

ORDINANCE NO. 1428

AN ORDINANCE OF THE CITY OF OVIEDO, FLORIDA, FURTHER AMENDING ORDINANCE NO. 1340, AS PREVIOUSLY AMMENDED, WHICH ORDINANCE AS AMMENDED, IS CODIFIED AS *THE LAND DEVELOPMENT CODE OF THE CITY OF OVIEDO, FLORIDA*; PROVIDING FOR THE DELETION, REVISION, REWORDING, RENUMBERING AND REORGANIZATION OF VARIOUS PROVISIONS OF THE LAND DEVELOPMENT CODE, INCLUDING ARTICLE XII (LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS), ARTICLE XV (ENVIRONMENTAL PRESERVATION), ARTICLE XVI (UTILITIES) AND ARTICLE XVIII (BASIC DEFINITIONS AND INTERPRETATIONS); PROVIDING FOR CODIFICATION AND POWERS OF THE CODE CODIFIER; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Oviedo has determined that it would benefit the City for the City's *Land Development Code* to expand water conservation regulations; and

WHEREAS, City staff has worked towards the development of such regulations; and

WHEREAS, the City Council has fully considered the recommendations of the Development Review Committee (DRC), the Planning, Zoning and Appeals Board (PZA) and all public comments relating to the adoption of the water conservation regulations to the City's *Land Development Code*; and

WHEREAS, the City of Oviedo has complied with requirements and procedures of Florida State law in every respect relative to the processes, procedures, and requirements of substantive and controlling law relating to the adoption of water conservation regulations to the City's *Land Development Code*; and

WHEREAS, this Ordinance is enacted in accordance with the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act as codified in Part II, Chapter 163, *Florida Statutes*; and

WHEREAS, additionally, the City Council of the City of Oviedo may act in accordance with the provisions of Article VIII, Section 2(b) of the *Constitution of the State of Florida*, which provides, in pertinent part, that "[m]unicipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law"; and

WHEREAS, additionally, the City Council of the City of Oviedo may act in accordance with the provisions of Section 166.021(1), *Florida Statutes*, which provides, in pertinent part, that "[a]s provided in S. 2(b), Art. VIII of the State Constitution, municipalities shall have the governmental, corporate, and proprietary powers to enable them to conduct municipal government, perform municipal functions, and render municipal services, and may exercise any power for municipal purposes, except when expressly prohibited by law"; and

(City of Oviedo)

WHEREAS, additionally, the City Council of the City of Oviedo may act in accordance with the provisions of Section 166.021(3), *Florida Statutes*, which provides, in pertinent part, that “[t]he Legislature recognizes that pursuant to the grant of power set forth in S. 2(b), Art. VIII of the State Constitution, the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the state legislature may act” except for certain very limited matters; and

WHEREAS, this Ordinance is enacted under the general home rule, police powers and land development regulatory powers of the City of Oviedo; and

WHEREAS, the City of Oviedo has complied with all requirements and procedures of Florida law in processing, noticing and advertising this Ordinance including, but not limited to, full and deliberate review and analysis by the Development Review Committee, the Planning Zoning and Appeals Board, which have recommended approval of this Ordinance to the City Council,

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OVIEDO, FLORIDA, AS FOLLOWS:

SECTION 1. LEGISLATIVE FINDINGS AND INTENT. The provisions set forth in the recitals to this Ordinance (whereas clauses) are hereby adopted by the City Council of the City of Oviedo as the legislative findings and intent pertaining to this Ordinance.

SECTION 2. ADOPTION OF AMENDMENTS TO ARTICLE XII (LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS), TO ARTICLE XV (ENVIRONMENTAL PRESERVATION), TO ARTICLE XVI (UTILITIES) AND TO ARTICLE XVIII (BASIC DEFINITIONS AND INTERPRETATIONS) Articles XII, XV, XVI and XVIII of the City of Oviedo Land Development Code are hereby amended as provided for in Exhibits A, B, C, and D, respectively, adopted as part of the City of Oviedo Land Development Code, and shall serve as land development code regulations pertaining to and controlling the development of real property within the City Limits of the City of Oviedo.

SECTION 3. PENALTIES/CODE ENFORCEMENT. The City may enforce the provisions of this Ordinance in accordance with the provisions of applicable State law and pursue any and all available legal remedies including, but not limited to, assessing, or causing to be assessed, the maximum penalties allowed by State law.

SECTION 4. CODIFICATION. It is the intent of the City Council of the City of Oviedo that the provisions of this Ordinance shall become and be made a part of the *City of Oviedo Land Development Code* and the Exhibits to this Ordinance shall be codified, provided however, Sections 1, 3, 4, 5, 6, and 7 shall not be codified. The provisions of this Ordinance may be renumbered or relettered. When codified, the word “Ordinance”, or similar words, may be changed to “Section,” “Article”, or other appropriate word and such other organizational words and phrases may be, likewise, altered. The Code codifier is hereby granted broad and liberal authority to codify the provisions of this Ordinance into the City’s *Land Development Code*, which may, thereafter, be

amended from time-to-time and be re-codified from time-to-time pursuant to actions of the City Council.

SECTION 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. CONFLICTS. All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed consistent, however, with the provisions of this Ordinance relative to the transitional application of land development regulations.

SECTION 7. EFFECTIVE DATE. This Ordinance shall take effect immediately upon passage and adoption; provided, however, that the City Manager is hereby authorized to take any and all administrative actions that may be necessary and appropriate to implement the provisions of this Ordinance.

FIRST READING:

January 7, 2008

SECOND READING:

January 22, 2008

PASSED AND ADOPTED this 22nd day of January, 2008.

Mary Lou Andrew
MARY LOU ANDREWS
MAYOR of the City of Oviedo, Florida

ATTEST:

Barbara J. Barbour

Barbara J. Barbour
CITY CLERK

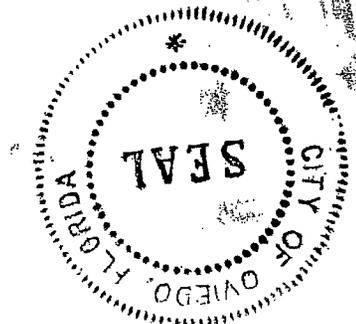


EXHIBIT A

ARTICLE XII LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS

- Sec. 12.1. Applicability
- Sec. 12.2. General Landscaping Requirements
- Sec. 12.3. ~~Canopy~~ Trees
- Sec. 12.4. Buffer Yards
- Sec. 12.5. Principal and Accessory Use Areas Landscaping
- Sec. 12.6. Maintenance
- Sec. 12.7. Xeriscape™ Florida-Friendly Landscape
- Sec. 12.8. Lake Edge Landscaping

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Section 12.1. Applicability.

(A) **Compliance Requirement**

It shall be unlawful for any person to develop or increase the developed area of any lot, parcel, plot or tract of land within the City of Oviedo, unless in demonstrated compliance with the terms of this Article, or if otherwise exempted by this Article.

(B) **Purpose and Intent**

(1) The landscaping, tree planting, and buffering requirements of this Article. These regulations are intended to lessen the transmission of noise, dust, and glare between lots, and to protect the water, air, and other natural resources of the city. The use of existing vegetation to meet these requirements is preferred and strongly encouraged.

(2) The purpose of these regulations is to ensure efficient water use by establishing minimum standards for landscape and irrigation design, installation and maintenance, recognizing climate, soils, water resources land use and resource planning of the watersheds, that will aid in improving environmental quality and water use efficiency in the City. Water consumption shall be reduced by utilizing one or more of the following:

- (a) The preservation of existing plant communities;
- (b) The use of site specific plant materials;
- (c) The use of pervious paving materials;
- (d) The use of water efficient irrigation;
- (e) And other applicable Best Management Practices (BMP) as approved by the Land Use Administrator.

(C) **Exemptions**

(1) Sports fields, golf courses, agricultural production, and cemeteries are exempt from the high water use zone standards, Section 12.7, if a water conservation plan has been approved by the City or under the terms of a Consumptive Use Permit (CUP) issued by the St. Johns River Water Management District (SJRWMD).

(2) The R-CE, R-1AAA, R-1AA, R-1A, R-1, and R-2 districts shall be exempt from all buffer yard requirements other than the front yard requirements for special corridors.

Section 12.2 General Landscaping Requirements

(A) **~~Preferred Plant Species List:~~**

~~Table 12.1, Preferred Plant List, may be used to meet the requirements of this Article.~~ (1) The plants listed in the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS) shall be used to meet the requirements of this article. The turf/turfgrass species listed below are also allowed:

<u>Turf/turfgrass Species</u>	<u>Drought Tolerance</u>
<u>Bahia</u>	<u>High</u>
<u>Bermuda</u>	<u>Medium</u>

ARTICLE XII. LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS

Carpet	Low
Centipede	Medium
Seashore Paspalum	Medium
Saint Augustine	Low
Zoysia	Medium

(2) Landscaping for common areas, buffer yards, stormwater management facilities, and vehicular use areas shall use only high and/or medium drought tolerant turf/turfgrass species.

TABLE 12.1: PREFERRED PLANT LIST

Botanical Name	Common Name	Water Zone
NATIVE CANOPY TREES (Mature Size 40' or more in Height)		
<i>Acer rubrum</i>	Red Maple	M, L
<i>Carya floridana</i>	Florida Scrub Hickory	M, L
<i>Carya glabra</i>	Pignut Hickory	M, L
<i>Liquidambar styraciflua</i>	Sweetgum	H, M
<i>Magnolia ssp</i>	Southern Magnolia	M, L
<i>Nyssa aquatica</i>	Tupelo Gum	H
<i>Nyssa sylvatica</i>	Black Gum/Swamp Tupelo	H
<i>Pinus Elliotti var. Elliottii</i>	North Florida Slash Pine	L
<i>Pinus palustris</i>	Longleaf Pine	M, L
<i>Pinus taeda</i>	Loblolly Pine	L
<i>Plantanus occidentalis</i>	Sycamore	H, M, L
<i>Quercus falcate</i>	Southern Red Oak	L
<i>Quercus laurofolia (hemispherica)</i>	Laurel Oak	M, L
<i>Quercus laevis</i>	Turkey Oak	L
<i>Quercus michauxii</i>	Swamp Chestnut Oak	H, M
<i>Quercus nigra</i>	Water Oak	H, M
<i>Quercus shumardii</i>	Shumard Oak	H, M, L
<i>Quercus virginiana</i>	Live Oak	M, L
<i>Taxodium ascendens</i>	Pond Cypress	H
<i>Taxodium distichum</i>	Bald Cypress	H, M
<i>Ulmus alata</i>	Winged Elm	M, L
<i>Ulmus americana var. floridana</i>	Florida Elm	M
NATIVE UNDERSTORY TREES (Mature Size 12' to 35' Height) AND PALMS		
<i>Amelanchier Arborea</i>	Service berry	H, M
<i>Asimina triloba</i>	Paw Paw	H, M
<i>Carpinus caroliniana</i>	American Hornbeam	H
<i>Chionanthus virginicus</i>	Fringetree	M, L
<i>Cornus florida</i>	Flowering Dogwood	M
<i>Crataegus marshalli</i>	Parsley Hawthorn	H, M, L
<i>Crataegus opaca</i>	Mayhaw	H, M
<i>Crataegus viridis</i>	Green Hawthorn	H, M
<i>Diospyros virginiana</i>	Common Persimmon	H, M, L
<i>Fraxinus caroliniana</i>	Carolina Ash	H, M

ARTICLE XII. LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS

<i>Gordonia lasianthus</i>	Loblolly Bay	H
<i>Halesia diptera</i>	Silverbell	M
<i>Ilex cassine</i>	Dahoon Holly	H, M
<i>Ilex deciduas</i>	Decidious Holly	H, M
<i>Ilex opaca</i> (or <i>x attenuata</i>)	American Holly	H, M, L
<i>Ilex vomitoria</i>	Yaupon Holly	H, M, L
<i>Juniperus salicicola</i>	Southern Juniper	L
<i>Juniperus virginiana</i>	Eastern Red Cedar	L
<i>Magnolia virginiana</i>	Sweetbay	H, M
<i>Malus angustifolia</i>	Southern Crabapple	H, M
<i>Myrica cerifera</i>	Wax Myrtle	M, L
<i>Osmanthus americanus</i>	Devilwood	H, M, L
<i>Ostrya virginiana</i>	Eastern Hophornbeam	M
<i>Oxydendron arboreum</i>	Sourwood	M
<i>Persia borbonia</i>	Red Bay	H, M, L
<i>Prunus angustifolia</i>	Chickasaw Plum	M, L
<i>Prunus caroliniana</i>	Cherry Laurel	M
<i>Quercus chapmanii</i>	Chapman Oak	L
<i>Quercus incana</i>	Bluejack Oak	L
<i>Quercus myrtifolia</i>	Myrtle Oak	L
<i>Quercus stellata</i>	Sand Post Oak	L
<i>Rhamnus caroliniana</i>	Buckthorn	M
<i>Sabal palmetto</i>	Sabal Palm/Cabbage Palm	H, M, L
<i>Salix caroliniana</i>	Coastal Plain Willow	H
<i>Sapindus saponaria</i>	Soapberry	M, L
NON-NATIVE UNDERSTORY TREES, PALMS AND CYCADS		
<i>Arecastrum romanzoffianum</i>	Queen Palm	M, L
<i>Butia capitata</i>	Pindo Palm	M, L
<i>Chamaerops humilis</i>	European Fan Palm	M, L
<i>Cupressocyparis leylandii</i>	Leyland Cypress	M
<i>Cupressus sempervirens</i>	Italian Cypress	M, L
<i>Cycas circinalis</i>	Queen Sage	H, M, L
<i>Diosypros khaki</i>	Japanese Persimmon	M, L
<i>Eriobotrya japonica</i>	Loquat	M
<i>Lagerstroemia indica</i>	Grape Myrtle	M, L
<i>Ligustrum japonicum</i>	Waxleaf Privet	M, L
<i>Ligustrum lucidum</i>	Glossy Tree Privet	M, L
<i>Livistonia chinensis</i>	Chinese Fan Palm	M, L
<i>Magnolia soulangeana</i>	Saucer Magnolia	H, M
<i>Magnolia stellata</i>	Star Magnolia	H, M
<i>Parkinsonia aculeate</i>	Jerusalem Thorn	M, L
<i>Phoenix canariensis</i>	Canary Island Date Palm	M, L
<i>Phoenix reclinata</i>	Senegal Date Palm	H, M, L
<i>Photinia x Fraseri</i>	Fraser's Photinia	M

ARTICLE XII. LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS

Prunus campanulata	Taiwan Flowering Cherry	H, M
Pyracantha coccinea	Firethorn Pyracantha Tree	M, L
Pyrus calleryana "Bradfordi"	Bradford Pear	M
Pyrus calleryana "Kawakami"	Kawakami Pear	M
Tabebuia spp.	Trumpet tree	M
Trachycarpus fortunei	Windmill Palm	M, L
Ulmus parvifolia "Drake"	Drake Elm	M, L
Ulmus pumila	Dwarf Siberian Elm	M, L
Washingtonia robusta	Washington Palm	M, L

WATER ZONE KEY:

- H — High water use plant species associated with wetlands or moist soils; requires supplemental irrigation in addition to natural rainfall. This zone includes most manicured turf grass areas.
- M — Moderate water use, drought tolerant plant species that survive on natural rainfall; requires supplemental irrigation during seasonal dry periods to maintain attractive appearance. This zone includes St. Augustine, Bahia, and other turf grass areas.
- L — Low water use drought tolerant plant species; will survive on natural rainfall without supplemental irrigation.

