

TOWN OF ASTATULA

LAND DEVELOPMENT REGULATIONS

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Town of Astata S.R.D.

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Chapter I – Overview and Procedures

1.1 Intent

The Land Development Code of the Town of Astatula is intended to define procedures and standards for the development of land within the of Town of Astatula in order to promote and protect the community's health, safety and welfare, to preserve and strengthen the quality of the downtown area, to allow for high quality, well-designed new development in appropriate areas and to protect important natural and historic resources.

Zoning is the single most powerful legal mechanism of an overall urban concept, but it does not fully plan building locations, traffic movement or parklands; it does not create beauty, aesthetic order, or amenity. It is the task of the Town, therefore, to preserve various elements of urban beauty and require that new projects enhance the existing appearance.

The plan for achieving beauty must grow out of our special local characteristics of site, aesthetic tradition, and developmental potential. Some local areas of natural beauty are Lake Harris and the uniqueness of our rolling terrain. The vistas and visual delight of these should only be allowed to be enhanced. It is the intent of the Town through this Code to achieve a pleasant and comprehensible cohesiveness in our community development.

The general steps for development to follow are described below. They are described in general in this chapter. Additional details are provided in other documents and other chapters of this Code as referenced.

1.2 Jurisdiction

This Code applies to lands within the Town limits of the Town of Astatula.

1.3 Annexation

Owners of land outside the Town who desire to be incorporated within the Town may petition for annexation subject to Florida law and the requirements of the Town. The following steps should first be taken:

1. The existing Town limits should be referenced to determine if the parcel is contiguous to the Town.
2. The Future Land Use Map of the Comprehensive Plan should be referenced to determine if the parcel is within the Town's planning area; annexations outside the planning area may also be considered.
3. Town staff should be consulted to determine service capabilities, permitted land uses and the role of the county and other cities.
4. Petition. The petition for annexation must include:
 - a. Proof of ownership
 - b. Name, address and signature of owner
 - c. Survey, including legal description of property and street / road address
 - d. Requested land use designation and zoning

- e. Method of providing services including water, sanitary sewer, roads, drainage, schools, and police protection
- f. Justification for the proposal in relation to the comprehensive plan of the Town and the county for ultimate review by the Department of Community Affairs.
- g. Processing fee

1.3.1 Procedures for Annexation

Any owner, or authorized representative thereof, of a parcel of land desiring to annex the land into the limits of the Town must submit an application requesting consideration of the annexation by the Town.

1.3.2 Initiation Point

Applications for annexation must be made to the Town Clerk

1.3.3 Submittals and Fees

The application shall be a form provided by the Town, stating at least the applicant's name, a legal description and survey of the property, the current zoning in the County, the requested zoning in the Town, proof of ownership and the reason for the requested annexation. Appropriate application fees shall be paid at the time of the submittal. Review fees from the Town's Consultants will be billed to the Town and passed on to the Applicant as the project is being processed.

1.3.4 Review Process

The application and any required submittals shall be submitted to the Town Clerk who will review the application to make sure it is complete. The package will then be forwarded to the Town's consulting planner and engineer who will review the application for conformance to the Town of Astatula's Land Development Regulations and Comprehensive Plan. The Town's consulting planner and engineer will submit a written staff report to the Planning and Zoning Commission and to the Town Council.

1.3.5 Review Criteria

The Town shall consider the following criteria in reviewing applications for annexation:

1. The need and justification for the bringing additional lands into the Town
2. The effect of the additional lands, if any, on the particular property and on surrounding properties

3. The amount of undeveloped land having the same classifications as that requested in the general area and throughout the Town
4. The relationship of the proposed annexation to the purposes of the Town's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this Code and the Plan
5. The availability and provision of adequate services and facilities;
6. The impact on the natural environment
7. Other criteria as may be applicable

1.3.6 Notification of Public Hearing

Prior to the adoption of the ordinance of annexation, the Town Council shall hold at least two advertised public hearings. The first public hearing shall be on a weekday at least 7 days after the day that the first advertisement is published. The second public hearing shall be held on a weekday at least 5 days after the day that the second advertisement is published. Each such ordinance shall propose only one reasonably compact area to be annexed.

1.4 Small Scale Comprehensive Plan Amendment (less than 10 acres)

1.4.1 Procedures. Any owner, or authorized representative thereof, of a parcel of land, less than 10 acres in size, desiring to change the future land use designation of that land may submit an application for a Small Scale Comprehensive Plan Amendment.

1.4.2 Initiation Point

Applications for a Small Scale Comprehensive Plan Amendment must be made to the Town Clerk.

1.4.3 Submittals and Fees

The application shall be a form provided by the Town, stating at least the applicant's name, a legal description and survey of the property, the current zoning, the requested zoning (if applicable), the current future land use designation, the requested land use designation, proof of ownership and the reason for the requested change. Appropriate fees shall be paid at the time of the submittal.

1.4.4 Review Process

1. The application and any required submittals shall be submitted to the Town Clerk who will review the application to make sure it is complete. The package will then be forwarded to the Town's consulting planner and

engineer who will review the application for conformance to the Town of Astatula's Land Development Regulations and Comprehensive Plan.

2. The Town's consulting planner and engineer will submit a written staff report to the Planning and Zoning Commission and to the Town Council.

1.4.5 Review Criteria

The Town shall consider the following criteria in reviewing applications for a Small Scale Comprehensive Plan Amendment:

1. The need and justification for the change;
2. The effect of the change, if any, on the particular property and on surrounding properties;
3. The amount of undeveloped land having the same classifications as that requested in the general area and throughout the Town;
4. The relationship of the proposed amendment to the purposes of the Town's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this Code and the Plan;
5. The availability and provision of adequate services and facilities;
6. The impact on the natural environment; and
7. Other criteria as may be applicable.

1.4.6 Restrictions on reconsideration

1. Whenever the Town Council has taken action to deny a petition to change the future land use of the property, the Town shall not consider any further petition for the same land use change of all or any part of the same property for a period of one (1) year from the date of such action.
2. The time limits of this subsection may be waived by the Town Council when such action is deemed necessary to prevent injustice.

1.4.7 Notification of Public Hearing

Prior to any public hearing on comprehensive plan amendments, the following notification requirements shall be followed:

Notice of public hearing shall be published in a newspaper of general circulation within the Town at least seven (7) days prior to the first Town Council meeting, with a second publication to be at least five (5) days prior to the final Town Council meeting. At least fourteen (14) days prior to the Planning and Zoning Committee hearing, notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town. This is superseded by the requirements of Section 163.3184, Florida Statutes, or as amended, for Future Land Use Map amendments, when applicable.

1.5 Large Scale Comprehensive Plan Amendment (larger than 10 acres)

1.5.1 Procedures. Any owner, or authorized representative thereof, of a parcel of land desiring to change the future land use designation of that land may submit an application for a Large Scale Comprehensive Plan Amendment.

1.5.2 *Initiation Point*

Applications for a Large Scale Comprehensive Plan Amendment must be made to the Town Clerk.

1.5.3 *Submittals and Fees*

The application shall be a form provided by the Town, stating at least the applicant's name, a legal description and survey of the property, the current zoning, the requested zoning (if applicable), the current future land use designation, the requested land use designation, proof of ownership and the reason for the requested change. Appropriate fees shall be paid at the time of the submittal. Applications for a change to the Commercial, multi-family or Planned Unit Development District must include a conceptual site plan.

1.5.4 *Review Process*

1. The application and any required submittals shall be submitted to the Town Clerk who will review the application to make sure it is complete. The package will then be forwarded to the Town's consulting planner and engineer who will review the application for conformance to the Town of Astatula's Land Development Regulations and Comprehensive Plan.
2. The Town's consulting planner and engineer will submit a written staff report to the Planning and Zoning Commission and to the Town Council.

1.5.5 *Review Criteria*

The Town shall consider the following criteria in reviewing applications for a Large Scale Comprehensive Plan Amendment:

1. The need and justification for the change;
2. The effect of the change, if any, on the particular property and on surrounding properties;
3. The amount of undeveloped land having the same classifications as that requested in the general area and throughout the Town;
4. The relationship of the proposed amendment to the purposes of the Town's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this Code and the Plan;
5. The availability and provision of adequate services and facilities;
6. The impact on the natural environment; and
7. Other criteria as may be applicable.

1.5.6 *Restrictions on reconsideration*

1. Whenever the Town Council has taken action to deny a petition to change the future land use of the property, the Town shall not consider any further petition for the same land use change of all or any part of the same property for a period of one (1) year from the date of such action.
2. The time limits of this subsection may be waived by the Town Council when such action is deemed necessary to prevent injustice.

1.5.7 Notification of Public Hearing

Prior to any public hearing on comprehensive plan amendments, the following notification requirements shall be followed:

Notice of public hearing shall be published in a newspaper of general circulation within the Town at least seven (7) days prior to the first Town Council meeting, with a second publication to be at least five (5) days prior to the final Town Council meeting. At least fourteen (14) days prior to the Planning and Zoning Committee hearing, notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town. This is superseded by the requirements of Section 163.3184, Florida Statutes, or as amended, for Future Land Use Map amendments, when applicable.

1.6 Rezoning

All development must be consistent with the zoning district shown on the Town's official zoning map and with the requirements of the zoning chapter of this Code. The intent of each zoning district, the uses permitted conditional uses and site development standards are listed for each district in Chapter IV – Zoning Regulations. If the proposed development is allowed in the district only as a conditional use, application for approval may be made as described in below.

1.6.1 Process for Rezoning

If the proposed development is not allowed in the district, application may be made for rezoning to another district permitted within the Comprehensive Plan Land Use category.

1.6.2 Initiation Point

Applications for Rezoning must be made to the Town Clerk.

1.6.3 Submittals and Fees

The application shall be a form provided by the Town, stating at least the applicant's name, a legal description and survey of the property, the current zoning and future land use in the County or Town, the zoning and requested

future land use (if applicable) in the Town, proof of ownership and the reason for the requested rezoning. Appropriate Application fees shall be paid at the time of the submittal. Review fees from the Town's Consultants will be billed to the Town and passed on to the Applicant as the project is being processed.

1.6.4 Review Process

The application and any required submittals shall be submitted to the Town Clerk who will review the application to make sure it is complete. The package will then be forwarded to the Town's consulting planner and engineer who will review the application for conformance to the Town of Astatula's Land Development Regulations and Comprehensive Plan. The Town's consulting planner and engineer will submit a written staff report to the Planning and Zoning Commission and to the Town Council.

1.6.5 Review Criteria

The Town shall consider the following criteria in reviewing applications for Rezoning:

1. The need and justification for the rezoning
2. The effect of the rezoning, if any, on the particular property and on surrounding properties, including compatibility
3. The amount of undeveloped land having the same classifications as that requested in the general area and throughout the Town
4. The relationship of the proposed rezoning to the purposes of the Zoning Map and Town's Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of this Code and the Plan
5. The availability and provision of adequate services and facilities
6. The impact on the natural environment
7. Other criteria as may be applicable

1.6.6 Notification of Public Hearing:

Prior to any public hearing on rezoning, the following notification requirements shall be met:

These requirements are superseded by the requirements of Section 166.041(2), Florida Statutes, or as amended, when applicable.

- a) Adjoining Owners. The Town shall send notice per Section 166.041, F.S., or as amended, of the proposed action to the owners of all adjoining properties to the subject property, as well as to any owners of the subject property not party to the application, at least two (2) weeks prior to the Planning and Zoning Committee hearing. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Committee and the Town Council, along with a clear and concise description of the proposed action.

For the purposes of such notification, a property shall not be considered an adjoining property if it is separated from the subject property by a road, canal, easement, right-of-way or similar barrier greater than one hundred fifty (150) feet in width.

- b) Posting of Property. At least seven (7) days prior to the Planning and Zoning Committee hearing, the applicant shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
- c) Public Advertisement. Notice of public hearing shall be published in a newspaper of general circulation within the Town at least ten (10) days prior to the final Town Council meeting. Notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town.

1.7 Subdividing

Any person proposing to divide existing parcels of land may do so consistent with the standards of the applicable zoning district and according to the standards and procedures set forth in Chapter VI – Zoning Regulations.

1.8 Site Plans

Developments proposed on properly zoned parcels of record must obtain site plan approval prior to obtaining building permits. Specific requirements are contained in Chapter V – Site Plan Regulations.

1.9 Conditional Uses

Use permitted in a particular zoning district when it is shown that such use in a specified location will comply with all the conditions and standards for the location or operation of the use as outlined in specific requirements contained in Chapter IV – Zoning Regulations. If any zoning district requires a conditional use permit, no person shall erect, construct, or alter any building or structure for such conditional use until a conditional use permit is reviewed and approved by the Town Council.

1.9.1. Initiation Point

Applications for Conditional Use must be made to the Town Clerk.

1.9.2 Submittals and Fees

The application shall be a form provided by the Town, stating at least the applicant's name, a legal description and survey of the property, the current

zoning and future land use in the Town, proof of ownership, the conditional use requested, and the reason for the requested conditional use. Appropriate Application fees shall be paid at the time of the submittal. Review fees from the Town's Consultants will be billed to the Town and passed on to the Applicant as the project is being processed.

1.9.3. Review Process

The application and any required submittals shall be submitted to the Town Clerk who will review the application to make sure it is complete. The package will then be forwarded to the Town's consulting planner and engineer who will review the application for conformance to the Town of Astatula's Land Development Regulations and Comprehensive Plan. The Town's consulting planner and engineer will submit a written staff report to the Town Council.

- a. The Town Council shall hear and decide requests for conditional uses allowed in Chapter IV, hereof. In doing so, the Council may decide such questions as are involved in determining when conditional uses should be granted and either grant conditional uses with appropriate conditions and safeguards or deny conditional uses. After review of an application and a public hearing thereon, the Council may allow conditional uses only upon a determination that use requested:
 1. Is not detrimental to the character of the area or inconsistent with trends of development in the area;
 2. Does not have an unduly adverse effect on existing traffic patterns, movements and intensity;
 3. Is consistent with the Comprehensive Plan, and;
 4. Will not adversely affect the public interest.
- b. Every person requesting a Conditional Use Permit shall file an application for a permit with the Town Clerk. The application shall be accompanied by an application fee payable to the Town of Astatula. A conditional use permit may be granted for a use that is generally not permitted in a particular zoning district, but which, if controlled, restricted, or otherwise regulated, would not adversely affect the public health, safety, and general welfare. Such uses may be permitted only if there is compliance with the provisions and standards set forth below.
- c. Every person requesting a Conditional Use Permit shall file an application for a permit with the Town Clerk. The application shall be accompanied by an application fee payable to the Town of Astatula. The amount of the application fee shall be established by separate resolution.
- d. Applications for Conditional Use Permits shall include the following information:
 1. The name, address, and telephone number of the applicant and the owner of the property

2. A schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including, but not limited to, signs, driveways, off-street parking areas, loading and unloading areas, roads and streets, and utility easements.
3. A detailed description of the nature and extent of the proposed conditional use.
4. Plans or reports describing traffic conditions that will be created by the conditional use.
5. Complete legal description of the property, including a survey prepared by a Florida Registered Land Surveyor.

1.9.4 Notification of Public Hearing:

Prior to any public hearing on a Conditional Use Permit, the following notification requirements shall be met:

- a) Adjoining Owners. The Town shall send notice of the proposed action to the owners of all adjoining properties to the subject property, as well as to any owners of the subject property not party to the application, at least two (2) weeks prior to the Planning and Zoning Committee hearing. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Committee and the Town Council, along with a clear and concise description of the proposed action. For the purposes of such notification, a property shall not be considered an adjoining property if it is separated from the subject property by a road, canal, easement, right-of-way or similar barrier greater than one hundred fifty (150) feet in width.
- b) Posting of Property. At least seven (7) days prior to the Planning and Zoning Committee hearing, the applicant shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
- c) Public Advertisement. Notice of public hearing shall be published in a newspaper of general circulation within the Town at least ten (10) days prior to the final Town Council meeting. Notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town.
- d) The Town Council, with notice to the petitioner, may revoke a conditional use permit if the permittee fails to use or develop the property in full compliance with the terms and conditions of the permit.
- e) If the Town Council rejects the Conditional Use Permit, it may not reapply for a period of one (1) year.

- f) Conditional Use Permits shall run with the land as long as the conditions of the original Conditional Use Permit are met.

1.10 Variances

A Variance is permission to depart from the literal requirements of a Land Development Regulations.

1.10.1. Initiation Point

Applications for Variances must be made to the Town Clerk.

1.10.2 Submittals and Fees

The application shall be a form provided by the Town, stating at least the applicant's name, a legal description and survey of the property, the current zoning and future land use in the Town, proof of ownership, the section of the code from which the variance is requested, and the reason for the requested variance. Appropriate Application fees shall be paid at the time of the submittal. Review fees from the Town's Consultants will be billed to the Town and passed on to the Applicant as the project is being processed.

1.10.3. Review Process

The application and any required submittals shall be submitted to the Town Clerk who will review the application to make sure it is complete. The package will then be forwarded to the Town's consulting planner and engineer who will review the application for conformance to the Town of Astatula's Land Development Regulations and Comprehensive Plan. The Town's consulting planner and engineer will submit a written staff report to the Town Council.

- a. The Town Council shall hear and make decisions for variances from the terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefore, and not surrounding properties. In order to authorize a variance, the Board must find:
 - 1. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district; such onsite conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;
 - 2. That the special conditions and circumstances do not result from the actions of the applicant;

3. That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;
 4. That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;
 5. That the grant of the variance will be in harmony with the general intent and purpose of this Code and the Comprehensive Plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare; and
 6. The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.
- b. In granting any variance, the Council may prescribe appropriate conditions and safeguards, the violation of which shall be deemed a violation of this Code. The Council may also prescribe a reasonable time limit within which the action for which the variance was requested shall begin, be completed, or both. Under no circumstances shall the Council grant a variance which permits a use not generally, or by conditional use, permitted in the zoning district involved, or any use expressly or by implication prohibited, by the terms of this Code in the zoning district involved. Non-conforming uses of neighboring lands, structures or buildings in the same zoning classifications or district, and permitted uses of lands, structures or buildings in other zoning classifications or districts shall not be considered grounds for the authorization of a variance.
 - c. Every applicant requesting a Variance shall file an application for a permit with the Town Clerk. The application shall be accompanied by an application fee payable to the Town of Astatula. The amount of the application fee shall be established by separate resolution
 - d. Applications for Variances shall include the following information:
 1. The name, address, and telephone number of the applicant and the owner of the property
 2. A sketch shall be prepared which shows the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including, but not limited to, signs, driveways, off-street parking areas, loading and unloading areas, roads and streets, and utility easements. The topography required for this sketch may be obtained from the U.S.G.S. Quadrangle Maps or Lake County, if such information is available.
 3. A detailed description of the nature and extent of the requested variance.
 4. Plans or reports describing traffic conditions that will be created by the variance.
 5. Complete legal description of the property, including a survey prepared by a Florida Registered Land Surveyor.

6. Any other information or data required by the Town Council or the Town's Planning, Engineering, or Legal consultants.
7. The Town Council, in its sole discretion, may waive any or all of the requirements in (2) through (5) above

1.10.4 Notification of Public Hearing:

Prior to any public hearing on Variances, the following notification requirements shall be met:

- a) Adjoining Owners. The Town shall send notice of the proposed action to the owners of all adjoining properties to the subject property, as well as to any owners of the subject property not party to the application, at least two (2) weeks prior to the Planning and Zoning Committee hearing. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Committee and the Town Council, along with a clear and concise description of the proposed action. For the purposes of such notification, a property shall not be considered an adjoining property if it is separated from the subject property by a road, canal, easement, right-of-way or similar barrier greater than one hundred fifty (150) feet in width.
- b) Posting of Property. At least seven (7) days prior to the Planning and Zoning Committee hearing, the applicant shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage
- c) Public Advertisement. Notice of public hearing shall be published in a newspaper of general circulation within the Town at least ten (10) days prior to the final Town Council meeting. Notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town
- d) The Town Council, with notice to the petitioner, may revoke a variance if the permittee fails to use or develop the property in full compliance with the terms and conditions of the variance.
- e) If the Town Council rejects the Variance, it may not reapply for a period of one (1) year

1.11 Other Town Regulations

Also applicable, but not contained in this Code, are building codes, fire codes and other regulations as may be adopted from time to time by the Town.

1.12 Other Agencies or Jurisdictions

It is the Town's intent that all reviews be coordinated with other agencies and jurisdictions. However, it is the applicant's responsibility to secure all permits required by other agencies and jurisdictions. Applicants are advised to check with all appropriate agencies prior to submitting an application.

1.13 Pre-application Conference

Anyone interested in undertaking development in the Town is encouraged to first confer with the Town's staff to determine the most current procedures, submittals, standards, deadlines and fees as well as the identities of other agencies possibly having jurisdiction. However, any information received from staff during this conference is subject to any limitations set forth herein.

1.14 Development Approval Process

The general processes for various types of development approvals are as follows:

1. Rezoning (Chapter IV – Zoning Regulations)
 - a. Review of application and exhibits by Town staff and Town's planning, engineering, and legal consultants
 - b. Planning and Zoning Commission
 - c. Town Council
2. Subdivisions (Chapter VI – Subdivision Regulations)
 - a. Preliminary Development Plan
 1. Review of application and exhibits by Town staff and Town's planning, engineering, and legal consultants
 2. Planning and Zoning Commission
 3. Town Council
 - b. Final Development Plan
 1. Review of application and exhibits by Town staff and Town's planning, engineering, and legal consultants
 2. Planning and Zoning Commission
 3. Town Council
 - c. Final (Record) Plat
 1. Review of application and exhibits by Town staff and Town's planning, engineering and legal consultants
 2. Planning and Zoning Commission
 3. Town Council
 - d. Minor Subdivision (Chapter VI – Subdivision Regulations)
 1. Review of application and exhibits by Town staff and Town's planning and legal consultants
 2. Planning and Zoning Commission
 3. Town Council
3. Site Plans (Chapter V – Site Plan Regulations)

- a. Review of application and exhibits by Town staff and Town's planning and legal consultants
 - b. Planning and Zoning Commission
 - c. Town Council
- 4. Planned Unit Developments (Chapter IV – Zoning Regulations)
 - a. Preliminary Development Plan
 - 1. Review of application and exhibits by Town staff and Town's planning and legal consultants
 - 2. Planning and Zoning Commission
 - 3. Town Council
 - b. Final Development Plan
 - 1. Review of application and exhibits by Town staff and Town's planning, engineering and legal consultants
 - 2. Planning and Zoning Commission
 - 3. Town Council
 - c. Subdivision Plat or Site Plan for each section of the PUD (See Subdivision and Site Plan Regulations).

NOTE: Steps may be combined and / or concurrent reviews may be conducted at the applicant's request and based on the nature of the request and the quality of submittals.

- 5. Conditional Uses (Chapters II – General Provisions and IV – Zoning Regulations)
 - a. Review of application and exhibits by Town staff and Town's planning and legal consultants
 - b. Town Council
- 6. Variances (Chapter I – Overview and Procedures)
 - a. Review of application and exhibits by Town staff and Town's planning and legal consultants
 - b. Town Council
- 7. Appeals
 - a. Decisions of the Town Council may be appealed to the Fifth Circuit Court in Lake County

Chapter II – General Provisions

2.1 Statement of Intent

The regulations and requirements contained herein have been formulated in accordance with the Town of Astatula Comprehensive Plan, with reasonable consideration, among other things, to the prevailing land uses, natural and historic resources, growth characteristics, and the character of the respective districts and their peculiar suitability for particular uses, and to encourage the most appropriate use of land throughout the Town.

In their interpretation and application, the provisions of this Code shall be deemed the minimum requirements to:

1. Promote the public health, safety and general welfare
2. Protect the character and maintain the stability of residential, commercial, manufacturing, agricultural, educational, cultural, recreational, historical and environmental areas within the Town
3. Provide adequate light, air, privacy and access to property
4. Avoid undue concentration of population by regulating and limiting the density, intensity, height and bulk of buildings
5. Provide open space around buildings
6. Provide open spaces and recreation facilities
7. Limit congestion in public streets by providing for off-street parking
8. Ensure safe and convenient traffic flow
9. Define the powers and duties of the Planning and Zoning Commission and appointed administrative officers
10. Ensure adequate utilities
11. Ensure adequate drainage and drainage control
12. Ensure the new development is served with necessary services and improvements without being a burden on the taxpayers of the Town.
13. Ensure that all future development orders and permits for both new and existing projects comply with this Code.

It is not the intent of the Town to interfere with or annul any lawful easements, covenants, or other agreements between parties; provided, however, that where this Code imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations or by lawful easements, covenants or agreements, the provisions of this Code shall control. All development shall conform with the Comprehensive Plan. The density of any development shall not exceed the densities designated in the Future Land Use Element of the Comprehensive Plan unless otherwise provided for in this code.

2.2 Review of Applications and Plans

2.2.1 Establishment and Purpose

It is hereby established that all applications and plans will be accepted by the Town Clerk and forwarded to the Town's consulting planner and consulting engineer and legal consultant for the initial review of development proposals for compliance with the provisions of this Code.

2.2.2 Duties and Responsibilities

The Town's consulting planner, consulting engineer, and legal consultant shall review and make written recommendations on the following:

1. Annexations
2. Comprehensive Plan Amendments
3. Rezoning
4. Subdivision Plats
5. Site Plans
6. Conditional Uses
7. Variances
8. Changes to the Land Development Code

2.3 Determination and Offsetting of Impact

During the review of an application for development approval, a determination will be made as to the environmental, technological and fiscal impacts of the proposal on public services and facilities and the measures necessary to offset any adverse impacts and to promote positive impacts.

The assessment of positive and negative impacts will use the best available information; the applicant is encouraged to provide any information in addition to required submittals that will assist in more accurately assessing impacts. The Town may require additional technical information to analyze impacts.

2.4 Planning and Zoning Commission

1. The Planning and Zoning Commission shall consist of five (5) registered voters of the Town of Astatula. Each member of the Commission shall be appointed by the Town Council and shall serve until replaced by vote of the Town Council or resignation by the Commission Member. The Town Council is authorized to remove any member of the Planning and Zoning Commission for cause after written notice and public hearing. Such vacancy shall be filled within thirty (30) days after the vacancy occurs.
2. It is the policy of the Town of Astatula that the membership of the Planning and Zoning Commission reflect the demographic and geographic diversity of the citizens of the Town.
3. Members of the Planning and Zoning Commission shall comply with all applicable federal, state and local laws regarding ethics, financial disclosure, open conduct of public business and public records. Members of the Commission shall serve at the pleasure of, and may be removed by, the Town Council.
4. At the first meeting of the calendar year, the Planning and Zoning Commission shall elect one (1) of its members as chairman. The quorum for any meeting of the Commission shall be a majority of its members.

2.4.1 Powers and Duties

1. *Recommendations of Original Zoning Districts and Appropriate Regulations*

It shall be the duty of the Planning and Zoning Commission to recommend to the Town Council the boundaries of the various original zoning districts and appropriate regulations to be enforced therein. This will include *Annexations*.

2. *Rezoning*

Although the Town Council may, from time to time, amend or supplement the regulations and zoning classifications or districts, proposed changes may be suggested by the Planning and Zoning Commission or by petition of the owners of fifty percent (50%) or more of the area involved in the proposed change. In the latter case, the petitioner or petitioners will be required to assume all costs of holding public hearings. See Chapter IV – Zoning Regulations, for procedures.

3. *Comprehensive Plan Amendments*

The Town Council shall also serve as the Local Planning Agency, and shall review and make recommendations on amendments to the Comprehensive Plan.

4. *Site Plan Review*

The Town Council, or its designee, shall be responsible for approval of all site plans.

5. *Conditional Uses*

If any zoning district requires a conditional use permit, no person shall erect, construct, or alter any building or structure for such conditional use until a conditional use permit is reviewed by the Planning and Zoning Commission Board and approved by the Town Council. Procedures are outlined in Chapter IV – Zoning Regulations,.

6. *Variances*

The Planning and Zoning Commission shall hear and make recommendations to the Town Council for requests for variances from the terms of the zoning regulations where, owing to special conditions, a literal enforcement of the provisions will result in unnecessary and undue hardship upon, and personal to, the applicant therefor, and not surrounding properties. Procedures are outlined in Chapter IV, Section 4.5.

2.5 Altering of Code

It shall be unlawful for any person to change or amend, by addition or deletion, any part or portion of this Code, or to insert or delete pages or portions thereof or to alter or tamper with such Code, in any manner whatsoever, which will cause the law of the Town to be misrepresented thereby.

2.6 Enforcement

2.6.1 General

No site plan or subdivision development shall be approved, platted or recorded, nor shall any building permit or certificate of occupancy be issued, unless the development meets all the requirements of and has been approved in accordance with the provisions of this Code. The Town Council or any aggrieved person shall have recourse to the remedies provided for herein to ensure compliance with the provisions of this code, including injunctive relief, but not damages, to enjoin and restrain any person violating the provisions of this Code. The court shall, on proof of the violation, have the duty to forthwith issue any temporary and permanent injunctions as are necessary to prevent the violation of this Code. The Town shall have the authority to conduct inspections of any project undertaken by this Code. The Town Council shall have the right to enforce compliance with this Code by all legal means.

2.6.2 Required Improvements

The Town Council may enforce an improvement or performance bond or resort to legal and equitable remedies if required improvements have not been satisfactorily installed pursuant to an approved site plan or final development plan within one (1) calendar year after the site plan or final plat is approved, unless the time of completion is extended by the Planning and Zoning Commission with the consent of the surety. In no event will an extension of more than one year be granted.

2.6.3 Violations

It shall be a violation of this Code for any person to sell any parcel or property as a buildable lot or construct, open or dedicate any street, sanitary sewer, storm sewer, water main, or drainage structure, without having first complied with the provisions herein.

2.6.4 Issuance of Building Permits

It shall be unlawful for a structure to be erected on a lot or parcel of land within the Town unless a building permit has been issued. Further, no building permit shall be issued unless one of the following conditions is met:

1. The lot or parcel is within a subdivision for which a final development plan has been approved by the Town Council and the required improvements have been installed and accepted by the Town Council. However, buildings may be erected concurrently with the construction of the required improvements if an appropriate bond has been posted. Builder / Developer / Owner will understand that should they erect buildings concurrently with other improvements, they will do so at their own risk. If there is no bond for subdivision improvements, the final inspection of the buildings shall not be approved and the buildings must not be occupied until all the required improvements have been completed and accepted by the Town Council.

2. If a property owner has one or more contiguous lots deeded or platted prior to adoption of this code and did not at the time have sufficient contiguous land to conform to the minimum lot size requirements of this code, the contiguous lots must be combined to form a lot which meets the minimum requirements for lot size. A property owner with a single substandard lot may build on the lot provided they can meet the minimum requirements for square footage and setbacks. They must also obtain a septic tank permit from the Lake County Health Department.
3. The lot or parcel abuts a public street which has been dedicated to the Town and accepted by the Town Council, or is shown on a legally recorded subdivision plat, or a legally existing private easement recorded prior to adoption of this code.
4. A variance has been granted pursuant to this Code.

In addition, no building permit shall be issued until all fees for water, sewer, electrical service and offsetting of impact are paid and appropriate development agreements are approved. Further, building permits may be refused if water management, soil characteristics or other standards are not met.

2.7 Severability

If any part or provision of this Code or application thereof to any person or circumstances are adjudged by any court of competent jurisdiction, such judgement shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Code or the application thereof to other persons or circumstances. The Town Council hereby declares that it would have enacted the remainder of this Code without any such part, provision or application.

2.8 Effective Date

This Code shall take effect upon adoption by the Town Council. Subdivisions or site plans for which preliminary or final plans or plats have been submitted prior to the effective date may be developed and completed according to the preexisting requirements for subdivisions. However, preliminary or final subdivision plans or plats which are submitted prior to the effective date shall not be substantially amended or changed after the effective date except to conform with the regulations established herein. Nothing herein shall vest a preliminary planned unit development plan. Planned Unit Development plans shall only become vested at the time of approval of the final development plan.

2.9 Vested Rights

2.9.1 Procedures

1. Notwithstanding any provision of these Land Development Regulations to the contrary, in order to be considered vested, a project must have been issued a final development order, must have commenced developing pursuant to that specific order, and must be continuing in good faith to do so. For purposes of this section, a final development order is one of the following:
 - a. For projects requiring a site plan review – final site plan approval by the Planning and Zoning Commission Board or Town Council, as appropriate; or
 - b. For projects requiring a construction plan review only – the issuance of a building permit by Lake County Building Department.
2. Any project which has received a final development order shall be considered as having commenced developing if:
 - a. A building permit has been issued therefore; and
 - b. Vertical construction for which a building permit is necessary has actually commenced (e.g., other than site improvements such as excavation and site clearing).

3. Any project which has received a final development order and which has commenced developing shall be considered as continuing in good faith to do so if:
 - a. Vertical construction for which a building permit is necessary and for which regular inspections are performed continues so that inspections are being called for on a regular basis; and,
 - b. The permits for the project have not expired.
4. The vested rights of any project which fails to meet any of the above tests shall be null and void. However, any project which has received final site plan approval prior to the adoption of these Land Development Regulations or any amendment thereto shall be considered to be vested for the purpose of site plan approval so long as a building permit is issued and vertical construction is commenced within the time frames set forth in these Land Development Regulations.
5. All projects claiming vesting hereunder must be completed within the time frames allowed in these Land Development Regulations.
6. Any applicant or developer claiming vested rights must do so on a form provided by the Town. Failure to claim such vested rights at the time of any application wherein vesting might be an issue shall cause any vested rights which might otherwise be in existence to be waived.

2.10 Non-Conforming Uses of Land, Lots or Structures

Within the districts established by these zoning regulations or amendments that may later be adopted, there may exist land, lots or structures which were lawful before these zoning regulations were adopted or amended, but which would be prohibited, regulated, or restricted under the terms of these zoning regulations or future amendments. It is the intent of these zoning regulations to permit these nonconformities to continue until they are removed as required by these zoning regulations, but not to encourage their continuance.

A nonconformity may be continued so long as it remains otherwise lawful, provided that:

- a. There shall be no increase of nonconforming area.
- b. Movement. No non-conforming structure shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by the use at the effective date of adoption or amendment of these zoning regulations.
- c. Destruction. Should any non-conforming structure or non-conforming portion of a structure be destroyed by any means to an extent of more than 50 percent (50%) of its replacement value based upon property appraisal records at time of destruction, it shall not be reconstructed except in conformity with the provisions of these zoning regulations.
- d. Unsafe non-conforming structures because of lack of maintenance. If a nonconforming structure or portion of a structure, or any structure containing a non-conforming use, becomes physically unsafe due to lack of repairs or maintenance, and is declared by the duly authorized official of the Town to be unsafe or unlawful by reason of its physical condition, it shall not be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- e. If application for development approval is requested, all non-conforming uses must be brought into compliance with this code.
- f. Non-conforming uses shall cease after six (6) months of vacancy of the structure, and cannot be re-established.

Chapter III – Definitions

The following definitions shall apply throughout this code. Words or terms not otherwise defined herein shall be interpreted first by reference to the Town of Astatula adopted Comprehensive Plan, if specifically defined therein; secondly, by reference to generally accepted engineering, planning, or other professional terminology if technical; and otherwise according to common usage and definitions as outlined in a standard dictionary, unless the context clearly indicates otherwise.

Abandoned Property (Land): Abandoned property is that to which the owner has intentionally relinquished all rights.

Abandoned Property (Other than Land): Property left behind intentionally and permanently when it appears that the owner does not intend to come back, pick it up, or use it. Examples may include possessions left in a house after a tenant has moved out.

Abandoned Vehicle: A motor vehicle that (1) is physically inoperable, or missing essential parts to be operable and has been stored on public property for more than 48 hours; OR (2) has been abandoned on the side of the road for more than 72 hours.

Abutting Property: Any property that is immediately adjacent to or contiguous with property that may be subject to any hearing required to be held under these regulations or that is located immediately across any road or public right-of way from the property subject to any hearing under these regulations.

Access: Ingress and to land bordering on a system of roads.

Accessory Use: Accessory use is one which is incidental to the main use of the premises.

Accessory Buildings / Structures: Small structures, serving for storage, the uses of which are incidental to that of the dominant use of the main building or land. Limited to total size and location as outlined in Chapter IV – Zoning Regulations. Chicken Coop as defined in Chapter III shall not be considered an Accessory Building / Structure.

Addition (To An Existing Building): Any walled and roofed expansion of the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall or is separated by independent perimeter load-bearing walls is new construction.

Administrative Official: The designated governmental official charged with administering land development regulations.

Advertising Sign: A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered elsewhere than upon such premises where such sign is located, or to which it is affixed.

Adult Living Facility (ALF): See “Assisted Living Facility”

Aggrieved Person: A person who, by action under this code, has or will suffer direct pecuniary loss, which loss is not speculative and is not suffered by the public generally. For example, a commercial site owner who is required to install stormwater retention at the owner's expense is not an aggrieved person.

