

Lake Helen Code of Ordinances

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CODE OF ORDINANCES

ARTICLES 1 THROUGH 15 LAND DEVELOPMENT REGULATIONS

ARTICLES 16 THROUGH END CITY ORDINANCES

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APPENDIX A
DEFINITIONS,
ARTICLES 1-15

Abatement. Any action taken to remedy, correct, or eliminate a condition within, associated with, or impacting a drainage system.

Abut. To physically touch or border upon: or to share a common property line.

Accessory building. A subordinate use or building which is clearly incidental to and customarily utilized in connection with a principal building located on the same lot.

Adult Congregate Living Facility (ACLF). A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

Adult Entertainment. See Article 32, page 32-5 for complete listing of definitions.

Adverse effects. Any modifications, alterations, or effects on waters, associated wetlands, or shorelands, including their quality, quantity, hydrology, surface area, species composition, or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the reasonable use of property, including outdoor recreation. The term includes secondary and cumulative as well as direct impacts.

Adversely affected person. Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government comprehensive plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Agricultural activity. Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Agricultural use. The use of land in crop cultivation, horticulture, viticulture, silvaculture, pisciculture, forestry, dairy, livestock, poultry, bee keeping, aquaculture and all forms of farm products and farm production.

Alley. A roadway dedicated to public use which affords only a secondary means of access to abutting property and not intended for the general traffic circulation.

Alter or Alteration. Work done on a Stormwater Management System other than that necessary to maintain the system's original design and function.

Apartment house. (See multiple family dwellings).

Appeal. To call upon another for corroboration, vindication, or decision.

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

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

Artificial drainage system. Any canal, ditch, culvert, dike, storm sewer or other man-made facility which tends to control the surface flow of water.

As-built plans. The amended site plans specifying the locations, dimensions, elevations, capacities and capabilities of structures or facilities as they have been constructed.

Automobile (service) station. Any building, structure or land used for the dispensing, sale or offering for sale at retail of any automotive fuels, oils or accessories and in connection with which is performed general automobile servicing as distinguished from automobile repairs.

Awning/Canopy sign. See Sign, awning/canopy.

Band level. The total sound level of all noise as measured with a sound level meter using the "A" weighting network. The unit of measurement is the dB(A).

Banner sign. See Sign, banner.

Base flood. The flood having a one percent chance of being equaled or exceeded in any given year.

Beacon light. Any light with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.

Beneficiaries of drainage service. The term shall include all developed real properties within the city which benefit by the provision of maintenance, operation and improvement of the stormwater control system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater, the reduction of hazard to property and life resulting from stormwater runoff improvement in the general health and welfare through reduction of undesirable stormwater conditions and improvement to the-water quality in the storm and surface water system and its receiving waters.

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

Boarding (lodging house). A building other than a hotel where lodging or meals or both are served for compensation.

Buffer area. A buffer area is a landscaped strip along site boundaries that serves to physically

separate and visually screen between incompatible land uses.

Buildable area. That portion of a lot excluding setbacks, buffers, set asides and other areas as deemed necessary by the city to protect natural resources found on the lot

Building. A structure having a roof supported by columns or walls.

Building front That area of a building which faces the public or private way pursuant to which the building is numbered.

Building, height of. The vertical distance from the mean finished grade to the highest point of the main building. The height if a wall is the vertical distance from the grade to the mean level of the top of the wall, including any dormers or gables on the wall.

Caliper. The minimum trunk diameter of replacement tree as measured at a predetermined point of measurement.

City. The words "the city" or "this city" shall mean the municipal corporation of Lake Helen, Volusia County, Florida.

City attorney. The legal counselor for the city.

City commission. The words "commission," "city commission" or "governing body" shall mean the City Commission of the City of Lake Helen, Volusia County, Florida.

Clearing. The removal of any trees or brush from the land, but shall not include mowing or grubbing.

Clinic. A clinic is an establishment where patients are admitted for examination and treatment by one person or a group of persons practicing any form of healing or health building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropractists, naturopaths, optometrists, dentists or any such profession the practice of which is lawful in the State of Florida.

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

Code inspector. Any authorized agent or employee of the municipality whose duty it is to ensure code compliance.

Commercially developed parcel. A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

Commission. The City Commission of the city of Lake Helen.

Comprehensive land use plan. A land use plan comprised of the elements included in Chapter

163.3177, Florida Statutes, and adopted in accordance with Chapter 163.3184 of said Statutes.

Computation of time. In computing any period of time prescribed or allowed by these regulations, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included unless it is a Saturday, Sunday or legal holiday in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or legal holiday. When the period of time prescribed or allowed is less than seven (7) days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

Concurrency. A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

Contributing runoff. The area of a parcel from which stormwater will result in runoff.

Contribution rate. That portion of the stormwater management fee reflective of a particular parcel's individual contribution to runoff.

Contributors of stormwater. The term shall include all developed real properties within the city and all agricultural uses.

County. The words "the county" or "this county" shall mean Volusia County, Florida.

Cross-sectional area. The area of the trunk of a tree taken four and one-half (4 1/2) feet above the base of the tree measured perpendicular to the axis of the trunk.

Cultural resource. A site, object, structure, building or district listed on the City's Historic Preservation element, Article 34, and/or on the City local register of historic places.

Curb level. The curb level or grade is the elevation of the street curb established by the city and predominant in the surrounding area.

Crown. The main mass of branching of a plant above the ground.

Decibel. A unit of level equal to ten (10) times the logarithm (base 10) of the ratio of any two (2) quantities proportional to power.

Definitions. The words contained herein shall have the meanings respectively ascribed to them.

Delegation of authority. Whenever a provision appears requiring the head of a department, or officer of the city to do some act or make certain inspections, it is to be construed to authorize the head of the department or officer to designate, delegate and authorize subordinates to perform the required act or make the required inspection unless the terms of the provision or section designate otherwise.

Demolition. The tearing down or razing of 25% or more of a structure's external walls.

Density or gross density. The total number of dwelling units divided by the total site area, less public right-of- way.

Detention. The collection and storage of surface water for subsequent gradual discharge.

Deteriorated. Degenerated or damaged to the point where the death of the tree is imminent or to the point where the tree poses a significant hazard.

Developer. Means the person or legal entity that applies for approval of a plat of a subdivision pursuant to this chapter.

Developed property. Any property altered in appearance by removal of vegetation, grading of the ground surface, construction of a structure or impervious surface.

