



Planning and Development  
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## **PLANNING & ZONING COMMISSION (Special Meeting)**

**City Hall Board Room  
January 3, 2025 at 10:00 AM**

- I. Call to Order
- II. Roll Call with Determination of Quorum
- III. Approval of Minutes
- IV. Public participation/hearing for non-agenda items
- V. New Business
  - A. **Staff Presentation** : Landscaping & Development Code Amendment
- VI. Announcement of next scheduled meeting date:
  - A. Next regularly scheduled meeting date: January 15, 2025
- VII. Adjournment

**NOTICE:** For purposes of Section 286.011, *Florida Statutes*, two (2) or more members of the City Council may be present at this meeting and this meeting may be considered a City Council meeting although no decision of the City Council will be made at this meeting and the City Council shall comply with the requirements of controlling State law in every respect.

**NOTICE:** If any person decides to appeal any decisions made at this meeting with respect to any matter considered at this meeting, such person may need a record of these proceedings. For such purpose, a person may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based. The City shall not make or perfect such a record. Section 286.0105, *Florida Statutes*.

**NOTICE:** In accordance with the Americans with Disabilities Act (“ADA”) and Florida Statutes, Section 286.26, persons with disabilities needing a reasonable accommodation to participate in a public hearing or meeting should contact the City of Mount Dora’s ADA Coordinator at least 48 hours prior to the proceeding. The ADA Coordinator may be contacted by phone at (352)735-7126, ext. 1111, or by email at [clerk@cityofmountdora.com](mailto:clerk@cityofmountdora.com).

If hearing impaired, telephone the Florida Relay Service numbers (800) 955-8771 (TDD) or (800) 955- 8770 (Voice) for assistance.

**ORDINANCE NO: 2025 - XX**

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO REVISIONS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER VI, DESIGN STANDARDS AND CHAPTER VIII, DEFINITIONS; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes, Chapter 166, confers upon a local government, the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, pursuant to its home rule powers, the City of Mount Dora may regulate land use matters and design standards within the City limits through the adoption of Land Development regulations; and

**WHEREAS**, from time to time the City of Mount Dora provides updates and amendments to its Land Development regulations; and

**WHEREAS**, the City finds that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City of Mount Dora Comprehensive Plan; and

**WHEREAS**, the City has determined that the amendments to its Land Development Code, as set forth herein, advance a legitimate public purpose and promote and protect the health, safety and welfare of the citizens of the City of Mount Dora.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** The City of Mount Dora has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER VI, DESIGN STANDARDS AND CHAPTER VIII,**

**DEFINITIONS.** The City of Mount Dora Land Development Code Chapter VI, Design Standards, and Chapter VIII, Definitions, is hereby revised and amended as follows:

Note: Underlined words constitute additions to existing text, ~~striketrough~~ constitutes deletions from existing text and asterisks (\*\*\*) indicate omitted parts which are intended to remain unchanged.

## **CHAPTER VI. – DESIGN STANDARDS**

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### **6.6. - Landscaping and buffers.**

Landscaping areas and buffers are required between certain land uses, along certain corridors, in certain areas, and in paved parking areas to preserve the value of land and buildings on surrounding properties and neighborhoods; to eliminate or minimize potential nuisances such as noise, lights, signs, dirt, litter, unsightly buildings, or parking areas; and to encourage the proliferation of trees and vegetation. Buffers provide spacing to reduce potentially adverse impacts of odor and danger from fire or explosions. Landscaping can aid in erosion prevention, oxygen production, beautification and aesthetic enhancement of improved and vacant land.

**6.6.1. General requirements.** The landscape requirements contained herein shall apply to all new development with the exception of city parks.

No additions or improvements may be made on existing developed property unless the development conforms to the regulations contained herein.

City parks shall be exempt from the regulations contained herein; however, landscape improvements shall be required at the discretion of the city council.

In order to fulfill the purposes of this code and to allow for necessary recharge, impervious surface may cover no more than the percentage of the site area (land above the mean high water line) shown below:

| District                            | Percentage |
|-------------------------------------|------------|
| Single and multifamily residential  | 65         |
| C-1                                 | 80         |
| C-2 within downtown exempt district | 100        |
| C-2 other                           | 80         |
| C-2A                                | 80         |
| C-3                                 | 65         |
| OP                                  | 65         |
| RP                                  | 65         |
| WP-1                                | 65         |
| WP-2                                | 65         |
| PLI                                 | 70         |
| Recreation                          | 25         |
| Conservation                        | 10         |
| EC                                  | 75         |

|               |     |
|---------------|-----|
| MU-1 and MU-2 | 100 |
|---------------|-----|

The remaining site area shall be devoted to stormwater retention, easements, green areas and the specific landscaping requirements of this code. Areas within the C-2 downtown exempt district C-1, and MU zoning districts shall be guided by these standards. Landscaping standards as outlined in section 3.4 shall apply.

Notwithstanding anything contained within this section 6.6 to the contrary, any site for which a building or other development permit has been issued shall be appropriately landscaped so that no erosion occurs which impacts adjacent sites or parcels of property.

#### **6.6.2. Buffer standards and requirements.**

1. *Location and design:* Buffers shall be provided on the outer perimeter of a lot or parcel, in accordance with the requirements and standards contained herein. Buffers shall not be located on any portion of any existing, dedicated, or reserved public or private street or right-of-way. The buffer width is normally calculated parallel to the property line. Design variations are allowed, however, if the average width of the buffer conforms to the standard listed herein. The average width shall be measured at the two end points of the buffer and two additional points which are each approximately equidistant from themselves and from the closest end point.

In order to reduce the monotony of sight design, no more than 33⅓ percent of canopy and understory trees may be of the same species on-sites where a total of 15 or more canopy trees are required.

2. *Use of buffers:* A buffer may be used for some forms of passive recreation. It may contain pedestrian, bike or equestrian trails, provided that:
  - a. No plant material is eliminated.
  - b. The total width of the buffer is maintained.
  - c. All other requirements of this code are met. In no event, however, shall the following uses be allowed in buffer areas:
    - \*Playfields
    - \*Tennis courts
    - \*Stables
    - \*Swimming pools
    - \*Other active recreation

The buffer may include a stormwater retention area and/or septic tank.

3. *Required buffer widths:* Requirements for buffers are based on the intensity of the proposed development or use, and the use which is developed or designated on all adjacent properties. In order to determine the type of buffer required for a proposed use, the following procedure shall apply:
  - a. Identify the zoning classification of the site and all adjacent properties.
  - b. Refer to Table VI-1 ~~and/or Table VI-2~~ for the buffer type required on each boundary.
  - c. Refer to buffer type description.

- d. The total required buffer width may be reduced by up to ten feet and the number of required planting materials may be reduced by 20 percent if a six-foot-high brick wall is installed as a part of the buffer.
- e. Regardless of width averaging, in no event shall any portion of a buffer be less than five feet in width nor shall a measurement of any portion of the buffer used in determining the average width exceed 200 percent of the required width.

4. *Installation of Buffers. Landscape buffering Shall be required at the time of development as specified below:*

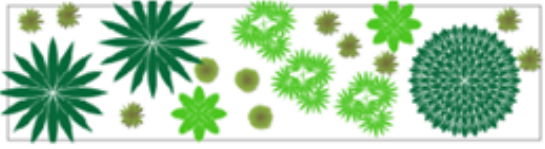
- a. If no buffer exists on the adjoining property or if the existing buffer fails to meet the requirements of the table below, buffering shall be required. In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the adjoining property must have been required by a development order issued by the City or Lake County.
- b. If a buffer exists on the adjoining property that meets the requirements of the table below, no additional buffering shall be required. In order to utilize a buffer on an adjoining property to meet the regulations, the buffer on the adjoining property must have been required by a development order issued by the City or Lake County.
- c. Commercial parcels within a mixed use Planned Unit Developments (PUD) may utilize the buffer installed on adjacent parcels within the same development if such buffers were required by a development order issued by the City.
- d. If an adjacent commercial parcel is vacant, only fifty (50) percent of the buffer width and plants shall be required for the commercial parcel being developed. The adjacent vacant commercial parcel shall install the remaining fifty (50) percent of the buffer when it is developed.

5. Buffering from Public Right-of-Ways: Any parcel adjacent to a public right-of-way shall have a Type A landscape buffer along its right-of-way. A Type B Landscape Buffer is required for parcels along US 441 and SR 46.

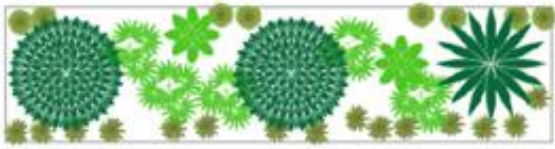
6. Buffer Types: Each buffer type shall contain the materials described as follows, with the remainder of each buffer area landscaped with grass, ground cover or other landscape treatment:

| <b>Buffer Type A</b>                                                                                                                            | <b>Width Options</b> | <b>Landscaping Requirements, per 100 linear feet</b>                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------|
| This buffer functions as basic edge demarcating individual properties with a slight visual obstruction from the ground to a height of ten feet. | 15'                  | 1 canopy tree and 6 understory trees<br> |
|                                                                                                                                                 | 25'                  | 3 canopy trees<br>                       |

| <b>Buffer Type B</b>                                                                                                                                                                             | <b>Width Options</b> | <b>Landscaping Requirements, per 100 linear feet</b>                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------------------------------------------------------------------------------------------------------------------------|
| This buffer functions as an intermittent visual obstruction from the ground to a height of at least 20 feet, and creates the impression of spatial separation without eliminating visual contact | 15'                  | 1 canopy tree, 7 understory trees, and 5 shrubs<br> |
|                                                                                                                                                                                                  | 25'                  | 3 canopy trees and 12 shrubs<br>                    |

| <b>Buffer Type C</b>                                                                             | <b>Width Options</b> | <b>Landscaping Requirements, per 100 linear feet</b>                                                                                     |
|--------------------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| This buffer functions as a semi-opaque screen from the ground to at least a height of four feet. | 15'                  | 2 canopy tree, 6 understory trees, and 15 shrubs<br>  |
|                                                                                                  | 25'                  | 3 canopy trees, 5 understory trees and 11 shrubs<br> |

| <b>Buffer Type D</b>                                                                  | <b>Width Options</b> | <b>Landscaping Requirements, per 100 linear feet</b>                                                                                     |
|---------------------------------------------------------------------------------------|----------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| This buffer functions as an opaque screen from the ground to a height of at least six | 15'                  | 2 canopy tree, 8 understory trees, and 29 shrubs<br> |

|                                                                                                                     |     |                                                                                                                                        |
|---------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------|
| feet. This type of buffer prevents visual contact between uses and creates a strong impression of total separation. | 25' | 3 canopy trees, 7 understory trees and 23 shrubs<br> |
|---------------------------------------------------------------------------------------------------------------------|-----|----------------------------------------------------------------------------------------------------------------------------------------|

7. Landscape Buffers: The table below provides the required buffer and specific requirements.

Table VI-1 - Landscape Buffers between Zoning Districts.

|                                           | <u>GB</u> | <u>R-1AAA, R-1AA, R-1A, R-1, and R-1B</u> | <u>R-2</u> | <u>R-3</u> | <u>MPH</u> | <u>C-3</u> | <u>RP</u> | <u>OP</u> | <u>WP-1, WP-2</u> | <u>PLI</u> |
|-------------------------------------------|-----------|-------------------------------------------|------------|------------|------------|------------|-----------|-----------|-------------------|------------|
| <u>GB</u>                                 | <u>==</u> | <u>==</u>                                 | <u>==</u>  | <u>B</u>   | <u>C</u>   | <u>C</u>   | <u>A</u>  | <u>A</u>  | <u>D</u>          | <u>B</u>   |
| <u>R-1AAA, R-1AA, R-1A, R-1, and R-1B</u> | <u>==</u> | <u>==</u>                                 | <u>==</u>  | <u>B</u>   | <u>C</u>   | <u>C</u>   | <u>A</u>  | <u>B</u>  | <u>D</u>          | <u>C</u>   |
| <u>R-2</u>                                | <u>==</u> | <u>==</u>                                 | <u>==</u>  | <u>B</u>   | <u>C</u>   | <u>C</u>   | <u>A</u>  | <u>B</u>  | <u>D</u>          | <u>C</u>   |
| <u>R-3</u>                                | <u>B</u>  | <u>B</u>                                  | <u>B</u>   | <u>A</u>   | <u>B</u>   | <u>B</u>   | <u>B</u>  | <u>B</u>  | <u>D</u>          | <u>B</u>   |
| <u>MHP</u>                                | <u>C</u>  | <u>C</u>                                  | <u>C</u>   | <u>B</u>   | <u>A</u>   | <u>B</u>   | <u>C</u>  | <u>C</u>  | <u>D</u>          | <u>B</u>   |
| <u>C-3</u>                                | <u>C</u>  | <u>C</u>                                  | <u>C</u>   | <u>B</u>   | <u>B</u>   | <u>A</u>   | <u>B</u>  | <u>B</u>  | <u>D</u>          | <u>B</u>   |
| <u>RP</u>                                 | <u>A</u>  | <u>A</u>                                  | <u>A</u>   | <u>B</u>   | <u>C</u>   | <u>B</u>   | <u>B</u>  | <u>B</u>  | <u>D</u>          | <u>B</u>   |
| <u>OP</u>                                 | <u>A</u>  | <u>B</u>                                  | <u>B</u>   | <u>B</u>   | <u>C</u>   | <u>B</u>   | <u>B</u>  | <u>A</u>  | <u>D</u>          | <u>B</u>   |
| <u>WP-1, WP-2</u>                         | <u>D</u>  | <u>D</u>                                  | <u>D</u>   | <u>D</u>   | <u>D</u>   | <u>D</u>   | <u>D</u>  | <u>D</u>  | <u>B</u>          | <u>D</u>   |
| <u>PLI</u>                                | <u>B</u>  | <u>C</u>                                  | <u>C</u>   | <u>B</u>   | <u>B</u>   | <u>B</u>   | <u>B</u>  | <u>B</u>  | <u>D</u>          | <u>B</u>   |

- PUD and Mixed Use (MU-1 and MU-2) buffer requirements will generally be the same as those required of the conventional zoning district most similar to each PUD/Mixed Use (MU-1 and MU-2). Based on adjacent unlike uses, more stringent buffering treatments may be required. Requirements may be negotiated.
- Wolf Branch Innovation-Employment (WBI-E) and Wolf Branch Innovation-Gateway (WBI-G) shall follow the buffer and treatments of the Wolf Branch Innovation districts of this code and most recent WBID Design Guidelines adopted by reference.
- C-1, C-2, and C-2A zoning district landscape requirements are included in the zoning section of this code.