Agriculture: The use of land and / or water for agricultural purposes, including farming, the keeping of ratites, dairying and pasturage, apiculture, aquaculture, horticulture, floriculture, viticulture, silviculture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce raised thereon. Agriculture includes normal agricultural operations such as, but not limited to, site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, placement of bridges and culverts, and extraction of stumps and submerged logs.

Airport: A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair, and various accommodations for passengers.

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

Alteration: A change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, maintenance or structural changes involving changes in form, texture, materials or any such changes in appearance in specially designated historic site, or historic interiors.

Animal: A living organism other than a plant or bacterium, including fish, amphibians, reptiles, birds, and mammals, excluding humans.

Animal, Domestic: Any animal that has been bred and / or raised to live in or about the habitation of humans and is dependent on people for food and shelter. NOTE: The ordinance might list the domestic animals acceptable to the community, or exclude by weight, type, or other characteristics, those animals deemed to be unacceptable to be labeled “domestic”.

Animated Sign: A sign that uses movement or change of lighting to depict action or create a special effect. This definition shall include wind-driven signs, banners, streamers, or similar devices as allowed in Chapter 9 – Signs.

Annexation: The incorporation of a land area into an existing community with a resulting change in the boundaries of that community.

Apartment: A suite of rooms or room in a multifamily building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Appeal: A request for a review of the Planning and Zoning Committee's interpretation or decision of any provision of this article or a request for a Variance.

Applicant: Any person applying for or who has been granted a permit or development order to proceed with a project.

Aquifer: An underground formation, group of formations, or part of a formation that is permeable enough to transmit, store or yield usable quantities of water.

Architect: A qualified person registered and currently licensed to practice Architecture in the State of Florida.

Arterial Street: See "Street, Arterial"

As-built Plans: Final plans amended to include all locations, dimensions, elevations, capacities, capabilities, as actually constructed and installed.

As-built Survey: Survey prepared by a registered surveyor which includes all locations, dimensions, elevations, capacities, capabilities, as actually constructed and installed.

Assessment: That non-ad valorem assessment to be imposed upon the Owners of all improved real property within the Town and County during any year pursuant to a resolution, such non-ad valorem assessment being only those assessments which are not based on millage and which can become a lien against a homestead as permitted in Section 4, Article X of the Florida Constitution.

Assisted Living Facility (ALF): Any institution, building or buildings, residence, private home, boardinghouse, home for the aged, or other place licensed and approved by the Florida State Department having jurisdiction over these facilities. (Also known as Adult Living Facility).

Automobile Graveyard, See "Junkyard"

Auto Repair Shop / Automobile Repair Garage: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Automobile Sales Lot: The use of any building, land area, or other premise for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Automotive Salesroom: The use of any building, for the display and sale of new or used automobiles generally but may include light trucks or vans, trailers, or recreational vehicles and including any vehicle preparation or repair work conducted as an accessory use.

Automotive Service Station: Any building, land area, or other premises, or portion thereof, used for the retail dispensing or sales of vehicular fuels; servicing and repair of automobiles; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar vehicle accessories.

Banner Sign: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation's applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions, symbolic flags of any institution or business, or information painted or imprinted on awnings, as defined in this article, shall not be considered banners for the purpose of this article; such definition shall not include over-highway announcement signs erected by the Town.

Bar: An establishment which is used primarily for the sale or dispensing of liquor by the drink for onsite consumption and where food may be available for consumption on the premises as an accessory to the principal use.

Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year. For purposes of the application of this article, the Base Flood (100-year flood) and its associated elevation (Base Flood Elevation, or BFE) shall be determined from the Federal Emergency Agency (FEMA) Flood Insurance Rate maps (FIRMS) or the best data available from a federal, state or other source. If FEMA information lacks a BFE or if the County is aware of more restrictive conditions or elevations than those shown on the FIRMS then the County's interpretation shall apply.

Beacon: Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source; also, any light with one or more beams that rotate or move.

Bed and Breakfast Homes: Establishments, containing two (2) or fewer guest rooms, primarily engaged in providing accommodations or renting rooms on a temporary basis to visitors to the area in the primary residence of the host, with or without board, on a fee bases. Provisions within the primary residence of the host are intended to accommodate the needs of the guests in order to maintain a level of guest activity that does not have any appreciable effect on the day-to-day activities of the residential area.

Bed and Breakfast Inns: Establishments, containing five (5) or fewer guest rooms, primarily engaged in providing lodging for visitors to the area and meals for the guests, not the general public, via an interior kitchen and dining facility, on a fee basis. Host accommodations are generally located within the primary structure, which may be their primary residence, for the purpose of preparing and serving meals to the guests, as well as personally interacting with the guests by helping them become better acquainted with the area, and providing such hospitality as would be afforded to any houseguest.

Block: Includes tier or group and means a group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.

Blue Book: "Trip Generation Manual" prepared by the Institute of Transportation Engineers which is used as the industry standard for traffic generation calculations. This does not take the place of a traffic study, but is used in many instances where it is felt that a traffic study is not necessarily required.

Boathouse: A detached accessory building located on the same premises of the main residential building, intended for storage of watercraft.

Buffer: An area of land, landscape materials, wall or combination thereof between two parcels of land intended to reduce the impacts between the two parcels.

Building: Any structure built for the support, shelter or enclosure of persons, chattels or property of any kind, which has enclosing walls for 50 percent of its perimeter. The word "structure" includes the word "building."

Building Height: No building shall exceed the height outlined in each zoning category outlined in Chapter IV – Zoning Regulations. The building height is the vertical distance measured from the natural grade of the land on the downhill side of the structure. The vertical distance from the finished grade to the highest point of a flat roof or a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs or other pitched roofs.

Building Line: The line, established by law, beyond which a building shall not extend, except as specifically provided by law, and determined from the extreme support for the roof of the main structure or appurtenance thereto.

Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building Official: Shall be the person who shall administer and enforce the building permit provisions of this code well as the official having responsibility for issuing building permits and performing inspections.

Building Setback Line: The line, established by law, beyond which a building shall not extend, except as specifically provided by law.

Building Sign: Any sign attached to any part of a building, as contrasted to a freestanding sign.

Building Site: A parcel, or contiguous parcels of land in single or joint ownership meeting the size, access and zoning requirements for the structure to be placed upon.

Bus: Any motor vehicle designed for carrying more than ten (10) passengers and used for the transportation of persons and any motor vehicle, other than a taxi-cab, designed and used for the transportation of persons for compensation.

Business Sign: A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises.

Campaign Sign: A sign which announces or promotes a candidate for election to public office. Any sign which is designed to influence the action of the voters for the passage or defeat of a measure appearing on the ballot at any national, state, or local election.

Campgrounds: (See also Recreational Parks). A parcel of Land under unified ownership and management which has been planned, designed and constructed for the placement of recreational vehicles and / or tents for short term occupancy of spaces rented from the owner for recreational purposes.

Canal: An artificial waterway for transportation, irrigation or stormwater conveyance.

Canopy: A roof like cover that is temporary or portable in nature. Canopies are temporary or portable devices. Once they become permanent, then all setbacks must be met.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Capital Improvement: This includes traffic engineering studies, transportation planning, right-of-way acquisition, engineering and construction, but shall not include routine or periodic maintenance as defined in F.S. Chapter 334, §334.03(15) or (20).

Car Lot: See "Automobile Sales Lot"

Carport, Attached: An attached private garage not completely enclosed by walls and doors and not unlimited in size but subject to setbacks.

Carport, Freestanding A freestanding permanent or temporary structure which shall not exceed 20 foot by 45 foot in size. Freestanding carports must be anchored.

Car Wash: A building or structure, or portion thereof, containing facilities for washing more than two (2) automobiles.

Cemetery: Property used for the interring of the dead.

Changeable Copy Signs: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of "time or temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

Child Care Center: An establishment where four or more children under the age of seven years, excluding members of the family occupying the premises, are cared for. The term includes nurseries, kindergartens and day nurseries. Child care centers must meet the requirements of Florida Statutes Chapter 402, Section 305 – Licensing Standards for Child Care Facilities.

Chicken Coop. A structure where hens are kept.

Church: A building used for nonprofit purposes by a recognized and legally established sect solely for the purpose of worship. See "House of Worship".

Clearing: The removal of trees and brush from a substantial part of the land but shall not include mowing.

Clerk, See "Town Clerk"

Clinic, See "Medical Building"

Club or Lodge: Buildings and facilities owned and operated by a corporation or association of persons for social or recreational purposes, but not operated primarily for profit or to render a service which is customarily carried on as a business.

Code: The Town of Astatula Land Development Regulations Code (LDR's).

Collector Street: See "Street, Collector"

Cluster Housing: A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, preservation of environmentally sensitive areas, or agriculture.

Commercial Development: C1, Commercial Planned Unit Development (CPUD), or ORC zoning as defined in the Town of Astatula Code as amended from time to time.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Common Open Space: An area of land, or an area of water, or combination of land and water, within the area of a planned unit development which is designated and intended for the use or enjoyment of residents of the planned unit development in common. Common open space may contain such structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the planned unit development.

Commercial Sales: See “Retail Sales”

Commercial Use: Activity involving the sale of goods or services carried out for profit. For the purposes of these regulations a hobby as defined is not considered a commercial use.

Compensating Storage: Equivalent to floodplain storage provided to counterbalance floodplain filling.

Comprehensive Plan: A plan that meets the requirements of Florida Statutes, Chapter 163, Part II.

Compliance: Adherence to requirements or regulations set forth in this Code.

Concurrency: The presence of adequate public facilities that meet the adopted level of service standard or will be available either no later than the impact of development, or within one year of the impact of development, depending on the type of facility.

Conditional Use: A use allowed in a zoning district only after specific requirements outlined in this code have been met and the planning and zoning commission has attached conditions of approval, if any.

Convenience Store: Any retail establishment offering for sale prepackaged food products, household items, newspapers and magazines, and sandwiches, and other freshly prepared foods, such as salads, for off-site consumption.

Conventional Construction: That which is primarily built on-site and is not able to be moved from one site to another.

Conservation: The prudent use of natural resources commensurate with environmental functions.

Construction or Construction Activity: The building of, or substantial improvements to, any structure, or the clearing, filling, or excavation of any land. It shall also mean any alteration in the size or use of any existing structure or the appearance of any land. When appropriate to the context, construction activity refers to the act of construction or the result of construction.

Council: The Town Council of the Town of Astatula, Florida.

Corner Lot: A lot adjacent to two (2) or more roads, private roads, or private easements which intersect.

County: Lake County, Florida, or the governing body thereof, the Board of County Commissioners, or their representatives.

Cul-de-sac: See "Street, Cul-de-sac"

DOT / FDOT: See "Florida Department of Transportation"

Demolish / Demolition: The act or process of wrecking, destroying, or removing any building or structure, or any exterior or structural part thereof.

Density: A ratio of dwelling units per base site area.

Density, Residential: Refers to the number of residential dwelling units permitted per gross acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel, preservation and undevelopable areas, or areas below the normal high water line of a lake. In the determination of the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Detention: The collection and temporary storage of water in such manner as to provide for treatment through chemical or biological processes or attenuation of the peak rate of storm physical, or flow.

Developed: That point in time when the building and site have received final inspections.

Developer: Any person, including a governmental agency, undertaking any development, as defined in this section.

Development: The alteration, construction, installation, demolition or removal of a structure, impervious surface or drainage facility; or clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

Development Approval: Approval granted by the Town of Astatula which allows the owner / developer to move forward with development of a property.

Development Order: Any order, permit or other official action of the Town granting, or granting with conditions, an application for development.

Development Permits: Single-family and duplex residences, new nonresidential/multifamily (greater than duplexes), all other new construction, all commercial interiors, site work/infrastructure permit, demolition/house moving, foundation, additions (commercial, multifamily and all other nonresidential), and any other permits designated by the Town from time to time as development permits.

Development Plan: A detailed plan required by the Town and submitted to the Town for approval of a specific project.

Development Rights: The potential for the improvement of a parcel of real property, measured in Dwelling Units per Gross Acre, which exists because of the zoning classification of the parcel.

Discharge, Discharge Point: The outflow of water from a project, site aquifer, drainage basin or facility and the point thereof.

District: Any section of the certain described area of the Town of Astatula to which these regulations apply and within which the zoning regulations are uniform.

Ditch: Artificial waterway for irrigation or stormwater conveyance.

Drainage Systems, Natural Drainage System: All facilities used for the movement of stormwater through and from a drainage area including, but not limited to, any and all of the following conduits and appurtenant features: canals, channels, ditches, flumes, culverts, streets, etc. Also includes all watercourses, water bodies and wetlands.

Dredging, Filling and Other Related Activities: Any activities which may affect the quality of the waters of the Town, such as the following: draining, digging, pumping, pushing, removing or displacing, by any means, of material, or the dumping,

moving, relocating or depositing of material, either directly or otherwise, and the erecting of structures, driving of pilings, or placing of obstructions below the mean high water mark of any body of water within the Town.

Driveway: An access constructed within the public right-of-way, connecting the public roadway with adjacent property and intended to be used in such a way that the access into the adjacent property will be complete.

Domestic Animal: See “Animal, Domestic”

Dormitory: A building used as group living quarters for a student body or religious order as an accessory use for a college, university, boarding school, convent, monastery, or other similar institutional use.

Dry Detention: Detention provided by a pond or basin that normally has a dry bottom except during, and up to 14 days after, a rainfall event.

Duplex: A dwelling which has accommodations for and is intended to be used by two families living independently of each other. In order to qualify as a duplex, the dwelling must:

- Have at least one common wall;
- Be so designed as to allow passage from one dwelling unit to the other without the necessity of leaving the shelter of a common roof, if a connecting passage were cut through the common wall; and
- Be so designed that at least 50 percent of the common wall is located between the front wall and rear wall of the heated living area.

Further, the construction of any structure as a duplex shall be duly noted in the public records of Lake County, Florida on a form provided by the Town. Any duplex constructed after April 7, 1998, which is damaged shall be repaired, replaced, or demolished in order to ensure no structure remains after the damage which is nonconforming.

Dwelling or Dwelling Unit: A single unit providing complete, independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation. A building or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multifamily dwellings, but not including hotels, motels, boardinghouses, rooming houses, house trailers, whether such trailers be mobile or located in a stationary fashion as on blocks or other foundations, tents, houseboats, travel trailers or other forms of temporary or portable housing.

Dwelling, Multifamily: A building containing three or more dwelling units.

Dwelling, Single-Family: A building containing only one dwelling unit.

Dwelling, Two-Family: A building containing only two dwelling units.

Easement: A right of use over the property of another. Any strip or parcel of land created by a subdivider for public or private utilities, access, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner subject to the right of use designated in the reservation of the servitude.

Electric Fence: As used in this code, "electric fence" refers to agriculture type electric wiring which may be installed only on the interior portion of the fence and will be allowed in all zoning districts

Encroachment: Any structure or object occupying, projecting into or obstructing any portion of a designated public right-of-way, yard, floodplain or floodway, buffer yard, landscaped area, or any other designated area in which the structure or object is not permitted by these regulations, including but not limited to buildings or other materials, all or portions of permanent or temporary buildings or other structures, fences and ornamental structures, and where appropriate to the context, vehicles; but excluding federally approved mailboxes where permitted and approved driveways.

Endangered Species: Wildlife species whose prospects for survival are in immediate danger because of a loss or change in habitat, overexploitation, predation, competition, disease, disturbance, or contamination and designated as such by a governmental agency.

Engineer: A qualified person registered and currently licensed to practice engineering in the State of Florida.

Enhancement: The improvement of the ecological value of an existing wetland.

Erosion: Wearing or washing away of soil by the action of water.

Excavation: Wearing or washing away of soil by the action of water. The removal, stripping or disturbance of soil, earth, sand, clay, peat, rock, gravel, or other similar material from the ground.

Exempt: To be excluded or excused from a requirement or obligation in the Code.

Existing Building: A building erected prior to the adoption of the ordinance or one for which a legal building has been issued and activated in the time period specified thereon.

Exterior: All outside surfaces of any building or structure.

Family: One or more persons living as a single housekeeping unit, as distinguished from a group occupying a hotel, club, fraternity, sorority or an institutional group.

Fence: An unroofed barrier or unroofed enclosing structure.

Fill: Man-made deposits of earth or waste materials to be used to fill excavations, to increase the vertical or horizontal extent of Land or solid waste disposal units, or to build embankments.

Filling: Deposition of materials by any means in water bodies, wetlands, or building sites.

Final Development Order: Final Development Orders are required after completion of the following approvals:

- a. Development of Regional Impact (DRI)
- b. All development permits except those exempted permits
- c. Site plan
- d. Final subdivision plan and plat

Final Development Plan: The specific development plan submitted to the Town for which incorporates all conditions and requirements placed on the site by the Town during the approval process.

Final (Record) Plat: Those submittals as required by, and following the procedure of this code, showing all building lots, easements, rights-of-way and other information necessary for providing the detailed description of the subdivision of a parcel of land.

Flag: Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

Flood Hazard Area: Land within a community in the floodplain which is subject to a one (1) percent or greater chance of flooding in any given year.

Flag Lot: A lot with access provided to the bulk of the lot by means of a narrow corridor less than fifty (50) feet in width.

Florida Department of Environmental Protection (FDEP): State of Florida Department of Environmental Protection is the state agency regulating water and sanitary sewer services.

Florida Department of Health and Rehabilitative Services (FDHRS / HRS): State of Florida Department of Health and Rehabilitative Services is the state agency regulating septic tank services.

Florida Department of Transportation (FDOT): The State of Florida Department of Transportation is the state agency regulating transportation matters, including ingress and egress from roadways which have been designated as state roads.

Flood Insurance Rate Map (FIRM): The official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Prone Area: Any area which lies at or below the water surface elevation of the base flood.

Flood, 100-year: The flood flow or stage of the magnitude which has a one percent chance of being equaled or exceeded during any one given year.

Floodplain, 100-year: An area inundated as a result of runoff from a 100-year flood.

Floodplain or Flood prone Area: An area inundated as a result of runoff from a storm with a defined probability of occurrence in any year (e.g., the one percent probability of occurrence floodplain is the 100-year floodplain).

Floodway: The permanent channel of a stream or other watercourse, plus any adjacent floodplain areas that must be kept free of any encroachment in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than a designated amount, not to exceed one foot except as otherwise established by the Water Management District or established by a flood insurance rate study conducted by the Federal Emergency Management Agency (FEMA).

Note: The one foot increase cited above is used in the determination of the floodway itself and is not meant to allow subsequent increases in the 100year flood elevation, once the limits of the floodway have been so set. That is, in order to determine that portion of the floodplain which will be designated as the floodway, one begins at the outer limits of the floodplain and assumes full development inward, toward the river or stream channel, on both sides of the flood hazard area, until the point is reached where development will cause the 100-year flood elevation to rise by one foot. The area remaining between this boundary and the channel is the floodway, and because any further development here would necessarily increase the 100-year flood elevation by more than one foot, no such development can be permitted.

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

Florida Department of Pollution Control: The State of Florida Department of Pollution Control.

Fowl: Any of various birds of the order Galliformes, especially the common, widely domesticated chicken.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Frontage: The length of property line of any one (1) premise along a public right-of-way on which it borders.

Front Yard: See “Yard, Front”

Fruit / Vegetable Stand: A business whose primary function is the sale of fruits and / or vegetables to the general public. May be an open air type market or may be located inside a building.

Future Land Use: The development that has occurred on the land, or the development this is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan, or element or portion thereof, or under land development regulations or a land development code, as the context may indicate.

Garage, Repair: Any building, premises, and land in which or upon which a business, service, or industry involving the maintenance, servicing, repair, or painting of vehicles is conducted or rendered.

Garage (Private): As required for residential structures, a garage shall be a structure consisting of three solid walls and one door of appropriate size to allow parking of at least one standard size automobile. Minimum garage size shall be 12 feet by 20 feet. Garages shall not extend into any setback. Garages must also be architecturally similar to the primary structure in design and materials.

Garage Apartment: A fully functional living unit containing cooking and sanitation facilities located in or above a garage. Garage apartments shall not be allowed in single-family zoning districts and shall be considered a separate unit in multifamily residential zoning districts.

Gas and Service Stations: A commercial operation offering for dispense, gasoline, diesel fuel or other petroleum-based product for the use in automobiles, as opposed to automotive repair facilities which provide repair and maintenance of automobiles without dispensing fuel.

Geotechnical Engineer: Shall mean a licensed professional engineer in the State of Florida whose expertise or experience is in the field of geotechnical engineering.

Grade: The slope of a road, street, other public way, or lot specified in percentage terms.

Governmental or Public Agency:

- The United States or any department, Commission, agency, or other instrumentality thereof;
- This state or any department, Commission, agency, or, other instrumentality thereof;
- Any local government as defined in this chapter, or any department, Commission, agency, instrumentality thereof;
- Any school board or other special district, authority, or other governmental entity.

Green Book: "Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways," prepared by FDOT, Tallahassee, Florida.

Gross Acre / Gross Acreage: Includes the entire area of a parcel of land, excluding natural open water bodies.

Gross Density: The total number of dwelling units divided by the base site area.

Ground Sign: A sign which is supported by structures in or upon the ground and independent of support from any building.

Ground Surface Area: Any paved, surface treated, or unpaved area (excepting public rights-of-way) used for the purpose of driving, parking, storing, or display of vehicles, boats, trailers and mobile homes.

Groundwater: Water beneath the surface of the ground whether or not flowing through known and definite channels.

Guest House: A detached accessory building located on the same premises of the main residential building, intended for intermittent or temporary occupancy by a nonpaying guest, and which has no cooking facilities.

Guest Homes, Tourist Homes, "See Hotel"

Height of Sign: The distance between the top of the sign and finished grade or the roadway, whichever is greater.

Hobbyist Commercial: A pursuit outside one's regular occupation engaged in especially for relaxation. For the purposes of these regulations a person's primary income is not derived from hobby activities.

Holiday Decorations: Signs, lights, or ornamental displays of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; or as specifically decreed by an official act of the Town Council for a special event or campaign.

Home Occupation: Any use conducted entirely within a dwelling and carried on by an occupant thereof, which use is clearly incidental and secondary to the use of the

dwelling thereof. Home occupations shall not be construed to include barbershops, beauty salons, tearooms, food processing restaurants, sale of antiques or commercial kennels. In addition, any use which requires employees and/or customers to enter the premise shall not be construed as a home occupation.

Home Occupational License: (Also known as a Business Tax Receipt) A license granted by the Town for an activity carried out for gain by a resident and conducted as a customary, incidental, and accessory use in the resident's dwelling unit.

Hospital: An institution providing health services, primarily for in-patients, any medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, out-patient department, training facilities, central service facilities and staff offices.

Hospital, Animal, See "Veterinary Clinics and Hospitals"

Hotel (including Motels): A building, or part thereof, in which sleeping accommodations are offered to the public, which may or may not offer cooking facilities for use by the Occupants, and in which there may be a public dining room for the convenience of the guests. This term may also include boardinghouses, lodging houses, rooming house, bed and breakfasts, apartment hotels, tourist home, guest homes, or courts.

House of Worship: A building used for nonprofit purposes by a recognized and legally established sect solely for the purpose of worship.

House Trailer, See "Mobile Home"

Illuminated Sign: Any sign illuminated in any manner by an artificial light source.

Impact of Development: For purposes of concurrency, the impact of development shall be determined to occur at the time the certificate of occupancy is issued.

Impervious Surface: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi pervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces.

Improvement / Improvements: Any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalks, or other manmade objects constituting a physical change or betterment of real property, or any part or portion of said change or betterment. Additionally, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs,

landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.Ps), or any other improvements required by the Town.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as “no parking”, “entrance”, “loading only”, “telephone”, and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Industrial Park: A tract of land that is planned, developed, and operated as an integrated facility for a number of individual industrial uses, with consideration to transportation facilities (rail and highway), circulation, parking, utility needs, aesthetics, and compatibility.

Industry: The commercial production and sale of goods and services. Those fields of economic activity.

Instructional Sign: A sign conveying non advertising message related to the use of the premises or the movement of pedestrians and vehicles including but not limited to "no parking", "enter", "order here", etc.

Interior: The internal part, or inside of a building

Interior Lot: A lot other than a corner lot.

Intensity: The nature of the use to which property is allocated which can be quantitatively measured by square footage and the number of trips generated by the use. As related to stormwater, the depth of accumulated rainfall per unit of time.

Junkyard: Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk

Kennel: A place where dogs and other small animals and house pets are kept, sheltered, boarded, bred or groomed for compensation.

Land: The earth, water, and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land Area: Any contiguous quantity of land capable of being described with such definiteness that its location and boundaries may be established, which is designated by its Owner as property to be used or developed.

Land Development Regulations: Include local zoning, subdivision, building, and other regulations controlling the development of land.

Land-locked area: A lot or parcel of land without direct access to a public road.

Land Owner: The legal or beneficial owner or owners of all of the land proposed to be included in a development; the holder of an option or a contract to purchase; or a person having possessory rights or equal dignity will be deemed to be a land owner for the purpose of this regulation, so long as the written consent to the development of the owners of all other interest in the land concerned is obtained.

Land Planner: An individual or company, who by profession and education, are qualified to offer assistance and make recommendations regarding existing and future development. A registered land planner is certified by the American Institute of Certified Planners and carries the designation AICP.

Land Surveyor: A land surveyor registered under Chapter 472 who is in good standing with the Florida State Board of Professional Engineers and Land Surveyors and is qualified to make accurate field measurements and to mark, describe, and define land boundaries

Landscape Architect: A qualified person registered and currently licensed to practice landscape architecture in the State of Florida pursuant to Florida Statute, Chapter 481.

Landscape Buffer: A landscaped area used to physically separate or screen one use or property from another so as to visually shield or partially block noise, lights, etc.

Land Use: The development that has occurred on the land, or the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan, or element or portion thereof, or under land development regulations or a land development code, as the context may indicate.

Laundromats: An establishment providing washing and drying machines on the premises for rental use to the general public.

Level of Service Standard: The number of units of demand adopted by the Town in the comprehensive plan.

Limited Commercial: Commercial uses utilized in conjunction with Agricultural activities.

Livestock: "Livestock" shall include, but not be limited to, all animals of the equine, bovine or swine class, including, but not limited to, goats, sheep, mules, horses, hogs, cattle and other grazing animals.

Living Area: That portion of a residential structure equipped for year-round living by a full enclosure of a substantial nature, exclusive of carports, garages, and swimming pools.

Loading Space: An off-street space or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Local Roads / Local Streets: See – “Streets, Local”

Lot: The least fractional part of subdivided lands having limited fixed boundaries, and an assigned number, letter or other name through which it may be identified.

Lot Area: The total area within the lot lines of a lot, including easements, but excluding rights-of-way.

Lot, Corner: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees. Corner lots shall have two front yard setbacks along the adjacent rights-of-way and two side yard setbacks on the remaining sides.

Lot Coverage: The maximum square footage allowed of impervious surface area

Lot Depth: The distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot, Front: The portion of a lot that abuts the street or road right-of-way. In the case of a corner lot, this is both.

Lot Line: The legal boundary line of a lot.

Lot Minimum Size: The smallest square footage allowed in a particular zoning category

Lot Minimum Width: The smallest frontage width allowed in a particular zoning category

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the clerk of the Circuit Court of Lake County, Florida, or was shown as an individual lot on the Lake County Assessment Maps, as of September 2, 1980.

Lot Width: The average horizontal distance, between the two (2) side property lines of a lot.

Lot Width at the Building Line: The distance between the side lot lines, measured at the front building line and parallel to the front lot line.

Lounge / Night Club: An establishment which dispenses liquor and meals, and in which music, dancing, or entertainment is conducted.

Maintenance: The action taken to restore or preserve the functional design of the as-built plans of any facility or system.

Major Collector Road: A road classified as major collector, based upon criteria established by the Florida Department of Transportation utilizing their most recent adopted functional classification system using the road.

Major Subdivision: Any subdivision not classified as a Minor Subdivision.

Management: A series of techniques applied to maintain the viability of species in a location. These techniques include, but are not limited to: controlled burning, planting or removal of vegetation, exotic species control, maintaining hydrologic regimes, and monitoring.

Manufactured Home: (*See also Mobile Home*): A dwelling unit fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the federal manufactured housing Construction and Safety Standards.

Manufactured / Mobile Home Park: A site containing spaces with required improvements and utilities that are leased or purchased for the placement of manufactured homes and that may include services and facilities for the residents.

Manufactured / Mobile Home Space: A plat of land for placement of a single manufactured / mobile home within a manufactured / mobile home park.

Manufactured / Mobile Home Subdivision: A parcel of land which has been platted into lots or parcels of land for sale or lease of lots for the placement of manufactured / mobile homes.

Marina: A facility located on a public navigable waterway which is accessible and adjacent to the shore, and which is provided with slips and moorings for securing, servicing, or repairing of yachts, cruisers, motor and outboard motorboats, sailboats, and charter fishing boats, but specifically excluding industrial and commercial fishing craft.

Marquee: A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee Sign: Any sign attached to and made a part of a marquee.

Maximum Building Height: The maximum allowed height is two stories and thirty-five (35) feet. Vertical distance from the finished grade to the highest point of a flat roof

or a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs or other pitched roofs.

Maximum Lot Coverage: The maximum portion of the lot allowed to be covered by buildings.

Medical Building / Clinic: A building that contains establishments dispensing health services. May contain health care facilities as well as establishments providing support to the medical profession and patients, such as medical and dental laboratories, blood banks, oxygen, and miscellaneous types of medical supplies and services.

Minor Arterial Road: A road classified as a minor arterial based upon criteria established by the Florida Department of Transportation utilizing their most recent, adopted functional classification system.

Minor Collector Road: A road classified as a minor collector based upon criteria established by the Florida Department of Transportation utilizing their most recent, adopted functional classification system.

Minor Subdivision: A subdivision of land that does not involve any of the following: (1) the creating of more than two commercial lots or (2) more than three residential lots.

Mobile Homes: (See also Manufactured Home). A structure transportable in one (1) or more sections, which structure is 8 body feet (2.4 meters) or more in width and over 35 feet in length, and which structure is built on an integral chassis and designed to be used as a permanent dwelling when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A mobile home was built prior to the enactment of the federal Manufactured Housing Construction and Safety Standards, which become effective for all Manufactured Home Construction on June 15, 1976. Recreational vehicles shall not be considered mobile homes. The terms "mobile home" and "manufactured home" shall be utilized interchangeably in these regulations.

Motel: See "Hotel"

Motor Vehicle, Abandoned: See "Abandoned Motor Vehicle"

Night Club / Lounge: An establishment which dispenses liquor and meals, and in which music, dancing, or entertainment is conducted.

New Construction: Any alteration or conversion which requires a building or site work permits to be pulled.

New Development: All development which is not existing development.

Nonconforming Fence: Any fence which does not conform to the regulations of this code.

Nonconforming Lot: Any lot which does not conform to the regulations of this code.

Nonconforming Sign: Any sign which does not conform to the regulations of this code.

Nonconforming Structure: Any structure which does not conform to the regulations of this code.

Nonconforming Use: Any use which does not conform to the regulations of this code.

Nonresidential Development: A development whose intended use is other than residential, such as commercial or industrial. Such development shall comply with the applicable provisions of these regulations.

Nursery School: A nursery school is a place, home, building or location where six (6) or more children under the age of six (6) years, not related to the operator, are cared for within a twenty-four hour period or less, for either a direct money consideration or for indirect benefit to the Owner in connection with a related business. Such term specifically includes nurseries, kindergartens or any other facility caring for children during either the day or night; but shall not include such facilities operated by the State of Florida or any agency or unit of the state government or the Lake County School Board.

Occupancy or Occupied: The residing of an individual or individuals overnight in a dwelling unit or the storage or use of equipment, merchandise, or machinery in any public, commercial, or industrial building.

Occupant sign / Occupant identification sign: Any sign which carries only the name of the firm, major enterprise or products offered for sale on the premises, lot or parcel of land.

Off-site: A project site or parcel which is different than that of the subject project site or parcel.

Off-site Sign: A sign which does not relate in subject matter to the premises on which it is located, or to any products, accommodations, services or activities on the premises.

Off-street Parking Area: An area within a lot or parcel of land or structure designed, constructed or utilized for the temporary storage or parking of motor vehicles. Such use shall be directly associated with a permitted use of the land.

Owner: The person in whom is vested the fee, ownership, dominion, or title of property. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

Open Space: Any parcel of land set aside, dedicated, designated or reserved for public or private use or enjoyment or for the sue and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open space includes golf courses, parks, passive recreation areas, landscaped areas, natural floodways, wetlands, conservation and preservation areas, non-fenced in stormwater retention areas, and non-activity-based, non-manmade lakes wholly within the property. Open space does not include rights-of-way, above-ground utilities, parking areas, side or rear lots, street surfaces, activity-based recreation facilities (except golf courses), and fenced in stormwater retention areas.

Owner: The person in whom is vested the fee, ownership, dominion, or title of property. This term may also include a tenant, if chargeable under his lease for the maintenance of the property, and any agent of the owner or tenant including a developer.

Owner of Land: See "Land Owner"

Parcel or Parcel of Land: A contiguous quantity of land in possession of, owned by, or recorded as property of the same claimant person in the Public Records of Lake County, Florida, as of the effective date of this code or as may be subsequently recorded pursuant to the Town of Astatula Land Development Regulations.

Parcel Width. (See Lot Width)

Park: A tract of land, designated and used by the public for active and / or passive recreation.

Parking Area. A ground surface area used for the parking of vehicles

Parking Space. A ground surface area (except public right-of-ways) used for the storage of a single vehicle to serve as primary use.

PCP (Permanent Control Point): A secondary, horizontal-control monument, according to F.S. § 71.339.

Peak Rate of Discharge / Peak Rate of Flow: The maximum rate of discharge resulting from a given storm event.

Pennant: Any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind.

Permit. Permit shall mean written authority to allow construction, reconstruction, or reclassification of a connection in accordance with the jurisdictional agency's policy.

Permitted Uses: Those land uses that are permitted within a zoning district.

Person: Any and all persons, natural or artificial, and includes any individual, firm, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Personal Service Establishment: An establishment primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. For purposes of this code, personal services establishment shall be limited to beauty shops, barbershops, shoe repair, fitness / health clubs nail salons and massage therapists.

Plan, Final Subdivision: The set of final construction plans for a subdivision approved by the Town for construction purposes.

Plan, Preliminary Subdivision: A conceptual, informal plan of a proposed subdivision or site plan of sufficient accuracy to be used for the purpose of discussion, classification, and preliminary approvals.

Planned Unit Development: An area of land devoted by its owner to development as a single entity for a number of dwelling units and/or other uses in accordance with a plan which does not necessarily comply with the provisions of other zoning districts with respect to lot size, lot coverage, setbacks, off-street parking, bulk or type of dwelling, density and other restrictions.

Planning and Zoning Commission: The Planning and Zoning Commission of the Town of Astatula.

Planner (see Land Planner)

Plat: A map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirement of all applicable statutes and of local ordinances, and may include the terms "replat," "amended plat," or "revised plat."

POD. Trade name for an onsite storage unit that is leased or rented. See "Temporary Storage".

Pole Sign. A sign supported by at least one (1) pole, pylon, or brace permanently secured to the ground which are not concealed.

Portable Sign. Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Positive Outlet: A gravity discharge from a basin via overland flow, artificial waterway, natural waterway, or pipe.

Post-Development: The average conditions as of the completion of the development for which a permit has been applied.

Potable Water: Water which is satisfactory for drinking, culinary and domestic purposes, and which meets the quality standards of the Florida Department of Environmental Regulation, Chapter 17-22, Florida Administrative Code.

Pre-Development: The hydrologic condition of the project site immediately before development or construction begins.

Preliminary Development Plan: The specific development plan submitted to the Town as the first step in the development review and approval process.

PRM. (Permanent Reference Monument): A monument according to Florida Statute. § 71.339.

Principal Arterial Road: A road classified as a principal arterial based upon criteria established by the Florida Department of Transportation utilizing their most recent, adopted functional classification system.

Principal Building: The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

Private Clubs: An incorporated or unincorporated association for civil, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

Private Utility: Any agency that, under private ownership, provides the public with electricity, gas, heat, steam, communication, transportation, water, sewage collection, or other similar service.

Professional Engineer: A qualified person registered and currently licensed to practice engineering in the State of Florida.

Professional Geologist: A State of Florida Registered Professional Geologist whose expertise and experience allows for the performance of the tests and preparation of evaluations and reports as set out in the applicable sections of this ordinance.

Prohibited Trees: See Chapter Seven for types of trees which are prohibited.

Prohibited Uses: Those land uses that are specifically forbidden in a particular zoning district.

Project: The particular structures and improvements proposed by the applicant on a particular land area which are part of a common plan of development.

Project Engineer: A professional engineer of record for the project under consideration.

Projecting Sign: Any sign other than a wall sign affixed to any building or wall whose leading edge extends beyond such building or wall.

Public Facilities: Roads, potable water supplies, sanitary sewer treatment, solid waste, drainage, public parks.