(B) Prohibited Plant Species

Those plant species which are listed in Table 42-2 15.3, Prohibited Plant List, Section 15.2, Tree Protection, Removal and Replacement are prohibited and shall not be used to satisfy the requirements of these landscape regulations.

TABLE 12.2: PROHIBITED PLANT LIST

Melia azedarach	Chinaberry
Casuarina equisetifolia	Australian Pine
Schinus terebinthifolius	Brazilian Pepper Tree
Enterolobium cyclocarpum	Ear Tree
Malaleuca leucadendron	Punk Tree
Sapium sebiferum	Chinese Tallow
Eucalyptus spp.	Monkey Puzzle
Ricinus communis	Castor Bean
Grevillea robusta	Silk Oak
Acacia spp.	Acacia
Colocasia esculenta	Taro
Tetrapanax papyriferus	Rice Paper Plant
Hydrilla verticillata	Hydrilla
Eichhornia spp.	Water Hyacinth
Also prohibited are those plant species prohibited by the Florida Department of Environmental Protection or the Florida Department of Agriculture and Consumer Services.	

(C) Plant Quality

All nursery grown or transplanted plant material shall satisfy the minimum plant quality criteria required to conform to the standards for a Grade Number One (#1) or better as published in “Grades and Standards for Florida Nursery Plants”, Department of Agriculture and Consumer Services, Division of Plant Industry, latest edition.

(D) Trees Planted under Power Lines

Trees planted under a power line shall not exceed a mature height of twenty-five (25) feet.

(E) Water Conserving Landscape

All required landscaping shall consist of water conserving landscape plant material, subject to conformance with Section 12.7, Xeriscape™ Florida-Friendly Landscaping.

Section 12.3 Canopy Trees

(A) For the purposes of this section, large, medium and small trees shall be classified according to the tree classification listed in the latest edition of the Florida-Friendly Plant List in “Florida Yards & Neighborhoods”.

~~(A)~~ **(B) Canopy Large Trees**

~~For the purposes of this Section, a canopy tree is a species of tree that normally grows to a mature height of 40 feet~~

(1) Trunk Caliper: A new ~~canopy~~ large tree must have a minimum trunk caliper measurement of two and one half (2 ½) inches measured at six (6) inches above grade at the time of tree installation.

~~(2) All canopy trees shall possess the natural form and branching characteristics typical to the list of acceptable tree species.~~

(B)(2) Canopy Large Trees Planting/Preservation

The planting and/or preservation of ~~canopy~~ large trees shall be required for all principal land uses according to the following table:

TABLE 12.31: TABLE OF PLANTED/PRESERVED CANOPY LARGE TREES

Principal Land Use	Required <u>Canopy Large</u> Trees
Agriculture	Exempt
Single Family Residential (43,560 sf lot & above)	45 <u>5</u> trees per acre*
Single Family Residential (15,000 sf - 43,560 sf lot)	5 trees per lot
Single Family Residential (7,500 sf - 14,900 sf lot)	3 trees per lot
Multi- <u>Two</u> Family Residential (Duplex)	2 <u>4</u> trees per lot
Multi-Family Residential	15 trees per acre*
Office	15 trees per acre*
Commercial	12 trees per acre*
Industrial	10 trees per acre*

ARTICLE XII. LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS

Principal Land Use	Required Canopy <u>Large</u> Trees
Public/ Institutional	15 trees per acre*

*Net Buildable Acres

~~(C)~~ (3) *Street Trees*

For every fifty (50) linear feet of right-of-way adjacent to a development order parcel, a minimum of one (1) ~~canopy large~~ tree shall be provided by the development order application, within the right-of-way, unless prohibited by the jurisdictional authority or in locations where the presence of underground or overhead public utilities makes the installation of such trees impracticable.

~~(1)~~ **(a)** Existing trees may be counted toward meeting this requirement.

~~(2)~~ **(b)** ~~Drought resistant trees are required unless adequate irrigation is to be provided. Trees shall be classified as having a high drought tolerance according to the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods".~~

~~(3)~~ **(c)** The trees shall generally be evenly spaced, although some variation may be allowed, ~~at the discretion of staff~~ based on topography, soil conditions, drainage features, driveways and other features.

~~(4)~~ **(d)** Street trees shall preferably be located between the roadway and the pedestrian sidewalk or bicycle path and shall be no closer to the roadway than allowed by adopted safety standards.

~~(5)~~ **(e)** Street trees that are planted closer than five (5) feet to a street sidewalk or street curb shall be planted with a root barrier. ~~control method that is approved by the City Engineer.~~

(f) If prohibited by the jurisdictional authority or in locations where the presence of underground or overhead public utilities makes the installation of street trees impracticable, said trees shall be installed on site or the Applicant shall pay a fee into the City's Tree Bank equal to the cost of providing and installing said trees.

~~(D)~~ (4) *Setback from Trees*

No paving may be placed within ten (10) feet of any existing tree retained that is 18" or more DBH, unless approval has been obtained from the City Arborist.

~~(E)~~ (5) *Canopy Large Trees in Buffer Areas:* Required ~~canopy large~~ trees may be provided in landscape buffer areas, interior landscaped parking areas or perimeter parking buffer yards.

~~(F)~~ (6) *Specific Trees Encouraged:* The use of trees known to provide food for birds is encouraged to attract birds and reduce mosquito population.

~~(C)~~ (6) *Medium and Small Trees*

All medium and small trees shall have a minimum trunk caliper measurement of two and one half (2 ½) inches measured at six (6) inches above grade at the time of tree installation, except for multi-stemmed species which shall have a minimum container size of forty-five (45) gallons.

Section 12.4 Buffer Yards

Landscaped buffer yards shall be required to provide visual relief from building mass and paved areas; to separate different land uses; eliminate or minimize potential nuisances such as dirt, litter, noise, and glare; reduce adverse impacts of noise, odor, or danger from fires; and to assist in reducing air pollution hazards.

TABLE 12.42: TABLE OF PROPOSED BUFFER YARDS

Principal Land Use (Accessory Use)	Local Street	Collector Street	Commercial Street	Arterial Street	MitchellHammock Corridor	Division St.-Oviedo Blv. Corridor	Railroad-Trail	SF Residential	MF Residential	Mobile Home	Office	Commercial	Industrial	Public/Institutional
SF Residential	(1)	(1)	(1)	(1)	C1	<u>BA1</u>	B	(1)	(1)	(1)	(1)	(1)	(1)	<u>(1)</u>
MF Residential	A1	A1	A1	A2	C1	<u>BA1</u>	B	B	A1	A1	A1	A1	A1	<u>A1</u>
MF Residential (Vehicular Use Areas)	A2	A2	A2	A2	C2	<u>BA1</u>	B	B	A2	A2	A2	A2	A2	<u>A2</u>
MF Residential (Service/Loading Areas)	A2	A2	A2	A2	C2	<u>BA1</u>	B	B	A2	A2	A2	A2	A2	<u>A2</u>
Mobil Homes	A1	A1	A1	A1	C1	<u>BA1</u>	B	B	B	B	B	A1	A1	<u>A1</u>
Mobil Home Service / Loading Areas	A2	A2	A2	A2	C2	<u>BA1</u>	B	B	B	B	B	A2	A2	<u>A2</u>
Office	A1	A1	A1	A1	C1	<u>BA1</u>	B	C1	A1	A1	A1	A1	A1	<u>A1</u>
Office Vehicular Use Areas	A2	A2	A2	A2	C2	<u>BA1</u>	B	C2	A2	A2	A2	A2	A2	<u>A2</u>
Office Service / Loading Areas	A2	A2	A2	A2	C2	<u>BA1</u>	B	C2	A2	A2	A2	A2	A2	<u>A2</u>
Commercial	A1	A1	A1	A1	C1	<u>BA1</u>	B	C2	C2	A1	A1	A1	A1	<u>A1</u>
Commercial (Vehicular Use Areas)	A2	A2	A2	A2	C2	<u>BA1</u>	B	C2	C2	A2	A2	A2	A2	<u>A2</u>
Commercial (Service/Loading Areas)	A2	A2	A2	A2	C2	<u>BA1</u>	B	C2	C2	A2	A2	A2	A2	<u>A2</u>
Industrial – Light	A2	A2	A2	A2	C2	<u>BA1</u>	B	C2	C2	B	A2	A2	A2	<u>A2</u>
Industrial – Heavy	A2	A2	A2	A2	C2	<u>BA1</u>	B	C2	C2	C2	A2	A2	A2	<u>A2</u>
<u>Public/Institutional</u>	<u>A1</u>	<u>A1</u>	<u>A1</u>	<u>A1</u>	<u>C1</u>	<u>A1</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>B</u>	<u>A1</u>	<u>A1</u>	<u>A1</u>	<u>A1</u>

Foot Notes: 1.The symbol (1) indicates exemption

ARTICLE XII. LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS

- (A) Buffer yards shall be located at the perimeter of the land use and shall not be located in any portion of a public or private right-of-way, unless provided for in a recorded landscape easement.
- (B) Buffer yards shall be provided for each proposed use, according to Table 12.42 - Table of Proposed Buffer Yards.
- (C) **Exemptions:**
The R-CE, R-1AAA, R-1AA, R-1A, R-1, and R-2 districts shall be exempt from all buffer yard requirements other than the front yard requirements for special corridors. Buffer yards shall not be required adjacent to property lines for which the property zoning district designates a zero (0) foot building setback.
- (D) **Buffer Yard Composition**
 Buffer yards may be composed of a brick wall, a fence, landscaped earth berm, planted vegetation, and/or existing vegetation. They may contain joint access driveways, joint parking lots, sidewalks (perpendicular to the buffer yard for access to streets or adjacent properties), and pedestrian or bike trails as approved by the Land Use Administrator. A six (6) foot high decorative brick wall consistent with the surrounding neighborhood and subject to the government body's approval shall be required between commercial and residential zoning districts. Chain link fences shall have a vinyl coating.
- (E) **Buffer Yard Descriptions**
 The minimum criteria for those buffer yards identified in Table 12.4 2 are described in Table 12.53, Table of Buffer Yard Descriptions.

TABLE 12.5 3: TABLE OF BUFFER YARD DESCRIPTIONS

Type	Description
A1	Minimum width of 10 feet. Minimum placement of canopy <u>large</u> trees at a rate of 3 trees per 100 linear feet of buffer yard length.
A2	Minimum width of 10 feet. Minimum placement of canopy <u>large</u> trees at a rate of 3 trees per 100 linear feet of buffer yard length. Minimum placement of understory <u>medium and/or small</u> trees at a rate of 3 trees per 100 linear feet of buffer yard length.
B	Minimum width of 15 feet. Minimum placement of canopy <u>large</u> trees at a rate of 3 trees per 100 linear feet of buffer yard length. Minimum placement of understory <u>medium and/or small</u> trees at a rate of 3 trees per 100 linear feet of buffer yard length.
C1	Minimum width of 20 feet. Minimum placement of canopy <u>large</u> trees at a rate of 5 <u>3</u> trees per 100 linear feet of buffer yard length. Minimum placement of understory <u>medium and/or small</u> trees at a rate of 3 <u>5</u> trees per 100 linear feet of buffer yard length.
C2	Minimum width of 30 feet. Minimum placement of canopy <u>large</u> trees at a rate of 5 <u>3</u> trees per 100 linear feet of buffer yard length. Minimum placement of understory <u>medium and/or small</u> trees at a rate of 3 <u>5</u> trees per 100 linear feet of buffer yard length.

Note: For the purposes of this Table, the mature height of small trees shall reach a minimum of fifteen (15 feet) according to the growth height specification for small tree classification in the latest edition of the Florida-Friendly Plant List in “Florida Yards & Neighborhoods”.

(F) *Buffer Yards Included in Setback Requirements*

Buffer yards may be counted toward satisfying zoning district ~~yard~~ building setbacks, open space requirements and may be used for passive recreation. ~~They may contain pedestrian or bike trails as approved by the Land Use Administrator.~~ In no event, however, shall the following uses be permitted in buffer yards: play fields, stables, swimming pools, tennis courts, parking lots (except as provided for in Subsection D, above), equipment storage and other open storage, buildings, or overhangs. A maximum of 25% of the required buffer yard may be used for storm water retention/detention facilities, as long as the required description criteria are maintained.

Section 12.5 Principal and Accessory Use Areas Landscaping

(A) *Vehicular Use Area Landscaping*

Vehicular use areas, interior to the required land use buffer yards, shall be landscaped according to the following minimum criteria:

(1) *Landscaped Surface Area*

All vehicular use areas shall provide and maintain an area within the vehicular land use area measuring no less than 10% of the entire vehicular use ground surface area.

(2) *Landscaped Surface Types*

Landscaped Island Areas and/or Landscaped Divider Strips between parking rows shall be used to meet these requirements.

~~(2)~~(a) *Landscaped Island Areas*

Landscape islands shall be provided and maintained after every 10 parking spaces and as terminal ends to all parking rows. The minimum dimension of any landscaped island area shall be eight (8) feet in width as measured from the back side of any protective curbing, and shall be equal in length to the adjacent parking space. Each landscaped island area shall contain at least one ~~canopy~~ large tree. All other landscaped areas within the vehicle accommodation area shall be subject to the requirements of Section 12.2, General Landscaping Requirements.

(b) *Landscaped Divider Strips*

The minimum width of a landscaped strip shall be five (5) feet. If it includes a lengthwise walkway, its width shall be a minimum of nine (9) feet. Each landscape strip shall include large trees planted with a maximum spacing of not more than thirty-five feet on-center (35' o.c.). Each landscape strip shall include low water use plant material as identified in the latest edition of the Florida-Friendly Plant List in “Florida Yards & Neighborhoods”. When landscaped strips extend for more than ten (10) parking spaces, such landscaped strips shall be provided with a crosswise walkway to facilitate pedestrian movement.

(B) *Reserved*

Section 12.6 Maintenance

The maintenance of all buffer yards, trees, plantings, and landscape related improvements shall be the responsibility of the property owner or property owners' association, as applicable. Failure to maintain such plantings and related improvements in an attractive and healthy state shall be considered a violation of this code. Required buffer yard and shade ~~canopy~~ large trees must be maintained to facilitate their natural growth characteristics and form, and may be pruned only for the purpose of maintaining vigorous, healthy growth or to provide for the health, safety and welfare of the public. All required landscaping must be maintained to promote vigorous and healthy growth.