**Reference to removed charts**

- ~~4. Buffer type description: Each buffer type shall contain the materials described as follows, with the remainder of each buffer area landscaped with grass, ground cover or other landscape treatment:~~

a. ~~Buffer type A:~~

~~1. Minimum average width: Twenty-five feet.~~

~~2. Required materials:~~

~~Landscaping—~~

~~For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.~~

~~Three canopy trees.~~

~~Five understory trees.~~

~~Shrubby or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.~~

b. ~~Buffer type B:~~

~~1. Minimum average width: Thirty feet.~~

~~2. Required materials:~~

~~Landscaping—~~

~~For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.~~

~~Four canopy trees.~~

~~Five understory trees.~~

~~Shrubby or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.~~

c. ~~Buffer type C:~~

~~1. Minimum average width: Forty feet.~~

~~2. Required materials:~~

~~Landscaping—~~

~~For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.~~

~~Four canopy trees.~~

~~Six understory trees.~~

~~Shrubby or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.~~



- ~~3. — Screen: A six-foot-high brick, block, or stucco wall shall be provided. The location of the wall within the buffer may vary. However, all shrubs and a majority of the trees shall be on the neighbor's side of the wall. The wall shall be designed either with maintenance breaks or other access to the adjacent properties side of the wall for maintaining landscaping on both sides.~~

~~d. — Buffer type (a):~~

- ~~1. — Minimum average width: Ten feet.~~
- ~~2. — Required materials:~~

~~Landscaping —~~

~~For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.~~

~~Three canopy trees.~~

~~Five understory trees.~~

~~Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.~~

~~e. — Buffer type (b):~~

- ~~1. — Minimum average width: Fifteen feet.~~
- ~~2. — Required materials:~~

~~Landscaping —~~

~~For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be rounded to the nearest whole tree.~~

~~Three canopy trees.~~

~~Ten understory trees.~~

~~Shrubbery or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.~~

~~f. — Buffer type (c):~~

- ~~1. — Minimum average width: Twenty feet.~~
- ~~2. — Required materials:~~

~~Landscaping —~~

~~For each 100 linear feet or fraction thereof of boundary, the following plants shall be provided in accordance with the planting standards and requirements of this section. Fractional amounts of trees calculated hereunder shall be~~

~~rounded to the nearest whole tree.~~

~~Five canopy trees.~~

~~Fifteen understory trees.~~

~~Shrubby or hedge to provide a continuous visual screen within 36 months of planting, or immediately upon planting for buffers contiguous to onsite parking lots.~~

~~For purposes of this section, "continuous visual screen upon planting" shall mean overlapping foliage from one plant to another.~~

**6.6.3. *Parking lot requirements.*** Landscaping shall be provided for interior vehicular use areas to provide visual and climatic relief from broad expanses of pavement and to channelize and define pedestrian and vehicular traffic.

1. For developments requiring less than 200 spaces, a minimum of ten percent of the gross square footage of the paved parking lot area and entranceway shall be devoted to landscaping. For developments requiring 200 or more parking spaces, 15 percent of the gross square footage of the paved parking area and entranceway shall be devoted to landscaping.
2. Interior landscaped areas shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of 100 feet. A maximum of ten parking spaces in a row will be permitted, although adjustments may be made to save specimen trees.
3. One canopy tree shall be required for each landscape break. A two-inch DBH drake elm may be substituted for up to 25 percent of the canopy trees in parking areas. A ground cover such as ivy, juniper, jasmine and lily turf shall be used. Grass or turf is prohibited.
4. All parking garages shall be required to either:
  - a. Provide landscaped hanging baskets and/or landscaped planters around the exterior of the first three levels of the garage structure; or
  - b. Provide additional landscaping in other areas of the site.
5. Parking areas for detached single-family and duplex homes are exempt from these requirements.
6. To promote preservation of trees in parking areas, the city may reduce the total number of required spaces by up to 15 percent in order to provide adequate area for the trees to survive provided:
  - a. Spaces within the dripline are eliminated and a groundcover such as ivy, juniper, jasmine and lily turf is used as a landscape break;
  - b. Trees must be at least six inches in diameter to qualify for the parking space reduction.
7. Interior landscape breaks in parking lots shall be a minimum of ten feet by 20 feet.
8. **Parking garages shall be required to provide landscaping at the entrance(s) and exit(s) of the structure. To soften the façade, parking garages shall provide landscaping features**

on every elevation. Landscaping features include, but are not limited to, hanging baskets, vegetated trellis, or planters.

**6.6.4. Downtown. See zoning regulations for downtown landscape standards.**

**6.6.5. Planting standards and requirements.**

1. *Preservation.* Preservation of existing landscape materials and land forms is encouraged. Natural existing vegetation may be substituted for the applicable landscape buffer provided canopy trees ~~are greater than six inches in diameter~~ and understory/hedge/shrubbery provides a continuous visual screen from the adjacent property.

Existing trees may be used to meet the landscaping requirements in accordance with the following criteria:

- a. The trees are in good health and free of pests, disease, or injury.
- b. The trees meet the requirements above for canopy, ornamental and palms.
- c. To count for buffering or interior landscape requirements, the trees must be located within the corresponding area.
- d. Tree credits Shall be given for existing qualifying canopy trees as follows:

Table VI-2

LANDSCAPING CREDIT FOR EXISTING TREES

| <u>Existing Tree Size<br/>based on DBH</u> | <u>Number of Trees Credited For<br/>Required Landscape</u> |
|--------------------------------------------|------------------------------------------------------------|
| <u>2"—6.99"</u>                            | <u>1 Canopy Tree Credits</u>                               |
| <u>7"—12.99"</u>                           | <u>2 Canopy Tree Credits</u>                               |
| <u>13" or greater</u>                      | <u>3 Canopy Tree Credits</u>                               |

2. *Quality.* Plant materials used to conform with the provisions of this section shall equal or exceed the Florida No. 1, as given in "Grades and Standards for Nursery Plants," Part I, 1963, and Part III, State of Florida, Department of Agriculture, and amendments thereto.
  - a. *Trees:* Commercial canopy trees shall have a minimum height of eight feet and a caliper requirement of two inches measured six inches above the ground immediately upon planting or where required as replacement planting. Anchoring or staking is not required. Trees of species providing roots known to cause damage to public roadways or other public works shall not be planted closer than 12 feet to such public works, unless the tree root system is completely encased within a container for which the minimum interior dimensions shall be five feet square and five feet deep in compliance with the construction requirements of the city. All rootball wrapping shall be removed prior to planting. Residential canopy trees shall have a minimum height of eight feet and a caliper requirement of two inches

measured six inches above the ground immediately upon planting. Anchoring or staking is not required.

Understory trees shall have a minimum height of six feet and a caliber requirement of 1.5 inches measured six inches above the ground with a minimum four feet crown spread at the time of planting. Multi-trunk understory trees shall have no more than three main trunks with combined caliber of 2.5 inches.

- b. *Shrubs and hedges*: Shrubs shall be a minimum of 24 inches in height immediately upon planting and reach an average height of 36 inches within one year after planting. Hedges shall be of nondeciduous species and planted and maintained so as to form a continuous unbroken solid, visual screen immediately upon planting.
  - c. *Ground cover*: Ground cover such as ivy, juniper and lily turf used in lieu of grass shall be planted in such manner as to present a finished appearance and reasonably complete coverage within three months after planting.
  - d. *Lawn grass*: Grass shall be species normally grown as permanent lawns in the city. However, all species of St. Augustine grass shall be prohibited in new developments. Grass seed shall be clean and reasonably free of weeds and noxious pests or diseases. Grass seed shall be delivered to the job site in containers with Florida Department of Agriculture tags attached indicating the seed grower's compliance with the department's quality control program.
  - e. *Berm*: When a berm is used to form a visual screen in lieu of or in conjunction with a hedge or wall, such berm shall not exceed a slope of 30 degrees and shall be completely covered with shrubs, grass or other living ground cover.
3. *Approved species*: The landscaping requirements of this ~~appendix~~ [section] may be achieved by using any of the approved drought tolerant xeriscape species listed in Table VI-3. Other species may also be used if approved in advance by the city as being equivalent in function and quality. The city encourages plant listing and publication of the <http://floridayards.org>. Pines listed in the approved species list may be counted for landscaping purposes if they exist on site at the time of development; however, pines may not be counted for landscaping purposes if they are planted as a part of new landscaping.
4. *Designation on-site plan*: The specific species designated on the approved site plan shall be the species planted in the locations and quantities indicated.

TABLE VI-3  
APPROVED TREE AND PLANT SPECIES LIST

- 1. *Canopy trees*—Trees which normally grown to mature height of 40 feet or more:
  - a. Live Oak (*Quercus Virginiana*)
  - b. Shumard Oak (*Quercus Shumardii*)
  - c. Red Maple (*Acer Rubrum*)
  - d. American Holly (*Ilex Opaca*)

- e. Sweetgum (Liquidambar Styraciflua)
  - f. Southern Magnolia (Magnolia Grandiflora)
  - g. Sweet Bay (Magnolia Virginiana)
  - h. Slash Pine (Pinus Elliottii)
  - i. Sand Pine (Pinus Clausa)
  - j. Longleaf Pine (Pinus palustris)
  - k. Loblolly Pine (Pinus taeda)
  - l. Bald Cypress (Taxodium Distichum)
2. *Understory trees*—Trees which normally grow to a mature height of 15 to 35 feet:
- a. Winged Elm (Ulmus Atata)
  - b. Drake Elm\*
  - c. Chinese Elm (Ulmus Parfolia)
  - d. Yaupon Holly (Ilex Vomitoria)
  - e. Weeping Bottlebrush (Callistemon Viminalis)
  - f. Loquat (Eriobotrya Japonica)
  - g. Redbud (Cercis Canadensis)
  - h. Dogwood (Cornus Florida)
  - i. Jerusalem Thorn (Parkinsonia Aculeata)
  - j. Tree of Gold (Tabebuia Argentea)
  - k. Cherry Laurel (Prunus Caroliniana)
  - l. Chickasaw Plum (Prunus Angustifolia)
  - m. Southern Wax Myrtle (Myrica Cerifera)
  - n. Crape Myrtle (Lagerstroemia Indica)
  - o. Citrus trees (all kinds)
  - p. Walter Viburnum (Viburnum Obovatum)
  - q. Devilwood (Osmanthus Americanum)
  - r. Bumelia (Bumelia Tenax)
  - s. Tar Flower (Befaria Racemosa)
  - t. Fringe Tree (Chionanthus Virginicus)

\*May be used as canopy tree in parking lots with a minimum of 2.5 inch DBH.

3. *Shrubs:*

- a. Sandankwa Viburnum (*Viburnum Suspensum*)
  - b. Glossy Privet (*Ligustrum Lucidum*)
  - c. Japanese Privet (*Ligustrum Japonicum*)
  - d. Podocarpus (*Podocarpus Macrophylla*)
  - e. Pittosporum (*Pittosporum Tobira*)
  - f. Surinam Cherry (*Eugenia Uniflora*)
  - g. Cherry Laurel (*Prunus Caroliniana*)
  - h. Wax Myrtle (*Myrica Cevifera*)
  - i. Native Azaleas (*Rhododendron Viscosum*)
  - j. Star Anise (*Illicum Parviflorum*)
  - k. Eleagnus (*Eleagnus Pungens*)
  - l. Florida Lencothoe (*Agavista Populifovia*)
  - m. Walter Viburnum (*Viburnum Obovatum*)
  - n. Sweet Viburnum (*Vuburnum Odoratissium*)
  - o. Devilwood
  - p. Red Tip Photinia
4. *Prohibited trees:*
- a. Australian Pine (*Casuarina species*)
  - b. Cajeput or Punk Tree (*Melaleuca Quinquenervia*)
  - c. Chinaberry (*Melia Azedarach*)
  - d. Ear Tree (*Enterlobium Cyclocarpum*)
  - e. Eucalyptus species
  - f. Florida Holly or Brazilian Pepper (*Schninus Terebinthifolius*)
  - g. Paper Mulberry (*Broussonetia Papyrifera*)
  - h. Camphor Tree (*Cinnanonum Camphora*)
5. *Safety and protection:*
- a. Curbing or wheel stops shall be used to protect landscape areas.
  - b. If curbs are used, tree trunks and shrubs shall be set in three feet from either side of a parking space to avoid damage by vehicles.
  - c. Street and highway sight distances established by the Florida Department of Transportation Manual of Uniform Minimum Standards for Design, Construction, and Maintenance shall be observed for all street intersections or driveways and

streets. Within these sight distances, no landscape material exceeding 2.5 feet in height shall be permitted. Trees shall be permitted when traffic visibility is not obstructed.

6. *Performance standards:*

- a. *Clustering:* In order to provide a more interesting and aesthetically pleasing effect, landscaping may be clustered along perimeter buffers. Clustered landscape plans shall be approved at the discretion of the planning and zoning commission.
- b. *Substitutions:* Six cabbage palm trees may be substituted for each canopy tree for up to 25 percent of the total number of canopy trees. These trees must be clustered at a maximum six foot on center and have a minimum height of 12 feet.
- c. *Shifting:* Canopy trees may be shifted within the perimeter buffers provided a minimum of three canopy trees per 100 linear feet be maintained in any one buffer.
- d. *Off-site donation:* If the applicant finds it difficult to provide the necessary landscape materials to meet minimum code requirements, the planning and zoning commission may consider allowing the applicant to contribute to the City Tree Bank donation of materials for off site landscaping. Such landscaping may be located along public rights-of-way and on publicly owned property.
- e. *Xeriscape standards:* Plant material shall be clustered and located with plants of similar water use requirements. Irrigation systems shall be designed to provide differential zones to accommodate the specific needs for each plant grouping to ensure that over watering does not occur.

**6.6.6. Maintenance.** Maintenance shall consist of mowing, removing of litter and dead plant materials, necessary pruning, replacement of dead plantings, watering and fertilizing. Maintenance is required in order to ensure proper functioning.

1. *Responsibility:* The owner of any property or the tenant thereof, shall be, as to those parties, jointly and severally responsible for the maintenance of all landscaping on-site and in the unpaved portion of the rights-of-way adjoining the site to present a neat, healthy and orderly appearance, free of refuse and debris. The owner shall have an implied easement on rights-of-way extending from the site to the road pavement to complete the required maintenance.
2. *Irrigation:* All landscape areas shall be provided with an automatic underground irrigation system constructed to the Irrigation Association (IA) standards for irrigation with 100 percent coverage. Rain sensor device required. Irrigation system to be designed with water-friendly conservation practices (Xeriscape standards), per section 6.6.5.6.e of this code. New developments or redevelopments are not required to provide an irrigation plan, however landscape plans shall provide confirmation statements that the design will adhere to the irrigation requirements, as contained in this code.
3. *Enforcement:* The city may conduct periodic inspections to assure compliance with the maintenance requirements of this code.

