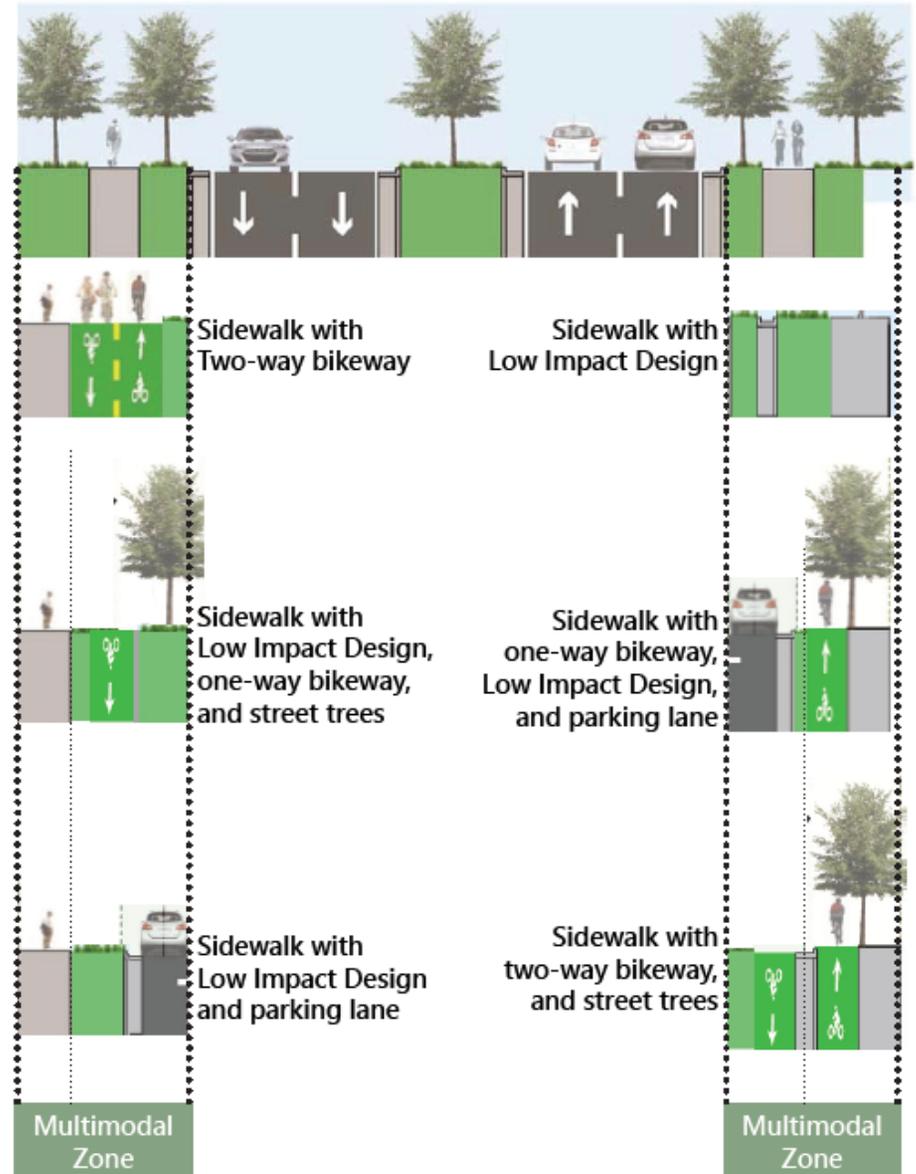
Sec. 5.2.7. Arterial Streets

A. US 17/92



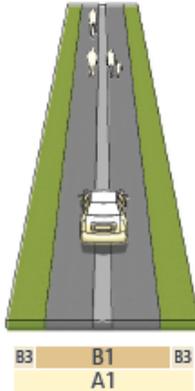
| A Street design | Lake Shore Way | Shinn Blvd | US 17/92 |
|--|----------------|--------------|-------------|
| 1 ROW width (min - max) | 65 - 80 ft | 90 - 105 ft | 90 - 110 ft |
| 2 Design speeds (max) | 35 mph | 45 mph | 45 mph |
| 3 On-street parking | one side | both sides | none |
| 4 Bulbout spacing (max) | 4 sp / 88 ft | 4 sp / 88 ft | N/A |
| B. Travelway | | | |
| 1 Pavement (min - max) | 22 - 32 ft | 26 - 32 ft | 22 - 26 ft |
| 2 Travel lanes (min - max) | 10 - 11 ft | 11 - 12 ft | 11 - 12 ft |
| 3 Curb and gutter | 2 ft | 2 ft | 2 ft |
| 4 Parallel parking bulbout | 8 ft | 8 ft | N/A |
| 5 Turn lane/planted median (min-max) | 0-10 | 12 - 16 ft | 10 - 14 ft |
| C. Streetscape | | | |
| 1 Multimodal Zone (Sidewalk, bikeway, furniture and planting zone) | 18 - 28 ft | 14 - 25 ft | 8 - 12 ft |
| D. Context Classification | | | |
| | R2T | R2T | S2C |

B. Alternative Streetscape Designs



Sec. 5.2.8. Accessway

A. Alley



| A Street design | | Residential | Mixed Use |
|----------------------------|---------------------------------|-------------|-------------|
| 1 | ROW width (min) | 18 ft | 20 ft |
| 2 | Design speeds | N/A | N/A |
| B. Travelway / Streetscape | | | |
| 1 | Pavement (min - max) | 12 - 14 ft | 16 - 18 ft |
| 2 | Gutter | unspecified | unspecified |
| 3 | Utility/maintenance strip (min) | 2 ft | 2 ft |

B. Pedestrian Passage / Multi-Use Trail

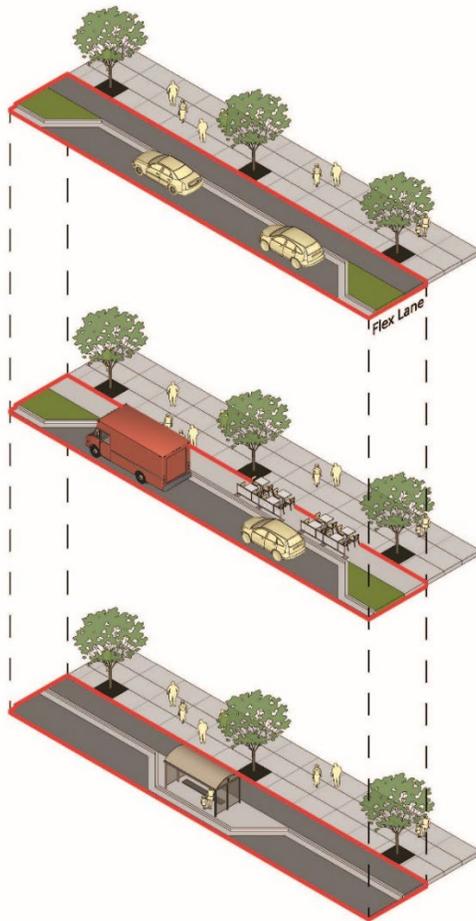


| A Street design | | Pedestrian Passage | Multi-Use Trail |
|----------------------------|--------------------------------|--------------------|-----------------|
| 1 | ROW width (min) | 12 ft | 18 ft |
| 2 | Design speeds | N/A | N/A |
| B. Travelway / Streetscape | | | |
| 1 | Pavement (min) | 6 ft | 12 ft |
| 2 | Planting / utility strip (min) | 5 ft | 4 ft |

Sec. 5.2.9. Traffic Calming

- A. **Traffic calming elements.** Elements shall be incorporated into new street designs to ensure the design speeds are effective.
1. The Planning Official may approve alterations to the street design standards where traffic-calming elements are included.
 2. Vertical deflection shall be incorporated at pedestrian crossing accessing school bus stops, transit stops, or trails.
 3. Figure 5.2.9.A illustrates how portions of the travelway and streetscape can be used to add flexibility and provide for traffic calming elements.

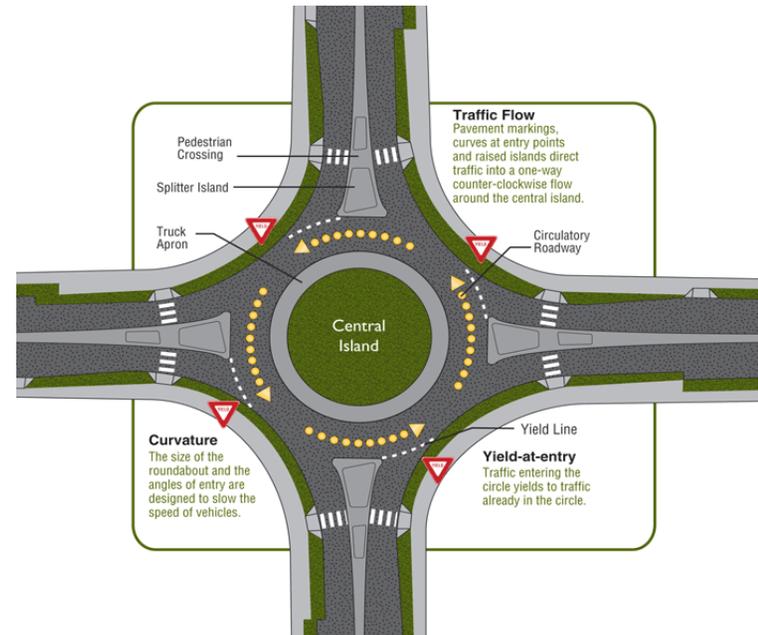
Figure 5.2.9. A. Design Flexibility



B. Horizontal deflections.

1. **Roundabouts, or mini-circles.**
2. **Chicanes, diverters, and angled slow points.**
3. **Bulbouts/curb extensions.** Planted areas used to visually narrow the street width. Bulbouts can be used at corners, mid-block, and at the ends of parallel parking lanes. Bulbouts can also be used to implement low impact design interventions.

Figure 5.2.9. B.1. Round-about



- C. **Vertical deflection.** Raised intersections or pedestrian crossings, speed hump and speed tables.
- D. **Medians.** Planted islands with or without pedestrian connections, midblock medians.
- E. **Visual elements.** Textured surfaces, terminating vistas, signs and beacons.
- F. **Neighborhood Intersections.** Entry controls, chokers, lane narrowing, gateway entrance.

Figure 5.2.9.B.2.

Chicane with Bulbouts

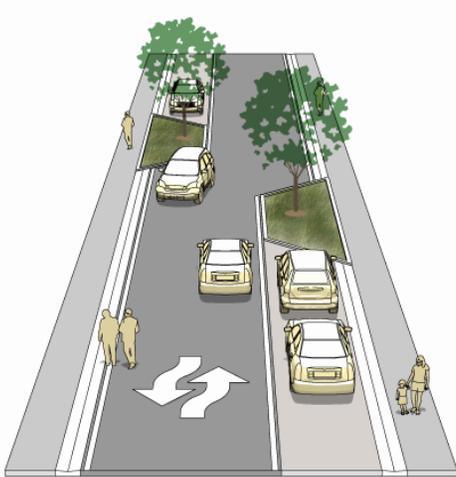


Figure 5.2.9.C.

Vertical deflection with visual elements



Sec. 5.2.10 Existing Streets

- B. **Intent.** This section describes guidelines for the construction of street improvements and streetscapes for existing streets throughout the City. It is intended to address when street and streetscape improvements are appropriate through the application of the pre-approved street types in this Article.
- C. **Applicability.**
1. **General.**
 - a. Existing streets may remain serving existing developments in their current configuration; however, they shall not be extended or substantially rebuilt except in conformance with this Article.
 - b. Any new development activity or substantial addition/repair must meet street type and streetscape standards of this Article for existing streets abutting the subject property.
 - c. The streetscape types of this section shall be applied based on the zoning district type applied to the subject property.
 - d. Unless otherwise specifically provided, no permit for the construction, reconstruction, extension, repair or alteration of any building, structure or use of land and no building or land or any part of any building or land, may be occupied or used until the streetscape requirements of this Article have been met.
 - e. Administrative design adjustments approved by the Planning Official may be appropriate when an existing building would impede roadway expansion; when transitioning from a different street section; or where strict compliance with this Code and the adopted engineering and design standards would pose a safety hazard.
 2. **Substantial additions and repairs.**
 - a. A building or site may be renovated or repaired without meeting the streetscape standards, provided there is no increase in gross floor area or improved site area.

- b. When a building or site is increased in gross floor area or improved site area cumulatively by more than 20%, the streetscape provisions of this Article must be met.
3. **Change in use exempt.** A change in use does not necessarily trigger application of the streetscape requirements of this Article.

D. **Streetscape types.**

1. **Neighborhood collector.** Streetscape improvements are required for new development along collector roads adjacent to residential districts.
 - a. **Sidewalks.** Minimum 5-foot sidewalk must be installed on each side of the street. Where existing right-of-way is insufficient, a sidewalk easement is required.
 - b. **Bicycle facilities.** Minimum 5-foot off-street bicycle facility on each side of the street. Where existing right-of-way is insufficient for bicycle facility, an on-street facility is permitted. On-street facilities require delineation via surface painting.
 - c. **Street trees.** Minimum 5-foot landscape strip with street trees planted an average of 40-feet on-center is required on each side of the street.
2. **Mixed use collector.**
 - a. **Sidewalks.** Minimum 8-foot sidewalk must be installed on each side of the street.
 - b. **Bicycle facilities.** Minimum 6-foot off-street bicycle facility on each side of the street.
 - c. **Street trees.** Minimum 5-foot landscape strip with street trees planted an average of 20-feet on-center is required on each side of the street.

Sec. 5.2.11. **Street Lighting.** - Reserved

Sec. 5.3. Intersection Design

Sec. 5.3.1. **General.** - Reserved

Sec. 5.3.2. **Classification.** - Reserved

Sec. 5.3.3. **Construction.** - Reserved

Sec. 5.3.4. **New Intersections.** - Reserved

Sec. 5.3.5. **Existing Intersections.** - Reserved

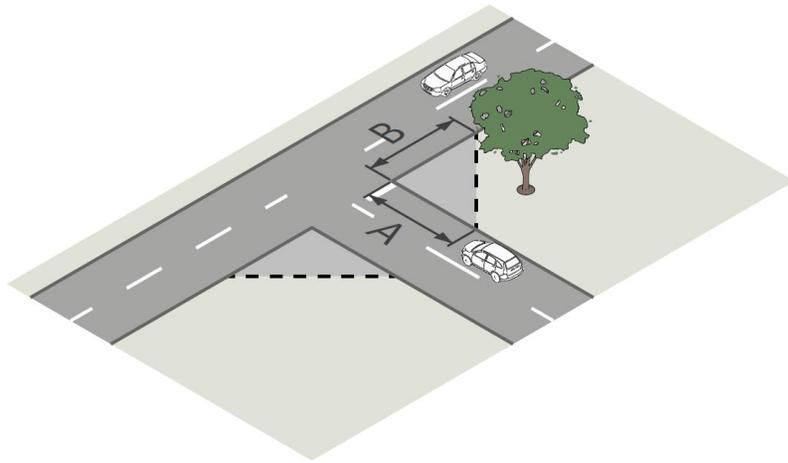
Sec. 5.3.6. **Standards for all Intersections**

A. **Clear Visibility Triangle.**

1. **Intent.** In order to provide a clear view of intersecting streets to the motorist, pedestrians, and bicyclist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street.
2. **Visibility.** Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.
3. **Standard.**
 - a. The clear visibility triangle shall be formed by extending a line from the back of the curb or the edge of pavement of two intersecting roadways to a point of intersection, measuring a prescribed distance from the point in both directions and drawing the hypotenuse of the triangle.
 - b. The distance from the intersection of the lines extended from the edge of the pavement or the back of the curb for the various road classification as listed in Figure 5.3.6.A. shall be used.
 - c. Where roads of different functional classifications intersect, the distance (A or B) for each street type as listed in Figure 5.3.6.A. below shall be used.

Figure 5.3.6.A.

Triangle of Visibility



| Type of Street | Distance |
|----------------------|----------|
| Arterial | 60 feet |
| Mixed-Use/Commercial | 50 feet |
| Local Residential | 40 feet |
| Alley or Driveway | 40 Feet |

Sec. 5.4. Utilities

Sec. 5.4.1. General Requirements

- A. **Intent.** This Section establishes minimum requirements applicable to the development of all utilities within the city-limits.
- B. **Water and Sewer.**
 1. Every principal use and every lot within a newly platted subdivision shall have central potable water and wastewater hookup whenever required by the Comprehensive Plan and where the topography permits the connection to a public water or sewer line by running a connecting line no more than 200 feet from the lot to such line.
 2. Water and sewer lines shall be placed in the street right-of-way. Under extreme and unusual circumstances, the City Commission may grant a variance to this requirement at the time of preliminary plat approval.
 3. All development shall comply with applicable FDEP rules and the Lake Alfred Ordinance entitled "Article IV. Regulation of Wastewater Collection and Treatment System, Section 18-40 inclusive of the Lake Alfred Municipal Code."
 4. Any development that requires a lift station that pumps through a force main equal to or greater than six (6) inches shall provide the City with a portable emergency back-up power supply appropriately sized and suitable to the Utilities Department's requirements. If the development's lift station pumps through a force main equal to or greater than ten (10) inches, then an appropriately sized in-place emergency generator as approved by the City shall be provided.
 5. Septic Tanks:
 - a. Septic tanks may be permitted in a subdivision wherever service by sanitary sewerage is not available or technically feasible upon obtaining a septic tank permit from the Polk County Health Department.
 - b. In the case where a structure is served by a septic system rather than sanitary sewer, the setback to any part of the septic system shall be the upland buffer plus seventy-five (75) feet.
- C. **Fire Hydrants.** All developments served by a central water system

shall include a system of fire hydrants consistent with the City's design standards.

- D. **Electricity.** Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision.
- E. **Communication.** Every principal use and every lot within a subdivision shall have available to it a telephone/internet/cable service adequate to accommodate the reasonable needs of such use to every lot within such subdivision.
- F. **Illumination.** All streets, driveways, sidewalks, bikeways, parking lots and other common areas and facilities in developments shall provide illumination meeting design standards adopted by the City of Lake Alfred Code of Ordinances and Article 4 of this Code.

Sec. 5.4.2. Design Standards

- A. **Compliance with Technical Construction Standards.** All utilities required by this Chapter shall meet or exceed minimum design standards adopted by the City of Lake Alfred.

- B. **Placement of Utilities Underground**

1. All electric, telephone, cable television, and other communication lines (exclusive of transformers or enclosures containing electrical equipment, including but not limited to switches, meters, or capacitors that may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the City's adopted design standards.
2. Lots abutting existing easements or public rights-of-way where overhead electric, telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utility's overhead facilities, provided the service connection to the site or lot is placed underground.
3. Screening of any utility apparatus placed above ground shall be required.

- C. **Utility Easements.** When a developer installs or causes the installation

of water, sewer, 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 in a form and manner acceptable to the entity that will operate and maintain such facilities.

Sec. 5.5. Stormwater

Sec. 5.5.1. General Requirements

- A. **Applicability.** All development, redevelopment, or expansion of property must manage stormwater runoff in accordance with State Regulations (Chapter 17-25 and Chapter 17-302, Florida Administrative Code) and the rules of the Southwest Florida Water Management District (Chapter 40D-4, Florida Administrative Code). Stormwater discharge facilities shall be designed to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, Florida Administrative Code. Steps to control erosion and sedimentation shall be taken for all development.
- B. **Performance Standards.** All development must be designed, constructed and maintained to meet the following performance standards:
1. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one (1) inch of stormwater runoff shall be treated in an off-line retention system or according to FDEP's Best Management Practices.
 2. Maintenance activity may be undertaken so long as it does not change or affect the quality, rate, volume or location of stormwater flows on the site or of stormwater runoff.
 3. Actions may be undertaken during emergency conditions that violate these regulations to prevent imminent harm or danger, or to protect property from fire, violent storms, hurricanes or other hazards. Upon cessation of the emergency, all activities shall conform to this Section.
- C. **Residential Performance Standards.** All development must meet Florida Administrative Code and in addition to the following performance standards.
1. **New Construction.** Residential lots may contain stormwater swales, however no stormwater retention ponds or structures may be placed within a residential lot.

2. **New Construction (1-4 Units).** For the purposes of determining whether residential developments of 1-4 units on an individual lot requires retention, all the following standards must be met:
 - a. Structure and all impervious surface can be placed less than 100 feet from the receiving water body; and
 - b. The topography of the lot is greater than a 6% slope; and,
 - c. The total of all impervious surface is 10% or more of the total lot area.
3. **Infill development.** Infill development within an existing subdivision or a developed residential area is exempt from a retention area, when designed to not lower the receiving water quality or degrade the receiving water body below the minimum conditions necessary to maintain their classifications as established in Chapter 17-302, F.A.C.

Sec. 5.5.2. Design Standards

- A. **Compliance.** To comply with the foregoing performance standards, the proposed stormwater management system shall conform to the following design standards:
1. Detention and retention systems shall be designed to comply with the FDEP's Best Management Practices.
 2. To the maximum extent practicable, natural systems shall be used to accommodate stormwater.
 3. The proposed stormwater management system shall be designed to accommodate the stormwater that originates within the development and stormwater that flows onto or across the development from adjacent lands.
 4. The proposed stormwater management system shall be designed to function properly for a minimum 20-year life.
 5. The design and construction of the proposed stormwater management system shall be certified as meeting applicable requirements, by a professional engineer registered in the State of Florida.
 6. No surface water may be channeled or directed into a sanitary sewer.
 7. The proposed stormwater management system shall be

compatible with the stormwater management facilities on surrounding properties or streets, accounting for the possibility that substandard systems may be improved in the future.

8. The banks of detention and retention areas shall be sloped at no less than a 3:1 ratio and shall be planted with appropriate vegetation.
9. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing or otherwise altering natural surface waters shall be minimized.
10. Natural surface waters shall not be used as sediment traps during or after development.
11. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.
12. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks or edges of all natural or man-made surface waters.
13. In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently.
14. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

B. Dedication or maintenance of stormwater management systems.

If a stormwater management system approved under this Code will function as an integral part of a County-maintained drainage system, as determined by the County Engineer, the facilities shall be dedicated to Polk County. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity. All stormwater management systems that are not dedicated to Polk County shall be operated and maintained by one of the following entities:

1. The City of Lake Alfred.
2. An active water control district created pursuant to Chapter 298,

Florida Statutes, or drainage district created by special act, or Community Development District created pursuant to Chapter 190, Florida Statutes, or Special Assessment District created pursuant to Chapter 170, Florida Statutes.

3. A State or Federal agency. An officially franchised, licensed or approved communication, water, sewer, electrical or other public utility.
4. The property owner or developer if:
 - a. Written proof is submitted in the appropriate form by either letter or resolution, that a governmental entity or such other acceptable entity as set forth in paragraphs of this section, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
 - b. A bond or other assurance of continued financial capacity to operate and maintain the system is submitted.
5. For-profit or non-profit corporations including homeowners' associations, property owners' associations, condominium owners' associations or master associations if:
 - a. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the City affirmatively taking responsibility for the operation and maintenance of the stormwater management facility.
 - b. The association has sufficient powers reflected in its organizational or operational documents to operate and maintain the stormwater management system as permitted by the City, establish rules and regulations, assess members, contract for services and exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.
 - c. If a project is to be constructed in phases, and subsequent phases will use the same stormwater management facilities as the initial phase or phases, the operation and maintenance entity shall have the ability to accept responsibility for the operation and

maintenance of the stormwater management systems of future phases of the project.

- d. In phased developments that have an integrated stormwater management system but employ independent operation and maintenance entities for different phases, such entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include access easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities, should any entity fail to maintain a portion of the stormwater management system within the project.

Sec. 5.6. Waste and Emissions Standards

Sec. 5.6.1. General Provisions

- A. **Intent.** All uses shall conform to the standards of performance described in this Section and shall be constructed, maintained and operated so as not to be injurious or offensive to the occupants of adjacent premises by reason of the emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire and explosive hazard or glare. Within 100 feet of a residential district, all processes and storage, except for vehicle parking, shall be in completely enclosed buildings. Processes and storage located at a greater distance shall be effectively screened by a solid wall or fence at least six (6) feet in height. Where other ordinances or regulations (whether federal, state, or local) that may be adopted hereinafter impose greater restrictions than those specified herein, compliance with such other ordinances and regulations is mandatory.

Sec. 5.6.2. Specific Standards

- A. **Vibration.** Every use shall be so operated that ground vibration inherently and recurrently generated is not perceptible, without instruments, at any point on the property line of the property on which the use is located. No vibration at any time shall produce an acceleration of more than 0.1 g or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7 U.S. Bureau of Mines Bulletin No. 442. The equations of such bulletin shall be used to determine the values of enforcement.
- B. **Smoke.** Every use shall be so operated as to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringelmann Smoke Chart; provided, however, that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four (4) minutes in any 30 minutes. For the purpose of grading the density of smoke, the Ringelmann Chart as published and used by the United States Bureau of Mines, and which is hereby made, by reference, shall be standard. All measurements shall be at the point of emission.

Smoke emission must comply with applicable rules of the Florida Department of Environmental Protection (DEP).

- C. **Noise.** Every use shall be so operated as to comply with the maximum performance standards governing noise described in Figure 5.6.2. Objectionable noises due to intermittence, beat frequency or shrillness shall be muffled or eliminated so as not to become a nuisance to adjacent uses. Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association.

Figure 5.6.2. Maximum permitted sound level

| Octave bands in cycles per second | Along property line abutting a residential district | | Along property line abutting an industrial or commercial district |
|-----------------------------------|---|--------------------|---|
| | 8:00 am to 6:00 pm | 6:00 pm to 8:00 am | |
| 0-75 | 70 | 65 | 79 |
| 75-150 | 65 | 50 | 74 |
| 150-300 | 57 | 43 | 66 |
| 300-600 | 50 | 38 | 59 |
| 600-1200 | 44 | 33 | 53 |
| 1200-2400 | 38 | 30 | 47 |
| 2400-4800 | 32 | 28 | 41 |
| Over-4800 | 30 | 26 | 39 |

- D. **Dust and dirt.** Every use shall be so operated as to prevent the emission into the air of dust or other solid matter that may cause damage to property and health of persons or animals at or beyond the lot line of the property on which the use is located. Emissions must comply with applicable FDEP rules.
- E. **Industrial Sewage and Waste.** Every use shall be so operated as to prevent the discharge into any stream, lake or the ground of any waste that will be dangerous or discomforting to persons or animals or that will damage plants or crops beyond the lot line of the property on which the use is located. Industries shall comply with applicable FDEP rules and the Lake Alfred Ordinance entitled "Article IV. Regulation of Wastewater Collection and Treatment System, Section 18-40 inclusive, Lake Alfred Municipal Code."

- F. **Hazardous Waste.** The handling and discharge of all hazardous waste shall follow all applicable standards established by the County health department, State Legislature and the U.S. Congress. Appropriate City officials shall review all procedures involving the handling and discharge of all hazardous waste to ensure that it does not create any safety or health problems.
- G. **Odors.** Every use shall be so operated as to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. There is hereby established, as a guide in determining the quantities of offensive odors, table III, chapter 5, Air Pollution Abatement Manual of the Manufacturing Chemists Association, Inc., Washington, D.C.
- H. **Glare.** Every use shall be so operated as to prevent the emission of glare of such intensity as to be readily perceptible at any point on the lot line of the property on which the use is located. Buffering may provide a means of meeting this standard.
- I. **Fumes, Vapor and Gases.** There shall be no emission of fumes, vapors, or gases of a noxious, toxic or corrosive nature that can cause any danger or irritation to health, animals, vegetation, or to any form of property.
- J. **Heat, Cold, Dampness, or Movement of Air.** Activities that shall produce any adverse effects on the temperature, motion or humidity of the atmosphere beyond the lot line shall not be permitted.
- K. **Fire and Safety Hazard.** Each use shall be operated so as to minimize the danger from fire and explosion. The specific regulations to be met are set forth in the building code and the fire prevention code of the City.
- L. **Radioactive Emission.** There shall be no radiation emitted from radioactive materials or by-products exceeding a dangerous level of radioactive emissions at any point. Radiation limitations shall not exceed quantities established as safe by the U.S. Bureau of Standards.

M. **Electromagnetic Radiation.**

1. **Compliance with FCC Regulations.** No person shall operate or cause to be operated, any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes that does not comply with the current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, such operation in compliance with the Federal Communications Commission regulations shall be unlawful if such radiation causes an abnormal degradation in the performance of other electromagnetic receptors or radiators of quality and proper design because of proximity, primary field, blanketing, spurious re-radiation, conducted energy in power or telephone systems or harmonic content.
2. **Evaluation of Performance.** The determination of abnormal degradation in performance and of good quality and proper design shall be made in accordance with good engineering practices as defined in the principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Radio Manufacturer's Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers; (2) Institute of Radio Engineers; (3) Radio Manufacturer's Association.

- N. **Power exceeding 1000 watts.** Recognizing the special nature of many of the operations that may be conducted in connection with research and educational activities, it shall be unlawful for any person, firm, or corporation to operate or cause to be operated, to maintain or cause to be maintained, any planned or intentional source of electromagnetic energy, the radiated power from which exceeds 1000 watts.

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Article 6. Sign Standards



Article 6. Sign Standards

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Sec. 6.1 General Provisions

Sec. 6.1.1. Purpose. The purpose of this section is to regulate the size, height, number, and placement of signs within the City in a consistent manner, to avoid visual clutter, distractions, or hazards for vehicles and pedestrians, and to prevent interference with the use of public property and rights-of-way.

Sec. 6.1.2. Applicability. The Article applies to all signs erected, replaced, or moved on any property within the City.

Sec. 6.1.3. Administration.

- A. **Planning Official.** The decision of the Planning Official shall prevail where there is any ambiguity or dispute concerning the interpretation of this Article, subject to appeal as provided in Article 9.
- B. **Enforcement.** The Code Enforcement Officer of the City of Lake Alfred shall enforce the provisions contained in this Article. Any sign not in compliance with this Code may be cited, and the owner of the sign may be fined, per this Article and the procedures referenced in Article 9 and the Lake Alfred Code of Ordinances.
- C. **Standards Conflict.** If there is a conflict between these standards and other standards in this Code, the more stringent provisions shall apply.
- D. **Applications.** Applications shall be submitted and reviewed in accordance with Article 9.
- E. **Modifications.** After approval has been issued by the Administrative Official, it shall be unlawful to substantially change, modify, alter, or otherwise deviate from the terms or conditions of the plan or approval without first obtaining an approval of a modification from the appropriate Administrative Official.
- F. **Certificate of Occupancy.** A certificate of occupancy shall be issued for any new or renovated building after the sign is in compliance with the following standards.
 - 1. **Code Compliance.** All signs shall be constructed and maintained in accordance with the provisions and requirements of the City.
 - 2. **Copy.** All copies shall be maintained so as to be legible and complete.
 - 3. **Structure.** Signs shall be maintained in a vertical position unless originally permitted otherwise, and in good and safe condition

at all times.

- 4. **Damage.** Damaged faces or structural members shall be repaired as a whole and shall be maintained at all times in a safe condition.
- 5. **Safety.** Electrical systems, fasteners, and the sign and structure as a whole shall be maintained at all times in a safe condition.

Sec. 6.1.4. Illegal Activity.

- A. It is unlawful for any person to display untrue, false, or misleading statements upon signs, billboards, or other public places, calculated to mislead the public as to anything sold, any services to be performed, or information disseminated. The fact that any such sign or display shall contain words or language, sufficient to mislead an ordinary person in reading the same, shall be prima facie evidence of a violation of this section by the persons displaying such sign, or permitting same to be displayed at their residence, establishment, or place of business.
- B. It shall be unlawful for any owner, authorized agent or contractor to erect, construct, alter, or relocate any sign except as otherwise provided by this code, until the proper permits have been issued by the City.

Sec. 6.1.5. Sign Components.

- A. **Sign** means a name, identification, image, description, display or illustration which is affixed to, painted or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, facility, service, event, attraction, person, institution, organization or business and which is visible from any street, right-of-way, sidewalk, alley, park or other public property. Window displays placed behind a window are not signs or parts of a sign.
- B. **Sign area or sign surface area** means the entire area within one circle, triangle or parallelogram enclosing the extreme limits of the copy.
 - 1. Where a sign has two or more faces, the area of all faces shall be included in determining the area of the sign. However, where two such faces are placed so that the diverging angle is no greater than 45 degrees between the two sign faces, the area of the sign shall be taken as the area of one face if the two faces are of equal area or as the area of the larger face if the two faces

are of unequal area.

2. Words, symbols, and graphics extending beyond a sign's frame are considered a part of the sign's surface area.
 3. Where a sign consists solely of lettering or other sign elements printed or mounted on a wall of a building without any distinguishing border, panel, or background, any blank rectangular area which is more than ten percent of the area of the sign as otherwise computed shall be disregarded.
 4. All lettering and any other sign elements printed or mounted upon a wall of a building without any distinguishing border, panel, or background and pertaining to the same enterprise shall be treated as a single sign for purposes of area computation.
 5. The area of a "temporary attractor" shall be the total area seen by the observer when viewing the largest side of the item (e.g., cold air inflatable)
- C. **Copy** may consist of writing, representation, emblem or any figure of similar character together with any frame or other material or coloring forming an integral part of the display or used to differentiate the sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed.
- D. **Sign nonstructural trim** means the molding, battens, capping, nailing strips, latticing, and walkways attached to the sign structure.
- E. **Sign structure** means the supports, uprights, braces, and framework supporting the sign.
- F. **Setbacks**, for the purpose of this Article, shall mean the minimum horizontal distance between the lot line and the closest edge or part of the sign.

Sec. 6.1.6. Maintenance.

- A. All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by Lake Alfred, and shall present a neat and clean appearance.
- B. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of 50 feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire, safety, or health hazard shall be permitted under or near the sign.

Sec. 6.2 Exempt Signs

Sec. 6.2.1. Purpose. To allow certain signs without the requirement to obtain a permit for the erection of the sign, provided they are not placed or constructed so as to create a hazard of any kind, and adhere to the guidelines provided in this section.

Sec. 6.2.2. Portable signs.

- A. **Defined.**
 1. An outdoor sign that is not permanently erected upon the ground or affixed to the wall of a building.
 2. An "A"-frame sign, hinged at the top apex and adequately braced so as to be freestanding, and folds into a sandwich position when transported or stored.
 3. An inverted "T" sign, which is self-standing and may be double-sided.
 4. A sign on trash receptacles and similar sidewalk appliances.
 5. A banner.
- B. **Standards.**
 1. Nonelectrical.
 2. Dimension may not exceed 2 feet by 4 feet.
 3. Portable signs shall be limited to non-residential zoning districts.
 4. One portable sign may be displayed for each business located within the development site, provided the business maintains a valid City-issued business tax receipt.
 5. This type of sign shall follow all other sign regulations as to safety and condition but shall not be limited as to the number of signs per development site or the total sign area restriction.

6. A portable sign must be removed to the interior of the business at the close of each business day.
7. A portable sign shall be constructed of commercial sign materials and lettered in a professional manner.
8. The position of the sign shall not obstruct traffic view or impede or restrict pedestrian movement and shall comply with all other sign regulations as to safety and condition.

Sec. 6.2.3. Flags.

- A. **Defined.** A square or rectangular sign made of cloth, paper, or non-rigid material of any kind and displayed from a flagpole by being tethered along one side.
- B. **Standards.**
 1. Flags must be maintained in good condition and cannot be displayed if they are faded, discolored, or tattered.
 2. The flagpole may be a freestanding, ground-mounted structure, or a structure mounted to a building, wall, or roof and used for the sole purpose of displaying a flag.
 3. The maximum height of any flag pole shall not exceed 35 feet.
 4. No more than three (3) flags may be displayed per premises.
 5. Any site with more than three flag poles or poles higher than 35' shall require a site plan review.

Sec. 6.2.4. Temporary sign.

- A. **Defined.** A sign that is intended for a temporary period of posting on private property and is typically constructed of nondurable materials, including paper, cardboard, cloth, plastic, and/or wallboard.
- B. **Standards.**
 1. Temporary signs shall not exceed six square feet in size.
 2. Temporary signs that include an event date must be removed 24 hours after the event.
 3. Temporary signs may be posted four times a year for a maximum period of 30 days.
 4. Temporary signs must be removed whenever a severe storm or hurricane warning is issued for the City.

Sec. 6.2.5. Other Exempt Signs.

1. Municipal signs that are posted for public information, legal notices, or official instruments.
2. Signs necessary to promote health, safety, and welfare, and

other regulatory, statutory, traffic control, or directional signs erected on public property.

3. Signs that are not designed or located so as to be visible from any street or adjoining property.
4. Public warning signs to indicate the dangers of trespassing, swimming, animals, or similar hazards.
5. Signs carried by a person.
6. Signs or tablets containing names of buildings, dates of erection, and other information when inscribed in a masonry surface or metal plaque and permanently affixed to the side of a building.

Sec. 6.3. Permitted Signs

Sec. 6.3.1. Purpose. To define the criteria for permanent signs requiring a permit that meet the requirements of this Code.

Sec. 6.3.2. Types.

- A. **Non-Residential Zoning Districts.**
- B. **Residential Zoning Districts.**
- C. **Signs for all districts.**

Sec. 6.3.3. Types of Signs.

- A. **Banner** means any sign possessing characters, letters, illustrations, or ornamentation applied to canvas, cloth, paper, or fabric of any kind.
- B. **Commercial sign** means any sign protected by the First Amendment of the U.S. Constitution that proposes a commercial transaction and is solely related to the economic interest of the user of the sign.
- C. **Ground-mounted sign** means a permanent sign which is supported by structures or supports in or upon the ground and independent of support from any building and which has a sign face the base of which is less than eight feet from ground level.
- D. **Illuminated sign** means any sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes, whether or not the lights or tubes are a part of the proper sign.
- E. **Marquee sign** means any sign that is attached to or hung from a

permanent roof-like structure that is supported by a building wall and that projects out from the building line, usually but not necessarily over a public right-of-way, such as a sidewalk.

- F. **Permanent sign** means a sign which is fixed to a building or the ground in such a manner as to be immobile without the use of extraordinary means, such as disassembly.
- G. **Pole sign** means any permanent sign erected on or suspended from one or more poles and which is wholly independent of any building for support and which has a sign face the base of which is constructed eight feet or more above ground level.
- H. **Reader board** is a sign, or portion of a sign, that has light-emitting diodes (LED), or other similar computer-controlled multiple lights, that can be programmed to display text and/or graphics that can change and/or move.
- I. **Wall sign** means a sign applied to or mounted on the wall or roof of a building or a structure, the display surface of which is approximately perpendicular to the ground and not extending more than 18 inches from the surface of the wall, roof of the building, or structure not extending above the roofline.

Figure 6.3.3. Types of signs.



Sec. 6.3.4. Landscaping. All ground-mounted and pole signs permitted under this section shall be landscaped. When shrubs or small trees are used, only those shrubs or small trees listed in this Code are permissible. For a list of permissible shrubs and trees, see Sec. 4.5.2. City Landscape Palette.

Sec. 6.3.5. Non-Residential District Signs.

- A. **Purpose.** To permit signs on non-residential or mixed-use development sites that may warrant a variety of sign types on a single site.
- B. **Types.**
 - 1. **Principal Signs.**
 - 2. **On-site Commercial signs.**
- C. **Principal Signs.**
 - 1. **Allowable signs.**
 - a. The principal sign may be a pole sign or a ground-mounted sign as described in (D) On-Site Commercial Signs.
 - b. In the absence of either a pole sign or ground-mounted sign, a wall sign may be permitted as a principal sign as described in (D) On-Site Commercial Signs.
 - 2. **Standards.**
 - a. Except as provided in this Paragraph, no more than one principal sign shall be permitted for each development site. For lots or parcels situated at intersections, one principal sign is permitted on a lot or parcel for each frontage on a publicly maintained road.
 - b. A principal sign cannot exceed 56 square feet in surface area per side or 112 square feet in total combined surface area.
 - c. No part of the principal sign shall be located within five (5) feet of any property line or right-of-way. This shall be construed to mean that no portion of any principal shall extend beyond any property line.
- D. **On-site Commercial Signs.** On-site commercial signs are a permitted accessory to commercial or industrial structures or uses on property zoned for such uses. The total sign area for each development site shall not exceed 200 square feet.
 - 1. **Ground-mounted signs.**
 - a. In commercial and industrial districts, ground-mounted signs shall not exceed eight feet in height.
 - b. The bottom of a ground-mounted sign shall be a maximum of three feet above the ground.
 - c. A ground-mounted sign shall not exceed 32 square feet in surface

area per side or 64 square feet in total combined surface area and may contain an area designated as a reader sign board, which does not exceed 50% of the sign surface per side.

- d. All ground-mounted signs must meet requirements as provided in Sec. 5.3.6 of this Code relating to the Clear Visibility Triangle.
2. **Canopy signs.**
 - c. Canopy signs hung from a canopy or covered structure shall have a minimum vertical clearance of eight feet.
 - d. Canopy signs shall not exceed three square feet in area.
3. **Wall signs.**
 - a. Maximum wall sign area shall be one and one-half square feet for each foot of building frontage, up to a maximum of 56 square feet per sign.
 - b. A wall sign may be displayed for each business maintaining a valid city business tax receipt
 - c. A development site containing more than two (2) licensed businesses must follow guidelines as specified in (D)(7) Shopping Center Signs.
4. **Window signs.** The maximum window sign area shall be one square foot for each foot of building frontage, up to a maximum of 32 square feet per sign.
5. **Pole signs.**
 - a. Pole signs shall only be permitted in commercial and industrial zoning districts.
 - b. Pole signs shall not exceed 18 feet in height and must have a minimum ground clearance of ten feet.
 - c. A pole sign shall not exceed 56 square feet in surface area per side or 112 square feet in total combined surface area and may contain an area designated as a reader sign board which does not exceed 24 square feet per side or more than 50% per side, whichever is less.
 - d. A development site containing more than two (2) licensed businesses must follow guidelines as specified in (D)(7) Shopping Center Signs.
6. **Marquee Signs.**
 - a. The maximum marquee sign area shall be one and one-half square feet for each foot of building frontage up to a maximum of 32 square feet per sign.

- b. The sign must have ten feet of ground clearance.
- c. Structurally, the sign shall not be mounted more than 24 inches from the wall.

7. **Shopping Center signs.**

- a. Signs for Shopping Centers, Commercial Parks, and Movie Theaters require review and approval from the Lake Alfred Planning and Zoning Board.
- b. The shopping center is allowed a maximum of 200 square feet of signage per development site.
- c. In addition to the shopping center sign, the tenants are limited to wall signs, window signs, and canopy signs, one and one-half feet for each foot of building frontage per tenant, not to exceed the maximum of 112 square feet total per tenant.

Sec. 6.3.6. Residential District Signs.

A. **Residential Subdivision Signs.**

1. **Allowable signs.** The subdivision sign may be ground-mounted as described in (D) On-Site Commercial Signs.
2. **Standards.**
 - a. Except as provided in this Paragraph, no more than one principal sign shall be permitted for each development site. For lots or parcels situated at intersections, one principal sign is permitted on a lot or parcel for each frontage on a publicly maintained road.
 - b. A principal sign cannot exceed 56 square feet in surface area per side or 112 square feet in total combined surface area.
 - c. No part of the principal sign shall be located within five (5) feet of any property line or right-of-way. This shall be construed to mean that no portion of any principal shall extend beyond any property line.

B. **Non-Residential Uses Located in Residentially Zoned Districts.**

1. **Purpose.** Signs are permitted as an accessory to permitted non-residential uses on residentially zoned property.
2. **Standards.**
 - a. Except as provided in this paragraph, no more than one ground-mounted or pole sign shall be permitted for each development site eligible for signage under this section.
 - b. For lots or parcels situated at intersections, one ground-mounted

or pole sign is permitted on a lot or parcel for each frontage of 75 feet or more on a publicly maintained road.

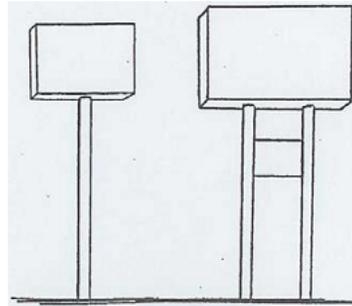
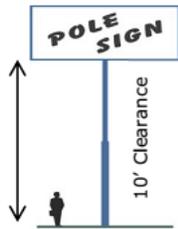
- c. For parcels having 200 feet or more of frontage on a single road, two ground-mounted or pole signs may be permitted along the longest frontage.
 - d. No more than three ground-mounted or pole signs may be permitted on any development site.
 - e. No part of any ground-mounted or pole sign shall be located within five feet of any property line or right-of-way. This shall be construed to mean that no portion of any sign shall extend beyond any property line.
 - f. The total sign area for each development site eligible for signage under this section shall not exceed 150 square feet.
3. **Landscaping.** All ground-mounted and pole signs permitted under this section shall be landscaped. When shrubs or small trees are used, only those shrubs or small trees listed in this Code are permissible. For a list of permissible shrubs and trees, see Sec. 4.5.2. City Landscape Palette.
4. **Illumination.**
- a. Illumination of signs permitted under this section may be from external sources.
 - b. Lighting on signs that are not internally illuminated shall be shielded with an opaque shade and directed so as to produce no glare on roadways or surrounding properties.
 - c. The use of neon is prohibited.
5. **Allowable Signs.**
- a. **Ground-mounted signs.**
 - i. Ground-mounted signs shall not exceed six feet in height.
 - ii. The bottom of a ground-mounted sign shall be a maximum of three feet above the ground and shall not exceed 24 square feet in surface area per side or 48 square feet in total combined surface area and may contain an area designated as a reader sign board which does not exceed 50% of the sign surface per side.
 - iii. All ground-mounted signs must meet requirements as provided in Sec. 5.3.6 of this Code relating to the Clear Visibility Triangle.



b. **Pole signs.**

- i. Pole signs shall only be permitted on frontage facing urban collector roadways as defined on the 2030 Future Functional Classification and Maintenance Responsibility Map as adopted in the 2030 Comprehensive Plan.
- ii. Pole signs shall not exceed 18 feet in height and must have a minimum ground clearance of ten feet.
- iii. A pole sign shall not exceed 56 square feet in surface area per side or 112 square feet in total combined surface area and may contain an area designated as a reader sign board which does not exceed 24 square feet per side or more than 50% per side, whichever is less.