Section 12.7 Xeriscape™ Florida-Friendly Landscape

(A) Purpose

Xeriscape™ Florida-Friendly Landscape is a set of landscape design and maintenance principles which promote good horticultural practice and the economic and efficient use of water. The term Xeriscape™ is the registered trademark of the National Xeriscape Council and means water conserving, drought tolerant landscaping or simply the use of appropriate plant materials that do not require special attention and which require little supplemental water to grow properly. Xeriscape™ designs do not resemble desert landscapes, but reflect the lush traditional appearance of Florida gardens. Because water restrictions have become a common occurrence in Central Florida, the City is incorporating water conserving landscape standards into this Section.

(B) ~~Xeriscape™~~ Design

~~One- and two-family residential building sites are exempt from Xeriscape™ design requirements, although are encouraged to comply. For the common areas of Planned Unit Developments and for all other developments, the Xeriscape™ principles shall be implemented through the following standards:~~

~~(1) Design:~~

~~Site development plans shall be designed to retain and incorporate into the plan as many existing trees as possible. Building and parking lot locations, sizes, and shapes will be altered as feasible in order to preserve existing trees. Installed trees and plant materials shall be grouped together with plants of the same water use needs into zones. The water use zones shall correlate to the water use zone designations of plants listed in the Approved Plant List. Plant species may be grouped with other plants of the same water use zone or with plants of a higher water use zone. The water use zones shall be shown on the Landscape Plan. All newly installed plants require regular, moderately applied watering for the first year to become established. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The Water Use Zones are as follows: Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. The water use zones shall be shown on the irrigation, layout, and planting plans. Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use zone.~~

(1) Water Use Zones

Installed trees and plant materials shall be grouped together with plants of the same water use needs and climatic requirements into zones. Low water use plants may be placed in medium and high water use zones. Medium water use plants may be placed in high water use zones. High water use plants shall not be used in low or medium water use zones. Medium water use plants shall not be used in low water use zones. The water use zones shall correlate to the water use zone designations of plants listed in the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" as described below. The water use zones shall be graphically shown and their areas quantified in square feet or acres and relative percentages on the Landscape Plan. Installed trees and vegetation shall be spaced and located to accommodate their mature size on the site. The Water Use Zones are as follows:

(a) Low Water Use Zone (L)

Plants which survive on natural rainfall without supplemental water. Low Water Use Zones shall comprise a minimum of forty percent (40%) of the total landscaped area.

(b) Moderate Medium Water Use Zone (M)

Plants which survive on natural rainfall with supplemental water during seasonal dry periods. This zone includes St. Augustine, Bahia, and other turfgrass areas. Medium Water Use Zones shall comprise a maximum of thirty percent (30%) of the total landscaped area.

(c) High Water Use Zone (H)

Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes turfgrass areas. High Water Use Zones shall comprise a maximum of thirty percent (30%) of the total landscaped area. All portions of high water use zones shall be provided with central automatic irrigation systems.

(d) The low water use zone shall comprise at least 20 percent of the landscaped area. Low and moderate medium water use zones shall comprise at least 60 seventy percent (70%) of the landscaped area. If the High Water Use Zone area comprises less than thirty percent (30%) of the landscaped area, the Applicant can increase the Medium Water Use Zone area to an amount equal to or less than the amount of the Low Water Use Zone area.

(2) Plant Selection

Plant material shall be selected that is best suited to withstand the physical growing and soil conditions which are found in the microclimate of each particular location on a site. Plant species that are freeze and drought tolerant are preferred. Plants required to be installed by this Section may be selected from the Preferred Plant List. Plant selection shall be based on the plant's adaptability to the existing conditions present at the landscaped area and native plant communities, particularly considering appropriate hardiness zone, soil type and moisture conditions, light, mature plant size, desired effect, color and texture.

(3) Removal of Prohibited Plant Species

All prohibited plant species shall be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to Table 15.3.

ARTICLE XII. LANDSCAPING, TREE PLANTING AND BUFFER REQUIREMENTS

Prohibited Plant List, Section 15.2, Tree Protection, Removal, and Replacement.

~~(3)~~ **(4) Turf/Turfgrass**

~~Turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales, where turfgrass is used as a design unifier, or other similar practical use. The Landscape Plan shall label the use of turf areas. The type and location of turf/turfgrass areas shall be selected in the same manner as with all the other plantings. Irrigated turf/turfgrass areas are considered to be high water use zones. Irrigated turf/turfgrass areas shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf/turfgrass areas shall be identified on the landscape plans.~~

~~(4)~~ **(5) Mulch**

~~A layer of organic mulch to a minimum depth of 2 inches shall be specified on the landscape plans in plant beds and around individual trees in turfgrass areas. Mulch shall not be required in annual beds. A layer of mulch to a minimum depth of three (3) inches shall be required in plant beds. Organic mulches are preferred. Gravel, river rock, shell and similar materials may be used as landscape mulch. Mulch rings shall extend to at least three (3) feet around freestanding trees and shrubs. Mulches shall be kept at least twelve (12) inches away from any portion of a building or structure and six (6) inches away from stems of plants or trunks of trees. Plastic sheeting and other impervious materials shall not be used under mulched areas.~~

~~(5)~~ **(6) Irrigation**

~~The irrigation system shall be designed to correlate to the organization of plants into zones as described above according to the specifications described in Article XVI, Section 16.4, Landscape Irrigation Facilities. Re-use water shall be used when available. The water use zones shall be shown on the Irrigation Plan, when required by this Section. Irrigation shall be required as follows:~~

~~(a) Low Water Use Zone~~

~~All portions of low water use zones shall be provided with a readily available water supply within 50 feet.~~

~~(b) Moderate Water Use Zone~~

~~All portions of moderate water use zones shall be provide with a readily available water supply within 25 feet.~~

~~(d) High Water Use Zone~~

~~All portions of high water use zones shall be provided with central automatic irrigation systems.~~

~~**(C)** Retained trees, shrubs and native plant communities shall not be required to be irrigated, unless directed to do so by the Land Use Administrator, as part of a development or zoning use permit. Turfgrass areas shall be irrigated on separate irrigation zones from tree, shrub and groundcover beds. Reclaimed or non-potable water shall be used for irrigation if a source is determined to be available by the City Engineer. Moisture sensor and/or rain-gauge equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient rainfall. The use of low volume, emitter, or target irrigation is preferred for trees, shrubs and groundcovers. No significant irrigation overthrow shall be allowed onto impervious surfaces.~~

Section 12.8 Lake Edge Landscaping

(A) *Planting along Water Bodies Required*

Development sites abutting surface water bodies or wetlands shall be planted with appropriate aquatic plantings, as shown in the Preferred Aquatic Plant List, along at least seventy-five (75) percent of the littoral zone or as required by the City Engineer or by the Florida Department of Environmental Protection. Lake edge landscaping shall not include wet detention areas unless determined as such by the City.

(B) *Preferred Aquatic Plant List:*

Lake edge landscape species selection shall be from Table 12.6 ~~4~~ Preferred Aquatic Plant List below or as approved by the City.

TABLE 12.6~~4~~: PREFERRED AQUATIC PLANT LIST

UPPER LITTORAL ZONE (6" above or below the normal water level)
Bald Cypress - Taxodium disticum (large native tree)
Blue Flag Iris - Iris hexagona (native perennial)
Giant Bulrush - Scirpus californicus (tall exotic sedge from the American West)
Golden Canna - Canna flaccida (native plant)
Soft Rush - Juncus effusus (native plant)
MIDDLE LITTORAL ZONE (from 1' to 3' below normal water level)
Arrowhead - Sagittaria lancifolia (native plant)
Pond Cypress - Taxodium ascendens (large native tree)
Pickerel Weed - Pontederia cordata (native perennial plant)
LOWER LITTORAL ZONE (from 3' to 5' below normal water level)
Fragrant White Water Lily - Nymphaea odorata (native water lily)

Other aquatic plants may be used from the List of Aquatic Plants Found in Florida, as prepared by the Florida Department of Environmental Protection, Bureau of Aquatic Plant Management.

(C) *Wetlands*

Wetlands preserved in their natural state shall not be required to install additional lake edge landscaping.

EXHIBIT B

ARTICLE XV ENVIRONMENTAL PRESERVATION

- Sec. 16.1. Vegetation and Soil Protection.
- Sec. 16.2. Tree Protection, Removal, and Replacement.
- Sec. 16.3. Species of Special Concern, Threatened or Endangered.
- Sec. 16.4. Wetlands Protection.
- Sec. 16.5. Setbacks from Waterbodies.
- Sec. 16.6. Wellfield Protection.
- Sec. 16.7. Econlockhatchee River Protection Overlay Standards Classification.
- Sec. 16.8. Conservation and Buffer Easements; Tracts and Zones.
- Sec. 16.9. Borrow Pit, Mining and Excavation.

Exhibit A—Map

Exhibit B—Natural Area Land Cover Classification

Exhibit C—Selected Native Plants Recommended for Landscaping in Central Florida

Exhibit D—Wet Detention Systems

Exhibit E—Econlockhatchee River Basin Study

Exhibit F—Econlockhatchee River Task Force Recommendations

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Section 15.1 Vegetation and Soil Protection

(A) Purpose and Intent

The purpose of this section is to prohibit the destruction of natural vegetation and the changing of natural grades and drainage problems until a development order or development permit has been approved. Additionally, this section provides for protective measures for both vegetation and soils to be implemented prior to construction. Additional protection is provided for in other sections of this article and of this LDC, including but not limited to, Section 15.4, Section 15.5, and Section 15.8, and Section 12.3.

(B) Required Vegetation Preservation

The following preservation measures shall be implemented on all construction sites as applicable:

(1) Clearing Procedure.

The applicant shall be responsible for insuring that all possible measures are taken during the clearing process to avoid damage to trees and vegetation designated to remain after construction. This shall include use of hand labor rather than large machinery where necessary to protect trees to be preserved. All felled material shall be promptly and carefully removed from the site in order to avoid potential damage to remaining trees and vegetation and the harboring of insects, snakes, and rodents.

(2) Protective Barricades

Protective barricades shall be constructed (prior to clearing) around all trees and vegetation designated to remain. These barricades shall be located at the dripline of the trees or vegetation and shall be approximately three (3) to four (4) feet in height. Where this cannot reasonably be accomplished, the applicant will locate the barricade as close to one (1) foot away from the tree trunk for every diameter at breast height (DBH) inch as is practical or reasonable, when approved by the Land Use Administrator or City Arborist. The barricade should be rigid and sturdy enough to survive the construction period, however, any suitable new or scrap material may be used in its construction. (With approval of the Land Use Administrator or City Arborist, large wooded areas may be tagged or similarly designated instead of barricaded.)

- (a)** Absolutely no fill, building materials, trash or other objects shall be placed inside these barriers. If fill is deposited adjacent to these areas, a suitable temporary or permanent retaining structure shall be constructed to prevent siltation of the barricaded area.
- (b)** Barricades are to be adequately maintained and shall remain in place until their removal or modification is approved in writing. Failure of the applicant to properly locate and/or maintain the barricade may result in the issuance of a Class I or Class II Citation (depending on the magnitude of the violation). Issuance of a stop work notice ("red tag") and the requirement that the applicant provide a restoration plan to the Land Use Administrator (or some combination of these, as determined appropriate by the Land Use Administrator).

(3) Use of Alternate Surfaces in Traffic Areas

Where traffic areas are proposed at or near natural grade, alternate pervious surfaces such as "turf block" may be used in conjunction with stone or gravel. Specific details may be approved by the development order or permit issuing authority.

(4) Excavations.

Swaling and minor negative grade changes should always be designed around the dripline area as much as possible. Any exposed roots shall be trimmed. Piping should be used where deep swales or ditches would require significant grade adjacent to trees.

(5) Trenching of any type should be avoided in the dripline area.

Where underground installations are required adjacent to the trunks of specimen trees, tunneling should be used. When trenching or tunneling near trees to remain, protective measures should be taken as specified in the Tree Protection Manual for Builders and Developers.

(C) Required Soil Conservation

The following soil conservation measures shall be taken on all construction sites as required:

(1) During Construction.

The contractor shall follow standard practices or details specifically included in his environmental permit to prevent erosion and the depositing of soils off the construction site. These practices shall include the protection of bare soils from wind forces and stormwater.

(2) After Construction.

All disturbed areas shall be mulched, seeded, or sodded to restore the original vegetation as required by the permit-issuing authority, and shall be maintained as such. The removal or lack of maintenance of vegetation resulting in on-site and/or off-site erosion (sedimentation or siltation or both) or wind-blown loss of soils shall be deemed a violation of this section.

(D) Disposal of Debris

(1) The burying of rubbish, logs, lumber, building materials, underbrush, trash or other matter which would decompose or allow the land to thereafter settle is hereby determined to be a change or modification of the grade of land for which no permit shall be issued except upon certification to the Land Use Administrator that the same is necessary or desirable in the public interest.

(2) Every effort shall be made by developers, builders, and contractors to minimize the amount of construction and demolition debris disposed of at the county's landfill. When properly permitted and operated, landfills specializing in construction and demolition debris should be used, as should proper burning of certain types of trash. Mulching and composting should also be utilized whenever feasible. Recycling of certain aluminum, plastic, glass and paper trash from construction activities should also be utilized when available.

Section 15.2 Tree Protection, Removal, and Replacement

(A) Purpose and Intent

(1) Purpose.

The purpose of this section is to establish protective regulations for trees within the City of Oviedo in order to maintain and protect the urban forest, control flooding problems, reduce soil erosion, and reduce air and noise pollution.

(2) Intent.

The intent of this section is to encourage the protection of the maximum number of trees within the City Of Oviedo. It is further the intent of this section to encourage the protection of trees native to Central Florida and the proper removal of exotic and invasive trees.

(B) Tree Removal

(1) Permit Required.

No person shall engage in tree removal without first obtaining a clearing, grading, and tree removal permit. The clearing, grading and tree removal permit, when issued, shall specifically identify which trees shall be permitted to be removed. The removal permit authorizes the removal of the trees specified therein. Nothing in this section shall be construed to require the removal of such trees by the permittee.

(2) A clearing, grading, and tree removal permit may be issued for tree removal under any of the following conditions:

- (a)** Trees located on building and construction sites as shown on City approved plans, provided said trees are replaced elsewhere on the property in accordance with Subsection (E), tree replacement.
- (b)** Trees located within ten (10) feet of a structure or other improvement, provided said trees are replaced elsewhere on the property in accordance with Subsection (E), tree replacement.
- (c)** Trees severely diseased, severely injured or dead.
- (d)** Trees that interfere with the construction or repair of public infrastructure and facilities.
- (e)** Undesirable trees per Article ~~XIII~~ XII Landscaping, Tree Planting, and Buffer Requirements.
- (f)** Trees removed by the city or other governmental agency and which are located within a public road, drainage right-of-way, or permanent utilities and drainage easements.
- (g)** Trees approved by the City Arborist provided said trees are replaced elsewhere on the property in accordance with Subsection (E), tree replacement.