Development. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, and drilling operations or permanent storage of materials or the dividing of land into two (2) or more parcels. Development shall include:

- (1) A reconstruction or alteration of the size or structural change in the external appearance of a structure on land.
- (2) A change in the intensity of the use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices or dwelling units in a structure or on land.
- (3) Alteration of a shore or bank of a river, lake, pond or canal.
- (4) Commencement of drilling (except to obtain soil samples) mining or excavation on a parcel of land.
- (5) Demolition or removal of a structure.
- (6) Clearing of land as an adjunct of construction.
- (7) Deposit of refuse, solid or liquid waste or fill on a parcel of land.

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

Dilapidated. A structure of any size that is falling to pieces; broken down.

Diameter at breast height (DBH). The trunk diameter of a tree measured four and one-half (4 ½) feet above the average ground level at the base of the tree; provided, however, if the tree forks above four and one-half (4 1/2) feet above ground level, it is measured below the swell resulting from the double stem. Stems that fork below four and one-half (4 1/2) feet above ground level shall be considered separate trees.

Direct hydrologic connection. A surface water connection which, under normal hydrological conditions, 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.

Discharge, discharge point. The out-flow of water from a project, aquifer, drainage basin or facility.

District. A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A district may be comprised of individual resources which are separated geographically but are linked by association or history.

Drainage system. A man-made system which conveys water to a point of discharge.

Drip line. The outermost perimeter of the crown of a plant as projected vertically to the ground.

Dwelling. A building or portion thereof designed exclusively for residential occupancy, including one, two and multiple family dwellings, but not including hotels, boarding or lodging houses.

Dwelling, multiple. A building designed for or occupied exclusively by three or more families.

Dwelling, one-family. A building designed for or occupied exclusively by one family.

Dwelling, two-family. A building designed for or occupied exclusively by two families. Also called duplex dwelling.

Dwelling unit. A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Erect. To construct, build, raise, assemble, relocate, place, replace, affix, create; structurally alter, paint, draw, or in any other way bring into or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of copy or the customary maintenance or repair of a sign.

Existing. The condition immediately before development or redevelopment commences.

F.A.C. The abbreviation F.A.C. shall mean the latest edition or supplement of the Florida Administrative Code.

F.S. The abbreviation "F.S." shall mean the latest edition or supplement of the Florida Statutes.

Family. Any number of related individuals living together as a single housekeeping unit.

Farm. A piece of land with house, barns, etc., on which crops or animals are raised as a business.

Festoons. A string of ribbons, tinsel, small flags or pinwheels.

Final plat. The final map, drawing, or chart in which the subdivider's plan of subdivision is presented to the City Commission after first having obtained the approval and/or recommendations from the Mayor, City Clerk, and City Attorney, and which, if approved, by the City Commission

will be submitted to the Clerk of the Circuit Court for recording.

Flood or Flooding. A temporary partial or complete inundation of normally dry land from the overflow of inland waters, or from the unusual and rapid accumulation of runoff or surface waters from any source.

Flood Hazard Boundary Map (FHBM). The map issued by the Federal Emergency Management Agency showing flood-prone areas. Drawn from United States Geological Survey Maps, it does not provide flood elevations and is intended to be used only until the Flood Insurance Rate Map is produced.

Flood Insurance Rate Map (FIRM). The official map issued by the Federal Emergency Management Agency showing both the Area of Special Flood Hazard and the risk premium zones within the city/county.

Flood protection elevation. The elevation of the base flood plus one (1) foot.

Floodplain. Land which will be inundated by floods known to have occurred or reasonably characteristic of what can be expected to occur from the overflow of inland or tidal waters and the accumulation of runoff of surface waters from rainfall.

Floodway. The channel of a natural stream or river and portions of the floodplain adjoining the channel, which are reasonably required to carry and discharge the floodwater or flood flow of any natural stream or river.

Frontage, building. The length of an outside building wall along a strict right-of-way.

Frontage, street. The length of the lot line of anyone premises along the street right-of-way line of which the lot borders.

Garage apartment. An accessory building with storage capacity for not less than two automobiles, the second floor of which is designed as a residence for not more than one family.

Garage, automobile (mechanical). Any building or premises, except those described as a private or storage garage, used for the repair, storage or care of motor vehicles, or where any such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

Garage, private. An accessory building or a portion of a main building used for the parking or storage of automobiles of the occupants of the main building. A carport is a private garage.

Garage, storage. A building or portion thereof designed or used exclusively for the storage or parking of automobiles. Services other than storage shall be limited to refueling, lubrication, washing, waxing and polishing.

Gender. A word importing the masculine gender only shall extend and be applied to females and to firms, partnerships and corporations as well as to males.

Grade, finished. The completed surfaces of lawns, walks, and driveways brought to grades as shown on the plans or designed relating thereto.

Grid system. A series of designated north/south parallel lines intersecting a second set of east/west parallel lines within a one square mile area (i.e., "section"), as indicated on the official property numbering maps.

Gross floor area. The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Ground sign. See Sign, ground.

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

Guest (tourist) house. Any dwelling in which rooms are rented for guests or for lodging of transients and travelers for compensation and so advertised to the public.

Harmful to minors. With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:

1. predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
2. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
3. taken as a whole, lacks serious literary, artistic, political, or scientific value.

Highest adjacent grade. The highest natural elevation of the ground surface adjacent to the proposed walls of a structure.

Historic preservation. (See Article 34)

Historic tree. Any live oak (*quercus virginiana*) or bald cypress *taxodium distichum* thirty-six (36) inches DBH or greater, or any other tree which is determined by the county council of Volusia County to be of such unique and intrinsic value to the general public because of its size, age, historic association or ecological value as to justify this classification. Any tree in the county selected and duly designated as a Florida State Champion, United State Champion or a World Champion by the American Forestry Association shall likewise be within this definition.

Home occupation. Any occupation in connection with which there is kept no stock or trade, nor commodity sold upon the premises, no person employed other than a member of the immediate family residing upon the premises.

Hotel. A building or other structure kept, used, maintained advertised as or held out to the public to be a place where sleeping accommodations are supplied for pay to transients or permanent guests or tenants, in which ten or more rooms are furnished for the accommodation of such guests; and

having or not having one or more dining rooms, restaurants or cafes, if existing, being conducted in the same building or accessory building or buildings in connection herewith.

Hydrograph. A graph of the flow of water over a certain period of time for a selected point.

Hydrological cycle. The movement of water through the environment on, above and below the surface of the earth.