Example of Pole Sign



c. Permanent Wall Signs.

- i. Maximum permanent wall sign area shall be one and one-half square feet for each foot of building frontage, up to the maximum 56 square feet per sign, limited to a total of 6 signs.

Sec. 6.3.7. All District Signs.

A. Special Events.

1. Purpose.

- a. To allow for special temporary signs up to four times per calendar year in connection with an event or permitted special event. These signs do not count against a development site's total sign area maximum.
- b. As used in this section, "event" shall mean an occurrence, happening, activity, or series of activities, specific to an identifiable time and place, if referenced on the sign itself or reasonably determined from all circumstances by the Administrative Official.

2. Allowable Signs.

- a. Signs consisting of one or more banners, flags, pennants, ribbons, spinners, streamers or captive balloons, or other objects or material fastened in such a manner as to move in the wind.
- b. Portable Signs.
- c. Semi-durable, temporary signs not exceeding 16 square feet in size.

3. Standards.

- a. Permit shall be valid for a specified period not to exceed thirty (30) days, after which time the sign or object shall be removed.
- b. Signs pertaining to an event shall be removed no later than seven (7) calendar days after the event.
- c. Signs shall not exceed 8' in height.
- d. Signs shall be set back a minimum of five (5) feet from the property line.
- e. Signs shall be placed so as not to obstruct visibility of the roadway.

B. Directional sign means a permanent sign located at the exit or entrance of a development site that has two or more driveways.

1. Directional signs shall be no larger than six square feet in area.
2. Directional signs shall be placed so as not to obstruct visibility of the roadway.
3. Directional signs may be internally lit.
4. Directional signs shall not be placed in the road right-of-way.
5. Directional signs shall conform to all the regulations of this Article.

C. Construction site signs.

1. **Defined.** Any temporary sign located on a development site under construction.

2. Standards.

- a. Signs shall not exceed 16 square feet in size.
- b. Signs must be removed from the site on the first business day following the issuance of the Certificate of Occupancy.
- c. The sign shall include the names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Sec. 6.4. Prohibited Signs

Sec. 6.4.1. Defined. Any sign not expressly authorized by this sign code is prohibited. The following signs are expressly prohibited within city limits, except as otherwise provided by this sign code:

Sec. 6.4.2. Abandoned sign. An abandoned sign is any sign that is not being maintained and has not been used for a period of ninety (90) consecutive days.

Sec. 6.4.3. Billboards. A billboard is any ground or pole sign with a sign surface area of greater than 350 square feet in size.

- A. [Note: This verbiage was added by requirement of the City of Lake Alfred Planning Board, to clarify the regulations governing billboards. At the adoption of this Code in August 1993, existing billboards became nonconforming; however, no “sunset” provisions were in place.]
- B. All existing billboards in the City Limits are nonconforming and shall cease to exist (sunset) after an amortization period of not more than seven years following adoption of Ordinance #765-95, dated Oct. 16, 1995.
- C. Each billboard annexed after that date shall become nonconforming at the time of annexation; and, cease to exist after an amortization period of not more than two years following the effective date of the annexation ordinance.
- D. Reference Section 2.4 and Section 6.5 for specific regulations governing nonconforming issues.

Sec. 6.4.4. Snipe Sign. A snipe sign is an illegally placed on public or private property, typically attached to stakes, trees, poles, boxes, or fences, that is unrelated to the present use of the premises upon which the sign is located.

Sec. 6.4.5. Signs in violation.

- A. Any sign that, in the opinion of the Building Official, constitutes a safety hazard.
- B. Signs that are in violation of the adopted building or electrical codes.
- C. Sign that constitutes a safety hazard.
- D. Blank signs.
- E. Signs imitating or resembling official traffic or government signs or signals.
- F. Signs hung, painted, pasted, printed or nailed in any manner, on any curbstone, flagstone, pavement or any other portion or part of any sidewalk or street, or attached to trees, telephone poles, public benches, streetlights, hydrants, bridges, or signs placed on any public property, public structure or in the public right-of-way.
- G. Signs placed on vehicles or trailers that are parked or located for the primary purpose of displaying said sign (this does not apply to permitted portable signs or to signs or lettering on buses, taxis, or vehicles operating during the normal course of business).

- H. Any sign obstructing traffic visibility.
- I. Illuminated signs of such intensity or brilliance as to cause glare or impair the vision of motorists, cyclists, or pedestrians using or entering a public right-of-way, or that are a hazard or nuisance to occupants of any property because of glare or other characteristics.
- J. Signs emitting sound, odor, smoke, or steam.
- K. Signs that display any words, characters, or illustrations of any obscene, indecent, or immoral nature.
- L. Signs projecting above the roofline, which is either the edge of the roof or the top of the parapet, whichever forms the top line of the building silhouette. Where a building has several roof levels, this roof or parapet shall be the one belonging to that portion of the building where the sign is located.
- M. Signs with moving, revolving, or rotating parts.

Sec. 6.5 Non-conforming Signs

Sec. 6.5.1. Purpose.

Sec. 6.5.2. Defined. A sign that, by its height, square foot area, location, use, or structural support, does not conform to the requirements of this Article.

Sec. 6.5.3. Removal. Nonconforming signs shall be removed or altered to reflect compliance with the land development code according to the following schedule:

- A. Within one month. Snipe signs, portable signs, banners, unauthorized bus bench and waste receptacle signs, traffic signs, signs not properly maintained or in hazardous condition, and other types of signs which do not comply with the terms, conditions, provisions, and intent of this section and are not specifically mentioned in the following paragraphs of this schedule.
- B. Within three years. All nonconforming painted wall signs (except mural signs), non-illuminated wall signs, and non-illuminated projecting signs, in violation of this section.

Sec. 6.5.4. Restrictions. All provisions of this nonconforming section and Section 2.4 shall apply to nonconforming signs, as follows. Nonconforming signs shall not be:

- A. Moved within the same parcel. Moved in whole or in part to another location on the same parcel or lot that it occupies.

- B. Moved to a different parcel. Transported to any other parcel of land unless such transport would render the sign conforming to all applicable provisions of this Code.
- C. Expanded. Enlarged or expanded in any manner, unless such enlargement reduces the degree of nonconformity and is carried out in accordance with the provisions of this Code.

Sec. 6.5.5. Rebuilt. Rebuilt, repaired, or renovated in excess of 50 percent of the assessed value of the sign, as determined by the City of Lake Alfred.

Sec. 6.5.6. Register. All nonconforming signs within the City of Lake Alfred must be registered by the owner with the Planning Official within 90 days of the passage of this ordinance.

Sec. 6.5.7. Special Exception. All nonconforming pole signs, ground signs, marquee signs, and wall signs, upon passage of this Section, are provided a special exception. This special exception is granted to a person, and not to a building or a land use. Therefore, when the business utilizing the special exception for the nonconforming sign is sold, the special exception expires, and the sign(s) must become conforming or must be removed altogether, within 30 days.

Sec. 6.5.8. Conformance. All nonconforming signs, as well as nonconforming structures in general, must come into conformance upon change of use of the business for which the sign is used.

Article 7. Resource Protection Standards



Article 7. Resource Protection Standards

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Sec. 7.1. Development in Flood-Prone Areas

Sec. 7.1.1. Administration

- A. **Title.** These regulations shall be known as the Floodplain Management Regulations of the City of Lake Alfred, hereinafter referred to as “these regulations”.
- B. **Scope.** The provisions of these regulations shall apply to all development that is wholly within or partially within any special 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; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.
- C. **Intent.** The purpose of these regulations and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard public health, safety, and general welfare, and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. Manage filling, grading, dredging, mining, paving,

excavation, drilling operations, storage of equipment or materials, and other development, which may increase flood damage or erosion potential;

4. Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- D. **Coordination with the Florida Building Code.** These regulations are intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.
- E. **Warning.** The degree of flood protection required by these regulations and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. These

regulations do not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with these regulations.

- F. **Disclaimer of Liability.** These regulations shall not create liability on the part of the City of Lake Alfred or by any officer or employee thereof for any flood damage that results from reliance on these regulations or any administrative decision lawfully made thereunder.

Sec. 7.1.2. Applicability

- A. **General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- B. **Areas to Which These Regulations Apply.** These Regulations shall apply to all special flood hazard areas within the City of Lake Alfred, as established in this section.
- C. **Exception.** RESERVED.
- D. **Basis for Establishing Flood Hazard Areas.** The Flood Insurance Study for Polk County, Florida and Incorporated Areas dated December 22, 2016, 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 part of these regulations and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the City of Lake Alfred.

- E. **Additional Data to Establish Flood Hazard Areas**

To establish flood hazard areas and base flood elevations, pursuant to Section 7.1.5 the Floodplain Administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of these regulations and, as applicable, the requirements of the Florida Building Code.
2. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a Letter of Map Change that removes the area from the special flood hazard area.

- F. **Other Laws.** The provisions of these regulations shall not be deemed to nullify any provisions of local, state, or federal law.

- G. **Abrogation and Greater Restrictions.**

1. These regulations supersede any ordinance or regulations in effect for management of development in flood hazard areas.

2. 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 these regulations and any other ordinance or regulations, the more restrictive shall govern.
3. For those areas within the Green Swamp Area of Critical State Concern (GSACSC), regulations regarding development in the floodplains are provided in Section 2.3.3 Green Swamp Overlay District. The Overlay District provides specific development criteria and may be more restrictive. In cases where conflicting standards are given by an overlay district and these regulations (7.1. Development in Flood Prone Areas), the more restrictive standards will take priority.
4. These regulations shall not impair any deed restriction, covenant, or easement, but any land that is subject to such interests shall also be governed by these regulations.

H. **Interpretation.** In the interpretation and application of these regulations, 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 appeal any other powers granted under state statutes.

Sec. 7.1.3. **Duties and Powers of the Floodplain Administrator**

- A. **Designation.** The City Manager 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 these regulations. The Floodplain Administrator shall have the authority to render interpretations of these regulations consistent with the intent and purpose of these regulations 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 these regulations without the granting of a variance pursuant to Section 7.1.7. of these regulations.
- C. **Application 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 is in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of these regulations;
 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 when compliance with these regulations is demonstrated, or disapprove the same in the event of noncompliance;
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 these regulations; and
9. Serve notices of violation or stop work orders to owners of property, to the owner's agent, or to the person or persons performing work that is determined to be a violation, as authorized in Section 7.1.8.B.

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 and Planning 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; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "substantial improvement"; 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 these regulations is required.

E. **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 these regulations.

F. **Inspections.** The Floodplain Administrator shall make the

required inspections as specified in Section 7.1.6. 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.

G. **Other Duties of the Floodplain Administrator.** The Floodplain Administrator shall have other duties, including but not limited to:

1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 7.1.3.D of these regulations;
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 elevation, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;
4. Review required design certifications specified by these regulations and the Florida Building Code to determine

that such certifications are complete;

5. Review elevation documentation submitted as required by these regulations and the Florida Building Code and inform the applicant of deficiencies within five (5) working days; and
 6. Notify the Federal Emergency Management Agency when the corporate boundaries of the City of Lake Alfred are modified.
- H. **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 these regulations and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letter 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 these regulations; 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 these regulations and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at the City of Lake Alfred.

Sec. 7.1.4. Permits

- A. **Permits Required.** Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of these regulations, 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 these regulations, and all other applicable codes and regulations have been satisfied.
- B. **Floodplain Development Permits or Approvals.** Floodplain development permits or approvals shall be issued pursuant to these regulations 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 C.F.R. Section 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 these regulations:
1. Railroads and ancillary facilities associated with the

railroad.

2. Nonresidential farm buildings on farms, as provided in Section 604.50, F.S.
3. Temporary buildings or sheds used exclusively for construction purposes.
4. Mobile or modular structures used as temporary offices.
5. Those structures or facilities of electric utilities, as defined in Section 366.02, F.S., which are directly involved in the generation, transmission, or distribution of electricity.
6. Chickees constructed by the Miccosukee Tribe of Indians of Florida, or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
7. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
8. Temporary housing provided by the Department of Corrections to any prisoner in the state correctional system.
9. Structures identified in Section 553.73(10)(k), F.S., are not exempt from the Florida Building Code if such structures

are located in flood hazard areas established on Flood Insurance Rate Maps.

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 Development Department. The information provided shall:

1. Identify and describe the development to be covered by the permit or approval.
2. Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.
3. Indicate the use and occupancy for which the proposed development is intended.
4. Be accompanied by a site plan or construction documents as specified in Section 7.1.5 of these regulations.
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 these regulations shall not be construed to be a permit for, or approval of, any violation of these regulations, 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 these regulations or any other ordinance, regulation or requirement of Lake Alfred.

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 Southwest Florida Water Management District; Section 373.036, F.S.
2. Florida Department of Health for onsite sewage treatment and disposal systems Section 381.0065, F.S. and Chapter 64E-6, F.A.C.
3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055 F.S.

4. Federal permits and approvals.

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.

Sec. 7.1.5. 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 these regulations 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 as necessary for review of the proposed development.
2. Where base flood elevations, or floodway data are not included on the FIRM or the Flood Insurance Study, they shall be established in accordance with Section 7.1.5.B (2) or (3) of these regulations.
3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 7.1.5.B.1 of these regulations.
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 these regulations 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 these regulations.

- B. **Information in Flood Hazard Areas without Base Flood Elevations.** 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 the 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 data and floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.
4. Where the base flood elevation data are to be used to support a Letter of Map Change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

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 Section 7.1.5.D. 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, a hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.
3. For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in Section 7.1.5.D.

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.

Sec. 7.1.6. Inspections

- A. **General.** Development for which a floodplain development permit or approval is required shall be subject to inspection.
- B. **Development other than Buildings and Structures.** The Floodplain Administrator shall inspect all development to determine compliance with the requirements of these regulations 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 these regulations and the conditions of issued floodplain development permits or approvals.
 - 1. **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:
 - a. 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

- b. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 7.1.5.B.3.b, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

Failure to submit the certification or documentation of elevation of the lowest floor or to make required corrections indicated by the Floodplain Administrator's review of the information shall be cause to issue a stop work order for the project in accordance with Section 7.1.8.

- 2. **Final Inspection.** As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Section 7.1.6.C.1.

- D. **Manufactured Homes.** The Floodplain Administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of these regulations and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

Sec. 7.1.7. Variances and Appeals

- A. **General.** The Planning and Zoning Board shall hear and decide on requests for variances from the strict application of these regulations. Pursuant to Section 553.73(5), F.S., the Planning and Zoning Board shall hear and decide on requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code.
- B. **Appeals.**
 - 1. The Development Review Special Magistrate 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 these regulations.
 - 2. Any person aggrieved by the decision of the Planning and Zoning Board may also appeal such decision to the Development Review Special Magistrate.
- C. **Limitations on Authority to Grant Variances.**
 - 1. The Planning and Zoning Board shall base its decisions on variances on technical justifications submitted by applicants, the considerations of issuance in Section 7.1.7.F of these regulations, the conditions of issuance set forth in Section 7.1.7.G of these regulations, and the comments and recommendations of the Floodplain Administrator, Building Official, and the Planning Official.
 - 2. The Planning and Zoning Board has the right to attach such conditions as it deems necessary to further the purposes and objectives of these regulations.

- 3. **Restrictions in Floodways.** A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Section 7.1.5.C of these regulations.
- D. **Historic Buildings.**
 - 1. A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon 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.
 - 2. 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.
- E. **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 these regulations, provided the variance meets the requirements of Section 7.1.7.C.3., 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.

F. **Considerations for Issuance of Variances.** In reviewing requests for variances, the Planning and Zoning Board shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the Florida Building Code, these regulations, 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;

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; and
11. The request for variance is not an after-the-fact request.

G. **Conditions for Issuance of Variances.** Variance 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 these regulations or the required elevation standards;
2. Determination by the Planning and Zoning 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 on or victimization of the public or conflict with existing local laws and ordinances; and
 - c. The variance is the minimum necessary,

considering the flood hazard, to afford relief.

3. Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the Office of the Clerk of Court in such a manner that it appears in the chain of title of the affected parcel of land; and
4. If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as \$25 for \$100 of insurance coverage), and stating the construction below the base flood elevation increases risks to life and property.

Sec. 7.1.8. **Violations**

- A. **Violations.** Any development that is not within the scope of the Florida Building Code but that is regulated by these regulations that are performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with these regulations, shall be deemed a violation of these regulations. A building or structure without the documentation of elevation of the lowest floor, or other required design certifications, or other evidence of compliance required by these regulations 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 these regulations 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. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the City may take necessary corrective action, the cost of which shall become a lien upon the property until paid.
- 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 provided below.
- D. **Penalties.** Any person who violates the provisions of these floodplain management regulations shall be punished by a fine of not less than \$100 nor more than \$500 or by imprisonment in the County Jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.

Sec. 7.1.9. **Definitions**

- A. **Scope.** Unless otherwise expressly stated, the following words and terms shall, for the purposes of floodplain management regulations, have the meanings shown in this section.
- B. **Terms Defined in the Florida Building Code.** Where terms are not defined in these regulations 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 these regulations or the Florida Building Code, such terms shall have ordinarily accepted meanings, such as the context implies.
- D. **Definitions.**
1. **Alteration of 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.
 2. **Appeal.** A request for a review of the floodplain administrator's interpretation of any provision of these regulations.
 3. **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.
 4. **Base flood.** A flood having a one percent (1%) chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood".
 5. **Base Flood Elevation.** The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]
 6. **Basement.** the portion of a building having its floor sub grade (below ground level) on all sides. [Also defined in FBC, B, Section 202.]
 7. **Critical Facility.** A facility which provides or is used to provide basic necessary services and benefits to the community as a whole. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which provide, use or store hazardous materials or hazardous waste.
 8. **Design Flood.** The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]
 - a. Area with a floodplain subject to a one percent (1%) or greater chance of flooding in any year; or
 - b. Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.
 9. **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 (2) feet. [Also defined in FBC, B, Section 202.]

10. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations, or any other land disturbing activities.
11. **Encroachment.** The placement of fill, excavation, buildings, permanent structures, or other development into a flood hazard area that may impede or alter the flow capacity of riverine flood hazard areas.
12. **Existing Building and Existing Structure.** Any buildings and structures for which the "start of construction" commenced before September 24, 2003. [Also defined in FBC, B, Section 202.]
13. **Federal Emergency Management Agency (FEMA).** The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.
14. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
15. **Flood Damage-Resistant Material.** Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]
16. **Flood Hazard Area.** The greater of the following two areas: [Also defined in FBC, B, Section 202]
 - a. The area within a floodplain subject to one percent (1%) or greater chance of flooding in any year.
 - b. The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.
17. **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 202]
18. **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 202.]
19. **Floodplain Administrator.** The office or position designated and charged with the administration and enforcement of these regulations (may be referred to as the Floodplain Manager).
20. **Floodplain Development Permit or Approval.** An official document or certificate issued by the City, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to

be compliant with these regulations.

21. **Floodway.** The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]
22. **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.
23. **Florida Building Code.** The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.
24. **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.
25. **Highest Adjacent Grade.** The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.
26. **Historic Structure.** Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.
27. **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:
 - a. **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.
 - b. **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.
 - c. **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.
 - d. **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.

28. **Lowest Floor.** The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access, or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]
29. **Manufactured Home.** A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer.
30. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
31. **Market Value.** The market value of buildings and

structures, excluding the land and other improvements on the parcel, shall be determined as the Actual Cash Value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction), determined by a qualified independent appraiser or the tax assessment value adjusted to approximate market value by a factor provided by the Polk County Property Appraiser.

32. **New Construction.** For the purposes of administration of these regulations and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after September 24, 2003, and includes any subsequent improvements to such structures.
33. **Park Trailer.** A transportable unit which has a body width not exceeding fourteen (14) feet, is built on a single chassis, and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in Section 320.01 F.S.]
34. **Recreational Vehicle.** A vehicle, including a park trailer, which is: [See Section 320.01, F.S.]
 - a. Built on a single chassis;
 - b. Four hundred (400) square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light-duty truck; and
 - d. Designed primarily not for use as a permanent

dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

35. **Special Flood Hazard Area.** an area in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE, or V. [Also defined in FBC, B, Section 202]

36. **Start of Construction.**

- a. 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 issuance.
- b. 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.
- c. 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.
- d. 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 the alteration affects the external dimensions of the building. [Also defined in FBC, B, Section 202].

37. **Substantial Damage.** Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B, Section 202]

38. **Substantial Improvement.** Any combination of repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure taking place during a 10-year period, 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. The period of accumulation begins when the first improvement or repair of each building is permitted. If the structure has incurred "substantial damage", any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202]

- a. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Building Official and that are the minimum necessary to assure safe living conditions.
- b. Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

- 39. **Variance.** A grant of relief from the requirements of these regulations, or the flood-resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by these regulations or the Florida Building Code.
- 40. **Watercourse.** A river, creek, stream, channel, or other topographic feature in, on, through, or over which water flows at least periodically.

Sec. 7.1.10. Flood Resistant Development

A. Buildings and Structures.

- 1. **Design and Construction of Buildings, Structures, and Facilities Exempt from the Florida Building Code.** Pursuant to Section 7.1.4.C. of these regulations, 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 flood load and flood-resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 7.1.10. G below.
- 2. **Non-elevated accessory structures.** Accessory structures used only for parking or storage are permitted below the base flood elevation in accordance with the Florida Building Code Residential standards.

3. Critical Facilities.

- a. New critical facilities are prohibited within the Special Flood Hazard Area.
- b. The lowest floor elevation of critical facilities shall be constructed at least two feet above the base flood elevation (BEF) for the site.
- c. Substantially improved critical facilities are required to be protected from damage and loss as a result of the 100-year flood or flood of record, whichever is higher.
- d. Floodproofing and sealing measures shall be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
- e. Access routes elevated to or above the level of the base flood elevation (BFE) shall be provided to all critical facilities to the maximum extent possible.

B. Subdivisions.

- 1. **Minimum requirements.** Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:
 - a. Such proposals are consistent with the need to minimize flood damage and will reasonably be safe from flooding;
 - b. 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
 - c. Adequate drainage is provided to reduce exposure

to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. **Subdivision Plats.** Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:
 - a. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 - b. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Section 7.1.5.B.1;
 - c. Compliance with the site improvement and utilities requirements of Section 7.1.10.C; and
 - d. Each developable lot must include a site suitable for construction of a structure in conformity with the standards of these floodplain management regulations.
 - e. The Special Flood Hazard Area shall be platted in a separate conservation tract.

C. **Site Improvements, Utilities, and Limitations.**

1. **Minimum Requirements.** All proposed new

development shall be reviewed to determine that:

- a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
- b. 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
- c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

2. **Sanitary Sewage Facilities.** All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.
3. **Water Supply Facilities.** All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
4. **Limitations on Sites in Regulatory Floodways.** No development, including but not limited to site

improvements and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 7.1.5.C.1 demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

5. **Limitations on Placement of Fill.** Subject to the limitations of these regulations, 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.

D. **Manufactured Homes.**

1. **General.** All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249, F.S., and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of these regulations.
2. **Foundations.** All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential, Section R322.2, and these regulations.
3. **Anchoring.** All new manufactured homes and replacement manufactured homes shall be installed using

methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

4. **Elevation.** All manufactured homes that are placed, replaced, or substantially improved in special flood hazard areas shall be elevated such that the bottom of the frame is at or above the base flood elevation plus one (1) foot.
5. **Enclosures.** Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.
6. **Utility Equipment.** Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the height requirements of the Florida Building Code, Residential Section R322.2.

E. **Recreational Vehicles and Park Trailers.**

1. **Temporary Placement.** Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:
 - a. Be on the site for fewer than 180 consecutive days; or
 - b. Be fully licensed and ready for highway use, which

means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

2. **Permanent Placement.** Recreational vehicles and park trailers that do not meet the limitations in E.1 of this Section for temporary placement shall meet the requirements of Section 7.1.10.D above for manufactured homes.

F. **Tanks.**

1. **Underground Tanks.** Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.
2. **Above-ground Tanks, Not Elevated.** Above-ground tanks that do not meet the elevation requirements of Section 7.1.10.F.3 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 or hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.
3. **Above-ground Tanks, Elevated.** Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting

structure that is designed to prevent flotation, collapse, or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

4. **Tank Inlets and Vents.** Tank inlets, fill openings, outlets, and vents shall be:
 - a. 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
 - b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

G. **Other Development.**

1. **General Requirements for Other Development.** All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in these regulations or the Florida Building Code, shall:
 - a. Be located and constructed to minimize flood damage;
 - b. Meet the limitations of Section 7.1.10.C.4 of this Section if located in a regulated floodway;
 - c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads,

including the effects of buoyancy, during conditions of the design flood;

- d. Be constructed of flood damage-resistant materials; and
 - e. 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 the building code for wet locations.
2. **Fences in Regulated Floodways.** Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Section 7.1.10.C.4 above.
 3. **Retaining Walls, Sidewalks, and Driveways in Regulated Floodways.** Retaining walls, sidewalks, and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Section 7.1.10.C.4 above.
 4. **Roads and Watercourse Crossings in Regulated Floodways.** Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of the watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Section 7.1.10.C.4 above. Alteration of watercourse that is part of a road or watercourse crossing shall meet the

requirements of Section 7.1.5.C.3.

H. **Mitigation**

1. **Impacts to a Special Flood Hazard Area.** Where minimized to the extent practicable and determined by the Floodplain Administrator to be unavoidable, impacts to the Special Flood Hazard Area shall be permitted for:
 - a. Access to the site
 - b. Traffic circulation, where other alternatives do not exist, or for purposes of public safety
 - c. Utility transmission and collection lines
 - d. Residential structure on a lot of record, where the location has been determined by the Floodplain Administrator to minimize impacts.
2. **Mitigation Approval**
 - a. The City Commission may require mitigation of adverse impacts to floodplains as a condition of development approval for the conditions listed in H.1 above.
 - b. The City Commission may approve impacts at the time of assignment of the Future Land Use and Zoning or at Site Plan Review.
 - c. Mitigation actions may be taken during or after development to reduce or counteract damage to floodplains areas. All mitigation shall be in place prior to release of all bonds.

- d. Prior to the approval of any fill, all alternative elevation methods shall be evaluated and determined to be ineffective or not applicable to the site, by the Floodplain Administrator. Alternative methods include, but are not limited to crawlspace, piers, columns, and stemwalls.

3. **Mitigation Plan.** A mitigation plan approved by a Federal, State or regional agency shall be acceptable to the City for areas also approved for impacts by the City Commission. The mitigation plan may include, but is not limited to, the following actions:

- a. Minimizing impacts by limiting the degree or magnitude of a development in a particular area of a site
- b. Reducing or eliminating additional impacts over time by preservation and maintenance operations during the life of the project.
- c. Repairing, rehabilitating, or restoring the area affected by the impact.
- d. Replacing or providing substitute resources or environments through creation of new floodplains, enhancement of existing floodplains or re-establishment of damages floodplains.
- e. The mitigation area shall be platted in a separate conservation tract.
- f. A conservation easement shall be established in accordance with Section 704.06, Florida

Statutes, and Section 7.7 of this Code over the area that is the object of the mitigation plan. A legal mechanism other than a conservation easement may be considered to carry out the purpose of this subsection.

Sec. 7.2. Wellfield Protection

Sec. 7.2.1. General Provisions

A. Purpose.

1. The purpose and intent of this Section is to safeguard the health, safety and welfare of the citizens of Lake Alfred by providing for the regulation of the storage, handling, use or production of hazardous substances within zones of protection surrounding potable water supply wells, thereby providing protection of the principal source of water for domestic, agricultural, and industrial use.
2. The availability of adequate and dependable supplies of potable quality water is of primary importance to the future of the city.
3. Standards are described in this Section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this Section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

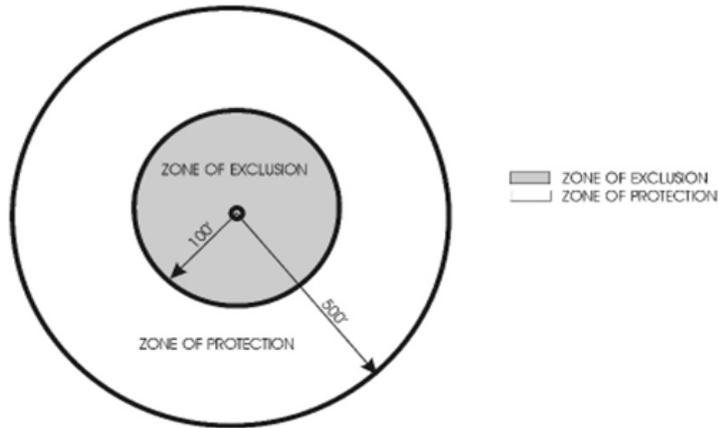
B. **Applicability.** Development regulations provided in this Section shall be applicable to designated cones of influence for all municipal public supply wells.

Sec. 7.2.2. Establishment of Wellfield Protection Zone

A. Zone of Protection.

1. The Zone of Protection with a radius of 500 feet is hereby established around each of the city's public supply potable water wells, as provided in Infrastructure Policy 5.3 of the Comprehensive Plan.
2. Where a property lies partly outside the Zone of Protection, development standards contained in this Section shall apply only to that part of the property lying within the Zone. Where the Zone of Protection boundary passes through a building, the entire building shall be considered to be in the protection zone.
3. The city will keep an annually updated list of all uses that generate or store hazardous materials within 500 feet of every wellhead.
4. Wellhead protection areas shall be identified in order to prohibit development or the establishment of new uses from locating within the identified zone of protection that may be a potential source of pollution to the potable water system.

Figure 7.2.2 Wellhead Protection Zones



B. Zone of Exclusion.

1. A Zone of Exclusion with a radius of 100 feet is hereby established around each of the city's public supply potable water wells, as provided in Future Land Use of the Comprehensive Plan.
2. It is the intent of the city to exclude uses that generate or store hazardous wastes from within a 100-foot radius of every potable water well, known as the zone of exclusion.
3. The City further prohibits existing uses from being reestablished once the use has ceased that generate or store hazardous materials within the exclusionary zone.
4. Prior to designation of, or in the absence of sufficient information to identify cones of influence, the City of Lake Alfred will utilize, as it becomes available, the most

current data available from the water management district or any other government agency to identify the cone of influence around each well, in order to afford the most protection to the potable water supply. Upon receipt and evaluation of such data, the city shall use the data to update the Map series of the city with respect to the wellhead protection zones.

5. **Map Series.** Wellheads and wellhead protection zones shall be mapped and show the location of each well within the city, including all wells not currently within the city limits but part of the city's water system, and identify the protection and exclusion zone around each well.

Sec. 7.2.3. Wellfield Protection Zone Permits

- A. **No Build Zone.** Except as otherwise provided, no person shall construct, modify, install or replace a hazardous substance storage system within a protection zone.
- B. **Permits.** Any such system existing prior to adoption of this Code shall require a wellfield protection permit as provided in this Section, and shall be subject to the containment standards in 7.2.4.D.

Sec. 7.2.4. Wellfield Protection Restrictions

- A. **Non-residential Use.** Unless otherwise provided in this Section, new non-residential use, handling, production or storage of hazardous substances shall be prohibited within the wellfield protection zone.
- B. **Existing Activity.** Any person with existing non-residential activity shall have a period of one (1) year from the adoption of

this Section to apply for a permit without a fee. Thereafter, said person shall be subject to the fee schedule adopted in connection with this Code.

C. **Exemptions.** The following activities or uses are exempt from the provisions of this Section:

1. The transportation of any hazardous substance through the Zone of Protection.
2. Agricultural uses, except that said uses shall comply with Chapter 487.011 et. seq., the Florida Pesticide Law and the Florida Pesticide Application Act of 1974 and Rule 5E-2.011 et seq. and Rule 5E-9.001 et seq., Florida Administrative Code.
3. The use of any hazardous substance solely as fuel in a vehicle fuel tank or as lubricant in a vehicle.
4. Fire, police, emergency medical services, governmental emergency management center facilities, and public utilities.
5. Retail sales establishments that store and handle hazardous substances for resale in their original unopened containers.
6. Office uses, except for the storage, handling, or use of hazardous substances.
7. Repairing or maintaining any facility or improvement on lands within the Zone of Protection.
8. Storage tanks that are constructed and operated in accordance with the storage tanks regulations as set forth

in Chapter 17-61, Florida Administrative Code.

9. Geotechnical borings.
10. Residential activities.

D. **Containment Standards.** Primary and secondary levels of containment shall be required for all new and previously existing hazardous materials storage systems, except those exempted under subsection 7.2.4.C and those that are the object of modified requirements under Section 7.2.5. Containment standards shall apply to all areas of use, production, and handling; to all storage areas; and to above-ground and underground storage areas.

1. **Primary Containment.** All primary containment shall be product-tight.
2. **Secondary Containment.** All secondary containment shall be:
 - a. Constructed of materials of sufficient thickness, density, and composition so as not to be structurally weakened as a result of contact with the discharged hazardous substances;
 - b. Equipped with leak-proof trays under containers, floor curbing or other containment systems to provide secondary liquid containment;
 - c. Adequate in capacity to handle 111 percent of the total volume of the container(s) in order to contain all spills, leaks, overflows, and precipitation until appropriate action can be taken;

- d. Constructed of materials of sufficient strength to preclude loss of any hazardous substances to the external environment; and
- e. Sheltered so that the intrusion of precipitation is inhibited.

E. **Monitoring Capacity.** All storage systems to which these regulations apply shall be designed with the capability of visually detecting that a hazardous substance stored in primary containment has entered secondary containment. Non-visual techniques may be approved by the City Commission where such techniques are proven to be reliable.

F. **Miscellaneous Requirements.**

- 1. Devices or materials to absorb or contain the hazardous substances shall be available in sufficient supply so as to control and collect the total quantity of hazardous substances on the site. To the degree feasible, emergency containers shall be present and of such capacity as to hold the total quantity of hazardous substances plus absorbent material.
- 2. Procedures shall be established by the applicant for periodic in-house inspection and maintenance of containment and emergency equipment. Such procedures shall be provided to the Planning Official in writing. A checklist and schedule of regular maintenance shall be established, and a log shall be kept of inspections and maintenance. Such logs and records shall be kept available for inspection by the Planning Official.

Sec. 7.2.5. Modification of Requirements

Petition. Any person affected by this Section may petition the City Commission for modification from the prohibitions of this Section, provided that the person demonstrates that special or unusual circumstances and adequate technology exist to isolate the facility or activity from the potable water supply in the event of a spill.

Sec. 7.2.6. Maintenance, Repair, or Replacement

- A. **Modification or Repair.** Any modification or repair of a storage system, other than minor repairs or emergency repairs, shall be in accordance with plans to be submitted to the Planning Official and approved prior to the initiation of such work.
- B. **Emergency Repairs.** A facility owner or operator may make emergency repairs to a storage system in advance of seeking an approval whenever an immediate repair is required to prevent or contain an unauthorized discharge or to protect the integrity of the containment.
- C. **Replacement.** Replacement of any existing storage system for hazardous substances must be in accordance with the new installation standards.

Sec. 7.2.7. Out-of-Service Storage Systems

- A. **Systems Temporarily Out of Service.**
 - 1. Storage systems that are temporarily out of service, and are intended to be returned to use, shall continue to be monitored and inspected.

2. After 180 days, any system that has not returned to service shall be closed or removed in a manner approved by the Planning Official.
3. Any storage system that is not being monitored and inspected in accordance with this Section shall be closed or removed in a manner approved by the Planning Official.

B. **Closure of Facilities.** Upon closure of a hazardous substance storage system for any reason, the facility owner or operator shall file an application with the Planning Official of intention to close the storage system. Said application shall be processed as provided in 7.2.3.A of this Section. By signing the wellfield protection permit application, the owner is held responsible to adhere to the closure procedures outlined in this Section. An application to close a hazardous substance storage facility shall include the following:

1. A schedule of events to complete the closure of this activity that does or did store, handle, use, or produce hazardous substances. As a minimum, the owner/applicant shall address the following:
 - a. Disposition of all hazardous substances and contaminated containers.
 - b. Cleanup of the activity and environs to preclude leaching of hazardous substances into the aquifer.
 - c. Certification by the Planning Official that disposal and cleanup have been completed in an acceptable manner. Certification may be waived if the applicant provides evidence to the Planning Official that all of the following conditions apply to the

subject land use facility or activity:

- i. The entire operation is maintained inside the building(s) of the facility.
- ii. The method of removing operating waste is not a septic tank, sewer main, or floor drain.
- iii. There is no evidence of spills permeating floors or the environs.
- iv. There are no outstanding or past notices of violation from any regulatory agency concerned with hazardous, industrial, or special waste.
- v. There is no evidence of past contamination in the public drinking water well(s) associated with a facility located in the Zone of Protection.
- vi. The applicant shall provide a sworn statement that disposal and cleanup have been completed in a manner acceptable to the Planning Official.

2. The Planning Official shall inspect the facility to determine whether or not the requirements of this subsection have been met.

C. **Abandoned Systems.** Whenever an abandoned storage system is located, a plan for the closing or removing or upgrading and permitting of such storage system shall be filed by the owner of the property at a reasonable time as determined by the Planning Official. Provided, however, such reasonable time for filing shall be not more than six (6) months.

Sec. 7.2.8. Appeals

- A. **Appeals.** Determinations of the Planning Official may be appealed in writing within 30 days of said determination to the Development Review Special Magistrate by the applicant. In not more than sixty (60) days the City Commission shall meet and rule to uphold, modify, or reverse the determination of the Planning Official.

Sec. 7.3. Wetlands Protection

Sec. 7.3.1. General Provisions

- A. **Purpose.**
 - 1. The Lake Alfred City Commission has determined that wetlands contiguous to waters of the state, and non-contiguous and isolated wetlands serve important functions in the hydrologic cycle and ecological system and therefore require protection.
 - 2. It is the purpose and intent of this Section to provide for the protection, maintenance, and enhancement of wetlands within the City of Lake Alfred in accordance with the adopted comprehensive plan, recognizing the rights of individual property owners to use their lands in a reasonable manner as well as the rights of all citizens to protection and purity of the waters of the City of Lake Alfred and their associated wetland ecosystems.
 - 3. It is further the purpose and intent of this Section to ensure that there be no net loss of wetlands as defined in this Code.

- B. **Applicability.**

- 1. This Section shall apply to all areas of wetlands within the jurisdictional boundaries of the City of Lake Alfred.
- 2. This section shall not apply to those areas within the Green Swamp Area of Critical State Concern (GSACSC). For regulations regarding development in the wetlands in the GSACSC, refer to Section 2.3.3 Green Swamp Overlay District.

- C. **Other Requirements.** In addition to meeting the wetlands protection requirements in this section, development plans shall comply with applicable federal, state and water management district regulations. In all cases the strictest of the applicable standards shall apply.

Sec. 7.3.2. Protection Zones Established

There is hereby created a wetlands protection zone in which special restrictions on development apply. The boundaries of this zone shall be the most landward extent of the following:

- A. Areas within the dredge and fill jurisdiction of the Department of Environmental Protection (DEP) as authorized by Section 403 of the Florida Statutes.
- B. Areas within the jurisdiction of the U.S. Army Corps of Engineers as authorized by section 404, Clean Water Act, or Section 10, River and Harbor Act.
- C. Areas within the jurisdiction of the Southwest Florida Water Management District, pursuant to Rule 40D-4, Florida Administrative Code.
- D. Development requiring a permit or permits from one or more of the U.S. Army Corps of Engineers, DEP, and the Southwest

Florida Water Management District (SWFWMD), shall have the most restrictive agency wetlands boundary determination recognized by the City as the wetland boundary. The term most restrictive is used here to mean the boundary covering the largest area.

- E. In circumstances where the natural boundary of wetland vegetation is unclear, the line of demarcation may be approximated at a surveyed elevation measured at a location in the same wetland where the natural line is clear.
- F. In the event an undeveloped area has been recently cleared of all vegetation, the wetland boundary may be determined by a study of the soils, aerial mapping, photography, hydrology, and other relevant historical information.
- G. **Wetland Transitional Zone (Upland Buffer).**
 - 1. There is hereby created a wetland transitional zone adjacent to each wetland protection zone.
 - 2. The transitional zone is an area having a direct ground or surface water influence and functions as a buffer between wetlands and development.
 - 3. The purpose of the transitional zone is to minimize the adverse effects of development upon the wetland itself.
 - 4. This zone shall encompass all land within fifty (50) feet of the boundary of the wetland protection zone unless otherwise specified by the City Commission. In no case shall an average transitional zone of less than thirty (30) feet be approved.
- H. **Map Series.** The wetland protection and transitional zones shall be mapped as described in this section as part of the Map Series.

Sec. 7.3.3. Permits Required

- A. **Permits.** No person shall remove, fill, drain, dredge, clear, destroy, or alter any wetland as defined in this Code without first submitting a wetland management plan and obtaining approval from the City Commission. This permit may be issued concurrently with any other land development permits issued by the city.
- B. **Exemptions.**
 - 1. Nonmechanical clearing of vegetation from an area of less than ten percent (10%) of the protected zone.
 - 2. Minor maintenance or emergency repair to existing structures of improved areas.
 - 3. Cleared walking trails having no structural components.
 - 4. Timber catwalks and docks four (4) feet or less in width.
 - 5. Utility crossings.
 - 6. Maintenance of drainage systems, including routine dredge and fill activities in ditches, retention and detention areas, public roads, and other rights-of-way.
 - 7. Bona fide mosquito control activities.
 - 8. Activities approved by a federal, state, or regional agency prior to adoption of this Section.

Sec. 7.3.4. Development Standards

- A. **Prohibited Activities.** Except as otherwise provided in this Section, it is presumed that development will have an adverse effect on wetlands. Therefore, no activities other than those specifically provided below shall be undertaken in a Wetland Protection Zone.
- B. **Limited Activities.** The following activities and development types generally may be undertaken unless the City Commission determines in a specific case that a listed activity or development type would have a significant adverse impact on the wetland protection zone.
 - 1. Scenic, historic, wildlife, or scientific preserves.
 - 2. Minor maintenance or emergency repair to existing boat docks, walking trails, and timber catwalks.
 - 3. Cultivating agricultural or horticultural products that occur naturally in the wetland.
 - 4. Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.
 - 5. Developing a "Wetlands Storm Water Discharge Facility" in accordance with state permits received under Chapters 17-25, Florida Administrative Code.
 - 6. Construction of foot bridges and vehicular bridges.
- C. **Wetland Transitional Zone.** All development in the Wetland Transitional Zone shall be designed, constructed, and maintained to avoid significant adverse effects on the adjacent wetland.

- D. **Transfer of Development Rights.** Where a development site lies partly within the wetland transitional zone and partly within the upland zone, the acreage within a wetland zone may be used to determine the total allowable units or square footage of development that will be allowed on a site. This development potential may be transferred, unless prohibited by another provision of this Code, from the wetland zone to the upland zone provided the following standards are applied.
1. Natural vegetative buffer areas shall be retained between all development and all wetlands where such buffer areas exist.
 2. Where a natural vegetative buffer area does not exist, an equivalent buffer shall be created. The minimum width of the buffer shall be twenty-five (25) feet and the average of all wetland buffers shall be forty (40) feet.
 3. No structures shall be located in the Wetland Transition Zone. Impervious surfaces shall be limited to roads or walking trails providing access to a body of water.

Sec. 7.3.5. Mitigation

- A. The developer shall completely restore any portion of a wetland zone damaged as a result of construction activity in the upland zone.
- B. The City Commission may require other reasonable protective measures to be undertaken within Wetland Transition Zone as necessary to prevent significant adverse effects on a wetland. Protective measures may include, but are not limited to:
1. Maintaining natural drainage patterns.
 2. Limiting the removal of vegetation.
 3. Minimizing the amount of fill used in the development activity.

4. Prohibiting or limiting the use of septic tanks.
- C. The City Commission may require mitigation of adverse impacts on wetlands or the Wetland Transitional Area as a condition of development approval if it finds that such impacts are unavoidable. In such cases, action will be taken during or after development to reduce or counteract damage to wetlands areas.
- D. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish.
- E. A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the city. The mitigation plan may include, but is not limited to, the following actions:
1. Preservation and maintenance regulations to reduce or eliminate the impact over time.
 2. Compensation for the impact through enhancement of existing wetlands, reestablishment of wetlands that are no longer functioning, or the creation of new wetlands.
 3. Repair, rehabilitation, or restoration of the wetland.
 4. Specific design requirements based upon conditions of the site and the type of wetland to be created or restored.
 5. Periodic monitoring to remove exotic or nuisance vegetation.
 6. Preservation or creation of an appropriate habitat in an adjacent wetland zone.
 7. A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, Florida Statutes, and Section 7.7 of this Code on the newly purchased, created, enhanced, or restored environmentally sensitive lands to protect them

from future development. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

Sec. 7.3.6. Prohibited Ongoing Activities

The following standards apply to post-development activities taking place within any wetland or upland zone.

- A. **Clearing.** Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- B. **Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes.** No fuel or toxic substances shall be stored, transferred, or sold in a wetland or wetland transitional zone.
- C. **Fertilizers, Herbicides, or Pesticides.** Fertilizers, herbicides, or pesticides shall not be applied in a wetland, except for projects conducted under the authority of Sections 373.451 - 373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and governmentally authorized mosquito control programs.