(3) When making a determination on whether a tree meets one (1) of the conditions set forth in Subsection (B), tree removal, and therefore, whether to approve or deny an application for clearing, grading, and tree removal permit under this section, the Land Use Administrator or City Arborist shall apply one (1) or more of the following standards of review as deemed relevant:

- (a) Necessity to remove trees which pose a clear and obvious safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public services or a significant obstacle to accessing and utilizing public easements and rights-of-way.
- b) Necessity to remove trees which pose a clear and obvious safety hazard to buildings and other improvements on a lot or parcel of land. Ordinary small cracks or uplifts in pavement, sidewalks, and non-occupied structures that are typically caused by settling and small roots shall not be considered a safety hazard.
- (c) Necessity to remove diseased trees or trees weakened by age, storm, fire, or other injury or trees with severe structural defects that pose a clear and obvious safety hazard to people, buildings, or other improvements on a lot or parcel of land.
- (d) The extent to which tree removal is likely to result in damage to the property of other owners, public or private, including damage to lakes, ponds, streams, or rivers through runoff or erosion.
- (e) Any proposed landscaping including plans whereby the applicant has planted or will plant trees to replace those that are proposed to be cleared.
- (f) Topography of the land and the effect of tree removal on erosion, soil retention and the diversion or increased flow of surface water.
- (g) Good forestry practices, such as the number of healthy trees that a given parcel of land will reasonably support and the proven techniques that sustain healthy trees.
- (h) Necessity to remove trees in order to construct approved and permitted improvements to allow economic enjoyment of the property, including:
 - (i) Need for access around the proposed structure for construction equipment (maximum of ten (10) feet).
 - (ii) Need for access to the building site for construction equipment.
 - (iii) Essential grade changes.
 - (iv) Need for locating street or road rights-of-way, utilities, drainage ways, as well as the need to provide reasonable use and property access.
- (i) The extent of any damage or demonstrated hardship which would result to the Applicant from a denial of the requested permit.
- (j) The species and size of the trees proposed for removal.
- (k) The following factors shall also be considered:
 - (i) Trees forming the current canopy.
 - (ii) Preservation of the next generation of trees.

(4) Contractor License Required for Contractor Obtaining Permits.

Any person or entity engaged in the business of tree removal or pruning shall be licensed by the City on an annual basis. Licenses may be obtained from the City by completing an application and paying the required license fee. The license application shall contain at a minimum the name, address, and telephone number of the contractor and a copy of the contractor's occupational license and proof of liability and workers' compensation insurance. It shall be unlawful for any person or entity to engage in the business of tree removal or pruning within the City of Oviedo without a license. It shall also be unlawful for any such person or entity to fail to obtain a permit on behalf of a property owner.

(5) Minimum Tree Requirement.

The issuance of a clearing, grading, and tree removal permit does not relieve the permittee from minimum requirements of Article ~~XIII~~ XII, Landscaping, Tree Planting, and Buffer Requirements, Section 12.3, ~~Canopy~~ Trees, Subsection (B), ~~canopy~~ large

trees planting/preservation, Table ~~13.3~~ 12.1 Table of Planted/Preserved Canopy Large Trees.

(6) Champion Trees.

Notwithstanding any other provision of the section, champion trees shall not be removed except for extraordinary circumstances and hardships. Removal of champion trees shall require City Council approval.

(7) Restrictions on Tree Removal after Permit Expiration.

Trees not removed during the life of the permit may not be removed without the issuance of a new permit based upon a new application.

(C) Tree Pruning Standards

(1) Standards.

Trees intended for shade purposes shall be allowed to reach mature canopy spread and shall be pruned in accordance with the ANSI A 300 Part 1 Pruning standard and ANSI Z133.1 Safety standard. Pruning should be performed with defined pruning objectives and according to a specific pruning plan to accomplish the objective including the minimum and/or maximum branch size to be removed.

(2) Unlawful Pruning.

The pruning techniques described in Subsection (F), prohibitions, shall be deemed unlawful.

(D) Tree Designation

(1) Certain trees, herein referred to as "heritage" or "champion" trees, are of especially great concern to the public because of ecological value, of indigenous character, size, age or historic association.

(2) Champion Trees.

Determination that a tree is a champion tree shall be made by the City Council after a recommendation of the City Tree Board. The City Arborist shall keep a permanent record of all trees so designated by the City Council. The City Council may grant tree replacement credits, upon granting a champion tree designation. Designation of a tree as a champion tree may occur in any one (1) of the following ways:

- (a)** An applicant may request designation of a champion tree as part of any master plan, preliminary subdivision plat, or site plan application. To do so, the applicant shall submit an expert evaluation by a landscape architect, horticulturalist, certified arborist, or other horticultural expert as part of the application.
- (b)** A property owner may request such designation at any time. To do so, the property owner shall submit an expert evaluation by a landscape architect, horticulturalist, certified arborist or other horticultural expert.
- (c)** The City's Arborist may recommend such designation as part of the review of any application for development, stating in writing the reasons for such designation, or may make such designation as part of an overall tree protection planning program for the City or portion thereof.

(3) Heritage Trees.

Heritage trees are all trees (other than "undesirable trees" identified in Article ~~XIII~~ XII, Landscaping, Tree Planting, and Buffer Requirements, dead trees, or diseased trees) which are have a DBH of thirty (30) or more inches.

(E) Tree Replacement

- (1) All trees that are removed or destroyed and subject to replacement by this section shall be replaced by a species of tree listed in ~~Article XIII, Landscaping, Tree Planting, and Buffer Requirements, Table 13.1, Preferred Plant List, the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS)~~ or such other trees properly approved by the City Arborist, in accordance with the replacement tree schedule provided in Table 15.1, Tree Replacement Schedule, except that the required number of replacement trees shall not exceed two (2) times the number of ~~canopy large~~ trees required in accordance with Article ~~XIII~~ XII, Landscaping, Tree Planting, and Buffer Requirements, ~~Table 12.3-12.1, Table of Planted/Preserved Canopy Large Trees.~~ Replacement shall occur prior to the issuance of a certificate of occupancy (if approval is pending) or occur within thirty (30) days of removal or destruction, whichever date is earlier, unless a greater replacement period is provided for good cause within a clearing, grading, and tree removal permit.

TABLE 15.1: TREE REPLACEMENT SCHEDULE

DBH - Removed Tree	Number of Replacement Trees
8" up to but not including 12"	1 tree
12" up to but not including 18"	2 trees
18" up to but not including 24"	3 trees
24" up to but not including 30"	4 trees
Heritage and Champion Trees	inch for diameter inch removed

(2) Criteria for Replacement Trees.

(a) Characteristics of Replacement Trees.

The replacement tree(s) shall have at least equal shade potential, screening properties, and/or other characteristics comparable to that of the tree(s) requested to be removed.

(b) Size of Replacement Trees.

Replacement tree(s) are to be a minimum of two and one-half (2½) inches caliper. Replacement tree(s) that are a minimum of four (4) inches caliper shall be counted as two (2) replacement trees and replacement trees that are a minimum of six (6) inches caliper shall be counted as three (3) replacement trees.

(c) Tree Species.

Relocated or replacement trees shall include only species listed in ~~Article XIII~~ XII, Landscaping, Tree Planting, and Buffer Requirements, ~~Table 13.1, Plant List, the latest edition of the Florida-Friendly Plant List in "Florida Yards & Neighborhoods" edited by the University of Florida, Institute of Food and Agricultural Sciences (UF/IFAS)~~ or as approved by the City Arborist.

(d) *Transplanting and Maintenance Requirements.*

All trees transplanted pursuant to this subsection shall be maintained in a healthy, living condition. Any such trees which die shall be replaced and maintained by the property owner. The City shall retain jurisdiction for one (1) year to ensure compliance with this subsection.

(3) *Tree Replacement Guidelines.*

- (a) All Plant material specified shall be Florida Grades and Standard One (1) or better.
- (b) If the City Arborist determines, due to site conditions or configuration, it is impossible or impracticable for the applicant to meet the requirements for tree replacement under this subsection, the applicant may be allowed to pay fees into the City's Tree Bank per Subdivision (5), City Tree Bank.
- (c) For new development, tree replacement credit shall be allowed for the preservation of existing desirable trees on the development site, excluding wetland and other conservation areas, as follows:

TABLE 15.2: REPLACEMENT TREE CREDITS

BH of Preserved Trees	Replacement Tree Credits
8" up to but not including 12"	1 tree
12" up to but not including 18"	2 trees
18" up to but not including 24"	3 trees
24" up to but not including 30"	4 trees
Heritage and Champion Trees	inch for diameter inch preserved

- (d) Diversity of species shall be required for replacement trees and not more than fifty (50) percent of the replacement trees shall be of a single species.
- (e) ***Replacement Cost.***
The Applicant shall be responsible for the cost of replacing the trees removed from their property.

(4) *Elimination of Undesirable Trees and Shrubs.*

The natural vegetative communities existing within the City shall be protected by the control and elimination of invasive, nonnative species. To that end, the following guidelines shall apply:

- (a) Planting of Trees or any other plant species listed in Article XIII XII, Landscaping, Tree Planting, and Buffer Requirements, Table 13.2, Prohibited Plant List Table 15.3, Prohibited Plant List below is prohibited. Plant species which are prohibited from time to time by the Florida Department of Environmental Protection (FDEP) and the Florida Department of Agriculture and Consumer Services (FDACS) are also prohibited.
- (b) Removal of Trees listed in ~~Article XIII, Landscaping, Tree Planting, and Buffer Requirements, Table 13.2, 15.3~~ Prohibited Plant List, from commercial, office, industrial, or multifamily sites (excluding jurisdictional wetlands) shall be completed, whenever practicable, as a requirement for approval of any development order or permit issued by the City or the issuance of a certificate of occupancy, if applicable.
- (c) Control and elimination procedures shall in no way promote the proliferation of the species through the dispersal of seed or other vegetative reproducing parts.

- d) Control and elimination procedures shall in no way harm or cause the decline of preserved or planted trees and landscaping.

TABLE 15.3: PROHIBITED PLANT LIST

<u>BOTANICAL NAME</u>	<u>COMMON NAME</u>	<u>LISTING</u>
<u>Acacia auriculiformis</u>	<u>Ear Leaf Acacia</u>	
<u>Albizia julibrissin</u>	<u>Mimosa</u>	
<u>Albizia lebeck</u>	<u>Woman's Tongue</u>	
<u>Casuarina spp.</u>	<u>Australian Pine Suckering Australian Pine</u>	<u>P</u>
<u>Colocasia esculenta</u>	<u>Wild Taro</u>	
<u>Cupanoipsis anacardioides</u>	<u>Carrot Wood</u>	<u>N</u>
<u>Dioscorea spp.</u>	<u>Winged Yam, Air Potatoe</u>	<u>N</u>
<u>Eichhornia spp.</u>	<u>Water Hyacinth</u>	<u>P</u>
<u>Enterolobium cyclocarpum</u>	<u>Ear Tree</u>	
<u>Grevillea robusta</u>	<u>Silk Oak</u>	
<u>Hydrilla verticillata</u>	<u>Hydrilla</u>	<u>P,U</u>
<u>Hygrophila polysperma</u>	<u>Green Hygro</u>	<u>P,U</u>
<u>Imperata cylindrical</u>	<u>Coqon Grass</u>	<u>N,U</u>
<u>Ipomea aquatica</u>	<u>Water Spinach</u>	<u>P,U</u>
<u>Lygodium spp.</u>	<u>Japanese Climbing Fern</u>	
<u>Old World</u>	<u>Climbing Fern</u>	<u>N</u>
<u>Malaleuca leucadendron</u>	<u>Punk Tree</u>	<u>P,N,U</u>
<u>Melia azedarach</u>	<u>Chinaberry</u>	
<u>Nephrolepis spp</u>	<u>Sword Fern & Asian Sword Fern</u>	
<u>Paederia spp.</u>	<u>Onion Vine & Skunk Vine</u>	<u>N</u>
<u>Pistia stratiodes</u>	<u>Water Lettuce</u>	<u>P</u>
<u>Pueraria Montana</u>	<u>Kudzu Vine</u>	<u>N,U</u>
<u>Ricinus communis</u>	<u>Castor Bean</u>	
<u>Sapium sebiferum</u>	<u>Chinese Tallow, Popcorn Tree</u>	<u>N</u>
<u>Schinus terebinthifolius</u>	<u>Brazilian Pepper</u>	<u>P,N</u>
<u>Solanum spp.</u>	<u>Soda Apple</u>	<u>N,U</u>
<u>Syngonium podophyllum</u>	<u>Arrowhead Vine</u>	
<u>Tetrapanax papyriferus</u>	<u>Rice Paper Plant</u>	
<u>Thespesia populnea</u>	<u>Sea Side Mahoe</u>	

* P = Prohibited by FL Dept of Environmental Protection; N = Noxious weed listed by FL Dept of Agriculture & Consumer Services; U = Noxious weed listed by US Department of Agriculture.

(5) City Tree Bank.

A City Tree Bank is hereby established. If the City Arborist determines, due to site conditions or configuration, it is impossible or impracticable for the applicant to meet the requirements for tree replacement under this subsection, the applicant may be allowed to pay fees into the City's Tree Bank. Monies collected in the tree bank shall be used exclusively for planting of trees on public lands. The value amount to be paid into the tree bank shall be ~~set forth by City Council Resolution. A contribution to the tree bank may be reduced by the City Council on a case by case basis~~ determined by the City Arborist.

(F) Prohibitions

(1) Placement of Materials, Machinery, or Temporary Soil Deposits.

It shall be unlawful to place material, machinery, or temporary soil deposits within the tree protection zone before or during construction. Before or during construction the builder shall erect and maintain suitable protective barriers around all trees to be preserved. Upon written request, the City Arborist, on a case by case basis, may allow material or temporary soil deposits to be stored within the protective barrier if no other storage is available.

(2) Climbing Spurs.

It shall be unlawful to use climbing spurs or other similar device to aid in the climbing of a live tree, where such device causes the puncture or tears the bark of the tree.

(3) Tree Spiking.

It shall be unlawful to introduce any type of poison or reactive material to a tree for the purpose of causing it to die or become diseased.

(4) Structure and Pavement Location.

It shall be unlawful to place any structure or impervious paving within an eight-foot radius of any tree trunk or stem having a diameter of eight (8) inches or more DBH.

(5) City Trees.

It shall be unlawful to remove any tree which is within the City's rights-of-way or upon any other City property without the permission of the City evidenced by the appropriate permit.

(6) Attachments.

It shall be unlawful to attach anything to a tree or stem, including nails or spikes, other than protective wires, braces or other similar non-injurious materials.

(7) Cut and Fill Guidelines.

It shall be unlawful to remove or add any material or ground within the tree protection zone unless otherwise permitted by the City Arborist.

(8) Encroachment of the Drip Line.

During the construction stage of development, the applicant shall not cause or allow land clearing, the use of heavy equipment or material within the drip line of any tree or groups of trees to be retained. Neither shall the developer cause or allow the disposal of waste material such as paint, oil, solvents, asphalt, concrete, mortar or any other material harmful to the life of a tree within the drip line of any tree or groups of trees, or where planting beds are to be situated.

(9) Shearing, Hat Racking, Topping or Poodle Trimming of Trees (Lollipop), Lions-Tailing, Pollarding of Trees.

Trees intended for shade purposes shall be allowed to reach their mature canopy spread. It shall be unlawful to engage in excessive pruning techniques on trees intended for shade purposes. Excessive shearing, pruning or shaping shall only be allowed with a permit by demonstrating necessity or without a permit in times of emergency only. The

following are deemed unlawful excessive pruning techniques which are prohibited on shade trees:

(a) Lions Tailing.