Hydrologic response. The manner and means by which stormwater collects upon real property and is conveyed from real property, and which is a 3 function dependent upon a number of interacting factors, including, but not limited to, topography, vegetation, superficial geologic conditions, antecedent soil moisture conditions and groundwater conditions. The principal measures of the hydrologic system may be slated in terms of total runoff volume, as a percentage of total precipitation which runs off, or in terms of the peak rate of flow generated in the event of a storm of given duration and intensity, or statistical interval of return (frequency).

Impervious areas. Those hard-surfaced areas which either prevent or severely restrict the entry of water into the soil, mantle, as it entered under natural conditions prior to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed to development, including normal water in ponds and lakes.

Improvements. Any man-made, immovable item which becomes a part of, is placed upon or is affixed to real estate. May include, but are not limited to, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (PRMs), permanent control points (PCPs), or any other improvements required by a governing body.

Industrial. Activities under this land use category include light industrial operations that are not likely to result in objectionable on or off-site impacts including odors, smoke, dust, refuse, or noise. Uses within this category may include:

1. Operations directed to the assembling, storage or distribution of components, devices equipment or products.

Institutional. This type of use includes educational facilities (public or private), pre-school and day care facilities, churches, government offices, residential care facilities, nursing home facilities, and other similar institutional uses.

Interpretation. In the interpretation and application of any provision of these regulations, it shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Where any provision of these regulations imposes greater restrictions upon the subject matter than the general provision imposed by these regulations, the provision imposing the greater restriction or regulation shall be deemed to be controlling.

Junkyard. Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

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

Land development regulations. Reference to the "Land Development Regulations" or to the "LDRs" shall mean the Land Development Regulations of the City of Lake Helen, Florida, as contained in this volume.

Land use change. The city commission upon its own initiative or upon the written petition of any owner of property may amend, supplement, change, modify or repeal any provision of the land development regulations.

Land use districts. Describes the specific uses and restrictions which apply to the land use districts as regulated to ensure that the development and use of property is in conformance with the goals, objectives and policies of the Comprehensive Plan.

Large commercial. This category includes commercial uses that may serve a market larger than the immediate area (and consequently are larger in size than those commercial outlets associated with Mixed Commercial type- uses), are not generally compatible with pedestrian oriented retail shopping areas, tend to obstruct and interfere with the shopping or service function, or generate a large number of automobile trips. The following are examples of the type of uses covered:

1. Wholesale commercial uses, warehousing, storage or distribution centers.
2. Light manufacturing, such as automobile mechanical garages paint and body shops, bakeries, air conditioning sales and service and assembly confectionery manufacture, manufacture and assembly of scientific, electrical, optical, medical and other precision instruments or equipment, manufacture of clothing, ice cream manufacture, manufacture and sale of novel ties, souvenirs or computer electronics; laboratories for testing materials and analysis
3. Laundry self-service
4. Printing, book-binding, lithography and publishing establishments.
5. Trade shops including tinsmiths, cabinet maker, rug and carpet cleaning, upholstering, mattress renovation, electrical, roofing and plumbing shops.
6. Clubs and fraternal organizations
7. Hotel, motel or motor lodges
8. Clinics, medical or dental
9. Drive-through facilities

Laundry, self-service. A business rendering a retail service by renting to the individual customer

equipment for the washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management.

Local Planning Agency (LPA). A group of citizens appointed by the city commission to serve as the local planning agency in compliance with the requirements of Chapter 163 of Florida Statutes to prepare and recommend a comprehensive land use plan for adoption by the city commission, and other purposes defined in the state's local government comprehensive planning act, amended in 1985.

Lot. An area of land which abuts a street and which either complies with or is exempt from the city subdivision regulations and is sufficient in size to meet the minimum area and width requirements for its land use classification as established in the current city ordinance as amended and a portion of a subdivision or any tract or parcel of land, including the air space above or contiguous thereto, intended as a unit for transfer of ownership or for development or both. The word lot includes the words plot, tract, or parcel.

Lot, corner. A lot abutting upon two or more streets at their intersections.

Lot depth. The depth of a lot is the distance measured in a mean direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot, interior. A lot other than a corner lot.

Lot of record. A lot which is a part of a subdivision, the map of which has been recorded in the office of the Clerk of the Circuit Court of Volusia County, Florida.

Lot, through. An interior lot having frontage on two streets, as distinguished from a corner lot.

Lot width. The mean horizontal distance between the side lot lines, measured at right angles to the depth.

Lowest floor. The lowest enclosed floor of a structure, including a basement, but not including the floor of an area enclosed only with insect screening or wood lattice as permitted by the flood damage prevention regulations in this Code.

Maintenance. That action taken to restore or preserve the original design and function of any Stormwater Management System.

Manufactured Buildings. The definition of the term relating to manufactured buildings shall be as set forth in State law. Manufactured buildings are approved by the Florida Building Commission/Florida Department of Community Affairs (FDCA) and contain a 4" x 5" heavy foil insignia generally located on or near the electrical panel. A wall component, room addition, bath or kitchen core bears an additional foil insignia as promulgated by the FDCA. Manufactured buildings, when functioning as a residential unit are from time-to-time referred to in this Ordinance as "manufactured dwellings."

(Ord. 2004-13; § 2, 9-2-2004)

Manufactured Housing. The definition of the term relating to manufactured housing shall be as set forth in State law. Manufactured housing (mobile homes) are required to satisfy the National Mobile Homes Construction and Safety Standards promulgated by United States Department of Housing and Urban Development (HUD). This program is administered in Florida by the Department of Highway Safety and Motor Vehicles (DHSMV) and is not affiliated with the Manufactured Buildings Program and these buildings contain a 2" x 4" metal rectangular red certification label located on the rear roadside corner of each module signifying approval by the DHSMV. Manufactured housing (mobile homes) are constructed in accordance with standards promulgated by the HUD and must be transported as a vehicle and the City determines where mobile homes may be installed in accordance with zoning laws and other land development regulations.

(Ord. 2004-13; § 2, 9-2-2004)

Marquee sign. See Sign, marquee.

Minimum square footage. The sum of the gross horizontal areas of all floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a head room of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, vehicle parking structures, basement space, or porches, patios, breezeways, sun porches, and other similar structural additions that are enclosed or unenclosed with screening.