Public Hearing: A meeting held in conformance with all applicable due Public Notice requirements at which time a decision by the body holding the hearing is usually rendered.

Public Meeting: A meeting held in conformance with all applicable due Public Notice requirements at which time the proposed material is generally discussed and a decision by the body holding the meeting is not usually rendered. This definition is provided for clarification purposes only.

Public Notice: Due Public Notice as used in the phrase "Public Hearing or hearing with due Public Notice," involved the following action: At least fifteen (15) days in advance of such hearing, notice shall be published two (2) times in a newspaper of general circulation in the County or in the area of the County involved, which notice shall state the time and place of the hearing, the nature of the matter to be discussed, and that written comments filed with the administrative official will be heard, and said notice may state that hearings will be continued from time to time as may be found necessary.

Public Road: The area of the public right-of-way either paved or unpaved, which is intended for vehicular traffic, excluding service entrances or driveways, and constructed to the standards of the regulatory agency having jurisdiction.

Public Utility / Utilities: Any publicly or privately operated utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service or telephone lines, whether underground or overhead which serves the public.

Rate: Volume per unit of time.

Real Estate Sign: A sign advertising real property on the parcel where the sign is located.

Rear Yard see “Yard, Rear”

Receiving Waters or Receiving Water Bodies: Any water bodies, watercourses, and wetlands into which surface waters flow.

Recharge: The inflow of water into an aquifer which meets state aquifer and water quality requirements contained in Chapters 17-3 and 17-4, Florida Administrative Code.

Recreation (use): Public or private parks which include, but are not limited to playgrounds, swimming pools (open to the public), ball fields, etc. Additionally, cultural facilities supported by the Town through direct monetary support, sponsorship in name, or through donations of public property shall be considered recreation uses. Private recreation uses, such as pool halls, video or pinball arcades, shall not be considered as recreation uses.

Recreational Vehicle (RV): Any travel trailer or motor home, camping trailer, or other similar vehicle which is occupied or intended for occupancy on a temporary, transient basis for travel, recreation or vacation purposes, including any "park model" travel trailer.

Recreational Vehicle Park: Any lot or parcel of land upon which two or more recreational vehicle sites are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Refuse: All biodegradable and non-biodegradable wastes consisting of both combustible and noncombustible wastes such as paper, cardboard, garbage, grass clippings, tree shrub trimmings, wood, bedding, crockery, rubber tires, construction waste, and similar waste materials. This definition is presented for the purpose of clarification rather than regulation.

Remove or Removal of Trees: As used in the landscape section of these LDR's, the cutting down, destruction, or damaging of a tree or trees, or to cause the cutting down, destruction, or damaging of a tree or trees.

Replacement Tree: A protected tree as outlined in the landscape section of these LDR's.

Replatting of Subdivision: A change in a map of an approved or recorded subdivision plat if such change affects any street layout on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally recorded prior to the adoption of any regulations controlling subdivisions.

Residential Sign: Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance; yard sales, sale of the property or other similar events, provided the size of the sign is limited to four (4) square feet, and no lights may be used to illuminate said sign..

Restaurants: An establishment which prepares and serves food and / or beverages without floor shows or other forms of entertainment provided for customers.

Retail Sales: Establishments engaged in the selling or rental of goods or merchandise (usually to the general public for personal use or household consumption) and in rendering services incidental to the sale of such goods.

Retail Sales, Outdoor: The display and sale of products and services, primarily outside of a building or structure, including vehicles; garden supplies, flowers, shrubs, and other plant materials; gas, tires, and motor oil; food and beverages; boats and aircraft; farm equipment; motor homes; burial monuments; building and landscape materials; and lumberyards.

Retail / Retail Store: Any building or structure in which one or more articles of merchandise or commerce are sold to the ultimate consumer.

Retention or To Retain: The prevention of, or preventing, the discharge, directly or indirectly, of a given volume of stormwater runoff into surface waters by complete on-site storage.

Right-of-Way (ROW): Land dedicated, deeded, used or to be used for a street, alley, walkway, boulevard, public facility, drainage facility, access for ingress and egress, or other purpose by the public, certain designated individuals or governing bodies.

Road: A general term used to describe a right-of-way which provides for vehicular and pedestrian movement between certain points in the subdivision or surrounding area, which may provide for vehicular and pedestrian access to properties adjacent to it, and which may also provide space for the location of underground utilities or drainage. A road is an arterial, collector, local, private road, or non-exclusive

easement dedicated to the public for road, utility, and drainage purposes. A road is not an exclusive or private easement or a non-exclusive easement with a party other than a public agency.

Road Apron: An asphalt or concrete connector which shall be constructed between private streets and / or driveways and public streets and roads to help avoid deterioration of streets and roads. The road apron shall be a minimum of 10 feet wide and 5 feet deep.

Roadway: The paved portion of a street available for vehicular traffic.

Roof Sign: Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure.

Rural Section: A paved street having an open drainage system, i.e., utilizing swales rather than curbs and gutters for drainage.

St. Johns River Water Management District (SJRWMD): The water management district which oversees drainage permitting for the Town of Astatula and Lake County.

Salvage Yard: See "Junkyard"

Sandwich Sign: A two-sided, self-supporting sign with the base of the sign being the supporting structure and the connecting point located at the top of the sign.

Satellite Dish Antenna: A parabolic or dish shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

Screen / Screening: This definition refers to "screening landscape". This is the landscape development located between paved parking areas and sidewalks, streets, other public rights-of-way and / or adjacent properties.

Sediment: Solid material, whether mineral or organic, that is in suspension, is being transported, or has been moved from its site of origin by water.

Sedimentation Control Device: Any structure or area which is designed to hold runoff water until suspended sediments has settled.

Service Drive: A public street, generally paralleling and contiguous to a main-traveled way, primarily designed to promote safety by eliminating excessive ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

Service Stations: Any building, structure or use of land used for the dispensing, sale or offering for sale at retail any automobile fuels, oils or accessories and, in connection with which, may be performed general automotive servicing, as

distinguished from automotive repairs which are established whose side use is to repair mechanical problems with vehicles.

Setback: An imaginary line on a building site specifying the closest point from a right-of-way line, a property line or water bodies where a structure may be located.

Sewage / Septic Systems: A septic tank, seepage tile sewage disposal system or any other sewage treatment device approved by the county health department in accordance with the regulations of the State of Florida and servicing only one lot.

Shed: See "Accessory Building"

Shopping Center: A group of retail stores, planned and developed for the site upon which they are built, with off-street parking provided on the property.

Shrubs: A woody plant of relatively low height distinguished from a tree by having several stems rather than a single trunk; a bush.

Side Yard: See "Yard, Side"

Sidewalk: That concrete portion of a right-of-way intended for pedestrian use.

Sidewalk Sign: See "Sandwich Sign"

Sight Triangle: A triangular-shaped portion of land established at street intersections in which nothing is erected, placed, planted or allowed to grow in such a manner as to limit or obstruct the sight distance of motorists entering or leaving the intersection.

Sign: Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, inflatable device, or illuminated surface, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is displayed in any manner whatsoever.

Sign Area: The area enclosed by a rectilinear line of not more than eight (8) sides drawn around the perimeter of the sign, including trim, embellishments and background which includes the copy.

Sign, Off-site: A sign which is located on a site other than that which is being advertised.

Sign-On-site: A sign which is located on the property which is being advertised.

Significant Change: A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property based on the latest edition of the Institute of Transportation Engineers (ITE) "Trip Generation Manual" exceeding twenty-five percent (25%) more trips generated (either peak hour or daily) and exceeding one hundred (100) vehicles per day more than the existing use.

Similar Use: A use that has the same characteristics as the specifically cited uses in terms of the following:

- Trip generation and type of traffic
- Parking and circulation
- Utility demands
- Environmental impacts
- Physical space needs
- Clientele

Sinkhole: A natural depression in a land surface communicating with a subterranean passage, generally occurring in limestone regions and formed by solution or by collapse of a cavern roof.

Site: Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land which is in one ownership, or contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

Site Plan: An illustration of the details of development of areas, such as, but not limited to, commercial, recreational, and multiple-family residential uses not being platted.

Site Plan Approval: A process for the review and approval of a development plan prior to the issuance of a development permit.

Slope: The deviation of a surface from the horizontal, usually expressed in percent or degrees. **See "Grade"**

Soil Map: A map indicating the names and special distribution of soil types on a site and including information relating to soil characteristics, such as slope, depth to seasonal high water, depth to bedrock, permeability, and natural drainage class.

Snipe Sign: Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post or any other similar object, or placed within public property or within a public right-of-way without Town approval.

Solid Waste: Garbage, rubbish, refuse, special waste, or other discarded material.

Special Event: Any public or private non-for-profit event of limited duration, in which the general public is invited to participate, that is otherwise unrelated to the primary use of the property.

Special Exception Use: A use that that would not be appropriate generally or without restriction throughout the zoning division or district but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity or general welfare. Such uses as may be permitted by the Town Council are identified for each zoning district as special exceptions.

Stable: A facility used for the care of horses, ponies, or other livestock to be used for instruction, recreation, renting or hiring or for boarding such animals.

Staff (Town Staff): Those individuals employed by the Town, and whose duties are performing various tasks for the town. These include a number of different departments and job descriptions.

Start of Construction: The commencement of construction activities such as land clearing, earth moving, or the erection of structures.

Statutes: The Florida Statutes Annotated, as amended from time to time.

Storm Event: The storm of a specific duration, intensity, and frequency.

Stormwater or Runoff: The flow of water which results from, and which occurs during and immediately following, a rainfall event.

Stormwater Management: The approved detailed analysis, design, and drawings of the stormwater management system required for all construction.

Stormwater Management Permit: The approved detailed analysis, design, and drawings of the stormwater management system required for all construction.

Stormwater Management System / Facilities: To the designed/constructed features of the property which collect, convey, channel, store, inhibit, or divert the movement of stormwater.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the next floor above it, or if there is not floor above it, then the space between the floor and the ceiling above it, exclusive of mezzanines.

Street: Any accessway, such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those accessways

such as easements and rights-of-way intended solely for limited utility purposes, such as electric power lines, gas lines, telephone lines, water lines, drain age and sanitary sewers and easements of ingress and egress.

Street Alley: A public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on some other street.

Street, Arterial: A street which provides a direct route for long, local trips and also provides access

Street, Collector: A street which conducts traffic between local streets and arterials and also provides access to abutting property. Access should be controlled and on-street parking should be allowed only in cases where extra right-of-way exists and a safety problem will not be caused.

Street, Controlled Access:

Street, Cul-de-sac: A local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

Street, Dead End: A street with a single common ingress and egress.

Street Frontage: The distance from which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

Street Line: That line limiting the right-of-way of the street and being identical with the property line of persons owning property fronting on the street.

Street, Local: A street which provides access to property, serving as the first level of roadway for a neighborhood. It serves as a feeder to collector streets.

Street, Loop: A local street that has its only ingress and egress at two points on the same collector street.

Street, Private: A street that has not been accepted by the Town of Astatula.

Street Right-of-Way Line: The dividing line between a lot, tract or parcel of land and a contiguous street.

Structural Work or Alteration: The installation or assembly of any new structural components, or any change to existing structural components, in a system, building, or structure.

Structure: Anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes either temporarily or permanently. Structure also includes billboards, swimming pools, poles, pipelines, transmission lines, tracks and advertising signs.

Subdivision: The division of a parcel of land, whether improved or unimproved, into two or more lots or parcels of land for the purpose, whether immediate or future, of transfer of ownership, or if the establishment of a new street is involved, any division of such parcel.

Subdivision Sign: A sign denoting the name of a subdivision for means of identifying the development. Subdivision signs may be placed on entry walls or be constructed as a separate monument sign. In nonresidential subdivisions, these signs shall not be calculated toward the allowable sign over area for any particular site. These signs must be located at the entrance to the subdivision.

Substantial Change: Are generally considered to be those changes that may have an impact on neighboring properties, existing residents of the PUD, the environment or public services.

Survey: (1) The process of precisely ascertaining the area, dimensions, and location of a piece of land; (2) determining the characteristics of persons, land, objects, buildings, or structures by sampling, census, interviews, observations, or other methods.

Surveyor, See “Land Surveyor”

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: Any sign to be erected for a short period of time and is not permanently mounted.

Temporary Storage Unit: A temporary structure that is delivered in its entirety to the site for the sole purpose of temporarily storing household, commercial, or industrial building contents for storage during renovation; or loading household, commercial, or industrial building contents for moving

Tenant: An occupant of land or premises who occupies, uses, and enjoys real property for a fixed time, usually through a lease arrangement with the property owner and with the owner’s consent.

Thoroughfare: A main road or public highway

Threatened Species: Wildlife species that may become endangered if conditions surrounding them begin to or continue to deteriorate and so designated by a governmental agency.

To Plat: In whatever tense used, "to plat" shall mean to divide or subdivide land into lots, blocks, tracts, sites, streets, rights-of-way, easements or other divisions, however designated, and the recording of the plat in the office of the clerk of the circuit court of Lake County in the manner authorized by Chapter 65.2274, Laws of Florida, and other laws regulating the platting of land in Lake County, Florida.

Tourist Homes, Guest Homes: See "Hotel"

Town: Town of Astatula, Florida

Town Attorney: The Town's consulting attorney or designee.

Town Clerk: The Town's chief administrative officer, responsible for the proper administration of all affairs of the Town. Town Clerk shall prepare budgets and be responsible for its administration after adoption, attend council meetings, may take part in discussions but does not have the power to vote, sees that all laws, provisions of the Charter and acts of council are faithfully executed, and signs contracts.

Town Council: The town council of the Town of Astatula.

Town Engineer: The Town's consulting engineer or designee.

Town Planner: The Town's consulting planner or designee.

Tract: "See Lot"

Trailer Sign: Any sign on a vehicle normally licensed by the State of Florida as a trailer and used for advertising or promotional purposes.

Travel Trailer: See "Recreational Vehicle"

Travel Trailer Park: See "Campground"

Tree: Any living, woody, self-supporting perennial plant which normally grows to a minimum height of fifteen (15) feet. As used in this Code, "tree" refers to approved trees unless an alternative usage is expressly defined.

Tree, Mature: Any living, self-supporting, perennial plant which has a trunk diameter of at least six inches measured four feet above grade (at the base of the tree) and normally grows a minimum overall height of 15 feet.

Truck: Any motor vehicle designed, used, or maintained primarily for the transportation of property and / or any motor vehicle with a net vehicle weight of five thousand (5,000) pounds or less and which is designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

Truck Traffic: Trips generated by any motor vehicle designed, used, or maintained primarily for the transportation of property and / or any motor vehicle with a net vehicle weight of five thousand (5,000) pounds or less and which is designed or used principally for the carriage of goods and includes a motor vehicle to which has been added a cabinet box, a platform, a rack, or other equipment for the purpose of carrying goods other than the personal effects of the passengers.

Undeveloped: A piece of property, a plat, or a platted lot for which no building permit for a principal structure has been issued.

Undue Hardship: An exceptional financial burden that might otherwise amount to the taking of property without just compensation, or failure to achieve a reasonable economic return in the case of income-producing properties. Where the cost of the renovation exceeds by 1.5 times, the cost of demolition and new construction, undue economic hardship shall be presumed to exist.

Unsafe: A building, structure, sign, etc. which is a hazard to the public's safety, health or welfare.

Used Car Sales: The use of any building, land area, or other premise for the display and sale of used automobiles but may include light trucks or vans, trailers, or recreational vehicles.

Utility, Private: See "Private Utility"

Utility, Public: A closely regulated enterprise with a franchise for providing to the public a utility service deemed necessary for the public health, safety, and welfare.

Utility Building: See "Accessory Building"

Vacant Land / Lot: Land or lot that is undeveloped and unused.

Variance: A variance is permission to depart from the literal requirement of a zoning ordinance. As used in connection with the provisions of this act dealing with zoning, a variance is a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, 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. As used in this act, a variance is authorized only for height, area and size of structure or size of yards and

open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or classification or adjoining zoning districts or classifications.

Vehicle: A form of transportation, including motorized and nonmotorized vehicles designed and required to be licensed for use upon a roadway or highway in the state.

Vehicle, Junk: Any rusted, wrecked, damaged, dismantled or partially dismantled, inoperative, or abandoned motor vehicle in such a condition that it is economically infeasible to restore the vehicle to an operating condition. Comment: "Economically feasible" means that the cost of restoring the vehicle to an operating condition exceeds the market value of the vehicle.

Vested / Vested Rights: Having the right to develop or continue development notwithstanding the comprehensive plan.

Veterinary Clinics and Hospitals: A place where animals or pets are given medical or surgical treatment. Use as a kennel shall be limited to short-term boarding and shall only be incidental to such hospital use.

Volume: Occupied space measured in cubic units.

Walkway: A passage for walking

Wall Sign: Any sign painted on or attached to an erected structure parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

Warehouse: A building primarily used for the storage of goods and materials.

Water Body / Waterbody: Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline.

Watercourse: Any natural or artificial stream, creek, channel, ditch, canal, waterway, gully, ravine, or wash in which water flows either continuously or intermittently, and which has a definite channel, bed, or banks.

Waterfront: Any lot or parcel bordering on a water body.

Water Management District: The St. Johns River Water Management District.

Water Quality: The characteristics of water as set forth in Chapter 17-3, Florida Administrative Code, together with physical, chemical and biological characteristics of water that affect the propagation of fish, wildlife, aquatic plants and animals.

Waters: This item shall include, but not be limited to, rivers, lakes, streams, springs, impoundments and all other water or bodies of water, whether surface or subsurface, and whether navigable or nonnavigable. The term shall encompass all bottom lands lying below the mean high water mark, whether said bottom lands are submerged or not

Wet Detention: A detention basin that contains a permanent pool of water that will retain runoff for a minimum period of 14 days for an average rainfall summer, and which has a littoral zone over a substantial portion of the pond surface area.

Wetlands: Swamps and wet woodlands characterized by specific vegetational types, plant communities and soils, whether:

- Flooded at all times;
- Flooded only seasonably; or
- Having a water table within six inches of the ground surface for at least three months of the year. As determined by the appropriate regulatory authority.

Wholesale (Store, Business, Establishment): *Establishments of places of business primarily engaged in selling merchandise to retailers; to industrial, commercial, institutional, or professional business users.*

Window Sign: Any sign placed inside or upon a window facing the outside and which is intended to be seen from the exterior. Permanently attached signs (i.e. illuminated, painted, affixed by mechanical means, etc.) shall be calculated in the total allowable sign area. Temporary and signs integrally related to business operation (i.e. open/ closed signs, hours of operation, etc.) shall be allowed but not be included in the allowable copy area. Signs attached to supporting structures inside the business but oriented to customer or vehicular traffic shall be considered permanent window signs.

Wooden Fence: A structure of appropriate height, consisting of individual, evenly spaced posts, to which are attached opaque sections of vertical wooden slats, woven wood or other such arrangement which together constitute an opaque, visual barrier between two (2) adjacent parcels of land.

Written Notice: The mailed written notice of a public hearing to interested parties, stating the date, time, and place of the hearings and matters to be discussed.

Yard Area: A vegetated or stabilized open space on the same lot with a building, said space being unoccupied and unobstructed from the ground upward, with the exception of trees and other natural vegetation.

Yard, Front:

- A front yard is a yard extended between side lot lines across the front of a lot adjoining a street. In cases of double frontage lots: Unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the development review coordinator may waive the requirement for the normal front yard and substitute a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

- In cases of corner lots, full-depth front yards are required on both frontages.
- Depth of a required front yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Generally: A yard, generally, is required open space with grass or ground cover, other than a court, unoccupied and unobstructed by a structure, or portion of a structure, from 30 inches above the general ground level of the upgraded lot upward; provided, however, that fences, walls, hedges, poles, posts, children's play equipment and other customary yard accessories, ornaments, statuary and furniture may be permitted in any yard subject to height limitations and requirements limiting obstructions to visibility.

Yard, Rear:

- A yard extending across the rear of the lot between inner side yard lines. In the case of double-frontage lots, there will be no rear yards, but only front and side yards.
- Depth of a required rear yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Yard, Side:

- A side yard extending from the interior (rear) line of the required front yard to the rear lot line, or, in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of double-frontage lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.
- Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Zoning: The delineation of districts and the establishment of regulations governing the use, placement, spacing, and size of land and buildings.

Chapter IV - Zoning Regulations

4.1 Applicability

The Town of Astatula is divided into zoning districts. All lands in the Town shall have a zoning designation and all development shall conform to the standards set forth for the applicable zoning district and other applicable requirements of this Code.

4.1.1 Mapping District

The boundaries of the various districts are shown on the official zoning map adopted concurrent with this Code which shall be maintained by the Town. The map shall be by reference a part hereof. All changes to the district boundaries, as approved by the Town Council shall be noted on the map, dated and signed by the Mayor. A log shall also be maintained to support the map. The log shall indicate the date of the zoning and the ordinance adopting the change. The map may be supplemented from time to time by the Town Council.

4.2.1 Interpretation of District Boundaries

Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the official zoning map indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line. Where uncertainty exists as to the boundaries of any district, the following rules shall apply:

1. The boundaries shall be determined by the ordinance establishing the boundaries
2. Where boundaries are indicated as approximately following street and alley lines, land lot lines, military district lines or lot lines, such lines shall be construed to be such boundaries
3. In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimension, shall be determined by use of the scale of the map.
4. Where the public road, street or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.
5. Where boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or to the centerlines of alleys for the centerlines or

right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined from supporting maps or by use of the scale of the map.

4.2.2 Application of District Regulations

The regulations herein set out within each district shall be minimum or maximum limitations and shall be applied uniformly to each class or kind of structure or use on land or water, except as otherwise provided.

1. Zoning affects use or occupancy
No building structure, land or water shall be used or occupied, and no building, structure or part shall be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations specified for the district in which it is or will be located.
2. Multiple use of required open space prohibited.
No part of a required yard or other required open space, required off-street or loading space, provided in connection with one (1) building, structure, or use shall be included as meeting the requirements for any other building, structure or use, except as allowed by these regulations.
3. Reduction of lot area prohibited.
No lot or yard existing at the effective date of these zoning regulations shall be reduced in size, dimension or area of less than the minimum requirements set out herein, except for public purposes such as road widening. Lots or yards created after the effective date of these zoning regulations shall meet at least the minimum requirements established.

4.3 Procedures for Rezoning

See Chapter I – Section 1.6

4.4 Procedures for Annexation

See Chapter I – Section 1.3

4.5 Procedures for Small Scale Comprehensive Plan Amendment (less than 10 acres)

See Chapter I – Section 1.4

4.6 Procedures for Large Scale Comprehensive Plan Amendment (larger than 10 acres)

See Chapter I – Section 1.5

4.7 Procedures for Conditional Use Permits

See Chapter I – Section 1.9

4.8 Procedures for Variances

See Chapter I – Section 1.10

4.9 Establishment of Districts

In order to classify and regulate the uses of land, water, buildings and structures, to regulate the height and bulk of buildings; to regulate the area of yards and other spaces around buildings; and to regulate the intensity of land use, the Town of Astatula is divided into the following zoning districts:

A	Agriculture District	4.9.1
R-1	Single Family Low Density District	4.9.2
R-2	Medium Density Residential District	4.9.3
R-3	Mobile Home Park District	4.9.4
PUD	Planned Unit Development District	4.9.5
C-1	Neighborhood Commercial District	4.9.6
C-2	General Commercial District	4.9.7
I-1	Light Industrial District	4.9.8
I-2	Heavy Industrial District	4.9.9
PF	Public Facilities District	4.9.10
CON	Conservation District	4.9.11
U	Utilities District	4.9.12
OD	Overlay District	4.9.13

4.9.1 A - Agriculture

1. Description of District

The Agriculture zoning district is intended to retain the open character of the land. To that end, permitted and permissible uses are limited to agricultural uses, rural residential, conservation, recreation and with certain limitations, other uses not contrary to the character of this district. It is intended and anticipated that certain portions of this district may eventually be required for more intensive uses. It is the intention of these zoning regulations that such lands not be rezoned to more intensive uses without a clear showing of conformity with surrounding properties and the Comprehensive Plan of the Town of Astatula.

2. Permitted Uses:

- a) Agricultural uses, including Backyard Chickens, Fruit / Vegetable Stands and agricultural accessory structures, and uses incidental to agricultural activity; provided structures for keeping and raising

of livestock and poultry, except for Chicken Coops as regulated in 4.10.6, shall not be located within 100 feet of any lot line.

- b) Single family residences with a minimum floor area of 1200 square feet.

Note: Minimum floor area per dwelling unit shall not include areas of basements, open breezeways and porches, attached garages or detached utility rooms.

- c) Home occupations conducted within single-family dwelling units and operated in accordance with this code. Home occupations will require a zoning clearance from the Town Clerk's office and the appropriate occupational licenses.
- d) Yard sales are not to exceed a period of 72 hours per sale.
- d) Carports with a proper zoning clearance, site plan, and building permit showing the location on the property to ensure setbacks are met.
- e) A temporary structure. Onsite use of these units with permission initially from the Town Clerk and then from the Town Council.

- 3. Conditional Uses: Conditional uses are those uses which are permitted only after Public Notice and Hearing and Approval by the Town Council.

- a) House of Worship
- b) Public or semi-public facilities or structures owned or operated by The Town of Astatula, Lake County, the State of Florida or the Federal Government
- c) Utility facilities, including electric transformers, gas regulator stations, telephone switching equipment, gas pipelines, transmission lines and poles
- d) Dude ranch, riding academy or boarding stable, provided no building for the housing of animals shall be located within 100 feet of any lot line
- e) Cemeteries and Mausoleums
- f) Golf Courses
- g) Limited Commercial
- h) Uses which after consideration by the Planning and Zoning Commission and approval of the Town Council, will not have a more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.

- 4. Prohibited Uses:

Any use not listed as a permitted or conditional use as outlined above.

- 5. Site Development Standards

- a) Minimum lot size 5 acres

- b) Minimum lot width at building setback line 150 feet
- c) Maximum height of building 35 feet
- d) Minimum street frontage 100 feet
- e) Minimum street frontage at cul-de-sac 75 feet
- f). Minimum setback requirements:
 - 1) Front yard setback:
 - a) Minor street 30 feet
 - b) Collector street 30 feet
 - c) Arterial street or state highway 50 feet
 - 2) Side yard setback for primary structure when adjoining:
 - a) Another lot 5 feet
 - b) Minor street 30 feet
 - c) Collector street 30 feet
 - d) Major street 50 feet
 - 3) Rear yard setback: 5 feet
 - 4) Maximum lot coverage shall not be more than 20% of the lot area covered by the principal building and accessory structures
 - 5) From normal high water line of a lake 50 feet
- 6. Landscaping and buffers See Chapter VIII – Landscape Standards
- 7. Signs See Chapter IX – Design Standards
- 8. Access See Chapter VII – Design Standards

4.9.2 R-1– Single Family Low Density Residential

1. Description of District
 The R-1 Single Family Low Density Residential district is established as a zoning district in which the principal use of the land is for single family dwellings in a low density environment. The specific intent of this district is to:
 - a) Encourage the construction of, and the continued use of the land for low density housing
 - b) To prohibit business, commercial or industrial use of the land, and to prohibit any other use which would substantially interfere with development or maintenance of low density housing.
 - c) To discourage any uses, which would create greater demands on facilities than if the site were developed as single family low density residential.
2. Permitted Uses:
 - a) Single family detached dwelling units having a minimum of living area of 1,200 square feet exclusive of garages, carports, and screened areas.
 - b) Buildings, structures, or uses maintained or operated by the Town of Astatula

- c) Home occupations conducted within single-family dwelling units and operated in accordance with this code. Home occupations will require a zoning clearance from the Town Clerk's office and the appropriate occupational licenses.
- d) Hobbyist Commercial
- e) Yard sales are not to exceed a period of 72 hours per sale.
- f) Accessory buildings / structures customarily used in connection with each permitted use with the following conditions:
 - Total shall not exceed eighty percent (80%) of the heated and cooled area of the primary structure and shall not be used as living area
 - Tube and canvas structures shall be limited to 200 square feet in size
 - Structures must be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership
 - Must not exceed the height of the primary structure or 25 feet, whichever is greater.
 - Must comply with all applicable standards and codes
 - Must have a zoning clearance and building permit prior to installation
 - Shall not be located closer than five (5) feet from any property line and shall conform to the building setbacks adjacent to all rights of ways
- g) Carports with a proper zoning clearance, site plan, and building permit showing the location on the property to ensure setbacks are met.
- h) A temporary structure. Onsite use of these units with permission initially from the Town Clerk and then from the Town Council.
- i) Backyard Chickens as regulated in 4.10.6
- j) Chicken Coops as defined in Chapter III

3. Conditional Uses:

- a) Public park and recreational facilities dedicated to Town
- b) Public or semi-public facilities or structures owned or operated by the Town of Astatula, Lake County, the State of Florida or the Federal Government
- c) Utility facilities, including electric transformers, gas regulator stations, telephone switching equipment, gas pipelines, transmission lines and poles
- d) Cemeteries and mausoleums
- e) Private recreation facilities including marinas
- f) Uses which after consideration by the Planning and Zoning Commission and approval of the Town Council, will not have a more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.

4. Prohibited Uses:
Any use not listed as a permitted or conditional use as outlined above.

5. Site Development Standards
 - a) Minimum lot size 21,780 square feet
 - b) Minimum lot width at building 100 feet
 - c) Maximum height of building 35 feet
 - d) Minimum setback requirements (measured from building line to property line):
 - 1) Front yard setback:
 - a) Minor street 30 feet
 - b) Collector street 30 feet
 - c) Arterial street or state highway 50 feet
 - 2) Side yard setback when adjoining:
 - a) Another lot 8 feet
 - b) Minor street 30 feet
 - c) Collector street 30 feet
 - d) Major street 50 feet
 - 3) Rear yard setback 20 feet
 - 4) Minimum street frontage 100 feet
Minimum street frontage on cul-de-sac 75 feet
 - 5) Where a front yard of lesser depth than specified exists in front of dwellings on more than 60% of lots of record on one side of the street in any one block in an R-1 District, the depth of the front yard for any building hereafter erected or replaced on any lot in such block need not be greater than the average depth of front yards of existing buildings.
 - 6) From normal high water line of a lake 50 feet
 - e) Maximum lot coverage 30 %
 - f) Parking: See Chapter VII – Design Standards
 - g) Landscaping and buffers See Chapter VIII – Landscape Standards
 - h) Signs See Chapter IX – Sign Standards
 - i) Access See Chapter VII – Design Standards

6. Single-Family Dwelling Design Standards: All newly constructed Single-Family Dwellings (not to include the replacement of existing Mobile Homes or Manufactured Housing dwellings) constructed after May 1, 2017 shall provide the following:
 - a) The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run
 - b) The minimum overhang shall not be less than six (6) inches. Installed gutter may be counted as per of the six (6) inch overhang.
 - c) A solid foundation or permanent skirting shall be required around the perimeter of the unit.

4.9.3 R-2 – Single Family Medium Density Residential District

1. Description of District
The Medium Density Residential District is established as a zoning district in which the principal use of land is for single-family and two-family dwellings in an environment with a middle range of residential densities.
2. Permitted Uses:
 - a) Detached single-family dwellings, two-family dwellings, multi-family dwellings and other
 - b) Single family dwellings.
 - c) Home occupations conducted within single-family dwelling units and operated in accordance with this code. Home occupations will require a zoning clearance from the Town Clerk's office and the appropriate occupational licenses.
 - d) Hobbyist Commercial
 - e) Yard sales are not to exceed a period of 72 hours per sale.
 - f) Buildings, structures, or uses maintained or operated by the Town of Astatula
 - g) Accessory buildings / structures customarily used in connection with each permitted use as long as the following conditions are met:
 - Such uses must be customarily and clearly incidental and subordinate to the permitted or permissible uses for the zoning category
 - Total shall not exceed eighty percent (80%) of the heated and cooled area of the primary structure and shall not be used as living area
 - Tube and canvas structures shall be limited to 200 square feet in size
 - Structures must be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership
 - Must not exceed the height of the primary structure or 25 feet, whichever is greater
 - Must comply with all applicable standards and codes
 - Must have a zoning clearance and building permit prior to installation
 - Shall not be located closer than five (5) feet from any property line and shall conform to the building setbacks adjacent to all right of ways
 - h) Carports with a proper zoning clearance, site plan, and building permit showing the location on the property to ensure setbacks are met.

- i) A temporary structure. Onsite use of these units with permission initially from the Town Clerk and then from the Town Council.
- j) Parks and recreational uses
- k) Backyard Chickens as regulated in 4.10.6
- l) Chicken Coops as defined in Chapter III

3. Conditional Uses:

- a) Multi-family residential units
- b) Public parks and recreational facilities dedicated to the Town
- c) Golf courses
- d) House of Worship
- e) Public or semi-public facilities or structures owned or operated by the Town of Astatula, Lake County, the State of Florida or the Federal Government
- f) Utility facilities, including electric transformers, gas regulator stations, telephone switching equipment, gas pipelines, transmission lines and poles
- g) Nursing home, convalescent home, or orphanage
- h) Private recreational facilities, including marinas.
- i) Uses which after consideration by the Planning and Zoning Commission and approval of the Town Council, will not have a more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.

4. Prohibited Uses:

Any use not listed as a permitted or conditional use as outlined above.

5. Site Development Standards

- a) Minimum lot size
 - 1) Single-family dwelling (detached) 7,500 square feet
 - 2) Two-family dwelling 10,000 square feet
 - 3) Multiple-family dwelling 15,000 square feet
- b) Minimum lot width at building:
 - 1) Single-family dwelling (detached):
 - a. With central sewer and water 60 feet
 - b. With individual well and septic tank 100 feet
 - 2) Two-family dwelling:
 - a. With central sewer and water 60 feet
 - b. With individual well and septic tank 100 feet
 - 3) Multiple-family dwelling 100 feet
- c) Minimum street frontage 100 feet
 - Minimum street frontage on cul-de-sac 75 feet
- d) Maximum lot coverage 40 %
- e) Minimum setback requirements:
 - 1) Front yard setback:

- a) Minor street 25 feet
- b) Collector street 35 feet
- c) Arterial street or state highway 50 feet
- 2) Side yard setback when adjoining:
 - a) Another lot 8 feet
 - b) Minor street 25 feet
 - c) Collector street 25 feet
 - d) Arterial or state road 50 feet
- 3) Rear yard setback 20 feet
- 4) Minimum street frontage 100 feet
 - Minimum street frontage on cul-de-sac 75 feet
- 5) From normal high water line 50 feet
- f) Residential density:
 - 1) The maximum allowable residential density for multiple family dwellings shall be computed as follows:
 - a. A minimum of 4,500 square feet of lot area shall be provided for each dwelling unit.
 - 2) The area utilized for driveways and parking shall be considered lot area in determining maximum number of units permitted in a multi-family residential development.
- g) Minimum floor area in square feet:
 - 1) 1,000 square feet of living area per dwelling unit
- h) Landscaping and buffers See Chapter VIII – Landscape Standards
- i) Signs See Chapter IX - Sign Standards
- j) Access See Chapter VII – Design Standards

6.

Single-Family Dwelling Design Standards: All newly constructed Single-Family Dwellings (not to include the replacement of existing Mobile Homes or Manufactured Housing dwellings) constructed after May 1, 2017 shall provide the following:

- a) The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run
- b) The minimum overhang shall not be less than six (6) inches. Installed gutter may be counted as per of the six (6) inch overhang.
- c) A solid foundation or permanent skirting shall be required around the perimeter of the unit.