The improper practice of removing most secondary and tertiary branches from the interior portion of the canopy leaving most live foliage at the edge of the canopy.

(b) Topping, hat racking, stag heading, de-horning, lopping, and rounding over: the improper practice of reducing tree size by making heading cuts through a stem more than two (2) years old; a pruning practice that destroys tree architecture and serves to initiate discoloration and decay in the cut stem.

(c) Pollarding.

The pruning technique that removes sprouts back to the same location annually or biannually maintaining a tree to a specific height.

(d) Shearing.

A pruning technique which is typically accomplished with cuts made through wood less than a year old at the sides of the canopy to create uniform dense canopies.

(e) Poodle Trimming.

Combines shearing and removing lower limbs to create tree forms that look like a "lollipop."

(10) Construction near adjacent property, walls, structures, and pavement shall not be constructed in any way which will result in damage to roots within the tree protection zones of trees located on adjacent properties.

(G) Tree Protection during Development and Construction

(1) Restrictions During Construction.

It shall be unlawful for any person, during the construction of any structures or other improvements, to place solvents, petroleum products, paint, masonry materials, construction machinery, or temporary soil deposits within the drip line of any tree. This provision includes soil that is placed in the drip line permanently for the purpose of a grade change, unless the grade is changed according to the guidelines described in the Florida Division of Forestry, Department of Agriculture and Consumer Services Publication, Tree Protection Manual for Buildings and Developers.

(2) Burden of Tree Protection.

It shall be the responsibility of an applicant and his/her agents to ensure the protection and survival of any retained or replacement tree shown on the tree inventory. The property owner shall guarantee survival of retained trees and replacement trees for one (1) year from completion of permitted construction, unless a greater time period is required by development agreement, order, or permit. If a retained or replacement tree dies during that time period, the property owner shall replace the tree in accordance with a remedial action approved under Subsection (J), violations and remedial actions.

(3) Protective Barricades Required.

Protective barricades shall be constructed (prior to clearing) around all retained trees as required in Section 15.1(B)(2), Vegetation and Soil Protection, Subsection (B), required vegetation preservation.

(4) Site Inspections.

The City Arborist or designated City Inspector may conduct periodic inspections of the site. It is the responsibility of the applicant and their agents to ensure that all provisions of this section are met.

(5) Adjacent Properties.

The applicant and their agents shall ensure that the protection zones of trees located on adjacent properties are protected as required by this subsection for trees located on the site being developed.

(H) Voluntary Tree Planting

This section shall not be interpreted to restrict, regulate or limit the voluntary planting of any tree within the City. The provisions of this section govern only the planting of trees which are required to be planted or retained. Trees or plants planted in the City's rights-of-way are subject to removal or trimming by the City at any time.

(I) Incentive Program

Incentives for the purposes of protecting and preserving mature trees and planting enhanced landscaping may be approved as part of development agreement, order or permit. Such incentives shall have a public benefit and may include, but are not limited to, deviations from the minimum standards of this LDC (e.g. parking; setbacks). Any incentives granted under this subsection shall be consistent with the Comprehensive Plan.

(J) Violations and Remedial Actions

(1) Separate Violation.

It shall be a separate violation for each tree removed and for each day a person is engaged in land clearing or grading without a permit.

(2) Violations Require Remedial Action.

Where violations have occurred, remedial action shall be taken to restore the property consistent with a restoration plan approved by the Development Review Committee. The restoration plan may require tree replacement per the replacement schedule in Table 15.34 ~~15.3~~ 15.4, Tree Replacement Schedule for Violations, mitigation of any other damage to the property, and payment to the City's Tree Bank, or any combination thereof.

TABLE 15.34 TREE REPLACEMENT SCHEDULE FOR VIOLATIONS

DBH - Removed Tree	Number of Replacement Trees
8" up to but not including 12"	2 trees
12" up to but not including 18"	4 trees
18" up to but not including 24"	6 trees
24" up to but not including 30"	8 trees
Heritage and Champion Trees+	2 inches for diameter inch removed

(3) Survival of Replacement Trees.

The Applicant shall guarantee the survival of replacement trees for a period of two (2) years from the date the certificate of occupancy or certificate of completion is issued,

unless a greater time is required by the restoration plan. If the replacement tree dies, the tree shall be replaced in accordance with this section.

(K) Enforcement; Penalties

(1) Enforcement.

The City may enforce the provisions of this section by any lawful means including, but not limited to, issuing a civil citation, bringing charges before the City's Code Enforcement Board, and seeking injunctive and equitable relief. For purposes of determining the penalties provided under this section, the removal or death of a tree in violation of this section shall be deemed irreparable or irreversible.

(2) Penalties.

In addition to all other remedies set forth in this section, one (1) or more of the following civil fines shall apply to violations:

(a) Failure to Obtain a Clearing, Grading, and Tree Removal Permit.

Fine of two hundred fifty dollars (\$250.00) per tree or five hundred dollars (\$500.00) per heritage or champion tree removed, not to exceed five thousand dollars (\$5,000.00).

(b) Removal of a Tree without a Permit.

Fine of fifty dollars (\$50.00) per caliper inch, not to exceed five thousand dollars (\$5,000.00) per tree.

(c) Removal of a Heritage or Champion Tree without a Permit.

Fine of one hundred dollars (\$100.00) per caliper inch, not to exceed five thousand (\$5,000.00) per tree.

(d) Failure to Abide by a Cease and Desist Order.

Fine of two hundred fifty dollars (\$250.00) per day (first offense); five hundred dollars (\$500.00) (second and each subsequent offense).

(e) Failure to Obtain a Contractor's License.

Fine of two hundred fifty dollars (\$250.00) (first offense); five hundred dollars (\$500.00) (second and each subsequent offense).

(f) Failure to Abide by the Requirements of Subsection (G), Tree Protection during Development and Construction.

Fine of two hundred fifty dollars (\$250.00) per occurrence.

(g) Any Other Violation of Section 16.2 15.2 Tree Protection, Removal, and Replacement.

Fine as provided by law and this section.

(3) Civil Fine Determination.

In determining the amount of the civil fine under Subsection (K) above, the following factors shall be considered:

(a) The gravity of the violation.

(b) Any actions taken by the violator to correct the violation.

(c) Any previous violations committed by the violator.

(d) The number and size of the trees removed, if any.

(e) The historical significance of the any tree removed.

(f) The remedial actions offered by the violator to restore the property.

EXHIBIT C

ARTICLE XVI UTILITIES

- Sec. 16.1. Utility Ownership and Easement Rights
- Sec. 16.2. Sewage Disposal Facilities Required
- Sec. 16.3. Potable Water Service Required
- Sec. 16.4. Landscape Irrigation ~~Facilities~~
- Sec. 16.5. Lighting Requirements
- Sec. 16.6. Electric Power
- Sec. 16.7. Telephone Service
- Sec. 16.8. Underground Utilities
- Sec. 16.9. Utilities to Be Consistent with Internal and External Development
- Sec. 16.10. Record Drawings Required
- Sec. 16.11. Fire Hydrants and Fire Flow Requirements
- Sec. 16.12. Sites for and Screening of Refuse/Recycling Collection Containers
- Sec. 16.3. Water Distribution Systems

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Section 16.1 Utility Ownership and Easement Rights

In any case in which a developer installs or causes the installation of potable water, landscape irrigation facilities, sewer, electrical power, traffic signals, street lighting, telephone or cablevision facilities, and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

Section 16.2 Sewage Disposal Facilities Required

(A) *Adequate Sewage Disposal System*

Every principal use in the City and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable City plans and health regulations.

(B) *Compliance with Health Department Regulations*

Service requirements and construction standards shall comply with Seminole County Health Department regulations.

(C) *Installation and Dedication of Dry Sewer Lines*

All new development shall install and dedicate to the City dry sewer lines in accordance with an approved development order if sewer service is not currently available and the order approving authority approves a temporary treatment option.

(D) *Dedication of Improvements to the City*

All new wastewater collection, pumping and transmission, treatment, and disposal facilities shall be dedicated to the City.

(E) *New Development to Fund Improvements*

New development shall fund the cost of required capacity expansions, and/or extension of central sewer lines.

(F) *Pre-Purchase of Capacity Requirements*

Development orders shall not be issued and rezoning shall not be approved without certification that adequate sewer service is available. In service areas with pre-purchase capacity requirements, only proof of purchase shall constitute certification.

(G) *Package Treatment Plants*

Package treatment plants and collection systems shall be designed for future connection to a central system and donated free of charge to the City upon request.

(H) *Central Sewer Service Required in Certain Situations*

All new residential development in areas with severe soil limitations for septic tanks, and all non-residential development is required to provide or to connect to a central sewer service system. Temporary, sanitary sewer service may be permitted on an interim basis if deemed by the Land Use Administrator to be consistent with other objectives and policies of the Comprehensive Plan.

(I) *Prohibited Locations*

Individual and package wastewater treatment systems are prohibited in wetlands, floodplains, and buffer areas surrounding surface water bodies.

(J) *Septic Tanks in Conservation Areas*

Septic tanks are allowed in conservation land use areas only when necessary for facilities required to oversee said conservation area. Percolation tests as sanctioned by the septic tank permitting agency shall serve as the determining factor for allowance of a septic tank on a particular site

(K) *Econlockhatchee River*

All development within two thousand (2,000) feet of the Econlockhatchee River is required to utilize a central sewer collection and treatment system.

Section 16.3 Potable Water Service Required

(A) *Adequate Potable Water Service Required*

Every principal use in the City and every lot in a subdivision shall be served by a potable water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

(B) *Donation of Potable Water System Improvements*

All potable water system improvements required for new development shall be donated to the City of Oviedo as a condition of receiving service.

(C) *Development to Pay for Improvement*

Future development shall pay for the system improvements it requires.

(D) *City May Assess Cost of Extending Service to Benefiting Properties*

The City may recover the cost of extending water service to existing developed areas by assessing benefited properties.

(E) *Extension of System to Accommodate Future Service*

New development shall extend distribution lines to the property being developed in a manner which complies with the requirements of the system and the impacts of the development.

(F) *System Looping Encouraged*

System looping is required wherever practicable to increase overall capacity and service.

(G) *Commercial and Industrial Developments*

All commercial and/or industrial developments within the City must connect to the municipal water system and have fire hydrants located consistent with Section 17.11, Fire Hydrants and Fire Flow Requirements.

(H) *Construction Standards*

Construction standards and other requirements are included in The Engineering Standards Manual.

Section 16.4. Landscape Irrigation Facilities.

(A) *General*

- (1) ~~Every principal use in the City~~ New Development shall require a install landscape irrigation facility that is adequate to accommodate the reasonable needs of such use and that complies with all applicable regulations correlates to the water use zones listed in Section 12.7 and complies with the terms of this Section.
- (2) New development shall install and dedicate to the City a reclaimed water system, including distribution mains and services for irrigation in accordance with the Engineering Standards Manual.
- (3) New development shall extend distribution lines along the entire property frontage, to accommodate service to adjacent properties.
- (4) System looping is required wherever practicable to increase overall capacity and service.

(B) *Potable Water Irrigation*

- (1) The use of potable water for irrigation is prohibited ~~unless approved by the City Engineer or designee~~ where reclaimed or alternative water irrigation sources are available.
- (2) Potable water systems, where allowed, shall not be interconnected with any alternative water source in accordance with the City's Cross Connection Control Policy.

(C) *Reclaimed Water Irrigation*

- ~~(1) New development shall install and dedicate to the City a reclaimed water system, including distribution mains and services for irrigation in accordance with the Engineering Standards Manual.~~
- ~~(2) New development shall extend distribution lines along the entire property frontage, to accommodate service to adjacent properties.~~
- (1) ~~(3)~~ If an existing reclaimed water system is within one hundred (100) feet of a new development, the development shall connect to the existing reclaimed water system.
- (2) Augmentation of all non-reclaimed water irrigation systems with reclaimed water is prohibited unless approved by the City Engineer or designee.

(D) *Alternative Water Irrigation*

The following types of alternative water irrigation are permitted within the City. Additional types of alternative water irrigation are prohibited unless approved by the City Engineer or designee.

- (1) Stormwater Irrigation
- (2) Shallow Groundwater Well Irrigation
- (3) Surface Water Irrigation

~~(4) System looping is required wherever practicable to increase overall capacity and service.~~

~~(D) *Non-Potable Water Irrigation*~~

- ~~(1) New development shall use non-potable water sources for irrigation until reclaimed service is available.~~

- ~~(2) All commercial and/or industrial developments are requested to utilize on-site wells for irrigation when reclaimed water is not immediately available.~~

(E) Irrigation System:

- (1) The irrigation system shall be designed and constructed in accordance with the technical standards contained in Appendix F of the plumbing volume of the Florida Building Code and the latest edition of the Standards and Specifications for Turf and Landscape Irrigation Systems published by the Florida Irrigation Society, Inc. Irrigation plans must be designed to recognize differential irrigation requirements of any proposed landscaping as described in Article XII, Section 12.7, Xeriscape Florida-Friendly Landscaping.**
- (2) Equipment Standards: Rotor heads shall only use a maximum of 12 gallons of water per minute and spray heads shall use a maximum of 0.33 gallons per minute.**

EXHIBIT D

ARTICLE XVIII BASIC DEFINITIONS AND INTERPRETATIONS

General: *Unless otherwise specifically provided, or unless clearly required by the context, the words and phrases defined in this section shall have the meaning indicated when used in this LDC.*

Abandoned Application

An application shall be deemed abandoned when no activity occurs for twelve (12) consecutive months. The Land Use Administrator shall issue a notice of abandoned application to the applicant. Any submittal after the issuance of a notice of abandoned application shall constitute a new application.

Abated Application

An application shall be deemed abated when no activity occurs for six (6) consecutive months. The Land Use Administrator shall issue a notice of abated application to the applicant. Any submittal after the issuance of a notice of abated application shall require the payment of an abated application fee and must comply with any amendments to this LDC, the Engineering Standards Manual, or Florida Fire Prevention Code adopted after the last review of the application.

Accessory Use

The use of a structure of a nature customarily incidental and subordinate to the principal use. No accessory structure will be allowed unless the principal use is in place or permitted.

Accessory Structure

A structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure, such as the following:

- (a) Detached structure that does not exceed twelve (12) feet in height and one hundred twenty (120) square feet of floor space. (Detached accessory structures in excess of one hundred twenty (120) square feet must meet the setback requirements in Section 2-6.3). See Section 2-6.4 for accessory building setbacks. Mobile homes or trailers may not be used as storage buildings.
- (b) Swimming pools.
- (c) Screen pool enclosure.
- (d) Air conditioners, satellite dishes, solar panels, or other accessory structures.
- (e) Antennas.
- (f) Boat docks.
- (g) Private boat ramps.
- (h) Any material affixed to the structure.

Addition

Any construction that adds or enlarges the size of an existing building. Additions also include any extension or increase in floor area, or height of building or structure. Examples of an addition are: porch, carport, new room, room configuration, etc.