4. *Pruning:* All pruning Shall be in accordance with Standard Practice for Tree, Shrubs and Other Woody Plant Maintenance—Standard Practices (Pruning), ANSI 300 of the National Tree Care Association.
- a. *Applicability.* ~~The owner of a property, or the tenant thereof, shall not trim, prune, remove living branches or cause the diminution of the crown of any canopy tree without a permit except pursuant to Florida law.~~
- b. *Permit application procedures.* ~~The following procedures shall be followed and shall govern the granting of all permits pursuant to this section:~~
1. *Submittals.* ~~The fees associated with a permit application submitted pursuant to this section shall be adopted from time to time by resolution. Each application for permit to alter, trim, prune, or reduce the canopy or crown of trees shall be accompanied by a written statement indicating the reasons for the requested action and two copies of a legible site plan drawn to the largest practicable scale indicating the following:~~
- a. ~~The portion of the site involved in the operation, and~~
- b. ~~The trees by type and number to be pruned.~~
2. *Application review.* ~~Upon receipt of the application, the appropriate city staff member as designated by the city manager shall review said application, which may include a field check of the site and referral of the application for recommendations to other appropriate administrative departments or agencies.~~
- c. *Permit exemptions:*
1. ~~If the following tree conditions exist, a permit shall not be required:~~
- a. ~~The branches to be pruned obstruct vision along a traveled public or private way;~~
- b. ~~The branches to be pruned interfere with vehicular or pedestrian travel lanes and present a safety hazard;~~
- c. ~~The branches to be pruned are diseased, damaged, or in danger of falling;~~
- d. ~~The branches to be pruned interfere with utility lines, or existing or proposed structures so as to endanger such structures;~~
- e. ~~The removal of specific living parts of the tree will increase fruit or flower production or will facilitate the health of the tree as a whole;~~
- f. ~~As permitted by Florida law.~~
2. *Permit form.* ~~Permits shall be issued in such form as may be prescribed by the city manager and may set forth in detail the conditions upon which the permit is granted. One permit may cover several trees or groups of trees as long as the same can be clearly identified thereon; however, no permit may be issued~~



~~for more than one parcel or area of land unless said parcels or areas of land shall be contiguous to one another.~~

~~d. — Unauthorized pruning of trees. If a tree not authorized for pruning is altered, pruned, trimmed or diminished in canopy, the property owner shall pay the city \$250.00 for each tree pruned.~~

~~e. — Appeals procedure. Any person adversely affected by a decision of any city official or employee in the enforcement or interpretation of this subsection, may appeal such decision to the city council who, by a majority vote, may affirm, reverse, or modify the decision. Any decision of the city council is subject to review by the circuit court by certiorari.~~

5. Irrigation Risers. Irrigation risers shall only be permitted within garden beds.

6. Notification. In any residential plat where landscaping is proposed on individual lots, the final plat and restrictive covenants shall contain a provision that notifies prospective lot purchasers of the landscape maintenance requirements.

#### **6.6.7. Preservation of existing trees.**

1. *Tree removal and replacement program for new development requirements:*

a. Removal of ~~an approved~~ protected and specimen trees for construction, new developments, or redevelopments, shall require the owner to replace the cumulative inches removed ~~said tree~~ on-site at the replacement ratios listed below. ~~Definition of approved tree: Any living, self-supporting, perennial plant which has a trunk diameter of at least six inches measured four feet above grade (at the base of the tree) and normally grows a minimum overall height of 15 feet.~~

1. Protected Trees: For every 6" DBH removed, 1" shall be replaced.

2. Specimen Tree: For every 3" DBH removed, 1" shall be replaced.

b. Relocation of trees may be allowed provided a tree relocation plan prepared by a certified arborist is submitted for city review and approval. Such plan shall include at a minimum the tree specifications, health and size of the tree, root trimming specification, relocation details, etc. In cases where relocated trees do not survive within 12 months of replanting, the owner shall replace said tree pursuant to the requirements of this code. Relocation of existing trees is not a city preferred tree mitigation, as the survivability of replaced trees is not favorable.

~~c. All trees replaced shall have an oxygen-producing capacity at least equal to that of the tree removed, and of a type to reach an eventual height of at least 15 feet with a trunk diameter of at least three and one-half inches measured six inches above the ground, at the time of planting.~~

Existing trees and trees proposed for removal shall be shown on a landscape plan detailing species, condition and size in DBH of the existing trees; indication of which trees will be removed, which trees will be protected, and which trees will be used to meet the landscaping requirements (if eligible); how the removed trees will

be replaced on the property; and the amount which will be paid into the city tree bank if unable to be accommodated on the property.

- ~~d.~~ Tree sized six inches to 23.99 inches: In the event the tree removed is an approved tree is size if six inches to 23.99 inches in diameter when measured four feet above the ground, the owner shall provide one approved canopy type tree specimen or each tree removed (replacement ratio of tree replaced for tree removed) removed of a type to reach an eventual height of at least 15 feet with a trunk diameter of at least 3½ inches measured six inches above the ground, at the time of planting, with the oxygen producing capacity of the removed tree upon maturity.
- ~~e.~~ Tree sized 24 inches or greater: In the event the tree removed is an approved canopy tree greater than or equal to 24 inches in diameter when measured four feet above the ground, the owner shall provide one approved canopy tree for each six inches of diameter (replacement ratio of 1:6) removed of a type to reach an eventual height of at least 15 feet with a trunk diameter of at least 3½ inches measured six inches above the ground, at the time of planting, with the oxygen producing capacity of the removed tree upon maturity.
- ~~f.~~ d. In the event the replacement trees required would be too numerous to be placed upon the site, the owner may elect to provide fewer replacement trees so long as the tree inches provided as replacement tree inches are greater than or equal to the mitigation requirements ~~tree inches required~~.
- ~~g.~~ e. Replacement trees shall not be counted toward the buffer requirement, but may be planted within the buffer with the approval of planning and zoning commission.
- ~~h.~~ f. City tree bank contributions: In cases where there are no opportunities to replace tree inches on site for tree inches proposed for removal, the owner may make a tree bank contribution for each caliper inch unable to be replaced on site in the amount equal to the retail price of a canopy type specimen tree for the remaining tree replacement inches. Tree bank contributions shall be used for the purpose of planting trees and providing tree maintenance throughout the city at the sole discretion of the city. ~~Replacement retail cost shall be based on a Live Oak (Quercus Virginiana) sized minimum three and one half inches, eight to ten feet in height, and Florida Number one grade or better.~~ Payment of tree bank funds must be made prior to issuance of arbor permit (when required), site development permit or as authorized by the city, or as specified by the city.
- ~~i.~~ Existing trees and trees proposed for removal shall be shown on a landscape plan with the following tree data (applicant to fill in blanks):
- Total existing number of trees sized 6" — 23.99": \_\_\_\_\_
- Total existing number of trees sized 6" — 23.99" removed: \_\_\_\_\_
- Total existing number of trees sized 24" or greater: \_\_\_\_\_
- Total existing number of tree sized 24" or greater removed: \_\_\_\_\_
- Total number of trees replaced at ratio 1:1 for trees removed 6' — 23.99": \_\_\_\_\_

Total number of trees placed at ratio 1:6 (for trees removed 24" or greater): \_\_\_\_\_

Total number of trees replaced: \_\_\_\_\_

Total number of tree deficient (not being replaced) for tree bank contribution and includes total dollar amount of contribution funds: \$ \_\_\_\_\_

2. Tree removal and replacement program for developed properties:

- a. Removal of a protected tree or specimen tree shall only be permitted with the issuance of a tree removal permit by the Public Works Department.
- b. The director of Public Works, or their designee, shall review the application on the following merits:
  1. Would the tree reasonably restrict economic use of the property?
  2. Is the tree incurably infected by disease, in danger of falling, or in too close proximity to existing or proposed structures or utility services?
- c. Development with an approved landscaping plan shall replace the removed tree(s) with a tree(s) meeting the requirements for new plantings.
- d. Development without an approved landscaping plan shall mitigate the removed trees on site or contributing to the City Tree Bank. Mitigation requirements shall be calculated as follows:
  1. Protected Trees: For every 6" DBH removed, 1" shall be replaced.
  2. Specimen Tree: For every 3" DBH removed, 1" shall be replaced.
- d. For emergencies, such as storms, a written permit for removal of a tree may be waived if the tree is endangering the public health, welfare or safety and requires immediate removal. Verbal authorization may be given by the mayor, the fire chief, the police chief, the building inspector or the director of public works.
- e. Any person adversely affected by a decision of the director of public works, or his representative, under this article, may appeal through written notice filed with the city clerk. The notice shall set forth all grounds for the appeal.
- f. Where removal of a tree is approved for construction of a paved area, the director of public works may require the owner to move or replace the tree somewhere within the property site. The replacement tree shall have an oxygen-producing capacity at least equal to that of the tree removed and of a type to reach an eventual height of at least 15 feet, with a trunk diameter of at least four inches.
- g. Residential properties do not have to obtain a tree removal permit, nor mitigate the removed tree, if the owner possesses documentation from an arborist certified by the ISA or a Florida licensed landscape architect that the tree poses an unacceptable risk to persons or property. A tree poses an unacceptable risk if removal is the only means of practically mitigating its risk below moderate, as determined by the tree risk assessment procedures outlined in Best Management Practices - Tree Risk Assessment, Second Edition (2017).

3. Exemptions to replacement and mitigation. The replacement or mitigation shall not be required when the removed tree is:

a. Dead, diseased, or dying unless required as part of an approved development order.

b. Not listed on the approved canopy tree.

24. Erection of protective barriers. During construction, builders shall be required to erect protective barriers around trees that might be injured. These barriers shall be constructed of wood and extend to the drip line of the tree to be protected. Tree barriers shall be installed and inspected by the city prior to any authorized and permitted tree removal.

53. Other protection. It shall be unlawful for any person to allow machinery, soil deposits, harmful liquids or any substance that would cause disease or destruction of any trees protected by this section to encroach into or be stored within the drip line of the tree.

64. Appeals. Any person adversely affected by a decision of the zoning official or his representative may appeal to the planning and zoning commission through written notice filed with the City Clerk of the City of Mount Dora. The notice shall set forth all grounds for the appeal.

65. Public property. Trees on public parks and public rights-of-way and on city properties shall be subject to this section.

76. Emergency waivers. In case of emergencies, such as storms, a written permit for removal may be waived in the event the tree is endangering the public health, welfare or safety and requires immediate removal. Verbal authorization may be given by the city manager, the fire or police chief, the community development director or public services director or their designees.

87. Parking areas. No parking areas for more than two cars, public or private, shall be approved until a drawing has been presented to the zoning official showing site plan, existing trees, and plans for planting of trees to provide shade and aesthetic relief from the barrenness of open paving.

98. It shall be unlawful for the owner of any real property within the city to permit any dead canopy tree of a height equal to or greater than the distance from the base of the tree in question to the nearest real property boundary or utility easement to remain standing on such real property.

**6.6.8. Decorative entrances.** Decorative entrances, structures or landscaping shall not be permitted in a public right-of-way unless it can be shown to not conflict with any existing or proposed utilities and may be required to be removed if maintenance within the right-of-way is required. All decorative entrances must be approved by the public services director.

**6.6.9 Residential lot tree.** New residential developments or in cases when a new single-family or duplex dwelling is constructed a minimum one canopy tree as contained in this section shall be planted in the front yard. The canopy tree must be a minimum two-inch caliper, eight feet in height, and Florida number one grade or better. Said lot canopy shall be planted on each residential lot at a distance of three feet from the right-of-way line or any utility easement adjacent to the right-of-way, whichever is further from the center line of the road right-of-way for the lot in question.

Addition trees and sizes are listed in section 6.14. residential design standards overlay zoning district.

#### 6.6.10 Landscaping for Residential Lots.

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### CHAPTER VIII. – DEFINITIONS

The following definitions shall apply throughout this code. Words not specifically defined or otherwise explained within this code shall be as defined in a standard dictionary or as understood by the development review coordinator. Definitions specifically related to signage shall be found within Chapter VI, Design Standards, Section 6.7, Signs.

\*\*\*

Caliper: Diameter of a new tree measured six inches from the ground on trees up to and including four inches in caliper, and 12 inches above the ground for larger trees. Existing trees shall have their diameter measured at DBH. Caliper for multi-trunk trees shall be determined by measuring each trunk immediately above the fork and adding the total caliper.

\*\*\*

Diameter Breast Height (DBH): The diameter, in inches, of a tree measured at four and one-half (4½) feet above the existing grade. When a tree has grown with cluster stems at breast height, DBH shall be equal to the sum or aggregate of the individual stems measured at four and one-half (4½) feet above grade.

\*\*\*

Specimen Tree: Any living, self-supporting, perennial plant which has a trunk diameter of at least six inches DBH and normally grows a minimum overall height of 15 feet. Any protected tree measuring thirty-six (36) inches measured four feet above grade (at the base of the tree).

\*\*\*

Protected Tree: Any living, self-supporting, perennial plant which has a trunk diameter of at least six (6) inches DBH and normally grows a minimum overall height of 15 feet.

\*\*\*

### **SECTION 3. IMPLEMENTATION OF ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

**SECTION 4.**                    **CODIFICATION AND SCRIVENER’S ERRORS.**

A.        The revisions to City of Mount Dora Land Development Code, as set forth in Sections 2 above shall be codified in the City of Mount Dora Code of Ordinances.

B.        The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Land Development Code.

C.        Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

**SECTION 5.**                    **SAVINGS CLAUSE.**            All prior actions of the City pertaining to the amendments to the City of Mount Dora Land Development Code, as well as any and all other applicable matters, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 6.**                    **CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 7.**                    **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 8.**            **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment by the City of Mount Dora.

**PASSED AND ADOPTED this XX<sup>st</sup> day of XXXXXX 2025.**

**FIRST READING:            XXXXXXXX XX, 2025**

**SECOND READING:        XXXXXXXX XX, 2025**

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James Homich, Mayor  
City of Mount Dora, Florida

ATTEST:

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Jeanann Hand, City Clerk

For the use and reliance of City of Mount Dora only.  
Approved as to form and legality.

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City Attorney

FLORIDA-FRIENDLY LANDSCAPE  
GUIDELINES FOR MODEL ORDINANCE LANGUAGE  
FOR PROTECTION OF WATER QUALITY AND QUANTITY  
January 2009

This document is educational in nature and not meant to be adopted without full and public discussion of its provisions. It was developed by a partnership of industries, agencies, local and regional representatives, and other organizations to provide a sound model for the implementation of local control of water use and nonpoint source pollution issues associated with urban landscapes.

As of the date of publication, the implementation of this language is not mandated by any state or federal law. Communities have been encouraged, however, by Sections 125.568, 166.048, 373.185, 373.228, 373.4595, and 403.067 Florida Statutes, to consider adopting Florida-Friendly ordinances. In addition, the growing number of nutrient- impaired water bodies and the costs of treating nonpoint sources of pollution provide another incentive to adopt these ordinances. This document is an educational tool for those communities seeking advice on preparing this type of ordinance. It also addresses issues of nonpoint source pollution not addressed by many water conservation ordinances. Other model ordinances exist and should be consulted, and a full evaluation of how various provisions might mesh with existing codes is necessary. Most communities will find some features apply to land development codes, others under occupational licensing, nuisance ordinances, etc. It is not nor does it purport to be a comprehensive landscape ordinance.

The following organizations, and individuals too numerous to mention, were involved in the original creation of this product, first issued in September, 2003.

Florida Nursery, Growers  
and Landscapers Association

1000 Friends of Florida

Green Industry Alliance

Florida Turfgrass Association

Florida Irrigation Society

Landscape Maintenance  
Association

Florida Pest Management  
Association

Certified Pest Control Operators

Florida League of Cities

Florida Association of Counties

Florida Chapter, American Society  
of Landscape Architects

FDOT

FDCA

FDACS

FDEP

UF-IFAS

Northwest Florida WMD

Suwannee River WMD

St. Johns River WMD

Southwest Florida WMD

South Florida WMD



# Florida-Friendly Landscape Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity

JANUARY 2009

## 1. TITLE

AN ORDINANCE OF THE (CITY/COUNTY OF) \_\_\_\_\_ AMENDING OR REPLACING ORDINANCE NO.(S) \_\_\_\_\_ OF THE GENERAL LANDSCAPE REGULATIONS BY REQUIRING FLORIDA-FRIENDLY LANDSCAPE PRACTICES AND IRRIGATION SYSTEMS; BY PROVIDING FOR CONSISTENCY WITH STATE LAW AND THE (CITY/COUNTY OF) COMPREHENSIVE PLAN; PROVIDING FOR PURPOSE AND INTENT; PROVIDING FOR DEFINITIONS; PROVIDING FOR AMENDMENT OF EXISTING REGULATIONS; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; PROVIDING FOR ENFORCEMENT AND PROVIDING AN EFFECTIVE DATE.