4.9.4 R-3 – Manufactured Housing Park

- 1. Description of District

The purpose of this district is to provide for a manufactured housing urban environment in a rental or resident owned park where the dwelling unit and / or lot may or may not be owned by the tenant residing within the park
- 2. Permitted Uses:

- a) One single family dwelling unit of modular construction having a minimum living area of 1,000 square feet
- b) Home occupations conducted within single-family dwelling units and operated in accordance with this code. Home occupations will require a zoning clearance from the Town Clerk's office and the appropriate occupational licenses.
- c) Hobbyist Commercial
- d) Yard sales are not to exceed a period of 72 hours per sale.
- e) Accessory buildings / structures customarily used in connection with each permitted use as long as the following conditions are met:
 - Such uses must be customarily and clearly incidental and subordinate to the permitted or permissible uses for the zoning category
 - Total shall not exceed eighty percent (80%) of the heated and cooled area of the primary structure and shall not be used as living area
 - Tube and canvas structures shall be limited to 200 square feet in size.
 - Structures must be located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership
 - Must not exceed the height of the primary structure or 25 feet, whichever is greater.
 - Must comply with all applicable standards and codes
 - Must have a zoning clearance and building permit prior to installation
 - Shall not be located closer than five (5) feet from any property line and shall conform to the building setbacks adjacent to all right of ways
- f) Carports with a proper zoning clearance, site plan, and building permit showing the location on the property to ensure setbacks are met.
- g) A temporary structure. Onsite use of these units with permission initially from the Town Clerk and then from the Town Council.
- g) Public park
- h) Recreational facilities incidental to the manufactured home park
- i) Self-service laundromats, provided, however, that this land is so situated within the park to be equally convenient to all residents of the manufactured home park, and also provided that it is intended for the use of the residents of the park only
- j) Buildings, structures, or uses maintained or operated by the Town of Astatula
- k) Backyard Chickens as regulated in 4.10.6 but only where the lot size is a minimum of ½ acre
- l) Chicken Coops as defined in Chapter III but only where the lot size is a minimum of ½ acre

3. Conditional Uses:
The following commercial uses are permitted upon site plan approval and when they are integrated into the park specifically for the purpose of serving the residents of the manufactured home park. Additionally, the site area for these facilities cannot exceed 2% of the overall land area in the manufactured home park.
 - a) Parks and recreational facilities dedicated to the Town
 - b) Food and beverage store
 - c) Educational Institutions
 - d) House of Worship
 - e) Public or semi-public facilities or structures owned or operated by the Town of Astatula, Lake County, the State of Florida or the Federal Government
 - f) Uses which after consideration by the Planning and Zoning Commission and approval of the Town Council, will not have a more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.
4. Prohibited Uses:
Any use not listed as a permitted or conditional use as outlined above.
5. Master Park Plan Permit (Single Ownership)
 - a) A "Park Permit" is required. No construction, extension, alteration, or disturbance of the land or its natural features and vegetation is recommended, nor shall any building permit be issued prior to the Town Council reviewing and approving a Master Park Plan. Any additional approvals which are required (i.e., Rezoning, Comprehensive Plan Amendment, Conditional Use Permit, Variances, etc.) must be approved by the Town Council before a Master Park Plan or Permit are approved.
 - b) Prior to the issuance of a Master Park Plan Permit, a Master Park Plan must be approved by the Town Council.
 - c) The entire procedure for the preparation of a Master Park Plan is as follows:
 - 1) Upon completion of preliminary design plans, the developer / property owner shall contact the Town Clerk and arrange a pre-application conference between the developer / property owner and their consulting engineer and the Town's consulting planner and engineer.
 - 2) The Town Council shall review the preliminary design plans with the designer. When the preliminary plan receives approval from the Town Council, the developer / property owner may proceed with his engineering. An adequate setback, with or without vegetative buffers, may be required.

- 3) Upon completion of the preliminary engineering plans in accordance with the approved preliminary design plans, the developer / property owner shall have his engineer proceed with final engineering design.
- 4) After approval by the Town Council has been obtained, the developer / land owner may then submit the Master Park plan to the necessary County and State agencies to gain his permits and approvals.
- 5) The Master Park Plan shall be prepared by an architect, surveyor or land planner together with an engineer and shall be submitted to the Town Clerk on a reproducible sheet, size 24" x 36" with two prints drawn to scale and shall contain the following information:
 - (a) Name of park, park owner and address
 - (b) Exact dimensions of all existing and proposed buildings, structures, streets, driveways, off-street parking spaces, off-street loading spaces, and sidewalks
 - (c) The number of manufactured homes, existing and proposed
 - (d) The existing and proposed land use of all areas and structures within the park
 - (e) Any abutting public street, delineating both the location and the right-of-way and pavement
 - (f) Existing and proposed topography at one (1) foot contour intervals
 - (g) Complete legal description of the property
 - (h) Required permits and approvals for County and State agencies
- 6) The fee for review of the Master Park Plan and issuance of the Master Park Plan shall be as outlined in the Town's Schedule of Fees.

6. Site Development Standards

- | | |
|--------------------------------------|-------------------|
| a) Minimum lot size | 5,000 square feet |
| b) Minimum lot width at building | 50 feet |
| c) Minimum street frontage | 25 feet |
| d) Maximum lot coverage | 40 % |
| e) Minimum setback requirements: | |
| 1) Front yard setback: | |
| a) Interior paved street | 20 feet |
| b) Minor street | 25 feet |
| c) Collector street | 40 feet |
| d) Arterial street or state highway | 50 feet |
| 2) Side yard setback when adjoining: | |
| a) Another lot | 5 feet |
| b) Minor street | 30 feet |
| c) Collector street | 40 feet |

- d) Major street 50 feet
- e) Private street 20 feet
- 3) Rear yard setback 20 feet
- 4) Minimum street frontage 50 feet
- Minimum street frontage on cul-de-sac 75 feet
- 5) From normal high water line of a lake 50 feet
- f) Parking – other than uses See Chapter VII – Design Standards
- g) Landscaping and buffers See Chapter VIII - Landscape Standards
- h) Signs See Chapter IX – Sign Standards
- i) Access See Chapter VII – Design Standards

4.9.5 PUD – Planned Unit Development District (PUD)

1. Description of District

This district is permitted within all land use categories shown on the Future Land Use Map of the Comprehensive Plan and is established to:

- a) Provide for planned residential communities containing a variety of residential structures and a diversity of building arrangements, with complimentary and compatible commercial uses; planned commercial centers with complimentary and compatible residential uses or with complimentary and compatible residential or commercial uses or both, developed in accordance with an approved final development plan.
- b) Allow diversification of uses, structures and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
- c) Reduce improvement costs through a more efficient use of land and a smaller network of utilities and streets than is possible through the application of other zoning districts.
- d) Ensure that development will occur according to the limitations of use, design, density, coverage and phasing stipulated on an approved final development plan.
- e) Preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas.
- f) Encourage an increase in the amount of usable open space areas by permitting a more economical and concentrated use of building areas than would be possible through conventional subdivision practices.
- g) Provide the maximum opportunity for the application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping, and working environments on properties of adequate size, shape and location.

2. Permitted Uses:

- a) Planned Residential Communities: Complimentary and compatible commercial / office uses may be included if they are compatibly placed within a planned unit development district. Non-residential uses may comprise no more than 25% of the total land area.
- b) Planned Commercial / Office Center: Complimentary and compatible residential uses may be included if properly designed into the total commercial center within a planned unit development district. Residential uses may comprise no more than 25% of the land.
- c) Any other private, public or semipublic uses complimentary to, and compatible with, planned residential or commercial developments.

3. Site Development Standards

Unless modified as provided for herein, the standards of conventional zoning districts and the design standards of this Code shall apply. Revised standards may be approved for a PUD project to encourage creative development when the development proposal demonstrates increased protection of natural resources, improved living environment or increased efficiency of service delivery.

- a) A minimum site size of 10 acres is required. For the purposes of the PUD, site size shall include only land above the 100 year floodplain. Division of uses shall likewise be measured by utilizing only land above the 100 year floodplain.
- b) A single use or any combination of uses may be approved. Site development standards shall be established for PUD's in order to ensure adequate levels of light, air and density to maintain and enhance locally recognized values of community appearance and design, to promote functional compatibility of uses, to promote the safe and efficient circulation of pedestrian and vehicular traffic, to provide for the orderly phasing of development, and otherwise protect the public health, environment, safety and general welfare.
- c) The criteria for establishing standards shall include:
 - 1. Compatibility with the zoning districts in the vicinity of subject property and with adopted Town development plans and policies.
 - 2. The preservation of natural features and historical and environmental assets of the site.
 - 3. The provision of landscaped common open spaces for the leisure and recreational uses of the occupants.
 - 4. The adequacy of public roads, storm water drainage facilities, utilities, public services and facilities required to serve the development.

- d) The proposed location and arrangement of structures should not be detrimental to existing or prospective adjacent land uses or to the existing or prospective development of the neighborhood.

4. Approval Procedures

The review outlined in Chapter V of this Code shall be followed for a Preliminary Development Plan and then a Final Development Plan which shall be adopted by ordinance. The two (2) steps are designed to allow the applicant to gain review and approval of general concepts prior to the preparation of detailed plans. Subdivision plans and / or site plans are required for each separate section of the PUD.

The following items must be submitted for review:

- a) Preliminary Development Plan consisting of property identified exhibits and supporting materials, shall clearly indicate the following:
 - 1. The name, location map, legal description, acreage, type of planned unit development, identification of the present ownership and the developer of the project;
 - 2. The existing land use and the proposed development by phase of construction identifying each phase and the total development the proposed use, the number of dwelling units or the floor area of commercial use, the gross density, the density by number of dwelling units per net residential acre for each residential category and area (types of residential units and densities may be mixed as long as the overall gross density conforms to the Comprehensive Plan);
 - 3. The existing topography and other features including lakes, marshes or swamps, watercourses (USGS map acceptable) and soils, and a general description of the vegetation (natural features shall be preserved and utilized when possible through careful design);
 - 4. The maximum height of buildings and structures requested;
 - 5. Applicant's proposed standards for setbacks, landscaping, buffers, parking, signs, access control and other items as necessary for all portions of the PUD.
 - 6. The priority and phasing of the development and the manner in which each phase of development can exist as an independent unit capable of creating an environment of sustained desirability and stability;
 - 7. The location of collector and arterial streets and highways proposed in the development, the general location of access points to abutting arterial streets and highways, and projected traffic generation;

8. The proposed method of providing for all necessary road improvements, sewerage systems, water supply, stormwater management systems and fire protection;
 9. The proposed location of any public uses, schools, open spaces and recreation spaces;
 10. Identification of consultants involved in plan preparation.
- b) Final Development Plan for portions of, or the total PUD, shall include the following submittals:
1. Development report. An 8 ½ x 11-inch report with folded drawings, including the following information:
 - a. A location map showing the relationship between the area proposed for development, the remainder of the area within the approved Preliminary Development Plan and the surrounding area;
 - b. The legal description and gross acreage of the area submitted for final approval;
 - c. The name, location, width and layout of existing streets, including abutting arterial highways, within two hundred (200) feet of the property in question;
 - d. The names, locations, right-of-way width, width of pavement of proposed streets, easements, pedestrian ways, bicycle paths and watercourses;
 - e. The locations, dimensions, design elevations or renderings, and uses of all buildings and structures, including proposed property lines, utilities, plants and permanent signs;
 - f. The open space, recreation space and private outdoor living area;
 - g. A landscaping and tree planting plan;
 - h. The open and covered off-street parking areas, indicating landscaping and external lighting systems;
 - i. The walls, fencing, or landscaping where required, between private and common areas, along streets or highways, drainage ways, railroads and along the periphery of the development;
 - j. Any refuse storage areas and methods of solid waste disposal;
 - k. The treatment of street lighting, external lighting and roof-mounted equipment;
 - l. The identification of the present ownership and the developers of all land included in the development; and
 - m. The identification of consultants involved in plan preparation.
 2. Design data:
 - a) Proposed use
 - b) Number of dwelling units

- c) Floor area of commercial uses
 - d) Gross residential density
 - e) Net residential density
 - f) Commercial floor area ratios
 - g) Building setbacks
 - h) Building separations
 - i) Maximum impervious surface lot coverage
 - j) Height of structures
 - k) Distance of buildings from vehicular access ways and parking areas
3. Preliminary engineering plans, to include provisions for:
 - a. Roads.
 - b. Water.
 - c. Sewer.
 - d. Fire protection.
 - e. Water management.
 - f. Environmental impact when required by the Town.
 4. Any covenants, conditions, restrictions, agreements and grants which govern the use, maintenance and continued protection of buildings, structures and landscaping within the planned unit development.
 5. A description of all methods and commitments to offset the impact of the project on public facilities and services, including any areas to be conveyed or dedicated, and improved for roadways, parks, parkways, playgrounds, school sites, utilities, public buildings and other similar public and public service uses including fire and police.
 - a) Additional Approvals: Based on the scope of the PUD project and the level of detail and scope of the Final Development Plan, additional submittals in the form of a subdivision plat or site plan may be required for any section of the project before authorization can be given to proceed with development of that section. Procedures and submittals outlined in Chapters V through IX of this Code apply. Combined or concurrent reviews may be allowed as previously described.
 - b) Alterations to Preliminary or Final Development Plans:
 6. Substantial proposed changes in requested uses, density, phasing or other specifications of the preliminary development plan may be permitted only upon resubmittal to the Development Review Committee and the Planning and Zoning Commission.
 7. Substantial proposed changes in requested uses, density, phasing or other specifications of the final development plan may be permitted following review by the Development Review Committee, the Planning and Zoning Commission and approval by the Town Council.

8. Substantial changes are generally considered to be those changes that may have an impact on neighboring properties, existing residents of the PUD, the environment or public service.

c) Control of Development Following Completion:

1. Upon the completion of the final development plan or any plans thereof, the Town shall certify the completion in the official zoning map.
2. After such certification, the use of land and the construction, modification or alteration of any buildings or structures within the PUD will be in accordance with the Final Development Plan rather than with standard provisions of the zoning regulations.
3. After certification, no changes may be made in the approved final development plan except under the procedure provided below:
 - a. Minor extensions, alterations or modifications of existing buildings, structures or utilities which are consistent with the purposes and intent of the Final Development Plan they may be authorized by the Town's consulting planner.
 - b. Uses not authorized by the Final Development Plan may be added to the Final Development Plan if approved by the Town Council.
 - c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the Final Development Plan as approved under the provisions of this part.
 - d. Approval Expiration:
 1. If a Final Development Plan for all or part of the Preliminary Development Plan has not been submitted within six (6) months following the approval of the Preliminary Development Plan the Preliminary Development Plan approval shall be void. Upon request by the applicant prior to expiration the Town Council may review the Preliminary Development Plan and current conditions and determine whether the approved uses are still appropriate. Following this review the Town Council may take the following action:
 - a. If there have been no changes in the surrounding area the Town Council may extend the approval for an additional six (6) months.
 - b. If changes have occurred in the area that make the approved uses inappropriate the

Town Council may after public hearing and recommendations of the Planning and Zoning Commission:

1. Revise the Preliminary Development Plan; or
 2. Change the zoning classification to a more appropriate district.
2. Construction must begin within the Planned Unit Development within twelve (12) months of approval of the Final Development Plan. If construction has not begun the Final Development Plan approval and any vesting which may be claimed thereby shall be void. The applicant may request a 6 month extension prior to expiration to be approved by Town staff. If more than one extension is requested, the matter shall be brought to the Town Council for approval. Construction shall be deemed to commence upon receipt of a site development permit or building permit for the development. Lapse of said site development or building permit shall constitute a termination of construction. Upon a termination of construction, construction must recommence during that portion of the twelve (12) month period which was not exhausted prior to commencement of construction. If recommencement does not occur in a timely manner, the final development plan approval and any vesting which may be claimed thereby shall be void.
- e) Bonds: Improvement bonds for facilities to be owned and maintained by the Town shall be posted before the issuance of building permits.

4.9.6 C-1 - Neighborhood Business District

1. Description of District

The Neighborhood Business District established in this article is intended to be one which permits the placement of a limited number of retail businesses and service activities in close proximity of residential neighborhoods. It is intended that relatively small and well defined shopping districts will be provided which are within walking distance or within a short automobile ride to the people they serve. In order to insure that such business development does not exert an injurious effect upon the character of surrounding residential areas, uses are prohibited which would create offensive and loud noises,

vibration, smoke, heavy truck traffic or late hours of operation. The Neighborhood Business District is especially for those products and services which are needed on a frequent basis and the sale of which will not have an injurious effect upon neighboring residential areas. It is the intent of this article that the Neighborhood Business Districts not evolve into strip business development along major streets.

2. Permitted Uses:

- a) Antique shops
- b) Shops or stores for the sale of art supplies, alcoholic beverages, flowers, gifts, hardware, jewelry, leather goods, periodicals and books, sporting goods, stamps and coins, stationary, sundry small household articles, sheet music or records, tobacco, fruits and vegetables, and clothing.
- c) Bakeries and bake shops, providing that floor area used for bakery production shall be limited to five hundred (500) square feet per establishment.
- d) Banks and savings and loan institutions
- e) Barber shops, beauty shops and similar personal service establishments.
- f) Bicycle rental or repair shops
- g) Public assembly building (i.e. churches, religious institutions, etc.), subject to the requirement of the general provisions
- h) Clothing stores and costume rentals
- i) Convalescent and nursing homes
- j) Coffee house
- k) Copy / Blueprinting shops
- l) Custom dressmaking, millinery and tailoring
- m) Delicatessen
- n) Drugstores
- o) Grocery stores
- p) Hobby shop
- q) Laundromat
- r) Laundry or dry cleaning establishment, occupying not more than 1,500 square feet of floor space
- s) Libraries and museums
- t) Medical or dental offices and clinics
- u) Photography studio, including facilities for the developing and printing of photographs
- v) Private clubs and lodges; community centers
- w) Public utility buildings, limited to office uses
- x) Shops for the repair of shoes, watches, locks, household appliances, radios and televisions
- y) Restaurants – defined as an establishment serving food and / or beverages, whether or not paid floor shows or other forms of paid entertainment are provided for customers as part of the

commercial enterprise and whether or not drive-in facilities are provided.

z) Retail sales of fruit and vegetables

aa) Taverns, bars and cocktail lounges

bb) Child care centers – defined as a place, home, building or location where four (4) or more children under the age of seven (7) years, not related to the operator, are cared for within a twenty-four (24) hour period or less, for either a direct money consideration, or for indirect benefit to the owner. Child care centers must meet the requirements of Florida Statutes Chapter 402, Section 305 – Licensing Standards for Child Care Facilities.

3. Conditional Uses:

a) Public or semi-public facilities or structures owned or operated by Astatula, Lake County, the State of Florida or the Federal Government

b) Uses similar to those itemized under Permitted Uses for C-1 Zoning subject to the following restrictions:

1) All business establishments shall be retail or service establishments dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises.

- 2) All business, servicing or processing, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
- c) Temporary open air markets
- d) Uses which after consideration by the Planning and Zoning Commission and approval of the Town Council, will not have a more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.

4. Prohibited Uses:

Any use not listed as a permitted or conditional use as outlined above.

5. Site Development Standards

- a) Minimum lot size. No minimum, subject to provision of sanitary sewer service or to septic tank approval criteria
- b) Minimum lot width at building No minimum.
- c) Minimum street frontage 100 feet
- d) Minimum building setbacks:
 - 1) Front yard setbacks when fronting on:
 - (a) A minor street 25 feet
 - (b) A collector, arterial or state highway 50 feet
 - 2) Side yard setbacks:
 - (a) The side yard setback shall be ten (10) feet from adjoining lots not under common ownership or a planned development
 - (b) corner lot (street side)
 - (1) Minor Street 25 feet
 - (2) Arterial/collector 50 feet
 - 3) Rear yard setback:
 - (a) Fifteen (15) feet when abutting a non-residential zoning district
 - (b) Twenty (20) feet when abutting a residential zoning district. This setback shall also apply when an alley or other right-of-way separates the residential zoning district from the C-1 zoning district.
 - 4) Minimum street frontage 100 feet
 - Minimum street frontage on cul-de-sac 75 feet
 - 5) Maximum building height 40 feet
 - 6) From normal high water line of a lake 50 feet
- e) Parking See Chapter VII – Design Standards
- f) Landscape and buffers See Chapter VIII – Landscape Standards
- g) Signs See Chapter IX – Design Standards
- h) Access See Chapter VII – Design Standards
- i) Site Plan Review and Approval:

- 1) All commercial structures shall be required to have an approved Site Plan, subject to the requirements and procedures of Chapter VI –Site Plan Regulations of the Town of Astatula

4.9.7 C-2 – General Business District

1. Description of District:
The C-2 Zoning District is intended to provide a wider variety of retail businesses.
2. Permitted Uses:
 - a) Any retail business, office service establishment, or other non-residential use itemized in the C-1 Zoning District.
 - b) Ambulance services
 - c) Auditoriums or other places of public assembly
 - d) Auto driving school
 - e) Automobile repair garage, for major engine overhaul and other mechanical repairs. (See Chapter III – Definitions)
 - f) Automobile service stations (See Chapter III – Definitions)
 - g) Automobile, truck or trailer rental agency
 - h) Bank, with or without drive-in facilities
 - i) Blueprinting and copy shops
 - l) Bowling alley and roller skating rinks
 - m) Building contractor office; outside storage of lumber, sand gravel and other building materials is prohibited
 - n) Business schools and colleges
 - o) Bus stations and terminals
 - p) Catering establishments
 - q) Public assembly (i.e. churches, religious institutions, etc.) , subject to the requirements of the General Provisions
 - r) Clothing stores and costume rentals
 - s) Department stores and discount houses, provided that associated storage warehouse facilities utilize no more than 40% of the building
 - t) Drive-in restaurants
 - u) Electrical glazing, painting, paper hanging, plumbing, roofing or ventilation contractor's office
 - v) Establishments for the sale of new automobile accessories and parts, commonly identified as "Tire, Battery and Accessory Stores"
 - w) Garden shops, greenhouses, retail garden centers, for the retail sale of trees and shrubbery
 - x) Buildings, structures, or uses maintained or operated by the Town of Astatula, Lake County, State or Federal offices
 - y) Hotels and motels
 - z) Upholstery shops

- aa) Veterinary establishments, animal hospitals and commercial kennels, provided that no building is closer than 150 feet to a residential area and no outside boarding of animals.
- bb) Billiard and pool halls
- cc) hospitals
- dd) Car washes, including self-service car washes

3. Conditional Uses:

- a) Uses similar to those itemized under Permitted Uses for C-2 Zoning subject to the following restrictions:

- (1) All business establishments shall be of retail or service establishments, dealing directly with consumers. All goods produced on the premises shall be sold at retail on the premises.
- (2) All business, servicing or processing, except for off-street parking or loading shall be conducted within completely enclosed buildings.

4. Site development standards:

- a. Minimum lot size No minimum, subject to provision of sanitary sewer service or septic tank approval criteria
- b. Minimum lot width at building No minimum.
- c. Minimum street frontage 100 feet
- d. Minimum building setbacks:
 - 1) Front yard setbacks when fronting on:
 - (a) A minor street 25 feet
 - (b) A collector, arterial or state highway 50 feet
 - 2) Side yard setbacks:
 - (a) The side yard setback shall be ten (10) feet from adjoining lots not under common ownership or a planned development
 - (b) corner lot (street side)
 - (1) Minor Street 25 feet
 - (2) Arterial/collector 50 feet
 - 3) Rear yard setback:
 - (a) Fifteen (15) feet when abutting a non-residential zoning district
 - (b) Twenty (20) feet when abutting a residential zoning district. This setback shall also apply when an alley or other right-of-way separates the residential zoning district from the C-1 zoning district.
 - 4) Maximum building height 40 feet
- e) Offstreet parking requirements:

- | | |
|--------------------------------------|------------------------------------|
| | See Chapter VII - Design Standards |
| f) Landscaping and buffers Standards | See Chapter VIII - Landscape |
| g) Signs | See Chapter VII - Sign Standards |
| h) Access | See Chapter VII - Design Standards |

4.9.8 I-1 – Light Industrial

1. Description of District

The intent of this section is to permit certain industries which are of light manufacturing or warehousing character to locate. The district is intended to be lower impact than the I-2 District (Heavy Industrial) to the point that the district could be near or adjacent to residential areas if sufficient buffering is provided. The district can serve as a transitional district between heavy industrial uses and commercial and residential uses. So that such uses may be integrated with other land uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations. The purpose of the district is to provide areas for job creation that are within close proximity to residential opportunities. Locations appropriate for the district would be at major intersections and along arterial or collector highways. Industrial Performance Standards and special design techniques are designed to minimize the adverse affects upon neighboring residential or commercial areas which these uses may cause.

2. Permitted Uses:

- a) Baking establishments, commercial or wholesale
- b) Bottling and distribution plants
- c) Fruit and vegetable packing and processing
- d) Primary light industries:
 - (1) Appliance manufacturing
 - (2) Bakeries, wholesale, large scale preparation
 - (3) Boat manufacturing
 - (4) Dairy processing
 - (5) Fish processing
 - (6) Food processing
 - (7) Glass manufacturing
 - (8) Millwork
 - (9) Woodworking
- e) Secondary industrial service uses:
 - (1) Auto paint and body shop
 - (2) Business office
 - (3) Cold storage
 - (4) Contractors storage yard
 - (5) Dry cleaning plant
 - (6) Engraving

- (7) Lumber yard
- (8) Machinery shop
- (9) Meat cutting and wholesale
- (10) Storage
- (11) Moving and Storage
- (12) Open Storage
- (13) Printing and publishing
- (14) Upholstery shop
- (15) Warehouse
- (16) Welding shop
- (17) Wholesale
- (18) Tire recapping.
- f) Service stations
- g) Restaurants

3. Conditional Uses:

- a) Uses considered by the Town Council as compatible with those itemized in 4.6.9.2
- b) A living quarters for a watchman or caretaker which may be of either conventional or mobile construction
- c) Public utility and service and accessory building and structures
- d) Telecommunication towers

4. Site Development Standards

- a. Minimum lot size No minimum, subject to provision of sanitary sewer service or to septic tank approval criteria
- b. Minimum lot width at building No minimum
- c. Minimum street frontage 100 feet
- d. Maximum lot coverage No maximum
- e. Minimum building setbacks:
- f. Minimum building setbacks:
 - 1) Front yard setbacks when fronting on:
 - (a) A minor street 25 feet
 - (b) A collector, arterial or state highway 50 feet
 - 2) Side yard setbacks:
 - (a) The side yard setback shall be ten (10) feet from adjoining lots not under common ownership or a planned development
 - (b) corner lot (street side)
 - (1) Minor Street 25 feet
 - (2) Arterial/collector 50 feet
 - 3) Rear yard setback:
 - (a) Fifteen (15) feet when abutting a non-residential zoning district

(b) Twenty (20) feet when abutting a residential zoning district. This setback shall also apply when an alley or other right-of-way separates the residential zoning district from the I-1 zoning district.

4) Maximum building height 40 feet

f. Parking – Other Uses See Chapter VII – Design Standards

g. Signs See Chapter VII – Design Standards

h. Access See Chapter VII – Design Standards

i. Site Plan Review and Approval:

1) All commercial structures shall be required to have an approved Site Plan, subject to the requirements and procedures of Chapter VI – Site Plan Regulations

4.9.9 I-2 – Heavy Industrial

1. Description of District

The intent of this section is to permit certain industries which are of medium to heavy manufacturing character. So that such uses may be integrated with other land uses, limitations are placed upon the degree of noise, smoke, glare, waste and other features of industrial operations. It is further intended that these uses include assembling, fabrication and manufacturing nature which require good access by rail and / or highway. Industrial Performance Standards and special design techniques are designed to minimize the adverse affects upon neighboring residential or commercial areas which these uses may cause. The district is intended to contain higher impact uses than allowed in the I-1 District and, therefore, the district is intended to be segregated from residential areas by transitional districts such as I-1 or C-2.

2. Permitted Uses:

a) Bulk storage of flammable liquid

b) Baking establishments

c) Distribution plants

d) Fruit and vegetable packing and processing

e) Primary light industries:

(1) Appliance manufacturing

(2) Bakeries, wholesale, large scale preparation

(3) Boat manufacturing

(4) Dairy processing

(5) Fish processing

(6) Food processing

(7) Glass manufacturing

(8) Millwork

(9) Woodworking

f) Secondary industrial service uses:

- (1) Auto paint and body shop
 - (2) Business office
 - (3) Cold storage
 - (4) Contractors storage yard
 - (5) Dry cleaning plant
 - (6) Engraving
 - (7) Lumber yard
 - (8) Machinery shop
 - (9) Meat cutting and wholesale
 - (10) Storage
 - (11) Moving and Storage
 - (12) Open Storage
 - (13) Printing and publishing
 - (14) Upholstery shop
 - (15) Warehouse
 - (16) Welding shop
 - (17) Wholesale
 - (18) Tire recapping.
 - g) Asphalt and concrete mixing and product manufacturing
 - h) Mobile home manufacturing and repairs
3. Conditional Uses:
- a) Uses considered by the Town Council as compatible with those itemized in 4.6.9.2
 - b) Service stations
 - c) Restaurants
 - d) A living quarters for a watchman or caretaker which may be of either conventional or mobile construction
 - e) Public utility and service and accessory building and structures
4. Site Development Standards
- a) Minimum lot size No minimum, subject to provision of sanitary sewer service or to septic tank approval criteria
 - b) Minimum lot width at building No minimum
 - c) Minimum street frontage 100 feet
 - d) Maximum lot coverage No maximum
 - e) Minimum building setbacks:
 - d) Minimum building setbacks:
 - 1) Front yard setbacks when fronting on:
 - (a) A minor street 25 feet
 - (b) A collector, arterial or state highway 50 feet
 - 2) Side yard setbacks:
 - (a) The side yard setback shall be ten (10) feet from adjoining lots not under common ownership or a planned development

- (b) corner lot (street side)
 - (1) Minor Street 25 feet
 - (2) Arterial/collector 50 feet
- 3) Rear yard setback:
 - (a) Fifteen (15) feet when abutting a non-residential zoning district
 - (b) Twenty (20) feet when abutting a residential zoning district. This setback shall also apply when an alley or other right-of-way separates the residential zoning district from the PF zoning district.
- 4) Maximum building height 40 feet
- g. Parking – Other Uses See Chapter VII – Design Standards
- h. Signs See Chapter VII – Design Standards
- i. Access See Chapter VII – Design Standards
- j. Site Plan Review and Approval:
 - 1) All commercial structures shall be required to have an approved Site Plan, subject to the requirements and procedures of Chapter VI – Site Plan Regulations.

4.9.10 PF – Public Facilities

1. Description of District:
The PF zoning district is designed to allow the construction of public facilities (i.e., municipal buildings, schools, etc.) within a specific zoning district
2. Permitted Uses:
 - a) Public facilities or structures owned or operated by Astatula, Lake County, the Lake County School Board, the State of Florida and / or the Federal Government
 - b) Buildings, structures or uses maintained or operated by the Town of Astatula.
 - c) Classrooms, auditoriums, dormitories, gymnasiums, laboratories, cafeterias, athletic fields, administration buildings, libraries, and other buildings or structures incidental to or related to the operation and maintenance of a school.
 - d) Accessory buildings and structures customarily used in connection with any permitted use.
3. Conditional Uses:
 - a) Public assembly buildings (i.e. churches, religious institutions, etc.)
 - b) Open Air Market
 - c) Cemeteries
 - d) Uses which after consideration by the Planning and Zoning Commission and approval of the Town Council, will not have a

- more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.
- e) Utility facilities, including electric transformers, gas regulator stations, telephone switching equipment, gas pipelines, transmission lines and poles, and telecommunication towers

4. The following are the minimum lot, height, and yard requirements in the Public Facilities Zoning District:

- | | |
|---|--|
| a) Minimum lot size | No minimum, subject to provision of sanitary sewer service or to septic tank approval criteria |
| b) Minimum lot width at building | No minimum |
| c) Minimum street frontage | 100 feet |
| d) Maximum lot coverage | No maximum |
| e) Minimum building setbacks: | |
| f) Minimum building setbacks: | |
| 1) Front yard setbacks when fronting on: | |
| (a) A minor street | 25 feet |
| (b) A collector, arterial or state highway | 50 feet |
| 2) Side yard setbacks: | |
| (a) The side yard setback shall be ten (10) feet from adjoining lots not under common ownership or a planned development | |
| (b) corner lot (street side) | |
| (1) Minor Street | 25 feet |
| (2) Arterial/collector | 50 feet |
| 3) Rear yard setback: | |
| (a) Fifteen (15) feet when abutting a non-residential zoning district | |
| (b) Twenty (20) feet when abutting a residential zoning district. This setback shall also apply when an alley or other right-of-way separates the residential zoning district from the PF1 zoning district. | |
| 4) Maximum building height | 40 feet |
| g) Parking | See Chapter VII - Design Standards |
| h) Landscaping and buffers | See Chapter VIII - Landscape Standards |
| i) Signs | See Chapter IX - Sign Standards |
| j) Access | See Chapter VII - Design Standards |

4.9.11 CON – Conservation

1. Description of District:
The Conservation zoning district is designed to provide green, undeveloped areas and to protect flood plains, wetlands, natural

resources, and agricultural uses. Areas of the Town in which this category is most appropriate are designated as “Conservation” on the Future Land Use Map of the Comprehensive Plan; however, this district is also permitted within all other land use designations.

2. Permitted Uses:
 - a) Groves and farms
 - b) Swamps, wetlands and forests
 - c) Private and public gardens
 - d) Pastures
 - e) Nature preserves
3. Conditional Uses:
 - a) Private and public parks
 - b) Single family homes and customary accessory uses
 - c) Golf courses
 - d) Retail or wholesale plant production, nurseries, and greenhouses
 - e) Fishing clubs and marinas
 - f) Environmental study centers
 - g) Riding stables
 - h) Public utility and service facilities
 - i) Cemeteries
 - j) House of Worship
4. Site Development Standards:

a) Minimum lot size	1 acre
b) Minimum lot width at building	200 feet
c) Minimum street frontage	100 feet
d) Maximum lot coverage	* 10%
* If allowed by Comprehensive Plan	
e) Minimum building setbacks	
Front yard	100 feet
Side yard	25 feet
Rear yard	50 feet
f) Maximum building height	2 stories or 35 feet
g) Parking	See Chapter VII - Design Standards
h) Landscaping and buffers	See Chapter VIII - Landscape Standards
i) Signs	See Chapter IX - Sign Standards
j) Access	See Chapter VII - Design Standards

4.9.12 U – Utilities

1. Description of District:

The Utilities Zoning district is designed to allow the construction of municipal or private utilities
2. Permitted Uses:

- a) Utility facilities, including electric transformers, gas regulator stations, telephone switching equipment, gas pipelines, transmission lines and poles, and telecommunication towers.
 - b) Accessory buildings and structures customarily used in connection with any permitted use.
- 3. The following structures, buildings, and uses shall be permitted only with a Conditional Use Permit approved by the Town Council:
 - a) Uses which after consideration by the Planning and Zoning Commission and approval of the Town Council, will not have a more adverse affect upon the public health, safety, and welfare than other permitted or conditional uses in the zoning district.
 - b) Power generating stations
 - c) Any type of gas, propane, or LP storage facility which will also be required to meet all applicable fire code requirements
- 4. The minimum lot, height, and yard requirements in the Utility Zoning District will be set at the time of site plan review and will be based on the type of use proposed for the site.

4.9.13 TCOD – Town Center Overlay District

- 1. Purpose and Intent of District

The purpose and intent of the Town Center Overlay District is to provide additional opportunities and development guidelines within a portion of the 561 and 48 corridor through the Town. The underlying uses in the corridor remain undisturbed by the creation of the overlay zone. The overlay zone is meant to encourage development and commerce within the district. The location of the overlay district has been established by the Town and is based on the need for special protective measures in the established area. The District provides for a compact, multiuse and mixed-use development area of retail and service establishments to support the growth and development of the Town. It is the intent of this section that adequate flexibility be provided to attract and accommodate the purposes and style of development described in the Town Center Overlay District. A Map of the Town Center Overlay District is attached to this Chapter.
- 2. Definition and Description of the Town Center Overlay District
 - a) An overlay district is a zoning district which encompasses one or more underlying zones and imposes additional requirements beyond those required for the underlying zone.
 - b) In addition to the regulations and standards set forth by this chapter, certain additional regulations and standards shall apply within areas identified as the Town Center Overlay District.

3. Overlay District Area
 - a) The provisions of this section shall apply within the area identified on the Official Zoning Map of the Town of Astatula, but are identified as 320 feet on either side of the right-of-way of County Road 561 from Virginia Avenue south to Maryland Avenue, 350 feet on the west side of the right-of-way of Monroe Street from Virginia Avenue south to Vermont Avenue, the area east of Monroe and west of CR 561 between Virginia Avenue and Georgia Avenue, and 320 feet on either side of CR 48 from Monroe Street to 180 feet west of Alamanda Drive. The industrial zoned properties on the east side of County Road 561 are all included within the Town Center Overlay District.
 - b) Proposed developments within the "Town Center Overlay District" will require a Comprehensive Plan Amendment if the intended use is other than what the current Future Land Use Designation allows.
4. Town Center Overlay District information relating to specific zoning districts.
 - R-1 Single Family Low Density District
 - R-2 Medium Density Residential District
 - R-3 Mobile Home Park District
Residentially zoned properties lying within the Town Center Overlay District will be allowed to remain, however development of additional residentially zoned properties would be discouraged but not prohibited. As long as the properties remain residential in use, requirements of the zoning designations for these categories would remain the same.
 - C-1 Neighborhood Commercial District
 - C-2 General Commercial District
Commercial development and rezonings would be encouraged within the Town Center Overlay District.
 - I-1 Light Industrial District
 - I-2 Heavy Industrial District
Industrial uses would require approval of a Conditional Use Permit.
 - PF Public Facilities
Public Facilities would require approval of a Conditional Use Permit.
 - U Utilities District
Public facilities and / or utilities would require approval of a Conditional Use Permit.