Sec. 7.4. Lake Protection

Sec. 7.4.1. General Provisions

- A. **Purpose.** It is the purpose of this Section to maintain lake water quality and reduce nutrient loading in the lakes of the City of Lake Alfred. In order to achieve this, the following standards restrict the amount of clearing or removal of shoreline vegetation and require the most appropriate stormwater treatment technology.

B. Applicability.

- 1. This Section shall apply to all lakes within the jurisdictional boundaries of the City of Lake Alfred, except those lakes within the Green Swamp Area of Critical State Concern (GSACSC). For regulations regarding development on lakeshores in the GSACSC, refer to Section 2.3.3 the Green Swamp Overlay District.
 - 2. All development including marinas, boat launching facilities and ramps, docks, piers, walkways and boat houses permitted in conformance with other applicable requirements of this Code, shall be designed, constructed and maintained to avoid adverse effects on the lakes of the City of Lake Alfred.
- C. **Other Requirements.** In addition to meeting the requirements of this Section, development plans shall comply with applicable federal, state, and water management district regulations. In all cases, the strictest of the applicable standards shall apply.

Sec. 7.4.2. Shoreline Protection Zones Established (Upland Buffer)

A Shoreline Protection Zone for all lakes in the City of Lake Alfred is hereby established. The Shoreline Protection Zone extends from the water's edge to a point fifty (50) feet landward of the Ordinary High Water Line.

Sec. 7.4.3. Development Standards

All development proposed to be located in the Shoreline Protection Zone shall comply in all respects with the following requirements:

- A. Existing development within the Shoreline Protection Zone shall not be expanded, added to, or increased in any way unless it complies with all of the standards contained in this section.
- B. To the maximum extent feasible, all natural drainage patterns shall be retained, and the amount of fill used in the development activity shall be kept at the absolute minimum to accommodate permitted development.
- C. Point source and nonpoint source discharges into any lake are prohibited.
- D. All development shall be designed, located, constructed, and maintained in a manner that minimizes environmental damage.
- E. All development shall be set back fifty (50) feet from the Ordinary High Water Line.
- F. The combined impervious surface of all permitted buildings, structures, walkways, and paved areas on a site that includes any portion of the Shoreline Protection Zone shall not exceed

forty percent (40%) of the land area of the entire site.

- G. Within the Shoreline Protection Zone, a minimum of fifty (50) percent of the natural vegetation shall be retained, maintained, and protected.
- H. If no natural vegetation exists, buffers shall be planted and maintained to maturity to achieve a minimum cover of forty percent (40%) of the site within the Shoreline Protection Zone. Buffer plantings may be linear or clustered and shall be composed of native plant species found growing in the vicinity of the site, or may be plants selected from the lists of species in Section 4.5.
- I. The developer shall limit the removal of vegetation to the minimum necessary to carry out a permitted development activity, and shall expeditiously restore any portion of the Shoreline Protection Zone damaged or removed during construction by replanting native grasses and ground covers or appropriate substitutes.
- J. The City Commission may require other reasonable protective measures to be undertaken within the Shoreline Protection Zone to prevent significant adverse effects on a lake. Protective measures may include, but are not limited to:
 - 1. Prior approval of any plan to dredge the lake bottom and dispose of spoil either on the site or at other locations.
 - 2. Prior approval of any plan to construct channels in a lake. In particular, such a plan shall demonstrate by design and other assurances how it will prevent slumping and erosion, and promote revegetation of underwater slopes and banks.

Sec. 7.4.4. Exemptions

- A. Emergency repairs to existing structures and facilities, where such repairs are necessary for the preservation of life, health, or property and are undertaken to promote the purposes of this Section.
- B. Activities associated with maintenance of a structural stormwater or drainage control system, where such activities do not constitute major construction or rebuilding.
- C. Mowing and maintenance of lawns and other vegetation that does not result in the prohibited clearance of shoreline vegetation.
- D. Development of a "Wetlands Storm Water Discharge Facility" or "Treatment Wetland" in accordance with state permits received under Chapters 17-25 and 17-6, Florida Administrative Code.
- E. Utility crossings and the installation of underwater utility lines or facilities, including water, wastewater, electricity, communication cables, oil, or gas. Lines may be entrenched in (not exceeding 10,000 cubic yards of dredging), laid on, or embedded in bottom waters.
- F. Construction, replacement, or widening of all types of permitted bridges.
- G. Nonmechanical clearing of shoreline vegetation from the water's edge to the landward edge of the shoreline protection zone, to create a walking trail having no structural components, not to exceed four (4) feet in width.
- H. Installation of channel markers, permitted signs, and fences.

- I. Bona fide mosquito control activities.
- J. Scenic, historic, wildlife, or scientific preserves.

Sec. 7.4.5. Clearing in the Lakes and in the Shoreline Protection Zone

- A. A property owner clearing less than fifty (50) feet or fifty (50) percent of owned shoreline, whichever is less, shall not be required to obtain a City-issued permit.
- B. The property owner(s) shall obtain the appropriate state or federal permit prior to commencing any shoreline clearing. Copies of these permits must be included in the application packet submitted to the city.
- C. Upon receiving a permit, the permit must be posted at the clearing site.
- D. All cleared or trimmed vegetation shall be removed from the lake and shoreline within twenty-four (24) hours of the conclusion of the clearing activities.
- E. The Planning Official shall grant a permit when:
 - a. An application is submitted and reviewed that demonstrates that the planned clearing is for a permitted purpose under this Code.
 - b. The clearing will be conducted in accordance with the erosion control requirements of Section 7.6.
 - c. The clearing includes a commitment to replant the area with varieties of vegetation that will not increase the

nutrient levels in the lake above those existing at the time of the proposed clearing.

- d. The clearing will not otherwise violate the intent and purpose of this Section.

Sec. 7.4.6. Mitigation

- A. The City Commission may require mitigation of adverse impacts on the shoreline of lakes as a condition of development approval, if it finds that such impacts are unavoidable. In such cases, action may be taken during or after development to reduce or counteract damage to shoreline areas.
- B. Mitigation shall not contribute to the production of mosquitoes by creating mosquito larval habitat or by eliminating habitat for predatory fish.
- C. A mitigation plan approved by a federal, state, or regional agency shall be acceptable to the city. The mitigation plan may include, but is not limited to, the following actions:
 - 1. Minimizing impacts by limiting the degree or magnitude of a development action in a particular area of a site.
 - 2. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the project.
 - 3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - 4. Compensating for the impact by replacing or providing substitute resources or environments through creation of new shoreline, enhancement of existing lakes, or

reestablishment of shoreline vegetation in the littoral zone.

- 5. A developer of a compensatory mitigation plan shall grant a conservation easement in accordance with Section 704.06, Florida Statutes, and Section 7.7 of this Code over the area that is the object of the mitigation plan. A legal mechanism other than a conservation easement may be considered, if appropriate, to carry out the purpose of this subsection.

Sec. 7.4.7. Prohibited Ongoing Activities

The following standards apply to post-development activities taking place within any Shoreline Protection Zone.

- A. Without an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.
- B. Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective clean-up of spills that do occur.
- C. Fertilizers, herbicides, or pesticides shall not be applied in a primary shoreline protection zone except for projects conducted under the authority of Sections 373.451 - 373.4595, Florida Statutes, the Surface Water Improvement and Management Act, and mosquito control programs authorized by a government agency.

Sec. 7.5. Conservation Areas

Sec. 7.5.1. Applicability. A conservation area may consist of, but is not limited to, the following areas:

- A. An Upland Buffer, consisting of a 50-foot buffer surveyed or otherwise identified upland from a wetland, or lake.
- B. Special Flood Hazard Area as defined in Section 7.1.9.
- C. Areas assigned the Conservation Future Land Use and/or zoning designation.
- D. Other environmentally sensitive areas as identified on the Development Limitations Map.

Sec. 7.5.2. Maintenance

- A. The 50-foot conservation area shall be maintained as a natural zone to minimize the impact of development on the habitat and the environmentally sensitive lands.
- B. The conservation area is to provide upland habitat that is necessary for bird and animal foraging and nesting; and to prevent the runoff of contaminants into wetlands and lakes.
- C. When the growth of natural plants, ground cover, and grasses in the conservation area is less than twenty-five percent (25%), it shall be supplemented by planting the species of trees and shrubs from the lists found in Article 2 or Article 4.
- D. This conservation area shall be planted and maintained by the developer, a land manager, a homeowners' association, or the homeowner, whichever may be specified in a deed or subdivision restriction or other instrument addressing the

creation, ownership, and maintenance of the upland buffer.

- E. The upland conservation area may be offered or dedicated to the City of Lake Alfred at the City's option and with the City's consent to accept ownership and/or maintenance.

Sec. 7.5.3. Development Standards

- A. If the topography of the upland buffer on the parcel is greater than a 6% slope, then a berm shall be placed between the dwelling unit and the upland buffer zone, on the building side of the buffer and at the boundary of the buffer, to prevent fertilizer contaminated runoff from inundating the buffer zone.
- B. The 50-foot conservation area shall not be a part of any required rear, side, or front yard setback.
- C. In the case where a structure is served by a septic system rather than sanitary sewer, the setback to any part of the septic system shall be seventy-five (75) feet.
- D. No retention structures are permitted in conservation areas.

Sec. 7.6. Erosion Control

Sec. 7.6.1. Required Soil Conservation Measures

The following soil conservation measures shall apply to all development activities requiring site development plan or subdivision reviews:

- A. **Prior to Construction.** Prior to approval, parcels shall not be impacted by the import of fill, grading, or removal of soil.
- B. **During Construction.** The developer shall follow standard practices as specified in the State of Florida Erosion and Sediment Control Designer and Reviewer Manual, latest edition, or details specifically approved by the City to prevent erosion and depositing of soils off the construction site.
- C. **After Construction.** All disturbed areas shall be mulched, seeded, sodded, or new vegetation planted as required by the City, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in onsite or offsite erosion or windblown loss of soils shall be deemed a violation of this Section.

Sec. 7.7. Conservation Easements

Sec.7.7.1 Applicability. A conservation easement is a perpetual, undivided interest in property to protect the natural, scenic, or open space values of real property.

Sec. 7.7.2 Development Standards

- A. Any person, corporation, or legal entity owning property in the City of Lake Alfred may create a conservation easement or platted conservation tract for the following purpose:
 - 1. As a condition for approval of a development permit or development order;
 - 2. As part of a development agreement established under Articles 8 and 9 of this Code; and/or
 - 3. As part of the Resource Protection Provisions in Article 7 or an Overlay District in Article 2.3.
- B. Conservation easements shall be subject to the provisions of Section 704.06, F.S., and may be used to prevent or prohibit the following activities:
 - 1. Construction or placing of buildings, roads, signs, or other advertising, utilities, or other structures on or above the ground.
 - 2. Dumping or placing of soil or other substances or materials as landfill, and dumping of trash, waste, or unsightly or offensive materials.
 - 3. Removal or destruction of trees, shrubs, or other vegetation.
 - 4. Excavation, dredging, or removal of loam, peat, gravel, soil, rock, or other material substance in such manner as to affect the surface of the ground.

5. Any use that alters the natural condition of the land or water area.
 6. Activities detrimental to drainage, flood control, water conservation, erosion control, soil conservation, or fish and wildlife habitat preservation.
 7. Any use that is detrimental to the retention of land or water areas.
 8. Any use that is detrimental to the preservation of properties of historical, architectural, archaeological, or cultural significance.
- C. Conservation easements are perpetual, undivided interests in property and may be created or stated in the form of a restriction, easement, covenant, or condition in a deed, will, or other instrument executed by or on behalf of the owner of the property, or in any order of taking.
1. Such easements may be acquired in the same manner as other interests in property are acquired, except by condemnation or by the exercise of the power of eminent domain.
 2. Such easements may be assigned to other governmental agencies, charitable organizations, or trusts authorized to acquire such easements.
 3. Conservation easements run with the land and are binding on all subsequent owners of the property.
 4. Conservation easements entitle the holder to enter the land in a reasonable manner and at reasonable times to assure compliance with the purpose(s) of the easement.
 5. All conservation easements shall be recorded and indexed in the public records of Polk County in the same manner as any other instrument affecting the title to real property.

Article 8. Public Facility Monitoring



Article 8. Public Facility Monitoring

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Sec. 8.1. Concurrency

Sec. 8.1.1. General Provisions

The purpose of this Section is to ensure that facilities and services needed to support development are available concurrent with the impacts of development. The following public facilities and services are subject to concurrency evaluation: roads, potable water, sanitary sewer, drainage, solid waste, recreation and public schools.

Except as otherwise provided, no development proposal submitted after the effective date of this Code shall be approved unless public facilities are or will be available to serve a proposed development, such that the Levels of Service adopted in the Comprehensive Plan are maintained.

Prior to concurrency approval for a proposed development, the following conditions shall be met, as applicable.

A. **Potable Water, Sewer, Solid Waste, and Drainage.** The concurrency requirement may be met through one of the following conditions or actions:

1. The necessary facilities and services are in place at the time a development permit is issued; or
2. A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or
3. The necessary facilities are under construction at the time a permit is issued; or
4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes provisions 1-3 above. An enforceable development agreement shall include, but is not limited to, the provisions of Section 163.3227, F.S., or shall be a development order issued pursuant to Sections 163.3220- 3243, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S. The agreement shall guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

B. **Roads.** The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, and by complying with the following standards:

1. The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be financially feasible, and may recognize and include transportation projects listed in the first three years of the applicable FDOT 5-Year Work Program.
2. The 5-Year Schedule of Capital Improvements must include facilities necessary to maintain the adopted level of service standards to serve the proposed new development, and the facilities necessary to eliminate those portions of existing deficiencies that are a priority to be eliminated during the five-year period in which the Capital Improvements Plan is to be implemented.
3. The Capital Improvements Element and 5-Year Schedule of Capital Improvements must be based on currently available revenue sources that must be adequate to fund the public facilities required to serve the development authorized by the development order and development permit.
4. The 5-Year Schedule of Capital Improvements must include the estimated date of commencement of actual construction and the estimated date of project completion.
5. The 5-Year Schedule of Capital Improvements must demonstrate that the actual construction of the road must be scheduled to commence in or before the third year of the five-year schedule.
6. A plan amendment would be required to eliminate, defer or delay construction of any road that is needed to maintain the adopted level of service standard and that is listed in the 5-Year Schedule of Capital Improvements.
7. The City will adopt land development regulations that, in conjunction with the Capital Improvements Element, ensure that development orders and permits are issued in a manner that will assure that the necessary public facilities will be available to accommodate the impact of that development.
8. A monitoring system shall be adopted that enables the City to determine whether it is adhering to the adopted level of service standards and its capital improvements schedule.

9. The Comprehensive Plan shall clearly designate those areas within these facilities will be provided by the City with public funds in accordance with the 5-Year Schedule of Capital Improvements.

C. **Parks and Recreation.** The concurrency requirement may be met by satisfying the conditions listed in paragraphs (A)(1-4) above, or by complying with the following standards:

1. At the time the development permit is issued, the necessary public facilities and services are the subject of a binding executed contract that provides for the commencement of the actual construction of the required public facilities or the provision of services within one year of the issuance of the development permit; or
2. The necessary public facilities and services are guaranteed in an enforceable development agreement that requires the commencement of the actual construction of the public facilities or the provision of services within one year of the issuance of the applicable development permit. An enforceable development agreement may include, but is not limited to the provisions of Section 163.3227, F.S., or an agreement or development order issued pursuant to Chapter 380, F.S.

D. **Public Schools.** The concurrency requirement for a subdivision plat or site plan for residential development may be met through one of the following conditions or actions:

1. The School Board's findings indicate adequate school facilities will be in place or under actual construction within three (3) years after the issuance of the subdivision plat or site plan for each level of school;
2. Adequate school facilities are available in the relevant Concurrency Service Area (CSA) or adjacent CSA where the impacts of development can be shifted to that area; or
3. The developer executes a legally binding commitment to provide mitigation proportionate to the demand for public school facilities to be created by the actual development of the property subject to final plat or site plan.

Sec. 8.1.2. **Concurrency Management System**

The Concurrency Management System (CMS) shall identify and

inventory existing service capacities available for development. It shall include facility and service improvements approved in the first year of the City's 5-Year Schedule of Capital Improvements. No development order or permit may be issued by the City that results in a reduction in LOS below the adopted standard.

A. **Concurrency Test Statement.** Concurrency Test Statements shall be filed with and reviewed by the City, and a determination of concurrency shall be made prior to formal submittal of a development plan of any kind. This shall include issuance of building permits for residential development on existing lots where no plat or Site Development Plan is required.

B. **Procedure.** The following procedure shall be carried out in order to obtain a determination of concurrency:

1. Prepare Concurrency Test Statements on forms available at the Planning Official's office.
2. Completed Concurrency Test Statements shall include the following information:
 - a. A legal description of the site proposed to be developed along with a map identifying the site in relationship to the City's boundaries.
 - b. A narrative description of the proposed development identifying the type of development and all land uses proposed within the site.
 - c. Identification of all roadways adjacent to the site by name, pavement width, functional classification, jurisdiction (i.e., state, county or City jurisdiction), current capacity and existing LOS.
 - d. Projected Average Daily Traffic (ADT) and peak-hour traffic generated by the proposed development and the traffic distribution on the existing roadway(s).
 - e. Projected potable water demand generated by the proposed development and identification of the service provider.
 - f. Projected wastewater demand generated by the proposed development and identification of the service provider.
 - g. Projected solid waste generation and identification of the service provider.

- h. Description of the stormwater management system for the proposed development. This description shall include the drainage basin in which the proposed project is located, method of treatment, system design parameters, and location of outfall.
- i. Identification of required park and recreation facilities, if any, and method of providing said facilities.
- j. A development schedule identifying the proposed date for the start of construction and the date of project completion.

C Completed School Concurrency Application.

1. Where required information is readily available, the Planning Official may, at their discretion, obtain or calculate one or more of the above data requirements. However, it shall be the applicant's full responsibility to ensure that the Concurrency Test Statement is complete and accurate.
2. The Planning Official shall distribute the completed Concurrency Test Statement to appropriate City departments charged with providing the identified services. Each department shall certify on the Concurrency Test Statement whether or not there is sufficient capacity to service the development.
3. For any public service not provided by the City of Lake Alfred, the Planning Official may waive capacity certification on a case-by-case basis if there is satisfactory evidence that capacity is available to support the proposed development. Drainage certification for single-family development on existing lots may be waived under the same conditions.
4. The applicant shall be notified within seven (7) working days as to whether the proposed development meets the concurrency requirement. If the proposal is determined to meet concurrency, the applicant may proceed with the development process as set forth in other sections of this Code. Proposals not meeting concurrency shall not be processed for review until and unless an agreement has been reached by the City and the developer to mitigate the identified deficiency.

Sec. 8.1.3. Fees

Fees for staff review of Concurrency Test Statements shall be established, and may be changed from time to time, by resolution of the City Commission.

Sec. 8.1.4. Consistency with Concurrency Test Statements

All development proposals submitted to the City for review shall be consistent with the data established in the Concurrency Test Statement. Those exceeding the service demand levels established in the Concurrency Test Statement shall not be processed. The applicant shall be provided with a written notice that a new Concurrency Test Statement shall be required.

Where deficiencies have been identified, development plans based on an agreement to provide needed facilities and/or services shall be processed with the agreement as a condition of development approval. However, the City shall not be required to approve a development plan that meets the concurrency requirement, but does not satisfy other provisions of this Code.

Sec. 8.1.5. Allocation of Municipal Services

Allocations of public facility and service capacities shall be on a first come, first served basis. Services shall be allocated at the following stages:

- A. **Subdivisions.** On final approval of a subdivision plat, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five (5) years from the date of final plat approval.
- B. **Conditional Use Permit.** On final approval of a conditional use, service capacities shall be allocated based on the approved plat. Allocation of service capacity shall be valid for five (5) years from the date of final plat approval.
- C. **Site Development Plan.** Those developments that are processed under the site development plan review procedures shall be allocated service capacities upon approval of the site development plan. Allocation of service capacity shall be valid for six (6) months from the date of site development plan approval.
- D. **Single-Family Residential on Existing Lots.** Prior to receiving a

building permit for single family structures on platted lots existing before the adoption of this Code, or on non-subdivision lots established by metes and bounds legal description, the builder or property owner shall secure a Certificate of Concurrency from the Planning Official. Allocation of service capacity shall be valid until the expiration date of the building permit or the issuance of a certificate of occupancy.

Sec. 8.1.6. Levels of Service

Through the Concurrency Management System, Lake Alfred shall maintain the following levels of service for public facilities:

- A. **Magnet and School of Choice.** One hundred percent (100%) of the enrollment quota as established by the School Board or court-ordered agreements and as adjusted by the school board annually.
- B. **Other.** K-8, 6th grade centers, 9th grade centers, 6-12 are at one hundred percent (100 %) of permanent DOE FISH capacity.
- C. **Special Facilities.** Including alternative education or special programmatic facilities, are designed to serve the specific population on a countywide basis or for temporary need and are not zoned to any specific area. Therefore, they are not available or used for concurrency determination.
- D. **Conversion Charter Schools.** The capacity is set during contract negotiations and the School Board has limited control over how many students the schools enroll.

All development that was not approved through a subdivision plat, conditional use permit, site development plan, or the issuance of a building permit prior to the date of adoption of the level of service standards in this subsection shall be subject to an Adequacy Determination through the Concurrency Management System. An Adequacy Determination shall also be required for existing development where any improvement, expansion, or other change is proposed that may result in a greater demand for those public facilities addressed in this Section. The Planning Official shall determine whether a proposed change in existing development requires an Adequacy Determination.

Figure 8.3. Level of service

| Facility | Level of Service Adopted 2010 |
|------------------------------------|--|
| Sanitary sewer | 76 gallons per capita per day 130 gallons per capita per day |
| Potable water | Minimum Design & Operation Standards: Flow Capacity 153 f/c/d; Storage: One half daily demand; and Pressure: 20 pounds per square inch |
| Solid waste | Disposal of 8.00 pounds per person per day For Existing Development: Design for 3-year, 24 hour storm event; For New Development: Design for 25-year, 24 hour storm event. |
| Transportation | |
| Backlogged facilities | Maintain and improve |
| Principal arterials | C |
| Minor arterials | D |
| Collector and other local roadways | D |
| Recreation and open space | 5.5 acres per 1,000 residents |

Figure 8.4. Schools - Tiered Level of Service

| Facility Type | 2008-09 | 2009-10 | 2010-11 | 2011-12 | 2012-13 |
|---------------|---------|---------|---------|---------|---------|
| Elementary | 122% | 122% | 115% | 100% | 100% |
| Middle | 113% | 113% | 110% | 100% | 100% |
| High School | 110% | 110% | 105% | 100% | 100% |

Sec. 8.1.7. Required Determinations

As part of the Adequacy Determination, findings shall be made as to the amount of available capacity in those public facilities that are addressed in this Section.

- A. **Adequacy of the Road System.**
 1. As part of the Adequacy Determination, the adequacy of the road network shall be evaluated according to conditions at the time the development plan or building permit is approved. Initial measurement of roadway capacities shall be carried out using data and

methodology accepted by FDOT or other traffic analysis techniques that are technically justifiable as determined by the Planning Official.

2. Capacity ratings on the state highway network shall be approved by FDOT.
3. Any proposed development shall be required to address the adequacy of the city's road network as it relates to the projected traffic volumes generated by the development. If any affected road segment lacks capacity to accommodate the additional traffic generated at the adopted LOS, it shall be determined whether such capacity will be available if all of the transportation improvements contained in the City's Comprehensive Plan and/or that of Polk County are completed.
4. For the purpose of this Section, improvements to state roads resulting in an improvement in the level of service, and that are scheduled to occur by the third year of the FDOT's Five-Year Work Program, shall be considered concurrent. If it is determined that such capacity will not be available, then the specific improvements necessary to enable the road network to reach such capacity shall be identified, through the completion of a detailed transportation study conducted by a professional in the field of transportation planning, and the application may be granted with an express condition regarding the adequacy of the City's transportation network. At the sole discretion of the City Commission, such condition shall require one of the following:
 - a. That the applicant shall construct the necessary improvements proportional to the share of the additional capacity that is needed to accommodate traffic generated by the applicant's development; or
 - b. That the applicant deposit money into a "road fund" equal to the share of the cost of the improvements that would otherwise be required.

- B. **Adequacy of Drainage.** The proposed development shall be designed to provide adequate areas and easements for the construction and maintenance of a water management system to serve the proposed development and adjacent public rights-of-way in a manner that conforms to sound engineering standards. The development order

shall require that the applicant meet the following LOS standards, where applicable, prior to any plan approval.

1. **Road Protection.** Residential streets having not more than fifty (50) feet of pavement width shall have crown elevations equal to the 100 year flood elevation. Rights-of-way having greater than fifty (50) feet of pavement width shall have a final edge of pavement elevation no lower than the 100 year flood elevation.
2. **Buildings.** The lower floor elevation for buildings shall be no lower than one (1) foot above the 100 year elevation.
3. **Off-Site Discharge.** Off-site discharge is not to exceed the standards allowed by the Southwest Florida Water Management District and this Code.
4. **Storm Sewers.** The design frequency applicable to storm sewers is the 25-year, 24-hour storm event.

C. **Adequacy of Potable Water Service.**

1. Potable water service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of-way, easements, and any other areas that may be needed for the installation and maintenance of a potable water distribution system that will meet all applicable building, health, and environmental regulations, including Chapter 17 22, F.A.C.
2. Where adequate potable water capacity is available in the City of Lake Alfred's municipal water system, the Concurrency Test Statement shall include a certification from the appropriate City official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.
3. Where adequate potable water service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or

expand a water treatment facility that will have sufficient capacity to provide for the needs of the development. For purposes of the Concurrency Test Statement, the Planning Official shall certify that such a plan exists.

4. An agreement will be required between the City and the developer prior to approval in order to provide for the expansion of water treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of potable water plant or network capacity, or a commitment to provide service.

D. **Adequacy of Wastewater Treatment and Disposal Services.**

1. Sanitary sewer service must be available for the needs of the proposed development at the adopted LOS. The proposed development shall be designed so as to reserve rights-of-way, easements, and any other areas that may be needed for the installation and maintenance of a wastewater treatment and disposal system that will meet all applicable building, health, and environmental regulations.
2. Where adequate sanitary sewer capacity is available in the City of Lake Alfred's municipal wastewater treatment system, the Concurrency Test Statement shall include a certification from the appropriate City official, stating that sufficient capacity exists as of the date of application. Such certification shall be based on the existing level of demand in addition to permitted development that has not been constructed, and any other development for which capacity has been reserved.
3. Where adequate sanitary sewer service will be made available at a future date concurrent with the impacts of the proposed development, an Adequacy Determination must be based on a financially feasible plan to construct or expand a wastewater treatment facility that will have sufficient capacity to provide for the needs of the development. For purposes of the Concurrency Test Statement, the Planning Official shall certify that such a plan exists.
4. An agreement will be required between the City and the developer prior to approval in order to provide for the

expansion of wastewater treatment facilities necessary to serve the proposed development. City approval of an application for plat approval shall not create a reservation of wastewater plant or network capacity, or a commitment to provide service.

E. **Adequacy of Solid Waste Disposal Sites or Facilities.**

1. Solid waste disposal sites or facilities shall be available prior to development approval to provide for the needs of the proposed development at the LOS shown in Section 8.1.6. Certification shall be made by Polk County, in a form acceptable to the Planning Official, that adequate landfill capacity is available to meet the needs of the proposed development. Certification may be made on a project-by-project basis, or through a written statement, renewed at regular intervals, that sufficient capacity exists to meet the City of Lake Alfred's needs during a specific time period. In the latter instance, the Planning Official shall provide Solid Waste Disposal certification on the Concurrency Test Statement.
2. A finding that solid waste disposal sites or facilities are available must be based on a demonstration that existing facilities have sufficient capacity to provide for the needs of the development proposed and for other developments in the service area that are occupied, or available for occupancy, for which building permits have been issued, or for which solid waste disposal capacity has been reserved. If existing capacity is unavailable, conditional approval may be granted if it is shown that there is a financially feasible plan to expand solid waste disposal capacity so that sufficient capacity will be available to accommodate the solid waste of the proposed development and for other developments within the service area that are occupied or available for occupancy, for which building permits are in effect, or for which solid waste disposal capacity has been reserved.

F. **Adequacy of Parks and Recreational Facilities.**

1. Park and recreational facilities shall be available prior to development approval for any residential development to meet the needs of that development at adopted LOS.

Calculations shall be based on average household size figures provided in the Housing Element of the Comprehensive Plan.

2. A finding that park and recreational facilities are available to serve a proposed residential development must be based upon a level of service calculation that includes other such developments, existing and permitted, for which capacity has been reserved. If existing capacity is not available, conditional approval may be granted if it is shown that there is a financially feasible plan to expand park and recreational facilities so that sufficient capacity will be available for the proposed development at the time that certificates of occupancy are anticipated to be requested. If sufficient capacity does not exist for park and recreational facilities at the time that he seeks development approval, the developer may elect to donate land of suitable size, topography and general character to serve as a recreation facility that will meet the adopted LOS standard for park and recreational facilities, or make payment in lieu of land dedication.

G. Adequacy of Public School Facilities.

1. Public school facilities shall be available prior to development approval for any residential development to meet the needs of that development at adopted LOS. Public school capacity determinations shall be made by the School Board as outlined in Interlocal Agreement for Public School Planning, and issued by the City, prior to the City's final development approval for residential projects.
2. The determination of whether adequate school capacity exists for a proposed development will be based on the LOS standards, Concurrency Service Areas, and other standards set forth in this Interlocal Agreement and will include a review of the following:
 - a. Total school capacity by school level based upon the LOS standards;
 - b. Obligated capacity by school level including existing student enrollment and the portion of reserved capacity by school level projected to be developed within three years;
 - c. The portion of previously approved development projected

to be developed within three years;

- d. The estimated demand on schools by school level created by the proposed development;
- e. If the Concurrency Service Area in which the proposed development is located has available school capacity;
- f. If the Concurrency Service Area in which the proposed development is located does not have available school capacity, whether one or more contiguous Concurrency Service Area have available adequate school capacity, based on School Board policies;
- g. If more than one contiguous Concurrency Service Area has capacity, identify the contiguous Concurrency Service Area most likely to be available to provide capacity considering the proximity and travel time to the proposed development and the potential of re-zoning into a school within that area and assigning the demand from the proposed development to that Concurrency Service Area; and
- h. Reviewing feasible restructuring of public school Concurrency Service Areas, and other district policies on capacity, to ensure that the impacts of the proposed development will not cause the LOS standard in the Concurrency Service Area within which it is located or any other Concurrency Service Area to exceed the LOS standards set forth in this Agreement. If sufficient capacity does not exist for public school facilities at the time that he seeks development approval, the developer may elect to negotiate a mitigation agreement with the School Board according to the terms of the Interlocal Agreement for Public School Planning.

Sec. 8.1.8. Monitoring

1. The Concurrency Management System shall be monitored and updated annually. Monitoring and updating shall consist of summing all approved services during each year and subtracting those sums from the capacities available at the beginning of the concurrency period.
2. Any capital improvement scheduled during the concurrency period and constructed or placed into service shall then be

added to the capacity totals. In addition, any developer-sponsored facility or service placed into service as a result of mitigation shall be accounted for in the specific facility/service provided. Upon calculation of available capacities under this method, all capital improvements projects budgeted and approved by the City Commission in the first year of its 5-Year Schedule of Capital Improvements shall be added to the relevant capacities. The sums of all aforementioned calculations shall then be the available capacities for the next year. The following calculation shall be the basis of the annual concurrency monitoring system:

Available Capacity

+ Programmed Improvements (1st year S.C.I.)

--Development Approved During Year

Available Capacity (nth year)

3. If capital projects identified in the first year of the City's 5-Year Schedule of Capital Improvements were not constructed or placed into service during the identified concurrency period, those projects shall be subtracted from available capacities and, if not provided for in the Capital Budget, removed from capacity available for concurrency purposes.
4. Development projects approved based on service capacities presumed to be available shall not be permitted to proceed until a method to mitigate any deficiency has been approved. Such mitigation shall include, but not be limited to, phasing of a development project, payment of monies to construct necessary facilities, or the construction of necessary facilities.
5. Any subdivision plat or site development plan for which construction has not begun within the time frame specified in this Code shall be considered lapsed and shall forfeit any allocation of service capacity. Upon forfeiture, all capacities so allocated shall be returned to the service/facility provider. The Concurrency Management System shall be approved by resolution of the City Commission on the first regularly

scheduled City Commission meeting in September of each year.

Sec. 8.1.9. **Appealing City's Adequacy Determination**

A developer may challenge any concurrency determination made by the City by appealing the decision to the City Commission. The appeal shall be accompanied by substantial, competent evidence that sufficient capacity does exist by virtue of the following:

- A. The impacts of the proposed development will differ from the impacts estimated by the City as a result of special circumstances of that development;
- B. Based on the City's own information, the analysis being used has an error in its base data;
- C. In the case of roads, the applicant presents evidence through travel speed, distance and time studies that impacted roadway links actually operate at higher levels of service than indicated by the City's analysis. Methodology for such travel speed/distance/time studies shall be certified by a licensed professional traffic engineer. In the event the travel speed/distance/time studies are warranted, the City or its agent shall conduct or commission such a study after receiving a fee from the applicant to cover the costs of conducting and analyzing the study. The applicant shall have the opportunity to review the methodology prior to the commencement of the study.
- D. In the case of public school facilities, the appeal process will allow the procedure identified in the Interlocal Agreement for Public School Facilities Planning.

Sec. 8.1.10. **Options for Achieving Compliance**

Where it appears, or it has been determined, that there is a lack of capacity to service a proposed development, the developer should consider a variety of methods for achieving compliance. Some possibilities are as follows.

- A. **Plan Amendment.** The developer may propose a plan amendment that lowers the adopted level of service standard for the affected facilities and/or services.
- B. **Reduce Impact of Development.** The developer may propose a reduction in the scale or impact of the proposed development.

- C. **Phasing of Development.** The developer may propose a phasing of the proposed development to match the availability of capacity with the timing of each phase of the development. Specific conditions for permitting each phase to proceed shall be included in an enforceable development agreement or development order to ensure that necessary public facilities and services will be in place when the impacts of the development occur.
- D. **Development Agreement.**
1. The developer may propose a development agreement assuring that the required facility capacity will be provided. Any development agreement must provide one or more of the following assurances, acceptable to the City in form and amount, to guarantee the applicant's pro rata share of the cost of completing or providing any public facilities and services that may be necessary to maintain the adopted level of service standards for the subject property:
 - a. cash escrow;
 - b. irrevocable letter of credit;
 - c. prepayment of capacity/connection charges.
 2. Whenever an applicant's pro rata share of a public facility is less than the full cost of the facility, the city shall do one of the following:
 - d. contract with the applicant for the full cost of the facility, including terms regarding reimbursement of the applicant for costs in excess of the applicant's pro rata share; or
 - e. obtain assurances from other sources similar to those described above in this Section; or
 - f. amend the Comprehensive Plan to modify the adopted level of service standard so as to reduce the required facility to equal the applicant's needs.
- E. **Alternative Transportation Study.** Where a developer disagrees with the results obtained by the city in its concurrency review regarding transportation, a transportation study may be performed at the option and expense of the developer. The results of the study shall be considered by the city in subsequent determinations regarding the development's compliance with concurrency requirements.
- F. **Other Transportation Studies.** For those roadway facilities that indicate a lower LOS than the adopted standard of the City of Lake Alfred Comprehensive Plan, the city shall allow applicants to perform an operating LOS assessment based upon procedures outlined in the 1985 Highway Capacity Manual. A discussion of any proposed transportation system management and/or mitigation strategies shall be included in the study. The transportation study shall be signed and sealed by a registered professional engineer. The cost of this assessment shall be borne by the applicant.
- G. **School Concurrency Mitigation Options.** Acceptable forms of mitigation may include:
1. The donation, construction, or funding of school facilities sufficient to offset the demand for public school facilities to be created by the proposed development; and
 2. The creation of mitigation banking based on the construction of a public school facility in exchange for the right to sell excess capacity credits.
 3. Contribution of land in conjunction with the provision of additional school concurrency.
 4. Provision of additional student stations through the donation of buildings for use as a primary or alternative learning facility as long as the building meets State Requirements for Educational Facilities standards; or Provision of additional student stations through the renovation of existing buildings for use as learning facilities as long as the building meets State Requirements for Educational Facilities standards; or
 5. Construction of permanent student stations or core capacity as long as the building meets State Requirements for Educational Facilities standards; or
 6. Construction of a charter school designed in accordance with School Board and State Requirements for Educational Facilities standards, providing permanent capacity to the Board's inventory of student stations. Use of a charter school for mitigation must include provisions for its continued existence, required attendance by students generated by the development, including but not limited to the transfer of ownership of the charter school

property and buildings and/or operation of the school to the School Board.

Sec. 8.2. Transportation Proportionate Fair-Share Program

Sec. 8.2.1. Purpose and Intent

The purpose of this ordinance is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair-Share Program, as required by and in a manner consistent with § 163.3180 (16), Florida Statutes.

Sec. 8.2.2. Findings

The City Commission finds and determines that transportation capacity is a commodity that has a value to both the public and private sectors and the City Proportionate Fair-Share Program:

- A. Provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors;
- B. Allows developers to proceed under certain conditions, notwithstanding the failure of transportation concurrency, by contributing their proportionate fair-share of the cost of a transportation facility;
- C. Contributes to the provision of adequate public facilities for future growth and promotes a strong commitment to comprehensive facilities planning, thereby reducing the potential for moratoria or unacceptable levels of traffic congestion;
- D. Maximizes the use of public funds for adequate transportation facilities to serve future growth, and may, in certain circumstances, allow the City to expedite transportation improvements by supplementing funds currently allocated for transportation improvements in the Capital Improvement Element (CIE) of the City's Comprehensive Plan;
- E. Is consistent with § 163.3180(16), Florida Statutes, and supports the following policies in the City's Comprehensive Plan Goal 1, Objective 2, Policy 2.7; Objective 3, Policy 3.2; and Objective 4, Policy 4.1, 4.2, 4.3, 4.4, 4.5, and 4.6.

Sec. 8.2.3. Applicability

The Proportionate Fair-Share Program shall apply to all developments in the city that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the city's Concurrency Management System (CMS), including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determinations, pursuant to the requirement of Section 8.1.2.. The Proportionate Fair-Share Program does not apply to developments of regional impact (DRIs) using proportionate fair-share under § 163.3180(12), Florida Statutes, or to developments exempted from concurrency as provided in Chapter 163.3180 (4)(b), (c), (5)(a), (b), (c) and (6), Florida Statutes. The Proportionate Fair-Share Program does not preclude applicants from funding transportation improvements pursuant to a development agreement to meet concurrency requirements.

Sec. 8.2.4. General Requirements

- A. An applicant may choose to satisfy the transportation concurrency requirements of the city by making a proportionate fair-share contribution, pursuant to the following requirements:
1. The proposed development is consistent with the comprehensive plan and applicable land development regulations.
 2. The five-year schedule of capital improvements in the city's CIE or the long-term schedule of capital improvements for an adopted long-term CMS includes the construction phase of transportation improvement(s) that, upon completion, will satisfy the requirements of the city's transportation CMS.
- B. The city may choose to allow an applicant to satisfy transportation concurrency through the Proportionate Fair-Share Program by adding an improvement (construction phase) to the CIE or adopted long-term CMS that will satisfy the requirements of the city's transportation CMS.
1. For the purposes of the Proportionate Fair-Share Program, no capacity road project shall be added to the CIE unless any required alignment study or a Project Development and Environmental (PD&E) Study has been completed with an endorsed build alternative.

2. To implement this option, the city shall adopt, by resolution or ordinance, a commitment to add the improvement to the five-year schedule of capital improvements in the CIE or long-term schedule of capital improvements for an adopted long-term CMS no later than the next regularly scheduled update. To qualify for consideration under this section, the proposed improvement must be reviewed by the City Manager or his/her designee, and determined to be financially feasible pursuant to § 163.3180(16)(b)1, Florida Statutes, consistent with the comprehensive plan, and in compliance with the provisions of this section. Any improvement project proposed to meet the developer's fair-share obligation must meet the design standards of the jurisdiction with maintenance responsibility for the subject transportation facility.

Sec. 8.2.5. Proportionate Fair-Share Program MOU

The city shall coordinate with the Florida Department of Transportation, Polk Transportation Planning Organization, Central Florida Regional Planning Council, and other local governments to implement the provisions of the Proportionate Fair-Share Program. Appropriate provisions for intergovernmental coordination will be detailed in a Memorandum of Understanding on the Proportionate Fair-Share Program (MOU), and the city shall coordinate with the signatory parties to ensure that mitigation to impacted facilities is based on comprehensive and consistent transportation data.

Sec. 8.2.6. Application Process

- A. Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the Proportionate Fair-Share Program pursuant to the requirements of Section 8.2.4.
- B. Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, e.g. project status in CIE, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the SIS, or any state transportation facility, then the FDOT will be notified and invited to participate in the pre-application meeting.

- C. Eligible applicants shall submit an application to the city that includes an application fee that will be established by Resolution of the City Commission and on file with the City Clerk's office. The application shall include, at a minimum, the following:
1. Name, address, and phone number of owner(s), developer and agent;
 2. Property location, including parcel identification numbers;
 3. Legal description and survey of property;
 4. Project description, including type, intensity and amount of development;
 5. Phasing schedule, if applicable;
 6. Description of requested proportionate fair-share mitigation method(s);
 7. Copy of concurrency application;
 8. Copy of the project's traffic study or traffic impact analysis;
 9. Location map depicting the site and affected road network.
- D. The city shall review the application and certify that the application is sufficient and complete within ten (10) business days. If an application is determined to be insufficient, incomplete, or inconsistent with the general requirements of the proportionate Fair-Share Program as indicated in Section 8.2.4, then the applicant will be notified in writing of the reasons for such deficiencies within ten (10) business days of submittal of the application. If such deficiencies are not remedied by the applicant within thirty (30) days of receipt of the written notification, then the application will be deemed abandoned. The City Manager or his/her designee may, in his/her discretion, grant an extension of time not exceed sixty (60) days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.
- E. Pursuant to § 163.3180(16)(e), Florida Statutes, proposed proportionate fair-share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. The applicant shall submit evidence of an agreement between the applicant and the FDOT for inclusion in the proportionate fair-share agreement.
- F. When an application is deemed sufficient, complete, and eligible, the applicant shall be advised in writing and a proposed proportionate

fair-share obligation and binding agreement will be prepared by the city, or the applicant with direction from the city, and delivered to the appropriate parties for review, including a copy of the FDOT for any proposed proportionate fair-share mitigation on a SIS facility, or any state transportation facility, no later than sixty (60) days from the date at which the applicant received the notification of a sufficient application and no fewer than forty-five (45) working days prior to the City Commission meeting when the agreement will be considered.

- G. The city shall notify the applicant regarding the date of the City Commission meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the City Commission, or pursuant to staff approval for agreements below a certain dollar amount.

Sec. 8.2.7. Determining Proportionate Fair-Share Obligation

- A. Proportionate fair-share mitigation of concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities as provided in § 163.3180 (16)(c), Florida Statutes.
- B. A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ based on the form of mitigation as provided in § 163.3180 (16)(c), Florida Statutes (contributions of private funds, land or facility construction).
- C. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for Section 163.3180 (12), Florida Statutes, as follows:
1. The cumulative number of peak hour, peak direction trips from the complete build-out of the proposed development, or build-out of the stage or phase being approved, that are assigned to the proportionate share program segment divided by the change in the peak hour maximum service volume (MSV) of the proportionate share program segment resulting from construction of the proportionate share program improvement, multiplied by the anticipated cost of the proportionate share project. In this context, cumulative does not include project trips from previously approved stages or phases of development.

2. This methodology is expressed by the following formula:
3. Proportionate Fair Share = $\sum [(Development\ Trips) / (SV\ Increase)] \times Cost$ Where: \sum is the sum of all deficient links proposed for proportionate fair-share mitigation for a project.
4. Development Trips are those trips from the stage or phase of development under review that are assigned to roadway segment "i" and have triggered a deficiency per the concurrency management system (CMS);
5. SV Increase is the service volume increase provided by the eligible improvement to roadway segment "i";
6. Cost is the adjusted cost of the improvement to segment "i". Cost shall include the cost of all project phases (preliminary engineering or alignment study, design, rights-of-way acquisition and construction) in the years said phases will occur with all associated costs.

- D. The cost of the proportionate fair-share project shall be determined by the maintaining jurisdiction.
- E. The value of right-of-way dedications used for proportionate fair-share payment shall be subject to the approval of the maintaining jurisdiction. No value shall be assigned to right-of-way dedications required under ordinance or as a condition of development approval.

Sec. 8.2.8. Impact Fee Credit for Proportionate Fair-Share Mitigation

- A. The city shall maintain a list of transportation projects funded by applicable road impact fees under the CIE. If the subject improvement is contained in the current CIE and funded in whole or in part by road impact fees, the proportionate fair-share contributions shall be applied as a credit against road impact fees.
- B. Impact fee credits for the proportionate fair-share contribution will be determined when the transportation impact fee obligation is calculated for the proposed development. Impact fees owed by the applicant will be reduced per the Proportionate Fair-Share Agreement as they become due per the city's Impact Fee Ordinance. If the applicant's proportionate fair-share obligation is less than the development's

anticipated road impact fee for the specific stage or phase of development under review, then the applicant, or its successor, must pay the remaining impact fee amount to the City pursuant to the requirements of the city's Impact Fee Ordinance.