Minor replat. The subdivision of a single lot or parcel of land into two (2) lots or parcels, or the subdivision of a parcel into two or more lots solely for the purpose of increasing the area of two or more adjacent lots or parcels of land, where there are no roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

Mixed Commercial. A variety of general commercial, commercial recreational, entertainment, and related activities is included in this category. The following specific uses are examples of the type of activities within this category:

1. Any use permitted in Residential district.
2. Art, antique, gift, china, glassware, jewelry and luggage shop.
3. Beauty salons, barber shops.
4. Book and stationary stores, newsstands.
5. Business colleges or commercial schools.
6. Day nurseries, kindergartens.
7. Florist shops, the products of which are displayed and sold wholly upon the premises, but not grown on the premises.
8. Grocery, vegetable, fruit, meat markets; bakery for retail sale on the premises; delicatessen; dry goods, television repair shops, household and electrical appliance stores with servicing as an accessory use to be contained within the building and any other retail store consistent with this provision.
9. Interior decorators.

10. Investment, insurance and real estate offices; banks, credit unions and Savings and Loans.
11. Laundry and dry cleaning pick-up stations, where no such work is done on the premises.
12. Music, art or dancing school or studio but not dance hall.
13. Men's, women's and children's wearing apparel and accessories.
14. Restaurants and snack bars.
15. Photographic supplies and studios; artists supplies; music shops.
16. Shoe repair; hat cleaning.
17. Drug store, confectionery, sundries, tobacco shops.
18. Self-service laundry.
19. Automobile service stations.
20. Child care facilities.
21. Adult day care facilities.
22. Adult Congregate Living Facilities (ACLF).
23. Wine, Beer or Liquor Stores
24. Hardware Store (w/o outside storage)

Month. The word "month" shall mean a calendar month.

Motels, tourist courts, motor lodges. A group of attached or detached buildings containing individual sleeping units, with automobile storage or parking space provided in connection therewith, designed for use primarily by automobile transients, but not limited to these individuals.

Motor vehicle. Any vehicle propelled by other than muscular power.

Multiple dwelling unit. A building or facility consisting of more than one (1) dwelling unit, each such unit consisting of one (1) or more rooms with bathroom and kitchen facilities designed for occupancy by one (1) family.

Name of officer, department, board, etc. The naming of an officer, department, board, etc., shall be construed as if followed by the words "of the City of Lake Helen."

Natural drainage system. Surface streams or swamps which convey water to natural points of discharge.

Natural flow pattern. The rate, volume and direction of the surface water flow or groundwater flow or both occurring under natural conditions for any given portion of the city.

Natural systems. Systems which predominantly consist of or are used by those communities of plants, animals, bacteria and other flora and fauna which occur indigenously on the land, in the soil or in the water.

Noise level. The sound pressure level as measured in dB (a) by a sound level meter.

Nonconforming sign. See Sign, nonconforming.

Nonconforming use. A use of land, sign or building existing at the time of adoption of these land development regulations which is not permitted within the land use classification applicable thereto.

Nonresidential unit. Any building, structure or facility used other than as a dwelling unit or single-family unit.

Nontechnical and technical words. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

Number. A word importing the singular number only may extend and be applied to several persons and things as well as to one person and thing.

Numbering system. A uniform method of assigning and coordinating the addresses of buildings and properties based on a designated grid system contained in the official property numbering maps.

Nursing (convalescent) home. A home for the aged, chronically ill or incurable persons in which three 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.

Oath. The word "oath" shall be construed to include an affirmation in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."

Object. A material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

Occupant. Any person, firm, entity, partnership, trust, corporation, association, or other organization who is occupying or leasing a building or other property for a period exceeding thirty (30) days.

Off-premise sign. See Sign, off-premise.

On-premise sign. See Sign, on-premise.

Open drainageway. A natural or man-made open-cut which has the specific function of transmitting natural stream, water or storm runoff water from a point of higher elevation to a point of lower elevation, such as swales, ditches, canals, streams and creeks.

Ordinary maintenance. Work which does not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its condition prior of the damage, deterioration, or decay.

Owner. Any and all persons, firms, entities, partnerships, trusts, corporations, associations, or other organizations who own the fee title to, or have an undivided interest in, any building or property.

Owner. tenant, occupant the term shall include the executors, administrators, successors, and assigns of the person referred to; and the covenants and agreements contained in any contract between the department and its consumers should be binding upon an inure to the benefit of the successors, heirs, executors, administrators or assigns of the respective persons thereto.

Overlay Zone. Used to impose special development restrictions on identified areas. The location of overlay zones is established by the city based on the need for special protective measures in that area. The underlying uses in the area, as determined in Article 2, Land Use, of this Code, remain undisturbed by the creation of the overlay zone. The overlay zone merely imposes additional or different development standards than those that would otherwise apply.

Parcel of land. Any quantity of land capable of being described in such a manner that its location and boundaries may be established, which is designated by its owner or developer as land to be used or developed. as a unit Or which has been used Q[developed as a unit Said land shown on a recorded plat or on the Volusia County Appraiser's maps or described by deed and recorded in the Public Records of Volusia County, Florida.

Parking lot. An area or plot of land used for the storage or parking of vehicles.

Peak flow. The highest instantaneous rate of stormwater runoff, measured, or estimated. It is differentiated from total flow volume by the introduction of a unit of time measure during which the maximum rate of flow is measured, calculated or estimated.

Permitted principal use or structure. Those uses that are permitted within the various land use classifications.

Permitted special exception (signs). A use expressly so designated within the various zoning classifications that would not be appropriate generally or without restriction throughout a particular zoning classification but that would not adversely affect the public health, safety, comfort, good order, appearance, convenience, morals, or general welfare, if controlled in number, area, location, relation to the neighborhood, or in other appropriate respects.

Person. Any individual, firm, association, organization whether social or business, partnership, joint venture, trust company, corporation, receiver, syndicate, business trust or other group or combination acting as a unit, including any government.

Pervious area. That area within the city which is under standard conditions, permeable to stormwater runoff and surface water.

Pollutant. Any substance, contaminant, noise, or manmade or man-induced alteration of the chemical, physical, biological, or radiological integrity of air or water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property, or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

Portable sign. See Sign, portable.

Preceding, following. The words "preceding" and "following" mean next before and next after, respectively.

Preliminary plat. A topological map showing: elevations; adjacent streets; title of the property; mortgages and liens; other information as required.

Premises. A lot, together with all buildings and structures thereon.

Principal building. Any structure which is designed, built or used for the support, enclosure, shelter, or protecting of persons, animals, chattel or property of any kind for any residential commercial or industrial purpose.