Adjacent Areas

The transition zone between wetlands and upland communities where the following development activities may be regulated:

- (a) Bulkheading (impounding, interrupting or diverting surface water).
- (b) Drainage ditches.
- (c) Dredging.
- (d) Filling.
- (e) Hazardous material (storage, use or disposal of any hazardous material).
- (f) Solid waste disposal.
- (g) Stormwater retention/detention basins.

The adjacent area is that area with a direct groundwater or surface water influence on the wetland where development activities listed above may have an adverse impact on wetlands. In the absence of sufficient information to determine the adjacent area, the area will be defined as all property within three hundred (300) feet of the wetland boundary.

Adult Congregate Living Facility

Any building or buildings, residence, private home, boarding home, home for the aged, or other place licensed to serve clients of the Department of Children and Family Services, which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents.

Adult Entertainment

Any establishment defined within Ordinance 893 of the City of Oviedo as it may be from time to time amended.

Adverse Impact to a Wetland

The diminishing of wetland functions caused by a development activity.

Affected Property Owner

Any person who resides, owns property, or owns a business within two hundred (200) feet of a property under consideration for development approval by the City.

Alcoholic Beverages

All beverages containing alcohol of more than one (1) percent by weight.

Alley

Right-of-way providing a secondary means of access and service to abutting property.

Applicant

A person or entity which submits an application for development approval to the City, and the person or entity's successors and assigns.

Artificial Obstruction

Any obstruction, other than a natural obstruction, that is capable of reducing the flood-carrying capacity of a stream or may accumulate debris and thereby reduce the flood-carrying capacity of a stream. A natural obstruction includes any rock, tree, gravel or analogous natural matter that is an obstruction and has been located within the floodway by a non-human cause.

Assisted Care Living Facilities

Any building or buildings, or section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which are licensed pursuant to F.S. Ch. 400, Pt. III, and which undertakes through its ownership or management to provide housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are ambulatory and not relatives of the owner or administrator.

Attached Dwellings

Dwelling units which share a common wall or walls and have ground-floor entrances to every unit, including but not limited to townhomes, duplexes, and triplexes.

Automatic Irrigation Controller

A timer, capable of operating solenoid valves, to set days and lengths of time for proper application of water, in each irrigation zone.

Banner

A sign that is not permanently attached to a solid backing of wood, plastic, metal, masonry, or similar rigid material. A flag is not a banner.

Base Flood Elevation

The elevation of a flood which has a one (1) percent chance of being equaled or exceeded in any given year. Base flood elevation is also known as the one hundred-year flood elevation.

Bed and Breakfast Facility

An owner-occupied house, or portion thereof, where short-term lodging and meals are provided for compensation.

Best Management Practices (BMPs)

A practice or combination of practices based on research, field-testing, and expert review, determined to be the most effective and practicable on-location means, including economic and technological considerations, for improving water quality, conserving water supplies, preventing pollution, and protecting natural resources.

Bicycle Lane

A portion of a roadway which may be designated by striping, signing, and pavement markings for the preferential or exclusive use of bicyclists.

Bicycle Path

A bicycle facility which is physically separated from motorized vehicular traffic by an open space or barrier and which is either within the highway right-of-way or within an independent right-of-way. Conflicts with motorized traffic are minimized.

Bicycle Parking Facility

A portion of either the vehicle accommodation area or another area designed exclusively for parking bicycles, where the user can lock the frame and both wheels to a stationary object using a lock provided by the user.

Boarding House

(See Rooming House.)

Boat Dock

Any structure to which a vessel can be moored and that affords access to a vessel on or over submerged lands (all those lands lying waterward of the mean high water level) from the adjacent upland property. The term boat dock is synonymous with dock, pier, access pier, terminal platform, mooring pilings, and boathouse, constructed alone or in any combination.

Boat Ramp

Any structure, clearing, or artificially stabilized area that extends to or waterward of the normal high water elevation for the purpose of launching and/or retrieving motorized watercraft.

Building

A structure designed to be used as a place of occupancy, storage or shelter and includes any substantial structure which by nature of its size, scale, dimensions, bulk or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Without limiting the generality of the foregoing, gas pumps and overhead canopies or roofs shall be deemed to fall within this description.

Buildable Area

The portion of a lot remaining after required yards have been provided.

Building Height

The vertical distance between the average finished grade in front of the building and the top of the ceiling plate on the top floor of the building.

Building, Principal

A building in which is conducted the main or principal use of the lot on which said building is located.

Camouflage (or Stealth) Communication Tower or Antennae

A communication tower or antennae designed to merge and blend into and conform to appearance with existing surroundings. An example of a camouflage communication tower would be a tower that is constructed in the form and shape of a tree in order to appear to be part of a forested area or a tower constructed to appear to be or to actually be a component of a bell tower or to be constructed to be or appear to be a component of a church steeple in order for the tower to be or appear to be part of these more aesthetically pleasing structures. An example of a camouflage antenna would be an antenna with a color or appearance similar to a wall of a building or structure on which it is to be affixed, or an antenna located inside or on top of an existing structure such as an existing church steeple or an existing light pole.

Campaign Sign

A temporary sign which concerns an election.

Canoe Launch

Any structure, clearing, or artificially stabilized area that extends to or waterward of the normal high water elevation for the purpose of launching and/or retrieving canoes, rafts, or other non-motorized watercraft.

Changeable Copy Sign

A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign.

Change in Use

A change in use from one (1) principal use category to another that increases the density/ intensity to such an extent that the impacts of development are increased.

Circulation Area

That portion of the vehicle accommodation area used for access to parking or loading areas or other facilities on the lot. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Commercial Subdivisions

Comprised primarily of commercial lots within areas zoned commercial or office. Streets within commercial subdivisions are typically classified as commercial.

Common Area

Land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the owners, occupants, and their guests of the development.

Communication Antennae

One (1) that is designed to transmit or receive communications as authorized by the Federal Communications Commission.

Communication Tower

A building or ground mounted tower which is greater than thirty-five (35) feet in height, as measured from the finished grade of the parcel, does not exceed three hundred (300) feet in height (including antenna), and is principally intended to support communication (transmission or receiving) equipment for radio, TV, microwave, cellular and similar communication purposes. The term communications tower shall not include amateur radio operators' equipment licensed by Federal Communications Commission (FCC). Communication towers are generally described as either monopole (free standing), guyed (anchored with guy wires) or self supporting (square, triangular or pyramidal in plain view and constructed of steel lattice, tubular steel, reinforced concrete or wood).

Comprehensive Plan

A currently effective plan of the City of Oviedo adopted and regularly amended in accordance with F.S. Ch. 163 and Administrative Rule 9J-5.

Continue in Good Faith

As used in the LDC, shall mean that the final development order has not expired and that no period of more than six (6) months passes without permit activity. Permit activity shall include application and/or approval of subsequent final development orders or other permits required for project completion.

Controlled Access Facility

As defined by Florida Statutes, a street or highway to which the right of access is highly regulated by the governmental entity having jurisdiction over the facility in order to maximize the operational efficiency and safety of the high-volume through traffic utilizing the facility. Owners or occupants of abutting lands and other persons have a right of access to and from such facility at such points only and in such manner as may be determined by the governmental entity. All state roads and/or divided highways shall be controlled access facilities for the facilities for the purposes of the LDC.

Convenience Store (Type I)

A retail store usually containing less than two thousand (2,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract a large volume of stop-and-go traffic. "Jiffy," "7-11," and "Cumberland Farms" chains are examples of convenience stores.

Convenience Store (Type II)

A retail store with gasoline sales containing less than two thousand (2,000) square feet of gross retail floor area that is designed and stocked to sell primarily food, beverages and other household supplies to customers who purchase relatively few items. It is designed to attract a high volume of stop-and-go traffic. Car wash facilities may be an accessory use, provided design, location and buffering criteria are met.

Day Care Center

Any child care arrangement that provides day care on a regular basis for five (5) or more children under the age of six (6) years. Certification by the Florida Department of Health and Rehabilitative Services is required.

DBH:

Diameter at breast height. The average diameter of the trunk of a tree measured at four and one-half (4½) feet above natural grade.

Density

The number of dwelling units per net buildable acre. Net buildable acres is defined as the number of upland acres within the boundary of a development excluding acreage devoted to water of the state, wetlands, and lakes. Thus, the maximum number of dwelling units that a development can accommodate shall be calculated by multiplying the net buildable acreage by the residential density.

Department

The City of Oviedo Development Services Department or other department or agency as designated by the City Manager.

Developer

Any person or legal entity who is responsible for any undertaking that requires a development order.

Development

The carrying out of any building activity or operation, the making of any material change in the use or appearance of any structure or land, or the subdividing of land.

- (a) The following activities, operations or uses shall be taken for the purposes of this definition to involve development; provided, however, that a reference to any specific activity, operation or use is not intended to mean that the activity, operation or use, when part of other activities, operations or uses is not intended to limit the generality of the first sentence of this definition:
 - (i) A reconstruction, alternation of the size, or material change in the external appearance of a structure on land.
 - (ii) A change in the intensity of use of land such as, by way of example and not limitation, an increase in the number of dwelling units in a structure or on land or material increase in the number businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
 - (iii) Alteration of a shore or bank of a body of water.
 - (iv) Commencement of excavation in nature of a borrow pit or similar activity on a parcel of land.
 - (v) Demolition of a structure.
 - (vi) Clearing of land as an adjunct of construction.
 - (vii) Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
 - (viii) All other activities, operations, or uses customarily associated with the above activities, operations, or uses unless otherwise specified in the LDC.
- (b) The following activities, operations or uses shall not be taken for the purpose of this definition to involve development:
 - (i) Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
 - (ii) Work by any utility and other persons engaged in the distribution or transmission of gas, electricity, wastewater, reclaimed water or potable water, for the purpose of inspecting, repairing, renewing, constructing on established rights-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
 - (iii) The lawful use of any land for the purpose of growing plants, crops, trees, and other agricultural or forestry products; raising livestock; or for other agricultural purposes.
 - (iv) The improvement of land or the construction of a structure for a City public facility or project; provided, however, that this provision shall not be interpreted as the City asserting exemption from any Federal, State, or regional, or County permitting requirement as may be applicable to a particular project.

Development Agreement

An enforceable agreement between the City and a developer including agreements adopted pursuant to F.S. Ch. 163.3220, and an agreement or development order issued pursuant to F.S. Ch. 380.

Development Order

An order granting, denying, or granting with conditions an application for approval of a development project or activity.

Development Permit

A development permit is a document issued by the City which authorizes the actual commencement of land alteration or building construction.

Directional Sign

A sign located on premises with exits, entrances, driveways or off street parking.

Discontinued Sign

- (a) A sign face which no longer identifies an activity conducted on the premises where located, as evidenced by, among other things, the existence or absence of a current occupational license, utility service deposit or account, or use of the premises.
- (b) A nonconforming sign structure which has not been used for at least six (6) months to support a sign face which identifies an activity on the premises where located.
- (c) Any previously permitted portable or temporary sign whose permitted time has expired.

Double-Faced Sign

A sign with two (2) faces which describe an internal angle between face planes extended of no more than thirty (30) degrees.

Drainage Connection

Any structure, pipe, culvert, device, paved or unpaved area, swale, ditch, canal, or other feature whether natural or created which is used or functions as a link or otherwise conveys stormwater runoff or other surface water discharge.

Dripline

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

Drive-In Restaurant or Refreshment Stand

Any place or premises used for sale, dispensing, or serving of food, refreshments, or beverages in automobiles, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages on the premises. Drive-in restaurants and refreshment stands shall not mean or include pick-up windows as defined by this Code, and said definitions shall be mutually exclusive.

Driveway

That portion of the vehicle accommodation area that consists of a travel lane bounded on either side by an area that is not part of the vehicle accommodation area.

Drought Tolerant Landscaping

Plants, once established, that survive on natural rainfall with occasional irrigation during dry periods.

Dwelling:

(a) *Single-Family.*

A detached residential dwelling unit other than a mobile home, designed for and occupied by one (1) family only which includes a kitchen and permanent facilities for living, sleeping, and sanitation.

(b) *Duplex.*

A detached residential building containing two (2) dwelling units, designed for occupancy by not more than two (2) families, containing either a common wall or ceiling/ floor.

(c) *Townhouse.*

A residential building designed for or occupied by three (3) or more dwellings that share common vertical walls.

(d) *Multiple-Family.*

Multiple dwelling units which are located in a single building, in which the entrances to individual units may be above the first floor, including but not limited to garden apartments, residential towers, and multiple upper-story residences which are located in mixed-use buildings.

Dwelling Unit

A building consisting of one (1) room, or rooms connected together constituting a separate, independent housekeeping establishment. Said enclosure shall contain independent sleeping, kitchen and bathroom facilities designed for and used, or held ready for use, as a permanent residence by one (1) family.

Easement

Any strip or parcel of land dedicated for public or other private utilities, drainage, sanitation or other specified uses having limitations. The title shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Econlockhatchee River Basin Affected Area

The area over which this section shall be applicable shall be that portion of the Econlockhatchee River Basin within the boundaries of Oviedo, Florida. For the purposes of this section, the "Econlockhatchee River Basin" shall mean and be referred to as those lands within Oviedo which are described in Exhibit "A". The determination as to whether a development project is within the Econlockhatchee River Basin shall be made pursuant to the Land Development Code. All property that is within the Econlockhatchee River Basin, but is not within the "Econlockhatchee River Corridor Protection Zone", but shall not be subject to the provisions of this overlay zoning classification relating to properties located within the Econlockhatchee River Corridor Protection Zone which provisions shall only apply to properties located within said zone. The Land Development Code shall not be construed to prohibit the transfer of density credits to properties located outside the Econlockhatchee River Basin when such properties are physically contiguous to property located in the Basin, are in common ownership with property located within the Basin and together formed a single parcel of record as of the effective date of this section.

Econlockhatchee River Basin Rare Upland Habitats

Those vegetative communities identified by the City as scrub, Longleaf Pine - Xeric Oak, Sand Pine Scrub, Xeric Oak and Live Oak Hammock. Those vegetative communities are defined in the Florida Land Use Cover and Forms Classification System which is published by the Florida Department of Transportation and is attached hereto as Exhibit "B" which is incorporated herein by this reference thereto as if fully set forth herein verbatim.

Econlockhatchee River Corridor Protection Zone

The "Econlockhatchee River Corridor Protection Zone" is hereby established which includes the following areas:

- (a) The main channels of the Big Econlockhatchee River and its tributaries as graphically depicted on or listed in Exhibit "A";
- (b) All property located within the first one thousand one hundred (1,100) feet landward as measured from the stream's edge of the main channels of the Big Econlockhatchee River and Little Econlockhatchee River;
- (c) All property located within the first five hundred fifty (550) feet landward as measured from the stream's edge of the tributaries of the Big Econlockhatchee River;
- (d) Notwithstanding the above physical descriptions of the Econlockhatchee River Corridor Protection Zone, the Zone shall extend to and contain at least fifty (50) feet of uplands property which is landward of the landward edge of the wetlands abutting the main channels of the Big Econlockhatchee River and its tributaries;
- (e) Provided, however, that only property located within the Econlockhatchee River Basin shall be deemed to be located within the Econlockhatchee River Corridor Protection Zone.