- C. The proportionate fair-share obligation is intended to mitigate the transportation impacts of a proposed development at a specific location. As a result, any road impact fee credit based upon proportionate fair-share contributions for a proposed development cannot be transferred to any other location unless provided for within the local impact fee ordinance.
- D. The amount of traffic impact fee credit for a proportionate fair-share contribution may be up to, but shall not exceed, the project's proportionate fair-share amount and will be determined based on the following formula:
 1. Credit = $[(Cost\ of\ Proportionate\ Fair-Share\ Project) \div (Total\ Cost\ of\ All\ Projects\ in\ Applicable\ Impact\ Fee\ District)] \times (Total\ Project\ Traffic\ Impact\ Fee\ Liability)$
 2. Where: Cost of projects shall include the cost of all project phases in the year said phases will occur with all associated costs. Credit shall be calculated based on multiple Proportionate Share Projects, if applicable.

Sec. 8.2.9. Proportionate Fair-Share Agreements

- A. Upon execution of a proportionate fair-share agreement (Agreement) and satisfying other concurrency requirements, an applicant shall receive a city certificate of concurrency approval. Should the applicant fail to apply for building permits within the timeframe provided for the city's concurrency certificate, then the project's concurrency vesting shall expire, and the applicant shall be required to reapply. Once a proportionate fair-share payment for a project is made and other impact fees for the project are paid, no refunds shall be given. All payments, however, shall run with the land.
- B. Payment of the proportionate fair-share contribution for a project and other road impact fees not subject to an impact fee credit shall be due and must be paid within 60 days of the effective date of the proportionate fair-share agreement. The effective date shall be

specified in the agreement and shall be the date the agreement is approved by the City Commission or its designee.

- C. All developer improvements accepted as proportionate fair-share contributions must be completed within three years of the issuance of the first building permit for the project which is the subject of the proportionate fair-share agreement and be accompanied by a security instrument as approved by the City Manager and City Attorney that is sufficient to ensure the completion of all required improvements. It is the intent of this section that any required improvements be completed within three years of the issuance of the first building permit for the project, which is the subject of the proportionate fair-share agreement.
- D. Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to the effective date of the proportionate fair-share agreement.
- E. Any requested change to a development project subsequent to issuance of a development order shall be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.
- F. Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the city will be non-refundable.

Sec. 8.2.10. Appropriation of Fair-Share Revenues

- A. Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the City's CIE, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the local government having jurisdiction over the relevant transportation facility subject to the proportionate fair-share agreement, and with the concurrence of the local government issuing the development order, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived.

These operational improvements shall be consistent with, and sustainable through, the construction of the capacity project.

Proportionate fair-share revenues may also be used as the 50% local match for funding under the Florida Department of Transportation (FDOT) Transportation Improvement Program (TRIP) (5-year work plan).

- B. In the event a scheduled facility improvement is removed from the CIE, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development.

Sec. 8.3. Development Exactions and Dedications

Sec. 8.3.1. Dedication of Sites for Public Uses or Fee in Lieu

A. Parks.

1. Where an elevation under the Concurrency Management System indicates that additional usable recreation land and facilities are needed to maintain the adopted level of service standard, the property owner or his/her authorized representative shall dedicate land of suitable size, topography, and general character to the city, or pay a fee that is equal to the fair market value of the land otherwise required to be dedicated. The required acreage or fee shall be determined by the Planning Official based on the most recent and localized data, which may include, but is not limited to, information supplied in the Concurrency Test Statement submitted in connection with the subject application and/or proposed development.
2. Conditions for the City's acceptance of dedicated recreation land shall be established in a Development Agreement under the provisions of Section 9.6.8.
3. Where dedication of recreation land is not required to maintain the adopted level of service, the City may refuse to accept such land, or establish reasonable conditions for acceptance. Proposed recreational uses must be consistent with the Future Land Use Map of the Lake Alfred Comprehensive Plan. Other conditions may include, but are not limited to, the following:
 - a. Land must be readily accessible and usable for recreational purpose.
 - b. Land must be fully or partially developed for recreational use at time of acceptance.
 - c. The facility would meet a specific recreational need of the City (i.e., picnic areas, boat launch facilities).

B. Rights-of-Way.

1. Rights-of-way required to serve all development shall be dedicated in accordance with the requirements of Article 5 of this Code. Where subdivisions are bordered by public right-of-

way, additional right-of-way shall be dedicated so as to meet minimum widths specified in the Comprehensive Plan. Where dedicated right-of-way is extended to an adjoining property or street, there shall be no reserved strips affording private control of future access. The city may require public reserved strips where such reservations promote public health and safety and implement the Comprehensive Plan.

2. Where right-of-way has been dedicated independent of any requirement of this Code or the Comprehensive Plan, the city may refuse to accept such right-of-way, or establish such conditions for acceptance, as the City Commission determines to be reasonable.

Sec. 8.3.2. Dedication of Utility Easements

Except where alleys are provided for the purpose of access and utility placement, easements of no less than 15 feet in width, or wider as the City Engineer deems necessary, shall be dedicated for the installation of underground utilities by the city or franchised utility providers.

Easements for watercourses or drainage-ways traversing a subdivision shall be of a width sufficient to convey the volume of stormwater projected to be generated by the 25-year storm event. Such easements shall be approved by the City Engineer.

Article 9. Administration and Procedures



Article 9. Administration and Procedures

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Sec. 9.1. Administrative Procedures

Sec. 9.1.1. General Provisions

- A. **Purpose.** The purpose of this section is to provide a general understanding of the application, review, and approval process. Specific application types and review criteria are provided later in this Article.
- B. **Applicability.**
1. Prior to undertaking any development or use of land, a property shall obtain the proper approvals in accordance with the procedures of this Article, unless otherwise exempt.
 2. All development and uses of land, whether or not subject to the procedures of this Article, are subject to all other provisions of this Code.
- C. **Applicants.**
1. Applications may be initiated by the City, by a property owner or agent of a property owner, or by citizens or interested parties who have established standing to bring applications to the City for consideration.
 2. Applications submitted for real property by anyone other than the owner of record must have the application signed by the owner of record or provide a letter of authorization signed by the owner of record.
 3. Applicants for appeals may be exempt from these requirements but must meet the requirements for standing in Section 9.4.4.A.
- D. **Application Submittals.**
1. For any application submittal required by this Article, the applicant must submit a complete application form and any required attachments.
 2. Applicants shall submit review fee as established by the City Commission.
 3. The number of copies to be submitted, the fees to be submitted and the deadlines for submission shall be in accordance with the latest administrative procedures.
- E. **Application Review.**
1. **Sufficiency.**
 - a. The Planning Official shall review the application submittal to ensure that the application is sufficient and complete.
 - b. If deficiencies are identified, the applicant shall be notified within thirty (30) days after receipt of the application of the specific deficiencies.
 - c. Once notified, applicants have thirty (30) days to submit the required additional information, otherwise the application shall be deemed as withdrawn.
 - d. Once a complete application is received, the Planning Official shall process the application and schedule the item for the appropriate committee, board, commission, and magistrate for consideration.
 2. **Application Review.** Each application type has an identified period of review as provided in the corresponding section. All reviews shall be completed based on the latest administrative procedures with the maximum timeframes identified within each section.
 3. **Reasonable extension of time.** The City of Lake Alfred defines a reasonable extension of time as:
 - a. **Initial application review.** Up to thirty (30) additional days to complete an initial or revised application review.
 - b. **Application deficiency.** Up to sixty (60) additional days to submit additional information to correct an application deficiency.

- c. **Final action.** Up to ninety (90) additional days for final action approving, approving with conditions, or denying an application for a development approval.

F. **Development Approvals**

- 1. **Development Order(s) and Challenges.** All challenges of Development Orders shall first be to the Development Review Special Magistrate within thirty (30) days from the date of rendition. Pursuant to the Fla. R. of App. P. 9.020(h), "rendition" is defined as the date when a signed written order is filed with the clerk of the lower tribunal.
- 2. **Development order** means any order granting, denying, or granting with conditions an application for a development permit. §163.3164(15), Fla. Stat. (2019).
- 3. **Development permit** includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land. §163.3164(16), Fla. Stat. (2019).
- 4. **Denial of Development Order(s).** In the event of a denial of a Development Order and/or Development Permit, the City shall deliver written notice to the applicant identifying the applicable ordinance, rule, regulation, and/or any reason(s) relied upon as authority for the denial.
- 5. **Land Development Regulation(s).** Challenges to a Development Order based on an interpretation of a land development regulation shall be by petition for *writ of certiorari*.
- 6. **Consistency with Comprehensive Plan.** Challenges to a Development Order based on consistency of an order with the comprehensive plan shall be by petition for *writ of certiorari*.
- 7. **Third-Party Challenges.** A third-party challenge to a Development Order based on inconsistency with the comprehensive plan shall be filed pursuant to and comply with Section 163.3215(4) of the Florida Statutes.
- 8. **Petition.** All challenges of Development Orders which materially alter the use or density or intensity of use on a piece of property shall be by filing of a petition for *writ of certiorari*.

- G. **Material Modifications.** After approval has been issued for a Development Order, it shall be unlawful to substantially and/or materially change, modify, alter, or otherwise deviate from the terms or conditions of the approved Development Order without first obtaining an approval of modification.

H. **Illegal Activity.**

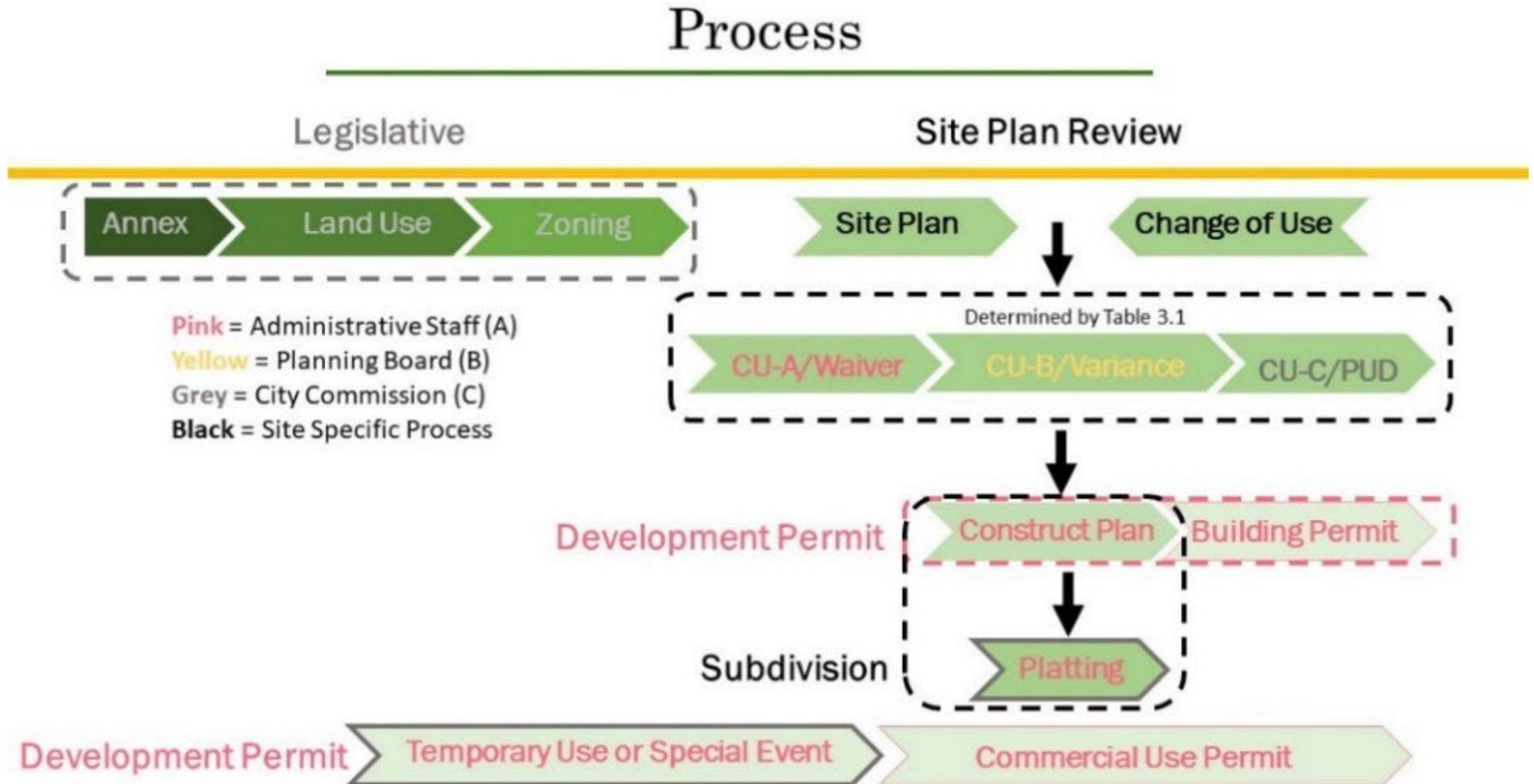
- 1. Prior to seeking any level of development approval (including variances, temporary uses, or modifications to prior approvals), the owner, applicant, or occupant must cease and desist all activity on the subject property that is not legally in compliance with this Code or any other condition imposed through prior development approval. This includes but is not limited to construction, excavation, parking or vehicles, storage of materials, construction or the operation of a business of an illegal non-conforming use.
- 2. No earth moving, utility work, grading, construction or development activity may be undertaken unless the activity is authorized pursuant to this Code.
- 3. Prior to the issuance of a Development Order or prior to the appeal of a denial, any applicant proceeding or continuing with any development is proceeding at their own risk and may be subject to an order for fines, removal, or other penalties.

Sec. 9.1.2. Types of Review

- A. **Purpose.** This section identifies the case types, approval process, authorities, and public notice requirements for applications.
- B. **Applicability.** This section applies to all application types for development within the City of Lake Alfred.
- C. **Types of Review.** Application types fall into two (2) categories, as follows:
 - 1. **Legislative.** Legislative matters include policy making decisions or regulations in formulating a general rule of policy.
 - a. Comprehensive Plan Text Amendments.
 - b. Comprehensive Plan Map Amendments.
 - c. Unified Land Development Code (ULDC) Text Amendments.

- d. Vacations.
 - e. Other Legislative Action(s).
2. **Quasi-judicial.** Quasi-Judicial matters apply the general policies or rules to a specific parcel(s).
- a. Development Order
 - i. ULDC Map Amendment (Zoning).
 - ii. Conditional Uses.
 - iii. Planned Unit Developments.
 - b. Development or Developers Agreements.
 - c. Subdivision Review.
 - d. Development Permit Review.
 - iv. Building Permits
 - v. Special Events
 - e. Relief of Standards.
 - vi. Administrative Waivers
 - vii. Variances
 - viii. Special Exceptions
 - f. Nonconformities.

Figure 9.1.2. Types of Reviews



D. **Standard of Review.**

1. **Legislative.**

- a. The burden of proof is on the property owner to show the government action is arbitrary and capricious.
- b. Legislative hearings require notice of hearing and opportunity to be heard.
- c. Legislative decisions are reviewed in a de novo proceeding before the Circuit Court.
- d. For Legislative land use matters, the court will apply the deferential "fairly debatable" standard of review to land use and zoning decisions. The "fairly debatable standard" is a rule of reasonableness.
- e. The City's decision(s) shall be presumed valid and not disturbed unless there is unrefuted evidence establishing that an existing land use designation is improper, arbitrarily and unreasonably applied to a property.
- f. Rules of statutory construction shall be applicable to the interpretation of the City's comprehensive plan.

2. **Comprehensive Plan.**

- a. **Effect.** Once a comprehensive plan is adopted, the requirements of the comprehensive plan and all of its elements are strictly applied, and compliance of other land use and zoning regulations and project approvals are reviewed on a basis of strict scrutiny.
- b. **Development.** To determine whether a development is consistent with the City's comprehensive plan, a determination shall be made based on a review of what the Development Order permits, not what the permit holder intends to develop.
- c. **Development Order.** Compliance of a Development Order with the comprehensive plan is based on the terms, objectives, including policies, land use, and densities and intensities, of the comprehensive plan, not the terms of the implementing Land Development Regulations.
- d. **Density.** The City Commission has the authority and discretion to decide whether the maximum density should or should not

be allowed for a development. In determining that the maximum density should not be allowed, the City Commission shall determine that a use consistent with the comprehensive plan is allowed, and the decision of the City Commission shall be supported by competent substantial evidence.

3. **Quasi-judicial.**

- a. For quasi-judicial matters, the burden of proof is, as follows: (1) the property owner must prove the requested rezoning is consistent with the comprehensive plan; and (2) the burden shifts to the government to prove that maintaining the existing zoning accomplishes a legitimate public purpose.
- b. Quasi-judicial hearings require procedural due process, as follows:
 - i. notice of hearing and opportunity to be heard
 - ii. the opportunity to present evidence, cross-examine witnesses, and be informed of the facts upon which official action is taken by the government.
- c. Quasi-judicial proceedings are reviewed on a petition for writ of certiorari on the record before deciding body.
- d. Quasi-judicial decisions shall be supported by "competent substantial evidence."

4. **Land Development Regulations.**

- a. Land Development Regulations are required pursuant to Sections 163.3202 and 163.3194 of the Florida Statutes.
- b. If consistent with the City's Comprehensive Plan and unless a land development regulation impacts a suspect class or right, land development regulations and/or land use restrictions are presumptively valid and will be upheld unless proven unreasonable and bearing no rational relationship to a legitimate public purpose (i.e., the public health, safety, or general welfare).
- c. On appeal, the City's interpretation of an ordinance shall receive deference. That being said, the City's deference is not absolute and, if the City's interpretation is unreasonable and/or clearly erroneous, the City's interpretation shall not stand.

- d. Challenges to land development regulations are quasi-judicial and any findings shall be supported by competent substantial evidence.

5. **Competent Substantial Evidence.**

- a. Substantial evidence is such evidence as shall establish a substantial basis of fact from which the fact(s) at issue may be reasonably inferred. Evidence found to be "substantial" must also be "competent."
- b. For purposes of this Code, "substantial" evidence shall also constitute competent evidence, as follows:
 - iii. Evidence which a reasonable mind would accept as adequate to support a conclusion; or
 - iv. Evidence relied on to sustain an ultimate finding is found sufficiently relevant and material that a reasonable mind would accept it as adequate to support the conclusion reached.
- c. For evidence to be considered competent substantial evidence, the evidence shall specifically address the standards and criteria set forth in this Code. Examples of Competent Substantial Evidence include, but shall not be limited to, the following:
 - i. City Staff opinion(s) related to a specific field of expertise.
 - ii. Professional opinion(s) related to a specific field of expertise (i.e., not attorney/legal opinion).
 - iii. Expert testimony (written opinions and/or oral testimony).
 - iv. Decision(s) of the local planning commission.
 - v. Maps, reports, and other information presented along with testimony of professionals.
 - vi. Lay testimony related to factual issues which the person has first-hand knowledge.

E. **Review and Approval Processes.**

- 1. **Administrative Officials.**
 - a. Building Official
 - b. Planning Official
- 2. **Development Review Boards & Committees**
 - a. Technical Advisory Committee
 - b. Planning and Zoning Board

3. **City Commission**

4. **Appeals Process.** Development Review Special Magistrate

- F. **Summary of Review and Approval Processes.** Section 9.3 summarizes the application types, approval process, authorities, and public notice requirements for review.

Sec. 9.1.3. Public Notice

- A. **Purpose.** This section identifies the minimum notice requirements for development approvals that are subject to public notice requirements of this Code, other City Ordinances, or Florida Statutes.
- B. **Fees.** The original cost of advertising is included in the application fees. A request to continue a hearing, continuance of a case, or other instances where additional notices are required, the applicant shall incur any re-notification and re-advertising costs.
- C. **Applicability.** Sec. 9.3. identifies the type and when public notices are required.
- D. **Legal Advertisements in Newspaper.**
 - 1. Legal ads required for purposes of public notice shall be in accordance with Florida Statutes.
 - 2. Legal ads for ordinances associated with an application shall be noticed ten (10) calendar days prior to the adoption hearing.
 - 3. Legal ads may be placed in the legal ad or classified ad section of a newspaper unless otherwise required by Florida Statutes.
 - 4. Legal ads, at a minimum, shall identify the physical address of the subject property; the date, time, and location of the public hearing; and a description of the application including the nature and degree of the request, potential uses, and other information as required.
- E. **Mailed notice.**
 - 1. Notice to affected property owners shall be mailed when required by Florida Statutes.
 - 2. Unless otherwise provided by law, addresses for mailed notice required by this Article shall be obtained from the latest ad valorem tax records provided by the Polk County Property Appraiser.
 - 3. The notice shall identify the physical address of the subject property; the date, time, and location of the public hearing; and a description of the application including the nature and degree of the request, potential uses, and other information as required by the City.
- 4. The notice shall be mailed at least fifteen (15) calendar days prior to the date of the hearing.
- 5. The failure of any person to receive a mailed notice shall not invalidate an action if a good faith attempt was made to comply with the notice requirements.
- F. **Posted notice.**
 - 1. Public hearings shall be posted at City Hall and on the City's website at least five (5) calendar days prior to the public hearing.
 - 2. Public hearing may be posted at the real property at least at least five (5) calendar days prior to the public hearing.
- G. **Local Government Notification.** When an application site lies within 300 feet of another local government's corporate limits, the local government shall be notified so that they may provide written comments or have an opportunity to send a representative to the public hearing.
- H. **Additional Public Notice/Hearing Standards.**
 - 1. **City Ordinances.** Section 2.09 of the City Code of Ordinances regulates ordinances, in general, for the City of Lake Alfred and includes notice procedures.
 - 2. **Annexations** are regulated by F.S. Chapter 171.
 - 3. **Community Development District (CDD)** are regulated by F.S. Chapter 190.
 - 4. **Other Notifications** as required by Florida Statutes or based on a specific application type are included in the associated section.
 - 5. **Development Review Special Magistrate Method of Review** (§163.3215(4), Fla. Stat. (2019)).

Sec. 9.2. Review & Approval Processes

Sec. 9.2.1. Administrative Officials.

- A. **Purpose.** Local agency action(s) and/or decisions by the City's administrative staff shall be governed by local regulation(s) and criteria which are uniformly administered.
- B. **Application Types.** Administrative staff shall have decision-making authority for:
1. Application types listed in Sec. 9.3. as having decision authority by the Building Official or Planning Official.
 2. Administrative determinations as identified through this Code.
 3. Minor Alternate Site Design in DOD as listed in Section 2.3.2.
 4. Nonconformities - review, interpret, and issue determination(s) related as listed in Section 2.4.
 5. Conditional Uses in Table 3.1.4 requiring Administrative (A) approval.
 6. Temporary use which includes, but limited to Special Event permits as listed in Section 3.9.
 7. Temporary use and Special Event permits as listed in Chapter 6 and Section 38-5 of the City Code of Ordinances.
 8. Change of Use as listed in Section 4.1.
 9. Modifications as listed in Section 9.6.5.H.
 10. Lot Split as listed in Section 9.7.2 and Minor Plat/Replat listed in Section 9.7.3.
- C. **Review.**
1. Upon submission of a sufficient application, the Administrative Official shall begin review of the application and delegate review authority to the Technical Review Committee if deemed appropriate.
 2. Each application for development approval shall be reviewed against specific/ objective criteria applicable to the respective development approval request.
- D. **Administrative Decision.**
1. Upon technical review of the application, the appropriate Administrative Official shall provide a determination of approval, approval with conditions, or denial.
 2. The Administrative Official, at their discretion, may forward any administrative request to the Planning and Zoning Board and/or the City Commission for consideration and approval.
 3. Administrative decision(s) shall be supported by competent substantial evidence.
- E. **Appeal.** Administrative decisions shall be appealed to the Development Review Special Magistrate. Once all City administrative appeals have been exhausted, the local agency action shall be reviewable by the Circuit Court by petition for *writ of certiorari*.
- F. **Administrative Officials.**
1. Building Official
 2. Fire Official
 3. Planning Official
 4. Floodplain Administrator as described in Article 7
- G. **Building Official.**
1. **Purpose.** The Building Official shall be responsible for review of building construction plans, issuance of building permits and certificates of occupancy, and the inspection of construction sites and buildings under construction or renovation.
 2. **Appointment.** The Building Official shall be appointed by the City Manager and shall provide the following services which include, but are not limited to:
 - a. **Advise.** Advise the Planning Official in the implementation, amendment and enforcement of Building Code and applicable provisions of this Code.
 - b. **Process and collect fees.** Accept and process applications for including, but not limited to building permits.
 - c. **Evaluate.** Evaluate each building construction permit application to determine whether it meets applicable

requirements of this Code, Chapter 14 of the Lake Alfred Code of Ordinances, the Florida Building Code, National Electrical Code, and any other applicable code.

- d. **Monitor.** Monitor the progress of building permit applications and ensure that all time limits prescribed by this Code are met.
- e. **Approve.** Authority to approve administrative approvals as are allowed under the provisions of this Code and as listed in Section 9.3.
- f. **Attend hearings.** Attend public hearings at which building code, electric code, fire code, mechanical code, and other codes having a bearing on buildings are discussed including the Code Enforcement Special Magistrate when necessary.

3. **Authority.**

- a. **Final decisions.** The Building Official has final decision authority for Building permits and administrative waivers as described in this Code.
- b. **Non-final decisions.** As it pertains to this section, all other actions of the Building Official are advisory to the Technical Review Committee, Planning and Zoning Board or City Commission.

H. **Fire Official**

- 1. **Purpose.** The Fire Official shall be responsible for review of all applications related to the Fire Prevention and Protection Code and the inspection of buildings under construction or renovation.
- 2. **Appointment.** The Fire Official shall be designated by City Manager based on qualifications and responsible to:
 - a. **Advise.** Advise the City Manager, Planning Official, and Building Official in the implementation, amendment and enforcement of National Fire Code and applicable provisions of this Code.
 - b. **Evaluate.** Evaluate each building construction plan, site plan, and site construction application to determine whether it meets applicable requirements of this Code, Chapter 34 of

the Lake Alfred Code of Ordinances, the National Fire Code and any other applicable codes.

- c. **Attend hearings.** Attend public hearings at which the fire code is discussed.

3. **Authority.**

- a. **Final decisions.** The Fire Official's approval is required for all Building Permits and Certificates of Occupancy.
- b. **Non-final decisions.** As it pertains to this section, all other actions of the Fire Official are advisory to the Planning Official.

I. **Planning Official**

- 1. **Purpose.** The Planning Official shall be responsible for review of all applications related to the Comprehensive Plan, Unified Land Development Code, and for supervising and administering all staff activities regarding the processing of applications.
- 2. **Appointment.** The Planning Official shall be designated by City Manager based on qualifications and responsible to:
 - a. **Advise.** Advise the City Manager in the implementation, amendment and enforcement of this Code and the Comprehensive Plan.
 - b. **Chair.** Serve as chair of the Technical Review Committee.
 - c. **Process and collect fees.** Accept and process all applications for amendments to the Comprehensive Plan, and Unified Land Development Code including, but not limited to zoning actions, site plan reviews and variances.
 - d. **Evaluate plans and development.** Evaluate each application for consistency with this Code and the Comprehensive Plan.
 - e. **Monitor.** Monitor the progress of all development applications through the review process and be available to respond to inquiries from interested persons. Ensure that all time limits prescribed by Florida Statutes and this Code are met.
 - f. **Approve.** Authority to approve administrative approvals and determinations as are allowed under the provisions of this Code and as listed in Section 9.3.

- g. **Certify.** Certify the accuracy of the Official Zoning Map and amendments thereto.
 - h. **Attend hearings.** Attend all public hearings at which zoning and comprehensive planning matters are discussed, including meetings of the Planning and Zoning Board, Appeals and City Commission.
 - i. **Public Records.** Ensure all resolutions, ordinances and records involving permitted land uses, development regulations and development approval are public information and maintained in an orderly fashion.
 - j. **Other.** Any other duties assigned by the City Manager.
3. **Authority.**
- a. **Final decisions.** The Planning Official has final decision authority regarding administrative decisions and waivers as described in this Code.
 - b. **Non-final decisions.** As it pertains to this section, all other actions of the Planning Official are advisory to the Technical Review Committee, Planning and Zoning Board or City Commission.

Sec. 9.2.2. Development Review Boards & Committees

- A. **Purpose.** The Technical Review Committee reviews development applications for conformance with the City's Comprehensive Plan and Land Development Code and provides a recommendation to the Planning Official.
- B. **Technical Review Committee (TRC)**
- 1. **Appointment.** The TRC members shall be appointed by the City Manager based on knowledge of the following departments or areas of concentration:
 - a. **Community Development.**
 - b. **Public Works/Utilities/Streets/Drainage.**
 - c. **Public Safety/Fire/Police.**
 - d. **Parks/Recreation/Events.**
 - e. **Any others as deemed necessary.**
 - 2. **Review.** The Technical Review Committee shall provide the

applicant an opportunity to meet with the committee to discuss any comments.

- 3. **Authority.** All actions of the TRC are advisory to the Administrative Officials.
2. **Planning and Zoning Board.**
- 1. **Purpose.** The Planning and Zoning Board, which shall be designated as the local planning agency in accordance with F.S. 163.3174, reviews development applications and the Technical Review Committee recommendations at a public hearing.
 - 2. **Appointment.** The City Commission shall appoint five (5) regular members, and may appoint up to two (2) alternate members. For purposes of Section 9.2.2.B.2, the term(s) *member* and *alternate member* shall mean, as follows

Member means a member of the City of Lake Alfred Planning and Zoning Board appointed to a three (3) year term by the City Commission or until his/her successor is appointed by the City Commission. In the event of a vacancy, for any reason, during the unexpired term of a member, the vacancy may be filled, as follows: (1) an alternate member may serve to fill the vacancy and/or absence, on an as-needed basis, during the unexpired term of the member; or (2) an alternate member may serve to fill the vacancy and/or absence, on an as-needed basis, until the City Commission appoints a successive member for the unexpired term of the member. A member may be removed from the Planning and Zoning Board without notice and without assignment of cause by a majority vote of the City Commission.

Alternate member means an alternate member of the City of Lake Alfred Planning and Zoning Board appointed to a three (3) year term by the City Commission. An alternate member shall serve the Planning and Zoning Board in accordance with the Rules and Procedures, also referred to as the Bylaws, duly adopted by the Planning and Zoning Board which shall include, but not be limited to, the vacancy and/or removal of an alternate member.

a. Appointment Cycle:

- i) Beginning with Board appointments scheduled for January 1, 2024 (with terms ending on 12/31/23), the Board shall have seven (7) members and up to two

alternate members. Two members (2) shall be appointed to a three (3) year term expiring on December 31, 2026.

ii) Beginning with Board appointment(s) scheduled for January 1, 2025 (with terms ending on 12/31/24), the Board shall have five (5) members and up to two (2) alternate members. Two (2) members shall be appointed to a three (3) year term expiring on December 31, 2027. At that time, one (1) member of the Board that has a term expiring on December 31, 2025 shall become an alternate member with a term expiring on December 31, 2025.

iii) On January 1, 2026 (with terms ending on 12/31/25), the Board shall have five (5) members and up to two (2) alternate members. One (1) member shall be appointed to a three (3) year term expiring on December 31, 2028.

iv) The appointment cycle set forth by Subparagraphs (i) – (iii) (see above) shall be applicable until the effective date of the last appointment pursuant to Subparagraph (iii) (see above), unless otherwise amended by ordinance.

- b. **Advise.** Advise and make recommendations to the City Commission regarding applications or designations on property within the City.
- c. **Interpret.** Interpret and determine the intent of provisions set forth of this Code that are unclear or in conflict with other regulations.
- d. **Consider.** Consider the need for revision or addition to regulations in this Code or the Comprehensive Plan, and recommend changes to the City Commission.

3. **Qualifications.** Each member of the Planning and Zoning Board shall be a resident of the city.

4. **Application Types.** The Planning and Zoning Board has decision-making authority for:

- a. Application Types listed in Sec. 9.3.
- b. Major Alternate Site Design in DOD as listed in Section 2.3.2
- c. Conditional Uses in Table 3.1.4 requiring Board (B) approval

and their modifications.

d. Variances as listed in Section 9.3

5. **Technical Review.**

- a. Upon determination of a sufficient application, the Planning Official shall forward the application to the Technical Review Committee (TRC).
- b. The TRC shall review the application in accordance with the application-specific review criteria.
- c. The TRC shall provide comments, findings, and prepare a recommendation to the Planning and Zoning Board to approve; approve with conditions; or deny based upon a determination that the proposed development, even with reasonable modifications and conditions, does not meet the review criteria set forth in this section.

6. **Planning and Zoning Board Decision.**

- a. The Planning and Zoning Board shall review the Planning Official's report including the findings and recommendations at a public hearing.
- b. When reviewing the application, the Planning and Zoning Board may receive and consider the comments and concerns of applicant and members of the public.
- c. This Planning and Zoning Board shall provide a decision by majority vote of approval, approval with conditions, or denial to the application.

7. **Authority.**

- a. **Final decisions.** The Planning and Zoning Board has final decision authority on applications as listed above.
- b. **Non-final decisions.** All other actions of the board are non-final and advisory to the City Commission. Advisory actions of the board shall not obligate the city.

8. **Appeal.** Planning and Zoning Board decisions may be appealed to the Development Review Special Magistrate.

9. **Operations.**

- a. Rules of procedure. The Planning and Zoning Board shall adopt a Rules and Procedures Resolution to carry out its

purpose. All rules shall conform to this article, the Code of Ordinances, and state law,

- b. **Officers.** The Board shall annually elect a chair and vice chair, as provided for in the Rules and Procedures Resolution. The chair shall preside over the board and shall have the right to vote. In the absence of the chair, the vice-chair shall perform the duties of the chair.
 - c. **Compensation of members.** Subject to applicable law, members shall not be compensated, but may be paid for travel and other expenses incurred on board business under procedures prescribed in advance by the City Commission.
 - d. **Absenteeism.** Absenteeism shall be governed by board rules of procedure.
 - e. Written records.
 - i. Minutes shall be kept of all hearings by the Planning and Zoning Board, and all hearings shall be open to the public.
 - ii. The City Clerk shall provide clerical services and shall produce and maintain the minutes of all proceedings, decisions and/or recommendations of the board.
 - f. **Legal counsel.** The City Attorney shall provide legal counsel to advise and represent the board as necessary.
10. **Implementation of board's decision.** Any permit, authorization, or other development order issued, based on the board's decision, prior to the end of the period for filing an appeal for any available administrative or judicial remedies is considered conditional. Any action taken during the appeal period is taken at the sole risk of the property owner or representative, who may be required to undo any work done if the decision of the board is overturned either by a rehearing of the board, an appeal for an administrative remedy, or an appeal to a court of competent jurisdiction.
11. **Pending Challenge to Development Order.** If a development proceeds with development while a challenge is pending, the developer and/or property owner does so at the sole risk of the developer and/or property owner; and any inconsistent development shall be demolished or removed.

Sec. 9.2.3. City Commission

- A. **Purpose.** The City Commission may exercise any and all powers prescribed by Florida statutes and local law, including the City Charter, and as described in the Comprehensive Plan, this Unified Land Development Code and the City Code of Ordinances.
- B. **Application Types.** City Commission has decision-making authority for:
 - 1. Conditional Uses in Table 3.1.4 requiring City Commission (C) approval.
 - 2. Special Event Permits requesting fire-works per the City Code of Ordinances Section 34-6.
 - 3. Agreements as required by Sec. 9.6.8.
 - 4. Application Types listed in Sec. 9.3.
- C. **Technical Review.**
 - 1. Upon determination of a sufficient application, the Planning Official shall forward the application to the Technical Review Committee.
 - 2. The TRC shall review the application in accordance with the application-specific review criteria.
 - 3. The TRC shall provide comments, findings, and prepare a recommendation to the Planning and Zoning Board to approve; approve with conditions; or deny based upon a determination that the proposed development, even with reasonable modifications and conditions, does not meet the review criteria set forth in this section.
- D. **Planning and Zoning Board Recommendation.**
 - 1. The Planning and Zoning Board shall review the application and TRC findings at a public hearing. When reviewing the application, the Planning and Zoning Board may receive and consider the comments and concerns of applicant and members of the public.
 - 2. The Planning and Zoning Board shall make a recommendation of approval, approval with conditions, or denial to the City Commission regarding the application.

E. **City Commission Decision.**

1. The City Commission shall consider the application at a public hearing.
2. This City Commission shall provide a decision:
 - a. Approve.
 - b. Approve with Conditions. The City Commission may attach whatever reasonable conditions or requirements deemed necessary to ensure compliance with the Code standards or maximum mitigation of the adverse impacts of the development.
 - c. Modify. Modify the application so that these standards are met.
 - d. Phase. Phase the application to ensure compliance with the standards herein and other standards and requirements in this Code.
 - e. Deny.

F. **Authority.** In areas of development and land use associated with this Code, the City Commission shall:

1. Appoint.

- a. Planning and Zoning Board members
- b. Development Review Special Magistrate
- c. Code Enforcement Special Magistrate
- d. Any additional Boards, committees and subcommittees to investigate and make decisions on various land use and development issues.

2. Adopt and amend.

- a. Comprehensive Plan, pursuant to F.S. Part II of Chapter 163
- b. Unified Land Development Code.

3. Cost Recovery.

- a. The City of Lake Alfred shall be entitled to recover any and all "fees," "charges," and "cost" incurred by the City which includes, but shall not be limited to:
 - i. Advertisements and mailings.
 - ii. Legal filings.

- iii. Consulting expenses incurred by the City of Lake Alfred, in analyzing or reviewing all or any part of an application.

- b. The City Commission shall establish, by Resolution, fees for Plan Amendments, zoning actions, Site Plan reviews, Variances, and other activities carried out under the provisions of this Code.

- c. All fees shall be set, at a minimum, at levels that cover the City's costs of administration, inspection, and enforcement.

- d. Consultant Expenses.

- i. Said expenses shall be collected at the actual cost of fees and expenses incurred for rendering such services.

- ii. The applicant shall be advised of the necessity of such expense prior to it being incurred.

- iii. The applicant and the Administrative Official of the City must jointly approve an estimated cost amount before these charges can be authorized.

- iv. All charges for expenses shall be paid in the form of cash or cashier's check prior to incurring said expenses and in advance of any final action by the City.

- v. Upon request of the applicant, the City Commission may review such expenses as to the necessity and amount.

4. **Final decisions.** The City Commission has final decision authority on applications as listed in Section 9.3 including legislative matters, and other special designations on property within the City as well as on acceptance of public improvements constructed pursuant to the platting of approved subdivisions.

- G. **Appeal.** A City Commission decision may be appealed to the Circuit Court. The appeal shall be filed by a petition for writ of certiorari filed in Circuit Court no later than 30 days following rendition of a development order or other written decision of the local government, or when all local administrative appeals, if any, are exhausted, whichever occurs later. An

action for injunctive or other relief may be joined with the petition for certiorari. §163.3215(4), Fla. Stat. (2019).

H. **Operations.**

1. **Written records.**

- a. Minutes shall be kept of all hearings by the Development Review Special Magistrate, and all hearings shall be open to the public.
- b. The City Clerk shall provide clerical services and shall produce and maintain the minutes of all proceedings, decisions and/or recommendations of the special magistrate.

Sec. 9.3. Summary of Review and Approval Processes

Legend

- R** = Review/recommendation authority
- D** = Decision authority
- A** = Appeals authority
- Y** = Required
- PH** = Public hearing

Approval Process
[see Sec. 9.1]

| | | Review & Approval Authority [see Sec. 9.2] Technical | | | | | Appeals Process [Sec. 9.4] | Public Notice [see Sec. 9.1.3] | | |
|--|------------|--|----------------------|-----------------------|----------------|--------------------|-------------------------------|-----------------------------------|------------------|------------------|
| | | Building Official | Planning Official | Advisory Committee | P & Z Board | City Commission | Dev. Review Magistrate | Newspaper Ad | Mailed Notice | Posted Notice |
| Application Types: | | | | | | | | | | |
| Legislative Review [see Sec. 9.5] | | | | | | | | | | |
| Comp. Plan Text Amendment | Commission | — | R | R | R-PH | D-PH | — | Y | — | — |
| Comp. Plan Map Amendment | Commission | — | R | R | R-PH | D-PH | — | Y | Y | Y |
| ULDC Text Amendment | Commission | — | R | R | R-PH | D-PH | — | Y | — | — |
| Site Development Plan Review [see Sec. 9.6] | | | | | | | | | | |
| ULDC Map Amendment (Zoning) | Commission | — | R | R | R-PH | D-PH | — | Y | Y | Y |
| Conditional Use Permit - A | Admin | R | D | R | — | — | A | — | — | — |
| Conditional Use Permit - B | Board | — | R | R | D-PH | — | A-PH | Y | Y | Y |
| Conditional Use Permit - C | Commission | — | R | R | R-PH | D-PH | — | Y | Y | Y |
| Planned Unit Development (PUD) | Commission | — | R | R | R-PH | D-PH | — | Y | Y | Y |
| Development Agreements | Commission | — | R | R | R-PH | D-PH | — | Y | Y | Y |
| Developer's Agreements | Commission | — | R | R | — | D-PH | — | Y | — | — |
| Subdivision Review [see Sec. 9.7] | | | | | | | | | | |
| Lot Split & Replat | Admin | — | D | R | — | — | A | — | — | — |
| Minor Plats and Replats | Admin | — | D | R | — | — | A | — | — | — |
| Platted Subdivision | Commission | — | R | R | — | D-PH | — | — | — | — |
| Development Permit Review [see Sec. 9.8] | | | | | | | | | | |
| Construction Plans | Admin | R | D | R | — | — | A | — | — | — |
| Building Permit | Admin | D | — | — | — | — | A | — | — | — |
| Temporary Use Permit | Admin | D | D | R | — | — | A | — | — | — |
| Relief [see Sec. 9.9] | | | | | | | | | | |
| Administrative Waiver | Admin | D | D | R | — | — | A | — | — | — |
| Variance | Board | R | R | R | D-PH | — | A-PH | Y | Y | Y |
| Special Exception | Board | R | R | R | D-PH | — | A-PH | Y | Y | Y |
| Nonconformities | Admin | R | D | R | — | — | A | — | — | — |

Sec. 9.4. Appeals Process

Sec. 9.4.1. Purpose. Provide a process for aggrieved and adversely affected parties to challenge a development approval and/or Development Order.

Sec. 9.4.2. Establishment.

A. **Local Election.** The City Commission of the City of Lake Alfred elects to adopt the requirements and method of review set forth in Section 163.3215(4), Florida Statutes (2019), as the sole method for an adversely affected party to challenge the City's grant or denial of an application for a Development Order. Accordingly, the City hereby establishes a Development Review Special Magistrate and may appoint a Development Special Magistrate as more specifically set forth in Section 9.3.3. of this Code.

B. Method of Review.

1. The sole method by which an aggrieved and adversely affected party may challenge any decision of City granting or denying an application for a Development Order, as defined in Section 9.1.1 F of this Code and Section 163.3164 of the Florida Statutes, which materially alters the use or density or intensity of use on a particular piece of property, on the basis that it is alleged not to be consistent with the Comprehensive Plan is by an appeal filed by a petition for *writ of certiorari* filed first with the Development Special Magistrate as more specifically set forth in this Code no later than thirty (30) days following rendition of a Development Order or other written decision of the City.
2. For purposes of this section, "aggrieved or adversely affected party" means any person or local government that will suffer an adverse effect to an interest protected or furthered by the comprehensive plan.
3. The City will also allow an additional quasi-judicial appeal to be held in front of the City Commission if an "aggrieved or adversely affected party" files a written request for same with the Planning Director and the City Clerk no later than ten (10) days following the rendition of a written decision of the Development Review Special Magistrate as more specifically set forth in Section 9.3.2.F in this Code.

4. Once all administrative appeals are exhausted an "aggrieved or adversely affected party" may challenge any decision of the City granting or denying an application for a Development Order, as defined in Section 9.1.1.F of this Code and Section 163.3164 of the Florida Statutes that is alleged to not be consistent with the comprehensive plan by filing a petition for writ of certiorari with the Circuit Court in and for Polk County, Florida no later than thirty (30) days following rendition of a Development Order or other written decision of the City in accordance with the Florida Rules of Appellate Procedure.

C. **Notice.** The City shall provide notice, as follows:

1. The notice shall delineate that an aggrieved or adversely affected person has the right to request a quasi-judicial hearing before the Development Review Special Magistrate, explain the conditions precedent to the appeal of any Development Order ultimately rendered upon the application, and shall specify the location where written procedures can be obtained that describe the process, including how to initiate the quasi-judicial process, the timeframes for initiating the process, and the location of the hearing.
2. The notice shall delineate that an action for injunctive or other relief may be joined with the petition for certiorari.
3. Notice of an application for a Development Order that materially alters the use or density or intensity of use on a particular piece of property, including notice by publication or mailed notice consistent with Section 166.041(3)(c)2.b and c of the Florida Statutes, and shall be prominently posted at the site.
4. Notice shall be given within ten (10) days after the filing of an application for a Development Order; however, the notice required is not applicable for an application for a building permit or any other official action of the City which does not materially alter the use or density or intensity of use on a particular piece of property.