Private. That property or facilities owned by individuals, corporations, and other organizations and not by a city, county, state, or federal government agency.

Private way. Any officially named thoroughfare used for vehicular traffic which is not included in the definition of "public way" and which is not maintained by the city. This term shall include, but is not limited to, roadways or driveways in apartment, condominium, commercial, or industrial complexes, which have been named and signed in accordance with Florida Statutes, Section 316.077 (State Uniform Traffic Law).

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

Project initiation. All acts prior to actual construction activities and includes, but is not limited to, land clearing, utility construction and the like.

Projecting sign. See Sign, projecting.

Protected wellhead. Those wellheads with a permitted capacity of 100,000 GPD or more.

Protected environmentally sensitive area. An environmentally sensitive area designated for protection in the Conservation Element of the city comprehensive plan.

Public notice or hearing. "Public notice" or "due public notice" as used in connection with the phrase "public hearing" or "hearing to held after due public notice" shall mean publication of notice of the time, place, and purpose of such hearing at least twice in a newspaper of general circulation in the area, with the first publication not less than fourteen (14) days prior to the date of the hearing and the second at least five (5) days prior to the beginning,

Public place. The term "public place" shall include any park, cemetery, school yard or open space adjacent thereto and any lake, stream or waterway.

Public way. That area of an officially named public road or right-of-way, either paved or unpaved,

which is intended for vehicular traffic, excluding service entrances or driveways.

Rate. The volume of water per unit of time.

Real property. Includes lands, tenements and hereditaments.

Recharge. The inflow of water into a project, aquifer, drainage basin or facility.

Recreational vehicle. A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to; travel trailers, truck campers, camping trailers, and self-propelled motor home.

Replacement stock. Any immature tree having an overall height of at least six (6) feet and a minimum DBH of one and one-half (1 1/2) inches.

Restaurant. An eating and drinking establishment designed primarily to serve walk-in or pedestrian oriented customers. Such establishments specialize in foods and/or beverages which are consumed on the premises within the confines of the principal building itself

Roof sign. See Sign, roof.

Runoff coefficient. Ratio of the amount of rain which runs off a surface to that which falls on it; a factor from which run-off can be calculated.

Sandwich sign. See Sign, sandwich.

Service area. The corporate limits of the city.

Sidewalk. The word "sidewalk" shall mean any portion of a street between the curb line and the adjacent property line, intended for the use of pedestrians, excluding parkways.

Sign. A sign is a surface, fabric, device or display that is designed to advertise, inform, identify or to attract the attention of persons. For the purpose of these regulations, the term "sign" shall include all structural parts.

Sign, awning/canopy. Any sign consisting of information painted on, or imprinted on, awnings or canopies. Defined as a sheltering screen, usually of canvas fabric, extending over or before any place which has windows, doors, outside walks or the like, and providing shelter or protecting against the weather.

Sign, banner. A sign made of fabric or any nonrigid material with no enclosing framework.

Sign copy. The area of a sign that consists of letters, numbers, symbols, pictures, illustrations, announcements, insignia, trademarks, or the like.

Sign, electric. Any sign containing electric wiring.

Sign, ground. A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Sign, harmful to minors. See harmful to minors.

Sign, illuminated. A sign which contains a source of light or which is designed or arranged to reflect light from an artificial source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Sign, marquee. A sign that is erected to a projection or extension of a building and constructed in such a manner to provide a shelter or cover over the approach to a store, theater, business, or place of public assembly.

Sign, nonconforming. Any sign within the City on the effective date of this Code or a sign existing within any area annexed to the City after the effective date of this Code, which is prohibited by, or does not conform to the requirements of this Code.

Sign, off-premises. Any sign that is not an on-premises sign.

Sign, on-premises. A sign erected by the owner or lessee of premises that is incidental, subordinate, and accessory to the permitted principal use or structure and located on the same premises of such principal use or structure.

Sign, portable. A sign that is mounted on a vehicle normally licensed by the State of Florida as a trailer. Includes such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.

Sign, projecting. A sign erected as an integral part of a building or structure that extends more than twelve (12) inches and less than four (4) feet beyond such building or structure.

Sign, roof. A sign erected wholly upon or over the roof of any building and having its principal support on the roof structure.

Sign, sandwich. Any sign consisting of two (2) faces that are joined together and is free of structure or support and secured to the ground.

Sign, temporary. A sign that is intended to be displayed for a limited period of time.

Sign, wall. A sign erected to the wall of any building, structure or retaining wall that extends twelve (12) inches or less beyond such wall.

Sign, window. A sign erected inside or upon a window facing the outside which is intended to be seen from the exterior.

Signboard. Any structure or part thereof on which lettered or pictorial matter is displayed for advertising or notice purposes.

Site. Generally, any tract, lot or parcel of land or combination of tracts, lots, or parcels of land that are in one ownership, or in diverse ownership but contiguous, and which are to be developed as a single unit, subdivision, or project.

Site mitigation. All private facilities constructed on a parcel of land which provide for the abatement of stormwater to amounts equivalent to vacant property or standards prescribed by the city.

Site plan. The plan required to obtain a development, construction, building or storm water permit which shows the means by which the developer will conform with applicable provisions of this chapter and other ordinances.

Sound level meter. The instrument including as microphone, an amplifier, an output meter, and frequency weighting networks used for the measurement of noise and sound levels in a specified manner.

Sound pressure level. Sound pressure level in decibels of sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure, which reference pressure must be explicitly stated.

Special exception. A use that would not be appropriate in a land use district without special restrictions. Specific mention of special exception in the land use ordinance is required and each special exception must be specifically approved by the City Commission.

Specimen tree. The following species of trees with the minimum specified DBH are determined to be specimen trees in Lake Helen, Florida.

<i>Common Name</i>	<i>Botanical Name</i>	<i>DBH</i>
Turkey oak	Quercus leavis	12 inches & larger
Other oak species	Quercus spp.	18 inches & larger
Maple	Acer spp,	18 inches & larger
Sweet Gum	Liquidarnbar styraciflua	18 inches & larger
Hickory	Carya spp,	18 inches & larger
Elm	Ulmus spp.	18 inches & larger
Loblolly bay	Gordonia Isianthus	12 inches & larger
Sweet bay	Magnolia virginianan	12 inches & larger
Red bay	Perseas borbinia	12 inches & larger
Swamp bay	Peraea paustris	12 inches & larger
Sycamore	Platanus occidentialis	18 inches & larger
Magnolia	Magnolia grandiflora	12 inches & larger

Start of construction. The date the construction permit was issued, provided the "actual start of construction" was within 180 days of the permit date. The "actual start of construction" means the first placement of permanent elements of a structure on a site, such as the pouring of slabs or

footings, installation of piles, construction of columns, or any work beyond the stage of excavation or of the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations; erection of temporary forms; or the installation of appurtenant structures.