## 2. FINDINGS OF FACT

WHEREAS, the Local Government Comprehensive Planning and Land Development Regulation Act, Chapter 163, Florida Statutes, (F.S.), provides for comprehensive plan implementation through the enactment of certain ordinances; and

WHEREAS, pursuant to Sections 125.568, 166.048, 373.185, F.S. and 373.228, local governments should consider the adoption of Florida-Friendly Landscape Standards and further Section 376.62, F.S., regulates the installation of rain sensor devices on automatic lawn sprinkler systems; and

WHEREAS, Section 373.228 F.S. requires that ordinances or rules addressing landscaping or irrigation shall follow the standards in *Landscape Irrigation and Florida-Friendly Design Standards*, December 2006; and

WHEREAS, the Florida Watershed Restoration Act (403.067 F.S.) and the NPDES municipal stormwater permitting program require local governments to reduce pollutant loads discharged from their stormwater management systems to better protect and restore surface and ground waters; and

WHEREAS, the (City/County of \_\_\_\_\_) recognizes the need for the protection of water as a natural resource through the application of Florida-Friendly Landscape practices; and

WHEREAS, a Florida-Friendly Landscape promotes the conservation of water by the use of site adapted plants and efficient watering methods which generally

results in a long-term reduction of irrigation, fertilizer, and pesticide requirements, costs, energy, and maintenance; and

WHEREAS, a Florida-Friendly Landscape encourages a reduction of total energy expenditures such as water pumping and treatment, manufacture and shipping of fertilizers, insecticide, and other gardening chemicals, operation and maintenance of mowers, edgers, blowers and other combustion based yard equipment, as well as labor; and

WHEREAS, community-wide Florida-Friendly Landscape efforts are designed to save significant amounts of water to preserve local water supplies such that cumulative benefits may reduce or postpone the need for community potable water supply expansion; and

WHEREAS, The Florida Legislature enacted Florida Statutes, Chapter 481, Part II and the Board of Landscape Architecture adopted Rule 61-G-10 Florida Administrative Code, which defines and regulates the practice of landscape architecture to protect the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE (CITY/COUNTY OF \_\_\_\_\_), FLORIDA, as follows:

## 3. SHORT TITLE

This ordinance shall be known and may be referred to as the (City/County of \_\_\_\_\_) Ordinance for Protection of Water Quality and Quantity Using Florida-Friendly Landscapes.

## 4. AUTHORITY

This ordinance is adopted by the (City/County of \_\_\_\_\_) under its home rule powers, its police powers to protect the public health, safety, and welfare, and under powers pursuant to the authority granted by Sections 125.568 (Counties) and 166.048 (Cities), Florida Statutes, in order to implement and enforce the standards, rules and regulations as set forth herein.

## 5. ADMINISTRATIVE STANDARDS

Whenever, in the course of administration and enforcement of this ordinance, it is necessary and desirable to make any administrative decision, then,

unless other standards are in this Ordinance, the decision shall be made so that the result will not be contrary to the spirit and purpose of this ordinance or injurious to the surrounding neighborhood or the community at large.

## 6. PURPOSE AND INTENT

The purpose of these regulations is to establish minimum standards for the development, installation, and maintenance of Florida-Friendly Landscape areas without inhibiting creative landscape design, construction and management

Specific Best Management Practices (BMPs) have been developed that include water conservation measures, the preservation of natural vegetation where applicable, and appropriate plant selection and location. Best Management Practices have also been developed for the use of fertilizers, pesticides and appropriate maintenance practices such as proper pruning techniques, mowing, mulching and composting. Implementation of BMPs will aid in improving environmental quality and the aesthetic appearance of public, commercial, industrial, and residential areas.

These guidelines and landscape practices are established to help communities, developers, builders, contractors, businesses and homeowners be partners in improving and protecting Florida's environment.

These practices are also based on the premise that the quality of Florida's surface and ground water is affected by stormwater runoff and leachate. Improper landscape design, construction and management may contribute to nonpoint source pollution that affects ground and surface water quality. Use of BMPs in proper landscape design and maintenance can reduce pollution and save water, as well as save labor, resources, and money. Application of BMPs will also help to enhance property values, improve Florida's quality of life and protect natural resources for Florida residents well into the future.

This ordinance is based on concepts of Florida-Friendly Landscaping and the use of BMPs. The Florida-Friendly Landscape concept is based on the principles of the *Florida Yards and Neighborhoods* (FYN) and *Environmental Landscape Management* (ELM) programs operated by the University of Florida Cooperative Extension Service, along with the various water conservation programs of the State's Water Management Districts, and BMPs identified in the *Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries* (2008).

The *Florida Yards & Neighborhoods Handbook*, the Water Management Districts' *Waterwise Florida Landscape Guide*, *Xeric Landscaping with Florida Native Plants* by the Association of Florida Native Nurseries, FDEP's *Waterfront Property Owners Guide*, the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*, and *Water Right: Conserving our Water, Preserving our Environment* published by the International Turf Producers Foundation should be referred to before making landscape and other site decisions. In general, all landscapes shall be designed to minimize adverse effects on Florida's natural systems.

No part of these guidelines shall be interpreted to restrict creative designs or the inclusion of landscape elements such as vegetable gardens, fruit trees, arbors, water gardens, or furnishings.

This ordinance incorporates several accepted principles of a Florida-Friendly Landscape. These principles, listed below, are included within the general provisions section for the purpose of giving guidance and direction for the administration and enforcement of the regulations contained herein. Detailed explanations of the following principles are included in the previously cited documents.

- Site Planning and Design
- Soils
- Land Clearing Standards and Preservation of Native Vegetation
- Appropriate Plant Selection, Location, and Arrangement
- Practical Use of Turf
- Efficient Irrigation
- Yard Waste Management, Composting and Use of Mulches
- Fertilizer Management
- Pesticide Management
- Landscape Maintenance
- Shoreline Considerations

This Ordinance regulates the proper use of fertilizers by any applicator and establishes training and licensing requirements for Commercial and Institutional Fertilizer Applicators. It also establishes a prohibited application period when fertilizer can not be applied

and specifies allowable fertilizer application rates and methods, fertilizer-free zones, low maintenance zones, and exemptions. The Ordinance requires the use of Best Management Practices which provide specific management guidelines to minimize negative secondary and cumulative environmental effects associated with the misuse of fertilizers. These secondary and cumulative effects have been observed in and on (MUNICIPALITY / COUNTY)'s natural and constructed stormwater and drainage conveyances, rivers, creeks, canals, springs, lakes, estuaries and other water bodies. *[Guidance: as appropriate]* Collectively, these water bodies are an asset critical to the environmental, recreational, cultural and economic well-being of (MUNICIPALITY / COUNTY) residents and the health of the public. Overgrowth of algae and vegetation hinder the effectiveness of flood attenuation provided by natural and constructed stormwater and drainage conveyances. Regulation of nutrients, including both phosphorus and nitrogen contained in fertilizer, will help improve and maintain water and habitat quality.

*[Guidance: Florida Statutes 125.568(3), 166.048(3), and 373.185(3) provide that a deed restriction or covenant entered after October 1, 2001, or local government ordinance, may not prohibit any property owner from implementing Xeriscape or Florida-Friendly Landscape practices on his or her land. Any restrictions created after this date are void.]*

## 7. APPLICABILITY

The provisions of this ordinance shall apply to the development, redevelopment, rehabilitation, and maintenance of all property within present or future incorporated areas of the (City/County of \_\_\_\_\_) which are subject to the provisions of Chapter \_\_\_\_\_, Site Plan Review; Chapter \_\_\_\_\_, Planned Unit Developments; or Chapter \_\_\_\_\_, Subdivisions and Plats of the (City/County of \_\_\_\_\_), Land Development Code. *[Guidance: If adopted by a county, unincorporated areas should also be included where they are subject to development.]*

No permit shall be issued for building, paving, or tree removal unless the landscape construction documents comply with the provisions hereof; and no Certificate of Occupancy shall be issued until the requirements herein are met. *[Guidance: Provided that such documents are required to be submitted.]*

All City/County facilities will be managed in accordance with these practices within one year of the approval of this Regulation. All City/County landscape service contractors will adhere to these practices. All new bid specifications and contracts will

reflect this requirement beginning one year after the approval of this regulation. *[Guidance: Existing facilities/sites may not have been designed to maximize Florida-friendly practices, but should be managed insofar as is practicable using these principles.]*

All new and renovated City/County facility landscapes will be designed in accordance with these principles and be constructed and installed using Florida-Friendly Landscape materials.

This Ordinance shall be applicable to and shall regulate any and all applicators of fertilizer and areas of application of fertilizer within the area of (MUNICIPALITY / COUNTY), unless such applicator is specifically exempted by the terms of this Ordinance from the regulatory provisions of this Ordinance. This Ordinance shall be prospective only, and shall not impair any existing contracts. *[Guidance: Local government may adopt additional or more stringent provisions to the model ordinance, but to avoid allegations of restraint of trade or arbitrary and capricious actions, should clearly document that the provisions are reasonable and necessary, as determined by scientific study, to comply with state or federal environmental rules or to prevent future violations, and to deviate as little as possible from standard provisions promulgated by this Model Ordinance, so as to avoid a confused regulatory tangle of adjoining jurisdictions which unduly favors local service only businesses over those with a multijurisdictional service area.]*

If the provisions of this ordinance conflict with other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

Specific application of the provisions shall include, but not be limited to:

- All new, redeveloped, or rehabilitated landscapes for public agency projects and private development projects including but not limited to industrial, commercial, residential, and recreation projects, including new single-family and two-family homes; *[Guidance: Florida Statutes 125.568(3), 166.048(3), and 373.185(3) provided that a deed restriction or covenant entered after October 1, 2001, or local government ordinance, may not prohibit any property owner from implementing Xeriscape or Florida-Friendly Landscape practices on his or her land. Any restrictions created after this date are void.]*
- Developer-installed landscapes at entrances into and common areas of single-family and multi-family projects;

- Any development approved prior to the effective date of this ordinance if the governing site development plan is amended;

Exempted from the provisions of this ordinance are the following as applicable:

- Bona-fide agricultural activities as defined in the Florida Right to Farm Act, Section 823.14, Florida Statutes, ~~provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.~~
- Other properties not subject to or covered under the Florida Right to Farm Act that have Pastures used for grazing livestock ~~provided that fertilizers are applied in accordance with the appropriate Best Management Practices Manual adopted by the Florida Department of Agriculture and Consumer Services, Office of Agricultural Water Policy for the crop in question.~~
- Any development that is governed by an approved, final site development plan or a valid building permit issued prior to the effective date of this ordinance is exempted from retrofitting or meeting the specific provisions of Sections 9 A-F. However, existing development is not exempted from those provisions affecting management, maintenance, or the education of maintenance personnel.
- Rights-of-way for public utilities, including electrical transmission and distribution lines, and natural gas pipelines.
- Conditional exemption may be granted by (to be inserted by local government) for individual projects if the applicant can demonstrate acceptable reasons for the requested exemption.

## 8. DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this section unless the context clearly indicates otherwise.

All words used in the present tense include the future; all words in the singular number include the plural and the plural the singular; the word “building” includes the word “structure”; the word “shall” is mandatory and the word “person” includes a firm, corporation, county, municipal corporation, or natural person. The term “council” or “commission” shall

mean Council or Commission of the (City/County of \_\_\_\_\_), and the word “city” or “county” shall mean the (City/County of \_\_\_\_\_) of the State of Florida. The word “used” shall be deemed to include the words “arranged”, “designed”, or “intended to be used”, and the word “occupied” shall be deemed to include the words “arranged”, “designed”, or “intended to be occupied”. Any word or term not interpreted or defined by this section shall be used with a common dictionary meaning of common or standard utilization.

- “**Administrator**” means the (MUNICIPALITY / COUNTY) Administrator, or an administrative official of (MUNICIPALITY / COUNTY) government designated by the City/County Administrator to administer and enforce the provisions of this Article.
- “**Application**” or “**Apply**” means the actual physical deposit of Fertilizer to Turf or Landscape Plants.
- “**Applicator**” means any Person who applies Fertilizer on Turf and/or Landscape Plants in (MUNICIPALITY / COUNTY).
- Aquascape.** The planting of aquatic and wetland plants in the enhancement, restoration, or creation of freshwater, estuarine, or marine systems.
- Automatic Controller.** A mechanical or electronic device, capable of automated operation of valve stations to set the time, duration and frequency of a water application.
- “**Board or Governing Board**” means the Board of City/County Commissioners of (MUNICIPALITY / COUNTY), Florida.
- “**Best Management Practices**” means turf and landscape practices 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 and protecting natural resources.
- “**Code Enforcement Officer, Official, or Inspector**” means any designated employee or agent of (MUNICIPALITY / COUNTY) whose duty it is to enforce codes and ordinances enacted by (MUNICIPALITY / COUNTY).
- “**Commercial Fertilizer Applicator**” means any Person who applies Fertilizer on Turf and/or Landscape Plants in (MUNICIPALITY / COUNTY).

in exchange for money, goods, services or other valuable consideration.

10. **Constant Pressure/Flow Control.** A device that maintains a constant flow, or pressure, or both.
11. **Developed landscape area.** That portion of the property where pre-development vegetation is to be removed.
12. **Emitter.** This term primarily refers to devices used in microirrigation systems.
13. **“Fertilize,” “Fertilizing,” or “Fertilization”** means the act of applying Fertilizer to Turf, specialized Turf, or Landscape Plant.
14. **“Fertilizer”** means any substance or mixture of substances, except pesticide/fertilizer mixtures such as “weed and feed” products, that contains one or more recognized plant nutrients and promotes plant growth, or controls soil acidity or alkalinity, or provides other soil enrichment, or provides other corrective measures to the soil.  
*[Guidance: Regulation of pest control businesses and applicators, and of pesticide use, is preempted to the Florida Department of Agriculture and Consumer Services (FDACS) by Chapters 482.242, and 487.051 (2), F.S. and suspected pesticide misuse should be reported to FDACS. Weed and feed products are registered pesticides. The Limited Commercial Landscape Maintenance Certification Program does not allow landscape maintenance workers to make any kind of pesticide applications (including weed control and/or weed and feed products) to any turf areas. Per 482.165(3) F.S., a civil penalty for unlicensed application of pesticides, including weed and feed products, may not be less than \$500 or more than \$5,000 for each offense.]*
15. **Filter.** A device in irrigation distribution systems that separates sediment or other foreign matter.
16. **Florida-Friendly Landscape.** The principles of Florida-Friendly Landscaping include planting the right plant in the right place, efficient watering, appropriate fertilization, mulching, attraction of wildlife, responsible management of yard pests, recycling yard waste, reduction of stormwater runoff, and waterfront protection. Additional components of Florida-Friendly Landscape include planning and design, soil analysis, the use of solid waste compost, practical use of turf, and proper maintenance.
17. **Ground Cover.** Low growing plants, other than turfgrass, used to cover the soil and form a continuous, low mass of foliage.