Econlockhatchee River Stream's Edge

The waterward extent of the forested wetlands abutting the Big Econlockhatchee River or its tributaries. In the absence of forested wetlands abutting the Big Econlockhatchee River or its tributaries, the stream's edge means the mean annual surface water elevation of the stream; provided, however, that if hydrologic records upon which the City can rely upon are not available, the landward extent of the herbaceous emergent wetland vegetation growing in the Big Econlockhatchee River or its tributaries shall be considered to be the stream's edge.

Emitter

A device that applies irrigation water. This term is primarily used to refer to the low flow rate devices used in micro-irrigation systems.

Façade, Primary

The side of a building that faces a public right-of-way or has the primary entrance.

Façade, Secondary

The side of a building that is not a primary facade and either is visible from a public right-of-way or has a secondary or tertiary entrance.

Fascia Sign

A sign located on the fascia of a roof or canopy, or affixed to the front plane of a mansard roof that is a maximum of thirty (30) degrees from vertical, including signs that extend the plane of the structural fascia such that the vertical dimension of the sign is no more than one-third ($\frac{1}{3}$) the distance from the average grade elevation to the bottom of the fascia, and no lateral supports are used.

Family

One (1) or more persons related by blood, marriage, or adoption, exclusive of family servants, occupying a single dwelling unit, and living as a single household unit as distinguished from a group occupying a boarding house, lodging house, hotel or motel, or fraternity or sorority. A number of persons, not exceeding three (3), occupying a dwelling and living as a single household unit, though not related by blood, marriage or adoption, shall be deemed to constitute a family.

Fenestration

Doors, windows, and other openings in a building exterior facade for the intended purpose of letting light and air into a building's interior.

Floodplain

Any land area susceptible to being inundated by water from the one hundred-year flood. As used in this LDC, the term refers to lands lying within the flood hazard areas delineated on Federal Emergency Management Agency, Federal Insurance Administration (FEMA/FIA) Flood Insurance Rate Maps and Floodway and Flood Boundary Maps. Flood plain areas are also designated in the Comprehensive Plan. If the FEMA/FIA maps are over five (5) years old and significant development has occurred in the watershed area, actual field conditions will be surveyed by the Applicant. Findings of the survey shall be provided to the FEMA for use in updating their maps. The "floodplain" designation shall be removed for floodplain areas that have been altered in accordance with this LDC or other sections of the Land Development Code so that the elevation no longer falls within the floodplain.

Floodway

The channel of a river or another watercourse and the adjacent land areas that must be traversed in order to discharge the one hundred-year flood.

Floor Area, Gross

The total number of square feet of floor area in a building determined by horizontal measurements between the exterior faces of walls.

Floor Area Ratio (FAR)

The total area of all floors of a building intended for occupancy or storage divided by the total site area. Floor area ratio applies to non-residential uses.

Fraternity or Sorority House

A dwelling or combination of dwellings on a single lot occupied and maintained exclusively for college, university or professional school students who are affiliated with a social, honorary or professional organization recognized by the college, university or professional school.

Freestanding Sign

Any sign supported by uprights or braces placed upon, or in, or supported by the ground, a fence, or non-structural wall.

Front Foot, Property

Each foot, or portion thereof, measured along the public right-of-way where the subject property abuts said right-of-way.

Front Foot, Building

Each foot, or portion thereof, of a building measured along the side of the building which faces the primary frontage. Where buildings form an "L" or "U", all main entry sides are measured.

Garage, Mechanical

A building or portion thereof, other than a private garage or service station, designed or used for repairing.

Garage, Private

An accessory building or an accessory portion of the principal building designed or used for inside parking of motor vehicles owned by the occupants of the building to which it is accessory.

Glare

The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted to cause annoyance, discomfort or loss in visual performance or visibility. The two (2) types of glare are as follows:

(a) Disability Glare.

Glare that reduces the ability to see or identify objects.

(b) Discomfort Glare.

Glare that produces ocular discomfort, but does not reduce the ability to see.

Group Home

A dwelling which provides basic area and supervision to four (4) or more persons not related to the owner or operator of the dwelling; the owner or operator of which is licensed and approved by the Florida State Department of Children and Families (DCF).

Guest Cottage (or "Mother-in-Law Suite")

A detached building or an attached suite located on the same premises of the main residential building, intended for intermittent or temporary occupancy by a nonpaying guest or permanent occupancy by a non-paying family member. The main residential building must have a Certificate of Occupancy before a guest cottage may be approved.

Habitable Space

A space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, screen enclosures, storage or utility space, and similar areas are not considered habitable space.

Height of Sign

The distance between the top of a sign and the average grade elevation below it.

Home Occupation

Any business or non-residential activity that is conducted or petitioned to be conducted, in whole or in part, from property that is zoned for residential use.

Hotel

(See Motel.)

Household Unit, Single

In determining whether or not a group of unrelated individuals is a "single household unit" as referenced in the definition of "family", the following criteria must be present:

- (a)** The occupants must share the entire dwelling unit. A unit in which the various occupants act as separate roomers can not be deemed to be occupied by a "single household unit."
- (b)** The family must have stability with respect to the purpose of single-family residential zoning districts. Evidence of such stability may include the following:
 - (i)** The presence of minor dependent children regularly residing in the family.

- (ii) Proof of the sharing of expenses for food, rent or ownership costs, utilities and other family expenses and sharing in the preparation, storage and consumption of food.
- (iii) Whether or not different members of the family have the same address for the purpose of:
 - 1. Voter registration.
 - 2. Driver's license.
 - 3. Motor vehicle registration.
 - 4. Summer or other residences.
 - 5. Filing of taxes.
 - 6. Delivery of mail.
- (iv) Common ownership of furniture and appliances among the members of the household.
- (v) Enrollment of dependent children in local schools.
- (vi) Employment of household members in the local area.
- (vii) A showing that the group has been living together as a unit for a year or more, whether in the current dwelling unit or other dwelling units.
- (viii) Residence is licensed and approved by the Florida State HRS as an adult congregate living facility, community residential home, or foster care facility.
- (ix) With exception to [h], the household functions on a nonprofit basis.
- (x) Any other factor reasonably related to whether or not the group or persons is the functional equivalent of a family.

Illuminated Sign

A sign that uses artificial light, either internal or external to the sign faces.

Improvements

Street pavement, curbs, and gutters, sidewalks, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments, permanent control points and any other construction required by the City.

Indirect Lighting

Artificial lighting located external to the sign face.

Industrial Subdivisions

Comprised primarily of industrial lots within areas zoned industrial. Streets within industrial subdivisions are typically classified as commercial.

Irrigation System

Application of water by artificial means, that is, means other than natural precipitation. A permanent watering system designed to transport and distribute water to plants as a supplement to natural rainfall.

Irrigation Zone

A control valve circuit containing emitters , sprays and/or rotors with consistent application rates.

Joint Use Connection

A single connection point that serves as a connection to more than one (1) property or development, including those in different ownerships or in which access rights are provided in the legal descriptions.

Kennel

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

Land Use Administrator

The City Manager or designee.

Landscaped Area

The entire parcel; less the building footprint, driveways, hardscapes such as decks and patios, and non-porous areas. Water features are included in the calculation of the landscaped area. This landscaped area includes Xeriscape as defined in Chapter 373.185(1)(b), F.S.

Landscape Plant Zone:

An area with a grouping of plants with similar water and agricultural (sunlight, soil, etc.) needs. Plant groupings based on water use are low, medium and high.

Livestock

All animals of the equine, bovine, or swine class including, but not limited to goats, sheep, mules, horses, hogs, cattle and other grazing animals.

Loading Space, Off-Street

Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking.

Lot

For purposes of the LDC, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- (a) A single lot of record;
- (b) A portion of a lot of record;
- (c) A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record;
- (d) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of this ordinance.

Lot Boundary Line

Lot boundaries other than those that abut streets.

Lot Frontage

The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to a street shall be considered frontage, and yards shall be provided as indicated under "yard" in this section.

Lot Measurements

- (a) Depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- (b) Width of a lot shall be considered to be the distance between the side lot lines measured at the front building line and parallel to the front lot line.

Lot of Record

A lot which is part of a subdivision recorded in the office of the county recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types

The following types of lots are defined to clarify terminology used later in the LDC:

- (a) **Corner Lot.**
A lot at the intersection of two (2) or more streets or along a single street that forms its own corner and provides frontage along two (2) sides of the same lot. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- (b) **Interior Lot.**
A lot other than a corner lot with only one (1) frontage on a street.
- (c) **Through Lot.**
A lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two (2) streets may be referred to as double frontage lots.
- (d) **Reversed Frontage.**
A lot on which the frontage is at right angles or approximately right angles (interior angle less than one hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot, an interior lot, or a through lot.

Massing

The overall bulk, size, physical volume or magnitude of a structure or project.

Micro-Irrigation

The frequent application of small quantities of water directly on or below the soil surface. An irrigation system with a maximum flow rate per emitter of 30 gallons per hour or less.

Mobile Home

A dwelling unit that: (i) is not constructed in accordance with the standards set forth in the Standard Building Code, and (ii) is composed of one (1) or more components, each of which was substantially assembled in a manufacturing plant and designed to be transported to the home site on its own chassis, and (iii) exceeds forty (40) feet in length and eight (8) feet in width. A travel trailer is not a mobile home.

- (a) **Mobile Home Class A.**
A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction and that satisfies each of the following additional criteria:

- (i) The home has a length not exceeding four (4) times its width;
- (ii) The pitch of the home's roof has a minimum vertical rise of one (1) foot for each five (5) feet of horizontal run, and the roof is finished with a type of shingle that is commonly used in standard residential construction;
- (iii) The exterior siding consists of wood, hardboard, or aluminum (vinyl covered or painted, but in no case exceeding the reflectivity of gloss white paint) comparable in composition, appearance, and durability to the exterior siding commonly used in standard residential construction;
- (iv) A continuous, permanent masonry, foundation, unpierced except for required ventilation and access, is installed under the home; and
- (v) The tongue, axles, transporting lights, and removable towing apparatus are removed after placement on the lot and before occupancy.

(b) Mobile Home, Class B.

A mobile home constructed after July 1, 1976, that meets or exceeds the construction standards promulgated by the U.S. Department of Housing and Urban Development that were in effect at the time of construction but that does not satisfy the criteria necessary to qualify the house as a Class A mobile home.

(c) Mobile Home, Class C.

Any mobile home that does not meet the definitional criteria of a Class A or Class B mobile home.

(d) Mobile Home Park.

A residential use in which more than one (1) mobile home is located on a single lot.

Modular or Manufactured Home

A dwelling unit constructed in accordance with the standards set forth in the Standard Building Code and composed of components substantially assembled in a manufacturing plant and transported to the building site for final assembly on a permanent foundation. Among other possibilities, a modular home may consist of two (2) sections transported to the site in a manner similar to a mobile home (except that the modular home meets the Standard Building Code) or a series of panels or room sections transported on a truck erected or joined together on the site.

Motel

A building or a group of buildings containing sleeping accommodations or efficiency units in which transient guests are lodged on a short-term basis. (For the purposes of this ordinance, hotel and motel shall have the same meaning.)

Mulch

Non living organic or synthetic materials customarily used in landscape design to retard erosion and maintain moisture.

Multiple Frontage Property

A lot or parcel that is contiguous to more than one (1) public right-of-way, being either a corner lot or a through lot.

Multi-Use Complex

Any development of two (2) or more occupancies that are under common land ownership or that share common property frontage.

Non-Conforming

(a) Lot.

A lot existing at the effective date of this Code (and not created for the purposes of evading the restrictions of this Code) that does not meet the minimum area requirement of the district in which the lot is located.

(b) Structure.

Existing improvements which do not meet required parking and loading regulations, height regulations, area regulations, etc. for the district in which they are located.

(c) Use.

Any building or land lawfully occupied by a use at the time of adoption of this Code that does not conform with the use regulations of the district in which it is situated.

(d) Sign.

A sign lawfully existing in the City before the adoption of this sign code that does not conform to the requirements of this sign code. A sign not lawfully existing prior to the adoption of this sign code shall not be considered a non-conforming sign.

Nursing Home

A home for the aged, chronically ill, or incurable persons in which three (3) or more persons not of the immediate family are received, kept, or provided with food and shelter or care for compensation; but not including hospitals, clinics, or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

Office, Business

An office for activities such as real estate, advertising, insurance, travel agency, ticket sales, abstract and title companies, insurance, etc. Retail or wholesale goods are not shown to or delivered from the premises to a customer. A beauty or barber shop is not a business office.

Office, Professional

An office for the use of architects, engineers, attorneys, accountants, physicians, lawyers, dentists, etc. Professional offices generally offer consultant services.

Office of Convenience

An office use where the owner conducts no business other than by internet, phone or mail; where no persons are employed except for members of the family residing on the premises; and where the office space/home area is used only for the purpose of sending and receiving communications and deliveries, maintaining records, and other similar functions.

Off-Site Sign

A sign which identifies an activity that is not conducted on the premises or which identifies products or services which are not available on the premises where such sign is located.

Off-Street Parking

A lot or parcel of land or structure designed, constructed, or utilized for the temporary storage or parking of motor vehicles. Required off-street parking shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley.

On-Site Sign

A sign that (1) identifies an activity conducted or products or services available on the premises where the sign is located, (2) displays a noncommercial message, or (3) displays any combination of the first two (2).

Open Space

Any portion of a parcel, or area of land or water, which is open and unobstructed from the ground to the sky, including areas maintained in a natural and undisturbed character and areas which are permeable in nature. Open space shall not include areas covered with buildings, sidewalks, pools, decks or patios, parking areas, drives or other paved areas.

Pervious Paving Materials

A porous asphaltic, concrete or other surface and a high void aggregate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

Parasite Sign

Any sign for which no permit has been issued, and which is attached to another sign.

Parking Area Aisles

That portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking Space

A portion of the vehicle accommodation area or bicycle parking facility set for the parking of one (1) vehicle or one (1) bicycle.

PCP (Permanent Control Point)

A secondary, horizontal- control monument, in accordance with F.S. Ch. 177.

Personal Service

An establishment that primarily provides services generally involving the care of a person or his or her apparel, such as barber shops, beauty salons, seamstress shops, shoe repair shops, dry cleaning and laundry pickup facilities, coin-operated laundries, and tuxedo or costume rentals.

Pick-Up Windows

A window within a principal use used for the sale and dispensing of food, refreshments, and/or beverages to persons, who have placed an order for food, refreshments, or beverages from a location other than the establishment or premises where the food is prepared. Pick-up windows shall not mean or include drive-in restaurants and refreshment stands as defined by this Code, and said definitions shall be mutually exclusive.

Plant Bed

A grouping of trees, shrubs, ground covers, perennials, or annuals growing together in a defined area devoid of turf/turfgrass, normally using mulch around the plants.

Plat

A map or delineated representation of the subdivision of lands; a complete exact representation of the subdivision and other information in compliance with all applicable statutes and regulations.