D. **Procedural Requirements.** For purposes of this Section, the procedural requirements, at a minimum, applicable to a quasi-judicial hearing before the Development Review Special Magistrate are, as follows:

1. No later than ten (10) days prior to the date set for a quasi-judicial hearing before the Development Review Special Magistrate, the City and applicant shall disclose to one another all of the witnesses and exhibits which may be called or introduced at the quasi-judicial hearing;
 2. No later than three (3) days prior to the date set for a quasi-judicial hearing before the Development Review Special Magistrate, the City and applicant shall be provided a reasonable opportunity to depose any witness(es) which may be called or introduced at the quasi-judicial hearing;
 3. No party to a quasi-judicial hearing before the Development Review Special Magistrate is required to have legal representation. In other words, a party may proceed pro se;
 4. The Development Review Special Magistrate shall have the power to swear witnesses and take testimony under oath;
 5. The Development Review Special Magistrate shall have the power to issue subpoenas and other orders regarding the conduct of the proceedings including allowing depositions;
 6. The Development Review Special Magistrate shall have the power to compel entry upon the land;
 7. At the quasi-judicial hearing before the Development Review Special Magistrate, the parties shall have the opportunity to respond, to present evidence and argument on all issues involved which are related to the Development Order, and to conduct cross-examination and submit rebuttal evidence;
 8. At the quasi-judicial hearing, any interested person may be heard upon the subject matter of any application for a Development Order. Members of a specific group or association are requested to appoint a spokesperson who will represent their collective position. Interested persons other than the City and applicant shall not be entitled to any substantive quasi-judicial right or privilege, such as the right of cross examination, other than the ability to be heard. The Development Review Special Magistrate may, in his/her sound discretion, impose reasonable time limits on the testimony of interested persons.
 9. At the quasi-judicial hearing before the Development Review Special Magistrate, Public testimony shall be allowed.
 10. An ex parte communication relating to the merits of the matter under review shall not be made to the Development Review Special Magistrate.
 11. The standard of review applied by the Development Review Special Magistrate in determining whether a proposed Development Order is consistent with the Comprehensive Plan shall be strict scrutiny, which requires a detailed examination of Development Order for compliance with the comprehensive plan, in accordance with Florida law;
 12. The Development Review Special Magistrate shall, at the conclusion of the quasi-judicial hearing, recommend written findings of fact and conclusions of law; and
 13. For purposes of this Section, the Development Review Special Magistrate may adopt additional rules of procedure by Resolution.
- E. **Other Procedural Requirements.** To the extent not inconsistent with the procedure(s) and/or provisions of this Section, Section 9.3.3 is incorporated herein by reference.
- F. **City Commission.** An aggrieved or adversely affected party may also request an additional quasi-judicial hearing before the City Commission. A request for a quasi-judicial hearing before the City Commission setting forth the reasons therefore shall be filed with the Planning Director and City Clerk within ten (10) days following rendition of the decision by the Development Review Special Magistrate. At such public hearing before the City Commission, the procedural requirements, at a minimum, are as follows:
1. The City Commission shall be bound by the Development Review Special Magistrate's findings of fact, unless the City Commission finds that the Development Review Special Magistrate's findings of fact are not supported by competent substantial evidence;
 2. The City Commission may modify the conclusions of law if it finds that the Development Review Special Magistrate's application or interpretation of law is erroneous.

3. The City Commission may make reasonable legal interpretations of its comprehensive plan and land development regulations without regard to whether the Development Review Special Magistrate's interpretation is labeled as a finding of fact or a conclusion of law.
4. Beginning on the date the request is made for an additional quasi-judicial hearing before the City Commission, an ex parte communication relating to the merits of the matter under review shall not be made to the City Commission or its members.
5. The City Commission's final decision shall be reduced to writing, including the findings of fact and conclusions of law, and is not considered rendered or final until officially date-stamped by the City Clerk; and
6. For purposes of this Section, the City Commission may adopt additional rules of procedure by Resolution.

G. **Rendition of Decision.** Upon the rendition of an administrative decision and/or Development Order, a party shall have thirty (30) days to request a quasi-judicial hearing before the Development Review Special Magistrate. Pursuant to the Fla. R. of App. P. 9.020(h), "rendition" is defined as the date when a signed written order is filed with the clerk of the lower tribunal.

Sec. 9.4.3. Development Review Special Magistrate.

A. **Purpose.** The Development Review Magistrate shall render administrative decisions for Development Orders, quasi-judicial matters, and administrative appeals as set forth below and in the ULDC arising out of established land development regulations and other regulatory matters.

B. **Appointment.**

1. The Development Review Special Magistrate shall be an attorney who possesses an outstanding reputation for civic pride, interest, integrity, responsibility, and business or professional ability. Appointments shall be made by the City Commission on the basis of experience or interest in local government matters.
2. Appointment shall be made for a term at the discretion of the

City Commission not to exceed a period of three (3) calendar years. The Development Review Special Magistrate may be reappointed at the discretion of the City Commission. There shall be no limit on the number of reappointments that shall be given to the Development Review Special Magistrate provided, however, a determination be made for each special magistrate at the end of each of his terms.

3. The Development Review Special Master serves at the pleasure of the City Commission and the City Commission shall have the authority to remove the Development Review Special Magistrate with or without cause. The City Commission may enter into an agreement with the Development Review Special Magistrate further defining the scope, conditions and timing of removal.
4. The Development Review Special Magistrate shall be compensated at a rate to be determined by the City Commission and the City Commission may enter into an agreement with the Development Review Special Magistrate further defining the scope and conditions of compensation, provided however that the City Commission may not, under any circumstance, condition payment of compensation on the outcome of any matter that may come before the Development Review Special Magistrate for adjudication.

C. **Qualifications.** Magistrates must meet the following minimum qualifications:

1. A licensed attorney who is an active member of the Florida Bar in good standing.
2. At least five (5) years of professional experience in land use or local government law.
3. Not an employee of or office holder with the City.

D. **Removal.** The Development Review Special Master serves at the pleasure of the City Commission and the City Commission shall have the authority to remove the Development Review Special Magistrate with or without cause. The City Commission may enter into an agreement with the Development Review Special Magistrate further defining the scope, conditions and timing of removal.

E. **Authority.** The Development Review Special Magistrate has all powers

necessary to perform the functions prescribed by this section, including:

1. The power to interpret and administer this section.
2. The power to dispose of procedural requests or similar matters.
3. The power to issue notices of hearings and subpoenas requiring attendance.
4. The power to swear witnesses and take testimony under oath.
5. The power to reverse or affirm, wholly or in part, the order, requirement or policy of the administrative official.
6. To hear and decide matters assigned by Ordinance of the City of Lake Alfred and/or this Code.
7. To grant, after public notice has been given and a public hearing, pursuant to the requirement(s) set forth in this Code, written orders denying and/or approving Development Orders, development permits and/or dimensional variances.
8. The Development Review Special Magistrate has authority to hear and decide appeals of administrative decisions, orders, requirements, interpretations, determinations, or actions. The Development Review Special Magistrate may reverse or affirm, wholly or in part, the order, requirement or policy of the administrative official.
9. To table or continue a hearing on an application.
10. To, in any order, prescribe appropriate conditions and safeguards in conformity with the ULDC and City ordinances. Violation of such conditions and safeguards, when made a part of the terms of an order, shall be deemed a violation of this Code.
11. The Development Review Special Magistrate may also prescribe a reasonable time limit within which the action for which the order concerns shall be commenced or completed or both, provided however that under no circumstances shall the Development Review Special Magistrate enter an order allowing a use not permitted within the applicable zoning district.

Sec. 9.4.4. Hearing Procedures.

A. General Provisions.

1. **Applicability.** Following a decision by the applicable authority, an application for appeal may be submitted by a party with standing.
2. **Standing.**
 - a. Aggrieved or adversely affected party as defined in Sec. 9.3.2.B.2.
 - b. The alleged adverse interest may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons. The term includes the owner, developer, or applicant for a development order.
3. **Intervening parties.** Within twenty (20) calendar days of the filing of a notice of appeal pursuant to this section, any person with standing may intervene and become a party to the appeal by filing a notice of appeal in accordance with this section.
3. **Stay during appeal.** The filing of a timely notice of appeal shall stay all proceedings in furtherance of the decision being appealed, including the issuance of any building permit or development order, until the appeal has been concluded in accordance with this Article. The applicant may file applications, plans, or other information with the City pending the outcome of the review, but the filing of such shall create no rights to any related approval by the City.
4. **Limited hearing.** The hearing shall be limited to the record on appeal and shall consist of oral argument by city staff and parties with standing, each of whom may be represented by legal counsel, and the applicant filing the subject appeal shall have the burden of proof. The hearing shall be conducted in accordance with established Florida law for quasi-judicial hearings.

B. Application.

1. A notice of appeal, together with the applicable fee and any submittal requirements established by the City, shall be filed with the Planning Official within thirty (30) calendar days of the

effective date of the decision at issue.

2. An application necessitating an appearance before the Development Review Special Magistrate shall be submitted thirty (30) days prior to being set for a public hearing meeting agenda.
3. When and at such time as an application to appear before the Development Review Special Magistrate is made, the application shall be filed with the Planning Official. The Planning Official shall comply with all public hearing requirements under local and state law. Notice shall delineate the right of the party to request a quasi-judicial hearing.

C. **Scheduled hearing.** The matter shall be set for a public hearing within fifty (50) calendar days of the date of the notice of appeal. This period may be extended by agreement of the city and all parties appealing the decision.

D. **Failure to Appear.** Failure of the applicant and/or the applicant's representative to appear at the advertised public hearing. The Development Review Special Magistrate may continue and/or table an application to its next scheduled hearing(s) if there is no applicant and/or representative in attendance to address an application at the noticed public hearing. Failure of the applicant and/or representative to appear at the second public hearing, shall result in the denial of the application. The Development Review Special Magistrate application fee is non-refundable.

E. **Development Review Special Magistrate Decision.**

2. The decision of the Development Review Special Magistrate shall be final, unless subject to judicial review as provided in law.
3. The decision of the Development Review Special Magistrate shall be rendered in writing not later than ten (10) calendar days after the date of the hearing's conclusion, and shall include findings of fact, if any, and conclusions of law.
4. Minutes shall be kept of all hearings by the Development Review Special Magistrate. The City Clerk shall provide clerical services and shall produce and maintain the minutes of all proceedings, decisions and/or recommendations of the special magistrate.

F. **Rehearing**

1. Applications, once acted upon, may not be reheard unless the applicant can demonstrate that the decision resulted from an error in substantive or procedural law, or provides new evidence or information not discoverable prior to the initial hearing.
2. A different or more effective presentation of the same evidence or information shall not be considered grounds for a rehearing.
3. Provided that grounds for rehearing exist, either the City or applicant may request a rehearing of the decision of the Development Review Special Magistrate.
4. A request for rehearing shall be made in writing, and shall be delivered to the City Clerk within ten (10) days of the date of rendition of the order sought to be reheard. The written request for rehearing shall specify the precise reasons therefor.
5. If, after review of a timely written request for rehearing, the Development Review Special Magistrate determines a rehearing should be granted, the Development Review Special Magistrate or Alternate Development Review Special Magistrate may:
 - a. Schedule a hearing where the parties shall be given the opportunity to present limited evidence or argument as to the specific reason(s) for which the rehearing was granted; or
 - b. Modify or reverse the prior order, without receiving further evidence, provided that the change is based on a finding that the prior decision of the Development Review Special Magistrate resulted from a ruling on a question of law which the Development Review Special Magistrate, in his/her discretion, has determined to be an erroneous ruling.
6. Until the request for rehearing has been denied or otherwise disposed of, the order of the Development Review Special Magistrate shall be stayed, and the time for taking an appeal shall not commence to run until the date upon which the Development Review Special Magistrate has finally disposed of the request for rehearing by denying the same or otherwise.

G. **Reapplication.**

1. An application for the reconsideration or rehearing of an application which has been previously acted upon by the

Development Review Special Magistrate may be made in the same manner as provided for at original consideration or hearing.

2. No appeal or petition by an applicant requesting the same relief or approval for the same property shall, without a substantial change as determined by the Development Review Special Magistrate, be accepted for reconsideration or rehearing for a period of ninety (90) days following the date on which the application was heard at public hearing and action taken by the Development Review Special Magistrate.

Sec. 9.4.5. Appeals of administrative decisions.

- A. **Authority.** The Development Review Magistrate has authority to hear and decide appeals of administrative decisions, orders, requirements, interpretations, determinations, or actions.
- B. **Record on appeal.**
 1. The record on appeal shall consist of the following:
 - a. the application and accompanying information; and
 - b. the written administrative decision and accompanying information.
 2. **All parties may freely refer to provisions from the following:**
 - a. The Comprehensive Plan, Land Development Code, and any other City ordinance, resolution, or rule; and
 - b. Any federal or state statute, rule, or decision.
 3. **Additional evidence.** If any party desires to admit any additional evidence, the additional evidence shall be disclosed to the other parties and the Development Review Magistrate not less than five (5) calendar days before the hearing. At the beginning of the hearing, the Development Review Magistrate shall rule on whether such additional evidence may be presented and shall freely allow the evidence when such evidence is relevant to the issue on appeal.
- C. **Appeal criteria.** The Development Review Magistrate shall make a decision based on the appeal criteria provided in this section.
 1. The Development Review Magistrate shall give deference to the administrative official's final decision, order, requirement, interpretation, determination, or action.

2. In making a decision, the Development Review Magistrate may take any action that the administrative official was authorized to take.
3. The Development Review Magistrate may rely on decisional case law, as deemed necessary and relevant to the issue(s) on appeal.
4. The Development Review Magistrate may affirm, reverse, or modify the decision or action of the administrative official.

- D. **Development Review Magistrate Decision.** The decision of the Development Review Magistrate shall be rendered in writing not later than ten (10) calendar days after the date of the hearing's conclusion, and shall include findings of fact, if any, and conclusions of law.
- E. **Final decision.** The decision of the Development Review Magistrate shall be final, unless subject to judicial review as provided in law.

Sec. 9.4.6. Appeals of Board decisions

- A. **Authority.** The City Commission has authority to hear and decide appeals of the decisions of the Planning and Zoning Board, when all of the following criteria are met:
 1. **Quasi-judicial decision.** The board decision was quasi-judicial, meaning the board applied established policy or law to a specific, individualized situation.
 2. **Final decision.** The board decision was final, and not advisory.
- B. **Record on appeal.** The record on appeal shall consist of an exact replication of the information that was before the board for the decision being appealed, which may include the following:
 1. The application and accompanying information.
 2. Staff reports and recommendations, and any accompanying information.
 3. All exhibits and documentary evidence.
 4. The summary, findings, conclusions, and decision of the board that is the subject of the appeal.
 5. Any audio or video recording of the board hearing that is the

subject of the appeal.

6. Any verbatim transcript available of the board hearing that is the subject of the appeal.

C. **Appeal criteria.** The Development Review Special Magistrate shall make a decision based on the appeal criteria provided in this section.

1. The Development Review Special Magistrate shall use established Florida law as it relates to this standard of review.
2. The Development Review Special Magistrate may either affirm the board decision or remand the decision back to the reviewing board with specific issues for the reviewing board to address.
 - a. Affirming the board. If the Development Review Special Magistrate affirms the board decision at issue, the decision shall be final and may be subject to judicial review as provided in law.
 - b. Remanding the board. If the Development Review Special Magistrate remands the board decision at issue, the reviewing board shall reconsider its decision and shall consider the issues specified and may accept, reject, or modify the findings and conclusions in making the final decision.
3. The Development Review Special Magistrate shall affirm the board decision unless an appealing party with standing demonstrates that any one of the following three requirements was not met.
 - a. **Procedural due process.** Where the appealing parties afforded procedural due process, which includes:
 - i. Notice of the board hearing that is the subject of the appeal;
 - ii. A fair hearing before an impartial decision-maker;
 - iii. An opportunity to be heard and present evidence at the hearing; and
 - iv. The opportunity to cross-examine any witnesses.
 - b. **Essential requirements of law.** Were the essential requirements of law observed by the reviewing board:
 - i. A departure from the essential requirements of law. A decision made according to the form of the applicable law and the rules prescribed for

rendering it, although it may be erroneous in its conclusion as applied to the facts, is not an act that amounts to a departure from the essential requirements of law.

- ii. Seriousness of error. The seriousness of any error shall be examined and discretion exercised only when there has been a violation of a clearly established principle of law that results in a miscarriage of justice.

c. **Competent substantial evidence.** Was the decision supported by competent substantial evidence:

- i. Competent substantial evidence. As described in Section 9.1.2.D.5.
- ii. Basis for rule. The Development Review Special Magistrate may not reweigh the evidence or substitute their judgment for that of the reviewing board, but rather shall rule upon only whether the reviewing board's decision was supported by any competent substantial evidence.

D. **Development Review Special Magistrate Decision.** An aggrieved and adversely affected party, including the City of Lake Alfred, may appeal a ruling or order of the Development Review Special Magistrate by proceeding in the circuit court for the county, in accordance with the Florida Rules of Appellate Procedure. An appeal shall be filed within thirty (30) days of the date of rendition of the order to be appealed. The nature of the appeal shall be from a final administrative order. For purposes of this section, the "date of rendition" means, for purposes of determining the date that triggers the time period for a filing deadline, the date on which the City of Lake Alfred City Clerk enters the order.

Sec. 9.5. Legislative Review

Sec. 9.5.1. General provisions

- A. **Purpose.** Requests that amend or modify land development policy are considered legislative matters and require public hearing review by the Planning and Zoning Board and final decision by the City Commission.
- B. **Applicability.** Applicant initiated process, must be in place prior to development of any site to establish the development standards.
- C. **Types of Amendments.**
 1. **Text amendments.** Amendment to the goals, objectives, and policies of the Comprehensive Plan or to the development standards in the Unified Land Development Code.
 - Comprehensive plan text amendments
 - ULDC text amendments
 2. **Map amendments.** Amendment of a Comprehensive Plan Map Series of the Unified Land Development Code Map Series.
 - Comprehensive plan map amendments
 3. **Multi-purpose amendments.**
 - a. Applications may include a text and map components for either the Comprehensive Plan or Unified Land Development Code.
 - b. Separate applications must be processed for amendments to the Comprehensive Plan and Unified Land Development Code.
- D. **Notice.**
 1. Mailed notice to affected property owners shall be mailed to all real property owners whose land shall be affected and whose property lies within 300 feet of any affected property.
 2. Mailed notice is not required for text amendments unless associated with a specific property.
 3. **Comprehensive Plan** amendments are also regulated by F.S.

Chapter 163.3184.

4. **Zoning** amendments are also regulated by F. S. 166.041.
5. **City Emergency Ordinances.** Section 2.10 of the City Charter regulates emergency ordinances; however, F.S. 166.041 limits the use of emergency ordinances or resolutions for zoning actions. An emergency ordinance or a resolution may not be used to make Comprehensive Plan amendment changes.

Sec. 9.5.2. Application Requirements

- A. **All applications.** All applications for legislative review include the following:
 1. **Project narrative.** A description of the proposed amendment and how it is consistent with the existing goals, objectives, and policies of the Lake Alfred Comprehensive Plan and Unified Land Development Code.
 2. **Supporting data.** Data and analysis that supports the proposed amendment, specifically, new data that would alter the assumptions in the Comprehensive Plan or Unified Land Development Code and would, therefore, justify the amendment.
- B. **Text Amendments.**
 1. **Narrative.** A description of the proposed text amendment and objective.
 2. **Proposed text.** A strike-through/underline version of the text to be modified, deleted, or added.
- C. **Site-specific amendments.**
 1. **Location map.** The location of all public and private streets, driveways and utility easements within and adjacent to the subject property.
 2. **Future land use and zoning maps.** Detailed maps showing the proposed future land use designation and/or zoning district for the subject site and surrounding properties.
 3. **Certified survey.**
 - a. A certified boundary survey of the subject site, prepared by a surveyor registered with the State of Florida.

- b. The survey must show the location and type of boundary evidence related to the State Plane Coordinate System.
 - c. The total acreage of the tract to the nearest tenth of an acre. Survey shall have been stamped within one year prior to filing the application.
4. **Legal description.** A metes and bounds legal description of the subject site, including the size of the area in acres.
5. **Site inventory and analysis report.** The report shall include, but is not limited to the following:
- a. Terrain, soils, surface waters, wetlands, floodplains.
 - b. Endangered plant and animal species, vegetation and habitats.
 - c. Existing sewer service and potable water facilities with capacities and the future demand associated with the proposed development.
 - d. Functional classification of roads serving the area with estimated daily traffic volumes; an analysis detailing the future volumes and their effect on the roadway, location of all public and private streets, driveways and utilities.
 - e. Easements within and adjacent to the site.
 - f. Recreation land and facilities needs generated by the proposed development.
 - g. Current or former use of site, surrounding uses, community need for the development, creates or maintain a proper mix of uses in the area/City, type of buffer needed between proposed development and existing land uses.
 - h. Said analysis must address the site as it now exist, and as it may exist in the future, as a result of the implementation of the amendment to the goals, objectives, policies, or maps of the Comprehensive Plan

Sec. 9.5.3. Review Criteria

- A. **Level of Review.** See Sec. 9.3.
- B. **Timeframe:**

- 1. Within one hundred and twenty (120) days after an application is deemed complete, or one hundred and eighty (180) days for an application that requires final action through a quasi-judicial or public hearing, cities must approve, approve with conditions or deny each application. These limits may be reasonably extended by mutual agreement of the applicant and the city. The Planning and Zoning Board shall act on the matter within forty-five (45) calendar days after an application has been submitted.
 - 2. In not more than sixty (60) days of receipt of the Planning and Zoning Board recommendation, the City Commission shall hold a public hearing, after due public notice, on all recommendations associated with a Plan Amendment from the Planning and Zoning Board.
 - 3. If an application is not acted upon by the City Commission within six months of the date upon which the Planning and Zoning Board made a recommendation to the City Commission, the application shall be deemed denied without prejudice. However, no application shall be deemed denied if the City Commission has continued its consideration to a date certain or has stayed action on the application by enactment of a moratorium ordinance.
 - 4. The City Commission may act on any application without a recommendation from the Planning and Zoning Board if the board has not acted on the matter within forty-five (45) calendar days of the date of the first regular meeting of Planning and Zoning Board after an application has been submitted.
- C. **Consistency with comprehensive plan.**
- 1. The proposed amendment is consistent with the goals, objectives and policies of the City of Lake Alfred Comprehensive Plan; or
 - 2. The proposed amendment proposes goals, objectives and policies that shall be consistent with the City of Lake Alfred Comprehensive Plan.

D. **Concurrency analysis.**

- 1. The proposed amendment shall not degrade the Level of

Service of one or more public facilities and services as identified in Article 8, and does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element of the Comprehensive Plan; or

2. The proposed amendment contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, and identifies the timing of the improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.

E. **Context compatibility.**

1. The proposed amendment shall not have any adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the City;
2. The proposed amendment contains commitments to make improvements to mitigate the adverse impacts; or
3. The proposed amendment contains goals, objectives and policies to mitigate or eliminate adverse impacts.

F. **Community needs analysis.**

1. The proposed amendment shall benefit the community and shall not result in a detrimental concentration of a particular use within the City or within the immediate area; or
2. The proposed amendment contains sufficient support and/or proof that the proposed amendment supplants the analysis that supported the establishment of the existing goals, objectives, policies, or maps.

G. **ULDC site-specific amendments.** The following additional criteria shall be considered when reviewing a ULDC amendment:

1. **Substantial changes in land use circumstances.**
 - a. The proposed amendment is not a substantial change in land use in the vicinity of the proposed rezoning.
 - b. The proposed amendment is a substantial change

and impacts have been mitigated in the plan.

- c. Such substantial changes include, but are not limited to, the following:
 - i. widening of a street.
 - ii. expansion of existing permitted uses.
 - iii. the completion of a subdivision that was previously platted.
 - iv. the construction of a new public facility, such as a park.
 - d. More than one substantial change may justify rezoning to higher intensities.
2. **Time vacant.** The amount of the proposed property has been vacant.
 3. **Effect on property values.** The proposed amendments impact on adjacent property values.

Sec. 9.5.4. **Approval Process**

A. **Comprehensive Plan Amendments.**

1. Plan Amendments are subject to review by the Florida Department of Economic Opportunity (DEO) under Chapter 163, Florida Statutes. Florida Statutes require different adoption processes, with accompanying effective dates, for each amendment type.
2. The transmittal to DEO may include all pertinent documents submitted by the applicant, the Planning Official's report and recommendation, the Planning and Zoning Board findings and any other applicable documentation or graphics.
3. **Small-scale amendments.**
 - a. 10 acres or fewer - 20 acres in a designated Rural Area of Opportunity.
 - b. Limited to Future Land Use Map (FLUM) changes for site-specific small-scale development activities - no text changes except those that relate directly to and are adopted simultaneously with the small scale FLUM change.
 - c. Pursuant to F.S. 163.3187.

- d. Requires one public hearing before the Planning and Zoning Board.
- e. Requires one public hearing before the City Commission.
- f. Become effective thirty-one (31) days after the adoption of the ordinance or Development Order, if no challenge is filed.
- g. The City Commission may adopt a small-scale amendment before transmission to DEO.

4. **State coordinated review amendments.**

- a. Areas of Critical State Concern pursuant to F.S. 380.05.
- b. Rural Land Stewardship pursuant to F.S. 163.3248.
- c. Sector plans or amendment pursuant to F.S. 163.3245.
- d. Comprehensive plans based on evaluation and appraisal reports pursuant to F.S. 163.3191.
- e. Propose a development that qualifies as a development of regional impact pursuant to F.S. 380.06.
- f. Requires one public hearing before the Planning and Zoning Board.
- g. Requires two public hearings before the City Commission.
- h. Requires transmission to DEO prior to adoption.
- i. Become effective pursuant to the State Land Planning Agency's Notice of Intent.

5. **Expedited review amendments.**

- a. Comprehensive plan map or text amendments not meeting the criteria for a small-scale or state coordinated review amendment.
- b. Pursuant to F.S. 163.3184.
- c. Requires one public hearing before the Planning and Zoning Board.
- d. Requires two public hearings before the City Commission.
- e. Requires transmission to DEO prior to adoption.
- f. Become effective thirty-one (31) days after the State Land Planning Agency notifies the local government that the

amendment package is complete.

B. **Unified Land Development Amendments.**

1. **Submittal Requirements.**

- a. Submittal requirements for all legislative applications (see Sec. 9.5.2).
- b. **Generalized site plan** of any proposed development including; the number of units proposed and resulting net density; number of proposed parking spaces and location; footprint of all proposed buildings and structures on the site, including setbacks; proposed landscape or bufferyards areas; and sign locations.

2. **Public Hearings.**

- a. Pursuant to F. S. 166.041.
- b. Requires one public hearing before the Planning and Zoning Board.
- c. Requires one public hearings before the City Commission.
- d. Becomes effective as provided in the ordinance or Development Order.

3. **State Review.** Amendments within the Green Swamp Area of Critical State Concern are required to issue and to render to the Department of Economic Opportunity (DEO) development orders pursuant to FAC 73C-44.002.

Sec. 9.6. Site Development Plan Review

Sec. 9.6.1. General Provisions

- A. **Purpose.** The site-specific review ensures projects meet the requirements of this Code and that infrastructure is in place to support the site. Site-specific approval also provides assurance to a developer that upon receipt of this approval that development may proceed in accordance with existing laws and policies, subject to the conditions of a site-specific approval and any corresponding agreement. This strengthens the public planning process, encourages sound capital improvement planning and financing, assists in assuring there are adequate capital facilities for the development, encourages private participation in comprehensive planning, and reduces the economic costs of development.
- B. **Applicability.** Site-specific development plan approval shall be required for:
 - 1. All uses prior to the issuance of construction plan approval, platting, or a building permit.
 - 2. A change of use, expansion or reconfiguration of any type of development.
- C. **Types.** Site-specific requests include the following:
 - 1. **Conditional Use /Change of Use**
 - 2. **Planned Unit Development (PUD)**
 - 3. **Development or Developers Agreement (DA)**
- D. **Exemptions.**
 - 1. Single-family dwelling or duplex on a lot in a valid recorded subdivision plat or on a lot of record.
 - 2. Bona fide agricultural activity as defined by Florida Statutes.

Sec. 9.6.2. Application Requirements

- A. **Pre-Application.**
 - 1. A pre-application conference is suggested for all site-specific reviews.
 - 2. Pre-applications shall include a project narrative, location map,

and preliminary development plan.

- 3. Pre-applications are required for projects within the DOD (Section 2.3.2) or Green Swamp Overlay District (Section 2.3.3).

- B. **Site-Specific Development Plan Application.** All applications for site plan review must include the following contents, unless otherwise waived or exempted:

- 1. **Project narrative.**
 - a. A description of the proposed development and how it is consistent with the existing goals, objectives, and policies of the Lake Alfred Comprehensive Plan.
 - b. A statement or map indicating the distance to all public improvements such as schools, firehouses, public recreational areas, that would serve the subject development.
 - c. A statement by the applicant of the major planning assumptions and objectives of the development project including but not limited to:
 - i. Size and/or scope of development.
 - ii. Projected Population.
 - iii. Proposed timing and phases of development.
 - iv. Proposed ownership and forms of organization to maintain common open space and facilities.
 - d. A concurrency analysis of all public facilities and services for which a Level of Service has been established in the Comprehensive Plan, pursuant to the standards and procedures in Article 8 of this Code.
 - e. A transportation analysis, prepared by a professional in the field of transportation planning, to include an estimate of average trips/land use, total average daily trips, distribution of total peak hour trips on existing and/or proposed transportation network, and distribution splits onto existing and/or proposed transportation network.
- 2. **Proof of ownership.**
 - a. **Ownership.** Firm evidence of control by the applicant(s) of the entire proposed site.
 - b. **Conditions of Approval.** Agreeance to abide by the officially

approved Site Plan of the development, and such other conditions and modifications as may be included.

- c. **Agreements and Covenants.** Provide proposed agreements, covenants, or other appropriate mechanisms for completion of the undertaking in accordance with the approved Site Plan as well as for the continuing operation and maintenance of such areas, functions, and facilities as are not to be provided, operated and maintained at general public expense.
- d. **Bind Development Succession.** Agreeance to bind their development successors in title to any commitments made as a condition of development approval.

3. **Cover Page Information.**

- a. **Plan name.** Site development name.
- b. **Owner information.** The property owner's name, address and telephone number; and the designated project applicant or representative if other than property owner.
- c. **Engineer information.** The engineer's name, address, telephone number and registration number.
- d. **Legend block.** North arrow, scale and date prepared.
- e. **Location Map.** Site location block or map on the drawing showing the subdivision's relationship to City limits and major roads. A general location map showing the relationship of the subdivision tract to such external facilities as streets, residential area, commercial facilities, and recreation or open space areas, and greenways, within one mile of the tract.
- f. **Future land use and zoning.** Future land use and zoning district assigned to the property that is the subject of the site plan and to the properties contiguous thereto.
- g. **Site Data.** Tabular data block including total site acreage, acres of the site in wetlands, acres of the site in water bodies, area and delineation of the site within the 100-year flood zone as identified by FEMA, area in stormwater management, acres of pervious and impervious areas, and acres of site in common area, open space and recreation use.
- h. **Approval Stamp.** Reservation of a blank space, three (3) inches wide and three (3) inches high for the use of the approving

authority near the title block or engineers' information.

4. **Certified survey.**

- a. A certified boundary survey of the tract and adjacent properties a minimum of 100 feet showing the location of utilities, structures, and type of boundary evidence related to the State Plane Coordinate System.
- b. Prepared by a surveyor registered with the State of Florida.
- c. Accurate metes and bounds legal description of the property with a computation of the total acreage of the tract to the nearest tenth of an acre.
- d. Identification of the name, plat book and page number of any recorded subdivision comprising all or part of the site.
- e. Survey must have been completed within one year prior to filing.

5. **Topography map.**

- a. Existing site topography and a minimum of 100 feet or more of the surrounding area as required to determine the offsite drainage and any impacts caused by or related to the offsite drainage.
- b. Prepared by a surveyor registered with the State of Florida.
- c. Maximum intervals of one foot where overall slopes are no more than two percent, two feet where slopes are between two and ten percent, and five feet where slopes are ten percent or greater based on North American Vertical Datum, 1988.

6. **Preliminary Lot Layout.**

- a. **Layout.** General layout and typical dimensions of proposed lots, blocks, parcels, tracts, sites, common areas and streets; which meet the minimum zoning district standards for width, depth and area.
- b. **Layout Data.** Proposed use and the number of acres devoted to each use. Total number of lots, number of existing and proposed units and resulting gross density and/or floor area intensity of non-residential uses.
- c. **Streets and easements.** Location and names of all existing and proposed right-of-ways for public and private streets, driveways and utility easements, within and adjacent to the site. Number

- of required and provided off-street parking and loading spaces.
 - d. **Phase lines.** Phase lines, if the development is constructed in phases.
 - e. **Typical Lot.** Typical lot layout for interior and corner lots showing minimum building setbacks in accordance with the adopted zoning.
7. **Site Plan.** The site plan shall be legibly drawn at a scale of at least one (1) inch equals 100 feet using a sheet size of 24 inches by 36 inches, reserving a three-inch binding margin on the left-hand side and a one-inch margin on the other three sides. If more than one sheet is required, an index map relating each sheet shall be provided.
- a. **Building footprint.** The footprint of all proposed buildings and structures on the site, including setbacks.
 - b. **Parking.** Number of parking lots and spaces required and proposed.
 - c. **Open space.** Open space expressed in square feet and as a percentage of the overall site.
 - d. **Sign locations.**
 - e. **Stormwater management.** Provisions for both on-and off-site stormwater drainage and detention related to the proposed development.
 - f. **Utilities.** All existing and proposed utilities with anticipated demands, including but not limited to:
 - i. Water and sanitary sewer pipe and fire hydrant locations and flows.
 - ii. Telephone, electric, gas and other utilities.
 - iii. Location of major solid waste receptacles.
 - g. The development site shall be designed to provide all required facilities, including parking and stormwater retention; no such facilities shall be located off-site.
8. **Special Area Maps.**
- a. Existing trees having a measured trunk diameter of five (5) inches or more, four (4) feet above grade and understory vegetation that may provide wildlife habitats or other

- environmentally unique areas.
 - b. Required landscape and bufferyards.
 - c. All wetlands as delineated by the National Wetlands Inventory, water management district, or qualified professional.
 - d. All flood-prone areas as delineated by the Flood Insurance Rate Maps published by the Federal Emergency Management Agency (FEMA).
 - e. Identification of watercourses, or any other environmentally sensitive areas as determined by any appropriate agency.
- C. **Phased Development.** Development built in phases or stages must clearly show the various phases or stages of the proposed development on the site development plan and on all subsequent site development plans.
- D. **Joint Review of Applications.** At the time of site plan review applicants may also request an administrative waiver or variance. Under no circumstances shall any site development plan be approved that is inconsistent with any term contained in this Code unless a variance or waiver has been authorized in accordance with the provisions of Section 9.9.
- E. **Application Exemptions.** The Planning Official may reduce or waive certain criteria, data, or other submission requirements as appropriate and in consideration of items such as:
1. No existing structure shall be expanded by more than thirty percent (30%) of its total floor area and/or seating.
 2. No change in the existing use of the site is proposed.
 3. No utility or street network infrastructure is needed.
 4. No existing nonconforming use would be expanded, and all other aspects of the site are in conformity with the requirements of this Code.
 5. The development site shall not be reduced in size.

Sec. 9.6.3. Review Criteria

- A. **Competent substantial evidence.** As described in Section 9.1.2.D.5.
- B. **Consistency with comprehensive plan.** The proposed development is consistent with the goals, objectives and policies of the City of Lake

Alfred Comprehensive Plan.

- C. **Code Compliance.** The proposed development is in conformity with these regulations or as to desirable modification of such regulations in the particular case, based on determination that such modifications are justified as meeting public purposes or is a rezoning recommended.
- D. **Suitability.** The area is suitable for the type and pattern of development proposed in relation to the physical characteristics of the land, relation to surrounding areas, and other requirements of this Code.
- E. **Concurrency analysis.**
 - 1. The proposed development shall not degrade the Level of Service of one or more public facilities and services as identified in Article 8, and does not increase the cost of improvements to be undertaken by the City as stated in the Capital Improvements Element.
 - 2. Or the proposed development contains commitments to make improvements to maintain Levels of Service established by the Comprehensive Plan, and identifies the timing of improvements to maintain Levels of Service established by the Comprehensive Plan; and estimates the cost of such improvements to the City and to the developer.
- F. **Context compatibility.**
 - 1. The proposed development shall not have any adverse impacts to adjacent land uses, the character of the neighborhood, parking, or other matters affecting land use compatibilities and the general welfare of the City.
 - 2. Or all steps possible have been taken to minimize any adverse effects of the proposed development on the immediate vicinity and on the public health, safety, and welfare in general.
 - 3. Or the proposed development contains commitments to make improvements to mitigate for the adverse impacts or proposes goals, objectives and policies to mitigate or eliminate adverse impacts.
- G. **Community needs analysis.**
 - 1. The proposed development is necessary, beneficial, or desirable to the community and in the interest of furthering the

Comprehensive Plan, of providing for the public convenience, or of contributing to the general welfare of Lake Alfred and Polk County; and shall not result in a detrimental concentration of a particular use within the City or within the immediate area.

- 2. Or the proposed development site is not better suited for, or likely to be needed for, uses that are permitted as a matter of right within that district and are in accordance with the future planned development in the area or goals, objectives and policies of the Comprehensive Plan.
 - 3. Or the proposed development contains sufficient proof that supplants the analysis that supported the establishment of the existing goals, objectives, policies, or maps.
- H. **Other considerations.**
- 1. Evidence of unified control of the overall development site.
 - 2. Suitability of any proposed agreements, or contracts, or other instruments that are to be executed to create, provide, operate and maintenance of common properties and/or facilities.
 - 3. The need for such instruments or for amendments in those that have been proposed. Whether and to what extent, existing zoning and land use in the vicinity of the Conditional Use require special considerations and conditions.

Sec. 9.6.4. Conditions of Approval

- A. **Purpose.** Conditions or safeguards may be considered as necessary to ensure the compatibility of the Site Plan with surrounding properties or the community in general.
- B. **Site Development Conditions.** Conditions placed on a development request may include requiring the applicant to make said improvements at their own cost and expense These may include, but are not limited to:
 - 1. **Public investments.** Finance or dedicate land for public rights-of-way, easements, parks and open space, school sites, or other such sites as may be necessary to protect the health, safety, and welfare of City residents.
 - 2. **Utility investments.** Finance or construct potable water, wastewater or drainage facilities.
 - 3. **Hours of Operation.** Requiring restrictions on hours of operation and size of buildings.

4. **Landscaping.** Requiring additional landscape, buffer areas, fences, or walls.
5. **Site layout.** Limiting vehicular access points, prescribing the location of off-street parking.
6. **Other conditions** that are reasonable and necessary to ensure compliance with the intent of this Code and preserve the general welfare of the City of Lake Alfred.

C. **Agreements.**

1. Attachment of conditions shall be voluntary on the part of the applicant, and an agreement by the applicant to provide any conditions shall not, in any way, obligate the City to approve the subject application.
2. Any condition shall be based solely on the fact that the development application, as modified or conditioned, meets the standards or intent of this Code, and may not be based solely on the granting of certain conditions deemed favorable by the City.
3. Any conditions adopted as a part of the approval of shall be explicitly stated in the Development Order, and shall be the basis for any subsequent Agreement.
4. Agreement pursuant to Section 9.6.8.
5. Any reasonable conditions necessary, if the applicant agrees in writing in a recordable agreement binding upon his successors and assigns, that no further processing of the development request, pursuant to the provisions of this Code, shall occur until the requirements of this Code are met.

Sec. 9.6.5. Terms of Approval

- A. **State Review.** Site Plan approvals within the Green Swamp Area of Critical State Concern are required to be issued and to rendered to the Department of Economic Opportunity (DEO) development orders pursuant to FAC 73C-44.002.
- B. **Record Copies.** On approval of a site development plan, the applicant shall submit the required number of signed and sealed copies.
- C. The development and use shall be in accordance with the approved Site Development Plan and application materials.

- D. No development site, once granted site development plan approval, shall be divided except through the site development plan modification process established in Section 9.5.

- E. **Development in stages.** Rather than construct the entire site at once, the developer may choose to build the project in stages. Phased development is permissible under the following conditions:

1. **Site Plans.** Each phase of the development must be approved on the original site plan or a site development plan must be submitted for each successive phase of the development prior to construction plan review.
2. **Construction schedule.** Developer must submit a construction schedule covering all phases to the Planning Official. This schedule may be revised from time to time as necessary.
3. **Adequate infrastructure.** All roads, drainage and utility facilities needed to support any stage shall be completed and available for use prior to issuance of any building permits.
4. **Stormwater.** Any amenity or stormwater management system proposed in any future phase shall be constructed in the first phase of development.
5. **Open space requirement.** All recreation facilities for the phase shall be completed and available for use prior to issuance of building permits for that phase of development.
6. **Density/intensity.** No site or individual stage shall exceed the overall density approved on the Site Development Plan.

F. **Approval Period.**

1. Approved site development plans are valid for one-year.
2. Site plans shall remain valid after the original one-year approval, if a construction and/or building permit(s) are obtained and have not expired. If these permits have expired the site plan approval shall also be considered expired.
3. The Planning Official may grant approval to extend the approval for a single period up to one year from the date when a site development plan would otherwise expire.
4. An extension may be granted if the Planning Official concludes that the recipient of the approved site development plan has proceeded with due diligence and in good faith, and that conditions have not

changed substantially so as to warrant a new application.

5. All such requests for extensions must be submitted in writing, not less than thirty (30) days before the expiration of the approved site development plan stating the reason for the time extension request.
 6. Site Plan approvals, including any development conditions, shall run with the land and shall be binding on the original applicant as well as any successors or assigns.
- G. In the event of an amendment to the Comprehensive Plan, the Land Development Code, or other applicable regulations that occurs prior to completion of construction of the PUD, all subsequent development that has not received approval under Section 9.7 (Subdivision Regulations) or Section 9.6 (Site Development Plan Regulations) as of the date of the amendment shall be consistent with the new regulations. Approval of development under these sections of the Code shall be valid for one (1) year. Unless construction begins on or before the first anniversary date, development approval shall be null and void, and the new standards shall apply.
- H. **Modification of Site-Specific Development Plans.**
1. **Modifications.** Any modification, variation or adjustment of a stamped approved site-specific development plan shall require approval of a site development plan amendment.
 - a. **Boundaries.** A change in the boundaries of the approved site.
 - b. **Use.** A change from the approved use.
 - c. **Development increase.** A change in density or intensity.
 - d. **Relocation.** A change in the location of structures or infrastructure.
 2. **Level of Review.**
 - a. The Planning Official shall determine whether a proposed site development plan modification is a major modification or a minor modification.
 - b. Site Plan modifications are generally approved by the original reviewing authority, however the Planning Official may approve a minor modification to any approved Site Plan.
 3. **Major Modification.** If the proposed change or amendment is

determined to be substantial, including:

- a. increase in density, intensity, or parking greater than ten percent whether at one time or incrementally.
- b. change in permitted uses.
- c. substantial changes in the approved location of principal or accessory structures.
- d. Structural alterations significantly affecting the basic size, form, style, ornamentation, and appearance of principal or accessory structures.
- e. Substantial changes in approved pedestrian or vehicular access or circulation.
- f. Substantial change in the approved amount or location of landscape screens or buffers.
- g. change in stormwater runoff characteristics.
- h. change in traffic patterns and trip generation.
- i. the addition to or removal of any tract or parcel.

4. **Minor Modification.**

- a. Any proposed change or amendment that is not determined to be substantial.
- b. Planning Official may, at their discretion, forward any application to one or more members of the TRC for review and recommendation to:
 - a. Determining the type of modification - major or minor amendment.
 - b. Determine whether a minor modification should be approved, approved with conditions, or denied.

I. **Abandonment.**

- a. The Planning Official may approve the abandonment of a Site Plan approval provided no construction has begun.
- b. If the use allowed by a Site Plan has been abandoned for a continuous period of twelve (12) months, the permit shall be void.
- c. The process to determine whether a use has been abandoned shall be the same as that provided for nonconforming uses in Section 2.

J. **Non-Compliance.**

1. **Violation.** Violation or failure to comply with the approved Site Plan, any condition or safeguard, or time limits for performance shall be deemed a violation of this Code.
2. **Penalty.** Any action, construction, development or use of property undertaken in violation of the provisions of this Section for a Site Plan shall constitute a violation of this Code and may be subject to revocation of any Site Plan approval, suspension or denial of building permits, a stop-work order, in addition to any other remedy for such violation provided in this Code.
3. **Revocation.**
 - a. After giving proper notice to the permit holder, the City may revoke the permit at a public hearing.
 - b. The permit may be reinstated by the Planning Official if the circumstances leading to the revocation are corrected.
4. **Building Permits.**
 - a. Non-compliance shall be cause to deny issuance of a building permit.
 - b. Where a permit has been issued pursuant to a stamped approved site development plan, the permit may be rendered invalid.

Sec. 9.6.6. **Conditional Use/ Change of Use**

- A. **Level of Review.** Applications and their modifications are approved by the reviewing authority listed on Table 3.1.4.
 1. **Administrative (A)**
 2. **Planning and Zoning Board (B)**
 3. **City Commission (C)**
- B. **Supplemental Application Requirements.** In addition to the submittal requirements for all Site Plan applications (see Sec. 9.6.2), the following materials are also required:
 1. Information on the specific use, such as hours of operation, numbers of employees, customer volumes, etc.
 2. Any other information deemed necessary to confirm compliance with the Code requirements of other Sections.

C. **Supplemental Review Criteria.**

1. **Change of Use.** A change of use on existing developed site shall be reviewed in accordance with the procedures for a site plan modification as described in Section 9.6.5 (H).
2. **Level-of-Review.** The Planning Official may also need to determine the reviewing authority for a Change of Use based on the criteria in Table 3.1.4 and Section 9.6.5(H).