18. **“Guaranteed Analysis”** means the percentage of plant nutrients or measures of neutralizing capability claimed to be present in a Fertilizer.
19. **Hardscape.** Areas such as patios, decks, driveways, paths and sidewalks that do not require irrigation.
20. **High Water Use Plants.** Plants that require irrigation to provide supplemental water on a regular basis throughout the year, or are so identified by a regulatory agency having jurisdiction. When placed in a naturally high water table area appropriate to the plant such that irrigation is not required, such plants shall not be considered high water use for the purposes of this ordinance.
21. **Hydrozone.** A distinct grouping of plants with similar water needs and climatic requirements.
22. **Infiltration Rate.** The rate of water entry into the soil expressed as a depth of water per unit of time (inches per hour)
23. **“Institutional Applicator”** means any Person, other than a non-commercial or commercial Applicator (unless such definitions also apply under the circumstances), that applies Fertilizer for the purpose of maintaining Turf and/or Landscape Plants. Institutional Applicators shall include, but shall not be limited to, owners and managers of public lands, schools, parks, religious institutions, utilities, industrial or business sites and any residential properties maintained in condominium and/or common ownership.
24. **Irrigated landscape area.** All outdoor areas that require a permanent irrigation system.
25. **Irrigation System.** A constructed watering system designed to transport and distribute water to plants.
26. **Irrigation Zone.** A grouping of sprinkler heads or microirrigation emitters operated simultaneously by the control of one valve.
27. **Landscape.** Any combination of living plants (such as grass, ground cover, shrubs, vines, hedges, or trees) and non-living landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).
28. **Landscape Construction Documents.** Landscape construction documents may include a planting plan, a landscape layout plan, an irrigation plan, a grading and drainage plan, detail sheets and



written specifications. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.

29. **Landscape Design.** Means consultation for and preparation of planting plans drawn for compensation, including specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials. Such plans may include only recommendations for the conceptual placement of tangible objects for landscape design projects. Construction documents, details, and specifications for placement of tangible objects and irrigation systems shall be designed or approved by licensed professionals as required by law.
30. **Landscape Layout Plan.** Plans and drawings showing the location of buildings, structures, pedestrian, transportation, or environmental systems, and the detail for placement of site amenities, accessibility components, plantings and other tangible objects. Plans shall be numbered, dated, North arrow indicated, scaled, and sealed by an appropriately licensed professional where required by Florida Statutes Chapter 481, Part II.
31. **“Landscape Plant”** means any native or exotic tree, shrub, or groundcover (excluding Turf).
32. **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.
33. **Low-flow Point Applicators.** Irrigation applicators with output less than 60 gallons per hour (gph).
34. **“Low Maintenance Zone”** means an area a minimum of six (6) feet wide adjacent to water courses which is planted and managed in order to minimize the need for fertilization, watering, mowing, etc.
35. **Low Water Use Plants.** Plants that do not need supplemental water beyond natural rainfall, or are so identified by a regulatory agency having jurisdiction.
36. **Microclimate.** The climate of a specific area in the landscape that has substantially differing sun exposure, temperature, or wind, than surrounding areas or the area as a whole.
37. **Microirrigation (low volume).** The application of small quantities of water directly on or below the soil surface, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes (laterals). Microirrigation encompasses a number of methods or concepts including drip, subsurface, bubbler, and spray irrigation, previously referred to as trickle irrigation, low volume, or low flow irrigation.
38. **Moderate Water Use Plants.** Plants that need supplemental water during seasonal dry periods.
39. **Moisture Sensing Device or Soil Moisture Sensor.** A device to indicate soil moisture in the root zone for the purpose of controlling an irrigation system based on the actual needs of the plant.
40. **Mulch.** Non-living, organic or synthetic materials customarily used in landscape design to retard erosion and retain moisture.
41. **“(MUNICIPALITY / COUNTY) Approved Best Management Practices Training Program”** means a training program approved by the (MUNICIPALITY / COUNTY) Administrator that includes at a minimum, the most current version of the Florida Department of Environmental Protection’s *“Florida-Friendly Best Management Practices for Protection of Water Resources by the Florida Green Industries, December 2008”* as revised and any more stringent requirements set forth in this Article. *[Guidance: Adopting entity must define levels of training for this program. Some may wish a certificate of completion, implying passing a test, others only attendance at the training, such as for laborers that may be illiterate and do not handle fertilizers or other agrichemicals.]*
42. **Native Vegetation.** Any plant species with a geographic distribution indigenous to all, or part, of the State of Florida as identified in: Wunderlin, R. P. 1998. *Guide to the Vascular Plants of Florida*. University Press of Florida, Gainesville.
43. **“Pasture”** means land used for livestock grazing that is managed to provide feed value.
44. **“Person”** means any natural Person, business, corporation, limited liability company, partnership, limited partnership, association, club, organization, and/or any group of people acting as an organized entity.
45. **Pervious Paving Materials.** A porous asphaltic, concrete or other surface and a high-void aggregate.

gate base which allows for rapid infiltration and temporary storage of rain on, or runoff delivered to, paved surfaces.

46. **Plant Bed.** A grouping of trees, shrubs, ground covers, perennials or annuals growing together in a defined area devoid of turfgrass, normally using mulch around the plants.
47. **Plant Communities.** An association of native plants that are dominated by one or more prominent species, or a characteristic physical attribute.
48. **Planting Plan.** Specifications and installation details for plant materials, soil amendments, mulches, edging, gravel, and other similar materials.
49. **Point of Connection (POC).** The location where an irrigation system is connected to a water supply.
50. **Pop-up Sprays.** Spray heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.
51. **Pressure Tank.** A pressurized holding tank for irrigation water coming from wells to minimize cycling of the water pump.
52. **“Prohibited Application Period”** means the time period during which a Flood Watch or Warning, or a Tropical Storm Watch or Warning, or a Hurricane Watch or Warning is in effect for any portion of (CITY/COUNTY), issued by the National Weather Service, or if heavy rain<sup>1</sup> is likely.
53. **Pump Cycling.** Irrigation pump coming on and shutting off frequently during operation of irrigation systems.
54. **Rain Sensor Device.** A low voltage electrical or mechanical component placed in the circuitry of an automatic irrigation system that is designed to turn off a sprinkler controller when precipitation has reached a pre-set quantity. Required by law (373.62 F.S.) on all automatic irrigation systems since 1991.
55. **Runoff.** The water that results from and occurs following a rain event, or following an irrigation event, because the water is not absorbed by the soil or landscape and flows from the area.

56. **Site Appropriate Plant.** A plant that after establishment, will thrive within the environmental conditions that are normal for a specific location without artificial supplements such as irrigation.

57. **“Slow Release,” “Controlled Release,” “Timed Release,” “Slowly Available,” or “Water Insoluble Nitrogen”** means nitrogen in a form which delays its availability for plant uptake and use after application, or which extends its availability to the plant longer than a reference rapid or quick release product.

58. **“Sod,” or “Lawn”** means a piece of turf-covered soil held together by the roots of the turf.

59. **Soil Moisture Sensor.** See Moisture Sensing Device.

60. **Soil Texture.** The classification of soil based on the percentage of sand, silt, and clay in the soil.

61. **Turf and/or Turfgrass.** A mat layer of monocotyledonous plants such as, but not limited to, Bahia, Bermuda, Centipede, Paspalum, St. Augustine, and Zoysia.

62. **Valve.** A device used to control the flow of water in the irrigation system.

63. **Water Use Zone.** See “Hydrozone”.

## 9. GENERAL PROVISIONS AND DESIGN STANDARDS

In 2004, the Florida legislature created section 373.228 Florida Statutes directing the Department of Environmental Protection, the Water Management Districts, and several stakeholder groups to devise standards for Landscape Irrigation and Florida-Friendly Landscape design. The *Landscape Irrigation and Florida-Friendly Design Standards, December 2006*, were published by the Department of Environmental Protection. **Local governments must use these standards** when adopting local ordinances after that date.

Landscape and Xeriscape (Florida-Friendly) Design Standards:

1. Low impact site design practices, such as preserving existing native trees and vegetation, shall be used if feasible. Where established natural vegetation is incorporated into the landscape design, irrigation of those areas shall not be required.

<sup>1</sup> World Meteorological Organization definition of heavy rain: Rainfall greater than or equal to 50 mm (2 inches) in a 24 hour period.  
<http://severe.worldweather.org/rain/>, [http://www.wrh.noaa.gov/sew/MediaGuide/TermsOutlooks\\_Watches\\_Warnings.pdf](http://www.wrh.noaa.gov/sew/MediaGuide/TermsOutlooks_Watches_Warnings.pdf).

2. The plant palette and irrigation system shall be appropriate for site conditions, taking into account that, in some cases, soil improvement can enhance water use efficiency.
3. Plants shall be grouped together by irrigation demand.
4. The percentage of landscaped area in irrigated high water use hydrozones should be minimized. Local government ordinances shall address the percentage of irrigated landscaped area that may be included in high water use hydro-zones. These high water use limits should not apply to land-scaped areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds.

When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, expansion or change in use of a previously developed site is such that site plan review by the (to be inserted by the Local Government) is required prior to the issuance of a building permit, the provisions of 9A-F of this ordinance shall be applied to newly disturbed areas of such site. *[Guidance: It is intended that for expansion or remodeling of existing sites, only new or modified areas would be subject to these provisions.]*

#### A. Site Planning and Design

1. Site designs and landscape construction documents shall be prepared in accordance with the requirements of all applicable Florida Statutes. All landscape and irrigation system designs shall be consistent with the standards required under 373.228 Florida Statutes.
2. Site Plans for new development shall include riparian buffers adjoining all waters of the state. Such buffers should be native, or if previously disturbed, constructed, to be at least 25 feet, and preferably 50-150 feet wide, to protect water bodies from nonpoint source pollution generated by up gradient development. Riparian buffers shall be designed and managed in accordance with USDA-NRCS conservation practices for riparian buffers and filter strips (codes 390, 391, and 393). Such riparian areas may be included in the gross development area for purposes of determining zoning density.
3. The site plan shall consider natural drainage features to minimize runoff. The use of pervious surfaces and areas is preferred, therefore impervious surfaces and materials within the landscaped area shall be limited to borders,

sidewalks, step stones, and other similar materials, and shall not exceed (To be inserted by the local government) % of the landscaped area. Use of pervious paving materials is strongly encouraged, and relative imperviousness will be considered.

*[Guidance: Site planning and design can affect the management and maintenance of lawns and landscapes. Some communities may wish to have detailed landscape construction documents submitted to and reviewed by the local building department. Due to the variation in local government organization, staff, and existing codes, it is not possible to develop specific language in these guidelines. As guidance, the word “should” is used in several areas below where “shall” may be more appropriate in an actual ordinance; Specific choices need to be made by the local government involved. If such plan reviews are desired, the following topics should be considered.*

- *Site plans should identify all vegetated areas to be preserved.*
- *All invasive exotic plant species should be removed from each site prior to the beginning of construction. For purposes of determining plant species to remove, refer to Department of Agriculture and Consumer Services “Noxious Weeds” rule Chapter 5B- 57, F.A.C.*
- *Gravel, river rock, shell and similar materials should not be used as a major landscape ground cover or mulch. In no case may these materials occupy over (To be inserted by the local government) % of the landscape surface area as they increase the need for herbicide use, have no habitat value, reflect rather than absorb heat, and do not produce oxygen like plants.*
- *The solar orientation of the property and its relationship to other properties should be considered as this may produce different microclimate exposures (e.g., sun vs. shade, southern vs. northern exposure, surrounded by heat-reflective surfaces, etc).*

*If landscape construction documents are required, they should include, but not be limited to the following:*

- *Location of all underground and overhead utilities;*
- *Existing and proposed trees, shrubs, ground covers and turf areas within the developed landscape area;*
- *Plants by botanical and common name, and where applicable, cultivar name; spacing, and quantities of each type of plant by container size and by mature height and spread;*



- Existing and proposed property lines, streets, street names and public utilities;
- Existing and proposed hardscape features such as driveway(s) and sidewalk(s) as necessary;
- Existing and proposed structures such as pool(s), fountain(s), fence(s) and retaining wall(s);
- Existing and proposed buildings;
- Indicate in a table the total square footage(s) of the various landscape hydrozones on the plan. If more than one water meter serves the site, the total hydrozone square footages of the various hydrozones must be identified with each Point of Connection (POC) and meter providing water service.

Irrigation plans must be designed to recognize differential irrigation requirements of the landscape as described in Section F. It is suggested that “Record” or “As-Built” construction documents be submitted prior to issuance of the Certificate of Occupancy, with a copy delivered to the homeowner. This will help to prevent later damage from digging by utility workers or the homeowner and assist the owner with understanding the system design. The irrigation plan should show the following:

- Irrigation point(s) of connection and design capacity;
- Water service pressure at irrigation POCs;
- Water meter size;
- Reduced-pressure-principle backflow-prevention devices for each irrigation POC on potable water systems;
- Major components of the irrigation system, including all pumps, filters, valves, and pipe sizes and lengths.
- Precipitation rate expressed in inches per hour for each valve circuit. The preparer must attach to the Project Data Sheet the calculations for deriving precipitation rates for each irrigation valve circuit;
- Total flow rate (flow velocity not to exceed 5 feet per second) in gallons per minute (gpm) and operating pressure (psi) for each individual overhead and bubbler circuit, and gallons per hour (gph) and operating pressure for low-flow point irrigation circuit;
- Irrigation legend will have the following elements: Separate symbols for all irrigation equipment with

different spray patterns and precipitation rates and pressure compensating devices; general description of equipment; manufacturer’s name and model number for all specified equipment; recommended operating pressure per nozzle and bubbler and low-flow emitter; manufacturer’s recommended overhead and bubbler irrigation nozzle rating in gallons per minute (gpm), or gallons per hour (gph) for low flow point applicators; minimum (no less than 75% of maximum spray radius) and maximum spray radius per nozzle; and manufacturer’s rated precipitation rate per nozzle at specified psi;

- Recycled-water piping and guidelines as required; Reclaimed or non-potable water should be used for irrigation if an acceptable source is determined to be available by the (City/County) Engineer.
- Identify location of rain shut-off devices or soil moisture sensors.
- The irrigation system must take any existing slopes over 10% into account.

If a grading plan is desired, it shall indicate all finish grades, spot elevations as necessary, drainage, and existing and new contours within the developed landscape area.]

## B. Soils

1. Soils vary from site to site and even within a given site. Soil analysis information is needed for proper selection of plants and, if needed, soil amendments. A soil analysis based on random sampling is required and shall be performed by a reputable soil testing lab or University of Florida/IFAS Cooperative Extension facility.

[Guidance: If a landscape design is required, a soil analysis satisfying the following conditions shall be submitted:

- Determination of soil texture, indicating the percentage of organic matter.
  - Measurement of pH, and total soluble salts.
  - Estimated soil infiltration rate.]
2. Existing horticulturally suitable topsoil shall be stockpiled and re-spread during final site grading.
  3. Any new soil required shall be similar to the existing soil in pH, texture, permeability, and other characteristics, unless convincing evidence is provided that a different type of soil amendment approach is justified.