Portable Sign

A sign that has no permanent attachment to a building or to the ground by means of a footing, including but not limited to an A-frame sign, sign with wheels, pull attachments, or hot air or gas filled balloons.

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.

Premises

The lot or lots, plots, portions or parcels of land considered as a unit for a single development or activity.

Primary Frontage

The public right-of-way which is identified as the address of the premises.

PRM

Permanent Reference Monument provided in accordance with F.S. Ch. 177.

Projecting Sign

A sign supported by a wall of a building projecting from that wall twelve (12) inches or more, and designed with a face or faces reading at an angle to that wall.

Protected Well field

Those well fields with a permitted capacity of one hundred thousand (100,000) GPD or more.

Real Estate Sign

A temporary sign on premises offered for sale or rent.

Recreation

(a) Active Recreation.

Recreational uses, areas, and activities oriented toward potential competition and involving special equipment. Playgrounds, sports fields and courts, swimming pools, golf courses are examples of active recreation uses.

(b) Passive Recreation.

Recreational uses, areas or activities oriented to noncompetitive activities that either require no special equipment or are natural areas. Bird watching, bicycle riding, and nature walks are examples of passive recreational activities.

Record Drawing

A set of approved plans and specifications which identify, at a minimum, substantial deviations referenced in the certification of completion of construction that have occurred since the permit was issued.

Refuse/Recycling Collection Container

Any detachable receptacle for the collection of refuse/recyclables that is two (2) cubic yards or larger and is designated or intended for mechanical pick-up.

Residential Subdivisions

Comprised primarily of residential lots within areas zoned residential. Streets within residential subdivisions are typically classified as either local or collector.

Right-of-Way

Land dedicated, deeded, used, or to be used for a street, alley, walkway, boulevard, access or other purpose by the public, certain designated parties, or governing body. "Right-of-way" shall exclude easements.

Roof Sign

A sign painted on or affixed to the roof of a building and primarily supported by that roof structure, except fascia signs as defined in this code.

Roomer

An occupant who has use of a dwelling unit without actual or exclusive possession or ownership of that residence.

Rooming House

A residential use consisting of at least one (1) dwelling unit together with one (1) or more rooms that are rented or intended to be rented to more than one (1) family, but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding house or rooming house is designed to be occupied by longer term residents (month to month) as opposed to overnight or weekly guests.

Runoff

Water from precipitation or irrigation that flows over the ground surface and is not absorbed into the ground, instead flowing into streams or other surface waters or land depressions.

Screen Enclosure

A building or part thereof, in whole or in part self-supporting, and having walls of insect screening with or without removable vinyl or acrylic wind break panels and a roof of insect screening, plastic, aluminum or similar lightweight material.

Septic Tank

An individual sewage disposal system approved by the County Health Department and serving only one (1) lot.

Service Station

Any building structure or land used for the dispensing, sale or offering for sale at retail any automobile fuels, oils, or accessories. General automotive servicing, as distinguished from automotive repair, may also be performed.

Shopping Center

Any commercial building or development occupied by two (2) or more tenants on one (1) premises. This term shall also include commercial developments approved for any planned unit development zoning district.

Short-Term Residential Rentals

Rental of residential units for a time period no more than six (6) months.

Sidewalk

That portion of a street between the curblineline, or the lateral line, of a roadway and the adjacent property lines, intended for use by pedestrians.

Sight Distance Triangle

The triangular area required on any intersection corner to permit a vehicle operator an unobstructed view of the crossing roadway for a minimum sight distance in either direction.

Sign

A lettered, numbered, symbolic, pictorial, or illuminated visual display designed to identify announce, direct, or inform that is visible from a public right-of-way. When not modified by the terms "structure" or "face", the term "sign" shall include all parts of the sign and its supporting structure.

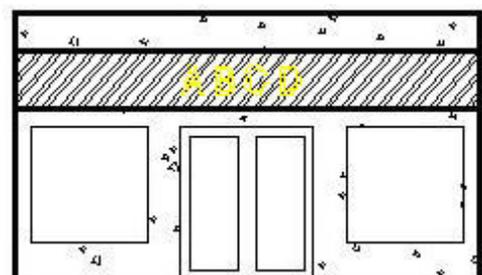
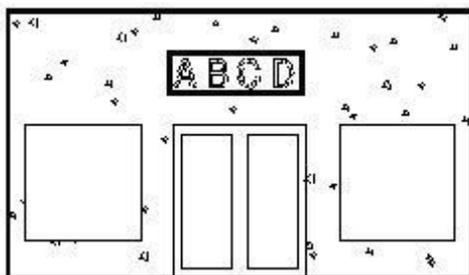
Sign, Area of

The total surface of a sign including the background and frame, but not structural supporting elements outside of its frame. Where a sign is composed of skeleton letters, characters, or symbols applied to a background which is not a structural part of the sign, the area of the sign shall be the smallest rectangle, triangle, or circle which will include the display. Where a sign is built with two (2) faces back to back, the area of the sign shall be the larger of the areas of the two (2) faces computed as herein before specified.

Sign Background

Area behind the lettering on a freestanding or wall sign. The sign background is that portion of the sign surface or building facade which is reasonably coterminous with the area of the sign. Color, texture and/or materials used on the sign background, if different from the color, texture and/or materials used on the building exterior shall be limited to the sign area and shall not extend across all or part of the building or canopy. See illustration XIX-1

Illustration XIX-1



**XIX XVIII- 1a permitted Sign Background
Background
Sign Face**

~~XIX~~ XVIII – 1b Prohibited Sign

The plane area which is defined as sign area.

Sign Structure

The uprights, supports, braces and framework supporting a sign.

Site Plan

An illustration of the details of development of areas such as commercial, industrial, recreational, multifamily residential and other uses not being platted.

Special Exception Use Order

An order issued by the City Council after recommendation of PZA, which allows certain uses within a zoning district that are not generally permissible throughout the district, but which if controlled as to number, area, location, or relation to the neighborhood, could promote the public health, safety, and welfare.

Spillover

The casting, reflecting or transmission of light or glare beyond the boundaries of the property.

Sports Fields

Those areas used solely for the purpose of playing sporting events (eg.- soccer fields, softball or baseball fields). Only the surfaces used to engage in these activities fall under the category of “sports fields”.

Street

Any public thoroughfare, street, avenue, boulevard or space more than twenty (20) feet (six thousand ninety-six (6,096) mm) wide which has been dedicated or deeded for vehicular use by the public and which can be used for access by fire department vehicles.

Arterial: A street which provides the highest degree of mobility and largest proportion of total travel. Arterial roadways have higher design standards than other roads. They often have multiple lanes and some degree of access control.

Collector: A street which provides a mix of mobility and land access functions, linking major land uses to each other and/or to arterial roadways. On-street parking is only allowed in cases where there is additional right-of-way (ROW) and a safety problem will not be created. Access is managed to minimize the number of driveways.

Commercial: A street located within a commercial or industrial subdivision that provides access to the commercial or industrial property within that subdivision as its primary function. On-street parking is generally not allowed. Access is managed to minimize the number of driveways.

Dead End: A street that terminates in a vehicular turnaround.

Local: A street with land access as its primary function. In general, on-street parking is allowed and access is unlimited, subject to driveway spacing restrictions.

Structure

(1) Anything constructed or erected with a fixed location on the ground or attached to something having a fixed location. Among other things, structures include buildings, boat docks, boat ramps, mobile homes, walls, fences, etc. (2) With regards to floodways, any construction that diminishes the functional floodway capacity as determined by FEMA.

Structure, temporary

Any structure serving a temporary use, such as a field or sales office, contractor's office, etc.

Subdivision

The division of a parcel of land, whether improved or unimproved into two (2) or more lots or parcels of land for the purpose of sale or building development (whether immediate or future) and including all divisions of land involving the dedication of a new street or a change in existing streets. The City may grant a waiver to the platting requirements for subdivisions with three (3) lots or less.

Substantial Improvement

Any repair, reconstruction, or improvement of a building, (for any building constructed prior to the effective date of this LDC) the cost of which either equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair is started or (2) if the structure has been damaged and is being restored, before the damage occurred.

Sunroom

A one-story structure added to an existing dwelling with an open or glazed area in excess of forty (40) percent of the gross area of the sunroom structure's exterior walls and roof. For the purposes of this LDC, the term sunroom as used herein shall include conservatories, sunspaces, solariums, and porch or patio covers or enclosures.

Temporary Connection

A permitted connection for a specific property that is conditioned to be open for a specific purpose and traffic volume for a specific period of time with the right-of-way to be restored by the applicant to its original condition upon connection closure.

Temporary Sign

A sign used for a temporary period of time.

Travel Trailer

A structure that is intended to be transported over streets and highways and is designed as a temporary dwelling for travel and recreational purposes. A travel trailer is not a mobile home.

Tree

Any living, self-supporting, perennial plant which has at least twelve-inch D.B.H. and normally grows to a minimum overall height of fifteen (15) feet.

Turf /Turfgrass

A surface layer of earth containing a dense growth of grass and its roots.

Under-Canopy Sign

A sign painted on or attached to the underside of a canopy or marquee.

Use

The activity or function that actually takes place or is intended to take place on a lot.

Useable Open Space

An area that:

- (a) Is not encumbered with any substantial structure,
- (b) Is not devoted to use as a roadway, parking area, or sidewalk,
- (c) Is left (as of the date development began) in its natural or undisturbed state if wooded, except for the cutting of trails for walking or jogging, or, if not wooded at the time of development, is landscaped for ball fields, picnic areas, or similar facilities, or is properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with the objective set forth in the Subdivision (4).
- (d) Is capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, and
- (e) Is legally and practicably accessible to the residents of the development out of which the required open space is taken, or to the public if dedication of the open space is required.
- (f) Consists of land no more than twenty-five (25) percent of which lies within a floodplain or floodway.

Utility Facility

Any above-ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, a nonprofit organization, a corporation, or any entity defined as a public utility for any purpose and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil, or electronic signals (except for communication towers).

Vehicle Accommodation Area

That portion of a lot that is used by vehicles for access, circulation, parking and loading and unloading. It comprises the total of circulation areas, and parking areas (spaces and aisles)

Wall Sign

A sign painted on or affixed to the structural wall of a building, with a sign face approximately parallel to the wall perpendicular to the ground and projecting no more than twelve (12) inches from the wall. The general term "wall sign" shall also include window signs and fascia signs.

Water Features

Features of a site that hold water including but not limited to natural features (lakes, wetlands, rivers, creeks, etc.), or artificial features (retention ponds, fountains, and canals.)

Water Use Zone

A distinct grouping of plants with similar water needs and climatic requirements. The water use zones are as follows:

(a) Low Water Use Zone

Zones including plants which survive on natural rainfall without supplemental water.

(b) Medium Water use Zone

Zones including plants which survive on natural rainfall with supplemental water during seasonal dry periods.

(c) High Water Use Zone

Zones including plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive.

Wellhead Protection Zone

All land within a one thousand-foot radius of an existing or designated protected wellhead.

Wellhead Zone of Exclusion

All land within a two hundred-foot radius of an existing or designated protected wellhead.

Wetlands

Hydrologically sensitive areas which are identified by being inundated or saturated by surface or ground water with a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Boundary

That line or point where: (1) vegetative species shift from dominantly wetland to dominantly upland species; (2) highly organic and muck soils change to sandy upland soils; and (3) flooding or inundation condition indicators are no longer present.

Wetland Compatible Development Activities

Those activities which do not cause a diminishing of wetland functions.

Wetland Development Activity

Those activities for which compatibility rankings and performance standards have been developed:

- (a) Boardwalks, docks and gazebos.
- (b) Bulkheading (impounding, interrupting or diverting surface water).
- (c) Clearing of vegetation (in conjunction with the construction of permitted structures).
- (d) Cultivating naturally occurring agricultural and horticultural products.
- (e) Discharge of domestic, agricultural, or industrial wastes (pursuant to DER permit or the discharge of stormwater runoff waters from adjacent land).
- (f) Drainage ditches.
- (g) Dredging (other than mosquito control or "drainage ditches").
- (h) Filling.
- (i) Harvesting of timber and wood products.
- (j) Hazardous material (storage, use, or disposal of any hazardous material).
- (k) Landscaping and establishing planting.
- (l) Restoration or expansion or modification of existing structures and improved areas.
- (m) Septic tanks (installation of septic tanks).
- (n) Solid waste disposal.
- (o) Stormwater retention/detention basins.
- (p) Structure (construction of permitted structures).
- (q) Utility installation.

Wetland Direct Hydrologic Connection

Connection to a wetland where a flow of surface water occurs on an average of thirty (30) or more consecutive days per year. In the absence of reliable hydrologic records, a continuum of wetlands may be used to establish a direct hydrologic connection.

Wetland Enhancement

The restoration of altered wetlands and the physical expansion of the size of wetlands.

Wetland Functions

The water quality enhancement, water quality management, climatic stability, wild life and human use abilities of wetlands.

Wetland Mitigation/Compensation

Development activities which will result in greater wetland or environmental benefit than with the strict application of performance standards.

Wetland Performance Standards

Standards for actions taken to prevent or minimize adverse impacts on wetlands as a result of development activities.

Wetland Significance

The degree to which wetlands functions are performed by a wetland.

Wholesale Sales

On-premises sale of goods primarily to customers engaged in the business of reselling the goods.

Window Sign

A permanent sign affixed to, suspended behind, or painted on either face of a window or glass door that leads to the exterior of the building.

Xeriscape™ or Florida Friendly Landscape

Quality landscapes that conserve water and protect the environment and are adaptable to local conditions and which are drought tolerant. The principles of Xeriscape™ include planning and design, appropriate choice of plants, soil analysis which may include the use of solid waste compost, efficient irrigation, practical use of turf, appropriate use of mulches, and proper maintenance (as provided for in § 166.048(1)(b) and § 373.185(1)(b) Florida Statutes).

Yard

An 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 vegetation. Fences, walls, children's play equipment and other customary yard accessories may be permitted in rear and side yards and some front yards subject to height, visibility limitations and other requirements of this Code.

(a) Front Yard.

A yard extending between side lot lines, parallel across the front of a lot adjoining a street. In cases of through lots and corner lots, front yards shall be provided on all frontages. The minimum front building setback distance shall be maintained at every point along the street.

(b) Rear Yard.

A yard extending across the rear of the lot between the side lot lines. In the case of through lots, there will be no rear yard. The depth of the rear yard shall be measured at right angles to a straight line joining the rearmost points of the side lot lines. The rearmost point of the side lot line in the case of rounded or irregular property corners shall be assumed to be the point at which the side and rear lines would have met without such rounding or irregularity.

(c) Side Yard.

A yard extending from the rear line of the required front yard to the front line of the rear yard, or in the absence of any clearly defined rear lot line, to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards will extend from the rear lines of the required front yards. In the case of corner lots, there may be only one (1) side yard, and that yard will be the yard(s) remaining after providing two (2) front yards and designating a rear yard.

(d) Minimum Yard.

In addition to other yard requirements, a minimum yard equal in depth to the established district building setback shall be provided parallel to all property lines. Accessory uses may be allowed within the minimum yard area in accordance with the Land Development Code.