5. Permitted Uses in the Town Center Overlay District regardless of the underlying zoning and subject to the Town of Astatula Comprehensive Plan:

- Alterations, dressmaking and tailoring shops
- Ambulance services
- Auditoriums or other places of public assembly
- Auto driving school
- Automobile repair garage
- Automobile service stations
- Automobile, truck or trailer rental agency
- Antique shops
- Art gallery
- Bakeries
- Banks or savings and loan establishments with or without drive through facilities
- Barber shops, beauty shops, tanning facilities and nail salons
- Bicycle sales, rental and repair shops
- Billiard and pool halls
- Book stores
- Boutique / specialty shops
- Bowling alley and roller skating rinks
- Building contractor office; outside storage of lumber, sand, gravel and other building materials is prohibited
- Business schools and colleges
- Bus stations and terminals
- Car washes, including self-service car washes
- Catering establishments
- Child care centers – defined as a place, home, building or location where four (4) or more children under the age of seven (7) years, not related to the operator, are cared for within a twenty-four (24) hour period or less, for either a direct money consideration, or for indirect benefit to the owner. Child care centers must meet the requirements of Florida Statutes Chapter 402, Section 305 – Licensing Standards for Child Care Facilities
- Coffee shops
- Convalescent and nursing homes
- Convenience store, with or without gas pumps
- Copy / blueprinting shops
- Custom dressmaking, millinery and tailoring
- Delicatessen
- Department stores and discount houses, provided that associated storage warehouse facilities utilize no more than 40% of the building

- Drug store
- Electrical glazing, painting, paper hanging, plumbing, roofing or ventilation contractor's office
- Establishments for the sale of new automobile accessories and parts, commonly identified as "Tire, Battery and Accessory Stores"
- Farmers Market
- Florist shop
- Garden shops, greenhouses, retail garden centers for the sale of trees, shrubbery, plants and flowers
- Grocery store
- Hardware stores (provided no items are on display in front of the store but in a designated area that can be closed and locked after hours)
- Hobby shop
- Hospitals
- Hotels and motels
- Ice cream shop
- Indoor recreation
- Institutional / public uses
- Laundromat
- Laundry or dry cleaning establishment, occupying not more than 1,500 square feet of floor space
- Libraries
- Medical offices
- Museum
- Music store
- Outside cafes
- Paycheck advance facilities, and other personal credit institutions as defined by Industry No. 6141 of the Standard Industrial Code (1987)
- Photography studio, including facilities for the developing and printing of photographs
- Post office
- Private clubs and lodges, community centers
- Public utility buildings, limited to office uses
- Professional offices
- Restaurants – defined as an establishment serving food and / or beverages, whether or not paid floor shows or other forms of paid entertainment are provided for customers as part of the commercial enterprise and whether or not drive-in facilities are provided
- Retail establishments or stores for the sale of art supplies, alcoholic beverages, flowers, gifts, hardware, jewelry, leather goods, periodicals and books, sporting goods, stamps and

coins, stationary, sundry small household articles, sheet music or records, tobacco, fruits and vegetables, and clothing, clothing, costume rentals

- Retail sales of fruits and vegetables
- Shoe repair
- Shops for the repair of shoes, watches, locks, household appliances, radios and televisions
- Sporting goods stores
- Taverns, bars and cocktail lounges
- Temporary Open Air Market
- Upholstery shops
- Veterinary establishments, animal hospitals and commercial kennels, provided that no building is closer than 150 feet to a residential area and there is no outside boarding of animals

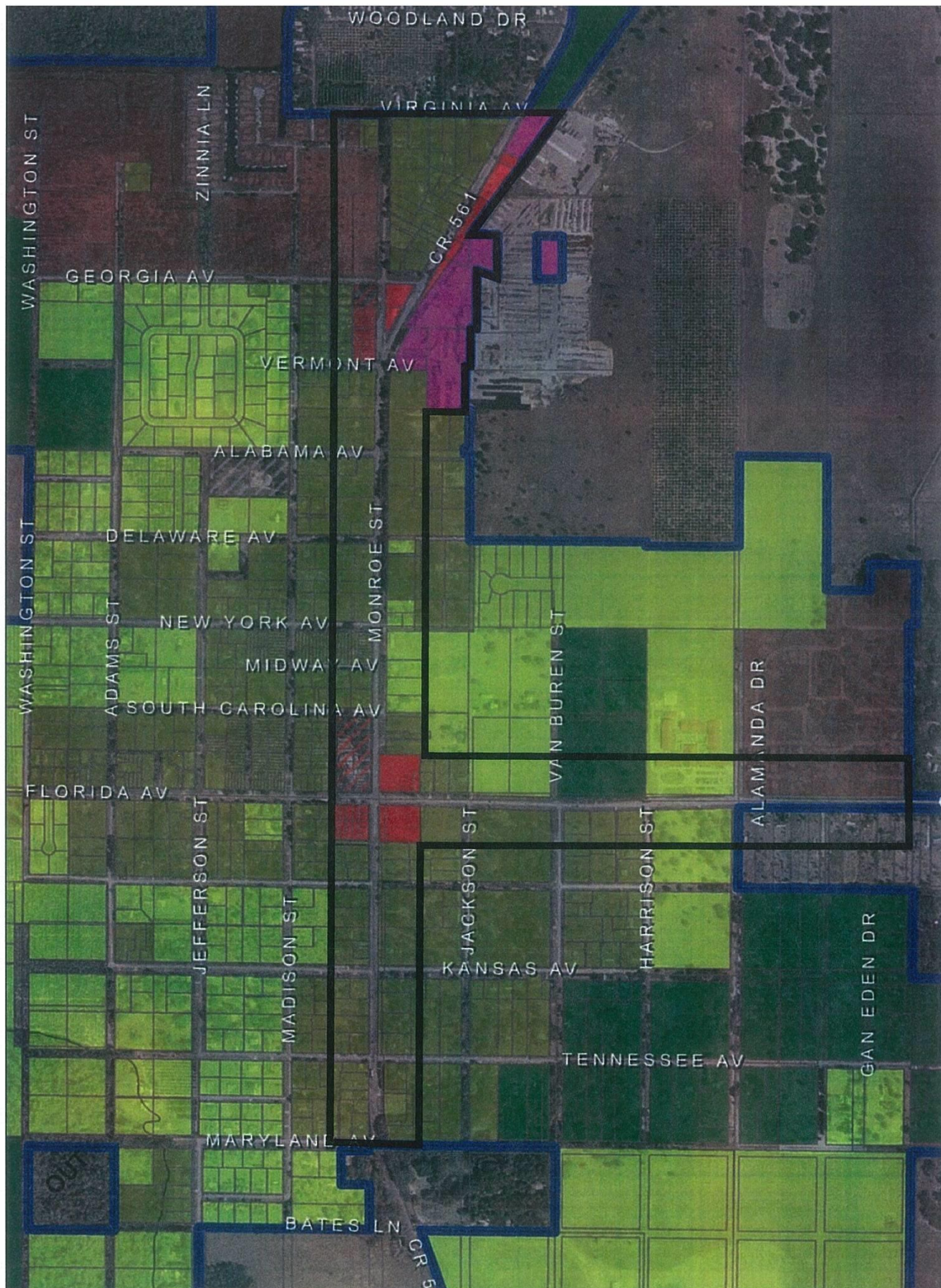
6. Conditional Uses in the Town Center Overlay District:

- Automobile and truck sales
- Bed and breakfast establishment
- Civic Clubs and lodges
- Convention center, reception or concert hall
- Copy and print shops
- Day care
- Dry cleaning facility
- Educational training facilities
- Hotels
- Industrial uses
- Miniature golf
- Public assembly (i.e. churches, religious institutions, etc.)
- Public facilities / utilities
- Public / private sports facilities
- Savings and loan establishments

7. Site Development Standards:

- | | |
|--|---|
| a) Minimum lot size | No minimum, subject to sanitary sewer and well criteria |
| b) Minimum lot width at building | No minimum |
| c) Minimum street frontage | 100 feet |
| d) Maximum lot coverage | * 40% |
| * If allowed by Comprehensive Plan | |
| e) Minimum building setbacks | |
| Front yard when abutting 561 | 40 feet |
| Front yard when local streets | 25 feet |
| Front yard when arterial streets | 50 feet |
| Side yard | 10 feet |
| Side yard when abutting a local street | 15 feet |

	Rear yard (when not abutting residential)	10 feet
	Rear yard (when abutting residential)	30 feet
f)	Maximum building height	2 stories or 35 feet
g)	Parking	See Chapter VII - Design Standards
h)	Landscaping and buffers	See Chapter VIII - Landscape Standards
i)	Signs	See Chapter IX - Sign Standards
j)	Access	See Chapter VII - Design Standards



Town Center Overlay District

4.10 Supplemental Regulations

4.10.1 Measurement of Setbacks

- A) Setbacks shall be measured on a perpendicular to the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang.

4.10.2 Location of Accessory Buildings and Uses in Residential Districts

- A) When an accessory building is attached to a main structure by a breezeway, passage or otherwise, it shall comply with setback requirements of the main building.
- B) Accessory buildings shall conform to the applicable zoning setbacks from all right of ways.
- C) Temporary storage structures shall be limited to 60 days and shall be ten (10) feet from all property lines.

4.10.3 Building Height

- A) Building heights may not exceed forty (40) feet; however, chimneys, water, fire, radio and television towers, church spires, elevator bulkheads, smokestacks, and similar structures and their necessary mechanical appurtenances may exceed thirty-five forty (40) feet, subject to the restrictions herein and any height limitations placed on such structures by the Federal Aviation Administration. No building or other structure shall exceed any height limitations placed on such structures by the Federal Aviation Administration.

4.10.4 Gas, Propane, or LP Storage Facility

- A) Any gas, propane, or LP storage tank or facility must obtain a conditional use permit in any zoning category unless the tank or storage facility is for residential use and holds 30 pounds or less. Any other gas, propane, or LP storage tank or facility must apply for a conditional use permit. Setbacks and special conditions will be considered and adopted during the conditional use approval process.

4.10.5 Demolition Permit

- A. Demolition of Buildings or Structures
 1. Permit Required. It shall be unlawful for any person, firm or corporation to wreck or demolish any building or structure in the Town without first securing a permit as provided by this section and paying the fees outlined in a Fee Ordinance adopted by the Town
 2. Permit Application and Fees. Application for a permit to wreck or demolish a building or structure in the Town shall be in writing to and

on the forms prescribed by the Town. The application shall include the following:

- a. Demolition contractor's name and address, certification or competency card number; property owner's name and address; location of the building or structure; legal description of the property, and date demolition is to begin. Exception: An owner-occupier of a single-family residence may demolish his home, garage or shed type structure without securing an occupational license or certificate of competency. However, a permit is required for structures greater than 120 square feet. It shall be unlawful to employ any person, firm or corporation to assist that does not first produce a current occupational license and house wrecker's competence card. Such owner-occupier must comply with all other provisions of this section, including pulling a permit and paying required fees.
3. Notarized authorization of owners and proof of ownership is required.

4.10.6 Backyard Chickens

General Requirements. Chickens, other than roosters, shall be allowed for personal use as an accessory use within the Agricultural (Ag), Single Family Low Density Residential (R-1), Single Family Medium Density Residential (R-2) Districts.

- A. Any person keeping, harboring, raising or maintaining chickens as an accessory to an occupied dwelling unit shall be subject to the following restrictions:
 1. No more than five (5) chickens may be kept;
 2. No slaughtering of chickens shall be done in public view;
 3. Chickens must be secured within the chicken coop or fenced enclosure at all times;
 4. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with rodents or other pests shall be kept in a rodent and pest-proof container;
 5. No manure shall be allowed to accumulate on the floor of the coop or ground. A fly-tight bin for storage of manure shall be utilized; the size shall be sufficient to contain all accumulations of manure. The fly-tight bin shall be kept at least twenty (20) feet away from all property; and

6. Composting of chicken manure shall be allowed in an enclosed bin. The composting bin shall be kept at least twenty (20) feet away from all property lines.

B. Chicken coop or fenced enclosure used to house chickens. Any chicken coop or fenced enclosure used to house chickens shall:

1. Not be located in the front or side yards; and

2. Be set back a minimum of twenty (20) feet from all property lines.

Chapter V – Site Plan Regulations

5.1 Purpose & Intent / Applicability

5.1.1 Purpose & Intent

The public health, safety, comfort and welfare require that the development of land be conducted in a harmonious, orderly, and progressive fashion within the corporate limits of the Town. Once land has been developed, the correction of defects is costly and difficult. Substantial public responsibility is created by each new development, involving the maintenance of streets and drainage facilities, and the provision of additional public services. As the general welfare, health, safety, and convenience of the community are thereby directly affected by the use of the land, it is in the direct interest of the public that developments be conceived, designed, and developed in accordance with sound rules and proper minimum standards. Consideration shall be given to the character of an area and the availability of public facilities to ensure the compatibility and coordination of uses and facilities to ensure the compatibility and coordination of land uses and facilities within a given geographic unit. Applicants for conditional uses will also be required to submit an application for site plan or minor site plan review. The purpose and intent, therefore, of this chapter is to ensure that the following objectives shall be attained:

- A) To assure that the planned project is in conformity with the goals and objectives of the Town's Comprehensive Plan;
- B) To assure that the planned project is compatible with the surrounding area and that it will serve to enhance the general character of the area and the Town;
- C) To assure that adequate provisions are made for vehicular traffic access, ingress, internal circulation and parking, traffic control, pedestrian movement and safety, emergency vehicle access, and trailered equipment storage;
- D) To assure that adequate screening and buffering will be provided between the planned project and contiguous properties;
- E) To assure that adequate provisions are planned for utilities, drainage, pollution control, and all public services, including garbage / refuse collection, delivery service, postal service, maintenance service, school bus loading and unloading, utility and exterior lighting, and other services necessary to the maintenance of the health and welfare of the residents of the project;
- F) To assure that adequate provisions have been made for light, air, access, and privacy in the arrangement of buildings as they relate to

other improvements, to public roads / streets, to internal roads, to parking areas, to recreation areas, to sidewalks, and to contiguous properties;

- G) To assure that the natural qualities and characteristics of the land will be preserved, and that the project site will be appropriately landscaped and provisions established for the maintenance of the same;
- H) To assure that adequate recreation space will be provided within planned projects and that provisions are made for the supervision and maintenance thereof;
- I) To assure that the aesthetics and architectural details of the planned project are compatible with the surrounding area and to serve to enhance the character of the area;
- J) To assure the installation of prescribed standards by the land developer of those required improvements which ought not become a charge on the citizens and taxpayers of already existing areas;
- K) To assure the prevention of haphazard, premature, or scattered land development;
- L) To assure safety from fire, panic, crime, and other dangers, and to promote health and the general welfare;
- M) To assure protection from flooding hazards and ensure proper water management;
- N) To assure the protection of the natural and scenic resources of the Town, including surface waters, and ground water recharge areas.
- O) To assure compliance with applicable sections of the latest Edition of the Florida Fire Prevention Code.

5.1.2 Applicability

The procedures contained in this chapter will be used for the review of site plans for all office, commercial, industrial, institutional and multifamily residential development.

Also included are:

- A) Projects involving land development without structures, such as parking lots.
- B) Projects involving new construction, the alteration or conversion of any existing structure into an office, commercial, industrial, institutional or multifamily residential facility which involves a change where there is a need for upgrading of the site through parking requirements, drainage improvements, fire flow, etc.
- C) Public buildings and facilities and private utility buildings and facilities.
- D) Exempt from site plan review are:
 - 1. Single-family and duplex dwelling units or minor appurtenances thereto, such as private swimming pools, fences, etc.

2. Agricultural production practices which include fencing, drainage, irrigation and other agricultural uses and structures which do not conflict with any Town ordinances.

5.2 Procedures for Review of Site Plans

5.2.1 Pre-Application Conference

The applicant is encouraged to meet with the Town's Staff or Planning Consultant prior to submitting a formal application.

5.2.2 Application Procedure

- A) An approved site plan is required prior to the issuance of a building permit. Conceptual site plans shall show the size and location of any structures, parking areas, setbacks, source of utilities, and stormwater management concept.
- B) It shall be unlawful for any person to construct, erect or alter a building or structure or to develop, change, or improve land for which a site plan is required except in accordance with an approved site plan.
- C) All applicants applying for site plan review, submitted under the purview of this chapter, shall submit fifteen (15) copies of the site plan to Staff.
- D) All submittals and revisions for consideration by the Town for any given month must be submitted by the first Monday of that month.
- E) Site plan submittals shall contain the information required by Section 5.3 or applicants will not be reviewed until they are completed.
- F) Appropriate fees shall be paid at the time of submittal.
- G) The Town's Planning Consultant, the Town's consulting Engineer, and the public works director or town staff, as deemed appropriate, shall review all site plans for compliance with site plan requirements. The Planning Consultant shall submit a letter report to the Town which will be forwarded to the Planning and Zoning Committee and Town Council.
- H) If substantial revisions are required as determined by the Planning Consultant on the town staff, the revised site plan shall be submitted within sixty (60) days. The Planning Consultant will then review these changes and make submit a revised letter report to the Planning and Zoning Committee.
- I) More than two (2) reviews by the Planning Consultant shall be considered a new application and, therefore, require an additional application fee.
- J) Based upon the information and the recommendations of the Planning Consultant, the Planning and Zoning Committee will recommend to the Town Council approval, approval subject to stated conditions or denial

of the site plan. The town council will then take action upon such recommendation.

- K) Upon site plan approval and issuance of a building permit, the development shall be built in accordance with the approved site plan and site plan regulations.

5.2.3 Site Plan Revisions

Approved site plans shall be changed using the same procedure used for their original approval.

5.2.4 Determination of Minor / Major Site Plan Reviews

The following table will indicate which items are required for submittal for Minor and Major Site Plans:

Requirement	Minor Site Plan	Major Site Plan
General Information		
Name of Project	X	X
Statement of intended use of site	X	X
Legal description of the property and size of parcel in acres or square feet	X	X
Name, address and phone number of owner or owners of record	X	X
Name, address and phone number of owner's agent	X	X
Name, address, phone number, signature, and registration of person(s) preparing the plan	X	X
Date, north arrow and scale, number of sheets; the scale (not smaller than one inch to fifty feet (1" = 50') shall be designated and, where appropriate, the same scale shall be used on all sheets.	X	X
Vicinity map, showing relationship of proposed development to the surrounding streets and thoroughfares, shall be at a scale of not less than one inch equals two thousand feet (1" = 2,000').		X
Linear dimensions of the site.	X	X
Existing topography with a maximum of one (1) foot contour intervals for the proposed		X
Finished grade elevation		X
All existing and proposed building restriction lines (i.e., highway setback lines, easement, covenants, rights-of-ways, and building setback lines).	X	X
Commitments, such as contributions to off set public facilities impacts.		X

Zoning on all adjacent land	X	X
All rights-of-way and curb cuts within 150 feet of the proposed site on both sides of the road.		X
Buildings and Structures		X
Intended use	X	X
Number of stories	X	X
Height of building	X	X
Number of dwelling units and density for multifamily site plans	X	X
Projected number of employees (if applicable)	X	X
If restaurant, show number of seats and occupancy load	X	X
Square footage for proposed development:	X	X
• Gross square footage	X	X
• Non storage area	X	X
• Square footage of each story	X	X
• Gross Square footage of sales area	X	X
Photograph or sketch of proposed sign with dimensions and material type	X	X
Façade and elevation plans as follows:		X
• Exterior elevations with material designations		X
• Outline specifications of façade and roof treatments		X
Streets, Sidewalks, Driveways, Parking Areas and Loading Spaces:		
Engineered plans and specifications for streets, sidewalks and driveways		X
All parking spaces designated	X	X
Number of parking spaces	X	X
Number and location of handicapped spaces	X	X
Number and designation of loading spaces		X
Number of square feet of paved parking and driveway materials of driveways	X	X
Cross-section of proposed street improvements		X
Fire lanes		X
Location of proposed driveway(s) and median cut(s)	X	X
Internal traffic circulation plan, including directional arrows and signs to direct traffic flow		X
Location of traffic-control signs and signalization devices		X
Designated location of sidewalks	X	X
Coordination of walkways, driveways, etc., with facilities in adjacent developments	X	X
Means of egress from building fire exits	X	X

All proposed street and alleys		X
Traffic Impact Analysis data:		
The developer shall prepare, or have prepared, by a qualified traffic engineer, a traffic impact analysis, unless determined by the Town that the proposed development will not have a traffic impact which justifies such an analysis.		X
Data: The analysis of traffic impacts will provide the following findings, and appropriate methodologies utilized in determining the findings:		X
• Total projected average weekday trip ends for the site in question		X
• Design capacity of the accessed and impacted roads		X
• Average projected peak-hour (including time of day) trip projections for the site in question.		X
• Analysis of projected onsite and offsite traffic patterns, such as turning movements		X
• Projected percentage of truck traffic		X
• Recommended improvements made necessary by development		X
• Other related information as required by the Town or Town's consultants		X
• Impact to existing levels of service on accessed and impacted roads		X
• The applicant shall be responsible for all costs associated with review of the Traffic Impact Analysis by the Town's consultants		X

5.2.5 Minor Site Plan Review

Minor site plan review shall be required for additions to existing structures if the additions are under 2,000 square feet and less than fifty percent (50%) of the total square footage of the existing structures, for changes in use without addition to existing structures but require other site improvements, and for conditional uses on currently developed land so long as the conditional use does not require additions to the structure in excess of fifty percent (50%) of the total square footage of the existing structure. A change in use that does not necessitate other site improvements does not require a change.

Required submittals: Submittals shall be required as outlined in Section 5.3. However, individual elements of the submittal requirements

may be omitted based upon the site conditions. Omissions must be approved by the Town Council.

5.2.6 Time Limit on Approval

Following approval of the site plan, the applicant shall have twelve (12) months to obtain a permit for construction on the site. The site plan for any site where a permit for construction has not been issued within twelve (12) months of approval shall be re-evaluated by the Town Council and any newly adopted standards will be utilized. An extension of the time limit may be requested in writing by the applicant before the time limit expires. Cause for the extension must be shown.

5.3 Required Submittals

5.3.1 Qualification of Engineer

Site plans or any portion thereof involving engineering shall be certified and prepared by, or under the direct supervision of, a professional engineer, qualified by training and experience in the specific technical field involved and registered or licensed to practice that profession in the State of Florida.

5.3.2 General Development and Proposed Improvements

A) General Information

B) Drainage:

Engineering plans and specifications for collection and treatment of storm drainage, including a description of the preservation of any natural features, such as lakes and streams or other natural features.

C) Dredge and Fill

If any dredging or filling operation is intended in development of the area, application shall be made to the agencies responsible for dredge and fill permits. No such work will be done prior to issuance of such permit.

D) Soils:

1) Indicate soil classifications on the site plan as identified by the United States Department of Agriculture Soil Conservation Service in the "Lake County Area Soil Survey." An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the identified soils are not classified correctly. If that determination is concurred with the Town, the soils shall be correctly identified for the purpose of this chapter.

2) Soil analysis by a qualified soil engineer must be furnished upon request. Of the Town.

E) Erosion Control:

Provision for the adequate control and sediment, indicating the location and description of the methods to be utilized during and after all phases of clearing, grading, and construction.

F) Limits of Floodplain:

Indicate flood elevation for 100-year flood elevation on the site plan as established by the United States Geological Survey Map series entitled, "Map of Flood Prone Areas," or the Department of Housing and Urban Development "Flood Boundary and Floodway Maps." An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, to demonstrate that his property does not fall within the designated flood delineation. If said expert determines that the property in question is not within a flood prone area, and said determination is acceptable to the Public Services Director and Town's consultants, said property shall be designated as non-flood-prone for the purpose of this Code.

G) Proposed Water and Sewer Facilities:

- 1) Water: Size, material and location of water mains, plus valves and fire hydrants, fire flow calculations plus engineering plans and specifications within three hundred (300) feet of the site.
- 2) Sanitary Sewer System: Size, material, and location of lines plus engineering plans and specifications, with submittal of profile where required.
- 3) Electric and Gas.

H) Solid Waste:

Location(s) and access provisions for refuse service, including pad screening, fencing, and landscaping.

I) Landscaping, Arbor, Recreation, and Open Space:

- 1) Landscaping plan, irrigation system plan and provision for maintenance, including size, type, and location of all landscaping, screens, walls, fences, and buffers.
- 2) Application for arbor permit, if applicable.
- 3) Recreation and open space areas, if applicable.

5.3.3 Existing Improvements (onsite, adjacent to site and across or opposite any public rights-of-way):

- A) Locations and sizes of driveways and median cuts within three hundred feet (300') of the site
- B) Sidewalks, streets, alleys and easements (note widths and type).
- C) Drainage systems to include natural and structural (size and materials, invert elevation).
- D) Size and location of nearest water mains, valves and fire hydrants
- E) Sanitary sewer systems (size, invert elevations, etc., to be included).
- F) Gas, electrical and telephone lines, where available.
- G) Tree survey indicating the location of all trees onsite which are a minimum of four (4) inches in diameter measured at approximately

DBH. Smaller trees to be retained may also be shown by the applicant to assist in determining replacement requirements. Groups of trees in close proximity may be designated as "Clumps" of trees with the estimated number and type of trees noted. Trees with a diameter of 24 inches and greater shall be identified by type, height, diameter and canopy spread. Trees to be removed, relocated or replaced must be named (common and botanical name) on the plan. The requirement of a tree survey may be deemed optional if a site is heavily forested. The Mayor will determine the necessity after consultation with Town staff (including planning and engineering consultants).

5.3.4 Additional Data

Any additional data, maps, plans, or statements, as may be required, which is commensurate with the intent and purpose of this Ordinance.

5.3.5 Additional Required Legal Submittals Where Facilities are Dedicated to the Public

The approval of the site plan wherein facilities are dedicated to the Town shall be made only pursuant to certification of adequacy of the following list of required submittals by the Mayor and Town Attorney, as appropriate:

A) Bonds

The approval of any site plan shall be subject to the applicant guaranteeing the installation and maintenance of the required improvements, where facilities are to be conveyed to the Town, by filing a performance bond or bonds executed by an approved surety company in the amount equal to one hundred ten percent (110%) of the construction costs, including landfill. Costs for construction shall be determined by (2) estimate by the applicants engineer, or (1) a copy of the actual construction contracts as provided. The amounts of the performance and maintenance bond must be approved as adequate by the Director of Public Services and / or the Town's consulting engineer. In lieu of performance bonding, improvements may be installed following site plan approval and preceding issuance of the Certificate of Occupancy, subject to the approval of the Town. In all cases where public improvements are installed prior to issuance of the Certificate of Occupancy, a two (2) year maintenance bond in the amount of twenty percent (20%) of the construction costs must be submitted. A completed maintenance bond form shall be submitted when utilizing a cashier's check or certified check as the form of guaranty in lieu of a surety. The Certificate of Occupancy cannot be issued until the maintenance bond is approved. Bonding requirements may also be met by, but not limited to, the following:

- 1) Escrow Deposit:
 - a. Cashier's Check
 - b. Certified Check
- 2) Others, as approved by the Town Council, which may include developer-lender Town agreements for providing public improvement, assignment of interest-bearing certificate of deposit, irrevocable letters of credit or developer's agreement.

B) Title Certificate

When real property is conveyed, a certificate of ownership signed by a licensed attorney-at-law or an abstract company shall be required when real property is conveyed to the Town, in a form approved by the Town Attorney, and showing:

- 1) Parties executing site plan are owners of the land embraced by the site
- 2) All mortgages, liens or other encumbrances
- 3) That all taxes and assessments are paid to date
- 4) Description of site is correct
- 5) No conflicting rights-of-way, easements, or site plans exist

C) As-built Surveys for Major Site Plan Only

The Town shall not accept improvements nor issue a Certificate of Occupancy until three (3) copies of the as-built surveys are submitted to the Town and reviewed, and determined to be consistent with this code.

Chapter VI – Subdivision Regulations

6.1 Purpose and Intent / Applicability

6.1.1 Purpose and Intent

1. The public health, safety, comfort, and welfare require that the development of land be conducted in a harmonious, orderly, and progressive fashion within the corporate limits of the Town. Once land has been subdivided into building lots, blocks, and streets, the correction of defects is costly and difficult. Substantial public responsibility is created by each new subdivision, involving the maintenance of streets and drainage facilities, and the provision of additional public services. As the general welfare, health, safety, and convenience of the community are thereby directly affected by the use of land as a subdivision, it is in the direct interest of the public that subdivisions be conceived, designed, and developed in accordance with sound rules and proper minimum standards. Consideration shall be given to the character of an area and the availability of public facilities to ensure the compatibility and coordination of land uses and facilities within a given geographic unit.
2. The purpose and intent, therefore, of this chapter is to serve as one of the several instruments of land use control authorized by the state legislature for the Town, and to secure:
 - a. The establishment of standards of subdivision design which will encourage the development of sound and stable areas within the corporate limits of the Town.
 - b. Installation of prescribed improvements by the land developer which ought not become a charge on the citizens and taxpayers of already existing areas.
 - c. The adequate and efficient supply of utilities, streets and services to new land developments.
 - d. The prevention of haphazard, premature, or scattered land development.
 - e. The prevention of traffic hazards and congestion which result from poorly aligned streets, and from excessive ingress and egress points along major traffic arteries; and the provision of safe and convenient traffic circulation, both vehicular and pedestrian, in new land development.
 - f. Safety from fire, panic and other dangers, to promote health and the general welfare.
 - g. Protection from flooding hazards, including proper stormwater management.
 - h. The provision of public open spaces in new land developments through the dedication or reservation of land for recreational, educational, and other public purposes.

- i. Coordination of land development in accordance with orderly physical patterns and general plans and policies adopted by the Town Council, in particular the Town's Comprehensive Plan.
- j. Protection of the natural and scenic resources of the Town, including surface waters and ground water recharge areas.

6.1.2 Applicability

1. The provisions of this chapter are applicable to the division of a parcel of land into three (3) or more parcels of land, and includes, but is not limited to, all cases where:
 - a. The applicant advocates, proposes, suggests, or exhibits a proposed plan, map, or plat of development of land; or
 - b. The applicant proposes to create a street, right-of-way, or easement that joins or connects to an existing public street.
2. This chapter shall not be construed to have the effect of repealing any existing ordinance concerning the subject matter of this chapter, but the regulations established herein shall be supplemental and cumulative. However, in the case of a direct conflict with a provision or provisions of any existing ordinance, the provision which is more restrictive and imposes higher standards or requirements shall govern.
3. Plats may also be filed for streets, rights-of-ways, or easements. All plats filed shall meet all requirements, as set forth in this chapter, and follow the procedures as herein set forth.

6.2 ***Minor Subdivision Approval***

Where property abuts an existing dedicated public right-of-way of at least fifty (50) feet in width and no new substantial public improvements for water, sanitary sewer, or transportation are required and where the proposed subdivision contains three (3) or fewer residential lots, the Town may waive conceptual or development plans and permit the final plans and final (record) plat to be presented to the Town Council for approval, approval with conditions, or disapproval. However, the following will be required:

1. A concurrency review
2. A conceptual drainage plan showing all existing and / or proposed swales and / or structures for drainage
3. All requirements and documents for a Final (Record) Plat as outlined in 6.7 below.

6.3 **Lot Split**

Where property abuts an existing dedicated public right-of-way of at least fifty (50) feet in width and no new substantial public improvements for water, sanitary sewer, or transportation are required a single property may be split into two lots provided that each of the resulting lots meets all the

minimum dimensions for the zoning district in which the property is located. The following is required to complete the lot split:

Initial Submittal:

1. Application and fees.
2. A site plan drawn to scale showing the parent parcel and the proposed split
3. Indication on the site plan that the lots will conform to the zoning district lot size requirements
4. Indication on the site plan that the lots will contain buildable land area free from 100 year flood and wetland encroachments
5. The proposed lots shown on a Soils map
6. The proposed lots shown on Lake County's most recent aerial photograph
7. The proposed lots shown on a map showing any wetlands
8. The proposed lots shown on a Federal Emergency Management Agency (FEMA) flood insurance map
9. Copy of current property record card for the subject property
10. Copy of current warranty deed for the subject property

Final Submittal

1. A signed and sealed survey with the acreage and legal description of the parent parcel and each of the proposed lots. The survey must show all structures, easements, utilities, and rights-of-way, surface water bodies, flood zones with base elevations, and wetlands.
2. A title opinion prepared by a licensed attorney or a certification by a title company dated through the date of final approval must be submitted which showing the following all persons or entities with an interest of record in the property, including but not limited to, the owners of record, easement holders, and mortgage and lien holders. The title opinion must include the tax identification number(s) for the property and copies of all documents such as deeds, mortgages, etc. which are referenced in the title opinion.
3. Upon approval by the Town Council the Town Clerk shall record the lot split on the appropriate maps appropriate maps and documents of the Town and shall, at the applicant's expense, record the lot split in the public records of Lake County, Florida.

6.4 Procedures for Review of Development Plans and Plats

There shall be a three-step process for the approval of all subdivision plats. This process is intended to permit full and adequate review by the Town in order to ensure and protect the public interest. This process will also benefit the applicant by identifying conceptual problems with the development and offering solutions to alleviating those problems prior to the preparation of detailed plans.

This three-step process shall be (1) preliminary development plan, (2) final development plan and (3) record plat.

6.5 Preliminary Development Plan

The purpose of the preliminary development plan is to provide for an initial review of the development proposal and the basic development concepts prior to proceeding with the detailed phases of the preliminary development plan. The applicant will provide a concise statement and description of the development proposal. The expenses for engineering studies, detailed surveying, legal information and planning studies may not be necessitated at this stage.

6.5.1 Review of Preliminary Development Plan

1. Initial Point and Deadline,

All submittals must be made to the Town Clerk in order to be reviewed by the Town's consultants and scheduled for a Planning and Zoning Commission hearing.

2. Submittals and Fees

Preliminary Development plan submittals shall be as required; appropriate fees shall be paid at the time of submittal.

3. Review Process

Each preliminary development plan shall follow a standard review process as outlined below:

- a. All submittals will be compiled and circulated by the Town Clerk to the consultants for review and comment.
- b. The submittals shall be reviewed by the Consultants and a written report will be forwarded to the Mayor for his / her review.
- c. If significant problems with the design layout or physical properties with the site are indicated, the consultants may request that the applicant provide additional information as deemed necessary before making a decision on the preliminary development plan as submitted.
- d. The application will be forwarded to the Planning and Zoning Commission along with the consultant's recommendations.
- e. The application will then be forwarded to the Town Council with the Planning and Zoning Commission's recommendation and the consultant's recommendations.

4. Street Names

All street names must be approved by the Addressing Division of Lake County Public Works.

5. Time limit on approval

An approved preliminary development plan will automatically lapse if a final development plan has not been submitted for the site within one (1) year of preliminary development plan approval. An extension to the one (1) year time limit may be considered by the Planning and Zoning Commission upon written a request by the applicant prior to the expiration date which shows good cause for

extension. Up to two (2) six (6) month extensions may be allowed before a reapplication is required.

6.5.2 Required Submittals for Preliminary Development Plan

The preliminary development plan shall be drawn at a scale of not less than one hundred (100) feet to one (1) inch, submitted in fifteen (15) copies, and shall show the following:

1. Title Block
2. Legend – Title, scale, north arrow, approximate acreage to be subdivided, current zoning, total number of lots, minimum lot size, name, address and telephone number of the applicant or his representative(s).
3. Legal description of the tract to be subdivided
4. Vicinity map – Showing relationship between area proposed for development and surrounding streets and public facilities, shall be at a scale of not less than one inch equals two thousand feet (1" = 2000')
5. Existing streets – The name, location and right-of-way width of all existing streets which abut the proposed subdivision, and existing easements on the property and location of all existing driveways and median openings within one hundred (100) feet.
6. Proposed streets – The width of proposed street right-of-ways.
7. Lots – Preliminary lot layout with approximate dimensions shown
8. Soils:
 - a. Soil classification map drawn on the face of the plan for comparison with proposed development activities shall be provided and shall indicate soil classifications on the plat as identified by the United States Department of Agriculture Soil Conservation Service in the "Lake County Area Soil Survey". An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the identified soils are not classified correctly. If said determination is concurred in by the Town's consulting engineer, the soils shall be correctly identified for the purpose of this code.
 - b. Soil analysis by a qualified soil engineer shall be furnished, upon request of the Town's consulting engineer, for submittal with the preliminary plat.
9. Topography – Contours at one (1) foot intervals for the tract being subdivided and extending twenty-five (25) feet beyond property line including water surface elevations and date recorded.
10. Other natural features – Including lakes, marshes or swamps, watercourses and other pertinent features as shown on a recent aerial photo. Location of all trees on site which are a minimum of six (6) inches in diameter measured three (3) feet above ground. Trees with a diameter of twenty-four (24) inches or greater shall be identified by type, height, diameter and canopy spread.