State. The words "the state" or "this state" shall mean the State of Florida.

Stormwater. The flow of water which results from and occurs immediately following a rainfall event.

Stormwater conveyance system. Any natural or man-made system which transports excess rainfall from the land to a point of discharge.

Stormwater management fee. Stormwater management utility fee enacted herein which is billed on the basis of certain categories of land designations.

Stormwater management system. The appurtenances, facilities, equipment and services necessary for which the stormwater runoff is conveyed; the peak flow from developed land surfaces is reduced; the erosion created by stormwater is reduced; and/or the water quality of the stormwater runoff is improved within the corporate limits of the city. The system designed to treat stormwater, or collect, convey, channel, hold inhibit, or divert the movement of stormwater on, through and from a site.

Story. That portion of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it.

Story, half. A story under a gabled, hipped or gambrel roof and the wall plates of which on at least two opposite exterior walls are not more than three feet above the finished floor of such story.

Street. A public thoroughfare which affords principal means of access to abutting property. The word "street" shall embrace streets, avenues, boulevards, roads, alleys, lanes, viaducts and all other public highways in the city, and shall include the entire width of the right-of-way thereof if the sense so requires or admits.

Street line. The line between the street and abutting property.

Structural alterations. Any change, except for repair or replacement, in the supporting members of a building, such as bearing walls, columns, beams or girders, floor joists or roof joists.

Structure. Anything constructed, installed, or portable, UIC use of which requires permanent location on a parcel of land, such as buildings; trailers, fences, billboards, swimming pools, poles, pipelines, transmission lines, (facts, advertising signs, a gas or liquid storage tank, or-other man-made facilities or infrastructure.

Subdivision. The platting of real property into two (2) or more lots, parcels, tracts, tiers, blocks,

sites, units, or any other division of land and includes establishment of new streets and alleys, additions and resubdivisions and, when appropriate to the context, relate to the process of subdividing or to the lands or area subdivided.

Temporary sign. See Sign, temporary.

Tense. Words used in the past or present tense include the future as well as the past and present.

Time. The then current legal time in the city. Daytime shall mean 7:00 am to 11:00 pm and nighttime shall mean 11:00 pm to 7:00 am in commercial and manufacturing use occupancies. Daytime shall mean 7:00 am to 10:00 pm and nighttime shall mean 10:00 pm to 7:00 am in residential use occupancies.

Total flow. The accumulative volume of stormwater discharged from a property, basin, or watershed. The total flow is quantified in measures such as acre feet or cubic feet of water.

Tract of land. Any amount of land not presently subdivided.

Trailer park. A duly licensed camp, park or other area established to carry on the business of parking or otherwise servicing trailers. The site plan and all sanitary facilities of a trailer park must conform to the requirements of the State and County health authorities.

Tree. Any woody, self-supporting plant characterized by having a single trunk of at least six (6) inches DBH or multi-stem trunk system with a well-developed crown at least fifteen (15) feet high.

Tree protection zone. A zone around each protected tree as defined in these regulations.

Usable open space. The part or parts of land or structures which are reserved for active or passive recreation use. This space shall exclude parking areas, driveways, and walkways and open areas such as cafes and shall be open and unobstructed to the sky. Trees, plantings, arbors, fences, flagpoles, sculptures, fountains, swimming pools, open air recreational facilities, laundry apparatus and similar objects shall not be considered obstructions.

Utility. Electricity, telephone, illumination, potable water and stormwater management utilities.

Utility room. A room containing washers, dryers, sewing machines, workshop of storage area for heating and air conditioning units.

Vacant. Any piece or parcel of land that is without any building, structure, appurtenance, or improvement and which is not for agricultural use.

Variance. A modification of, or deviation from, the requirements of these regulations which is authorized and approved or denied by the City Commission after it finds that the literal interpretation and application of the provisions of these regulations would cause a unique and unnecessary hardship not resulting from an action of the owners in the use or development of a specific lot or building.

Vegetation. All plant growth, especially trees, shrubs, vines, ferns, mosses and grasses.

Vehicles for hire. See Article 33, page 33-1 for complete listing of definitions

Volume. Volume means occupied space and is measured in cubic units.

Wall sign. See Sign, wall.

Water. Includes all water on or beneath the surface of the ground or in the atmosphere, including natural or artificial watercourses, lakes, ponds, or diffused surface water and water standing, percolating or flowing beneath the surface of the ground.

Water retention structure. A facility which provides for storage of storm water runoff.

Wellhead protection zone. An area surrounding a public wellhead where development is excluded or severely limited.

Wetland. Land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, cypress ponds, bay heads and bogs, wet prairies, and freshwater marshes.

Window sign. See Sign, window.

Yard. An open space on the same lot with a building, unoccupied and unobstructed from the ground upward, except by trees or shrubbery or as otherwise provided herein.

Yard, front. A yard across the full width of the lot, extending from the front line of the building to the front line of the lot, excluding steps.

Yard, rear. A yard extending across the full width of the lot, and measured between the rear line of the lot and the rear line of the main building.

Yard, side. An open unoccupied space on the same lot with the main building, situated between the side line of the building and the adjacent side line of the lot and extending from the rear line of the front yard to the front line of the rear yard.

Year. The word "year" shall mean a calendar year, unless otherwise specified.

Zoning change. An action to amend, supplement, change, modify or repeal any provision of the present land use regulations in accordance with Administration and Enforcement procedures. Must be in compliance with FS. 163.215 and 166.041.

Zoning classification. Those classifications established by city ordinance and as indicated in Article 2, Land Use of these ordinances.

CODE OF ORDINANCES

**ARTICLES 1 THROUGH 15
LAND DEVELOPMENT REGULATIONS**

CITY OF LAKE HELEN FLORIDA

ADOPTED JULY 21, 1994

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ARTICLE I

GENERAL PROVISIONS

1.00.00 GENERAL PROVISIONS

1.01.00 TITLE

Articles 1 through 15 of this code shall be entitled the “Land Development Code, City of Lake Helen,” and may also be referred to as “the Code.”