Sec. 9.6.7. Planned Unit Development (PUD)

- A. **Level of Review.** Applications and their modifications are approved by the City Commission pursuant to Section 2.3.5 and Sec. 9.3.
- B. **Supplemental Application Requirements.** In addition to the submittal requirements for all Site Plan applications (see Sec. 9.6.2), the Planning Official or the City Commission may require the owner of the property to undertake specific studies or reports directly related to the PUD request and its potential impacts.
- C. **Supplemental Review Criteria.** The property owner may be required to provide whatever design features are necessary to minimize adverse impacts on the community or abutting properties, including the provision of any needed off-site improvements.
- D. **Supplemental Conditions of Approval.** A PUD may be approved as either a preliminary or final PUD.
 - 1. **Preliminary PUD** - The master site plan for a preliminary PUD provides generalized planning areas and shall establish the overall development concept and uses.
 - a. Dividing the development site into tracts.
 - b. Assigning the tracts generalized land use types (i.e., recreation, retail commercial, townhouses, low-density single family, etc.).
 - c. Depicting the approximate locations of roads, water bodies, utility facilities, and other features of the development site.
 - d. Provided the proposed residential densities, and/or commercial intensities (i.e., single family residential, multifamily residential, commercial shopping center, hotel/motel, mixed use, etc.).
 - e. Shall require approval of a final site plan or final PUD prior to approval of construction plans.
 - 2. **Final PUD** – The master site plan for a final PUD provides a detail plan meeting all the Site Plan requirements of the preliminary plat and Section 2.3.5.

Sec. 9.6.8. Developer/ Development Agreements

- A. **Level of Review.**
 - 1. This intent is to exercise the authority granted to the City to enter into development agreements with developers under F.S. Sections 163.3220 through 163.3243. This Section shall be regarded as supplemental and additional to the powers conferred upon the City by other laws and shall not be regarded as in derogation of any powers now existing.
 - 2. Applications and their modifications are approved by the City Commission pursuant to Sec. 9.3.
- B. **Types of Agreement.**
 - 1. **Developers Agreement.** A negotiable and recordable instrument entered into between the City and developer(s) setting out specific terms for a development. A developers agreement is governed by the law of contracts. A developers agreement shall be negotiated by the Planning Director and approved by the City Commission. The development rights and restrictions set forth in the developers agreement, if recorded in the Public Records of Polk County, Florida, shall pass with the conveyance of the real property which is the subject of the agreement.
 - 2. **Development Agreements** are regulated by F.S. Chapter 163.3225.
- C. **Supplemental Application Requirements.**
 - 1. **Approved Site Plan.** An approved site development plan, with a listing of conditions and modifications, if required, in order for a final development order to be issued.
 - 2. **Title opinion.**
 - 3. A legal description of the land subject to the agreement and the names of its legal and equitable owners.
 - 4. The duration of the agreement.
 - 5. The development uses permitted on the land, including population densities, and building intensities and height.

6. A description of public facilities that shall service the development, including who shall provide such facilities; the date any new facilities, if needed, shall be constructed; and a schedule to assure public facilities are available concurrent with the impacts of the development.
7. A description of any reservation or dedication of land for public purposes.
8. A description of all local development permits approved or needed to be approved for the development of the land.
9. A finding that the development permitted or proposed is consistent with the City's Comprehensive Plan and land development regulations.
10. A description of any conditions, terms, restrictions, or other requirements determined to be necessary by the City for the public health, safety, or welfare of its citizens.
11. A statement indicating that the failure of the agreement to address a particular permit, condition, term, or restriction shall not relieve the developer of the necessity of complying with the law governing said permitting requirements, conditions, term, or restriction.
12. A development agreement may provide that the entire development or any phase thereof be commenced or completed within a specific period of time.
13. The failure to list all requirements of this Code and other regulations of the City shall not relieve the applicant from complying with such requirements and regulations at the time of issuance of a final development order.

D. Supplemental Review Criteria.

1. **Consistency with Plan and Regulations.** A development agreement and authorized development shall be consistent with the City's Comprehensive Plan and this Code.
2. **Development Governed by Laws in Effect at Execution.** The City's laws and policies governing the development of land at the time of the execution of the development agreement shall govern the development of the land for the duration of the

development agreement.

3. **Applicability of Subsequent Laws.** The City may apply subsequently adopted laws and policies to a development that is subject to a development agreement only if the City has held a public hearing and determined:
 - a. They are not in conflict with the laws and policies governing the development agreement and do not prevent development of the land uses, intensities, or densities in the development agreement;
 - b. They are essential to the public health, safety, or welfare, and expressly state that they shall apply to a development that is subject to a development agreement;
 - c. They are specifically anticipated and provided for in the development agreement;
 - d. The City demonstrates that substantial changes have occurred in pertinent conditions existing at the time of approval of the development agreement; or
 - e. The development agreement is based on substantially inaccurate information supplied by the developer.
4. **Rights Vested Pursuant to Common Law.** This Section does not abrogate any rights that may vest pursuant to common law.
5. **Vested Rights.** Whether vested development rights are established shall be determined by the Planning Director on a case-by-case basis. Vested rights to develop may be established if a property owner and/or developer has (1) in good faith reliance, (2) upon some act or omission of the City, (3) made such a substantial change in position or has incurred such extensive obligations and expense, (4) that it would make it inequitable to interfere with the acquired right. The decision of the Planning Director may be appealed to the Development Review Special Magistrate within thirty (30) days from rendition.
6. **Legislative Vesting.** Legislative vesting may be granted and approved by the Planning Director for projects which have received a certain level of approvals and abandonment has not been found by the Planning Director to have occurred on and/or for the project. The decision of the Planning Director shall be

supported by competent substantial evidence and may be appealed to the Development Review Special Magistrate within thirty (30) days from rendition.

E. **Supplemental Conditions of Approval.**

1. **Preliminary agreement.**

- a. **Initial determination.** An initial determination of concurrency.
- b. **Terms of Approval.** A preliminary development order shall be effective for six (6) months from the date of approval. During this six (6) month period, the applicant shall seek final development approval. At the request of the applicant and for good cause shown, the reviewing authority may extend the period for obtaining final development order approval for a period of up to twelve (12) months from the date of approval of the preliminary development order.

2. **Final agreement.**

- a. **A certificate of final concurrency.**
- b. **Terms of Approval.**
 - i. A final development order shall remain valid only if development commences and continues pursuant to an active building permit to completion with due diligence and in good faith according to the terms and conditions of approval.
 - ii. **Effective duration.** A final development order shall be effective for a period of one (1) year from the date of approval unless otherwise specified in the order.
 - iii. **Maximum duration.** The duration of a development agreement shall not exceed five (5) years. It may be extended by mutual consent of the City and the developer, subject to a public hearing. All request for extensions must be in writing 60 days prior to the expiration of the agreement.
- c. **Recording of Agreement.** Within fourteen (14) days after the City enters into a development agreement, the City shall record the agreement with the Clerk of the Circuit Court. A copy of the recorded development agreement shall be

submitted to the Department of Economic Opportunity within fourteen (14) days after the agreement is recorded. The burdens of the development agreement shall be binding upon, and the benefits of the agreement shall inure to, all successors in interest to the parties to the agreement.

- d. **Enforcement of Agreement.** Any party, any aggrieved or adversely affect person as defined in F.S. 163.3215(2), or the Department of Economic Opportunity, may file an action for injunctive relief in circuit court to enforce the terms of a development agreement or to challenge the validity of the agreement.
- e. **Periodic Review of Agreements.** The City shall inspect land subject to the development agreement at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms of the development agreement. If the City finds, on the basis of substantial competent evidence, that there has been a failure to comply with the terms of the development agreement, the agreement may be revoked or modified by the City.

3. **Amendments to approved development plans.**

- a. After a final development order has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the order without first obtaining an amendment to the approved development order.
- b. Amendment of the development plan shall be made in accordance with the process for site plan review.
- c. Any modifications shall be described in sufficient detail and exactness to inform the applicant to amend the plan accordingly.
- d. **Amendment or Cancellation of Agreement.** A development agreement may be amended or canceled by mutual consent of the parties to the agreement or by their successors in interest.
- e. **Modification or Revocation to Comply with Subsequent State and Federal Law.** If state or federal laws are enacted

after the execution of a development agreement that are applicable to and preclude the parties' compliance with the terms of a development agreement, such agreement shall be modified or revoked as is necessary to comply with the relevant state or federal laws.

Sec. 9.7. Subdivision Review

Sec. 9.7.1. General provisions

- A. **Purpose.** The purpose of this Section is to establish minimum procedures and standards to further the provisions of State Law that regulates and requires the platting of land for development; to further the goals and policies of the Lake Alfred Comprehensive Plan; and to set forth a process for approval of the subdivision of land within the jurisdiction of the City.
- B. **Applicability.**
 - 1. Applicant initiated process.
 - 2. These regulations shall apply to all subdivisions, including those intended for commercial and industrial development.
 - 3. The provisions of this Section are applicable to the division of a parcel of land, which is defined to mean the division of contiguous land holdings by a single owner or multiple owners, regardless of how said parcels are described or recorded, into two or more parcels, lots, tracts or sites for the purpose of transfer of ownership or building development.
 - 4. Whenever any subdivision of land is proposed and before any contract is made for the sale of any part thereof and before any permit for the installation of utilities, either public or private; construction; paving and drainage; or structures in a proposed subdivision shall be granted, the subdivider, or his authorized agent, shall apply for and secure approval of the proposed subdivision.
- C. **Defined.** Such requests include the following:
 - 1. **Lot Splits**
 - 2. **Minor Plats and Replats**
 - 3. **Platted Subdivision**
 - 4. **Plat Vacations**

Sec. 9.7.2. Lot Splits

- A. **Purpose.** Dividing one unplatted lot of record into less than three (3) lots of record. Single-lot replats may be replatted under this section.
- B. **Level of Review.** Technical Review Committee.

C. **Application Requirements.**

1. **Property deed.** A copy of the deed to the property. If the applicant does not own the property, written permission from the owner must be obtained, including a notarized signature, authorizing the application.
2. **Certified Survey.** Certified survey and legal description of the property and proposed split pursuant to Section 9.6.2.B.4.

D. **Review criteria.**

1. **Competent substantial evidence.** As described in Section 9.1.2.D.5.
2. **Maximum lots.** The proposed lot split does not result in the creation of more than two new lots.
3. **Conforming lots.** The proposed lot split does not create a lot, or lots, that do not meet applicable zoning district standards for width, and area. Proposed split does not create a flag lot.
4. **Public frontage.** Each proposed lot has the required frontage on a public road, and no new public streets are needed to serve the proposed lots. The existing rights-of-way meet City standards for width and facilities.
5. **Existing utilities.** No extension of a public water or sewer system, fire protection systems, or sanitary service is needed. No proposed lots shall be served by a well or septic tank.
6. **Drainage facilities.** There shall be no necessity for drainage facilities serving the proposed lots or other properties to cross any lot affected by the administrative approval. Certification shall be provided by a professional engineer registered in the State of Florida.
7. **Other improvements.** No site improvements such as a street, right-of-way, sidewalk, bikeway, bridge, drainage facility, screening wall or any other improvement are necessary or required under this Code.
8. **Single lot replats.** Individual lots shown on recorded plats that depict easements or front, side, or rear building setback lines. The lot shall be improved (building or structure) and there shall be an encroachment upon one or more of the building setback lines or easements indicated on the recorded plat.

E. **Conditions of Approval.**

5. The Planning Official shall provide a notice of approval to the lot owner, allowing the lot split to be recorded at the Polk County Property Appraiser's office.
6. No further division of an approved lot split is permitted, unless a subdivision or record plat is prepared and submitted in accordance with this Code.
7. After acceptance of the final subdivision plat the applicant may submit building permit applications.

Sec. 9.7.3. **Minor Plats and Replats**

- A. **Purpose.** modification of lots within of an unplatted or platted site.
- B. **Applicability.**
- C. **Level of review.** Technical Review Committee
- D. **Defined.**
 1. **Minor Plat.**
 2. **Minor Replat.**
 3. **Major Replat.**
- E. **Application Requirements.** Must provide a subdivision plat as specified in Section 9.7.4.D.
- F. **Minor Plat.** Dividing unplatted lot(s) of record into three (3) or more lots of record.
 1. **Review Criteria.** Must meet the review criteria as specified in Section 9.7.4.E.
 2. **Recording.** Upon determining that the subdivision plat complies with the site plan, if applicable, and review criteria, the subdivision plat shall be placed on the City Commission consent agenda for acceptance and recording.
 3. **Conditions of Approval.** After acceptance of the final subdivision plat the applicant may submit building permit applications.
- G. **Minor Replat.** Splitting of lot(s) within a platted subdivision record into three (3) lots or more of record.
 1. **Review Criteria.** Must meet the review criteria as specified in

Section 9.7.4.E.

2. **Recording.** Upon determining that the subdivision plat complies with the site plan, if applicable, and review criteria, the subdivision plat shall be placed on the City Commission consent agenda for acceptance and recording.
3. **Conditions of Approval.** After acceptance of the final subdivision plat the applicant may submit building permit applications.

H. **Major Replat.** A lot, tract, or series of such within a platted subdivision to be reconfigured into more than three (3) lots of record.

1. **Review Criteria.** Must meet the review criteria as specified in Section 9.7.4.E.
2. **Conditions of Approval.** Must meet the conditions as specified in Section 9.7.4.F.
3. **Recording.** If necessary, the previous plat can be vacated at the time of replatting.

Sec. 9.7.4. Platted Subdivisions.

A. **Purpose.** The purpose of the plat is to establish a legal record of the subdivision.

B. **Applicability.** Upon completion of all subdivision infrastructure improvements, or guarantee thereof, the subdivider shall apply for and receive approval of a final Subdivision Plat before applying for permits to build structures on the lots thus created.

C. **Level of Review.** Technical Review Committee.

D. **Application Requirements.**

1. **Property deed.** A copy of the deed to the property. If the applicant does not own the property, he must obtain written permission from the owner, including a notarized signature, authorizing him to make the application.
2. **Certified Survey.** Certified survey and legal description of the property and proposed split pursuant to Section 9.6.2.B.4.
3. **As-built drawings.**
 - a. City approved engineering as-built drawings shall be submitted with the final subdivision plat.

b. All as-built drawings shall contain a certification by a professional engineer or registered land surveyor.

c. Verification of the exact location and dimensions of all completed improvements.

d. Certification that all utilities have been installed in accordance with specifications.

4. **Developer infrastructure form** with final cost of all infrastructure improvements.

5. **Permits.** All required final permits and approvals issued by agencies and governing bodies having jurisdiction over properties being subdivided. The subdivision plat shall not be approved without submission of the final permits and approvals.

6. **Subdivision Plat.** The subdivision plat shall be prepared by a land surveyor in accordance with and include all of the information required by F.S. Ch. 177.

a. The final plat shall be legibly drawn at a scale of at least one (1) inch equals one hundred (100) feet using a sheet size of twenty-four (24) inches by thirty-six (36) inches, reserving a three-inch binding margin on the left-hand side and a one (1) inch margin on the other three sides.

b. If more than one sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

7. **Supplemental Plat Information.**

a. Tabular data block including total site acreage, future land use and zoning, and any required open space or recreational areas.

b. Layout and dimensions of proposed lots, which meet the minimum zoning district standards for width, depth and area.

c. Existing easements identified in the title opinion or property information report must be shown on the plat and cross-referenced in the notes, and their intended use shall be clearly stated.

d. Locations of adjoining subdivisions, streets, and platted rights-of-way, whether or not the platted streets have been

built.

e. The front building setback line for each lot.

8. **Declarations, Covenants, Deed Restrictions.** These legal documents shall be structured to serve the following purposes:

a. **Requirements.** Applicable requirements of this subsection shall be inserted into the legal documents of the homeowner's association or similar organization having legal ownership of common properties.

b. **Identifying ownership.** To define what is owned and by whom, including the specific location and parameters of the individual units and the ownership interest in the common elements of the owners of the association or organization.

c. **Binding agreements.** To establish a system of interlocking relationships binding each owner to all other owners for the purpose of maintaining and preserving what is owned and used in common.

d. **Level of appearance.** To establish an array of protective standards or restrictions designed to establish limits and assure that a certain level of appearance is maintained.

e. **Owners' association.** To create an administrative vehicle, the owner's association, to manage those elements shared in common and to enforce standards.

f. **Association financing.** To provide for the operation and financing of the association.

g. **Transfer of control.** To specify the process involved in effecting the transfer of control of the association and responsibility for the common elements from the developer to the unit owners collectively.

h. **Easements.** To set forth proper access and utility easements for the owners and the association.

E **Review criteria.**

1. **Competent substantial evidence.** As described in Section 9.1.2.D.5.

2. The subdivision plat must meet all the requirements of this Code.
3. The subdivision plat shall conform with all requirements of F.S. Section 177.

4. The subdivision plat shall conform to the approved site plan, construction plans and preliminary plat.

5. The subdivision plat shall incorporate all modifications and revisions specified in the approval, or as required by field adjustments.

6. Field adjustments that such create shifts in stormwater and roadway facilities but do not change lot layout may deviate from conformance with the construction plan with approval from the Planning Official.

7. All common areas are to be properly defined in legal descriptions.

8. **Inspections.** The Technical Review Committee shall inspect all improvements for conformance with the City Code and the approved construction plans.

9. **Ownership and Maintenance of Common Property.**

a. The developer shall establish a property owner's association or similar legal entity for the perpetual ownership and maintenance of open space, drainage facilities and other community facilities designated on the Site Development Plan or subdivision.

b. These facilities include, but are not limited to, pedestrian or bike paths, playgrounds, landscaped open spaces, lakes, swimming pools, bath houses, tennis courts, parking lots, utilities, drainage channels, and retention/detention ponds. Roads shall also be included unless dedicated to the City of Lake Alfred for public use.

c. Such organizations shall be created by covenants running with the land, and such covenants shall be included as part of the final site development plan or subdivision plat of each phase and subject to approval of the City Commission.

d. The cost of such maintenance by the designated public or private agency shall be assessed proportionately against the properties within the PUD that have a right of enjoyment of the common open space and shall become a lien on said properties.

F. **Conditions of approval.**

1. Planned developments, unlike standard zoning categories, is quasi-judicial and requires City Commission approval at a public hearing. In approving a site plan or planned development, the City Commission may impose conditions, safeguards and requirements as deemed necessary to maintain compliance with the comprehensive plan, implement the terms of this Code, and/or found to have a rational relationship to a legitimate public purpose. The decision of the City Commission shall be supported by competent substantial evidence.

2. **Bonds.**

- a. **Performance Bond.** If at the time of application for final subdivision plat approval all improvements are not satisfactorily installed, the subdivider shall post a bond in an amount estimated as one hundred twenty percent (120%) of the engineer certified cost of all improvements to secure to the City the satisfactory construction, installation and dedication of all required improvements. Such performance bond shall comply with all statutory requirements and shall be satisfactory to the City Attorney as to form, sufficiency and manner of execution as set forth in these regulations. The period within which required improvements must be completed shall be specified by the City Commission as part of the approval action on the final plat and shall be incorporated in the bond and shall not, in any event, exceed two (2) years from date of final City approval. The City Commission may at any time during the period of such bond accept a substitution of principal or sureties on the bond upon recommendation of the City Attorney.
- b. **Maintenance warranty bond.** A maintenance warranty bond in the amount of 10 percent of the total cost of the construction of all public improvements, to be in force for a period of two (2) years following acceptance by the City of the final construction of said public improvements.
- c. All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements, said performance and payment bonds shall be released.

3. **Recording.**

- a. Upon determining that the final subdivision plat complies with the site plan, conditions of approval, construction plan, site improvements, and the subdivision requirements of the plat shall be placed on the City Commission consent agenda for acceptance and recording.
- b. As part of any final subdivision plat approval, the City Commission shall issue a resolution outlining the conditions of approval and whether any plat dedications to the City were accepted.
- c. Upon approval by the City Commission, the final subdivision plat shall be recorded with the associated resolution with the Circuit Court of Polk County.

4. **Terms of Approval.**

- a. After acceptance of the final subdivision plat the applicant may submit building permit applications.
- b. If the dedications were not accepted as part of the plat acceptance and recording, no Certificates of Occupancy may be issued.
- c. Upon completion, inspection, and approval of all infrastructure, the City Commission may issue a new resolution releasing the performance bond, accepting a maintenance bond, and accepting any dedication to the City. Certificates of occupancy may be issued upon recording of the new resolution.
- d. In the event that the organization established to own and maintain common open space, or any successor organization, shall at any time after the establishment fails to maintain the common areas as previously defined above, in reasonable order and condition, and in accordance with the adopted plans and subsequent final development plans; the City may serve written notice upon such organization and/or the owners or residents of the development and hold a public hearing if deficiencies of maintenance are not corrected within thirty (30) days after such notice and hearing.

Sec. 9.7.5. Plat Vacations

- A. **Purpose.** To remove (vacate and annul) the existing plat, replat,

right-of-way, or portion thereof, from the official records of the City of Lake Alfred and Polk County.

B. Application Requirements.

1. **Vacating of Plat by Owner.**
 - a. The owner of any land subdivided into lots may petition the City under the provisions of Chapter 177.101, Florida Statutes.
 - b. Certificate of title
 - c. Statement of taxes and resolution.
2. **Vacating of Plat by City.** The City Commission may petition to vacate and annul all or any part of a subdivision within its jurisdiction.

C. Review Criteria.

1. **Competent substantial evidence.** As described in Section 9.1.2.D.5.
2. The proposed vacation and annulment of the plat shall result in greater conformity with the comprehensive plan of the City, and the public health, safety, and welfare shall be promoted.
3. **Vacation of Streets.** The City Commission shall not vacate, any street or part of a street dedicated for public use, if such vacation interferes with the uniformity of the existing street pattern or any future street plans adopted for the area.
4. **Access to Individually Owned Parcels.** No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment 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 presently has access; provided that such access remaining or provided after such vacation need not be the same as that previously existing.

D. Conditions of approval.

1. The Planning Official may require any division or combination of previously platted property to comply with the complete platting process as set forth in this Section.
2. Notwithstanding these provisions, the City may require conformity with existing standards for all or parts of subdivisions as outlined in this Section.

3. **Recording.** Upon determining that the request meets the review criteria, the request shall be placed on the City Commission agenda for acceptance and recording.
4. **Public Hearing.** Before acting on a proposal for vacation and annulment of subdivided land the Commission shall hold a public hearing, with notice of intent as set forth by Chapter 166, F.S.

Sec. 9.8. Development Permit Review

Sec. 9.8.1. General Provisions.

- A. **Purpose.** The purpose is to provide applicable and uniform standards and criteria for the review and processing of Development Orders by the City.
- B. **Define.** Pursuant to Florida law, a Development Permit includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the City having the effect of permitting the development of land.
 1. Construction Plans including grading and clearing permits, tree removal permits, utility, and stormwater.
 2. Building Permits including plumbing, electrical, foundation, mechanical, and sign permits.
 3. Commercial Use Permits
 4. Temporary Use/Special Event Permits

Sec. 9.8.2. Construction Plan

- A. **Purpose.** The purpose of the construction plans are to allow the Technical Review Committee to review and approve the technical specifications for all proposed site improvements prior to construction.
- B. **Applicability.** Construction plans shall be reviewed after approval of the Site Development Plan and prior to construction of the site improvements and the review of the final subdivision plat. The construction plan is the instrument by which improvements to the site shall be constructed and inspected, and by which final inspection and site certificate of completion shall be issued.
- C. **Application Requirements.** All applications for subdivision review must include the following:
 1. **Survey.** Boundary and topographic survey prepared by a Professional Surveyor and Mapper registered by the State of

Florida.

2. **Preliminary Plat.** The preliminary plat should meet the standards of F.S. Ch. 177, Section 9.7.4.D regarding final subdivision plats, and include the an inscription stating "PRELIMINARY PLAT, NOT FOR RECORDING."
3. **Engineered Construction Plans.**
 - a. **Sealed.** The construction plan shall be signed and sealed by a Professional Engineer licensed by the State of Florida.
 - b. **Scale.** Drawn to a scale of not more than one (1) inch = fifty (50) feet. The size of sheets shall be twenty-four (24) inches by thirty-six (36) inches.
 - c. **Index.** If more than one sheet an index sheet shall be provided.
 - d. **Rights-of-way.** The exact locations, names, and widths of all existing streets, alleys, and recorded easements within and immediately adjoining the subdivided lands.
 - e. **Final dimensions.** Final alignments, dimensions, grades and profiles of proposed streets, utilities, drainage and other improvements to be constructed.
 - f. **Finished grade.** Proposed finished grading by contours supplemented where necessary by spot elevations and at those locations along lot lines.
 - g. **Utilities.** All existing and proposed utilities, including but not limited to: Water and sanitary sewer pipe sizes, rim and invert elevations, direction of flow and top and bottom elevations and fire hydrant locations and flows.
 - h. **Other.** Such other calculations, computation and details as may be necessary to determine the limits of wetlands, the groundwater table, off-site impacts of the proposed development, and other technical matters that may be specified by the TRC.
4. **Landscape Plan.**
 - a. A plan for the elimination and future control of invasive non-native plant species from the site. The non-native removal shall be completed as specified in the management plan prior to the issuance of the first certificate of occupancy and yearly inspections for three years to assure that infested areas have remained at less than ten percent of the initial population.
 - b. A landscape and irrigation plan prepared consistent with the requirements provided in Section 4.5 of this Code. The landscape plan may be submitted separately, but shall be a part of a site development plan submission, where site development plan submission is required. No building, grading or site preparation shall be allowed until the landscape plan has been approved by the City.
 - c. The landscape plan showing tree canopy and bufferyard information required shall be drawn to a scale with sufficient clarity and detail to indicate the type, nature and character of the improvements on the site, and the relative location of all landscaping in relation to said improvements.
 - d. The landscape plan shall include the type, number, and size of all proposed landscaping plants and materials. Calculations for impervious areas and compliance with tree canopy and bufferyard requirements shall be provided.
5. If the proposed site contains land located within the floodplain as shown on the community determined flood control maps and FEMA maps, the applicant shall be required to submit topographic information for areas adjoining sides of the channel, cross sections for land to be occupied by the proposed development, high water information, boundaries of the land within the floodplain and other pertinent information.
6. If the proposed site includes regulated surface waters or wetlands, or regulated natural and archaeological resources, the applicant shall be required to submit the following additional information for those areas designated:
 - a. A preliminary plat showing buffer distances between the areas to be developed and regulated surface waters and wetlands, and regulated natural and archaeological resources.
 - b. A description of strategies to protect or restore environmental features on the subdivision tract.
 - c. Projected on-site and off-site water quality impacts to Outstanding Florida Waters (OFW) that may result from the proposed subdivision.
 - d. Any required set-aside, conservation management area, or mitigation area.

D. **Review Criteria.**

- a. **Compliance with this Code and Technical specifications.**
- b. **Competent substantial evidence.** As described in Section 9.1.2.D.5.
- c. All construction plan approvals issued for any project requiring site development plan review shall be consistent with the stamped approved site development plan.
- d. The approval of a site development plan shall not, under any circumstances, be construed to waive or otherwise diminish the applicable City requirements for construction or installation of structures or materials.
- e. Whenever a conflict between the site development plan and such construction details occurs, the more restrictive or that requiring the higher standard shall prevail.

E. **Conditions of Approval.**

1. Upon approval the developer shall submit a minimum of three (3) sets of twenty-four (24) inches by thirty-six (36) inches plans sheets, one (1) set of eleven (11) by seventeen (17) plan sheets, and one digital set for stamping. One set shall be returned to the applicant for the site.
2. The Planning Official shall provide a letter of approval with any outstanding items listed to be addressed prior to construction.
3. No construction activity, including clearing and grubbing shall take place until after the pre-construction meeting.
4. **Terms of Approval.** The construction plans are valid for two years. If no activity has commenced after two years the plans shall be considered expired.
5. The Planning Official may grant approval to extend the approval for a single period up to one year from the date when a site construction plan would otherwise expire.
6. All such requests for extensions must be submitted in writing, not less than thirty (30) days before the expiration of the approved construction plan stating the reason for the time extension request.

F. **Commencement of Construction.**

1. **Bonding.** Prior to commencement of construction, the

developer shall file the following items with the Planning Official:

- a. **Public improvements.** A performance, labor and material payment bond for the completion of the construction of all public improvements specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.
 - b. **Common property.** A performance, labor and material payment bond for the completion of the construction of all common properties specified in the Preliminary Subdivision Plan or Site Development Plan within one (1) year.
 - c. **Escrow account.** In lieu of any bond, the developer may use an escrow account to insure the performance of the construction as planned if said account and the administration thereof is approved by the City Commission.
 - d. All bonds shall be from a company licensed as a surety in the State of Florida, listed by the U.S. Treasury Department and rated A:AAA in Best's Insurance Guide. Upon acceptance of all improvements, said performance and payment bonds shall be released.
2. **Permits.** All permits must be received from all federal, state, county or other agencies with jurisdiction.
 - a. **Access permits.** Any permit or permits from an agency or agencies approving access to state, county, or local roadways.
 - b. **Stormwater permits.** Any permit(s) from an agency or agencies approving the proposed stormwater management system.
 - c. **Utility permits.** Any permit(s) from permitting agencies approving the utilities plan and water consumption.
 - d. **Species.** Any permits from permitting agencies regarding the impacts, takings, or protections for any threatened or endangered species.
 3. **Pre-Construction Meeting.** After construction plan approval and receipt of the bonds and permits, the applicant shall meet with the permitting agencies to coordinate the construction process and inspections.
 4. **Site Work.** After the pre-construction meeting, the applicant

may proceed with permitting for installation of improvements. Improvements shall include:

- a. Tree removal, clearing and grubbing.
- b. Installation of streets and utilities.
- c. Installation of reclaimed water lines where available.
- d. Installation of stormwater management systems. Stormwater management facilities shall be constructed for the entire area of the plan regardless of any phasing plans relative to final plat recording.

G. **Construction Inspection.** The City shall provide for periodic inspection of required improvements during construction to ensure satisfactory completion of the site improvements.

1. The Technical Review Committee shall be responsible for conducting the on-site construction inspection.
2. Inspections may be scheduled as required by the Technical Review Committee at certain stages of improvement installation or upon written request from the developer for construction inspections to be conducted.
3. If it is found that any of the required improvements have not been constructed in accordance with the City's construction standards and specifications, the applicant shall be responsible for modifying and/or completing the improvements so as to comply with such standards and specifications.
4. Wherever the cost of improvements is covered by a performance bond, the applicant and the bonding company shall be severally and jointly liable for completing the improvements according to specifications.

H. **Site Certification.**

1. Upon completion, inspection, and approval of all site improvements the Planning Official shall issue a certificate of Site completion.
2. No Certificate(s) of Occupancy may be issued until the site certification is complete.
3. Maintenance Guarantee.
 - a. The developer shall guarantee the materials and workmanship

of pavement, curb and gutter, sidewalks, water system, wastewater (sewage) system and the drainage system in the subdivision for a period of one (1) year after final acceptance by the Planning Official.

- b. A bond shall be required for the maintenance and repair requirements to cover faulty plans, materials or workmanship. The bond shall be effective for one (1) year and in an amount 10 % of costs.

Sec. 9.8.3. Building Permits

A. **Purpose.** To ensure the safety of structures built within the City.

B. **Applicability.** Building permits shall be reviewed after site development plan approval and before:

1. Performing any work that requires issuance of a permit under Section 105 "Permits" of Chapter 1 of the Florida Building Code, Building Book; or F.S. Chapter 553;
2. Performing any electrical wiring or rewiring or altering, changing or attaching to any existing wiring;
3. Performing any plumbing work or altering, changing or attaching to any existing plumbing;
4. Performing any structural work of any character, whether permanent or temporary; and
5. Performing any nonstructural work where the cost of materials exceeds \$800.00.

C. **Application Requirements.**

1. **Submittal documents** as described in Section 107 "Submittal Documents" of Chapter 1 of the Florida Building Code, Building book including the following unless exempt or waived by the Building Official:
 - c. Floor plan
 - d. Site plan
 - e. Foundation plan
 - f. Framing plan
 - g. Construction plans and elevations
 - h. Building Plan

- i. Electrical Plan
 - j. Mechanical Plan
 - k. Gas Plan
 - l. Demolition Plan
 - m. Occupancy type and load
 - n. Structural requirements and materials
2. **Life Safety Plan.** A copy of building plans, specifications, and drawings drawn to scale with sufficient clarity and detail to indicate the type, nature and character of the work of all fire protection and fire equipment systems.
 3. **Concurrent Review.** Nothing contained herein shall preclude the City from accepting for review and processing building construction plans related to the structural, mechanical, electrical and plumbing systems prior to stamped approval of a site development plan, subject to such conditions as may be established by the City relative to such pre-plan certification processing.

D. Review Criteria. In the event of a conflict between the provisions of this Code, the Lake Alfred Code of Ordinances or the review criteria below, the more stringent shall prevail.

1. **Florida Building Code.** The most current edition of the Florida Building Code, as published by the Florida Building Commission under authority of F.S. § 553.73(1)(a), is adopted by reference and shall be enforced as the building Code of the City pursuant to Section 14-1 of the City Code of Ordinances.
2. **National Electric Code.** The most current edition of the National Electric Building Volumes as referenced in the Florida Building Code – Building Volume, is hereby adopted and incorporated by reference as the electrical Code of the city subject to and including by reference such additions and amendments that may be adopted by the city pursuant to Section 14-2 of the City Code of Ordinances.
3. **International Property Maintenance Code.** The International Property Maintenance Code, 2012 edition, as published by the International Code Council, Inc., is hereby adopted and incorporated by reference as the minimum property maintenance standards of the city subject to and

including by reference such additions and amendments that may be adopted by the city by ordinance. Chapter 14-41 of City Code of Ordinances.

4. **National Fire Code.** The most current edition of the National Fire Codes and Standards, as published by the State of Florida, is hereby adopted and incorporated by reference as the fire Code of the city subject to and including by reference such additions and amendments that may be adopted by the city pursuant to Section 34-1 of the City Code of Ordinances. In the event of a conflict between the provisions of the fire Code, this Code, or the Lake Alfred Code of Ordinances, the more stringent shall prevail.
5. **Competent substantial evidence.** As described in Section 9.1.2.D.5.

E. Conditions of Approval.

1. Upon determining that the request meets the review criteria, The Building Official shall issue a building permit.
2. No building shall be constructed, reconstructed, altered, or extended unless a building permit has been issued indicating that the proposed use is in compliance with the provisions and regulations of this chapter.
3. There shall be no excavation, cut, or fill of earth or debris, no curb shall be cut or access opened onto a public street, no land shall be used for purposes other than agricultural, no signs shall be erected, and no building shall be moved unless all applicable required development permits have been obtained in accordance with this section.
4. **Terms of Approval.** Building permits are valid for one hundred and eighty (180) days, unless extended or the site remains under active construction with an approved inspection within one hundred and eighty (180) days.

F. Inspections.

1. The Building Official shall inspect or cause to be inspected all items as required in Section 110 “Inspections” of Chapter 1 of the Florida Building Code, Building book.
2. Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain accessible and exposed for inspection purposes until approved.
3. A new building shall not be occupied or a change be made in occupancy or the nature or the use of a building or part of a

building until after the fire official has conducted a fire Code inspection of such building, and the building is found to be in compliance with the fire Code and the fire official has signed the required certificate of occupancy in accordance with the city's building Code.

G. Certificate of occupancy.

1. Upon completion of work authorized by a development permit or development order, and before the development is occupied, the developer shall apply to the Building Official for a Certificate Of Occupancy. The Building Official and Fire Official shall inspect the work and issue the certificate, if all work is found to be in conformity with the permit or order.
2. No land, water, building, or any part thereof shall be used and no existing use of land, water, or building shall be changed unless a certificate of occupancy has been issued for such land, water, building, or part thereof.
3. **Temporary Certificate of Occupancy.** The Building Official is authorized to issue a temporary Certificate Of Occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. The Temporary Certificate of Occupancy shall be limited to preparing the facility for public access. Activities include, but are not limited to stocking, training, and testing of equipment.
4. No Certificate(s) of Occupancy may be issued until the site certification is complete.

Sec. 9.8.4. Commercial Use Permit

A. **Purpose.** It is the intent of this section to recognize, permit, and condition certain uses and developments that, because of their limited size and duration, are in conformance with the Comprehensive Plan and the Land Development Code.

B. **Applicability.**

C. **Application Requirements.**

1. A description of the proposed or existing business.
2. Exact legal description and address of the property on which

the business shall be located.

3. Floor area of the building in which the business shall operate.

D. **Review Criteria.** Must meet the review criteria as specified in Section 9.8.3.D in addition to the provisions below.

1. **Competent substantial evidence.** As described in Section 9.1.2.D.5.
2. Commercial Use Permits shall not be granted for property without an existing structure at least 300 square feet in size.
3. In cases where the business is a nonconforming use, the applicant must provide documentation that the commercial operation was established legally and meets all the requirements of Section 2.4 (Nonconformities).

E. **Inspections.**

1. The Building Official shall inspect or cause to be inspected all items as required in Section 110 "Inspections" of Chapter 1 of the Florida Building Code, Building book.
2. Fire Inspections

F. **Conditions of Approval.**

1. Upon determining that the request meets the review criteria, the Building Official shall issue the Commercial Use permit.
2. The Commercial Use Permit may be denied or revoked if it is determined that the applicant provided incorrect information prior to approval.
3. **Term of Approval.** The permit shall be valid for one (1) year to be renewed annually in September.

Sec. 9.8.5. Temporary Use / Special Event Permit

A. **Purpose.** It is the intent of this section to recognize, permit, and condition certain temporary uses, events, and structures that, because of their limited size and duration, are in conformance with the Comprehensive Plan and the Land Development Code.

B. **Applicability.**

1. Applicant initiated request for temporary uses, events, and structures identified in Article 3 or within the Lake Alfred Code of Ordinances.
2. A special event permit may only be issued for a specified limited period of time and shall set forth such conditions or requirements as shall be deemed necessary to mitigate potential adverse effects upon the event location and neighboring properties and to otherwise ensure that the public health, safety and general welfare is protected.
3. A special event request must be received by the office of special events at least thirty (30) days in advance of the event date.
4. No special event reservation request will be accepted more than three hundred sixty-four (364) days in advance.
5. No special event reservation request will be accepted without payment of an application fee and nonrefundable reservation fee, if applicable.
6. No person shall erect a temporary structure or conduct a temporary or special event without first having obtained a permit from the City.

C. **Application Requirements.** A person may seek a temporary use or special event permit by submitting a fully completed permit request. All applications must include the following information, unless otherwise waived by the Planning Official:

1. Event or Use Summary.

- a. Proposed location of the sales area including any tents, fencing, temporary buildings, generators, and/or lights.
- b. Fireworks
- c. RV – Camping.
- d. Conditions on the use, such as hours of operation, numbers of residents, etc.
- e. Number of required and provided off-street parking and loading spaces.

2. Site plan, survey, or sketch plan drawn to scale showing:

- a. The dimensions of the property.

- b. The existing and proposed location of structures on the property including signage, vehicular access ways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas.
 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of access ways and driveways, and sidewalks.
 - d. Any other items specifically identified in Article 3 for an associated use.
3. **Municipal resources required.** The anticipated municipal services needed from the City above the ordinary, everyday circumstances. Municipal services include, but are not limited to fire and police protection, crowd control, traffic control, parking control, street closure, emergency medical services, garbage or trash facilities or clean-up and sanitation facilities.
 4. **Other Information.** The Administrative Official may reduce, waive, or request additional data or other submission requirements as appropriate based on the specific request.

D. **Review criteria.** Before a request for temporary use or special event permit may be granted, the following criteria shall be reviewed:

1. A complete and sufficient application was received within the review timeframe and the requested is within the permissible time period.
2. Application fees have been paid along with any required deposits.
3. Certificate of liability insurance.
4. **Use table.** The temporary use complies with any specific standard listed in Section 3.9.
5. **Necessary permits.** No temporary structures or services shall be provided without the proper permits:
 - a. **Electric permit.** No lighting or electrical service shall be provided without an electrical permit.
 - b. **Building permit.** No structure associated with the temporary use shall require a building permit.
6. **Clearing.** All structures and debris shall be cleared from the site within five (5) days after the use is terminated.
7. **Access.** No temporary use structure shall block fire lanes or

pedestrian or vehicular access.

8. **Owner authorization.** Written permission of the property owner for the temporary use shall be provided.
 9. **Parking.** Adequate parking shall be provided and required parking for other uses shall remain available.
 10. **Traffic control.** Evidence that adequate traffic control measures shall be provided.
 11. **Trash disposal.** Evidence that adequate provisions for trash disposal and sanitary facilities, if necessary, shall be provided.
 12. **Crowd control.** When appropriate, adequate provisions for crowd control shall be provided.
 13. **Alcohol.** Any special event including the sale or consumption of alcoholic beverages shall also comply with Chapter 6 of the Lake Alfred Code of Ordinances.
- E. **Conditions of Approval.**
1. Upon approval by the TRC, the Planning Official shall provide a temporary use permit for the use or event.
 2. The Building Official may issue a temporary building permit for a temporary structure.
 3. **Term of Approval.** The approval shall be determined based on the event, use, and standards within this Code including Section 3.8, the Code of Ordinances, or the Florida Building Code.
 4. No temporary use permit may be issued for more than one hundred and eighty (180) days.
- F. **Revocation Permit.** If any conditions of a temporary use permit are violated, the temporary use permit may be revoked by the Planning Official.

Sec. 9.9. Relief

Sec. 9.9.1. General Provisions

- A. **Purpose.** In order to provide flexibility for the unique circumstances of individual developments, certain modifications from the standards provided in this Code, as provided in this section, may be requested by an applicant as part of the development review process.
- B. **Applicability.** At the time of an application, after approvals, or during construction, an applicant-initiated request for adjustment to dimensional requirements such as height, area, size of structure, size of yards, size of open spaces or landscape and buffers.
- C. **Defined.** Such requests include the following:
 1. **Administrative Waivers.**
 2. **Variances.**
 3. **Special Exceptions. RESERVED**
- D. **Exemptions.** Modification of the development standards listed above of less than 1 ft. shall be deemed to be non-substantial.
- E. **Application Requirements.**
 1. **Site plan, survey, or sketch plan** drawn to scale showing:
 - a. The dimensions of the property.
 - b. The existing and proposed location of structures on the property including signage, vehicular access ways and circulation areas, off-street parking and loading areas, sidewalks, refuse and service areas, required yards and other open spaces, and landscaping or buffer areas.
 - c. The measurements of existing and proposed adjacent rights-of-way, setbacks, distances between buildings, widths of access ways and driveways, and sidewalks.
 2. **A tabular summary** describing the proposed use of the property including:
 - a. Existing and proposed use of property.
 - b. Conditions on the use, such as hours of operation, numbers of residents, etc.
 - c. Area of the property, pervious and impervious areas, and

existing and proposed structures.

- d. Number of required and provided off-street parking and loading spaces, existing and proposed density, and number of existing and proposed units.
3. The Administrative Official may reduce or waive certain criteria, data, or other submission requirements as appropriate based on the type of request.

F. **Joint Review of Applications.** At the time of an application process an applicant may request an administrative waiver or variance. Under no circumstances shall any site development plan be approved that is inconsistent with any term contained in this Code unless a variance or waiver has been authorized in accordance with the provisions of this Section.

G. **Review criteria.** The Planning Official may approve a modification if the request meets all of the following criteria:

1. **Competent substantial evidence.** As described in Section 9.1.2.D.5.
2. **Consistency.** The request is consistent with the Comprehensive Plan and meets the intent of the zoning district.
3. **Limited modification.** No more than 20% of the numeric value of the standard is modified.
4. **No negative impact.** The request shall not have a material negative impact on adjacent uses, and is not injurious to the public health, safety, and welfare.

F. **Conditions of Approval**

1. Approval shall only apply the property included in the application and shall not be transferable to another property.
2. Approval of the application shall not constitute a waiver or an additional variance from any other applicable development regulation unless specifically noted in the development order and are consistent with this Code.

Sec. 9.9.2. **Administrative Waivers**

A. **Level of Review.** The Planning Official, Building Official and Technical Review Committee shall have authority to grant administrative waivers.

B. **Supplemental Application Requirements.** None.

C. **Supplemental Review Criteria.**

1. **Setback Adjustments.** Reductions of side and rear setbacks for principal accessory structures (excluding swimming pools) by no more than ten (10) percent subject to the following conditions:
 - a. The setback requirement is established by the land use classification and no other section of this Code.
 - b. The total structural coverage of the lot or building site shall not exceed twenty-five (25) percent.
 - c. The approval would not result in the encroachment of a structure into an existing utility or drainage easement.
2. **Minor Field Adjustments.** A minor field adjustment is a deviation from a final development order that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:
 - a. Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
 - b. Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.
 - c. If the work is found to have one or more minor field adjustments, the Administrative Official shall request a revised site plan from the applicant showing the deviations and amend the development order to conform to actual development.
 - d. Any modifications shall be show on the as-builts.

D. **Supplemental Conditions of Approval.**

1. The Administrative Official may deny the request and refer the request to the modification or variance process.

2. The Administrative Official may issue a stop-work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Administrative Official determines that work or occupancy may proceed pursuant to the decision of the Planning Board.
3. Refer the matter to Code enforcement, if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Special Magistrate.

Sec. 9.9.3. Variances

- A. **Purpose.** Where strict compliance with the requirements of this Code creates a substantial hardship for any person, firm or corporation owning property in the City of Lake Alfred, a variance request can provide relief. The request must not be contrary to the public interest and the intent of this Code.
- B. **Level of Review.** The Planning and Zoning Board or Development Review Special Magistrate has authority to grant variances from the terms and requirements of this Code relative to:
 1. **Section 2.1.6 Development Standards Table**
 2. **Section 4.5 Landscape and Buffers**
- C. **Supplemental Application Requirements.** A project description, explanation of how the request meets the review criteria, and how strict enforcement of the regulation in question would create an undue and unnecessary hardship for the applicant.
- D. **Supplemental Review Criteria** A variance shall not be granted unless the appropriate reviewing board/official affirmatively finds that each of the following criteria have been met:
 1. **Special circumstances due to peculiarity.** Special conditions and circumstances exist that are peculiar to the land, structure, or building involved and that are not applicable to other lands, structures, or buildings in the same district.
 2. **Not from action by the applicant.** The special conditions and circumstances do not result from the action of the applicant.