4. The use of solid waste compost as a soil amendment is encouraged where it is appropriate.

#### C. Standards for land clearing and preservation of native vegetation

1. This section shall apply to all development permitted upon approval of this regulation. Parcels or lots independent of larger developments that are less than X acres (to be determined by local govt.) in size shall not be subject to these set-aside requirements. Individual single-family lots are exempt from this requirement; however, single family and planned unit developments are not exempt. Tree preservation ordinances and all other landscape requirements shall remain applicable to all development as described in the tree preservation and landscape ordinances.
2. This ordinance mandates a total of X% percent of a site planned for development be set aside for preservation. When clearing, X% (to be determined by local govt.) of the native vegetation on the site shall be preserved. If vegetation is not present on site, established open space zoning and landscape ordinance criteria shall be followed.
3. Vegetation that is set aside for preservation shall be protected from all on-site construction. Protective barriers shall be installed along the perimeter of all preserve areas. Protective barriers shall be constructed at such intervals to prevent machinery from passing between them. No equipment or materials shall be permitted to be stored within the set-aside areas, and dumping of excess soil, liquids, or any other construction debris within the preservation areas is prohibited. Removal or re-grading of soils within preservation areas is prohibited. Any damaged vegetation within the set-aside areas shall be replaced with vegetation equivalent to the vegetation destroyed before any certificates of occupancy or other approvals may be issued.
4. Areas that are considered to be of *high ecological importance* should be given highest priority for protection. These areas include, but are not limited to, areas that have occurrences of federal and state listed species of flora and fauna, areas of high biological diversity, and areas that are in aquifer recharge zones.
5. If more than one native terrestrial plant community is present on the site, areas representing all existing plant communities shall be preserved onsite unless preserving more of one particular community is more ecologically beneficial.

6. Utilities, stormwater easements and right-of-ways are exempt from provisions 1-5 above, but should avoid preserved areas. Although not specifically required, creative alternatives to common practice in these areas may be eligible for incentives.
7. High-quality areas placed in preservation shall be retained in entirety, in their current or improved natural state, and protected into perpetuity regardless of ownership. This requirement may be negotiated to create contiguous preservation among plant communities. The developer shall prove to the reviewer, through exhibits provided during the site approval process, that the highest ecologically valued land is being retained first in order to satisfy the set-aside requirement. If the preservation of the highest ecologically valued land produces undue burden on the development of the property, it is also the developer's responsibility to prove such hardship and provide an acceptable alternative for approval.
8. Areas set aside for preservation should be contiguous parcels of land that are inter-connected and considered viable habitat for wildlife to the extent practical. Small fragmented areas of preservation should be avoided when possible.
9. Rights-of-way and areas determined to be future rights-of-way in the comprehensive plan, and utility or drainage easements shall not be allowed as designated set-aside areas.

#### D. Appropriate Plant Selection, Location, and Arrangement

1. Plant selection should 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. Plant species that are drought and freeze tolerant are preferred. For purposes of determining prohibited and controlled plant species refer to the Department of Agriculture and Consumer Services rule, Chapter 5B-57 Florida Administrative Code. Plants named in this rule may not be used except as allowed in Chapter 5B-57.
2. Plants shall be grouped in accordance with their respective water and maintenance needs. Plants with similar water and cultural (soil, climate, sun, and light) requirements shall be grouped together. The water use zones (hydrozones)

shall be shown on the irrigation, layout, and planting plans (where required). Where natural conditions are such that irrigation is not required, the presence of site appropriate plants shall not be considered a high water use hydrozone.

3. The combined size of all high water use hydro-zones shall be limited to X% (to be determined by local govt.) of the total landscaped area. In landscapes irrigated with recycled water, the allowable size of all high water-use zones shall be increased to not more than X% (To be determined by local government.) of the total landscaped area. These high water-use limits do not apply to landscaped areas requiring large amounts of turf for their primary functions, e.g., ballfields and playgrounds.

#### E. Turf Areas

1. The type and location of turf areas shall be selected in the same manner as with all the other plantings. Irrigated turf areas, as opposed to non-irrigated turf areas, are considered to be a high water use hydrozone. Irrigated turf shall not be treated as a fill-in material but rather as a planned element of the landscape. Turf shall be placed so that it can be irrigated using separate zones. While turf areas provide many practical benefits in a landscape, how and where it is used can result in a significant reduction in water use.
2. Irrigated turfgrass areas shall be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreation use, provide cover for septic tank drainfields and required drainfield reserve areas, or provide soil erosion control such as on slopes or in swales; and where turfgrass is used as a design unifier, or other similar practical use. As a matter of public safety, no turfgrass that requires mowing shall be allowed on slopes greater than 4:1 or within 6 feet of the waters edge, except where adjacent to seawalls and bulkheads or needed to control erosion. Turf areas shall be identified on the landscape plan (where plan is required).
3. One of the most common reasons for turf failure is over-irrigation. Irrigation systems shall be designed and operated in accordance with section F.

#### F. Efficient Irrigation

*[Guidance: In 2004, the Florida legislature created section 373.228 Florida Statutes directing the Department of Environmental Protection, the Water Management Districts, and several stakeholder groups to devise*

*standards for Landscape Irrigation and Florida-Friendly Landscape design. These standards were adopted in December 2006. Local governments must use these standards when adopting local ordinances after that date. The irrigation standards are based on Appendix F of the Florida Building code.]*

1. All irrigation installations after the effective date of this ordinance shall meet the irrigation standards identified per 373.228 F.S. These include:
  - a. Irrigation systems shall be designed to meet the needs of the plants in the landscape (not the other way around).
  - b. When feasible, irrigation systems shall be designed to separately serve turf and non-turf areas.
  - c. The irrigation system plans and specifications shall identify the materials to be used and the construction methods.
  - d. The design shall consider soil, slope, and other site characteristics in order to minimize water waste, including overspray, the watering of impervious surfaces and other non-vegetated areas, and off-site runoff.
  - e. The system shall be designed to minimize free flow conditions in case of damage or other mechanical failure.
  - f. The system shall be designed to use the lowest quality water feasible.
  - g. Rain switches or other approved devices, such as soil moisture sensors, to prevent unnecessary irrigation, shall be incorporated. (Section 373.62, F.S.)
  - h. A recommended seasonal operating schedule and average precipitation rates for each irrigation zone for both establishment and maintenance conditions shall be provided.
  - i. Control systems shall provide the following minimum capabilities:
    - i. Ability to be programmed in minutes, by day of week, season and time of day,
    - ii. Ability to accommodate multiple start times and programs,
    - iii. Automatic shut off after adequate rainfall,

- iv. Ability to maintain time during power outages for a minimum of three days, and
- v. Operational flexibility to meet applicable year-round water conservation requirements and temporary water shortage restrictions.
- j. Recommended maintenance activities and schedules shall be included.
- k. Precipitation rates for sprinklers and all other emitters in the same zone shall be matched, except that microirrigation emitters may be specified to meet the requirements of individual plants.
- l. Irrigation systems shall be designed to maximize uniformity, considering factors such as:
  - i. Emitter types.
  - ii. Head spacing.
  - iii. Sprinkler pattern.
  - iv. Water pressure at the emitter.
- m. Irrigation systems with main lines larger than two inches or designed to supply more than seventy gallons per minute shall incorporate a means to measure irrigation water use, at a minimum of ninety-five percent accuracy across the flow range.
- n. Irrigation system plans and specifications shall require the system installer to conduct final testing and adjustments to achieve design specifications prior to completion of the system and acceptance by the owner or owner's representative.
- o. Irrigation system plans and specifications shall require that the installer provide property owners and users with the following post-construction documentation, including as-constructed drawings, recommended maintenance activities and schedules, operational schedule, design precipitation rates, instructions on adjusting the system to apply less water after the landscape is established, maintenance schedule, water source, water shut-off method, and the manufacturer's operational guide for their irrigation controller. To the extent feasible, similar information should be made available for subsequent property transfers.

*[Guidance: Other irrigation construction or design not addressed in the standards should be per the BMPs].*

- 2. To assist the end user to operate the system properly, in addition to the minimum requirements of 373.228 F.S., the following shall be provided to the owner at the time of installation. The map shall be attached inside each irrigation controller or be kept in another readily available location if it is not practical to insert it in a small controller.
  - a. Irrigation scheduling information, with instructions for seasonal timer and sensor changes,
  - b. An irrigation valve site map detailing
    - i. valve locations,
    - ii. gallons per minute demands,
    - iii. precipitation rates,
    - iv. plant types within valve circuits, and
    - v. operating pressure requirements for each valve
- 3. The irrigation system shall be designed to correlate to the organization of plants into zones as described in (C) above. The water use zones shall be shown on the Irrigation Plan (where plan is required). All plants (including turf) require watering during establishment. Temporary facilities may be installed to facilitate establishment. Irrigation must be conducted in accordance with WMD restrictions.
- 4. Rain shut-off switch equipment shall be required on automatic irrigation systems to avoid irrigation during periods of sufficient soil moisture, in accordance with Florida Law (373.62 F.S.). Said equipment shall consist of an automatic mechanical or electronic sensing device or switch that will override the irrigation cycle of the sprinkler system when adequate rainfall has occurred.
 

*[Guidance: As of 2008, Water Management Districts, or others, may require conventional rain sensor switches even on soil moisture sensing systems, although this may change in the future as the long-term reliability of such systems is better documented.]*
- 5. The installation of tracer wire along main lines and laterals is strongly encouraged to permit easy location and prevent inadvertent cutting of pipes.

6. If the water supply for the irrigation system is from a well, a constant pressure flow control device or pressure tank with adequate capacity shall be required to minimize pump “cycling”.
7. Check valves must be installed at irrigation heads as needed to prevent low head drainage and puddling.
8. Nozzle precipitation rates for all heads within each valve circuit must be matched to within 20% of one another.
9. No water spray from irrigation systems shall be applied under roof overhangs.
10. Irrigated areas shall not be less than 4 feet wide, except when next to contiguous property or using micro or drip irrigation.
11. A pressure-regulating valve shall be installed and maintained if static service pressure exceeds 80 pounds per square inch. The pressure-regulating valve shall be located between the meter and the first point of water use, or first point of division in the pipe, and set at not more than 50 pounds per square inch when measured at the most elevated fixture in the structure served. This requirement may be waived if satisfactory evidence is provided that high pressure is necessary in the design and that no water will be wasted as a result of high-pressure operation. *[Guidance: The purpose of this requirement is twofold, to protect against system failure during pressure surges, and to avoid wasted water due to operation of the system significantly above commonly used design values.]*

#### **G. Yard Waste Management, Composting and Use of Mulches**

1. Yard wastes shall not be disposed of or stored by shorelines, in ditches or swales, or near storm drains. *[Guidance: Yard wastes release nutrients as they decompose which may pollute the receiving water. Improper disposal of yard wastes can also contribute to flooding by causing stormwater runoff to backup in drainage systems. In addition, improper disposal may lead to spreading of invasive plants to new areas.]*
2. Shredded yard clippings and leaves should be used for mulch or be composted for use as fertilizer. However, diseased material should not be mulched and should be properly disposed of to avoid spreading disease.
3. Composting of yard wastes provides many benefits and is strongly encouraged. The resulting

materials are excellent soil amendments and conditioners. Other recycled solid waste products are also available and should be used when appropriate. *[Guidance: Most Florida communities have these programs at their landfill. Incentives may be created to encourage their use, such as a tonnage credit for dumping based on use of composted material.]*

4. Grass clippings are a benefit to lawns, replacing nutrients drawn from the soil and as mulch that helps retain moisture, lessening the need to irrigate. Grass clippings should be left on your lawn. Mulching mowers are recommended, because the grass clippings are chopped very finely by special blade and shroud configurations. If a conventional mower equipped with a side discharge chute is used, the following practices should be employed. When mowing near the shoreline, direct the chute away from the water body. When mowing upland areas, direct the chute back onto the yard, not onto the road or driveway.
5. Mulches applied and maintained at appropriate depths in planting beds assist soils in retaining moisture, reducing weed growth, and preventing erosion. Mulch can also be used in places where conditions aren't adequate for or conducive to growing quality turf or ground covers. Mulches are typically wood bark chips, wood grindings, pine straws, nut shells, small gravel, and shredded landscape clippings.
6. A layer of organic mulch 3" deep shall be specified on the landscape plans in plant beds and around individual trees in turfgrass areas. Use of byproduct or recycled mulch is recommended. Mulch is not required in annual beds. Mulch rings should extend to at least 3 feet around freestanding trees and shrubs. All mulch should be renewed periodically. Mulches should be kept at least 6 inches away from any portion of a building or structure, or the trunks of trees. Plastic sheeting and other impervious materials shall not be used under mulched areas.

#### **H. Fertilizer Management**

*[Guidance: RULE 5E-1.003(2)(d), F.A.C. contains the following provisions for golf courses, parks and athletic fields. As such, no additional specific requirements are included for these types of urban turf. The appropriate Best Management Practices listed below must be followed on such sites for nutrient management activities:*

- (d) Fertilizers labeled for sports turf at golf courses, parks and athletic fields shall:*



1. Have directions for use not to exceed rates recommended in the document titled SL191 “Recommendations for N, P, K and Mg for Golf Course and Athletic Field Fertilization Based on Mehlich I Extractant”, dated March 2007, which is hereby adopted and incorporated by reference into this rule. Copies may be obtained from the Soil and Water Science Department, Florida Cooperative Extension Service, Institute of Food and Agricultural Sciences, University of Florida, Gainesville, FL 32611 or the following website: <http://edis.ifas.ufl.edu/SS404>.
2. Have directions for use in accordance with the recommendations in “BMPs for the Enhancement of Environmental Quality on Florida Golf Courses”, published by the Florida Department of Environmental Protection, dated January 2007. Copies may be downloaded from <http://www.dep.state.fl.us/water/nonpoint/pubs.htm>.

*Note that this does not exempt applicators at these sites from the required basic Green Industry BMP training. If other provisions of the ordinance are not appropriate for these sites, such exceptions should be noted.]*

#### 1. Fertilizer content and application rates

- a. Fertilizers Applied to Turf and/or Landscape Plants within (MUNICIPALITY / COUNTY) shall be formulated and applied in accordance with requirements and directions provided by Rule 5E-1.003(2), Florida Administrative Code, Labeling Requirements For Urban Turf Fertilizers.
- b. Nitrogen or phosphorus Fertilizer shall not be applied to turf or landscape plants except as provided in (a) above unless a soil or tissue deficiency has been verified by an approved test. *[Guidance: Soil and tissue tests for phosphorus are normally done by UF/IFAS or another accredited laboratory. FDEP has sponsored research (ca. 2007-2008) to compare several retail home test kits to IFAS extension lab results for a wide variety of Florida soils. This may allow more convenient testing by homeowners, although enforcement may be more difficult without written test results.]*

#### 2. Timing of fertilizer application

No Applicator shall apply Fertilizers containing nitrogen and/or phosphorus to Turf and/or Landscape Plants during the Prohibited

Application Period. *[Guidance: One of the most controversial issues associated with recent fertilizer ordinances enacted by local governments is the Prohibited Application Period. Some ordinances have prohibited the application of fertilizer, even slow release formulations, during the summer rainy season, typically June 1 to September 30. The reasoning is that rain occurs frequently, saturating the soil, leading to more runoff. Fertilizer management is largely about keeping the nitrogen and/or phosphorus in the root zone where it can be used by the turf. While periods of heavy rainfall contribute to washing fertilizer out of the root zone, the health of the turf grass is an equally important factor. Healthy turf grass with healthy roots and leaves is important to minimizing fertilizer movement. Because turf grass requires nitrogen throughout its growing period, its health can be negatively affected if nitrogen is deficient. Care should be taken with regards to the Prohibited Application Period until the science is better defined. Accordingly, sound science, common sense, and carefully reasoned judgment are recommended in determining how to define the Prohibited Application Period.]*

#### 3. Application practices

- a. Spreader deflector shields are required when Fertilizing via rotary spreaders. Deflectors must be positioned such that Fertilizer granules are deflected away from all impervious surfaces, fertilizer-free zones and water bodies, including wetlands.
- b. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces.
- c. Any Fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable.
- d. Fertilizer released on an impervious surface must be immediately contained and either legally applied to Turf or any other legal site, or returned to the original or other appropriate container.
- e. In no case shall Fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or water bodies.