1.02.00 AUTHORITY

The Code is enacted pursuant to the requirements and authority of Section 163.3202, *Florida Statutes* (the Local Government Comprehensive Planning and Land Development Regulation Act) and the general powers of Chapter 166, F. S.

1.03.00 APPLICABILITY

1.03.01 General Applicability

Except as specifically provided below, the provisions of the Code shall apply to all development in the City, and no development shall be undertaken without prior authorization pursuant to the Code.

1.03.02 Exceptions

A. Previously Approved Development Permits

The provisions of the Code and any-amendments thereto shall not affect the validity of any lawfully issued and effective development permit if:

1. The development activity authorized by the permit has been commenced prior to the effective date of this Code or any amendment thereto, or will be commenced within six months of issuance of the building permit; and
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

B. Previously Approved Development Orders

Projects with development orders that have not expired at the time this Code or an amendment thereto is adopted, and on which development activity has commenced or which does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this Code or amendment thereto.

1.04.00 RELATIONSHIP TO COMPREHENSIVE PLAN

The Code has been prepared and adopted by the City Commission with due consideration to existing conditions and future development of the City according to the general policies contained in the comprehensive plan adopted by the City Commission in June 1991.

1.05.00 PURPOSE AND INTENT

1.05.01 Purpose of the Code

This integrated Code was enacted in response to S. 163.3202(3), F.S., which requires land development regulations to be combined and compiled into a single land development code. This single code will replace the land development regulations that had been adopted piecemeal over the years and were scattered throughout the local code of ordinances. These regulations lacked coordination and were difficult to find, administer and understand. The replacement of those regulations with this integrated Code will greatly enhance the efficiency and effectiveness of the regulation of land development in the City.

1.05.02 Intent of the Articles of the Code

Outlined below is a brief description of each of the other Articles contained in the Code:

A. Article 2 - Land Use:

This article describes the specific uses and restrictions which apply to the land use districts adopted in the Comprehensive Plan.

B. Article 3 - Resource Protection Standards:

This article identifies those resources or areas within a development that must be protected from the harmful effects of development. These resources

include certain trees, wetland areas, habitat of endangered or threatened species, wellheads and floodplains.

C. Article 4 - Development Design Standards:

This article establishes development design and improvement standards for all development activity in the City. Included in this article are standards for lot area, lot coverage and setbacks as well as landscaping and buffer zone requirements.

D. Article 5 - Improvement Standards:

This article includes standards for transportation systems, parking and loading, utilities and stormwater management.

E. Article 6 - Concurrency Management:

The intent of this article is to implement the concurrency provisions of the Comprehensive Plan. All new development is reviewed according to the requirements of this article to ensure that adequate capacity of public facilities exists to accommodate the development.

F. Article 7 - Accessory Structures and Uses:

This article regulates the installation, configuration and use of accessory structures and the conduct of accessory uses to ensure that they are not harmful aesthetically or physically to residents and surrounding areas.

G. Article 8 - Sign Regulations:

The intent of this article is to encourage the effective use of signs as a means of communication in the City while maintaining or enhancing the City's aesthetic environment, preserving pedestrian and traffic safety and minimizing the adverse effect of signs on nearby property.

H. Article 9 - Operational Performance Standards:

This article provides standards for the measurement of potential nuisances within the City for the purpose of protecting the community by eliminating or controlling hazards and nuisances. Potential nuisances and hazards covered in this article include noise, vibration, air pollution and odor, debris

insect and rodent control, electromagnetic interference, glare and heat, and fire and explosive hazards.

I. Article 10 - Boards and Commissions; Code Enforcement:

This article provides the criteria relating to the creation, membership, duties and procedures of the boards and commissions established to administer the City's Land Development Code.

J. Article 11 - Development Plan Review Procedures:

This article sets forth the application and review procedures required of projects for obtaining development orders.

K. Article 12 - Permits:

This article sets forth the application and procedures required for obtaining approvals to commence with specific components of a project such as building construction, landscaping, parking and installation.

L. Article 13 - Nonconforming Uses, Development, Land Use Change (Rezoning), Variances and Special Exceptions:

This article provides the mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur.

M. Article 14 - Administration and Enforcement:

This article describes the procedures to be followed in annexing land, changing land use (rezoning), variances, special exceptions, final review of development plans, and amending the Code or Comprehensive Plan, appealing decisions, judicial review, and enforcement of permits, orders and Code provisions.

N. Article 15 - Buildings and Building Regulations:

This article sets forth the requirements that apply to the construction, alteration, repair, equipping, use, occupancy, and demolition of buildings in the City.

O. Appendix A - Definitions Articles 1 through 15:

This appendix provides definitions of the various terms used throughout Articles 1 through 15 of the Land Development Code.

1.06.00 INCORPORATION BY REFERENCE

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

- A. The Future Land Use Map
- B. Future land uses as delineated in the comprehensive plan
- C. The Future Traffic Circulation Map
- D. The International Transportation Engineers (ITE) Manual (1985)

1.07.00 ORDINANCES NOT AFFECTED BY CODE

Nothing in this Code or the ordinance adopting this Code shall be construed to repeal or otherwise affect the validity of any of the following when not inconsistent with this Code:

- A. Any ordinance promising or guaranteeing the payment of money by the City, or authorizing the issuance of any bonds by the City, or any evidence of the City's indebtedness, or any contract, agreement, lease, deed or other instrument or obligation assumed by the City:
- B. Any right or franchise, permit or other right granted by any ordinance:
- C. Any personnel regulations or any ordinance establishing salaries of city officers and employees;
- D. Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, repairing or vacating any street, alley or other public way in the city;
- E. Any ordinance establishing and prescribing the street grades in the city:
- F. Any appropriation ordinance or any ordinance imposing or levying taxes:

- G. Any ordinance providing for local improvements and assessing taxes therefore
- H. Any ordinance dedicating or accepting a plat or subdivision:
- I. Any ordinance establishing the official plat of the City;
- J. Any ordinance annexing territory or excluding territory from the City:
- K. Any temporary or special ordinance;
- L. Any ordinance prescribing traffic and parking regulations for specific streets and locations;
- M. Any provisions of Chapter 166, Florida Statutes.

All such ordinances are recognized as continuing in full force and effect.