3. **No special privilege.** Granting the variance requested shall not confer on the applicant any special privilege that is denied by this section to other lands, structures, or buildings in the same district.
 4. **Common rights.** Literal enforcement of the provisions of the Land Development Code or building chapters would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of the Land Development Code or building chapters.
 5. **Minimum variance required.** The variance requested is the minimum variance required to make possible the reasonable use of the land, building, or structure.
 6. **Harmonious intent.** The variance is in harmony with the general intent and purpose of the regulation at issue and the Land Development Code, and such variance shall not be injurious to the abutting lands or to the area involved or otherwise detrimental to the public welfare.
- E. **Supplemental Conditions of Approval.**
 1. Variance applications shall be the minimum necessary to provide a reasonable use of the property and may be approved subject to time limits or any other conditions deemed appropriate.
 2. In granting any variance, appropriate conditions and safeguards may be prescribed in conformity with this Code and the Florida Building Code. These may include, but are not limited to, requiring restrictions on hours of operation and size of buildings, additional landscape and buffer areas, limiting vehicular access points and location of off-street parking, and similar conditions.
 3. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Code and punishable according to applicable law.
 - F. **Terms of Approval.**
 1. Any variance granted shall expire one (1) year after the date of variance approval, unless a building permit based upon and incorporating the variance is issued within the aforesaid one-year period and construction has begun thereunder.
 2. If a variance request is denied, the same variance may not be considered for the property for a period of two (2) years from the

date of denial.

3. For each variance granted, a development order shall be issued listing the review criteria and attesting that each has been satisfied.

G. **Prohibited considerations.** The following factors shall not be considered in any variance request:

1. **Overlay Districts.** Variance request within an overlay district cannot be considered unless specifically addressed in the overlay district.
2. **Conditional Uses Table 3.1.4.**
3. **Concurrency Article 8.**
4. **Consistency with the Comprehensive Plan.**
5. **Prior knowledge.** Whether the property was purchased with the intent to develop or improve the property, whether or not it was known at the time of purchase that such development would be a violation.
6. **Financial loss.** Financial loss or business competition.
7. **Nonconformities.** Establishment or expansion of a use otherwise prohibited shall not be allowed by variance nor shall the variance be granted because of the presence of nonconformities in the zoning district or classification or in the adjoining zoning districts or classifications.
8. **Other Considerations** such as health, convenience or economics shall not be considered as justification for a variance.

Sec. 9.9.4. **Special Exception. - Reserved**

Sec. 9.10. **Violations and Enforcement**

Sec. 9.10.1. **General Provisions**

- A. **Purpose.** To ensure a process to protect the health, safety, and welfare of the citizens and visitors of the City of Lake Alfred and eliminate nuisances designed to be prevented by this Code.
- B. **Applicability.** All properties within the city-limits of the City of Lake Alfred.
- C. **Appointment.** The City Manager shall designate such person or persons as may be necessary to administer and enforce the provisions of this Code. Pursuant to Sec. 2-282 of the Lake Alfred Code of Ordinances the City Manager may also designate a Code Enforcement Officer.
- D. **Authority.**
 1. **Authority to enter private property.** Those persons designated to administer and enforce the provisions of this Code may, in the performance of such functions and duties, enter upon any land and make such inspections, examinations and surveys as are required for the proper administration and enforcement hereof and may obtain any necessary warrants therefor.
 2. **Citations.** Those persons designated to administer and enforce the provisions of this Code and the Code Enforcement Officer shall follow the provisions of the citation system pursuant to Article VI of Chapter 2 of the Lake Alfred Code of Ordinances and F.S. Chapter 162.
- E. **Violations deemed public nuisance.** The provisions of this Code are deemed to be necessary for the protection of the public health, safety and welfare and for the protection of the peaceful use and enjoyment of any lands by the owners thereof, and any violation of the terms of this Code or Chapter 32 of the City Code of Ordinances is declared by the City Commission to constitute a public nuisance.
- F. **Means of enforcement.** Those persons designated to administer and enforce the provisions of this Code and the Code Enforcement Officer may enforce the terms of this Code by any or all of the following methods:

1. **Criminal prosecution.** By initiating criminal prosecution of any violation through the Lake Alfred Police Department or office of the state attorney.
2. **Equitable and Civil Relief.** Initiating an action to enjoin a public nuisance or obtain other available civil relief in a court of competent jurisdiction.
3. **Revocation.** By seeking assistance of the Building Official to revoke a certificate of occupancy.
4. **Code Enforcement Special Magistrate.** Pursuant to Sec. 32-9 of the Lake Alfred Code of Ordinances any violations of the Unified Land Development Code shall be brought before a Special Magistrate utilizing the procedures found in Chapter 2, Article VI.
5. **Other.** By using any other means specified in any particular article of this Code or otherwise provided by law or ordinance.

G. **Compliance with Code.**

1. It shall be unlawful for any person to make any use of any land, water or building, or part thereof, except in accordance with the requirements of this Code; to fail to obtain any inspection, approval, permit, certificate or license required by this Code; or to violate any conditions or requirements lawfully applied to any inspection, approval, permit or license issued hereunder.
2. Should a development order or permit be revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

Sec. 9.10.2. Code Enforcement Special Magistrate (CESM).

- A. **Purpose.** The Code Enforcement Special Magistrate has the authority to conduct hearings and impose and authorize the collection of fines and costs against pending or repeat violators of City Codes and ordinances, including this Unified Land Development Code.
- B. **Appointment.** The City Commission, through a competitive selection process, may appoint by contract one or more Magistrates, who shall be compensated as determined by the City Commission. In addition, the City may elect to use a Magistrate appointed by the State of Florida or any agency thereof that meets the qualifications provided in this section.

- C. **Qualifications.** Magistrates must meet the following minimum qualifications:
 - a. A licensed attorney who is an active member of the Florida Bar in good standing.
 - b. At least three years of professional experience in land use or local government law.
 - c. Not an employee of or office holder with the City.
- D. **Removal.** During their term of service, a Magistrate appointed by the City Commission may be removed only for cause by the City Commission. Cause for removal of a Magistrate includes, but is not limited to, violations of the standards set forth in the Code of Judicial Conduct adopted by the Florida Supreme Court or the State of Florida Code of Ethics for Public Officers and Employees in F.S. Ch. 112.
- E. **Operations.** The process for the CESM are set forth in Section 2-281 and 2-283 of the City Code of Ordinances and are pursuant to F.S. Part II Chapter 162.
- F. **Authority.** The Code Enforcement Special Magistrate has all powers necessary to perform the functions prescribed by this section and Section 2-278 of the City Code of Ordinances, including:
 - a. The CESM has decision-making authority to make decisions regarding alleged violations pursuant to Section 2-279 of the City Code of Ordinances
 - b. The power to interpret and administer this section.
 - c. The power to dispose of procedural requests or similar matters.
 - d. The power to issue notices of hearings and subpoenas requiring attendance.
 - e. The power to administer oaths.
- G. **Appeals.** The appeal process for the CESM are described in Section 2-284 and 32-6 of the City Code of Ordinances.
- H. **Public Notice.** Notices and hearings are regulated pursuant to Sections 2-281 and 32-3 of the City Code of Ordinances and F.S. Chapter 162.

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Article 10. Definitions



Article 10. Definitions

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Sec. 10.1. Purpose

The purpose of this Article is to explain the meaning and provide clarification of words or phrases utilized in this Code and to remove any possible misunderstanding based on word choice.

Sec. 10.2. Applicability

Throughout this Code, the following words and phrases shall have the meanings indicated in this Article, unless a Section clearly indicates otherwise.

Sec. 10.3. Conflicts

Sec. 10.3.1 Comprehensive Plan. It is the intent of this Article to incorporate Comprehensive Plan definitions in substantially the same form in which they were adopted, although some terms may be defined here in a more detailed or restrictive manner. In the event a Comprehensive Plan amendment conflicts with a definition contained herein, the definition in the Comprehensive Plan shall take precedence, and shall be incorporated into this Code by reference.

Sec. 10.3.2 ULDC. Definitions are included throughout this Code. Section definitions may only apply to the section, however when cross referenced from this Article, they apply to this Code as a whole.

Sec. 10.3.3 Florida Statutes. Any word or phrase used in this Code that is not defined in this Article or the Comprehensive Plan shall utilize definitions in Florida State Statutes.

Sec. 10.3.3 Dictionary. If no definition is

provided, the Planning Official may refer to "A Planners Dictionary," PAS Report Number 521/522, dated April 2004, edited by Michael Davidson and Fay Dolnick, and published by the American Planning Association. The Planning Official has the authority to determine and use the most appropriate definition.

Sec. 10.4. Acronyms.

CDD means Community Development District.

City means the City of Lake Alfred.

City Commission means the City of Lake Alfred City Commission.

Clerk of Courts

CO means Certificate of Occupancy.

COO means the City of Lake Alfred's Code of Ordinances.

DBPR means the Florida Department of Business & Professional Regulation.

DEC means the Florida Department of Commerce.

DHSMV means the Florida Department of Highway Safety and Motor Vehicles.

FAA means the Federal Aviation Administration.

FAC means Florida Administrative Code.

FBC means the Florida Building Code.

FCC means the Federal Communications

Commission.

FDEP means the Florida Department of Environmental Protection.

FDOH means the Florida Department of Health.

FDOT means the Florida Department of Transportation.

HUD means the U.S. Department of Housing and Urban Development.

HOA means Homeowner's Association or Association as defined by F.S., §720.301.

F.S. means Florida Statutes.

GSACSC means Green Swamp Area of Critical State Concern, may also be referred to as the Green Swamp (GS). Also see Sec. 2.3.3.

Polk TPO means the Polk Transportation Planning Agency.

Polk County the County in Florida which the City of Lake Alfred is located.

Unified Land Development Code (ULDC) means the City of Lake Alfred's Unified Land Development Code adopted by the City Commission, as may be amended from time to time and may also be referred to as "**this Code**".

Sec. 10.5. Definitions.

100-year flood: A flood so severe that it would only occur once in one hundred years.

100-year floodplain: The high water mark for the 100-year flood for a lake or river. In the City, no principal or permanent structures may be constructed in the 100-year floodplain.

Abandon/Abandonment except as otherwise provided for in this Code, means the intentional and voluntary relinquishment of the use. The temporary cessation of a use does not operate to affect an abandonment. For purposes of this section, "temporary cessation" means a temporary cessation for a period of time not to exceed thirty (30) consecutive days.

Abut means to physically touch or border upon, or to share a common property line.

Accent lighting means lighting of predominately non-horizontal surfaces, including façades, fountains, displays and statuary.

Accessory dwelling unit see Section 3.8.2.

Accessory structure see Section 3.8.1.A.2.

Accessory use see Section 3.8.1.A.1.

Adjacent means when two properties, uses, or objects are not abutting but are separated only by a right-of-way, street, pathway, or similar minimum separation.

Adverse effects: Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity,

hydrology, surface area, species composition, or usefulness for human or natural uses that are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or that unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Adverse impact means any direct or indirect effect likely to cause, or actually causing, a decline in the stability, natural function, or natural diversity of any environmental feature, or in the quiet, peaceful, safe, or healthful use or occupancy of any on-site or off-site property.

Affordable housing means housing costs that, on a monthly basis, require rent or mortgage payments of no more than thirty (30) percent of a household's monthly gross income.

Agriculture see Sec. 3.2.

Alcoholic beverage means all beverages containing more than one percent of alcohol by weight. Also see Sec. 3.4.3.

Alley means a right-of-way access less than twenty feet (20') providing secondary access to parking, service areas, and outbuildings at the rear or side of the property that's not intended for general traffic circulation.

Alteration means any change in, addition to, deletion from, or rearrangement of plans, structure, or other structural parts of a building, right-of-way, drainage, parking lots, or other objects, except customary maintenance or repair.

Amateur radio see Sec. 3.7.6.F.

Annexation means the adding of real property to the boundaries of an incorporated municipality, such addition making such real property in every way a part of the municipality. (171.031 F.S.)

Antenna means any exterior apparatus designed for sending and/or receiving intelligence without physical connection.

Antiquated Subdivision means a subdivision that was recorded or approved more than 20 years ago and that has substantially failed to be built and the continued buildout of the subdivision in accordance with the subdivision's zoning and land use purposes would cause an imbalance of land uses and would be detrimental to the local and regional economies and environment, hinder current planning practices, and lead to inefficient and fiscally irresponsible development patterns as determined by the respective jurisdiction in which the subdivision is located.

Applicable Law means the City of Lake Alfred Charter, City of Lake Alfred Code of Ordinances, City of Lake Alfred Unified Land Development Code, and any and all applicable statutes, laws, rules, regulations, charter provisions, ordinances, and resolutions of the United States of America, State of Florida, Polk County, City of Lake Alfred, and any and all other public authority which may be applicable.

Applicant means, unless provided otherwise by this Code, a landowner, developer, builder, or other person who files a petition for a development order and/or a development permit.

Application for development permit means an application submitted to the City requesting the issuance of a development permit.

Apron means the paved area between the back edge of the sidewalk and the back of the curb.

Arcade see Sec. 2.1.5.

Aquifer means a water-bearing stratum of permeable rock, sand, or gravel.

Archaeological site means a property or location that has yielded or may yield information on the City's history or prehistory, as generally evidenced by the presence of archaeological resources.

Archaeological resources means physical evidences of past human activity, as well as evidences of the effects of that activity on the environment, including but not limited to: monuments, memorials, Indian habitations, ceremonial sites, abandoned settlements, sunken or abandoned watercraft, engineering works, treasure troves, artifacts, or other sites, landforms, properties, objects or features with intrinsic archaeological value. Generally, this term applies to physical evidence equal to, or greater than, fifty (50) years in age.

Architectural feature or element

Architectural Rhyme means the strict repetition of similar physical design elements across a building façade, such as windows, or other architectural treatments, exhibiting the same architectural characteristics.

Architectural Treatments: Enhancements applied to a building through painting,

horizontal and vertical banding, belt courses, decorative cornices, simulated or faux texturing, or other similar material applications to provide ornamentation.

Area means a clear or open space of land or right-of-way, or the enclosed space or location on which a building stood, stands, or could stand, a definitely bounded part or section of a district, site, building, structure or object set aside for a specific purpose.

Area lighting means lighting of predominately horizontal surfaces, including parking areas, recreational areas and building entrance walkways.

Area of Special Flood Hazard: The Area of Special Flood Hazard shall include:

1. All areas designated as an area of special flood hazard pursuant to Section 7.1.2. The relevant Flood Hazard Boundary Map and Flood Insurance Rate Maps, and any revisions there to, are adopted by reference and declared to be a part of this Code.
2. Other areas of the community designated on a map by the Development Director as having a one percent or greater chance of flooding in any given year. This may include isolated topographic depressions with a history of flooding or a high potential for flooding.

Arterial or arterial street means any street:

1. Designated as arterial on the Roadway Classification Map.
2. Functionally classified by the state

department of transportation as an urban principal arterial street or an urban minor arterial street; or

3. Designated by the City Commission as an arterial street based on its physical design, moderately long trip length, and existing or anticipated traffic characteristics.

Also see Sec. 5.2.7.

Assessed value means the total value of a tax parcel, excluding the value of the land, as determined by the Polk County Property Appraiser and shown on the most recent property tax bill sent to the owner of record by Polk County. In the absence of such information, applicants may submit an assessment prepared by a professional appraiser.

Assisted living facility (ALF) see Sec. 3.6.2.B.

Attached dwelling see Sec. 3.6.7.

Average daily traffic means the number of vehicles traveling in all directions over a given section of roadway during a 24-hour period.

Awning. see Sec. 2.1.5.E.2.

Balcony see Sec. 2.1.5.E.3.

Base flood means the flood having a one-percent chance of being equaled or exceeded in any single year (i.e., the 100-year flood).

Basement means that portion of a building having its floor subgrade (below ground level) on all sides.

Bed and breakfast establishment see Sec.

3.4.5.C.

Belt course means a continuous row or layer of stone, tile, brick, or other similar material across a wall or building façade.

Best Management Practice (BMP): A practice or combination of practices that are determined to be the most effective, practical means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals.

Bicycle lane means a dedicated lane for cycling within a street, demarcated by striping.

Bicycle parking see Sec. 4.4.1.

Bikeway means any road, street, path or way that in some manner is specifically designated as being open to bicycle travel, regardless of whether the facility is designed for the exclusive use of bicycles or is to be shared with other transportation modes.

Bioretention Basin: A landscaped depression or shallow basin used to slow and treat on-site stormwater runoff. Stormwater is directed to the basin and then percolates through the system where it is treated by a number of physical, chemical and biological processes. The slowed, cleaned water is allowed to infiltrate native soils or directed to nearby stormwater drains or receiving waters.

Blank wall see Sec. 2.1.5.

Block see Sec. 4.3.2.

Bona fide agriculture see Sec. 3.2.1.

Bollard means a thick post or other designated design feature typically constructed of iron, steel, or concrete which is used to protect pedestrians and buildings from vehicles. Bollards may be used in architectural and landscaping applications, while also serving security purposes. Bollard styles and design materials differ depending on the use and security purpose they serve.

Broadcast means to transmit information without physical connections to two or more receiving devices simultaneously. Information can be transmitted over local television or radio stations, satellite systems or wireless data communications networks.

Bufferyard means the area reserved along the boundary of a parcel in which landscaping and/or walls, fences or berms provide a separation for uses of differing type and intensity as well as providing an attractive boundary between parcels. Also see Sec. 4.5.4.

Buffering means the use of any man-made or natural materials or open space in any fashion designed to limit the effects of one land use upon adjoining land uses.

Build-to zone see Sec. 2.1.3.

Building means any structure, either temporary or permanent, except a fence or as otherwise provided in this definition, used or built for the enclosure or shelter of persons, vehicles, goods, merchandise, equipment, materials or property generally. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, jails, barns or vehicles serving in any way the function of a building as described herein. This

definition shall not include individual doll houses, play houses, and animal or bird houses.

Building envelope means the outermost surfaces, exterior dimensions of a building that comprise its visible form and mass, including its height, width, depth, and shape forming the complete enclosure of a building.

Building frontage means the total length in linear feet of a building façade(s) within a development that fronts directly on a required street or urban walkway. Building frontage is regulated as a required percentage of the total length of the development frontage along the street or urban walkway. For corner lots, the building frontage calculation shall exclude the widths of the required landscape zone, sidewalk zone and building frontage areas.

Building frontage zone means the area between the edge of the sidewalk opposite to the travel lane and the building façade.

Building height means the vertical distance of the building as described in Sec. 2.1.4.B.

Building mass means the combined physical impact of the shape and bulk of a building, as demonstrated by its height, width, and depth.

Building official see Sec. 9.2.G.

Building permit means an official document or certificate issued by the Building Official, as provided for in the Florida Building Code as adopted in Chapter 6 of the City of Lake Alfred Code of Ordinances, authorizing performance of construction or alteration of a building or structure. Also see Sec. 9.8.1.

Building setback line means a line, established at the minimum separation, between a building and a property line, lot or other parcel of land so designated on the plat, as set forth by the applicable zoning district. Also see Sec. 2.1.3.

Business service means a business where the provision of services is focused on support to professional office establishments, including copy, printing, and binding centers, secretarial services, and computer rental-repair services.

Built environment means a human-made spaces in which people live, work, and recreate on a day-to-day basis; an environment encompassed by places and spaces which have been created or modified by people including buildings, parks, and infrastructure and transportation systems.

Canopy (in reference to landscaping) means the uppermost layer of vegetation in a forest consisting of the tops of trees forming a kind of ceiling. Also see Sec. 2.1.2. and Sec. 4.5.3.

Canopy (in reference to buildings) means a covered structure open for pedestrian and/or vehicular access. This definition shall include, but shall not be limited to, canopies associated with drive-throughs of retail and financial establishments and fueling stations.

Capacity means the maximum lawful level of designed use of any structure, or part thereof, as determined by the City in terms of occupants, seats, persons, employees or other units specified by the building code.

Carport see Sec. 2.1.5.E.9.

Certificate of occupancy means certification by

the city manager or designee that any development or change of use of any building, lands, water, or portion thereof has been found to meet the requirements of this Code and the applicable final development order pertaining to development of the lot, parcel, or tract of land.

Change of use see 4.1.2.D.

Child care center. See "day care center." Sec. 3.4.4.

City-limits means the incorporated boundary and/or jurisdictional limit of and for the City of Lake Alfred, Florida.

Civic see Sec. 3.3.

Clearing or grubbing means any grading of land, cutting of trees, or removal or relocation of existing vegetation or other existing site features for the purpose of installing or laying out site improvements. The term does not include sight trails necessary for the surveying of the subject parcel.

Code means the City of Lake Alfred Code of Ordinances, and the City of Lake Alfred Unified Land Development Code.

Collector or collector street means any street:

1. Designated as arterial on the Roadway Classification Map.
2. Functionally classified by the state department of transportation as a collector; or
3. Designated by the City Commission as a collector street based on its physical design,

moderate trip length, and existing or anticipated traffic characteristics.

Collocation means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antenna. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

Cornice means a decorative feature, found under the eaves of a roof, or projecting architectural moulding along the top of a building or a wall plane, the uppermost projecting section of an entablature.

Commercial vehicle means any non-standard vehicle that possesses one or more of the following characteristics:

- A. Has a Gross Vehicle Weight Rating equal to or greater than 12,500 pounds;
- B. Is greater than 80 inches in width;
- C. Is greater than 26 feet in length;
- D. Has more than two (2) axles on the road;
- E. Is equipped with air brakes, refrigeration equipment, hydraulic lifts, cranes;
- F. loading ramps, or similar equipment;
- G. Is equipped with a utility body or commercial equipment racks; or
- H. Has attached or visible equipment or tools, whether or not the vehicle, equipment or

tools are covered.

Common area means any part of a development designed and intended to be used in common by the owners, residents or tenants of a development.

Common wall means a solid wall in a single vertical plane joining two dwelling units but completely separating such units.

Communication tower means a guyed or self-supporting tower, constructed as a free standing structure or in association with a building, other permanent structure or equipment, containing one or more antennas intended for transmitting and/or receiving television, AM/FM radio, digital, microwave, cellular, telephone, or similar forms of electronic communication. References in this ordinance to "tower," unless otherwise qualified, shall mean "communication tower."

Community Development District (CDD) means a local unit of special-purpose government which is created pursuant to this act and limited to the performance of those specialized functions authorized by this act; the governing head of which is a body created, organized, and constituted and authorized to function specifically as prescribed in this act for the purpose of the delivery of urban community development services; and the formation, powers, governing body, operation, duration, accountability, requirements for disclosure, and termination of which are as required by general law. Community Development District(s) are further defined and regulated by F.S., Ch. 190.

Community residential home see Sec. 3.6.2.C.

Community residential homes are further defined

by F.S. Ch. 419, and regulated by the state department of health and rehabilitative services.

This definition shall not include foster family homes for children, rooming or boarding homes, clubs, dormitories, fraternities, sororities, monasteries or convents, hotels, residential treatment facilities (Levels I, III or V), nursing homes, emergency shelters, social service homes or halfway houses, or residences for destitute people.

Competent Substantial Evidence See Sec. 9.1.2.D.5

Completely enclosed building means a building having a complete, permanent roof and continuous walls on all sides, either party walls or exterior walls, including any customary windows and doors.

Comprehensive Plan means the City of Lake Alfred's Comprehensive Plan adopted by the City Commission, as may be amended from time to time.

Concurrency: The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.

Conflict of Interest means a situation in which regard for a private interest tends to lead to disregard of a public duty or interest.

Condominium Association means a Florida corporation for profit or a Florida corporation not-for-profit which, in addition to any entity responsible for the operation of common elements owned in undivided shares by unit owners, any entity which operates or maintains

other real property in which unit owners have use rights, where membership in the entity is composed exclusively of unit owners or their elected or appointed representatives and is a required condition of unit ownership. Condominium Association(s) are further defined and regulated by F.S., Ch. 718.

Concurrency Management System: The procedures and/or process that the local government will utilize to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Conservation easement means a legally enforceable land preservation agreement between a landowner and a charitable corporation, trust, or a governmental body or agency, as set forth in F.S. § 704.06. A right or interest in real property intended to maintain land or water in their natural, scenic, open, or wooded condition. Such areas may preserve habitat for fish, plants, or wildlife; the structural integrity or physical appearance of sites of historical, architectural, archaeological, or cultural significance; or existing land uses compatible with conservation of natural resources.

Conservation management area means those areas of land that will be set aside, in perpetuity, for the protection of regulated natural or archaeological resources in order to fulfill obligations as set forth in the city's Land Development Code.

Cross-Access Easement means a connection provided for both motor vehicles and pedestrians, which provide interconnected

access between abutting lots to destinations such as businesses, eateries, offices, open spaces, trail systems, bus stops, entertainment venues, and other uses.

Cul-de-sac means a street that terminates at one end with vehicle turnaround facilities at the end. See Sec. 5.2.3.E.

Curb or curbline means the inside vertical face of a masonry curb, the centerline of a valley gutter, or the edge of the pavement where no curb or gutter exists.

Dark skies means places where the darkness of the night sky is relatively free of interference from artificial light.

Day care center see Sec. 3.4.4.D.

Degrade or degraded means to cause a feature or area to suffer an adverse impact. A degraded feature or area is one that has suffered an adverse impact from which full restoration to historic natural functioning has not yet been attained.

Demolition means the complete or constructive removal, tearing down, or razing of any part or whole of a building or structure upon any site when same will not be relocated intact to a new site.

Density means the extent of development of residential uses, see Sec, 2.1.1.

Development has the same meaning as in F.S., §380.04 (2023).

As designated in an ordinance, rule, or Development Permit, the term **Development**

includes all other development customarily associated with it unless otherwise specified. When appropriate to the context, **Development** refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of F.S., § 380.04 (2023).

For purposes of Flood Prone Area(s), the term **Development** means any man-made change to improved or unimproved real property, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of materials or equipment.

Developed area means the area within an imaginary line formed by the outer perimeter of all structures, parking lots, and other paving and manmade alterations to the natural condition of any lot or parcel of land, except for sidewalks in public rights-of-way and driveways, the perimeters to be adjusted to the closest geometric shape for which an area may be reasonably easily calculated.

Developer means any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property. Any person, including a governmental agency, undertaking any development. (380.031 F.S.).

Development Activity means any of the following activities:

A. Construction, clearing, filling, excavating,

grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil or vegetation of a site.

B. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage of materials.

C. The erection, placement, alteration, remodeling or reconstruction of any building on any land or the authorization of any improvements on any land to facilitate the use of such land.

D. Subdividing land into two (2) or more parcels.

E. A tree removal for which authorization is required under this Code of Ordinances.

F. Erection of a permanent sign unless expressly exempted by this Code of Ordinances.

G. Alteration of a historic property for which authorization is required under this Code of Ordinances.

H. Changing the use of a site so that the need for parking is increased.

I. Construction, elimination or alteration of a driveway onto a public street.

J. Development of land

Development agreement see Sec. 9.6.8.B.1.

Development approval means the granting of a

development permit or development order by the City of Lake Alfred.

Development capacity is an element of the concurrency management system, addressing the ability of public facilities to absorb development that has not been built, or that has not been completely built out, and that therefore has not impacted, or fully impacted, existing public facilities. The availability of public facilities to accommodate future development, in order to maintain an established level of service, will take into account this vested but currently unused or under-utilized capacity.

Development Order means any order granting, denying, or granting with conditions an application for a development permit.

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

Development plan means a plan indicating the permitted design and extent of development of a parcel of land, approved under and pursuant to this Code.

Development site see "site" as defined in Sec. 2.1.1.

Diameter breast height (DBH) means the diameter of the main stem of a tree as measured 4.5 feet above the natural grade at the base. The diameter of a multi-stemmed tree is measured at the narrowest point below the lowest branch.

Downtown Overlay District (DOD) see Sec.

2.3.2.

Downtown Core (DC) Zone see Sec. 2.3.2.F.1.

Downtown Gateway (DG) Zone see Sec. 2.3.2.F.3.

Downtown Transitional (DT) Zone see Sec. 2.3.2.F.2.

Drainage basin means the area defined by topographic boundaries that contributes storm water to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Drainage detention structure means a structure that collects and temporarily stores storm water for the purpose of treatment through physical, chemical, or biological processes, with subsequent gradual release of the storm water.

Drainage facilities means a system of man-made structures designed to collect, convey, hold, divert, or discharge storm water, and includes storm water sewers, canals, detention structures, and retention structures.

Drainage retention structure means a structure designed to collect and prevent the release of a given volume of storm water by complete on-site storage.

Drive-through facilities see Sec. 3.8.6.

Driveway means the improved area between a public street and private property intended to provide ingress and/or egress of vehicular traffic from the public or private street to a definite area of private property.

Driveway, width (W) means the narrowest width of the driveway measured parallel with the edge of the street or roadway at the street right-of-way line.

Dredging means the excavation by any means in any water body or wetland. Excavation or creation of a water body that is, or is to be, connected to waters, directly or via excavated water bodies or a series of excavated water bodies.

Dwelling means any building used primarily for human habitation. **Commercial dwelling** shall include a hotel, motel, tourist court, or other building for transients. **Residential dwelling** see Section 3.6.1.

Dwelling unit means a room or rooms in a dwelling, other than a dormitory, comprising the essential elements of a single housekeeping unit. Each area with one address for billing, one electric meter, and/or one full kitchen shall be considered a separate dwelling unit.

Dwelling Unit types.

- A. **Efficiency.** A multi-unit or accessory dwelling unit up to 500 square feet in size that consists of one habitable room together with cooking and sanitary facilities.
- B. **Studio.** A multi-unit or accessory dwelling unit up to 750 square feet in size that consists of one habitable room together with cooking and sanitary facilities and may also include a partial separation for a sleeping area.
- C. **One & two bedrooms.** A dwelling unit of

any size that includes cooking and sanitary facilities and includes not more than one room that meets the definition of a bedroom as set forth in Section 381.0065, Florida Statutes. This also includes a dwelling unit more than 750 square feet in size that consists of one habitable room together with cooking and sanitary facilities.

D. **Three or more bedrooms.** A dwelling unit that does not meet one of the definitions above.

Easement means an interest in land granted for a specific purpose or purposes, but not conveying fee simple title to real property.

Eaves measured horizontally from the outer face of exterior walls or columns to the most distant point of the roof system.

Ecological integrity means the condition of an ecosystem whereby its natural communities and physical environments remain substantially intact, and key ecosystem processes such as nutrient cycles, succession, water levels and flow patterns, and the dynamics of sediment erosion and deposition, are functioning properly within the natural range of variability.

Ecological value means the value of functions performed by an ecosystem. These functions provide the habitat requirements for living organisms, support biological populations, and sustain species diversity.

Ecological system or ecosystem means a dynamic complex of plant, animal, and micro-organism communities and their non-living environment that interacts as a functional unit.

Effective date means the adoption date of an ordinance or the date specified in the ordinance as being the effective date.

Emergency shelter means any facility licensed by the state as an emergency shelter providing temporary room and board, protection and pre-placement screening or counseling for a maximum of 15 abused persons, for a one-time stay not to exceed 30 consecutive days per person in any consecutive three-month period; provided that such abused persons are not related to the owner of the premises by law, blood, marriage or adoption; provided, further, that the services rendered on site shall not include intensive treatment or therapy; and provided further that this shelter shall not house dangerous persons.

Encroach means to break the plane of a vertical or horizontal regulatory limit with a structural element, so that it extends into a setback, into the public or private frontage zone, or above a height limit.

Encroachment means any structural element that breaks the plane of a vertical or horizontal regulatory limit, extending into a setback, into the public or private frontage zone, or above a height limit.

Enforcing officer means the city employee authorized by the City Manager to enforce particular sections of this Code or the Code of Ordinances.

Engineer means a professional engineer registered to practice engineering by the State of Florida.

Environmental (or environmentally significant) feature (or natural area) means natural features prone to damage due to development and necessary for: 1) the protection of public health, safety, and welfare; or 2) the conservation of the natural environment. A natural area is anything needed by an organism, population, or ecosystem, and excluding areas and features disturbed or created by humans, such as buildings or parking lots, but including areas defined as open space. Features and areas typically include one or more of the following: wetlands, lakes, creeks, special protection species habitat, floodplains, uplands, and major tree groupings.

Environmentally sensitive land or sensitive area means wetlands, floodplains, or critical habitat for plant or animal species listed by the Florida Department of Agriculture and Consumer Services, Florida Game and Freshwater Fish Commission, or U.S. Fish and Wildlife Service as endangered, threatened, or species of special concern.

Erect means to build, construct, attach, hang, place, suspend, or affix a sign, structure, or building.

Establish or establishment (in reference to planted trees) means the period of care that shall be provided to a young tree after planting, which is a minimum of one year and additional time as needed to ensure the survivability of the trees. If after three years, a young tree had developed a strong trunk, roots, branches and foliage, it is considered established and can be expected to survive without supplemental watering, with the exception of severe drought and shall be maintained up to a five year period.

Excess parking means vehicular parking that exceeds the amount required by this Code by more than ten spaces or more than ten percent, whichever is greater.

Expansion/Enlargement see Section 2.4.1.H.

Expression line means a molding or cornice extending or offset a minimum of three inches from the surface plane of the building wall. Expression lines delineate the transition between the story levels.

Façade (building façade) means any side of a building facing a public right-of-way or pedestrian-oriented space, which does not include any openings for parking such as a garage, carport, or entry into a parking area.

Façade articulation: means a physical change in the depth of the surface of a building façade, demonstrated through things such as attached columns, recessed windows or window bays and recessed entranceways, and other forms of architectural expression including applied façade treatments.

Family means one or more natural persons who are living together and interrelated as spouse, domestic partner, child, stepchild, foster child, parent, stepparent, foster parent, brother, sister, grandparent, niece, nephew, father-in-law, mother-in-law, son-in-law, daughter-in-law, sister-in-law, brother-in-law, or legal guardian, as evidenced by written documentation of such relationship, plus no more than five additional unrelated natural persons occupying either the whole or part of a dwelling unit as a separate housekeeping unit.

Farmers' market see Sec. 3.9.2.

Fence see Section 4.5.8.

Fill means depositing of any materials by any means in any water body or wetland.

Final development order means the final approval of a development plan, planned development, special use permit, or final plat. This approval shall be granted prior to the issuance of a development permit as defined in this chapter.

Final Subdivision Plat or **Final Plat** means the final tracing, map, or site plan presented by the Applicant to the city for final approval, and, upon approval by the City Commission, is submitted to the Clerk of the Circuit Court for recording. For purposes of this definition. The term **Applicant** means a property owner, homebuilder, and/or developer who files an application with the city to identify the percentage of planned homes, or the number of building permits, that the city must issue for a residential subdivision.

Flag lot see Sec. 4.3.3.D.

Flood or flooding means a temporary partial or complete inundation of normally dry land from the overflow of lakes, rivers, or other water bodies, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Insurance Rate Map (FIRM) means an official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Floodplain means land that will be inundated by

floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

Flood protection elevation means the elevation of the base flood plus one foot.

Floodway means the channel of a stream plus any adjacent flood plain areas that must be kept free of encroachment in order that the 100-year flood may be carried without substantial increases in flood heights.

Floor area means the sum of the horizontal areas of all floors of a building, or buildings, on a development site, measured from the exterior faces of exterior walls. Included within such sum shall be the areas of attic spaces with a vertical structural clearance of at least seven feet. Also included are floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, including but not limited to garages, carports, patios, porches, decks, elevators, stairwells, and canopies.

Floor area ratio see Sec. 2.1.1.A.3.

Florida-Friendly Landscape means a landscaping method that conserves water, protects the environment, is adaptable to local conditions, and is drought-tolerant. The principles of Florida-friendly design include planning and design, appropriate choice of plants, soil analysis, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance.

Floridan aquifer high recharge areas means those geographic areas where the Floridan

aquifer system is vulnerable to degradation from stormwater runoff, or to contamination from land uses involved in the handling or storage of hazardous materials. These areas include stream to sink surface water basins, or areas that exceed 12 inches of aquifer recharge per year in the St. Johns River Water Management District, or have moderate to high recharge potential in the Suwanee River Water Management District, as depicted on the Floridan Aquifer Recharge Map in the future land use map series of the city's Comprehensive Plan, or in the city's GIS map library, whichever map is the more current.

FNAI and FNAI Guide means the Florida Natural Areas Inventory Guide to the Natural Communities of Florida: 2010 edition or most recent edition as updated. The FNAI Guide identifies and describes natural community classification groups based on a combination of landscape position, vegetation, and hydrology. The FNAI Guide is compiled by the Florida Natural Areas Inventory, a non-profit organization administered by Florida State University, dedicated to gathering, interpreting, and disseminating information critical to the conservation of Florida's biological diversity.

Food truck see Sec. 3.9.3.

Footcandle means a unit of measure expressing the quantity of light received on a surface (assumed to be a horizontal plane unless otherwise specified), and measurable with an illuminance meter (i.e., light meter).

Forecourt see Sec. 2.1.5.E.4.

Form (Building Form) means the shape and mass of a building. Building shapes can emphasize certain directional characteristics,

either horizontal, vertical, or square/box.

Foundation means the foundation is the first piece of a structure to be constructed and creates a base for the rest of the structure's components.

Permanent foundations include poured footers, stem walls, and poured piers or engineered slabs.

Temporary foundations include concrete pads, dry-stacked blocks, and tie-downs.

Four-unit dwelling means a building containing four dwelling units.

Fowl means chickens, peafowl, and like animals (Galliformes); ducks, geese, and like animals (Anseriformes); emus; rheas; and ostriches (Struthio camelus).

Frontage means the length of the property line of a lot or tract of land abutting a public or private street, road, highway, or other right-of-way.

Frontage, Street: shall mean all of the property abutting one side of a street right-of-way between two intersecting streets measured along the adjacent street right-of-way line in all directions. Lot frontage shall mean the width of a lot or parcel of land measured along the adjacent street right-of-way line between opposite property lines.

Frontage road: A road designed to parallel a major roadway, thereby allowing the major roadway to function as a limited-access facility while providing access to lands adjacent to the roadway. (Sometimes designated a "service road.")

Full-cutoff fixture means a luminaire from which no light is emitted at or above a horizontal plane drawn through the lowest light-emitting portion of the luminaire and no more than ten percent of the lamp's intensity is emitted at or above an angle 10° below that horizontal plane, at all lateral angles around the luminaire. A full-cutoff luminaire, by definition, is also "fully shielded."

Fully shielded means a lighting fixture constructed and installed in such a manner that all light emitted by the fixture, either directly from the lamp or through a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal as determined by photometric test or certified by the manufacturer. Any structural part of the light fixture providing this shielding shall be permanently affixed.

Gallery see Sec. 2.1.5.E.5.

Garage see Sec. 2.1.5.E.8.

Glare means the effect of a light source within the visual field that is sufficiently brighter than the level to which the eyes are adapted, to cause annoyance, discomfort, or loss of visual performance and ability.

Governmental agency means the United States, any other country, the State of Florida, any other state, the County of Polk, any other county, the City of Lake Alfred, any other municipality, any special district, and any agency, board, commission, authority, or political subdivision thereof. Also see Sec. 3.3.4.

Grade means the inclination from the horizontal of a road, unimproved land, etc., which is generally expressed by the vertical rise or fall as

a percentage of the horizontal distance.

Gross floor area means the sum of the horizontal areas of the floors of a building or buildings on a given land area, measured from the exterior faces of exterior walls. Included within such sum shall be the areas of floors of attic spaces providing a vertical structural clearance of at least seven feet, floors of interior balconies or mezzanines, and floors of any other space reasonably usable for any purpose, no matter where located within a building. Not included shall be the floor area of garages, carports, patios, porches, elevators and stairwells.

Gross leasable area means the total floor area designed for tenants' exclusive use, including basements, mezzanines, and upper floors. Gross leasable area does not include public or common areas such as public toilets, corridors, stairwells, elevators, machine and equipment rooms, lobbies, or mall areas, either open or enclosed.

Gross site area see Sec. 2.1.1.

Ground cover means low-growing plants planted in such a manner as to form a continuous cover over the ground, such as lirioppe, low-growing varieties of honeysuckle, sod, low growing varieties of junipers, or like plants.

Habitat means the physical and biological surroundings of an organism, with appropriate levels of the resources needed by a species for survival and/or reproduction.

Half or partial street means a street, generally parallel with and adjacent to the boundary line of a tract, having a lesser right-of-way width than required for a full width of the type involved.

Hazardous material means a hazardous chemical, toxic chemical, or extremely hazardous substance, as defined in s. 329 of Title III, Superfund Amendments and Reauthorization Act of 1986 (42 USC s. 11001, et seq.). (252.82 F.S.).

Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Health service means establishments primarily engaged in furnishing medical, surgical, and other health services to persons and pets.

High Recharge Area means a geographic area designated by a Florida Water Management District where, generally, water enters the aquifer system at a rate of greater than ten inches per year.

Highest Adjacent Grade means the highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Historic/cultural resource means a resource identified by the survey of resources conducted by ERLA and Associates and adopted by the city as part of the preservation and conservation element of the city's Comprehensive Plan or a resource added to the city's inventory (Florida site file) or local register.

Historic Overlay District (HOD) see Sec. 2.3.4.

Home occupation see Sec. 3.8.7.

Homeowners Association or Association means a Florida not-for-profit corporation responsible for the operation of a community or a mobile home subdivision in which the voting membership is made up of parcel owners or their agents, or a combination thereof, and in which membership is a mandatory condition of parcel ownership, and which is authorized to impose assessments that, if unpaid, may become a lien on the parcel. The term "homeowners association" does not include a community development district or other similar special taxing district created pursuant to statute. Homeowner Association(s) are further defined and regulated by F.S., Ch. 720.

Hotel or motel see lodging in Sec. 3.4.5.

Illuminance means a quantity of incident light, measured in footcandles.

Illuminating Engineering Society of North America (IESNA) means the recognized technical authority on illumination, whose mission is to advance knowledge and disseminate information for the improvement of the lighted environment to the benefit of society.

Impervious means material incapable of being penetrated, as by moisture, such as concrete or asphalt.

Impervious ground coverage means an area of ground covered by any part of a building, street, parking lot, or any other structure, improvement, facility, or material that is incapable of being penetrated, as by moisture.

Impervious surface means a surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar structures or materials that will not allow rainfall to percolate into the soil. See Sec. 2.1.2.D.

Improvements means physical changes made to raw land and structures placed on or under the land surface, in order to make the land more usable. Typical improvements would be clearing and grubbing, grading, street pavements, sidewalks, bicycle facilities, curb and gutter, drainage ditches, required trees, storm and sanitary sewers, streetlights, fire hydrants, street name signs, permanent control points (PCP's), etc.

Industrial see Sec. 3.5.

Industrial, heavy see Sec. 3.5.2.

Industrial, light see Sec. 3.5.3.

Infrastructure means those manmade structures that serve the common needs of the population, such as: sewage disposal systems; potable water systems; potable water wells serving a system; solid waste disposal sites or retention areas; storm water systems; utilities; piers; docks; wharves; breakwaters; bulkheads; seawalls; bulwarks; revetments; causeways; marinas; navigation channels; bridges; and roadways.

Infill means the use of vacant or underutilized land within a built-up area for further construction or development.

Isolated wetland means any wetland that has no hydrological or vegetative connections with any water of the state as defined in 327.02 (28) F.S.

Intensity of development or intensity of use means the extent of development of any site, see Sec. 2.1.1.A.3.

Intersecting roadways means the intersection of roadways of public rights-of-way or the intersection of a public street and a private driveway or a private roadway of a significant traffic generator.

Junk means all waste or scrap materials, including but not limited to all scrap metals; discarded rope, batteries, paper, trash, and other natural or synthetic fibers; discarded glass, tinware, and plastic; and discarded household goods and hardware. This term shall also include inoperable motor vehicles, machinery, and appliances no longer used as such, to be used for scrap metal or stripping of parts, and parts of such vehicles, machinery, or appliances.

Junkyard (or salvage yard) see Sec. 3.5.5.C.

Laboratories, medical and dental means laboratories primarily engaged in providing analytic or diagnostic services to either the medical profession or to a patient on referral from a health practitioner, and include blood banks, plasma centers, plasmapheresis centers, and other body fluid collection, storage, and analysis, diagnostic imaging, and related services.

Kennel means a facility for the overnight boarding of animals, where outside runs or pens are provided.

Kickplate means a decorative panel or skirting

along the base of a building, used to create a visual separation between a building and a pedestrian walkway. Kickplates should be constructed of durable materials to withstand the vigor of pedestrian activity.

Land surveyor means a land surveyor registered under F.S. Ch. 472, who is in good standing with the board of professional land surveyors.

Land use element means the future land use element of the Comprehensive Plan, and relates to permissible planned uses of land.

Land use plan means the future land use element of the most recent city Comprehensive Plan adopted pursuant to F.S. Ch. 163, and all amendments thereto.

Landlord means any person, owner, agent, individual, firm or corporation or any combination thereof who leases, sublets, rents or allows the occupancy of any single-family dwelling, two-family dwelling, three-family dwelling, four-family dwelling, multiple-family dwelling, group housing or other dwelling unit to or by another person or persons not members of his/her family in designated districts whether or not for consideration.

Landscape materials means improvements such as living trees, shrubs, vines, grasses, ground covers, and other plants, sand, wood mulch, and other materials that do not require soil compaction for their installation.

Landscape zone means the portion of the area between the curb and the sidewalk designated for required street landscaping.

Lavatory: A room or compartment fitted with a washbasin and flush toilet facilities.

Level of service standard, or LOS standard means an indicator of the extent or degree of service provided by or proposed to be provided by a public facility based on and related to the operational characteristics of the public facility.

Light trespass: means light projected onto a property from a light source located on a different property.

Limited Access Facility: means a roadway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no greater than a limited right or easement of access.