#### 4. Fertilizer free zones

- a. Fertilizer shall not be applied within ten (10) feet, or three (3) feet if a deflector

shield or drop spreader is used, of any pond, stream, water course, lake, canal, or wetland as defined by the Florida Department of Environmental Protection (Chapter 62-340, Florida Administrative Code) or from the top of a seawall.

- b. If more stringent (MUNICIPALITY / COUNTY) Code regulations apply, this provision does not relieve the requirement to adhere to the more stringent regulations.
- c. Newly planted Turf and/or Landscape Plants may be fertilized in this Zone only for the first sixty (60) day establishment period, but caution shall be used to prevent direct deposition of nutrients into the water.

#### I. Pesticide Management

- 1. All landscape applications of pesticides, including Weed and Feed products, for hire should be made in accordance with State and Federal Law and with the most current version of the Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries. *[Guidance: The use of “should” in the preceding sentence is required, because “shall” would create a violation of 487.051(2), Florida Statutes. Regulation of Pesticides is Pre-empted to the Florida Dept. of Agriculture and Consumer Services (FDACS) by state law.]*
- 2. Property owners and managers are encouraged to use an Integrated Pest Management Strategy as currently recommended by the University of Florida Cooperative Extension Service publications.
- 3. When using pesticides, all label instructions are state and federal law and must be adhered to. **The Florida Department of Agriculture and Consumer Services is responsible for enforcement of pesticide laws.**

#### J. Landscape and Irrigation Maintenance

*[Guidance: Proper landscape and irrigation maintenance will preserve and enhance a quality landscape and help to ensure water-efficiency.]*

- 1. In no case shall grass clippings, vegetative material, and/or vegetative debris either intentionally or accidentally, be washed, swept, or blown off into stormwater drains, ditches, conveyances, water bodies, wetlands, or sidewalks or roadways.

- 2. Landscape maintenance for hire shall be performed in accordance with recommendations in the *Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries*.
- 3. Landscape maintenance by homeowners should be performed in accordance with recommendations of the University of Florida Cooperative Extension Service and Florida Yards & Neighborhoods publications.
- 4. A regular irrigation maintenance schedule shall include but not be limited to checking, adjusting, and repairing irrigation equipment; and resetting the automatic controller according to the season.
- 5. To maintain the original performance and design integrity of the irrigation system, repair of the equipment shall be done with the originally specified materials or their equivalents.

#### K. Shoreline Considerations

*[Guidance: Ideally, shorelines should remain completely natural to most effectively use or absorb nutrients. Unfortunately, many waterfront property owners have removed beneficial vegetation and formed sandy beaches along their shorelines. This loss of a natural buffer may contribute to shock loads of nutrients and other pollutants affecting the waterbody and may lead to erosion. Florida Fish and Wildlife Conservation Commission Rule 68F-20.002 (1) states “No person shall attempt to control, eradicate, remove, or otherwise alter any aquatic plants in waters of the state, including those listed in s. 369.251, F.S., except as provided in a permit issued by the department unless the waters in which aquatic plant management activities are to take place are expressly exempted in Rule 68F-20.0035, F.A.C.”*

*Shoreline vegetation can often be restored through aquascaping. Advice regarding appropriate plants for aquascaping and locating sources for these plants in your area may be obtained by contacting the Department of Environmental Protection’s Bureau of Invasive Plant Management, the UF Cooperative Extension Service in each county and/or the UF Center for Aquatics and Invasive Plants. A simple, free of charge permit may be required from DEP’s Bureau of Invasive Plant Management for activities involving aquatic plants along freshwater shorelines.*

*Florida Fish and Wildlife Conservation Commission Rule 68F-52.003 (4) states “Only native aquatic*



plants cultured in a nursery regulated by the Department of Agriculture and Consumer Services or collected from an approved wild collection site shall be used for the re-vegetation, restoration, or mitigation of wetlands in sovereignty lands. No prohibited or non-native aquatic plant shall be placed in, or knowingly be distributed for use in natural waters, or waters connected to natural waters. Non-native plants not on the prohibited plant list may be used in artificially created ponds and water gardens that are not connected to natural waters.”

Vegetation height should extend well above the water level. There is a direct correlation between height and a plant's ability to absorb nutrients. Shoreline plants should not be fertilized or treated with herbicides, except in special cases.

Some developers, water management districts and local governments are designing and building stormwater wet detention systems that closely resemble natural waterbodies. In some cases, developers are offering adjacent property as premium waterfront real estate. While this is generally a very good practice that promotes sophisticated designs, it may cause some problems if people are not aware that the stormwater pond's purpose is to capture and accumulate pollutants. Consequently, it may appear contaminated if it is simply doing its job. This may prompt misdirected requests for action to clean it up or even protect it. It should also be noted that stormwater ponds that connect to waters of the state may be regulated as waters of the state.

Education is important so people understand that the rules and expectations for natural and man-made waterbodies are different.]

1. Grading and design of property adjacent to bodies of water shall conform to Federal, State and Local regulations which may include but is not limited to the use of berms and/or swales to intercept surface runoff of water and debris that may contain fertilizers or pesticides.
2. A voluntary six (6) foot low maintenance zone is recommended, but not mandated, from any pond, stream, water course, lake, wetland or from the top of a seawall. A swale/berm system is recommended for installation at the landward edge of this low maintenance zone to capture and filter runoff. If more stringent (MUNICIPALITY /COUNTY) Code regulations apply, [Guidance: Such as 9A.2, above, for new developments.] this provision does not

relieve the requirement to adhere to the more stringent regulations. No mowed or cut vegetative material should be deposited or left remaining in this zone or deposited in the water. Care should be taken to prevent the over-spray of aquatic weed products in this zone. [Guidance: Care must be taken to ensure erosion of the surface soil does not occur. Excessive erosion may be a greater pollution hazard than occasional proper applications of fertilizer.]

3. When mowing near the shoreline, direct the chute away from the water body. Riparian or littoral zone plants that do not require mowing or fertilization should be planted in these areas. See the *Florida Waterfront Property Owners Guide* or the Florida Fish and Wildlife Conservation Commission's Invasive Plant Management Section for more information. Where water levels vary considerably, care must be taken in the selection of these plants.
4. Decks along the waters edge and into the water shall meet all local and state government regulations and any other lawful requirements. The maximum distance any structure may protrude into the water is X feet (To be inserted by local government) from the normal high water mark on the bank. The maximum total width of a deck structure along the shoreline of any lot is 20% of the waterfront footage of that lot. The remainder of the shoreline should remain as natural as possible. Lot owners located on ditches may add 20' to their front footage for calculation purposes. Special permits may be required. No structures are permitted that obstruct the flow of water.
5. Mangrove trimming shall be performed in accordance with Sections 403.9321 - 403.9334, Florida Statutes. The *Florida Waterfront Property Owners Guide* published by the Florida Department of Environmental Protection should be referred to for additional information about Florida-friendly shoreline practices.

## 10. EDUCATION

[Guidance: To assist in public information, the education of its citizens, and the effective implementation of this ordinance, the (City/County) should coordinate its efforts with those of the Water Management District and the (\_\_\_\_\_) County) Agricultural Extension Service and

other agencies. These entities should jointly sponsor workshops on the design principles and standards of Florida-Friendly Landscapes. Informational signs should be displayed and brochures made available for public use. Government facilities should serve as educational examples and demonstration sites of building, landscape, and/or design principles related to natural resource conservation including water, energy, and landscapes.]

- A. All persons providing landscape maintenance services for hire (including appropriate City/County Maintenance Operations staff, and institutional landscape workers) shall be trained in the Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries
  - a. within one year of the effective date of this ordinance if fertilizer is applied, or
  - b. within 2 years if the business is not involved in the application of fertilizer.
  - c. Any person that applies fertilizer for hire or in the course of their employment shall hold a current Certificate of Completion in the Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries.
  - d. At least one person holding a current Certificate of Completion in the Florida-friendly Best Management Practices for Protection of Water Resources by the Green Industries shall be present at all times on any job site while work is in progress.

[Guidance: Due to literacy and language difficulties, some employees may not be able to pass the test to obtain the certificate of completion. However, this does not relieve the business owner from the obligation to train these employees in the BMPs, at least in all modules that apply to their duties.]

- B. New employees shall be trained within 180 days of starting a new position.

## 11. INCENTIVES

[Guidance: Local governments have a full range of options to offer incentives for development/landscape designs to exceed the design principles and standards set forth and established by this ordinance. Local governments may wish to consider any or all of the following examples, and are free to consider other alternatives.]

- A. Any development that exceeds the water-efficient design principles and standards established

by this ordinance shall receive a reduction in the (City/County) permit application fee. [or stormwater utility rate, etc.]

- B. Individual home owners or residents who are not required to but voluntarily submit a development/landscape design which meets or exceeds the Florida-friendly design principles and standards established by this ordinance shall receive [Guidance: Expedited permitting, a reduction of their stormwater utility water charges; a x% reduction in their building permit fee, property tax reduction, or other incentive within the purview of local government]. This reduction will remain in effect provided that the landscaped areas are consistently maintained in accordance with Florida-Friendly Landscape principles and the total monthly water consumption does not exceed X gallons (To be inserted by local government).
- C. Businesses that use the recommended practices may be recognized as a Green Business through the FDEP Green Business Program and may use this in their advertising and promotion.. (Comment: FDEP, in cooperation with the University of Central Florida Stormwater Management Academy, has established "Green Business" pilot programs in Cocoa Beach and Orlando. Additionally, Sarasota County, Lakeland, and Jacksonville have established Green Business Programs. For more information, please visit: <http://www.cityofcocoa.beach.com/greenbusiness.htm>)

[Guidance: These incentives are meant only to be examples. Local governments should consider what incentives are appropriate and meaningful to their constituents.]

## 12. ENFORCEMENT AND MONITORING

Implementation and enforcement of these regulations shall consist of:

### A. Licensing

[Guidance: Some care may need to be taken to modify occupational license ordinances to make this section work, depending on grouping of license classes. Known statewide providers of such training are: the University of Florida Cooperative Extension Service, The Florida Department of Environmental Protection, and the Florida Nursery, Growers and Landscape Association (FNGLA). Some companies may provide such training in-house and some industry suppliers or associations may offer training to their customers.]

1. All Commercial Applicators of Fertilizer within the unincorporated area of (MUNICIPALITY/COUNTY), shall abide by and successfully complete training and continuing education requirements in minimizing nitrogen leaching and phosphorus runoff from fertilizer applications prior to obtaining a (MUNICIPALITY/COUNTY) Local Business Tax Certificate for any category of occupation which may apply any Fertilizer to Turf and/or Landscape Plants. Commercial Fertilizer Applicators shall provide proof of completion of an approved training program to the (MUNICIPALITY/COUNTY) Tax Collector's office within one year of the effective date of this ordinance.
2. All businesses applying fertilizer to Turf and/or Landscape Plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that at least one employee has an appropriate certification (i.e., the Florida Department of Environmental Protection's Green Industries Best Management Practices certification), prior to the business owner obtaining a Local Business Tax Certificate. Owners for any category of occupation which may apply any fertilizer to Turf and/or Landscape Plants shall provide proof of certification to the (Municipality/County) Tax Collector's Office.
3. Non-commercial applicators not otherwise required to be certified, such as private citizens on their own residential property, are encouraged to follow the recommendations of the University of Florida IFAS Florida Yards and Neighborhoods program when applying fertilizers.
4. Within 2 years of the effective date of this ordinance, all businesses performing design, installation, or maintenance services involving Turf and/or Landscape Plants (including but not limited to residential lawns, golf courses, commercial properties, and multi-family and condominium properties) must ensure that all supervisory employees have an appropriate certification (i.e., the Florida Department of Environmental Protection's Green Industries Best Management Practices certification), prior to the business owner obtaining a Local Business Tax Certificate. Non-supervisory employees that do not

apply fertilizer must be trained but do not require certification. Owners for any category of occupation which may perform design, installation, or maintenance services involving Turf and/or Landscape Plants shall provide proof of certification and training to the (Municipality/ County) Tax Collector's Office. This provision does not apply to the licensed professional practice of Landscape Architecture, Architecture, or Engineering.

*[Guidance: Some landscape workers may be illiterate or otherwise unable to achieve certification. Evidence of attending the training, coupled with certified supervision, is considered adequate for nonsupervisory personnel that do not handle fertilizers.]*

## B. Inspections

1. The (City/County) Code Enforcement Officer or designated inspectors shall be authorized and empowered to make inspections at reasonable hours of all land uses or activities regulated by this ordinance, in order to determine if applicable provisions of the Code of Ordinances and regulations relating to Florida-friendly landscaping are being followed.
2. Inspections may be made without notice, and refusal to allow such an inspection shall be deemed a violation of this ordinance. Such failure to permit an inspection shall be sufficient grounds and probable cause for a court of competent jurisdiction to issue an administrative warrant for the purpose of inspecting, surveying or examining said premises.
3. In the event a building, structure, or land appears to be vacant or abandoned, and the property owner cannot be readily contacted in order to obtain consent for an inspection, the Code Enforcement Officer or inspector may enter into or upon any open or unsecured portion of the premises in order to conduct an inspection thereof.
4. The Code Enforcement Officer or inspector shall be provided with official identification and exhibit such identification when making any inspection.
5. It shall be the duty of all law enforcement officers to assist in making inspections when such assistance is requested by the Code Enforcement Officer or inspector.

### C. Notice of Violation, Notice of Hearing and Hearing Procedure

1. Whenever the Code Enforcement Officer or an inspector determines that there is a violation of this ordinance, the officer or inspector shall follow the procedures established for bringing a case before the Code Enforcement Board or any alternative code enforcement body or shall seek injunctive relief as provided below.
2. A notice to cease a land use activity or permit issued under this ordinance shall not relieve the owner or operator of the obligation to comply with any other applicable state, regional or local code, regulation, rule ordinance, or requirement. Nor shall said notice or permit relieve any owner or operator of any liability of violation of such codes, regulations, rules, ordinances, or requirements.

### D. Injunctive Relief

If any person engages in activities regulated by this ordinance without having obtained an approved permit as provided within this ordinance or continues in violation of the provisions of this ordinance or the regulations promulgated pursuant thereto, then the (City/County) may file an action for injunctive relief in a court of competent jurisdiction.

### 13. FEES

#### Permit Fees

Prior to the issuance of a permit, the applicant shall pay a fee as set forth by the Resolution No. \_\_\_\_\_, 20\_\_\_. Such fee shall be used to defray the cost of monitoring the compliance of this ordinance.  
*[Guidance: or may be included in building permit fee]*

### 14. VARIANCES

As provided in Chapter \_\_\_\_ of these Land Development Regulations, the Board of Adjustment is hereby authorized to grant variances in accordance with stated provisions and can attach conditions to variances granted.