11. Limits of flood plain – Indicate flood elevation, drawn on the face of the plan, for 100-year flood as established by the United States Geological Survey Map series entitled, “Map of Flood Prone Areas”, the Department of Housing and Urban Development “Flood and Floodway Boundary Maps” or the Federal Emergency Management Agency, Federal Insurance Administration (FEMA/FIA). An applicant may challenge this designation by securing competent expert evaluation, at the applicant’s own expense, demonstrating that the property does not fall within the designated flood delineation. If the expert determines that the property in question is not within a flood-prone area, and this determination is concurred by the Town’s engineering consultant, the purpose of this Section shall be fulfilled.
12. Utilities – Proposed source of water, sewer, electric and gas
13. Drainage concept plan – Indicate general flow directions and retention areas.
14. Boundaries of the tract shown by a heavy line
15. Zoning of adjacent properties
16. Names of abutting subdivisions, if any, and the recordation date and plat book and page number
17. Other existing improvements including buildings on the tract
18. Proposed and existing easements
19. Concurrency Review

6.6 Final Development Plan

The purpose of the final development plan is to permit complete and accurate presentation of technical data and engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and surrounding areas.

6.5.1 Review of Final Development Plan

1. Initial Point and Deadline

All submittals must be made to the Town Clerk by the first Monday of any given month.

2. Submittal and Fees

All submittal fees shall be as set forth by separate ordinance plus any other additional submittals which were requested as a condition of development approval; appropriate fees shall be paid at the time of submittal.

3. Review Process

Each final development plan shall be subjected to a standard review process as outlined below:

- a. The Town Clerk receives all submittals, ensures that they are complete, and distributes them to the Town’s consultants for review.

- b. The final development plan is reviewed by the Town's consultants and recommendations are forwarded to the Planning and Zoning Commission.
- c. Based on the information generated and the recommendations of the consultants, the Planning and Zoning Commission shall recommend either approval, disapproval, or approval subject to stated conditions. Presentation of the final development plan will be made by the Applicant at a scheduled Planning and Zoning Commission hearing.
- d. If the recommendation of the Town's consultants is for denial, the applicant shall have the option to submit, within sixty (60) days, a revised final development plan without fee for review by the consultant prior to the Planning and Zoning Commission hearing. Any revisions after the first revision will require an additional final development plan fee and will be subject to the same sixty (60) day deadline. An extension to any of these deadlines may be considered by the Town Council if a written request is submitted by the applicant prior to the expiration date.
- e. The final development plan shall be submitted to the Town Council for action at their next regularly scheduled meeting following the review of the Planning and Zoning Commission provided all advertising and submittal deadlines can be met.
- f. Based on the information presented and the recommendations of the Planning and Zoning Commission, the Town Council shall approve, disapprove, or approve subject to stated conditions.
- g. Addressing
All addresses must be approved by the Addressing Division of Lake County Public Works prior to the recording of the Final (Record) Plat.

6.5.2 Required Submittals for Final Development Plan

Required submittals for the final development plan shall consist of engineering drawings, and other auxiliary submittals as stated:

1. *Submittal requirements*
Engineering drawings, drawn at a scale of not less than fifty feet to one inch (1"=50') prepared by a registered surveyor and engineer and submitted in fifteen (15) copies, showing graphically or by notes:
 - a. Title Block – The title or name of the proposed subdivision, the name and address of the owner of the tract proposed for development, and the name and address of the engineer and surveyor engaged to prepare and design the project.
 - b. Legend – Date, scale, north arrow, current zoning, total number of lots and minimum lot size
 - c. Legal Description – A full and detailed legal description of the tract and its acreage.

- d. Vicinity Map – Showing relationship between area proposed for development and surrounding streets and public facilities, shall be at a scale of not less than one inch equals two thousand feet (1"=2000').
 - e. Streets – The location, name and right-of-way and pavement width both on and immediately contiguous to the subdivision tract shall be shown.
 - f. Public Open Space and Easements – Existing park lands, lakes, waterways with the tract to be subdivided shall be shown. Existing public easements shall be shown on the plans. The purpose for such easement shall be indicated.
 - g. Dedications and Reservations – All parcels of land proposed to be dedicated or reserved for public use, such as roads, easements, parks, sidewalks, bicycles or pedestrian trails, shall be indicated on the plans. Proposed rights-of-way street names shall be indicated.
 - h. Lot lines, areas and numbers – The proposed lot line, lot area, appropriate dimensions and lot numbers shall be shown. Lots shall be numbered in consecutive order starting with the number one (1). Topography – Contour intervals of one (1) foot, except where determined to be unreasonable by the Town's consulting engineer.
 - i. Proposed building setback lines.
 - j. Phasing – Planned phasing, if any, should be shown. Each phrase should be designed to stand on its own if subsequent phases are not developed.
 - k. Location of "protected" trees.
2. *Other submittals:*
- a. Covenants: A draft copy of any proposed protective covenants or deed restrictions shall be submitted and recorded simultaneously with the final plat.
3. *Final Development*

Fifteen (15) copies each of signed and sealed final development (engineering) plans and specifications for the following improvements, both on-site and off-site shall be submitted to the Town Clerk.

- a. Water system. Size, material and location of water main, plus valves and hydrants.
- b. Sewer system (if available). Size, material and location of lines, with submittal of profile where required.
- c. Stormwater drainage facilities
- d. Streets
- e. Sidewalks, bicycle paths and pedestrian paths
- f. Excavation and fill
- g. Landscaping and irrigation.
- h. Concurrency Review
- i. Summary of changes made to plans between preliminary and final plans

4. Additional required legal submittals

The approval of the final (record) plat shall be made only pursuant to certification of adequacy of the following list of required submittals by the Town's Consulting Engineer and / or Town staff and Town's attorney, as appropriate.

- a. Performance Bonds: The approval of any plat shall be subject to the condition that the installation of storm drainage facilities, bulkheads, streets, and water lines (and sanitary sewer, if available) will be constructed according to approved plans by filing a performance bond or bonds executed by an approved corporate surety company in the amount of construction shall be: (1) estimated by the applicant's engineer, or (2) based upon the actual costs set forth in a bona fide construction contract for the project. The amount of the performance bond must be approved as adequate by the Town's Consulting Engineer and / or Town staff. In lieu of performance bonding, improvements may be installed following final plat approval and preceding final plat recording subject to the approval of the Town's Consulting Engineer and / or Town staff. In cases where improvements are installed prior to final plat, a bond is not required.
- b. Recording, a two (2) year performance bond in the amount of One Hundred Twenty-Five percent (125%) of the total cost of improvements must be submitted. The Plat cannot be recorded until the maintenance bond is approved. In private subdivisions, where no facilities are to be dedicated to the public, the required performance and maintenance bond shall run to the property owners' association, not to the Town. Bonding requirements may also be met by the following, but not limited to:
 1. Escrow deposit
 - a. Cashier's check
 - b. Certified check
 2. Others, as approved by the Town Council which may include developer-lender-town agreement for providing public improvements, assignment of interest-bearing certificate of deposit, irrevocable letters of credit or developer's agreement.
- c. Covenants: Any protective deed covenants to be placed on the property shall be notarized and in a form suitable for recording, and shall be recorded simultaneously with the record plat.
- d. Title Certificate: A certificate of ownership, signed by a licensed attorney-at-law or an abstract company, in a form approved by the Town's attorney, and showing:
 1. Parties executing plat are owners of land embraced by the plat
 2. All mortgages, liens or other encumbrances
 3. That all taxes and assessments are paid to date
 4. Description of plat is correct
 5. No conflicting rights-of-way, easements or plat exist

5. Other required submittals

- a. Arbor Information: The location of all protected trees within road rights-of-way and easements to be cleared will be submitted to the Town Clerk, if different than shown on the preliminary plat. Any necessary tree replacement shall be recommended at this stage.
- b. Addresses: Addresses shall be indicated in parentheses on each lot on one (1) separate copy of the final plat.
- c. Letters of Service: Letters will be submitted by all appropriate utility companies stating that all easements are adequate.
- d. As-built surveys: Three (3) copies of as-built surveys shall be required prior to the issuance of a Certificate of Occupancy.
- e. A copy of the final recorded plat drawn with black drawing ink on linen tracing cloth or equally durable material along with two paper copies shall be provided to the Town.

6.7 Final (Record) Plat

The purpose of the final (record) plat is to ensure the preparation, completion, and recording of a final (record) plat map and its accompanying legal documentation, and the review and approval of final submittals

6.7.1 Review of Final (Record) Plat

1. Initial Point and Deadline:

All submittals must be presented to the Town Clerk by the first Monday of any given month.

2. Submittals and Fees:

All submittals shall be as required by Section 6.3.4 plus any submittals required as a condition of preliminary or final development plan approval; appropriate fees shall be paid at the time of submittal.

3. Review Process:

All final (record) plats shall be subject to a standard review process as outlined below:

- a. The Town Clerk receives all submittals, ensures that they are complete, and distributes them to the Town's consultants for review.
- b. The final (record) plat is reviewed by the Town's consultants and recommendations are forwarded to the Planning and Zoning Commission.
- c. Based on the information generated and the recommendations of the consultants, the Planning and Zoning Commission shall recommend either approval, disapproval, or approval subject to stated conditions. Presentation of the plan will be made by the Applicant at a scheduled Planning and Zoning Commission hearing.

- d. If the recommendation of the Town's consultants is for denial, the applicant shall have the option to submit, within sixty (60) days, a revised final plat without fee for review by the consultant prior to the Planning and Zoning Commission hearing. Any revisions after the first revision will require an additional final plat fee and will be subject to the same sixty (60) day deadline. An extension to any of these deadlines may be considered by the Town if a written request is submitted by the applicant prior to the expiration date.
- e. The final (record) plat shall be submitted to the Town Council for action at their next regularly scheduled meeting following the review of the Planning and Zoning Commission provided all advertising and submittal deadlines can be met.
- f. If the final (record) plat does not meet all requirements, the applicant shall within sixty (60) days, submit a revised final (record) plat, without fee, for review by the Town's consultants. Any revisions after the first revision will require an additional final plat fee and will be subject to the same sixty (60) day deadline. Deadlines may be extended by the Town Council upon receipt of written request prior to the expiration date.
- g. If the final (record) plat complies with all requirements, it shall be presented to the Chairman of the Planning and Zoning Commission for the Chairman's signature within thirty (30) days of determination of compliance. The vice-chairman shall have the authority to sign final plats in the absence of the chairman.
- h. If, following approval by the Planning and Zoning Commission Chairman, new problems are discovered or if the final (record) plat is altered, it shall be presented to the Planning and Zoning Commission Chairman for reconsideration.
- i. If the final (record) plat complies with all requirements, it shall be presented to the Town Council at the next regularly scheduled meeting along with the Planning and Zoning Commission and Consultant's recommendations. The Council shall have the option of approving the plat as presented or require additional information or revisions.
- j. Upon approval by the Town Council, the plat shall be submitted to the Mayor for the Mayor's signature within thirty (30) days of determination of compliance.
- k. All record plats shall be submitted to the town in electronic format. It is the applicant's responsibility to check with the town engineer on the required format.

6.7.2 Required Submittals for Final (Record) Plat

The required submittals, meeting the legal requirements of platting, of the final (record) plat shall consist of a fully executed correct plat map, meeting all state and county standards, final engineering drawings and auxiliary submittals, and all required legal instruments.

1. General

The final (record) plat shall be drawn with black drawing ink on linen tracing cloth or equally durable material, using sheets twenty-two (22) inches by twenty-eight (28) inches. Each sheet shall have a marginal line completely around the sheet placed to leave a three-inch binding margin on the left and one-inch margin on the other three (3) sides. Final (record) plats shall meet all the requirements of Chapter 177, Florida Statutes, and shall be so certified by the land surveyor. The final (record) plat shall be at a scale of not more than one hundred (100) feet to the inch. All dimensions shall be to the nearest one-hundredth of a foot and angles to the nearest second of a degree.

2. Final (Record) Plat Requirements

The final (record) plat shall constitute only that portion of the approved preliminary and final development plan which the applicant proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations and shall meet all requirements of Chapter 177 Florida Statutes. Fifteen (15) copies of the final (record) plat showing the following information shall be provided:

- a. Title block to include the name of subdivision, the appropriate section, township and range, and the "Town of Astatula, Lake County, Florida."
- b. The legal description of the area contained within the plat with bearings and distances and with references to a subdivision corner tie.
- c. A vicinity map, at scale, showing the proposed subdivision in relation to the surrounding streets.
- d. Permanent Reference Markers (PRM's) must be located at all property corners and shall be concrete 4" x 4". All permanent control points (PCP's) shall be shown in conformance with state statutes.
- e. A legend which defines all symbols, shows stated and graphic scale, and displays north arrow.
- f. Sufficient data to determine readily, and to reproduce on the ground, the location, to determine readily, and to reproduce on the ground the location, bearing and length of each street right-of-way line, boundary line, block line and building line, whether curved or straight adequately correlated with monuments and markers.
- g. The right-of-way lines, widths and names of all streets and roads.
- h. The radius, central angle and arcs of all curved streets, and curved property lines.
- i. Lot line dimensions and lot and block numbers.
- j. Proposed building setback lines from side, front and back lot lines, if different than those specified in Chapter IV – Zoning Regulations.
- k. Location and width of canals and waterways

- l. Dedications, reservations and easements, showing widths and purpose, shall be delineated on the face of the plat and shall not be incorporated by reference.
- m. The names, locations, and plat book and page numbers of abutting subdivision and streets, and the location of abutting subdivisions.
- n. Certificates, as required by Florida Statutes, of owners showing dedications; of surveyor confirming correctness; of Planning and Zoning Commission approval; of Town Council approval; and for Clerk of Circuit recording. Signatures of owners must be in conformance with Section 692.01, Section 689.01, Section 695.25, and Section 695.26, Florida Statutes, as applicable.
- o. A certificate of consent and approval by mortgagee on the plat or as a separate instrument.

3. *Maintenance Bond*

The approval of any plat shall be subject to the condition that the installation of storm drainage facilities, bulkheads, streets, and water and sanitary sewer lines (if applicable) will be constructed according to the approved plans by filing a maintenance bond executed by an approved surety company in any amount equal to twenty percent (20%) of a certified engineer's cost estimate. Said maintenance bond shall be for a period of two years.

6.7.3 Recording of Final (Record) Plat

The linen, or equivalent material copy, of the approved final plat will be retained by the Town for the purpose of recording with the Clerk of the Circuit Court of Lake County after approval by the Mayor and Planning and Zoning Commission. All fees and documents required by the clerk for filing and recording of the approved final (record) plat shall be transmitted through the Town Clerk to the County Clerk when final approval is received.

No plat of lands in Astatula subject to this Code shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by the Town of Astatula.

6.8 *Vacating of Plats*

1. *By Owner:*

- a. The owner(s) of any land subdivided by way of a plat may petition the Town under the provisions of Section 177.101, Florida Statutes, to remove (vacate or annul) the existing plat, or portion of a plat, from the official record of the County. The petition must contain the signatures of all owners of property affected by the vacation.
- b. The applicant for vacating a plat or a part of a plat shall file the petition, a certificate of title, a statement of taxes, and shall pay the appropriate filing fee as established by the Town.

- c. Following review of the appropriate departments / consultants, the petition shall be acted upon by the Town Council.
 - d. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of Circuit Court for the County.
2. *By Town:*
- a. The Town Council may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction.
 - b. This action may include the vacation of dedicated rights-of-way and easements, provided that:
 - 1. The subdivision plat was lawfully recorded not less than five (5) years before the date of this action by the Town Council; and
 - 2. No more than ten percent (10%) of the total subdivision or part thereof has been sold as lot by the original subdivider or his successor in title.
 - c. This action shall be based on a finding by the Town Council that:
 - 1. The proposed vacation and annulment of the plat will result in greater conformity with the comprehensive plan of the area; and
 - 2. The public health, safety, and welfare will be promoted thereby. The Town Council will consider the petition based on the recommendations of appropriate departments in regard to the possible effect of the proposal on the Town in general, the immediate neighborhood, and individuals near the specific land in question.
 - d. Before acting on a proposal for vacation and annulment of subdivided land, the Town Council shall hold a public hearing to review the vacation and annulment proposal.
3. 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 the parcel, nor of reasonable access therefrom to existing facilities to which the parcel has access. However, the access remaining or provided after such vacation need not be the same as that theretofore existing.

6.9 Vacating of Rights-of-Way and Easements

- 1. Roads, rights-of-way and easements may be vacated at a public hearing of the Town Council.
- 2. The applicant must submit a petition and legal description of the area to be vacated, as well as, a survey identifying all structures and utilities, if any, located in the legally described area. A revised plat may be required by the Town.
- 3. The applicant will identify the party(ies) who will receive the vacated land identified in the vacation of right-of-way. The Town's legal, planning, and engineering consultants will review the requested

vacation of right-of-way and provide a written report to the Town Council.

4. The Town Council will consider the petition based on the recommendations of appropriate staff and consultants in regard to the possible effect of the proposal on the Town in general, the immediate neighborhood, and individuals near the specific land in question.

6.10 Release of Final (Record) Plats

Plats shall not be released by the Town for recording until construction of infrastructure is complete and approved by the Town or a bond is posted under Section 6.4.4. Recording of plats shall be accomplished by the Town, however, the developer shall be responsible for any recording fees.

6.10 Forms of Agreement and Letter of Credit

The Forms contained in this Chapter of the Town of Astatula Land Development Regulations are offered as samples for the Applicant. Final forms are subject to approval by the Town Council, the Town's consulting attorney, financial institution(s), and the surety company.

6.10.1 Cash Escrow Agreement

This agreement, entered into this ____ day of _____, _____, by _____, hereinafter referred to as "Developer", and _____ hereinafter referred to as "Lender", and the Town Council of Astatula, a political subdivision of the State of Florida, hereinafter referred to as "Town".
WITNESSETH:

WHEREAS, Developer is the owner of certain real property located in Astatula, Florida, more particularly described in Exhibit A, attached hereto, hereinafter referred to as the "subject property", and

WHEREAS, Developer has submitted to the Town a subdivision plan and specifications for the development of said property, which plan was approved by the Town Council on _____, and

WHEREAS, Developer has available to be drawn from Lender the sum of _____ dollars for the purpose of developing and improving the subject property in accordance with the requirements of the Town for approval of the subdivision plan and specifications, and

WHEREAS, the sum of _____ dollars shall be held by the Lender in escrow for benefit of that Developer and the Town to be disbursed in accordance with the terms and provisions of this Agreement,

NOW THEREFORE, the parties agree as follows:

A. The Developer agrees:

1. To the establishment of an escrow account with _____ in the amount of _____ dollars to cover the cost of

improvements required by the Town in accordance with the plans and specifications for development of _____ as approved by the Town Council on _____.

2. That the funds established in said escrow account shall only be used to install the required improvements in the subdivision and said funds shall not be disbursed except by mutual consent of Developer, the Lender and the Town.
3. That ten percent (10%) of each payment request approved shall be withheld and shall remain in the account until the last payment is requested. Said funds shall be disbursed along with the final payment at such time as the subdivision improvements have been accepted by the Town for maintenance. All required improvements shall be satisfactorily installed within twelve (12) months of final plat approval or thereafter as that date may be extended.
4. To notify the Town at least two (2) days prior to the construction of, or installation of, any of the subdivision improvements.

B. The Lender agrees:

1. That _____ dollars has been deposited in an escrow account for the purpose of installing the required improvements in the _____ subdivision and shall only be used for that purpose and no other purpose.
2. To withhold a maximum of ten percent (10%) of each progress payment which sums shall be disbursed at the time of final payment.
3. To disburse funds from said account only upon the consent of both developer and the Town.
4. Not to disburse any money from said escrow account until the Lender has received written notice from the Town that the work represented by a progress payment has been satisfactorily completed and approved by the Town and not to pay the retainage or final payment until the Town has issued a Certificate of Completion.

C. Town agrees:

1. To periodically inspect the improvements made to the subject property both during construction and upon completion of the improvements and as necessary to authorize a progress payment and final payment.
2. Inspect the completed improvements within fourteen (14) days after receiving written notice from the Developer that the improvement has been completed. Further, to promptly notify Developer of any defect in work which would preclude payment and to submit each progress payment request and the final payment request to the Town Council for approval not later than the second Council meeting following inspection and staff or consultant's approval.

D. The parties expressly understand and agree:

1. If at any time, the Town determines that the balance remaining in the escrow account is insufficient to pay the costs of completion of the improvements to the subdivision, the Town, at its option, may require the developer to deposit with the Lender or with the Town such additional funds as may be necessary to pay for completion of the

subdivision improvements. In no event does the Lender or Town make any representation that the funds placed in escrow with the Lender pursuant to the terms of this Agreement are sufficient to pay the costs of development and improvement of the subject property as a subdivision, and in no event shall the Lender or Town become liable to Developer, Developer's contractor, or Developer's engineer for payment of any funds not in accordance with this Agreement. Lender shall act only as escrow agent and any disbursements made by Lender shall not give rights to any liability or recourse against Lender by any person whatsoever by reason of or arising from said disbursement.

2. In the event that the Developer fails to complete the improvements within the time prescribed by this Agreement, the Town may elect to:
 - a. Agree to an extension of time for the completion of the improvements, or
 - b. At any time thereafter, cause all or any part of the improvements to be completed, in which case the Lender shall be obligated to pay the actual cost of said work to the Town as certified by the Town to the extent of any undisbursed funds in the escrow account. In the
 - c. event that the undisbursed funds are not sufficient to reimburse the Town for the cost of completing all or part of the improvements, the Developer hereby agrees to indemnify the Town and to assume responsibility for all costs exceeding the amount of undisbursed funds available to the Town including reasonable attorney's fees incurred in the collection of any sum due under this agreement.
3. Upon acceptance by the Town Council, then this escrow Agreement shall terminate and the parties hereto shall be discharged from any further obligation or liability hereunder.

- E. Any notice required to be given or documents required to be delivered by the terms of this Agreement shall be deemed properly given or delivered if hand delivered, or mailed to the proper parties by the United States mail, return receipt requested, at the following addresses:
- Developer:

Lender:

Town of Astatula:

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of _____, _____.

DEVELOPER

LENDER

TOWN OF ASTATULA

6.10.2 Developer's Cash Escrow Agreement

This Agreement, entered into this _____ day of _____, _____, by _____, hereinafter referred to as "Developer", and the Town Council of Astatula, a political subdivision of the State of Florida, hereinafter referred to as "Town",

WITNESSETH:

WHEREAS, the Developer desires to develop certain real property located in Astatula, more particularly described in Exhibit A, attached hereto, and

WHEREAS, for the purpose of developing the subject property, the Developer has submitted to Astatula, a subdivision plan and specifications for a subdivision to be known as _____, and

WHEREAS, the Town has required the Developer to post a cash bond insuring the satisfactory completion of all improvements to the subject property in accordance with the _____ Subdivision Plans and Specifications.

NOW THEREFORE, the parties agree as follows:

1. The Developer hereby binds and obligates himself to complete all improvements as shown on the _____ Subdivision Plans and Specifications as approved by the Town Council on _____, _____, within twelve (12) months from the date of this Agreement or such date as may be extended by the Town Council.
2. The Developer hereby deposits in escrow with the Town Council of Astatula, Florida, the penal sum of _____ dollars, to insure and guarantee that all improvements set forth on the plans and specifications for the _____ Subdivision will be fully completed and paid for.
3. The Town agrees to hold said funds in escrow and to pay same out in the following manner:
 - A. Progress payments will be made to the Developer upon written request by the Developer and upon satisfactory proof to the Town that the improvements or portion thereof for which payment is requested have been satisfactorily completed. A ten percent (10%) retainage will be withheld from each progress payment. Said sums will be paid to the Developer along with the final payment at such time as the improvements shall be accepted by the Town for maintenance.
 - B. Upon a determination by the Town that any portion or all of the improvements have not been completed by the Developer within twelve (12) months from the date of this Agreement or such date as may be extended by the Town Council, the Town is hereby authorized, but not obligated, to take over and perform any such uncompleted work and to use for such purposes the funds deposited in escrow with the Town.
 - C. The Town is furthermore authorized to pay any bills for said improvements upon proof satisfactory to the Town that such claims are

just and unpaid, and the Developer hereby consents to any such payments and authorizes and ratifies any such action on the part of the Town, and agrees to protect and save harmless the Town from any improvements which have not been completed or paid for.

- D. Ten percent (10%) of the entire escrow deposit shall be held by the Town pending final completion of all improvements and certification by the Town that the improvement shave been completed satisfactorily and in accordance with the subdivision plans and specifications, and that all work and materials have been paid in full and acceptance of same by the Town Council for maintenance.
- E. If at any time the Town determines that the balance remaining in the escrow account is insufficient to pay the cost of completion of improvements to the subdivision, the Town at its option, may require the Developer to deposit with the town such additional funds as may be necessary to pay for completion of the subdivision improvements. In no event does the Town make any representation that the funds placed in escrow with the Town pursuant to the terms of this agreement are sufficient to pay the costs of development and improvement of the property owned by the Developer. In no event shall the Town become liable to the Developer, the Developer's contractor, or the Developer's engineer for payments of any funds not in accordance with this Agreement.
- F. Upon completion of all subdivision improvements to the satisfaction of the Town, and the payment of all bills for work and materials, the Town shall return to the Developer any funds remaining in the escrow account with the Town.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement this _____ day of _____, _____.

DEVELOPER

TOWN OF ASTATULA

6.10.3 Irrevocable Letter of Credit

TO: Town Council
Astatula City Hall
Astatula, Florida

Gentlemen:

This is to advise that _____ (bank or lending institution)
Hereby extends its irrevocable credit to the Town Council of Astatula, Florida in the sum of _____ dollars (\$_____) to guarantee that all improvements set forth in

the _____ Subdivision Plans and Specifications and Developer's agreement, as approved by Astatula, will be fully completed and paid for by _____, Developer of said Subdivision.

The _____ (bank or lending institution) _____ guarantees that this sum shall be available upon demand by the Town Council, available by your drafts at sight, along with your signed statement that the draw is due _____, _____, all improvement set forth in the _____ Subdivision Plans and Specifications.

Except as far as otherwise stated, this standby letter of credit is subject to the Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Publication 400, or revision currently in effect.

In the event that the improvements shown on the Subdivision Plans and Specifications are not completed or paid in full by the _____ day of _____, _____, then and in that event, the Town Council of Astatula, Florida is authorized to draw upon this credit.

You will notify us when either:

1. The improvements have been timely completed and the credit may be released,

OR

2. The Developer has failed to perform or is in default on its obligation to complete and pay for said improvements.

We hereby agree with the drawers, endorsers, and bona fide holders of drafts under and in compliance with the terms of this credit that the same shall be duly honored on due presentation and delivery of documents as specified if negotiated on or before the _____ day of _____, _____.

Sincerely yours,

(Bank or lending institution)

6.10.4 Subdivision Improvements Performance Surety Bond

The form and condition of the subdivision improvements performance surety bond shall be as follows:

TOWN OF ASTATULA
SUBDIVISION IMPROVEMENTS
PERFORMANCE BOND

KNOW ALL MEN BY THESE PRESENTS: That _____

(Insert full name and address of the entity legally responsible for installation and construction of subdivision improvements, the Developer) as Principal, hereinafter called "Developer" and _____

(Insert full name and address of Surety) as Surety, hereinafter called "Surety", are held and firmly bound unto the Town of Astatula, Post Office Box 678, Astatula, Florida 34755, as Obligee, hereinafter called "Town", in the amount of _____
(Insert amount of the bond) for payment whereof the Developer and Surety bind themselves, their heirs, executors, administrators, successors and assign, jointly and severally, firmly by these _____

WHEREAS, Developer is obligated pursuant to the ordinances of Town of Astatula, Florida, and a Developer's Agreement dated _____, _____, to the Town for the installation and construction of various and sundry subdivision improvements as required for the _____
(insert name of subdivision) as approved by the Town Council on _____, _____; which ordinances, Development Agreement and subdivision approval are by reference made a part thereof and are hereinafter collectively referred to as the "Contract".

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Developer shall promptly and faithfully perform said Contract, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time or amendment of the Developer's Agreement or subdivision approval made by the Town.

Whenever Developer shall be, and declared by the Town to be, in default under the contract, the Surety shall promptly remedy the default by obtaining a bid or bids for completing the Contract in accordance with its terms and conditions, and upon determination by the Town and the Surety jointly of the lowest responsible bidder, arranging for a contract between such bidder and the Town, and making available as work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof.

No Right or action shall accrue on this bond to or for the use of any person or corporation other than the Town names herein or the successors of the Town.

Signed and sealed this _____ day of _____, _____.

TOWN OF ASTATULA

WITNESS BY:

DEVELOPER

WITNESS BY:

6.10.5 Subdivision Improvements Maintenance Surety Bond

The form and conditions of a subdivision improvements maintenance surety bond shall be as follows:

SUBDIVISION IMPROVEMENTS MAINTENANCE

Agreement made on _____ between _____ of _____, City of _____, County of _____, State of Florida, referred to as principal, and _____ of _____, City of _____, County of _____, State of Florida, referred to as surety and the Town of Astatula, Florida, referred to as obligee.

RECITALS

The parties recite and declare:

- A. That _____, as surety, is authorized to do business in the State of Florida as a surety bonding company.
- B. That _____, as principal, and _____, as surety, are firmly bound to the Town of Astatula, Florida, in the penal sum of _____, and undertake to the Town of Astatula, State of Florida, to guarantee for the period of two (2) years, from and after the date of issuance of the Certificate of Completion of subdivision improvements pursuant to the plans and specifications approved for subdivision by the Town of Astatula, on _____, said improvements required pursuant to the Code of Ordinances, Town of Astatula, Florida, and all appendixes hereto and other ordinances of the Town of Astatula.
- C. The obligations of this guarantee bond shall be deemed to be fulfilled at the end of two (2) years from the date of issuance of the Certificate of Completion for the improvements by the Town provided that, at the time, all parts of every improvement shall be in good condition and constructed and maintained as required by the specifications of the applicable codes and regulations of the Town of Astatula, Florida, and subdivision plans as approved on _____ for _____.

TERMS

1. The _____, as principal, and _____, as surety, specifically warrant and guarantee to the Town of Astatula, Florida, that in the event any improvement as so required shall not be in good repair and / or all damage to or defects in said improvements corrected and / or repaired or constructed or reconstructed, if found not to have been constructed and installed as required to the satisfaction of the Town Council of the Town of Astatula, Florida, before or at the time of expiration of two (2) years from the date of issuance of Certificate of completion; then and in that event the improvement or improvements shall be placed in a condition of good repair and / or replaced or reconstructed to the standard of original specifications at the principal's expense, all to the satisfaction of the Town Council. Further, the terms and conditions of this bond and the obligations

hereof shall extend until such time as all necessary repairs and / or reconstruction shall have been made approved and accepted by the Town Council.

2. If the principal shall fully comply with the terms and conditions of this Subdivision Improvements Maintenance Bond and further, if the principal shall full indemnify the Town of Astatula, Florida for all loss that the Town of Astatula, Florida, may sustain by reason of any defect in materials, construction, or failure on the part of principal to fully maintain said subdivision improvements, for a period of two (2) years form and after the issuance of the Certificate of compliance, or thereafter until this bond shall be fully discharged, then this obligation shall be void; otherwise, it shall remain in full force and effect.

IN WITNESS WHEREOF, we have hereunto set our hands and seals, this _____ day of _____, _____.

Signed, sealed and delivered in presence of:

As to Principal

By
As Principal

As to Principal

As to Surety

By
As Surety

As to Surety

6.11 Penalty

Penalties for the illegal subdivision of property can include, but are not limited to the following:

1. Prohibit issuance of building permits on illegally subdivided lots;
2. Seek an injunction requiring the illegal subdivision to be dissolved; or
3. Seek an injunction requiring the removal of any structures placed on the illegally subdivided lot(s).

Chapter VII – Design Standards

7.1 Applicability

These standards shall apply to regulate development allowed by this Code. The intent of this chapter is to promote development that is aesthetically pleasing, compatible with the community character of the Town of Astatula, properly served with necessary public facilities and services and compatible with neighboring uses. Design requirements are included for the following categories:

- 7.2 Roads, Sidewalks, Stormwater Management, and Flood Prone Areas
- 7.3 Hillside Development
- 7.4 Standard Streetlighting
- 7.5 Parking and Loading Areas
- 7.6 Water and Sanitary Sewer
- 7.7 Parks and Recreation
- 7.8 Swimming Pools
- 7.9 Fencing
- 7.10 Canopies
- 7.11 Concurrency Management
- 7.12 Satellite Dish Antenna
- 7.13 Cell Towers

7.1.1 General Requirements

1. Phased Development

Each phase of any development shall be designed and improvements installed so that the phase can stand on its own if subsequent phases are not developed.

2. Maintenance

Maintenance of all improvements shall be the responsibility of the developer until such time as the Town explicitly accepts maintenance responsibility. Should the developer fail to properly maintain any improvements, the Town may, with notice, undertake the necessary maintenance and recover the cost of such maintenance from the developer.

7.2 Roads, Sidewalks, Stormwater Management and Flood Prone Areas

7.2.1 General Requirements

Roads, Sidewalks, Stormwater Management and Flood Prone Area design shall conform to the most recent, adopted version of Lake County Land Development Regulations, Chapter IX - Development Design And Improvement Standards, and any associated appendices. Additionally, the Town may impose more rigid standards if it feels that the County design standards are insufficient in a given circumstance.

7.2.2 Additional Requirements

In addition to the standard Lake County requirements, the following standards shall apply to all new developments:

- a. Internal subdivision streets shall have a minimum lane width of 11 feet.
- b. Roads designed with an open swale drainage system shall have a 12 inch ribbon curb along its edge.
- c. Roads designed with an open swale drainage system shall utilize the swales for conveyance of runoff only. Treatment of stormwater runoff shall be handled in a separate retention/detention facility.
- d. Residential developments consisting of more than 50 units in one or more phases shall establish two ingress/egress points, paved and designed to Town of Astatula standards or, where infeasible to establish two separate access points, shall establish a segregated-lane boulevard from the point of entry into the development to the internal point at which two internal streets provide traffic dispersion.

7.3 Hillside Development

In multifamily zoning districts, commercial zoning districts or new subdivisions, where the natural terrain of any lot or parcel, or any portion thereof has a cross slope of ten percent (a vertical rise of ten feet in a horizontal distance of one hundred feet) or greater, that lot or parcel or that portion of the lot or parcel shall be considered to be in a hillside development area.

7.3.1 Development of land in the hillside development area shall be subject to the special conditions listed below:

1. Special yard, height, area coverage and density requirements in any residential zoning district shall be as follows:
 - a. The maximum number of lots into which a parcel of land may be subdivided shall be the sum of the number of lots allowed in each category of land as shown by the following table:

Cross Slope of Land	Maximum Number of Lots per Gross Acre
10% - 14.9%	2.00
15% - 19.9%	2.00
20% - 24.9%	0.70
25% - 29.9%	0.50
30% - 35.9%	.30
35% and over	0.20

7.3.2 The cross slope of land shall be measured over a horizontal distance of not less than one hundred (100) feet, nor more than two hundred (200) feet, disregarding minor variations. All significant changes in grade shall be considered in determining such measurements.

7.3.3 In no case shall residential lots contain an area less than the minimum area required by the zoning district in which such lots are located.

All excavated material shall be removed from the lot or contained behind retaining walls as necessary to prevent erosion.

7.4 Standard Street Lighting

7.4.1 Street lighting shall be provided in subdivisions. Lights shall be located at all intersections and the ends of cul-de-sacs, and along internal roads spaced no greater than three hundred (300) feet apart. They shall be top shielding, downward directional lighting. Maintenance of streetlights within new residential developments shall be the responsibility of the developer or an established homeowners association. The Town of Astatula assumes no maintenance responsibility for street lighting as required by this section

7.5 Parking and Loading Areas

7.5.1 General

1. Permanent Reservation:

Areas reserved for off-street parking or loading in accordance with the requirements of this section shall not be reduced in area or changed to any other use unless the permitted use which it serves is discontinued or modified, except where equivalent parking or loading space is provided.

2. Determining Required Off-street Parking, Loading, and Unloading Spaces:

- a. When units or measurements determining the number of required off-street parking and off-street loading spaces result in a measurement of a fractional space, an additional space shall be added.
- b. As required under the off-street loading and unloading regulations set forth in subsection 7.5.10, the space provided for loading and unloading purposes shall not be construed as providing required off-street parking space.

3. All parking requirements will follow American Disabilities Act (ADA) requirements.

7.5.2 Off-street Parking Regulations

There shall be provided, at the time of erection of any main building or structure, or at the time any main building is enlarged or increased in capacity by adding dwelling units, guest rooms or floor area, minimum off-street parking space with adequate provision for ingress and egress. An off-street parking

space shall consist of a minimum net area of two hundred (200) square feet, with a minimum width of ten (10) feet and a minimum length of twenty (20) feet, exclusive of access drives or aisles adjacent thereto. The following minimum number of spaces shall be provided.