Listed species means those species of plants and animals listed by federal or Florida law as endangered, threatened, or a species of special concern; and those species ranked by the FNAI as S1, S2, and S3 plants, and S1 animals, S2 animals, and only S3 animals that are breeding/nesting.

Littoral Zone means the shallow-water region of a water body where sunlight penetrates to the bottom and that is intended for and capable of supporting aquatic vegetation.

Livestock means pigs and pig-like animals (Suidae); rabbits and rabbit-like animals (Leporidae); cows, sheep, goats, and like animals (Bovidae); and horses and horse-like animals (Equidae).

Loading Space means a space on the lot or parcel of land accessible to an alley or street not less than twelve (12) feet in width, thirty (30) feet in depth, and fourteen (14) feet in height.

Local register means a means by which to

identify and classify various sites, buildings, structures, objects, areas, and districts as historic and/or architecturally significant.

Local road or street means any street that is not designated as a collector or arterial on the street classification map and is not functionally classified by the state Department of Transportation. Providing service that is of relatively low traffic volume, short average trip length or minimal through traffic movements, and high volume land access for abutting property, and, by nature of its physical design, the local nature of trip purposes and the existing and anticipated traffic characteristics, is not suited to carry more than 1,200 average daily trips. Also see Sec. 5.2.2.A.2.

Lot means a parcel of land contained within property lines of a specific area. The word "lot" includes the words "plot," "unit," "parcel," and "tract." Also see Sec. 2.1.2.

Lot area means the total horizontal area included within lot lines, including land within easements and building setback lines of the area, but excluding any land within street right-of-way. Also see Sec 2.1.2.

Lot coverage means the area of a lot that is occupied by all principal and accessory buildings or structures, impervious surfaces, or tree canopy cover, expressed as a percentage of the total lot area. Also see Section 2.1.2.

Lot line or property line means the boundary line of a lot. Also see Sec. 2.1.2.

Lot of record means, for the purposes of determining vested rights, a designated parcel, tract or area of land established by plat, lot split,

metes and bounds description, or otherwise permitted by law, to be used, developed or built upon as a unit and which existed in the records of the of the Clerk of the Circuit Court of Polk County, Florida, on January 31, 1992.

Lot split means the division of a single tract of land into two lots or parcels, where there are no roadway, drainage, or other required improvements, and where the resultant lots comply with the standards of this chapter.

Lot width see Sec. 2.1.2.

Low Impact development (LID) means a design techniques used to maintain or replicate pre-development hydrologic regimes by creating a functionally equivalent hydrologic landscape. LID encompasses a variety of stormwater management techniques, including bio-swales, rain gardens, and pervious pavements. These techniques reduce the amount of effective impervious area in a watershed, lessening the watershed volumes and runoff rates.

Lowest floor means the lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

Luminaire means a complete lighting unit (i.e., fixture), consisting of a lamp, or lamps and ballast(s) when applicable, together with the parts designed to distribute the light (e.g., reflector, lens, diffuser), to position and protect the lamps, and to connect the lamps to the power supply.

Maintain means to preserve from decline, keep

in an existing state, or retain in possession or control.

Manufactured Home or Building means any structure, or portion of a structure, including electrical, plumbing, heating, or ventilating systems, that was built in a manufacturing facility for installation or erection as a finished building or as part of a finished building. Manufactured buildings may include residential, commercial, institutional, storage, and industrial structures.

Manufacturing means assembly or fabrication of parts that are free of hazardous or objectionable elements, such as noise, odor, dust, smoke, or glare that may be detectable to the normal senses from outside the building. Such uses shall operate entirely within enclosed structures, and the premises shall not contain any outdoor or open storage or above-ground tank storage of merchandise, products or materials or any outdoor or open storage of equipment, materials or other items utilized by such establishments except for automobiles and delivery or service trucks. Such uses shall not involve electrical interference to television, radio, or communication systems off the premises.

Master Planned Community means an area of land that is planned and developed as a single entity or in approved stages with uses and structures substantially related to the character of the entire development, or a self-contained development in which the subdivision and zoning controls are applied to the project as a whole rather than to individual lots. §162.3202(5)(b), Fla. Stat. (2024).

Maximum uniformity ratio means the maximum level of illuminance in relation to the minimum level of illuminance for a given area.

For example, a maximum uniformity ratio of 10:1 means that for a given area, the minimum level of illuminance shall be no less than ten percent of the maximum level of illuminance.

Microbrewery, Micro Distillery, Micro Winery see Sec. 3.8.8.

Minor subdivision means the subdivision of a tract of land into five or fewer lots in accordance with the requirements set forth in this chapter, and where the resultant lots comply with all the standards of these regulations.

Mitigation means compensatory actions taken before, during, or after development to preserve, replace, enhance, create, or restore various environmental functions or features of a natural area, or to buffer or protect nearby land uses from adverse impacts of the development, or protect other significant local resources.

Mixed-use zoning district means zoning districts that allow a combination of residential and commercial uses, including C-1 and C-2. Also see Sec. 2.2.3.

Medical Marijuana Dispensing Facilities: The following definitions relate to medical marijuana and medical marijuana dispensing facilities.

A. **Low-THC Cannabis:** A plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed only by a Medical

Marijuana Treatment Center from a dispensing organization as authorized by State law.

- B. **Marijuana:** All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified patient as defined by Florida Statute 381.986.
- C. **Medical Marijuana Delivery Device:** An object used, intended for use, or designed for use in preparing, storing, ingesting, inhaling, or otherwise introducing marijuana into the human body, and which is dispensed from a Medical Marijuana Treatment Center for medical use by a qualified patient.
- D. **Medical Cannabis:** All parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin that is dispensed only from a dispensing organization for medical use as authorized by State law.
- E. **Medical Marijuana Dispensing Facility:** Any property where medical cannabis, or low-THC cannabis, or Marijuana Delivery Devices are sold, purchased, delivered, or dispensed for medical use by a Medical Marijuana Treatment Center as defined by

Section 29, Article X of the State Constitution and as authorized by State law.

- F. **Medical Marijuana Treatment Center (MMTC):** An entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their caregivers and is registered by the Department. (Term as defined by Section 29, Article X of the State Constitution.)
- G. **Medical Use:** The acquisition, possession, use, delivery, transfer, or administration of an amount of marijuana not in conflict with Department rules, or of related supplies by a qualifying patient or caregiver for use by the caregiver's designated qualifying patient for the treatment of a debilitating medical condition.

Mining means the act of taking mineral substances from a pit or excavation in the earth.

Mitigation means any action, including but not limited to restoration, enhancement, or creation of wetlands, required to be taken in order to offset environmental impacts on permitted activities.

Mobile home means a residential dwelling designed to be used as a dwelling when connected to the required utilities, and not originally sold as a recreational vehicle, and includes the plumbing, heating, air-conditioning,

and electrical systems contained therein. §723.003(8), Fla. Stat. (2019); built to the U.S. Department of Housing and Urban Development (HUD) standards; transportable in one or more sections, with the hitch, built on an integral chassis; are usually installed on temporary foundations; are usually not considered real property; and depreciate in value similar to an automobile. Upon installation, the wheels and axles may be removed, but the integral chassis remains in place. A mobile home must bear the HUD label and be installed by a mobile home installer licensed by Florida by the Department of Highway Safety and Motor Vehicles (DHSMV).

Mobile home park see Sec. 3.6.5.

Model home center means residential structures not occupied as a dwelling unit, open to the public for inspection, and used solely for demonstration and selling of residential dwellings.

Model home unit see Sec. 3.6.1.D.

Modular Homes means a residential dwelling unit designed, built, permitted, and inspected to the Florida Building Code (FBC), and is considered real property once installed on-site. Finished 3-dimensional sections are designed and built specifically for that home by a contractor licensed by the Department of Business & Professional Regulation (DBPR). The completed dwelling is built in a factory and transported, with or without a chassis, to the site to be joined together on a permanent foundation, as specified in Chapter 428.4 of the Florida Building Code.

Most Effective Recharge Areas means the areas with soils classified by the Soil Conservation

Service as Type A Soil Group.

Mounting height means the distance between the average grade and the bottom of the luminous opening of a luminaire.

Multiple-unit dwelling see Sec. 3.6.6.

National Register of Historic Places: Established by Congress in 1935, the National Register of Historic Places is a listing of culturally significant buildings, structures, objects, sites, and districts in the United States. The listing is maintained by the U.S. Department of Interior.

Native means those plants and animals, including commonized vegetation, and especially vegetation known to have existed locally when Ponce de Leon arrived in Florida, which are appropriate to the ecological setting, have noninvasive growth habits, are tolerant of the hydrologic conditions of the site, and require little maintenance upon maturity.

Native plants means all plant life that persists and reproduces in Florida without the influence of humans, and that is thought to have been present in the region prior to A.D. 1500 (year of first documented European contact).

Natural vegetation means vegetation existing prior to the development of a site that includes understory vegetation and typically includes a wooded area of generally native species.

Natural community means a distinct and recurring assemblage of populations of plants, animals, fungi, and microorganisms naturally associated with each other and their physical environment. For the purposes of this Code, classification and nomenclature for natural

communities shall follow the FNAI Guide. Natural communities do not include altered land cover types that are listed in Appendix 2 of the FNAI Guide.

Natural Drainage Features: The naturally occurring features of an area that accommodate the flow of storm water, such as streams, rivers, lakes, and wetlands.

Natural Reservations: Areas designated for conservation purposes, and operated by contractual agreement with or managed by a federal, state, regional or local government or nonprofit agency such as: national parks, state parks, lands purchased under the Save Our Coast, Conservation and Recreation Lands or Save Our Rivers programs, sanctuaries, preserves, monuments, archaeological sites, historic sites, wildlife management areas, national seashores, and Outstanding Florida Waters.

Natural Resources: Land, air, water, groundwater, drinking water supplies, fish and their habitats, wildlife and their habitats, biota, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the State of Florida and situated in an area of critical state concern or offshore from an area of critical state concern. (380.0558 F.S.)

Natural resources means the biological, physical, geological and hydrological components of the environment in the City of Lake Alfred.

Nature parks and public conservation/preservation areas means those lands owned and managed for the protection, preservation, and/ or conservation of natural communities, as well as any other public park, preserve, or

conservation areas, or the portion of those parks, preserves, or conservation areas, that are established to preserve natural communities. Nature parks and public conservation/preservation areas are shown in the Nature Parks and Public Conservation/ Preservation Areas District Map that is maintained in the city's GIS map library.

Net Site Area see Sec. 2.1.1.

New Construction (for Floodplain Management Purposes) means structures or substantial improvements for which the "start of construction" occurred on or after the effective date of this Code, and any alteration, repair, reconstruction, or improvements to a structure that is in compliance with these flood damage prevention regulations.

Nonconformity or nonconformities see Sec. 2.4. and Sec. 2.4.1.H.10.

Nonconforming communication tower or antennas see Sec. 2.4.5.

Nonconformity relief see Sec. 2.4.1.H.11. and 2.4.6.

Nonconforming lot see Sec. 2.4.1.H.6. and Sec. 2.4.2.

Nonconforming project see Sec. 2.4.1.H.8.

Nonconforming structure see Sec. 2.4.1.H.7. and Sec. 2.4.4.

Nonconforming use see Sec. 2.4.1.H.9. and Sec.2.4.3.

Nonresidential building means any building or

structure that does not qualify as a mobile home, single-unit residential dwelling, or a multiple-unit residential dwelling.

Non-residential zoning district means zoning districts that allow predominantly commercial, industrial uses, or other specialized uses, including C-3, I-1, I-2, PB, and PR. Other mixed-use districts may also allow commercial use. Also see Sec. 2.2.4.

Obscene means material, as defined by *Miller v. California*, 413 U.S. 15 (1973), that:

1. Taken as a whole, the average person applying contemporary community standards would find appeals to the prurient interest;
2. Depicts or describes, in a patently offensive way, sexual conduct as specifically defined herein; and
3. Taken as a whole, lacks serious literary, artistic, political, or scientific value.

Occupancy means the use of a dwelling unit for residential purposes (except as otherwise set forth in this Code).

Occupant (occupancy) means a legal occupant of a building, premise, and or structure.

Office means a room, studio, suite or building in which a person transacts his business or carries on his stated occupation. However, this term does not include any facility involving manufacturing, fabrication, production, processing, assembling, cleaning, testing, repair, or storage of materials, goods, and products; or the sale or delivery of any materials, goods, or

products that are physically located on the premises.

Office, medical, and dental means an office in which the principal use is the dispensing of health and/or dental services by licensed practitioners. The use shall include massage therapists (masseurs/ masseuses) licensed by the State of Florida.

Ordinary High Water Line (OHWL) means a line defined by the physical characteristics of the shore and banks of the water body caused by the continued presence and action of water. The OHWL corresponds to water levels frequently and commonly sustained in the highwater season during normal years and to the SWFWMD adopted Lake Management Levels.

Ordinary maintenance means work that does not require a building permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or any part thereof by restoring the building or structure or part thereof as nearly as practicable to its condition prior to the damage, deterioration or decay.

Original appearance means that appearance (except for specific color) that, to the satisfaction of the city manager or designee, closely resembles the appearance of either:

- A. The feature on the building as it was originally built or was likely to have been built; or
- B. The feature on the building as it presently exists so long as the present appearance is appropriate, in the opinion of the city manager or designee, to the style and

materials of the building.

Outdoor activity means any service or activity conducted or provided outside of the principal structure on a regular or recurring basis, approved as part of a development plan.

Outdoor display see Sec. 3.4.1.A.

Outdoor storage see Sec. 3.4.1.B.

Overlay district see Sec. 2.3.

Owner means a person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including, without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his/her lease for the maintenance of the property.

Parapet means an architectural element similar to a low wall projecting upward from the outside edge of a roof.

Parcel means a unit of land within legally established property lines. Legally established property lines mean those lines created by a recorded plat, minor plat, or lot split, those units of land recognized as lots formed prior to 1961 as recorded on a map kept by the building division, and those lots recognized by the county code enforcement department at the time of any annexation. (380.031 F.S.)

Package Plant: A package plant is a sewer treatment plant with less than 100,000 gallons per day capacity.

Parking Lot: An open area that is used for the parking of automobiles.

Parking means a temporary, transient storage of private passenger motor vehicles used for personal transportation while the operators of such vehicles are engaged in other activities. The term shall not include storage of new or used cars for sale, service, rental, or any other purpose except as specified herein. Also see Sec. 4.4.

Parking space means a surfaced area, enclosed or unenclosed, sufficient in size to store one (1) standard vehicle, together with a driveway connecting the parking space with a street or alley and permitting ingress and egress of a motor vehicle.

Parking garage. See "structured parking."

Paved area means an improved area consisting of asphaltic concrete, concrete, brick, or similar material that is intended or designated for parking, maneuvering, and/or vehicular movement, and including pedestrian accessways immediately adjacent to such areas.

Parks: An area of natural, semi-natural, man-made, or other designated space set aside for human enjoyment, recreation, or protection of wildlife or natural habitats. These definitions should be read in conjunction with the provisions in Sec 3.3.5 Recreation and Open Space.

- A. **Park, Community:** Community parks are diverse in nature, serving a broader purpose than a neighborhood or smaller park. While a Community Park will have one (1) or two (2) key features that a neighborhood park would have, it will also have walking paths, picnic and pavilion areas, and a large open

space area to serve as a multi-purpose field and will have the following characteristics:

- i. **Size:** Minimum of 2 acres upland; Maximum of 5 acres upland.
- ii. **Placement:** Integrated and spread throughout the development site and should be a minimum of 1,000ft distance from other Community Parks and 500ft distance from neighborhood parks;
- iii. **Key Features:** A Community Park will include a neighborhood park feature but scaled to the appropriate size (e.g. larger playground with multiple age groups). All community parks include interior and perimeter sidewalks, benches, and picnic tables and include:

- 1. A minimum of 1.0 acres must be set aside as a multipurpose field for all community parks. The multipurpose field will be irrigated and comprised of drought resistant turf grass. If the multipurpose field is converted into a formal soccer, football, or baseball field this can qualify as the Key Feature;
- 2. At least one (1) 30 x 30 Pavilion will be required or other configuration(s) totaling a minimum of 900 square feet of pavilion space;

- 3. A minimum of one (1) on-street parking space must be provided for every 0.5 acres of the Community Park. Twenty percent (20%) of the required parking rounded down to the nearest whole number must be handicapped parking spaces.

B. Park, Linear: Linear parks, as the name suggests, are parks that are generally longer in dimension with a length more than three times their average width. These parks may be built on old transportation infrastructure, greenways, and waterfront areas, or incorporated into a development design to connect neighborhoods, landmarks, and other parks or open spaces serving passive or active recreation opportunities.

C. Park, Neighborhood: A neighborhood park is a type of neighborhood park designed with a focus on informal active and passive recreation serving the immediate neighborhood's needs for most basic recreation.

To be considered a neighborhood park, recreation space will have the following characteristics:

- i. **Size:** Minimum of 0.5 acres upland; Maximum of 2 acre upland.
- ii. **Placement:** integrated into and placed uniformly throughout the development site and include:

- 1. A minimum of 500 foot distance from other neighborhood parks and community parks; and
- 2. Up to a maximum of fifty percent (50%) of neighborhood parks, rounded down to the nearest whole number, may be located adjacent to a dry stormwater retention pond tract..

iii. **Key Features:** A neighborhood park will include one (1) of the following: a small playground, a dog park, a community garden, an outdoor gym, a pavilion (minimum 300 square feet), band stage, splash pad, or another comparable feature. All neighborhood parks will include interior perimeter sidewalks, benches, and picnic tables.

D. Park, Pocket: A pocket park is generally considered the smallest of the park units and typically are comprised of an area of developable upland. It will generally consist of a few benches, perimeter sidewalk, turf grass, trees, shrubs, and other ornamental plantings. To be considered a pocket park, recreation space will have the following characteristics:

- i. **Size:** Minimum of 0.2 acres of upland; Maximum of 0.4 acres upland;
- ii. **Placement:** integrated into the

envelope of a block and bordered or framed in (e.g. “pocketed”) by residential lots, roads, water bodies (including wet retention), or wooded open space and include:

1. A minimum of twenty percent (20%) of pocket parks, rounded up to the nearest whole number, will be placed adjacent to or may be bisected by pedestrian hierarchy connectivity although the trail and associated area may not count towards the 0.2 acres of the pocket park;
2. A minimum of 250ft distance from other types of park space and no more than two (2) pocket parks may be within 250ft from each other;
3. Up to twenty percent (20%) of pocket parks, rounded down to the nearest whole number, may be included as medians on non-collector roads or cul-de-sacs and separated into up to two (2) 0.1 acre pocket parks;

iii. **Key features:** pocket park(s) include a minimum of one (1) of the following: two (2) pieces of outdoor exercise equipment, a small paver area or trail with seating (picnic table or 2 benches), a pergola or gazebo, swing or small playset, or another

comparable feature.

E. **Park, Regional:** Regional parks are generally large-scale parks in excess of 5 acres in size that are designed to serve a regional area with drive times in excess of fifteen minutes. Regional Parks can range from conservation and nature-based parks (e.g. Circle B Bar Reserve) or intensive sports and recreation parks (e.g. Lake Myrtle Sports Park). Facilities that may be found in a regional park include but are not limited to water-based recreation sites, camping areas, nature trails, multi-use trails, sports fields, activity centers, water parks, pools or other assets and activities designed to serve a large area. Location is dependent upon the availability of space and sufficient access to support the intended features. Future expansion and multi-decade planning should be considered in the design, size, and location of a regional park.

Permittee: The holder of a valid sidewalk café permit under the terms and conditions of Section 3.8.11.

Pedestrian-oriented Space: An area that is primarily utilized for pedestrian activities, including public open spaces, multi-use trails, and other thoroughways used for pedestrian movement, but not to include alleyways (unless also serving a clear pedestrian thoroughway), parking lots, and loading and unloading areas.

Pedestrian Walkway means an outdoor improvement which is designed primarily for the transport of pedestrians and/or bicyclists.

Perpetual Open Space: The portion of a site from which the density has been transferred and which shall not be developed with additional residential units at any time in the future and shall

therefore remain open space in perpetuity.

Person means any individual, group of persons, firm, corporation, association, company, organization, business trust, estate trust and any governmental agency or their representatives, except that the words “natural person” shall mean only a single human being.

Pet services means establishments primarily engaged in performing services for pets, equines, and other animal specialties. Examples include, but are not limited to, training facilities, animal shelters, boarding kennels, dog pounds, veterinary services, services that are conducted outdoors, and similar uses. Excluded from this category are pet grooming facilities (see personal services).

Piling: Vertical poles, concrete bars or other materials forming the structural support of a water access structure.

Planned Unit Development (PUD) see Sec. 2.3.5.

Planning and Zoning Board means the local planning agency designated by the City Commission.

Planning Official means the director of the department designated by the City Manager to administer these regulations. See Sec. 9.2.1.1.

Pole height means the vertical distance measured from the average grade level on the ground to the base of the luminaire.

Pollution or pollutants means adverse impacts to the physical, chemical, or biological characteristics of the air, water, or soil, which can

be harmful to humans, animals, vegetation, or structures. Pollutants are agents that cause pollution.

Point Source Pollution: Any source of water pollution that constitutes a discernible, confined, and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

Pollutant: Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels that are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or that unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Pollution: The presence in the outdoor atmosphere, ground or water of any substances, contaminants, noise, or manmade or man induced alteration of the chemical, physical, biological, or radiological integrity of air or water, in quantities or at levels that are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or unreasonably interfere with the enjoyment of life or property.

Porch see Sec. 2.1.5.E.6.

Portable storage unit see Section 3.9.9.

Potable Water: Water suitable for human

consumption and that meets water quality standards determined by the Department of Health and Rehabilitative Services, provided through a public system or by a private well.

Potable Water Facilities: A system of structures designed to collect, treat, or distribute potable water, and includes water wells, treatment plants, reservoirs, and distribution mains.

Potable Water Wellfield Protection Zone: In accordance with Policy 2.13 of the Future Land Use Element of the Lake Alfred Comprehensive Plan, the protection zone is defined as the area within a 400-foot radius of the location of the well head. Within a 200-foot radius of the well head is a zone of exclusion, in which no new land uses may be established.

Prime Aquifer Recharge Areas: Geographic areas of recharge to the aquifer system, to be designated by the appropriate Water Management District, as critical for the continuation of potable ground water supplies.

Preserved Open Space: The portion of any site that has been set aside, dedicated, designated, or reserved for public or private use or enjoyment and is intended to remain open space in perpetuity.

Primary frontage means the site frontage facing the primary street. Also see Sec. 2.1.5.

Primary street means the street that a property for development fronts. At street intersections, the larger, more important street shall be recognized as the primary street.

Principal structure means a structure in which is conducted the principal use of the lot on which it

is situated, including any attached carport, shed, garage, or any other structure that is a part of the principal building and structurally dependent, totally or in part, on the principal building. In a residential district, any dwelling shall be deemed to be the principal structure on the lot on which the same is situated.

Principal use see Sec. 3.1.1.D.

Property Information Report means a title opinion and/or property information report required by F.S., §177.041 (2023). See also §627.7843, Fla. Stat. (2023). For purposes of this definition, the Property Information Report shall include not only the title opinion and/or property information report but also copies of all referenced documents and instruments of record.

Public administration buildings means federal, state, and local government facilities, including administrative offices, fire and police stations, tax collection, supervisor of elections, post office, and similar establishments. Public facilities that involve outdoor storage, vehicle repair, manufacturing and similar activities are classified as public maintenance and storage facilities.

Public facilities means transportation facilities (including roads, transit, sidewalks, and bicycle/trails), wastewater facilities, solid waste facilities, stormwater management facilities, potable water facilities, water supply, public school facilities and recreation facilities.

Transportation systems or facilities, sewer systems or facilities, solid waste systems or facilities, drainage systems or facilities, potable water systems or facilities, educational systems or facilities, parks and recreation systems or

facilities, and public health systems or facilities.

Public maintenance and storage facilities

means publicly owned and operated facilities that involve vehicular storage, fleet maintenance facilities (workshops, fueling stations, vehicle washes), materials storage, equipment storage, training (indoor and outdoor).

Public park

means properties and facilities owned and operated by any governmental agency that are open to the general public for recreational purposes.

Public Supply Potable Water Wellfield:

A potable water wellfield that serves a public supply water system.

Public Supply Water System:

A public water system that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents. (403.852 F.S.)

Public utility

means a utility owned, operated, and maintained by a public or governmental entity or a publicly-regulated utility company, including but not limited to stormwater, drainage, water, wastewater, reclaimed water, chilled water, natural gas, electric, or telecommunications facilities.

Public utility easement (PUE)

means a non-possessory, non-exclusive interest in the land of another and the right to use the property for the purpose of installing, operating and maintaining public utility facilities.

Qualified Contractor

has the same meaning as in §177.073(1)(f), Fla. Stat. (2024).

Rain Garden:

A rain garden is a shallow

depression planted with deep-rooted native plants and grasses. Rain gardens should be positioned near a runoff source like a downspout, driveway, or sump pump to capture stormwater runoff and stopping the runoff from reaching nearby stormwater drains.

Recharge Areas:

Geographic areas where the aquifer system is replenished through rainfall. Areas of high aquifer recharge are important for the continuation of potable groundwater supplies.

Reconstruction:

The authentic reproduction of a building or site that once existed, but disappeared or was demolished.

Rear lane

means a vehicular way located to the rear of lots providing access to service areas, parking, and outbuildings and containing utility easements. The streetscape consists of gravel or landscaped edges. Rear lanes have no raised curb and are drained by percolation. (See Alley definition).

Recreational area or recreation area

see Sec. 3.3.5.

Recreation, indoor

see Sec. 3.4.9.

Recreation, outdoor

see Sec. 3.4.10.

Recreational vehicle

see Section 3.4.11.

Recreation Vehicle Unit:

Those units primarily designed as temporary living quarters for recreation, camping or travel use that either have their own mode of power or are mounted on or drawn by another vehicle.

1. "Travel trailer":

A vehicular portable unit

mounted on wheels, of such a size or weight as not to require special highway movement permits when drawn by a motorized vehicle. It is primarily designed and constructed to provide temporary living quarters for recreation, camping, or travel use. It is of a body width, not more than eight feet, and a body length of no more than thirty-five feet when factory equipped.

2. "Camping trailer":

A vehicular portable unit mounted on wheels and constructed with collapsible partial sidewalls that fold for towing by another vehicle and unfold at the campsite to provide temporary living quarters for recreation, camping or travel use.

3. "Truck camper":

A portable unit, designed to be loaded onto, or affixed to, the bed or chassis of a truck, constructed to provide temporary living quarters, for recreation, camping, or travel use.

4. "Motor home":

A vehicular unit built on a self-propelled motor vehicle chassis, primarily designed to provide temporary living quarters for recreation, camping or travel use.

5. "Park model RV/mobile home":

See Park Model RV (Park Trailer).

Recycling center

means operations primarily engaged in collecting, sorting, transporting, compacting, cleaning, and breaking of reusable material, including but not limited to glass, paper, aluminum, steel cans, reusable household items, and plastic, which is intended for reuse, remanufacture, or reconstitution in an altered form. This definition excludes operations

engaged in burning or melting of such products, the collection of refuse, household appliances, auto parts, or hazardous materials, and the wrecking or dismantling of auto salvage material.

Redevelopment: Undertakings, activities, or projects of a county, municipality, or Community Redevelopment Agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight or for the provision of affordable housing, whether for rent or for sale, to residents of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan. (163-340 F.S.)

Regulatory Floodway: The channel of a river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

Relocatable structure means a building or portion of a building made up of prefabricated units able to be disassembled and reassembled frequently; a single unit of construction consisting of walls, roof, and floor that is movable as a unit, either on wheels or by truck. The terms "mobile," "demountable," "divisible," and "portable" connote types of relocatable buildings. A relocatable structure shall meet all code requirements for its particular use.

Required trees means trees planted to meet a

specific landscaping requirement such as trees in buffers, landscape islands, and stormwater management areas.

Research facilities means establishments primarily engaged in conducting research and experimental development in the physical, engineering, or life sciences, such as agriculture, electronics, environmental, biology, botany, biotechnology, computers, chemistry, food, fisheries, forest, geology, health, mathematics, medicine, oceanography, pharmacy, physics, veterinary, and other allied subjects.

Residence for destitute people means establishments primarily engaged in the provision of temporary residences for those persons lacking residences, possessions, or resources. Services include overnight accommodations and furnishing of meals to residents only. Revenue is derived only from charitable sources.

Residential zoning district means zoning districts that allow predominantly residential uses, including RR, VRN, RN-1, RN-2, and UR. Other mixed-use districts may also allow residential use. All other districts are deemed non-residential. Also see Sec. 2.2.2.

Resources, historic means sites, buildings, structures, objects, and areas, whether public or private, either singly or in combination, as defined in this section.

Restaurant see Sec. 3.4.12.

Restoration means the revival or rehabilitation of structures, natural areas or features to a condition in which the structure, area or feature functions in a relatively self-maintaining, historically natural

condition.

The creation of an authentic reproduction beginning with existing parts of an original object or building.

Retail Sales: Any legal use of land or building that offers goods or services for retail sale or rental to the public or any sector of the public. Such uses shall include new and used cars, truck, tractor, or farm equipment display for any retail sale; mobile home display and sale, outdoor advertising structures and devices that meet setback requirements; small bakeries where not more than four (4) persons are employed and the products produced are primarily sold on the premises; food and drink establishments for both conventional and drive-in or delivery sales and services; repair of any goods or machinery and; any combination of permitted uses.

Revitalization: The imparting of new economic and community life in an existing neighborhood, area, or business district while at the same time preserving the original building stock and historic character.

Right-of-way means land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, drainage facility, access for ingress or egress, or other purposes by the public.

Roofline means the highest continuous horizontal line of a roof. On a sloping roof, the roofline is the principal ridge line, or the highest line common to one or more principal slopes of the roof. On a flat roof, the roofline is the highest continuous line of the roof or parapet, whichever is higher.

Root zone means the allotted area of soil that is

provided for the growth of tree roots.

Salvage yard. See “junkyard” in Sec. 3.5.5.C.

Sanitary Sewer Facilities: Structures or systems designed for the collection, transmission, treatment, or disposal of sewage and include trunk mains, interceptors, treatment plants, and disposal systems.

Sanitary Sewer Interceptor: A sewerage conduit that connects directly to, and transmits sewage to, a treatment plant.

Sanitary Sewer Trunk Main: A sewerage conduit that connects directly to, and transmits sewage to an interceptor.

Secondary frontage means that frontage facing the secondary street.

Secondary street means any street fronting a development that is not identified as the primary street.

Sediment means solid material, mineral or organic, that is in suspension, is being transported, or has moved from its site of origin, by water.

Sedimentation means the deposition of waterborne sediment into a body of running water, into a lake, on property other than the site of origin, or on public rights-of-way.

Septic Tank: A watertight receptacle constructed to promote the separation of solid and liquid components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal in a soil absorption

system. (10D-6 F.A.C.)

Service area entrance means an external door opening into an enclosed building that contains one or more service bays.

Service bay means an area that is designed and constructed for the repair, servicing, or maintenance of a single motor vehicle and may include a vehicle lift or service well.

Service provider means any individual, company, firm, or other entity that provides telecommunications service over telecommunications facilities.

Setback or setback line means an area or line determined by measurement, between two objects, creating an area or line of separation between the objects.

Setback range see Sec. 2.1.3.

Setback, street means a line determined by measurement, parallel to the street curb (on all sides of the lot facing a street), creating an area between the street curb and the object to be setback.

Sewage Disposal Facility: Facility or property used in conjunction with a wastewater treatment plant for the disposal and/or purification of treated sewage effluent, including, but not limited to, spraying, land spreading, and artificial wetlands, *including a private package treatment plant.*

Sexually oriented business see Sec. 3.4.2.

Screening means treatments used to visually shield or separate undesirable elements of a site.

Commonly used to obscure parking areas, utilities, dumpsters, and other similar elements on a site.

Shielded fixture means a luminaire that includes an adjustable mounting device allowing aiming in any direction and contains a shield, louver, visor, or baffle to reduce direct view of the lamp.

Shoreline: means all land or water that is on the lake side of the ordinary high-water line.

Shoreline Vegetation: means vegetation that grows within the shoreline area; included are terrestrial and aquatic plants associated with wetlands and both emergent (plants growing above the water surface) and nonemergent (vegetation below the water surface).

Shrub means a woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sidewalk means an area on public or private property where pedestrians walk or stand, generally parallel to the edge of a street, roadway or curb.

Sidewalk café see Sec. 3.8.11.

Sight distance means the continuous section of roadway visible to the driver of a vehicle from any particular point on the roadway.

Significant adverse impact means direct contamination, alteration, modification, or destruction, or that which contributes to the contamination, alteration, or destruction of a natural resource, or portion thereof, to the degree that its environmental benefits are or will

be eliminated, reduced or impaired, such that the activity will cause long-term negative impacts on the natural resource.

Significant archaeological resources means those archaeological resources that are listed, or are eligible for listing, on the National Register of Historic Places.

Significant geological resource features means geological features that include, but are not limited to: point source features such as sinkholes, caves, spring heads, and limestone outcrops; lineal features such as lineaments, ridges, escarpments, and spring runs; and areal features such as steep slopes and springsheds.

Significant natural community means a natural community that exhibits ecological integrity, may be rare or provide functional connectedness within the landscape context, and can be maintained through appropriate management such as prescribed burning or alternate vegetation management methods, control and removal of exotic species, or hydrologic restoration. Significant natural communities often provide habitat for one or more rare plant and animal species, or contribute to the habitat requirements for animal species with large home ranges, or for migratory or colonial nesting species. Significant natural communities are those that are ranked as S1, S2, or S3 by the FNAI.

Silviculture means a process, following best management practices and/or accepted forest management principles, whereby the trees constituting forests are tended, harvested, and reproduced.

Site see Sec 2.1.1.

Site-built home means a residential dwelling unit designed, built, permitted, and inspected to the Florida Building Code (FBC), and installed on permanent foundations. The home is built entirely on site, but may include factory-manufactured components such as roof and floor trusses, wall panels, doorframes, etc., that are brought to the site for installation within the site-built home.

Site, historic means the location of a significant event, activity, building, structure or archaeological resource where the significance of the location and any archaeological remains outweighs the significance of any existing structures.

Site Development Plan means a plan, drawn to scale by a licensed professional engineer or other qualified professional, showing the current and proposed uses, structures, and all other physical features proposed for a development site, including bufferyards, parking, landscaping, and drainage facilities, in accordance with the requirements of this Code. Site Development Plans shall include all information necessary to determine whether the proposed Development meets the requirements of this Code, such as proposed use(s) of the site, impervious surface and floor area, and calculations of parking requirements, among others.

Site Development Plan Review: The process whereby the City reviews the Site Development Plans(s) of a developer to assure that the Site Development Plan is consistent with the city's Comprehensive Plan; compliant with this Code; compatible with the goals, land use policies, and objectives of the city's Comprehensive Plan; in-scale with established neighborhood land use patterns; provides for the necessary public

facilities, and protect and preserve topographical features and adjacent properties through appropriate siting of structures and landscaping.

Small Lot Subdivision: Small lot subdivisions are subdivisions that have a maximum density of six (6) dwelling units per acre. However, in the Green Swamp ACSC, the maximum density is four (4) dwelling units per acre.

Solar Energy System: The equipment used for collecting, transferring, converting, storing, and/or using solar energy for the generation of electricity. Devices could include solar panels, films, shingles, or other solar components. The equipment could be used for water heating, space heating, cooling, or other applications that normally require an energy source and are located on the same property on which the solar energy is collected. A solar energy system may be mounted on the building or on the ground, and as deemed in these regulations, is not the principal use of the property, but is an accessory to a private use.

Solar Panel: A device comprised of solar cells, also known as photovoltaic devices, which convert sunlight into electricity.

Soil compaction means compression of the soil, resulting in a reduction of the total pore space, especially the macropores (air-filled spaces between soil particles) and micropores (which fill with water).

Soil stabilization means measures, strategies, practices or systems used to protect soil from raindrop impact and flowing water. Typical measures include vegetative establishment and mulching.

Solid Waste: Sludge from a waste treatment works, water supply treatment plant, or air pollution control facility, or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid Waste Facilities: Structures or systems designed for the collection, processing, or disposal of solid wastes, including hazardous wastes, and include transfer stations, processing plants, recycling plants, and disposal systems.

Solid Waste Processing Plant: A facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

Solid Waste Transfer Station: A facility for the temporary collection of solid waste prior to transport to a processing plant or to final disposal.

Sound level means the quantity, in decibels, measured by an instrument satisfying the requirements of the American Standard Specification for Type I sound level meters. The sound level is the frequency-weighted sound pressure level obtained with the frequency weighting "A" and the standardized dynamic characteristic "SLOW."

Special event see Sec. 3.9.6.

Special purpose zoning district see Sec. 2.2.5.

Stoop see Sec. 2.1.5.E.7.

Storefront means a building frontage conventional for retail use, with substantial

glazing and awning or canopy, wherein the façade is aligned close to the sidewalk with the building entrance at sidewalk grade.

Stormwater means the flow of water that results from, and which occurs during and immediately following, a rainfall event.

Story means a habitable level within a building, excluding an attic or raised basement if they do not exceed five and one-half feet.

Street means any publicly dedicated accessway such as a street, road, highway, boulevard, parkway, circle, court or cul-de-sac, and shall include all of the land lying between any right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, except those accessways such as easements and rights-of-way intended solely for utilities and similar facilities and easements of ingress and egress.

Street centerline means the surveyed and prescribed centerline of a street established by the state department of transportation or city public works department or, if no centerline has been so established, the line midway between the existing or proposed street right-of-way lines.

Street right-of-way means a strip or area of land dedicated or deeded for use of and by the public as a public street.

Structure means anything constructed or erected with a fixed location on the ground or attached to something having a fixed location on the ground, and having a height of four inches or more, except for patios, ground-level parking and loading facilities, fences and

individual doll houses, play houses, and animal or bird houses that are neither to be used for human habitation, i.e., a place of permanent or temporary residence, nor storage as a principal use.

Subdivider means the owner, or the agent of the owner, of any tract or parcel of land, who divides or subdivides or resubdivides the tract or parcel of land into three or more lots, building sites or other divisions, for the purpose of transferring an ownership interest therein, or any person who performs any clearing and grubbing on any land incidental to or preparatory to the construction or laying out of improvements on the site to facilitate a subdivision of the property, or any owner of property or the agent of the owner who develops or improves property in accordance with a subdivision plat approved pursuant to this chapter.

Subdivision means any division or resubdivision of a tract or parcel of land into three (3) or more parcels, lots, tracts, building sites, or other divisions; provided, however, the following shall not be included within the meaning of this definition, as follows:

- A. Conversion of a building into individual units for the purpose of transferring an ownership interest therein.
- B. The public acquisition of strips of land for widening or opening streets, or for drainage or public utilities improvements.

Substantial development means the point in development when all the required permits necessary to continue the development have been obtained and the actual construction of water and sewer lines, or streets, or the

stormwater management system, on such portion of the development is complete or is progressing in a manner that significantly moves the entire development toward completion.

Substantial Improvement: Any combination of repairs, reconstruction, alteration, or improvements to a structure, taking place during the life of a structure, in which the cumulative cost equals or exceeds fifty (50) percent of the market value of the structure. The market value of the structure is the appraised value of the structure prior to the start of the initial repair or improvement, or, in the case of damage, the value of the structure prior to the occurrence of the damage. For the purposes of this definition, "substantial improvement" occurs when the first alteration of any wall, ceiling, floor, or other structural part of the structure commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any improvement of a structure to comply with existing health, sanitary, or safety codes, or any alteration of a structure listed on the National Register of Historic Places, the Local Register of Historic Places, or a State Inventory of Historic Places, unless that alteration will cause the structure to lose its historical designation.

Surface parking means a single level of parking at grade, whether covered or uncovered; or attached or detached from a building. Surface parking is also defined as a single level of ground-floor parking within the footprint of a building. Individual garages that are accessory to a dwelling unit or non-residential unit, whether attached to or detached from the unit are surface parking.

Surface waters mean all waters on the surface of the earth, contained in bounds created naturally

or artificially, including, the lakes, ponds, impoundments, rivers, streams, springs, creeks, branches, sloughs, tributaries and other watercourses.

Tandem parking see Sec. 4.4.2.B.3.

Technical review committee means a committee created by Article 9 of this Code.

Temporary Use see Sec. 3.9.

Tiny Home see Section 3.4.11.

Townhouse. See "attached dwelling."

Trail means any greenway, pathway, bike path, or other accessway not open to motor vehicles, other than emergency and maintenance vehicles, within a public right-of-way or easement or on privately-owned land that is open to the public for the purpose of an off-road pathway system.

Transitional Zone: Upland areas adjacent to wetlands that are necessary to protect the wetlands and wetland species from the detrimental impacts of development or alteration. The transitional zone shall include canopy, understory, and ground cover that consists of preserved existing vegetation or planted native species.

Transparency see Sec. 2.1.5.

Tree means any living self-supporting perennial plant whose one main stem attains at least a diameter of three inches (nine inches in circumference) at four and one-half feet above ground level and a height of 15 feet at maturity.

Tree survey means a map that depicts the

geographic location of regulated trees with their scientific names (both genus and species) and indicates the diameter of each regulated tree measured at four and one-half feet above the natural grade at the base.

Understory means the complex of woody, fibrous, herbaceous and grass and sedge plant species typically associated with a forested community.

Understory trees means trees that average less than 40 feet in height at maturity, whether or not the tree is found in an understory habitat.

Uplands means all land areas that are neither wetlands nor surface waters.

Usable open space means that part of the ground, roof, balcony, or porch that is devoted to outdoor living or recreation. Such space shall be provided as a common area conveniently located and readily accessible from all living units located on the building site and shall have no dimension less than 20 feet. Such space shall not include private roadways open to vehicular traffic, off-street parking area, loading space or required minimum front yard area.

Use means any activity, function, or purpose to which or for which a parcel of land or building is put, used, arranged, or occupied, for any purpose, including any residential, commercial, industrial, public, or any other purpose or use.

Utilities uses see Sec. 3.7.5.

Variance means a relaxation from strict compliance with the requirements of this Code. See Sec. 9.9.3.

A modification of the zoning ordinance regulations when such variance will not be contrary to the public interest, and when, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship.

A variance is authorized only for height, area, size of structure, or size of yards and open spaces, or other dimensional requirements. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall the variance be granted because of the presence of nonconformities in the zoning district or classification, or in the adjoining zoning districts or classifications.

Vegetative Communities: Ecological communities, such as coastal strands, oak hammocks, and cypress swamps, that are classified based on the presence of certain soils, vegetation and animals.

Vested Right: A right is vested when it has become absolute and fixed and cannot be defeated or denied by subsequent conditions or changes in regulations, unless it is taken and paid for. There is no vested right to an existing zoning classification or to have zoning remain the same forever. However, once development has been started or has been completed, there is a right to maintain that particular use regardless of the classification given to the property. In order for a nonconforming use to earn the right to continue when the zoning is changed, the right must have vested before the change. If the right to complete the development was not vested, it may not be built, no nonconforming use will be established, and the new regulations will have to be complied with.

Wall see Section 4.5.8.

Walkability means a measure of how friendly an area is to walking. Walkability has many health, environmental, and economic benefits. Factors influencing walkability include the presence or absence and quality of footpaths, sidewalks, or other pedestrian walkways, traffic and road conditions, land use patterns, building accessibility, and safety, among others. Walkability within the built environment may be characterized by the 10-minute (0.25-mile) walk rule.

Warehouse/distribution see Sec. 3.5.4.

Waste management facility see Sec.3.5.5.

Water or Waters: Includes, but is not limited to, water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, streams, rivers, lakes, ponds, or diffused surface water and water percolating, standing, or flowing beneath the surface of the ground.

Water Body: Any natural or artificial pond, lake, reservoir, or other area with a discernible shoreline that ordinarily or intermittently contains water.

Watercourse Any natural or artificial channel, ditch, canal, stream, river, creek, waterway, or wetland through which water flows in a definite direction, either continuously or intermittently, and that has a definite channel, bed, banks, or other discernible boundary.

Water Wells: Wells excavated, drilled, dug, or driven for the supply of industrial, agricultural or

potable water for general public consumption.

Wet detention means a stormwater management facility in which a design water pool is normally maintained and that has the extended capacity to provide detention for the required stormwater treatment volume. Water quality treatment is enhanced by nutrient uptake through the use of water-tolerant vegetation, and by settling and absorption by soils.

Wetlands means those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils.

Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce, or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps, and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

The definition includes all contiguous and noncontiguous, or isolated wetlands to waters, water bodies, and watercourses. Dominant

wetland vegetation shall be determined as provided in Rule 17-301.400, Florida Administrative Code.

applicable to all lands within the City, and all amendments thereto. Also see Sec. 2.2.6.

Wholesale trade see Sec. 3.5.6.

Wildlife corridor means a habitat linkage along which wide-ranging animals can travel, plants can propagate, genetic interchange can occur, and populations can move in response to environmental changes and natural disasters.

Wireless communications facility see Sec. 3.7.6.

Xeriscape: Xeriscaping is a method of landscaping that conserves water and protects the environment by using mostly native plants, an efficient watering system, mulches, property maintenance, and less lawn. The key to xeriscaping is to cluster plants according to similar sunlight and water needs, creating landscape "zones." Typically, xeriscaping reduces watering costs by 20 to 50 percent per month. Reducing the amount of watering reduces the amount of runoff from the property, which reduces the amount of pollutants, including fertilizer, that leave the homeowner's property.

Yard means the space on any lot between the lot lines and the minimum required setback line for principal structures.

Zoning districts means an area or areas of the City designated on the zoning map as being subject to the uniform regulations and requirements of a particular zoning category established in this Code. Also see Sec. 2.2.

Zoning map means the official map adopted by this Code, showing the zoning districts and