1.08.00 AMENDMENTS TO THE CODE

- A. All ordinances passed subsequent to this Code which amend, repeal or in any way affect this Code, may be numbered in accordance with the numbering system of this Code and printed for inclusion therein. When subsequent ordinances repeal any chapter, article, division, section or subsection or any portion thereof, such repealed portions may be excluded from the Code by omission from reprinted pages
- B. Amendments to any of the provisions of this Code may be made by amending such provisions by specific reference to the section number of this Code in substantially the following language: “That section of the Land Development Code, City of Lake Helen, Florida, is hereby amended to read as follows: ...” The new provisions shall then be set out in full as desired.
- C. If a new section not heretofore existing in the Code is to be added, the following language may be used: “The Land Development Code, City of Lake Helen, Florida, is hereby amended by adding a section to be numbered, which section reads as follows:” The new section may then be set out in full as desired.

- D. All sections, divisions, articles, chapters or provisions to be repealed must be specifically repealed by section, division, article or chapter number, as the case may be.

1.09.00 SUPPLEMENTATION OF THE CODE

- A. By contract or by City personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the City Commission. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the City Commission or adopted by initiative and referendum during the period covered by the supplement and all changes made in the Code, and shall also include all amendments to the Charter during that period. The pages of a supplement shall be numbered so that they fit properly into the Code and will, where necessary, replace pages which have become obsolete or partially obsolete. The new pages shall be prepared so that, when they have been inserted, the Code will be current through the date of adoption of the latest ordinance included in the supplement.
- B. In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by their omission from reprinted pages.
- C. When preparing a supplement to the Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal. Nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:
 - 1. Organize the ordinance material into appropriate sections;
 - 2. Provide appropriate catch lines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catch lines, heading and titles;
 - 3. Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section numbers;
 - 4. Change the words “this Code” or words of the same meaning to “this chapter,” “this article.” “this section,” etc. as the case may be, or to

"sections to" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code): and

5. Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code: but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

1.10.00 REPEAL OF PORTIONS OF THE CODE

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. The repeal of an ordinance shall not effect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of repeal for an offense committed under the ordinance repealed.

1.11.00 VIOLATIONS AND PENALTIES

1.11.01 Legislative Findings, Ordinance Number 2004-12

WHEREAS, the City Commission of the City of Lake Helen enacts ordinances from time-to-time and codifies and amends the *Code of Ordinances of the City of Lake Helen* from time-to-time and, in taking such actions, the City Commission provides for penalties for the violation of the *Code of Ordinances of the City of Lake Helen* and ordinances of the City; and

WHEREAS, under the provisions of Article VIII, Section 2 of the *Constitution of the State of Florida*, as expressed in Attorney General Opinion Number 81-76, dated October 13, 1981, and issued to the City Attorney of the City of Vero Beach, the City possesses the broad home rule authority to adopt and impose penalties for violations of the *Code of Ordinances of the City of Lake Helen* and City ordinances; and

WHEREAS, under the provisions of Section 775.08(2) and (3), *Florida Statutes*, the conviction for violation of a municipal ordinance is neither a misdemeanor nor a noncriminal violation; and

WHEREAS, the provisions of Chapter 162, *Florida Statutes*, the City's code enforcement hearing officer processes and procedures, common law legal remedies available to the City, and other controlling applicable law provide the City with the adequate ability to remedy violations and penalize individuals who may violate the *Code of Ordinances of the City of Lake Helen* and the ordinances of the City; and

WHEREAS, the City Commission has determined, upon reviewing the provisions of Senate Bill 2962, recently passed by the Florida Legislature during its 2004 Regular Legislative Session, and codified as Chapter 2004-265, *Laws of Florida*, that the City will review and re-evaluate all of the provisions of the *Code of Ordinances of the City of Lake Helen* and the ordinances of the City to ensure that the City desires to provide for incarceration as an alternative means of punishment for such violations, but, until that time, the City will rely upon the other legal remedies available to the City under other provisions of controlling law; and

WHEREAS, the City Commission hereby directs City staff to evaluate the provisions of the *Code of Ordinances of the City of Lake Helen* and the ordinances of the City to determine which, if any, provisions should subject violators to the potential penalty of incarceration.
(Ord. No., 2004-12; § 1, 8-4-2004)

1.11.02 General Penalty

- A. Penalties for Violation of the *Code of Ordinances of the City of Lake Helen*: Violation of Ordinances/Administrative Costs.
1. Any person violating any of the provisions of the *Code of Ordinances of the City of Lake Helen* or any City ordinance shall be punished with maximum civil penalty for a violation of up to five hundred dollars (\$500.00), as set forth in Section 162.09, *Florida Statutes*, or its successor provision, or as may otherwise be permitted by State law; provided, however, that the provisions of Subsection 6. of this section shall apply to such other provisions of State law.
 2. A civil penalty of less than the maximum civil penalty may be assessed if the person who has committed the civil infraction does not contest a citation.
 3. In lieu of a civil penalty or in addition to a civil penalty, the Court may order the violator to perform public service.
 4. Any person who willfully refuses to sign and accept a citation issued by a code enforcement officer shall be guilty of a misdemeanor of the second degree, punishable as provided in Section 775.082, *Florida Statutes*, or Section 775.083, *Florida Statutes*.
 5. The City may engage in any other code enforcement activities and processes, as it deems appropriate under the circumstances including, but not limited to, enforcement in a court of competent jurisdiction pursuing any legal remedy available to the City.
 6. Unless a provision of the *Code of Ordinances of the City of Lake*

Helen or a City ordinance, enacted subsequent to August 4, 2004, provides to the contrary, no violation of the *Code of Ordinances of the City of Lake Helen* or a City ordinance shall subject a violator to incarceration.

7. During the course of the City's code enforcement activities, the City shall account for the costs of code enforcement pertaining to each particular case including, but not limited to, administrative costs. All costs so charged may be assessed against the code violator and shall constitute a lien upon the property of the code violator, said lien may be filed in the public/official records of any county, and may be assessed and collected in accordance with the provisions of law.

B. In addition to the penalties provided herein, any condition caused or permitted to exist in violation of any of the provisions of this Code or any ordinance shall be deemed a public nuisance and may be abated by the City as provided by law. Each day that such condition continues shall be regarded as a new and separate offense.

(Ord. No., 2004-12; § 2, 8-4-2004)

1.11.03 Prior Offenses

Nothing in this Code or the ordinance adopting the Code shall affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing, before the effective date of this Code.

1.12.00 ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of the City.

1.13.00 SEVERABILITY

It is hereby declared to be the intention of the City that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code is declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect the remainder of the Code.

1.14.00 EFFECTIVE DATE

These regulations shall be effective on July 21, 1994.