1. Dwelling Structures:

- a. Single, Duplex and Multifamily: At least two (2) spaces for each dwelling unit shall be provided. In multifamily areas, at least one (1) additional space per three (3) units will be provided for visitors. For residential parking for structures within 50 feet of public right-of-way, the apron, driveway, and space for at least two vehicles (8'x16') shall be paved. Distance shall be measured from the right-of-way/property line to the front façade of the residential structure. Commercial vehicles with more than two axles are restricted from overnight parking in residential areas.
- b. Hotels and Motels: One (1) space for each unit plus one (1) space for every three (3) employees plus parking as may be required for accessory uses. Parking for all accessory uses shall be one (1) space per six (6) people based on occupancy load requirements.
- c. Rooming and Boardinghouses: One (1) space for each bedroom
- d. Retirement Centers: One (1) space per dwelling unit plus parking as may be required for accessory structures in accordance with established standards plus one (1) space for each four (4) licensed beds (if applicable) and one (1) per employee on the largest shift plus one (1) per company vehicle.
- e. Nursing Homes / Adult Living Facilities: One (1) space for each four (4) licensed beds plus one (1) per employee on the largest shift plus one (1) per company vehicle.

2. Commercial:

- a. General Business or Personal Service Establishments: One (1) space for each two hundred (200) square feet of gross floor area.
- b. General Office Buildings: One (1) space for two hundred (200) square feet of gross floor area.

- c. Medical Office Buildings: One (1) space for each one hundred fifty (150) square feet of gross floor area.
 - d. Establishments providing retail sales: One (1) space for each two hundred (200) square feet
 - e. Convenience Stores (with or without gas pumps): One (1) space for each two hundred (200) square feet
 - f. Gas and Service Stations: Three (3) spaces for each bay plus one (1) space for each employee on the largest shift plus one space per three hundred (300) square feet of floor area used for repair work.
 - g. Commercial Businesses not catering to the retail trade: One (1) space for each two (2) employees on the largest shift plus one (1) space for each company vehicle operating from the premises
3. Industrial / Manufacturing:
- One (1) space for each five hundred (500) square feet of gross floor area
4. Warehouse:
- One (1) space for each one thousand (1,000) square feet of gross floor area
5. Kennels and Animal Hospitals:
- Four (4) spaces plus one (1) space for each six hundred (600) square feet of covered area over three thousand (3,000) square feet
6. Public Buildings:
- One (1) space for each four (4) seats in the main auditorium or place or assembly.
7. Schools
- One (1) space for each two hundred (200) square feet of floor area.
8. Child Care Centers:
- One (1) space for each employee, plus one (1) space for each ten (10) clients.

9. Libraries and Museums:

One (1) space for each two hundred (200) square feet of area open to the public.

10. Churches, Temples, or Places of Worship:

One (1) space for each two hundred (200) square feet of floor area.

11. Clubs or Lodges:

One (1) space for each four (4) seats.

12. Restaurants:

One space for each 100 square feet of gross floor area.

13. Wholesale Business:

Two (2) spaces for each employee.

7.5.3 Off-Street Loading and Unloading Spaces:

All buildings, which are erected, enlarged, altered or converted, shall provide off-street loading facilities so that vehicles engaged in loading and unloading of goods and materials will not interfere with the public use of streets, sidewalks and alleys by automotive vehicles and pedestrians. At a minimum, the following off-street loading and unloading spaces are required:

1. Retail Business:

One (1) space of at least 10 x 25 feet for each three thousand (3,000) square feet of floor area or part thereof.

2. Wholesale, Industrial and Manufacturing:

One (1) space of at least 10 x 50 feet for each ten thousand (10,000) square feet of floor area or part thereof.

3. Bus and Truck Terminals:

Sufficient space to accommodate the maximum number of buses or trucks that will be stored and loading or unloading at the terminal at any time.

7.5.4 Parking Space and Aisle Size Requirements

Offstreet parking areas shall be designed so as to meet the minimum dimensions as shown on the following table:

Parking Angle (Degrees)	Stall Width (Feet)	Stall to Curb (Feet)	Access Aisle One-Way (Feet)	Curb Length (Feet)
0	10.0	10.0	12.0	22.0
30	10.0	18.7	12.0	20.0
40	10.0	20.5	13.0	15.6
45	10.0	21.2	13.0	14.1
50	10.0	21.8	13.0	13.1
60	10.0	22.3	18.0	11.6
70	10.0	22.2	18.0	10.6
80	10.0	21.4	24.0	10.2
90	10.0	20.0	24.0	10.0

Minimum aisle widths shall be twelve (12) feet for one-way traffic and twenty-four (24) feet for two-way traffic.

7.5.5 Lighting

Lights used to illuminate any off-street parking facility shall be arranged so as not to create a hazard or nuisance to traffic or to adjacent properties. Light height shall be limited to thirty-five (35) feet and shall be downward directional lighting.

7.5.6 Handicapped Access

Handicap accessibility to each principal building shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one (1) entrance generally used by the public, and shall be provided in accordance with the American with Disabilities Act (ADA) guidelines and requirements. Such pathway shall be clear of all obstructions prior to the opening of the building to the public. Where curbs exist along such pathway, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curb cuts having a

gradient of not more than one (1) foot in twelve (12) feet and a width of not less than five (5) feet shall be provided for access by wheelchairs.

1. Parking space reserved for handicapped.

A parking lot servicing each entrance pathway required by this item shall have level parking spaces for physically handicapped persons in accordance with the following table or ADA requirements, whichever is greater:

Total Spaces In Lot	Required Number of Reserved Spaces
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 and over	2% of Total

7.5.7 Construction Specifications

All parking lots, loading areas and vehicular use areas shall have durable all-weather drainage and surface water control except where specifically approved otherwise.

A. Acceptable materials.

A durable all-weather surface shall mean an improved surface of concrete, brick, asphalt, permanent porous grating or other permanent dustfree surfaces.

B. Bumpers, curbs, wheel stops and barriers.

1. Parking spaces at the perimeters of the parking lots shall be provided with permanent curbs, bumpers, wheel stops or similar devices sufficient to ensure that parked vehicles do not reduce the minimum width of sidewalks, overhang, landscaped areas or other areas outside the parking lot, nor come in contact with walls, fences or buildings. The Town may also require such devices in other location where necessary to protect planting, structures, or other areas from vehicular encroachment.

2. Wheel stop standards.

The stopping edge shall be placed not less than two (2) feet from the end of the parking space or curb, and so located that the wheels of a standard-sized car pulling into the space will ordinarily come into contact with it.

3. Access barriers.

Improvements shall be provided as necessary to prevent ingress and egress at any point other than designated driveways.

4. Marking and signage of parking spaces.

All parking spaces shall be marked on the pavement where alternative parking surfaces are used. Other directional information to assist traffic flow shall be provided by either pavement marking or signage.

7.5.8 Unimproved Parking Areas

The Town Council may authorize or request that required off-street parking spaces and vehicular use areas remain as unimproved reserved areas if meeting the following conditions:

1. Occasional parking

Up to forty percent (40%) of required parking spaces may be unimproved, where the Town Council finds that the parking lot is to be used for occasional parking no more than two (2) times per week; and provided that all accessways and aisles shall be paved.

2. Temporary or interim parking

Up to one hundred percent (100%) of required parking spaces may be unimproved, where the facility is a public use facility as recognized by the

Town of Astatula or the facility will be used on only a temporary or interim basis (not more than ninety (90) days per year).

7.6 Water and Sanitary Sewer

7.6.1 Water Facilities

Until such time as central water service is available, approved wells or private central systems will be permitted as long as they conform to the standards of Lake County, the Florida Department of Health and Rehabilitative Services, and the Florida Department of Environmental Protection, and any other regulatory agencies which may have jurisdiction.

7.6.2 Sanitary Sewer Facilities

Until such time as sewer service is available, approved septic systems will be permitted as long as they conform to the standards of Lake County, the Florida Department of Health and Rehabilitative Services and the Florida Department of Pollution Control, and any other regulatory agencies which may have jurisdiction.

7.6.3 Fire Protection and Hydrant Requirements

Water systems for fire protection shall be designed and constructed for an economic life of not less than twenty (20) years and in accordance with the fire protection requirements of the Insurance Services Office (ISO). The standard water construction specifications shall be used as a minimum standards requirement.

Where this requirement cannot be achieved, design calculations shall be submitted in accordance with the appropriate pamphlet of the National Fire Protection Association, to provide ground or elevated storage and auxiliary pumps. Lines to which hydrants are connected shall be a minimum of six (6) inches in diameter. All mains shall be looped on the minimum size required for the area, when practical. Fire hydrants shall be spaced every six hundred (600) feet along the main in single-family residential areas and three hundred (300) for other development. Location of all hydrants shall be subject to the approval of the Town. Fire-flow tests will be conducted by

the Town upon completion of construction and must conclusively demonstrate that engineering and construction standards have, in fact, produced the requisite fire flows prior to occupancy of the structure. The minimum fire flow must be one thousand (1,000) gallons per minute (gpm) with twenty (20) pounds per square inch (psi) residual pressure in single-family residential areas for structures 11-30 feet apart and seven hundred fifty (750) gallons per minute (gpm) with twenty (20) pounds per square inch (psi) residual pressure for other development, provided no other qualifications exist. Any corrective action required will be at the developer's cost and in accordance with the standards above. Exceptions may be made with the approval of the Town's Consulting Engineer.

7.7 Parks and Recreation

7.7.1 It is the intent of these regulations that properly located parks, playgrounds, and recreation facilities shall be provided. All new residential development is required to provide improved active park and recreation areas for capital expansion or pay fees in lieu thereof, because of the growth and population generated by the new development as required by the Town of Astatula Comprehensive Plan Recreation and Open Space Element.

7.7.2 Council shall make the determination of whether to require or accept fees in lieu of improved active park and recreation areas. In making the determination, Town Council will consider the following factors:

- a) Topography of the land to other recreation facilities
- b) Size of the development
- c) Accessibility of area to other recreation facilities
- d) Accessibility of area to transportation corridor
- e) Availability of other recreation facilities in area
- f) Type of development
- g) Population expected in development
- h) Type of recreational facility proposed

- 7.7.3 In order to obtain a determination by Council of this decision prior to the preparation and submission of a preliminary plat, the Owner or Developer may submit the appropriate application to the Clerk for consideration by the Council who shall, if possible, make such determination within thirty (30) days of receipt of the request.
- 7.7.4 Parks and Recreation Fees collected shall be used to acquire and develop capital facilities in order to benefit the new residents and shall be spent within three years of receipt in order to meet the need for parks created by the development and to provide a system of town parks available to and substantially for the benefit of the residents within the area.
- 7.7.5 When improved active park and recreation areas rather than fees are required by Council, the land area and improvements shall be based on the level of service standard as detailed in the "Active Recreation Land and Improvements Plan", a copy of which is attached as "Exhibit A" and the drawing attached as "Exhibit B" for conceptual plans. The park and recreation land must be dedicated to the homeowners association or the public in the final plat, as directed by the Town Council, or deeded to the Town, if requested by the Town Council. All such park and recreation land areas, whether dedicated to the homeowners association or to the public, must remain open for public use. The Town of Astatula shall be responsible for major maintenance and equipment replacement at all park and recreation land areas dedicated to the public. The homeowners association or developer shall be responsible for mowing, weeding and park and recreation land area upkeep, whether the park and recreation land area is dedicated to the homeowners association or the public. In addition to the park and recreation fee or construction of the park and recreation land area, nothing in this Section 7.7 shall prevent a developer or homeowners association from constructing private park and recreation areas, which may be closed to members of the general public; provided all such additional private park and recreation areas shall be maintained (including equipment replacement and repair) and kept by the homeowners association or developer.

- 7.7.6 Such park and recreation land shall be unencumbered and suitable for active park and recreation areas considering the topography of the land offered for recreation space and accessibility of the park land area to the transportation corridor. The type(s) and location of the park to be developed shall be determined jointly by the Council and Developer / Owner pursuant to the guidelines in the Active Recreation Land and Improvements Plan. Nevertheless, the Council may agree to substitution of alternative improvements for the minimum listed picnic tables, park benches, children's play equipment, pavilion(s), court(s) and field(s).
- 7.7.7 When fees are required or accepted by Council, the amount shall be based on the proportionate cost of providing the land area and improvements required based on the level of service standard as detailed in the Active Recreation Land and Improvements Plan. If fees are to be paid in lieu of land dedication, the Council may collect the fee on a per lot basis at the time of application of each building permit, or as a lump sum prior to the approval of the final plat. The Council will make this decision at the time of Preliminary Plat approval.
- 7.7.8 If a subdivision is being phased, each phase shall meet at least the proportionate requirement at the time of final plat for that phase.
- 7.7.9 Access ways leading to recreation sites must contain right-of-way widths sufficient to meet roadway standards in the town's land development regulations. All access ways shall be paved. Paved or unpaved parking areas at all recreation sites shall be provided onsite according to the parking requirements within the town's Land Development Regulations.

7.8 Swimming Pools

Swimming pools may be located in the rear yard but no part of a swimming pool shall be closer to the property line than the minimum side yard setback requirement. However, in no instance shall the pool be closer than twenty-five (25) feet from a public right-of-way unless a concrete block wall is constructed with a minimum height of four (4) feet and a maximum height of six (6) feet. A swimming pool shall include the pool, deck, the pool enclosure, the pump, and all fountain, waterfalls, and planters appurtenant to the use, operation, and

enjoyment of the pool. All swimming pools shall be completely enclosed by a screened enclosure or by a wire, metal, or wooden fence not less than four feet and not more than six feet in height. The fence shall be sufficiently constructed to prevent access to the swimming pool by children who do not reside on the premises or who are not invitees of the owner or lessee of the swimming pool. Each fence shall meet the minimum standards for fence construction as outlined in Section 7.9. The requirements of this article shall not apply to swimming or wading pools whose maximum depth is eighteen (18) inches or less measured from the surface water level to the bottom of the pool.

7.9 Fence Requirements

7.9.1 Type of Fences

Front yard fences may be comprised of materials which will be solid (opaque) materials up to four (4) feet in height. The maximum fence height is six (6) feet. If over 4 feet (and up to six feet) the fence must allow 85% of air and light to penetrate through the fence. Allowed materials may include wood, chain-link, vinyl, concrete masonry wall brick, wrought or ornamental iron or decorative wire. For Agricultural uses fences commonly referred to as goat fences, cattle fences, field fences or horse fences shall be permitted. Agriculture type electric wiring may be installed only on the interior portion of the fence and will be allowed in all zoning districts.

7.9.2 Barbed Wire or Barbed Wire Top Fence

Barbed wire fences may be constructed only in agriculture zoning districts. Barbed wire top fences will be allowed in commercial zoning districts if the barbed wire top is placed on top of six (6) foot fence with the barbed strands slanted to the interior of the property.

7.9.3 Height of Fences

Fences in all residential zoning districts shall be limited to six (6) feet in height in the rear and side yard and four (4) feet in the front yard unless the fence is set back, at a minimum, the front yard zoning setback, unless the property is greater than two (2) acres, provided the proposed fence does not encroach into the sight triangle created at the intersection of two rights-of-way. If the front yard zoning setback is met then a six (6) foot fence or wall will be allowed. If over 4 feet, (but limited to 6 feet) front yard fences built in the front yard setback must allow 85% of air and light to penetrate through the fence. Fences constructed in commercial and agricultural zoning districts shall be limited to eight (8) feet in height in the side and rear yards. Fences for standard athletic uses such as baseball backstops and tennis court enclosures may exceed six (6) feet in height.

7.9.4 Property Lines

Fences shall be constructed within the property line of the lot. Damage to town-owned utilities during fence installation shall be repaired immediately at the expense of the property owner. Furthermore, the Town may enter the easement area without prior notice to make any repairs and maintenance it deems necessary and shall not be responsible for any damage to the fence in the easement area. If a permanent removal of a section of any fence constructed on an easement is requested by the Town, the fence must be removed from the property by the owner within the time specified by the Town. No fence shall be constructed which obstructs motorist visibility.

7.9.5 General Business Commercial District

In the C-2 zoning district, fences and walls up to six (6) feet in height shall be permitted so long as the front yard zoning setback is met. If over 4 feet (and up to six feet) the fence must allow 85% of air and light to penetrate through the fence if built in the front yard setback. If the front yard zoning setback is not met, then the fence along the front property

line will be limited to four (4) foot in height. If over 4 feet (and up to six feet) the fence must allow 85% of air and light to penetrate through the fence if built in the front yard setback.

7.9.6 Agriculture or Conservation Districts

Barbed wire fence headers shall be permitted with the approval of the Town. Also, any interior fencing constructed on a lot being used for agricultural uses, shall not be required to first obtain a building permit.

7.9.7 Permit Required

All applications for building permits for fences, walls or buffer strips shall state whether such is to be placed at or near a boundary between the property of the applicant and adjoining property, and also whether there is any fill, slanting, elevation or other difference in the level of grade between the properties. In the event there is a grade difference, the Town may require that the applicant cut the height by such amount as will be necessary to compensate for such difference in grade so as to make the fence not in excess of the maximum permitted as the same affects the natural grade of the adjoining property. The purpose of this section is to protect the rights of adjoining property owners, and not have fences in excess of the heights set forth in this Code. Walls or fences, authorized by this section, must be constructed so that the exposed framing of each section of fence must face the interior yard. Walls or fences must also be constructed so that the finished and most aesthetically pleasing side of the wall or fence faces outward. The construction of any fence shall require a building permit from the Town of Astatula. Before the building permit is issued, the applicant shall submit his / her plans which shall show the dimension of the property, the type of fence proposed to be constructed and its location on the property. Upon approval by the Mayor or designee, a building permit may be issued.

7.9.8 Maintenance

Owners of the property where fences are constructed are required to maintain the fence and to keep it in proper working order, and to ensure that it shall be aesthetically pleasing. The exposed nib end of any chain link fence shall face the ground when within six (6) feet from any sidewalk. The Town Council shall be authorized to order the removal or reduction in height of any fence, wall or other structure which exceeds the height of this Code or which constitutes a hazardous obstruction to the vision of vehicle operators upon the streets, roads and alleys of the Town, or is designed or constructed in such a manner as to create a hazard to the public. Failure to comply with a directive issued pursuant to this paragraph shall constitute a code violation.

7.9.9 Nonconforming fences.

No nonconforming fence shall be altered, or extended unless brought into conformance with the requirements of this Code. No fence shall be considered to be a nonconforming fence if it was erected without the approval of the Town and without a building permit having been obtained, or if the fence was constructed contrary to the provisions of a building permit. Any such fence shall be considered unlawful and shall be subject to removal.

7.9.10 Pools and Screen Enclosures:

No pool, including the surrounding patio, shall be located closer to the side yard property line of the lot, parcel, or piece of land upon which the pool is located, than the distance required by the zoning regulations of the Town for side and rear yards in the zone in which the property is located; nor shall any part of the pool structure within and including the coping intrude upon any easement. However, in no instance shall the pool be closer than twenty-five (25) feet from a public right-of-way unless a concrete block wall is constructed with a minimum height of four (4) feet and a maximum height of six (6) feet. No pool shall be located nearer to the front line of the lot, parcel, or piece of land than the main or

principal building or residence to which the pool is an accessory. For waterfront lots, a pool shall be located not less than twenty-five (25) feet from the present or proposed high-water control level of the lake. All distances shall be measured from the outside edge of the patio or pool coping; whichever is closer to the property line. Screen enclosures shall not be located closer to the side yard or rear yard requirements established by the zoning regulations of the Town for the lot, parcel, or piece of land upon which the pool is located. On lakefront property, no screen enclosure shall be erected less than twenty-five feet from the ordinary high water line.

7.10 Canopies

7.10.1 Definitions

- A. Canopy: A structure consisting of a wooden, plastic, or metal frame with a cover of cloth, rubber, or plastic fabric attached to the ground only by tie-downs.
- B. Temporary Canopy: A canopy erected for fourteen days or less within any sixty (60) day period.
- C. Semi-Permanent Canopy: A canopy erected for more than fourteen (14) consecutive days.
- D. Permanent Canopy: A canopy permanently attached to the ground by means of concrete or buried structural members excluding tie-down stakes.

7.10.2 Placement

- A. Semi-Permanent Canopies: When placed in the front yard, semi-permanent canopies must meet all front and side yard setback requirements of the Astatula zoning rules and regulations. When placed in the side or rear yard, the setback shall be one-half (1/2) the setback requirement of permanent structures.
- B. Permanent Canopies: Permanent canopies must comply with all building codes of the Town of Astatula and all setback requirements of the Astatula zoning rules and regulations.

7.10.3 Building Permits:

- A. Temporary Canopies: Temporary canopies do not need a building permit.
- B. Semi-Permanent Canopies: A semi-permanent canopy requires the same building permit as a fence. The property owner shall locate the survey markers and place the canopy within the proper setbacks. Canopies of 150 square feet or less do not need a building permit and can be placed in the side or rear yard with a 3 foot setback.
- C. Permanent Canopies: Permanent canopies require a building permit.

7.10.4 Miscellaneous

- A. Car covers or tarps draped over vehicles, boats, or equipment are not canopies.
- B. All canopies must be kept in good repair at all times.

7.11 Concurrency Management

7.11.1 Concurrency Evaluation

The Concurrency Management System (CMS) shall measure the potential development of impact of any development activity upon the minimum acceptable Level of Services established in the Comprehensive Plan. The CMS shall ensure compliance with Florida Statute 163.3177(10)(h), which requires that facilities and services needed to support development are available concurrent with the impacts of development. Any party pursuing approval of a zoning action or any development order shall obtain a valid "concurrency evaluation certificate" approved by the Town Council, or its designee.

- A. In general, a concurrency evaluation leading to a determination of non-deficiency shall be required prior to approval of all rezoning requests for developments of five (5) acres or more.
- B. A concurrency evaluation satisfying one (1) of the following methods, which assure available public facilities and services, shall be required prior to approval of all final development orders.
 - 1. Non-deficiency of public facilities and services.
 - 2. Public facilities and services shall be in place when impacts of development occur or guaranteed by Development Agreement.

3. Linked to an approved Capital Improvement Program. Mechanisms for “pay-in-lieu of” fees or developer “pay back schedules” are an option subject to criteria under Development Orders / Approvals.
 4. Public School Facilities
- C. The CMS shall measure the potential impact of any development permit proposal upon the minimum acceptable Level of Service (LOS) in accordance with the Capital Improvements Element of the comprehensive plan, i.e., roadways, solid waste, potable water, drainage, wastewater and recreation.
 - D. The CMS shall determine the amount of available capacity for all facilities and services and assign reservation through issuance of Certificate of Concurrency (COC), signifying capacity availability. The most current available information, unless otherwise noted, regarding the above public facilities and services shall be utilized for Concurrency Evaluation. If the applicant increases the intensity or density of the development project proposal during any stage in the development approval process, a new concurrency evaluation and subsequent Certificate will be required based upon accurate data.

7.11.2 Development Orders, Approval and Conditional Approval

- A. Rezoning applications and annexation requests may be conditionally approved by the Town Council or its designee if deficient public facilities are scheduled for improvement within the Five (5) Year

Schedule of Improvements. The improvement must provide a level of service sufficient to accommodate the potential impact of the proposed development as set forth in the Capital Improvements Element of the Astatula Comprehensive Plan. Each approval shall be conditional in nature and shall not entitle the applicant to proceed with the development unless the public facilities are available concurrent with impacts of development.

- B. Conceptual site plans, nonresidential site plans, and conditional use permits may be conditionally approved if a deficient public facility is scheduled for improvement within the Five Year Schedule of Improvements within two (2) years from approval of the plan or is part of a binding developers agreement requiring the construction of the public facility concurrent with the impacts of the proposed development, and will provide a level of service sufficient to accommodate the potential impact of the proposed development as set forth in the Capital Improvements element of the Astatula Comprehensive Plan. Each approval shall be conditional in nature and shall not entitle the applicant to proceed with the development unless the public facilities are available concurrent with the impact of development.
- C. Building permits and Final Plats with bonds paid prior to construction may be approved if a deficient public facility is scheduled for improvement in the annual Capital Improvements Budget, or is under construction, or is under contract for construction, or is part of a binding developers agreement requiring the construction of the public facility concurrent with the impacts of the proposed development, and the improvements will provide a level of service sufficient to accommodate the potential impact of the proposed development as set forth in the Astatula Comprehensive Plan.

7.11.3 Levels of Service

A. Minimum Levels of Service Established

The following Levels of Service which shall be used for the concurrency review(s) are adopted for Traffic Circulation, Potable Water, Sanitary Sewer, Recreation and Open Space, Solid Waste, and Stormwater / Drainage in the Capital Improvement Elements of the Astatula Comprehensive Plan.

1. Traffic Circulation:

Level of Service Standards (peak hour) for the below listed roadway classifications:

Principal Arterials (none are present)	D
Minor Arterials (none are present)	D
Major Collectors (CR 455)	D
Minor Collectors (None are present)	D
Local Roadways (All roadways not classified as collectors or arterials)	D

B. Potable Water:

Residential Level of Service: 126 gpd / capita on a central water system when available

Note: All residential and commercial on individual wells

C. Sanitary Sewer:

111 gpd per capita for land uses on a central sewer system when available

Note: All residential and commercial on individual septic systems.

Minimum Design Capacity for Septic Tanks: 750 gallons

D. Recreation / Open Space:

Park Acreage Level of Service: Six (6) acres per one thousand (1,000) residents.

E. Solid Waste:

Level of Service: Three (3) pounds daily per resident

F. Public School Facilities

F. Storm Water Management:

1. Design Storm: The following LOS will be used:

Facility Type	Design Storm
Canals, ditches, roadside swales or culverts for stormwater internal to the development	25 Year
Canals, ditches, roadside swales or culverts for stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm sewers	10 Year
Major Detention / Retention Structures	Probable Maximum Precipitation as required by SJRWMD
Minor Detention / Retention Structures	25 Year

7.11.4 The Methodology for Determining Levels of Service:

A. The Traffic Circulation LOS shall be determined by:

The lowest quality design hour, which shall represent the thirtieth (30th) highest hour of traffic, as determined by the Florida Department of Transportation from the most recent traffic count taken for that segment of roadway which the development abuts and any additional capacity to be provided by new facilities that will become available concurrent with the impact of the development. Capacity Manual, the Florida Department of Transportation Generalized Level of Service Tables and Lake County Traffic Count data and Level of Service data will be used to determine existing Levels of Service.

1. To this background traffic and Level of Service, development impacts may be added by using the trip rates set forth in the most recent Institute of Transportation Engineers (ITE) Trip Generation Manual.

B. B The Levels of Service for water and sewer shall be determined by:

1. Adding the total capacity of existing facilities as set forth in the most recent data published by the Town department responsible for said public facility and any additional capacity to be provided by new facilities that will become available concurrent with the impact of the development.

2. Then subtracting from that number the existing demand as measured in the most recent operations report. This total is an indication of the reserve capacity available for new development.
3. The impact of development on this reserve capacity can be measured by using the minimum demand factor of one hundred eleven (111) gallons per day for sanitary sewer systems, and the water demand factors of:

Residential: 111 gallons per day per resident *

* 750 gallons is the design capacity and level of service for those on septic tanks.

- C. The Levels of Service for Recreation and Open Space, and Community Facilities shall be determined by:
 1. Adding the total capacity of existing facilities and services as set forth in the most recent data by the Town department responsible for said public facility or service.
 2. Subtracting from this total capacity the current demand based upon current population. This results in the reserve capacity available for new development.
 3. The impacts of development on this reserve capacity can be measured based on the proposed population of the development being measured.
- D. The Town of Astatula maintains its own public service for the collection of solid waste. The Level of Service set forth in Section 7.12.3.E above is a regulatory level of service. As such this Level of Service Standard is to be reviewed and maintained as part of the Town's annual budget process and coordinated with the contractor.
- E. The stormwater / drainage Level of Service is also a regulatory standard to be reviewed and maintained during the review of each development approval issued by the Town.
- F. Methodology for determining Levels of Service

7.11.5 Administration of Concurrency Review and Approval

- A. The Town Council or its designee shall have the responsibility of conducting concurrency reviews as part of the issuance of any development approval. Said review may be issued for information only purposes and if so issued, shall not vest the holder or property owner with any development rights. The vesting of development rights shall only occur when a Certificate of Concurrency is issued as required as part of another permit or development order as set forth below.
- B. Once a Certificate of Occupancy has been issued in conjunction with a development order (permit), it shall remain in effect and vest the holder of said permit with the development rights as set forth therein based upon the following performance time periods:
 - 1. Certificate of Concurrency shall be required as a condition of issuance of any building permit. Once issued, the building permit and Certificate of concurrency shall be vested for a period of one (1) year, within which the first required building inspection must occur. Said vesting shall remain in effect so long as construction continues and shall become void if there is a lapse in continued construction for a period of six (6) months.
 - 2. Site plan reviews and subdivision plats shall also require a Certificate of Concurrency which will assure concurrency capacity for the following development actions for the time period stated therein:
 - a. Nonresidential site plans: one (1) year from the date of approval by the Town Council or its designee as required. If a building permit has not been issued within this time period, the approval shall become void.
 - b. Preliminary Development Plans: one (1) year from approval by the Town Council, within which time period of a Final Development Plan or Final Plat must be approved. In the case of a phased project, total vesting for overall Preliminary Development Plan shall not exceed two (2) years.

- c. Final plats: three (3) years from the date of approval and said vesting shall be applicable to all residential lots contained in the approved final plat.
- C. If proof can be shown to the satisfaction of the Town Council or its designee, that a good faith effort has been made over the period stated above, and that through no fault of his own, the developer has not received financing or has not obtained a building permit or final plat, an additional ninety (90) day extension may be granted by the Town Council or its designee upon formal application for same by the developer, stating the effort taken and the reason(s) for the administrative extension.
- D. Concurrency Review Fees.

Concurrency Review Fees have been adopted by Ordinance. A copy can be obtained from the Town Clerk.
- E. There will be three (3) levels of Concurrency Review: (1) Conceptual Review, (2) Preliminary Development Plan Review, and (3) Final Development Plan Review. The applicant shall provide the Town Council or its designee with the following information at the time of application for each type of concurrency review:
 - 1. All information applicable to the general update on capacities as may be requested by Town Staff to respond to a request for an independent general update.
 - 2. All information required for the development order requested on the forms provided.
 - 3. Any unusual or extraordinary use of public facilities or services that would exceed normal use for the property and / or permit applied for.

7.11.6 Annual Concurrency Report

- A. At least once per year during the initiation of the Capital Improvement Program / Budget Process, a Concurrency Management Report will be drafted by the Town Council or its designee and forwarded to the

- B. Commission (acting as the Local Planning Agency). The report will serve as a summary of the current status of the Concurrency Management System (CMS) and the Capital Improvement Program, and provide for recommendations from the LPA and policy direction from the Town Council. At a minimum the report shall contain:
1. Update of capacities, demands, and existing Levels of Service for the public facilities and services.
 2. Summary and projections of expected development activities and their impact on capital improvement needs.
 3. The fiscal resources to be utilized to support identified needs and the feasibility of implementing new resources.
 4. Recommended changes, modifications or amendments to the Schedule of Improvements in the Capital Improvements element of the Comprehensive Plan and the Capital Improvements Program of the Town.

7.12 Satellite Dish Antenna Standards

7.12.1 All satellite dish antenna installations for residential satellite dishes more than three (3) feet in diameter, and commercial dishes more than six (6) feet in diameter shall meet the following requirements:

- A. The satellite dish antenna shall be considered an Accessory Structure requiring a Building Permit to be issued prior to installation. Subsequent to installation, the antenna shall be maintained in compliance with all applicable Building and Electrical Codes.
- B. The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electric lines and shall conform to the Town and County adopted National Electrical Code.
- C. The satellite dish antenna installation shall meet all FCC and manufacturer specifications, rules, and requirements.

- D. The installer of any satellite dish antenna, prior to permit approval, shall submit detailed blueprints / drawings of the proposed satellite dish antenna installation and foundation which shall be certified by the manufacturer or a Professional Engineer or Architect.
- E. The satellite dish antenna installation, whenever possible, shall be permitted to be placed in side and rear areas of the main dwelling or commercial structure or shall be screened from sight.
- F. The satellite dish antenna shall, the maximum extent possible, be screened from view of a right-of-way.

7.13 Cell Towers

- 7.13.1 Cell towers may only be installed in the I-1 (Light Industrial), I-2 (Heavy Industrial) and U (Utility) Districts and must be approved by the Town Council.

Chapter VIII – Landscape Standards

8.1 Applicability

8.8 Landscaping and Buffer Regulations

8.8.1 Purpose

The provisions of this section shall apply to all future development of property within the Town and shall be the minimum requirements to promote the public health, safety and general welfare by providing for installation and maintenance of certain landscaped areas; to protect the character and stability of residential, business, manufacturing, and institutional areas; and to conserve the value of land and buildings on surrounding properties and neighborhoods.

8.8.2 Landscaping and Buffers

Landscaping areas and buffers are required between certain land uses, along certain corridors, in certain areas, and in paved parking areas to preserve the value of land and buildings on surrounding properties and neighborhoods; to eliminate or minimize potential nuisances such as noise, lights, signs, dirt, litter, unsightly buildings, or parking areas; and to encourage the proliferation of trees and vegetation. Buffers provide spacing to reduce potentially adverse impacts. Landscaping can aid in erosion prevention, oxygen production, beautification, and aesthetic enhancement of improved and vacant land.

8.8.3 General Requirements

A. Landscaping plan required

The landscape requirements contained herein shall apply to all new development. Except for minimum vegetation requirements, single-family home permits shall not require a landscaping plan. No application for a building permit for a new multi-family or commercial building shall be approved unless

accompanied by a landscaping plan drawn to a scale of not less than one (1) inch equals fifty (50) feet, showing the required off-street parking facilities and landscaping. No additions or improvements may be made on existing developed property unless the development conforms to the regulations contained herein. All landscape plans must be prepared and signed and sealed by a registered landscape architect, registered in the State of Florida.

8.8.4 Buffer Standards and Requirements

A. Location and Design:

Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirement and standards contained herein. Buffers shall not be located on any portion of any existing, dedicated, or reserved public or private street or right-of-way. The buffer width is normally calculated parallel to the property line. Design variations are allowed, however, if the average width of the buffer conforms to the standard listed herein. Requirements will be for each 100 lineal feet of boundary.

B. Required Buffers:

Requirements for buffers are based on the intensity of the proposed development or use, and the use which is developed or designated on all adjacent properties. For each one hundred (100) linear feet of boundary (or portion thereof), the following plants shall be provided in accordance with the planting standards and requirements of this section. Utilizing Table 8.8.4.B - Required Landscape Buffers, the applicant can determine the required landscape Buffers as follows:

Table 8.8.4.B
Required Landscape Buffers

		Adjacent Parcel									
		A	R-1	R-2	R-3	PUD	C-1	C-2	I-1 & I-2	PF	CON
S	A	-	A	A	A	*	A	A	A	A	-
I	R-1	A	A	A	B	*	B	C	C	B	A
T	R-2	B	B	A	B	*	B	C	C	B	B
E	R-3	B	C	B	A	*	B	C	C	B	B
	PUD	*	*	*	*	*	*	*	*	*	*
Z	C-1	C	C	C	C	*	A	B	B	C	C
O	C-2	C	C	C	C	*	B	A	B	C	C
N	I-1	C	C	C	C	*	C	B	A	-	C
I	I-2	C	C	C	C	*	C	B	A	-	C
N	PF	C	C	C	B	*	B	B	A	-	C
G	CON	A	A	A	A	*	B	B	B	B	-

* To be determined at time of PUD approval.

Requirements are per 100 lineal feet or portion thereof.
Requirements from either of the following columns may be met.

Type "A"

a) Minimum average width	7.5 feet	10 Feet
b) Canopy Trees	3	2
c) Understory Trees	4	3
d) Screen	None	None

Type "B"

a) Minimum average width	10 Feet	20 Feet
b) Canopy Trees	3	2
c) Understory Trees	5	3
d) Screen	None	None

Type "C"

a) Minimum average width	30 Feet	60 Feet
b) Canopy Trees	5	2
c) Understory Trees	7	3
d) Screen	Continuous	Continuous

C. Alternative Landscape Plans

Alternative landscape plans may be presented by the Applicant.

Such plans would require recommendation of the Planning and Zoning Commission and approval by the Town Council.

D. Parking Area Landscaping Adjacent to Residential Areas

1. Landscaping shall be provided in accordance to the following:

Off-street parking or other vehicular use areas which are not entirely screened visually by an intervening building or structure from the abutting residential property shall be provided with a wall, fence or landscaped barrier not greater than six (6) feet in height or less than three (3) feet in height. Such barrier shall form a continuous barrier between the off-street parking area or other vehicular use area and the abutting property or right-of-way.

- E. Visibility at intersections: Landscaping shall not obstruct the visibility of automobiles at intersections. Hedges and plantings at points of ingress and egress to the public right-of-way shall not exceed two feet (twenty-four inches) in height.

F. Internal landscaping regulations:

1. Off-street parking areas: All parking areas and other paved ground surface areas used for vehicular use shall have internal landscaping to provide visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of eighty (80) feet. A maximum of eight (8) parking spaces in a row

will be permitted, although adjustments may be made to save specimen trees. Each landscape break and ends of parking rows shall contain a minimum of 1 canopy tree. The breaks shall be a minimum of 10 foot wide.

8.8.5 Parking Lot Requirements

Landscaping shall be provided for interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channelize and define pedestrian and vehicular traffic.

- A. For developments requiring less than 100 spaces, a minimum of ten percent (10%) of the gross square footage of the paved parking lot area and entranceway shall be devoted to landscaping. For developments requiring 100 or more parking spaces, 15 percent of the gross square footage of the paved parking area and entranceway shall be devoted to landscaping.
- B. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet. A maximum of ten parking spaces in a row will be permitted, although adjustments may be made to save specimen trees.
- C. One canopy tree and two shrubs will be required for each landscape break.
- D. Parking areas for detached single family and duplex homes are exempt from these requirements.
- E. To promote preservation of trees in parking areas, the Town may reduce the total number of required spaces by up to ten percent in order to provide adequate area for the trees to survive provided:
 - 1. Spaces within the dripline are eliminated and sodded as a landscape break

- 2 Trees must be at least six inches in diameter to qualify for the parking space reduction

F. Interior landscape breaks in parking lots shall be a minimum of 10 feet by 20 feet.

8.8.6 Minimum Tree Requirements for Residential Lots

A. All residential properties requesting development approval must meet minimum tree requirements as specified below unless otherwise exempted:

Minimum Tree Requirements:

<u>Lot Area (sq. ft.)</u>	<u>Minimum # of Trees</u>
Less than 6,000	2
6,000 – 10,000	3
10,000 – 16,000	4
16,000 – 20,000	5
over 20,000	6

One (1) of the minimum number of trees required shall be planted as a street tree. Such tree shall be planted at the time of occupancy of the structure and shall be a maximum of then (10) feet inside the front property line.

B All property owners/developers, that are requesting building permits/development approvals for individual residential lots, or individual lots within an approved subdivision (see Chapter VI), must meet minimum tree requirements for each specific lot prior to the issuance of a certificate of occupancy, unless otherwise exempted. Individual home owners may receive a certificate of occupancy prior to the completion of the requirements of this section.

- C. Proper care and maintenance of recently planted trees; i.e., necessary water, fertilizer and support structures, shall be the property owner's/developer's responsibility and be guaranteed for the duration of an approved Maintenance Agreement (2 years) with the City. Upon sale of an individual lot, the responsibility for care and maintenance of trees is transferred to the new property owner of said individual lot.
- D. The property owner will replace all required trees that do not survive during the approved Maintenance Agreement time period. The replacement tree shall fulfill the duration of the maintenance agreement.
- E. Trees used in fulfillment of the requirements of this section shall meet the requirements of Section 8.8.7 and be selected from the Approved Tree List (Sec. 8.8.9). Approved ornamental and palm trees shall not exceed twenty-five (25%) percent of minimum tree requirements. All required trees shall be in good health, conform to the standards for Florida No.1 or better, as given in the Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services as referenced herein.

8.8.7 Planting Standards and Requirements

- A. Preservation. Preservation of existing landscape materials and land forms is encouraged. Natural existing vegetation may be substituted for the applicable landscape buffer provided canopy trees are greater than six inches in diameter and understory / hedge / shrubbery provides a continuous visual screen from the adjacent property.

B. Quality. Plant materials to conform with the provisions of this section shall equal or exceed the Florida No. 1, as given in "Grades and Standards for Nursery Plants, Part I, 1963, and Part III, State of Florida, Department of Agriculture, and amendments thereto.

1. Canopy trees shall have a minimum height of 15 feet and caliper requirement of 3.0 inches measured four feet above the ground immediately upon planting or where required as replacement planting. Wherever trees are installed, they shall be anchored in order to provide sufficient time for the roots to become established. Trees of species providing roots known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely encased within a container for which the minimum interior dimensions shall be five feet square and five feet deep in compliance with the construction requirements of the Town. All rootball wrapping shall be removed prior to planting.
2. Understory trees shall have a minimum height of six feet and a caliber requirement of 1.5 inches measured four feet above the ground with a minimum four feet crown spread at the time of planting. Multi-trunk understory trees shall have no more than three main trunks with combined caliper of 2.5 inches.
3. Shrubs and Hedges: Shrubs shall be a minimum of 24 inches in height immediately upon planting and reach an average height of 36 inches within one year of planting. Hedges shall be of nondeciduous species and planted and maintained so as to form a continuous unbroken solid, visual screen immediately upon planting.

4. Ground Cover. Ground cover such as ivy, juniper and lily turf used in lieu of grass shall be planted in such manner as to present a finished appearance and reasonably complete coverage within three months after planting.
5. Lawn Grass. Grass shall be species normally grown as permanent lawns in the Town. Grass seed shall be clean and reasonably free of weeds and noxious pests or diseases.
6. Berm. When a berm is used to form a visual screen in lieu of, or in conjunction with, a hedge or wall, such berm shall not exceed a slope of 30 degrees and shall be completely covered with shrubs, grass, or other living ground cover.

C. Designation on Site Plan. The specific species designated on the approved landscape plan shall be planted in the locations and quantities indicated.

8.8.8 Preservation of Existing Trees

Where removal of an existing "approved" tree is approved for construction of other than a single family residence, the Town may require the owner to move or replace said tree or trees somewhere within the property site. The replacement tree shall be a specimen from the Town's approved list and shall be a minimum of eight (8) feet in height with a minimum trunk diameter of two (2) inches measured six inches (6") above the ground. In the event that the tree removed is an approved canopy tree greater than or equal to twenty-four inches in diameter when measured four (4) feet above the ground, the owner shall provide one (1) approved canopy tree for each eight (8) inches of diameter removed.

8.8.9 Approved Tree and Plant Species List

A. Canopy Trees. Trees which normally grow to mature height of forty (40) feet or more:

1. Live Oak (*Quercus Virginiana*)
2. Laurel Oak (*Quercus Laurifolia*)
3. Shumard Oak (*Quercus Shumardi*)
4. Water Oak (*Quercus Nigra*)
5. Red Maple (*Acer Rubrum*)
6. American Holly (*Ilex Opaca*)
7. Southern Magnolia (*Magnolia Grandiflora*)
8. Sweet Bay (*Magnolia Virginiana*)
9. Sand Pine (*Pinus Clausa*)
10. Longleaf Pine (*Pinus palustris*)
11. Loblolly Pine (*Pinus taeda*)
12. Bald Cypress (*Taxodium Distichum*)
13. Sycamore (*Acer Pseudoplatanus*)
14. Slash Pine (*Pinus Elliottii*)

B. Understory Trees. Trees which normally grow to a mature height of fifteen (15) to thirty-five (35) feet:

1. Winged Elm (*Ulmus Atata*)
2. Drake Elm (*Ulmus Parfolia*)
3. Yaupon Holly (*Ilex Vomitoria*)
4. Loquat (*Eriobotrya Japonica*)
5. Redbud (*Cercis Canadensis*)
6. Dogwood (*Cornus Florida*)
7. Tree of Gold (*Tabebuia Argentea*)
8. Chicasaw Plum (*Prunus Angustifolia*)
9. Southern Wax Myrtle (*Myrica Cerifera*)
10. Crape Myrtle (*Lagerstroemia Indica*)
11. Citrus trees (all kinds)
12. Walter Viburnum (*Viburnum Obovatum*)

13. Devilwood (*Osmantuhus Americanum*)
14. Bumelia (*Bumelia Tenax*)
15. Tar Flower (*Befaria Racemosa*)
16. Fringe Tree (*Chionanthus Virginicus*)
17. Sabal Palm

C. Shrubs:

1. Sandankwa Viburnum (*Viburnum Suspensum*)
2. Glossy Privet (*Ligustrum Lucidum*)
3. Japanese Privet (*Ligustrum Japonicum*)
4. Podocarpus (*Podocarpus Macrophylla*)
5. Pittosporum (*Pittosporum Tobira*)
6. Surinam Cherry (*Eugenia Uniflora*)
7. Wax Myrtle (*Myrica Cevifera*)
8. Native Azaleas (*Rhododendron Viscosum*)
9. Star Anise (*Illicum Parviflorum*)
10. Eleagnus (*Eleangus Pungens*)
11. Florida Lencothoe (*Agavista Populifovia*)
12. Walter Viburnum (*Viburnum Obovatum*)
13. Sweet Viburnum (*Viburnum Odoratissium*)
14. Red Tip Photinia (*Photinia Glabra*)

8.8.10 Prohibited Trees

1. Australian Pine (*Casuarina species*)
2. Cajeput or Punk Tree (*Melaleuca Quinquenervia*)
3. Chinaberry (*Melia Aedarach*)
4. Ear Tree (*Enterlobium Cyclocarpum*)
5. Eucalyptus species
6. Florida Holly or Brazilian Pepper (*Schninus Terebinthifolius*)
7. Paper Mulberry (*Broussonetia Papyrifera*)
8. Cherry Laurel (*Prunus Caroliniana*)

8.8.11 Performance Standards:

- A. Clustering: In order to provide a more interesting and aesthetically pleasing effect, required trees may be clustered along perimeter buffers.
- B. B Shifting: Canopy trees may be shifted within the perimeter buffers, provided a minimum of two (2) canopy trees per one hundred (100) linear feet be maintained in any one buffer.

8.8.12 Landscaping maintenance standards and responsibilities:

- A. Landscaping shall be maintained in a manner so as to not obstruct the visibility of automobiles at intersections or at points of ingress and egress to the public right-of-way.
- B. All landscaping required under the provisions of this section shall be maintained by the owner in a viable, neat and orderly condition. Nonviable landscaping shall be replaced to satisfy the requirements of this section at the developer's or owner's expense.

8.8.13 Hazardous trees and landscaping:

The Mayor or designee may require the removal of any tree or landscaping which constitutes imminent danger to the safety of the public.

8.8.14 Appeals

Any decision of the Mayor or designee regarding the interpretation of any portion of the provisions of this section may be taken by any person aggrieved to the Town Council.

Chapter IX – Sign Standards

9.1 Signs

9.1.1 Purpose and Effect

- A. The purpose of these sign regulations are:
- To encourage the effective use of signs as a means of communication in the Town
 - To maintain and enhance the aesthetic environment and the Town's ability to attract sources of economic development and growth
 - To improve pedestrian and traffic safety
 - To minimize the possible adverse effect on nearby public and private property
 - To enable the fair and consistent enforcement of these sign restrictions.
- B. These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the Town. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply. A sign may be erected, placed, established, painted, created, or maintained in the Town only in conformance with the standards, procedures, exemptions, and other requirements of these regulations.
- C. The effect of these regulations as more specifically set forth herein, are:
1. To establish a permit system to allow a variety of types of signs in commercial, industrial and public facility zones, and a limited variety of signs in other zones, subject to the standards and the permit procedures of these regulations
 2. Signs not specifically outlined as allowed are prohibited
 3. To provide for the enforcement of the provisions of these regulations. Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

9.1.2 Permit Required

It shall be unlawful for any person, agency, firm or corporation to erect, structurally modify (other than normal maintenance), replace or relocate within the Town of Astatula, any sign, except as exempted by this Chapter without first obtaining a permit to do so from the Town Clerk and making payment of the permit fees as required. No permit for a sign shall be issued except in conformity with the provisions of this ordinance as administered by the Mayor

or designee. Any additional permits which may be required (i.e., electrical and mechanical) shall be the responsibility of the owner / developer.

9.1.3 Required Application Information

- A. All applications for the sign permit required by this ordinance shall be made to the Town Clerk, or designee, upon forms provided by the Town and shall contain the following information:
 - 1. The name, address and telephone number of the applicant (sign owner).
 - 2. Zoning designation of parcel
 - 3. The name of the person or company erecting and responsible for the sign structure.
 - 4. Drawings including a plan showing the location of the proposed installation, with particular dimensional reference to any adjacent streets, walks, and existing structures.
 - 5. A detailed plan of the proposed sign
- B. All detached signs and signs fifty (50) square feet (or larger) in area shall, in addition to the previous requirements, must submit the following information to obtain the sign permit:
 - 1. Two (2) copies of plan drawn to scale showing all pertinent structural details, pressure requirements, electrical specifications and display materials in accordance with the requirements of the Florida Building Code.
 - 2. In addition to the above required data, the Building Official may require such additional information as he may deem necessary for making a determination as to the acceptability of a sign under this ordinance.

9.1.4 Permit Fees.

The Town of Astatula Fee Schedule has been adopted under separate Ordinance.

9.1.5 Variances.

All requests for variances to Chapter 9 shall follow the procedures outlined in Chapter 1 of these regulations.

9.1.6 Definitions and Interpretation

Words and phrases used in this ordinance shall have the meanings set forth in this chapter as well as Chapter 3 - Definitions. All other words and phrases shall have their customary dictionary definitions, unless the context clearly requires otherwise. Section headings or captions are for reference purposes only and shall not be used in the interpretation of this ordinance.

Advertising Sign: A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered elsewhere than upon such premises where such sign is located, or to which it is affixed.

A-Frame Sign: A sign not secured, not attached to the ground or which is free of structures upon the ground..

Banner Sign: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation's applied to paper, plastic or fabric of any kind. National flags, flags of political subdivisions, symbolic flags of any institution or business, or information painted or imprinted on awnings, as defined in this article, shall not be considered banners for the purpose of this article, such definition shall not include over-highway announcement signs erected by the Town.

Building Marker: Any sign indicating the name of a building and date and incidental information about its construction, which sign is cut into a masonry surface or made of bronze or other permanent material.

Building Sign: Any sign attached to any part of a building, as contrasted to a freestanding sign.

Business Sign: A sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises.

Campaign Sign: A sign which announces or promotes a candidate for election to public office. Any sign which is designed to influence the action of the voters for the passage or defeat of a measure appearing on the ballot at any national, state, or local election.

Canopy Sign: Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

Changeable Copy Signs: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face or the surface of the sign. A sign on which the message changes more than eight (8) times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. A sign on which the only copy that changes is an electronic or mechanical indication of "time or temperature" portion of a sign and not a changeable copy sign for purposes of this ordinance.

Commercial Message: Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service, or other commercial activity.

Freestanding Sign: Any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure.

Ground Sign: A sign which is supported by structures in or upon the ground and independent of support from any building.

Height of Sign: The distance between the top of the sign and finished grade or the roadway, whichever is greater.

Holiday Decorations: Signs, lights, or ornamental displays of a primarily decorative nature, clearly incidental and customary and commonly associated with any national, local or religious holiday; or as specifically decreed by an official act of the Town Council for a special event or campaign.

Illuminated Sign: Any sign illuminated in any manner by an artificial light source.

Incidental Sign: A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

Instructional Sign.: A sign conveying non advertising message related to the use of the premises or the movement of pedestrians and vehicles including but not limited to "no parking", "enter", "order here", etc.

Marquee: A marquee is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Marquee Sign: Any sign attached to and made a part of a marquee.

Nonconforming Sign: Any sign which does not conform to the regulations of this code.

Occupant sign / Occupant identification sign: Any sign which carries only the name of the firm, major enterprise or products offered for sale on the premises, lot or parcel of land

Off-site Sign: A sign which does not relate in subject matter to the premises on which it is located, or to any products, accommodations, services or activities on the premises.

Pole Sign. A sign supported by at least one (1) pole, pylon, or brace permanently secured to the ground which are not concealed.

Portable Sign. Any sign which is manifestly designed to be transported, including by trailer or on its own wheels, even though the wheels of such sign may be removed and the remaining chassis or support constructed without wheels is converted to an "A" or "T" frame sign or attached temporarily or permanently to the ground since this characteristic is based on the design of such a sign.

Real Estate Sign: A sign advertising real property on the parcel where the sign is located.

Roof Sign: Any sign erected or constructed wholly upon and over the roof of any building and supported solely on the roof structure

Sandwich Sign: A two-sided, self-supporting sign with the base of the sign being the supporting structure and the connecting point located at the top of the sign.

Sidewalk Sign: See "Sandwich Sign"

Sign: Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, inflatable device, or illuminated surface, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is displayed in any manner whatsoever.

Sign Area: The area enclosed by a rectilinear line of not more than eight (8) sides drawn around the perimeter of the sign, including trim, embellishments and background which includes the copy.

Sign, Off-site: A sign which does not relate in subject matter to the premises on which it is located, or to any products, accommodations, services or activities on the premises

Sign-On-site: A sign which is located on the property which is being advertised.

Snipe Sign: Any sign of any material whatsoever that is attached in any way to a utility pole, tree, fence post or any other similar object, or placed within public property or within a public right-of-way without Town approval.

Street Directory Sign: A sign owned, maintained and installed by the Town within a public right-of-way for the purpose of identifying a street name and businesses.

Subdivision Sign: A sign denoting the name of a subdivision for means of identifying the development. Subdivision signs may be placed on entry walls or be constructed as a separate monument sign. In nonresidential subdivisions, these signs shall not be calculated toward the allowable sign over area for any particular site. These signs must be located at the entrance to the subdivision.

Suspended Sign: A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

Temporary Sign: Any sign to be erected for a short period of time and is not permanently mounted.

Trailer Sign: Any sign on a vehicle normally licensed by the State of Florida as a trailer and used for advertising or promotional purposes.

Wall Sign: Any sign painted on or attached to an erected structure parallel to the face of, or erected and confined within the limits of, the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

9.1.7 Nonconforming Signs

All signs or other advertising structures erected in the Town after the effective date of this ordinance shall conform to the provisions of these regulations. A nonconforming sign already in place as of the date of adoption of these Land Development Regulations shall be permitted to remain for a period of five (5) years from the effective date of this ordinance but shall not be expanded or altered in such a manner as to increase the nonconformity. At the end of the five years from the effective date of the adoption of this ordinance, the sign must be removed and may be replaced with a sign in conformance with these regulations after following the appropriate steps for permitting and approval. The final date for conformance to these standards will be July 8, 2012.

9.1.8 Exempt Signs

Signs of the following categories and the listed operations pertaining to signs shall not require the issuance of permits

provided such signs and operations conform to other building, structural and electrical standards and regulations of the Town:

- A. Maintenance of existing signs
 - 1. Painting, repainting, cleaning or other normal maintenance and repair not involving structural changes.
 - 2. Changing the advertising copy or message on an existing, approved, painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message which are all specifically designed for the use of replaceable copy.
- B. Directional or Instructional Signs.

Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not exceed eight (8) square feet in area.
- C. Governmental Signs

Governmental signs for public information for direction, control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public utilities which:

 - 1. Indicate danger or an aid to safety, or
 - 2. Which are erected by, on the order of, or with the approval of administrator in the performance of his/her public duty.
- D. Holiday Decorations

Signs of a primarily decorative nature, clearly incidental and customary and commonly associated with any generally recognized holiday or as specifically decreed by an official act of the Town Council for a special event or campaign. Such signs may be of any type, number, area, height, illumination or animation. Signs attached to a building or fence must be in a safe and reasonable manner and kept in good repair. Free standing displays not attached to a building or fence should be set back ten (10) feet from all boundary lines of the lot on which displayed, provided that a clear area is maintained to a height of six (6) feet, within fifty-five (55) feet of the centerline of the intersection of two (2) streets.
- E. Occupant Signs

Occupant signs denoting professional, commercial or public institutional buildings and not exceeding two (2) square feet in area.
- F. Notice Bulletin Boards

Notice bulletin boards not exceeding thirty-two (32) square feet in area for public buildings.
- G. No Trespassing or No Dumping Signs

No trespassing or no dumping signs not to exceed $\frac{1}{2}$ 16 square feet in area per sign and / or not exceeding one per fifty (50) feet per perimeter of lot.
- H. Symbols or Insignia

Religious symbols, commemorative plaques of recognized historical agencies or identification emblems or religious orders or historical agencies; provided that no such symbol, plaque or identification emblem shall exceed four (4) square feet in area; and provided further that all such symbols, plaques and identification emblems shall be placed flat against a building.

I. Warning Signs

Signs warning the public of the existence or danger, containing no advertising material, of a size as may be necessary, and to be removed upon subsidence of danger.

J. Signs located in a building if not visible from outside are exempt

K. Residential Signs - Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance; yard sales, sale of the property or other similar events, provided the size of the sign is limited to four (4) square feet, and no lights may be used to illuminate said sign

M. Window Signs - Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the window panes or glass and is visible from the exterior of the window. Neon and animated signs mounted on the interior and / or exterior of the window are allowed, up to 50% coverage of the window(s).

N. Temporary Banners – Temporary banners not mounted on windows may be displayed for a period not to exceed thirty (30) days. A waiting period of thirty (30) days must pass before another banner not mounted on a window may be displayed. Temporary banners are not part of the % allowed on the building front and are limited to a maximum size of 30" x 72".

O. Sidewalk and Sandwich Signs - Sidewalk and sandwich signs which are placed at the opening of each business day and removed at the end of each business day are exempt but will require a permit which must be renewed annually. Sidewalk and sandwich signs are only allowed in commercial zoning districts. Not to exceed twelve (12) square feet per side.

P. Banner Street Signs – Banner street signs may only be erected by the Town as instructed by Town Council and must for the general benefit of the Town as a whole or for the public convenience, necessity or welfare. These banners must be a minimum of seventeen (17) feet above the street.

Q. Memorial signs or tablets, names of building and date of erection when cut into any masonry surface or when constructed of bronze

or other noncombustible materials which do not exceed four (4) square feet in area

- R. Non-illuminated "For Sale" or "For Rent" sign per parcel of property when such sign has an area per face of not more than twelve (12) square feet in residential areas, not more than thirty-two (32) square feet in developed commercial zones, and not more than thirty-two (32) square feet on unimproved lands. Identification signs at the entrance drive of residences, estates, and ranches, which do not exceed four (4) square feet in area
- S. One (1) hard hat sign at each entrance to a construction area not to exceed four (4) square feet each.
- T. Signs not visible from areas other than the site on which they are located.
- U. Legal notices, identification, informational or directional
- V. Flags and insignia of any government, except when displayed in connection with commercial promotion or directional.

9.1.9 Signs allowed with Conditional Use Permit

Marquee and changeable copy signs will only be allowed in Public Facilities, Commercial and Industrial sites and must be approved painted or printed sign, marquee, changeable copy sign or a similar approved sign whether electrical, illuminated, electronic changing message center or non-illuminated painted message. Any type of electrical sign will require a Conditional Use Permit. All illuminated signs in Public Facilities, Commercial or Industrial districts shall be designed in such a manner as to avoid undue glare or reflection of light on residential property in the surrounding area.

9.1.10 Signs Not in Use / Abandoned Signs

Signs which advertise or identify a business, firm, or similar activity must be removed, painted over, or properly covered within sixty (60) days of the date said business, firm or similar activity goes out of business or vacates the premises. The removal of the sign shall be the responsibility of the owner of the property upon which the sign is located.

9.1.11 Prohibited Signs

All signs not specifically outlined in this Chapter are prohibited.

9.1.12 Permitted Signs

The following signs are permitted in all districts as indicated, however a site plan showing the proposed location of the sign and a detailed plan

for the sign must be submitted to the Town Clerk for a zoning clearance and for a building permit from the Building Official.

- A. Professional name plates not exceeding four (4) square feet in area, except in single-family residential districts.
- B. One bulletin board for each street frontage for public, charitable or public assembly buildings located on the premises of said institutions and not exceeding thirty-two (32) square feet in total area per side.
- C. Occupational signs denoting the name, street number, and business of an occupant of a commercial building or public institutional building, which are greater than 2 square feet and do not exceed four (4) square feet in area.
- D. Construction project signs not exceeding thirty-two (32) square feet in area. Such sign may not be erected more than sixty (60) days prior to commencement of actual construction, can remain for the duration of an active building permit and must be removed within fifteen (15) days after issuance of a certificate of occupancy.
- E. Detached Signs (Ground or Elevated) for Commercial, Industrial and Public Facilities Districts.

Unless otherwise specified in specific Districts, no on-site detached sign shall be erected, constructed or maintained nearer the property line than the building line established by law, except that such on-site detached signs conforming to the following conditions, specifications and limitations may be placed between the building line and the property line in required minimum yard areas:

- 1. All detached signs shall be set back a minimum of five (5) feet from any public right-of-way and seven and one-half (7 1/2) feet from any side property line.
- 2. Detached signs shall not exceed ten (10) feet in height above ground level.
- 3. Detached signs may be constructed of any substantial material provided said signs comply with all of the provisions of this article.
- 4. Ground signs not in areas normally used as traffic lanes by vehicles and erected in an area so as to not inhibit visual clearance of vehicle.
- 5. All detached signs shall be constructed of rigid construction materials in accordance with the Florida Building Code and be able to withstand the maximum wind velocity as set forth in the Florida Building Code.
- 6. Wherever anchors or supports consist of wood embedded in soil, the wood shall be pressure-treated with an approved preservative.

7. Each separate structure within a commercial district with a minimum of thirty (30) foot lot frontage shall be permitted to one (1) detached sign per structure. One (1) square foot of sign area will be allowed per front foot of building frontage.
8. Where a multiple occupancy complex of three (3) or more establishments exist on a lot with frontage of one hundred (100) feet or more, a sign establishing the name of the complex may be provided in combination with the detached signs for the establishments provided the combined total of all signs do not exceed one hundred and forty-four (144) square feet.
9. Where a multiple occupancy complex of three (3) or more establishments exist on a lot with frontage of one hundred (100) feet or more, a detached sign establishing the name of the complex on a separate sign in lieu of a combination of other detached signs provided said sign is no more than 100 square feet per face.

F. Subdivision or Development Signs

1. No more than two (2) signs at each entrance of a subdivision or development shall be permitted and no such sign be closer than twenty-five (25) feet from the nearest occupied residence or business. Each such sign shall not exceed sixty-four (64) square feet in area and shall be no closer than ten (10) feet from any public right-of-way.

G. Neighborhood Identification Signs

In any district a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification. Any symbol and lettering or combination shall cover no more than fifty (50) percent of the area of the wall and such wall area shall contain no more than one hundred and fifty (150) square feet in area.

H. Window Signs

Window signs shall not exceed 50% of the total window area..

I. Wall Signs for buildings

Wall signs shall be permitted upon buildings or accessory structures as follows:

1. Wall signs attached to exterior wall shall be safely and securely attached.
2. Wall signs shall not extend a vertical distance of more than six (6) inches above the roof line.
3. Business establishments within all commercial districts may install or affix the on-site wall signs onto the front elevation of the actual business premises occupied by such establishment. All such signs shall conform to the following requirements:

Wall Area in Square Feet	Maximum Sign Area as a Percentage	Maximum Square Footage of Signs
80 – 200	25%	45 Square Feet
201 – 600	25%	75 Square Feet
601 - 1,000	15%	150 Square Feet
1,000 or more	15%	275 Square Feet

4. Where a business establishment is situated in such a manner that the front and side of the place of business abuts two (2) separate streets, or another commercial lot, such establishment may install separate on-site wall signs on a maximum of two (2) elevations, The sign must meet the size requirements of the preceding paragraph of this subsection for each front.

J. Marquee Signs

Marquee Signs shall be permitted upon buildings or structures provided that the following conditions shall be met:

1. Marquee signs shall be at least eight (8) feet above the sidewalk or ground level and shall not extend outside the line of the marquee. Marquee signs may be attached to the side or front of a marquee and such sign may not extend more than one (1) foot below nor more than four (4) feet above said marquee.

K. Projecting Signs

1. All projecting signs must meet the requirements of the Florida Building Code.
2. A projecting sign shall not be erected on the wall of any building so as to project above the roof or cornice wall or above the roof level where there is no cornice wall Clearance above ground level or grade shall be not less than eight (8) feet.
3. Each separate business establishment shall be entitled to install or affix one (1) on-site projecting sign upon the front elevation

L. Gas Station Signs

Any business where gasoline is sold at retail, in addition to the signs permitted in this chapter, shall be permitted to display a sign visible from the abutting right-of-way reflecting the current retail price of the various grades of gasoline, providing such sign is attached to a detached sign. Such signs shall not exceed thirty-six (36) square feet in size and shall not exceed ten (10) feet in height.

M. Temporary Signs

1. Political Signs
 - a. Requirements

- (1) All signs are required to be removed within five (5) working days after the election. If said signs are not removed within the required five (5) working days, the sign shall be forfeited and the Town shall remove such sign.
- (2) Such signs shall be erected by the property owner or tenant for a bona fide candidate or campaign committee upon qualifying for said election.
- (3) No political sign shall exceed four (4) square feet aggregate area except billboards in commercial districts nor be constructed in such a manner as to constitute a roof sign. If the sign is detached from the building, it shall not exceed the existing grade by a height of four (4) feet to the top of the sign.
- (4) No sign shall be located in or over the public right-of-way or on Town of Astatula property and shall not be permitted within fifteen (15) feet of the established roadway. No sign shall obstruct, impede or otherwise create a hazardous condition for the safe and normal flow of pedestrian or motor vehicle traffic. In the case of violation, said signs shall be removed and become the property of the Town and shall be destroyed.
- (5) Political signs may not be affixed to any tree or utility pole.

9.1.13 General Performance Standards

- A. Copy may be changed on any outside bulletin board, poster board, display encasement or marquee provided that the device upon which the copy is located meets all the requirements of this chapter.
- B. All illuminated signs in all zone districts shall be designed in such a manner as to avoid undue glare or reflection of light on residential property in the surrounding area.

9.1.14 Maintenance

All signs shall be maintained in accordance with the following standards:

1. All signs shall comply with applicable provisions of the building and electrical codes adopted by the Town.
2. All signs shall be maintained in good structural condition and shall present a neat and clean appearance.
3. The area, in front of, behind and underneath the base of ground signs for a distance of ten (10) feet shall be

maintained, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

9.1.16 Violations – Enforcement

All violations are enforceable by the Code Enforcement Board or Special Magistrate.

Chapter X – Resource Protection

10.1 Applicability

10.1.1 Purpose: The purpose of this section is to further the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish, aquatic life, bird and other wildlife habitat, control building sites, placement of structures and land uses, and conserve shore cover, visual as well as actual points of access to inland, lake and river areas, especially on flood-prone areas and lake shores unsuitable for development.

10.2 Shoreline Regulations

10.2.1 All "shoreline development" must comply with all applicable federal, state, and municipal regulations, including, but not limited to St. Johns River Water Management District (SJRWMD) the Florida Department of Environmental Protection (FDEP)., and the U.S. Army Corps of Engineers (USACOE).

10.2.2 Permitted Uses

The following uses are permitted if they comply with all applicable federal, state, and municipal laws and regulations, including zoning regulations.

- a. Outdoor conservation and recreational uses such as hunting, fishing, parks, game management, tent camping, and picnic areas.
- b. Piers, docks, and floats for recreational purposes.
- c. Agricultural and forestry uses.
- d. Recreational uses such as public swimming areas, boat launching facilities, clubhouses and similar public or nonprofit organization facilities.
- e. Single and two-family residences and accessory structures subject to the following lot and structure conditions. The

minimum setback of living quarters from the normal high water mark shall be fifty (50) feet. As used in this ordinance, the term “high water mark” means the line below which effects of water erosion may be seen and no plants grow except plants that grow only in water.

10.2.3. Uses permitted as conditional uses:

- A. Structure and other uses related, necessary and accessory to the uses listed above.
- B. Sand, gravel and loam excavation, but not within one hundred (100) feet of the high water mark. As used in this reference, the term “high water mark” means the line below which effects of water erosion may be seen and no plants grow except plants that grow only in water.
- C. Commercial campgrounds
- D. Commercial establishments related and accessory to conservation, outdoor recreational, agricultural and horticultural uses listed above.
- E. Municipal uses
- F. House of Worship
- G. Public Utilities
- H. Home Occupations
- I. State government activities

10.3 Sinkhole Protection Regulations

10.3.1 The Town of Astatula relies on a clean supply of subsurface water to foster and promote human health and welfare and the economic and social development of the Town. The soils, topography, and geology of the Town are such as to lead to potential pollution of the subsurface water supply from pollution in or around sinkholes. Therefore, it is declared to be the policy of the Town to promote, preserve, and enhance the quality of the subsurface water in the

Town to protect human health and welfare. These provisions are adopted for the purpose of halting the travel of pollutants to the subsurface water supply through sinkholes.

10.3.2 No person shall place or cause to be placed any substances or objects, other than those approved by the Town, in any sinkhole.

10.3.3 Class 1 Sinkholes:

A. The Town shall take the steps necessary to protect all known Class 1 Sinkholes located in the Town and prescribe corrective and protective measures deemed reasonable and necessary to minimize, and if possible eliminate, the entry of pollutants into subsurface water through such sinkhole. Such corrective and protective measures include, but are not limited to:

1. Buffer zones covered with grass or other appropriate vegetation
2. Installation of diversion methods or structures
3. Installation of concrete or plastic liners
4. Termination of the activity that creates the pollution hazard
5. Removal of substances and objects from the sinkhole.

Before prescribing corrective and protective measures with respect to a particular Class 1 Sinkhole, the Town shall meet with the landowner(s) involved and discuss with them the reasons the sinkhole presents a significant subsurface water pollution hazard and the need for corrective and protective measures to minimize, and if possible eliminate, the entry of pollutants into subsurface water through the sinkhole. In prescribing corrective and protective measures, the Town shall consider all relevant factors, including but not limited to, the expense of implementing such measures and the effect that implementing will have upon the use by the landowner(s) of their land. Provided,

however, economic hardship alone shall not prevent the prescription of corrective and protective measures. The corrective and protective measures prescribed together with the date by which such measures must be completed shall be set forth in writing and sent to the landowner(s) involved by return receipt mail.

- B. The owner of land upon which a Class 1 Sinkhole is located shall take the corrective and protective measures prescribed by the Town.
- C. The owner of land over through, or under which pollutants travel to a Class 1 Sinkhole that is located on another landowner's land shall take the corrective and protective measures prescribed by the Town.

10.3.4 Enforcement

A. Civil Enforcement

- 1. Any person may submit to the Town a verbal or written complaint alleging a violation of its ordinance or the existence of a Class 1 Sinkhole with respect to which corrective and protective measures have not been prescribed.
- 2. Upon receipt of a complaint, the Town shall proceed pursuant to the Town's Code of Ordinances. Based upon a determination that there is a violation of this ordinance, the Town shall conduct an informal reconciliation with the violator. As a part of such informal reconciliation, the Town shall:
 - a. Notify the violator by mail of the violation. The notice shall include:
 - i. A statement of the violation
 - ii. A statement that the Town may remove from the sinkhole involved the offending substances and

- objects and that the violator will be obligated to the Town for the reasonable cost of such removal;
- iii. A statement that the Town may take the already prescribed corrective and protective measures and the violator will be obligated to the Town for the reasonable cost of such action; and
 - iv. A statement of the desire of the Town to correct the violation and resolve any disputes with the violator through informal reconciliation.
- b. Make a good faith effort to meet with the violator to resolve the correction of the violation.
- 3. If after taking the steps above and after a period of ninety (90) days following the mailing of the notice of the violation, the Town in good faith determines that the violator is unwilling to participate in informal reconciliation and take the corrective actions prescribed, the Town shall notify the violator by mail of the termination of the informal reconciliation.
 - 4. With respect to a violation, thirty (30) days after the mailing of the notice of termination of informal reconciliation, the Town may remove from the sinkhole involved the offending substances and objects and bill the violator for the reasonable cost of such action.
 - 5. With respect to a violation, thirty (30) days after the mailing of the notice of termination of informal reconciliation, the Town may take the already prescribed corrective and protective measures it deems necessary to minimize, and if possible eliminate the entry of pollutants into subsurface water through the sinkhole, and bill the violator for the reasonable cost of such action.

6. In an action brought by the Town to enforce the obligation of the violator created by these regulations, the Town shall have the burden of proving by a preponderance of the procedures continued in this ordinance and that there has been a violation of this ordinance; provided, however, with respect to the violation(s), that the defense that the sinkhole was not a Class 1 Sinkhole at the time such measures were prescribed, and / or the defense that the corrective and protective measures prescribed were neither reasonable nor necessary, may only be asserted as affirmative defenses. With respect to such defenses, the violator shall have the burden of going forward and the burden of persuasion. If the violator proves that the sinkhole was not a class 1 Sinkhole, or that the corrective and protective measures were neither reasonable nor necessary, the violator shall not be obligated to the Town.
7. The exclusive means of obtaining judicial review of any action of the Town pursuant to this ordinance shall be defending an action brought by the Town to enforce the obligation created by these regulations

10.3.5 Duties of the Town.

In order to carry out the provisions of this ordinance, the Town shall take the following actions upon passing the ordinance:

- A. Send written notice to owners of land containing or situated around sinkholes located in the Town describing:
 1. The significance of the subsurface water pollution
 2. The role that sinkholes play in subsurface water pollution
 3. A summary of the content of this ordinance
 4. The availability of assistance from the Town

- B. Disseminate information to owners of land on techniques to minimize the amount of pollutants which enter the subsurface water through sinkholes;
- C. Randomly monitor compliance with this ordinance by visits to lands in the Town for the purpose of observing the condition of sinkholes and areas surrounding sinkholes.

10.3.6 Administration

Except where otherwise specifically indicated, in implementing and enforcing this ordinance, the Town shall act through its Code Enforcement Officer or Committee.