### 15. VIOLATIONS AND PENALTIES

- A. For any violation which does not constitute a threat to life or property, the (City/County) shall have the authority to issue a citation and/or to withhold a certificate of occupancy.

The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his agent, or to the person doing the work. The receipt of a citation shall require that corrective action be taken within thirty (30) calendar days, unless otherwise extended at the discretion of the (City/County). If the required corrective action is not taken within the time allowed, the (City/County) may use any available civil or criminal remedies to secure compliance, including revoking a permit.

- B. The (City/County) shall have resource to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this section of this ordinance, including injunctive relief to rejoin and restrain any person from violating the provisions of this section of this ordinance and to recover such damages as may be incurred by the implementation of specific corrective actions.
- C. A conviction for violation of the provisions of this section shall be punishable by a fine or imprisonment, or both such fine and imprisonment as provided in Section 125.69, Florida Statutes.

### 16. CONFLICTS AND RELATIONSHIP TO OTHER LAWS

Whenever regulations or restrictions imposed by this ordinance conflict with other ordinances or regulations, or are either more or less restrictive than regulations or restrictions imposed by any governmental authority through legislation, rule or regulation, the regulations, rules or restrictions which are more restrictive or which impose the highest standards or requirements shall govern. Regardless of any other provision of this ordinance, no land shall be used and no structure erected or maintained in violation of any state or federal pollution control or environmental protection law or regulation.

### 17. SEVERABILITY

This ordinance and the various parts, sections, subsections and clauses thereof, are hereby declared to be severable. If any part, sentence, paragraph, subsection, section or clause is adjudged unconstitutional or invalid, it is hereby provided that the remainder of the ordinance shall not be affected thereby. If any part, sentence, paragraph, subsection, section or clause be adjudged unconstitutional or invalid as applied to a particular property, building, or other structure, it is hereby provided that the application of such

portion of the ordinance to other property, buildings, or structures shall not be affected thereby.

#### 18. INCLUSION IN CODE, CODIFICATION, SCRIVENERS ERRORS

The provisions of this ordinance shall become and be made a part of or replace the existing landscape regulations of the (City/County of \_\_\_\_\_). Sections of the ordinance may be renumbered or relettered and the word “ordinance” may be changed to “section”, “chapter”, “article”, or such other appropriate word or phrase in order to accomplish such intentions. Sections of this ordinance may require the correction of typographical errors which do not affect the intent. Such corrections may be authorized without need of a Public Hearing, by filing a corrected or recodified copy of same with the clerk of the (City/County of \_\_\_\_\_).

#### 19. REPEAL

The existing regulations of the (City/County of \_\_\_\_\_), being Chapter \_\_\_\_\_ of the City/County Code as amended, are hereby repealed. The adoption of this ordinance; however, shall not affect nor prevent any pending or future prosecution of, or action to abate, any existing violation of said Chapter , as amended, if the violation is also a violation of the provisions of this ordinance.

*[Guidance: Repeal is only necessary if existing ordinances conflict with the new ordinances.]*

#### 20. EFFECTIVE DATE

This ordinance shall take effect \_\_\_\_\_, 20\_\_\_\_.

PASSED ON FIRST READING \_\_\_\_\_(Date)

PASSED ON SECOND AND  
FINAL READING AND ADOPTED \_\_\_\_\_(Date)

\_\_\_\_\_(Signature)(Name)  
Mayor-Commissioner or Chairman

Attest: \_\_\_\_\_(Signature)(Name)  
City Clerk or Clerk of Circuit Court

Approved as to form and correctness:

\_\_\_\_\_(Signature)(Name)  
City or County Attorney

**ORDINANCE NO: 2025 - XX**

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO REVISIONS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER I, OVERVIEW, CHAPTER III, ZONING REGULATIONS, CHAPTER VI, DESIGN STANDARDS AND CHAPTER VIII, DEFINITIONS; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes, Chapter 166, confers upon a local government, the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, pursuant to its home rule powers, the City of Mount Dora may regulate land use matters and design standards within the City limits through the adoption of Land Development regulations; and

**WHEREAS**, from time to time the City of Mount Dora provides updates and amendments to its Land Development regulations; and

**WHEREAS**, the City finds that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City of Mount Dora Comprehensive Plan; and

**WHEREAS**, the City has determined that the amendments to its Land Development Code, as set forth herein, advance a legitimate public purpose and promote and protect the health, safety and welfare of the citizens of the City of Mount Dora.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:**

**SECTION 1. LEGISLATIVE FINDINGS AND INTENT.** The City of Mount Dora has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER II, GENERAL, CHAPTER III, ZONING**



**REGULATIONS, CHAPTER VI, DESIGN STANDARDS, AND CHAPTER VIII, DEFINITIONS.** The City of Mount Dora Land Development Code Chapter II, General, Chapter III, Zoning Regulations, Chapter VI, Design Standards, and Chapter VIII, Definitions, is hereby revised and amended as follows:

Note: Underlined words constitute additions to existing text, ~~strike through~~ constitutes deletions from existing text and asterisks (\*\*\*) indicate omitted parts which are intended to remain unchanged.

## CHAPTER II. – GENERAL

\*\*\*

### 2.2.5. Meetings.

1. The development review committee ~~shall~~ may meet as necessary.
2. ~~An agenda shall be prepared and distributed to each member prior to the meeting.~~
3. ~~All applicants having requests to be reviewed by the development review committee will be provided an agenda and invited to attend and participate in the meeting.~~

\*\*\*

## CHAPTER III. – ZONING REGULATIONS

\*\*\*

3.3.2. Submittals and fees. The application shall be a form provided by the city, stating at least: the applicant's name, a legal description and survey of the property, the current zoning, the requested zoning, proof of ownership and the reason for the requested change. Appropriate fees shall be paid at the time of submittal. Applications for zoning district change to R-3, MHP, RP, C-1, C-2, C-3, WP-1, WP-2, and OP zoning districts must include a conceptual site plan ~~as described in chapter V.~~

\*\*\*

### 3.4. - Establishment of zoning districts.

\*\*\*

#### 3.4.9. *RP Residential Professional District.*

1. *Description of district.* This district is established to provide areas where existing residential structures can be utilized for office use and not adversely affect adjacent property owners or traffic patterns. The district would generally be found in transitional neighborhoods along major roads and adjacent to commercial areas to provide a transition to adjacent residential areas. Areas of the city appropriate for this district are included in the residential professional/office designation on the future land use map of the comprehensive plan.
2. *Permitted uses:*



- a. Single-family homes and customary accessory uses, including boathouses for storage of watercraft, not including sea planes, ~~and not for human occupancy~~, of no more than 25 feet in height.
- b. Duplexes meeting R-2 development standards.
- c. Public buildings, public facilities, and public uses.
- d. Fire and police stations.
- e. Home occupations (subsection 3.5.12).

\*\*\*

#### 3.4.10. *OP Office Professional District.*

##### 5. *Site development standards:*

|    |                                 | Adjacent to Residential     | Standard |
|----|---------------------------------|-----------------------------|----------|
| a. | Minimum building setbacks (ft.) |                             |          |
|    | Front yard                      | 30                          | 25       |
|    | Side yard                       | 30                          | 10       |
|    | Rear yard                       | 30                          | 25       |
|    | From any street                 | 25                          | 25       |
| b. | Minimum lot size (sq. ft.)      | 15,000                      |          |
| c. | Minimum lot width (ft.)         | 125                         |          |
| d. | Maximum building height (ft.)   | 35                          |          |
|    | Within 100 ft. of Lake Dora     | 25                          |          |
| e. | Parking                         | See section 6.5             |          |
| f. | Landscaping/buffers             | See section 6.6             |          |
| g. | Signs                           | See section 6.7             |          |
| h. | Access                          | See subsection 6.3.7        |          |
| i. | Floor area ratio (FAR)          | <del>0.30</del> <u>1.00</u> |          |

\*\*\*

#### 3.4.13. *PLI Public Lands and Institutions District.*

##### 5. *Site development standards:*

###### a. Minimum setbacks:

Front yard: 25 feet.

Side yard: 25 feet.

Rear yard: 25 feet.

City facilities and structures not adjacent to residential (all sides): 15 feet.

\*\*\*

#### 3.5.4 *Accessory buildings/structures and uses in residential district.*

1. When an accessory building is attached to a main structure by a breezeway, passage or otherwise, it shall comply with setback requirements of the main building. No more than two accessory structures shall be permitted on a single lot.

2. A detached accessory building, ~~also a garage apartment~~, shall not be closer than five feet to a side or rear lot line; ~~accessory buildings shall not exceed 600 square feet.~~
3. Residential districts: Screen rooms (covered roofs are allowed), decks and/or patios shall be five feet from the rear property line and the side yard setback shall be pursuant to the underlying zoning district. Screen rooms, decks, and/or patios are not allowed within any platted easement.
4. For waterfront lots, accessory buildings/structures shall not be located within 25 feet from the normal high-water control level of the lake (does not include boat dock).
5. An accessory structure is incidental and subordinate to the principal structure. There must be a permitted principal structure on the same parcel prior to installation and permitting of an accessory structure.
6. Height limit. No accessory structure shall exceed a height of 25 feet or the height of the dwelling unit, whichever is greater.
7. Exempt structures: Play equipment and pet shelters. Children's play equipment, movable dog houses, and similar structures may be placed within a required rear setback without limitation on location. Mailboxes flag poles, utility poles and connection boxes, paper boxes, and driveways shall be exempt from setback requirements as well.
8. Manufactured housing, mobile homes, and recreational vehicles are prohibited from being used as accessory structures.
9. Satellite dishes shall be permitted as accessory uses in conformance with the applicable building setbacks, but shall not be permitted in front yards.
10. Accessory dwelling units are permitted as an accessory use to single-family dwelling units within all residential and residential professional zoning districts subject to the following restrictions:
  - a. No more than one accessory dwelling unit shall be permitted on a lot.
  - b. The accessory dwelling unit is limited to 1,000 square feet of living area or 80% of the living area of the principle structure, whichever is greater.
  - c. Detached accessory dwelling units shall adhere to the setback, height, and design criteria requirements for accessory structures established in Section 3.5.4.
  - d. Attached accessory dwelling units shall adhere to the setback and height requirements established by the underlying zoning district.
  - e. A property containing an Accessory Dwelling Unit shall be occupied by the owner of the premises, and the owner may live in either the Accessory Dwelling Unit or the Principal Dwelling Unit. Prior to the date a building permit is issued for an Accessory Dwelling Unit or prior to the use of an existing Structure as an

Accessory Dwelling Unit, the Owner Shall execute and the City Manager or designee Shall record in the public records of Lake County, Florida, at the Owner's expense, a legal document that requires the principal dwelling and the Accessory Dwelling to remain in the same ownership and limiting occupancy of either the Principal Dwelling Unit or the Accessory Dwelling Unit to the owner of the property. Proof that such restrictions has been recorded shall be provided to the City Manager, or designee, prior to issuance of the occupancy permit for the Accessory Dwelling Unit.

- f. An accessory dwelling unit shall be the same architectural style as the principal dwelling unit if they can be seen from the street.
- g. Accessory Dwelling Units may be used as a rental dwelling unit so long as a rental license is obtained in accordance with Article V, Chapter 10, Mount Dora Code of Ordinances.

\*\*\*

#### 3.5.5. Yards.

- 1. Every part of a required yard shall be open from its lowest point to the sky, unobstructed, except that an overhang or eaves may project into the required yard five feet or half the width of the established setback, whichever is less.
- ~~2. On all lots, the required front yard setback shall be provided from any adjacent right-of-way.~~

\*\*\*

#### 3.5.13. Community Residential Homes, Group homes and adult living facilities.

- 1. Statement of intent. In order to prevent concentration of foster care and group home facilities and the impact on a neighborhood by a high concentration of these facilities, the planning and zoning commission shall exercise care in considering a request to establish a foster care or group home facility by determining that the approval of the new facility or additions to existing facilities when added to the number of other such facilities licensed by the state (excluding foster homes) in the vicinity of the proposed site will not stress the limited capacity of a neighborhood's existing social structures to accommodate foster care and group home facilities. A second intention of this provision is to protect existing foster care and group home facilities from the possibility that an over-concentration of such facilities in a neighborhood might develop which may inadvertently create an institutional setting. Such a setting is an impediment to the successful functioning of foster care and group home facilities.

To help fulfill this intent, the applicant is required to provide a list of the location of all group care facilities indicating the number of clients at each facility within the city. The list is to be certified by the state department having jurisdiction over these facilities.

- 2. Standards. Group homes and adult living facilities may be approved by the planning and zoning commission as a conditional use, provided that:

- a. In single- and two-family residential districts, the commission shall determine if the proposed structure (facility) is compatible with the neighborhood in its physical size and residential density. Residential density shall be based upon two persons per household.
  - b. In multifamily residential districts, the commission shall determine if the proposed use is compatible with the area in its intensity of land use. Persons per acre may be used as a guide establishing equivalency with density. Based on 2.0 persons per household for multifamily residences in the city, the maximum persons per acre allowed in the R-3 district shall be 24.
  - c. A copy of the application to the state department having jurisdiction over these facilities shall accompany the application for the conditional use and requirements of the state department with jurisdiction must be met.
  - d. Adequate parking, landscaping and buffering must be provided.
3. Family Residential Homes. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be deemed a single-family unit and a noncommercial, residential use.
- a. Homes of six or fewer residents which otherwise meet the definition of a community residential home shall be allowed in single-family or multifamily zoning districts.
  - b. The sponsoring agency shall provide the City with the most recently published data compiled from the licensing entities that identifies all community residential homes within the jurisdictional limits in which the proposed site is to be located in order to show that there is not a home of six or fewer residents which otherwise meets the definition of a community residential home within a radius of 1,000 feet and not a community residential home within a radius of 1,200 feet of the proposed home.
  - c. At the time of home occupancy, the sponsoring agency must notify the local government that the home is licensed by the licensing entity.
  - d. Family residential homes located within a planned residential community are not subject to the proximity requirements of this section and may be contiguous to each other.

\*\*\*

- 3.5.15. ~~Satellite dishes. Satellite dishes shall be permitted as accessory uses in conformance with the applicable building setbacks, but shall not be permitted in front yards.~~ Front Porch in residential districts. For new and existing residential development in single-family residential, duplex, and multi-family zoning districts, a front porch may project into the required front yard no more than eight (8) feet on single-family detached, single-family attached, and duplex units, provided the following conditions are met:
- 1. The porch is not enclosed with solid walls or any other material which would obstruct vehicular sight.
  - 2. At no time may the front porch be placed less than five (5) feet from the front property line.
  - 3. A porch projecting into the required front yard shall be a maximum one-story porch and shall not exceed twelve (12) feet in height.

4. The proposed porch must be designed in keeping with the architectural style of the structure.

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## CHAPTER V. SITE PLAN REGULATIONS

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### 5.2.2. Application procedure.

1. An approved site plan is required prior to the issuance of a building permit.
2. It shall be unlawful for any person to construct, erect or alter a building or structure or to develop, change or improve land for which a site plan is required except in accordance with an approved site plan.
3. All applicants applying for site plan review, submitted under the purview of this chapter, shall submit an electronic document (PDF) of the site plan to the development review coordinator ~~(three paper copies may be submitted in lieu of a PDF).~~
4. All submittals and revisions for consideration by the development review committee for any given month must be made to the development review coordinator by the first Monday of that month.
5. Site plan submittals shall contain the information required by section 5.3 or applicants will not be placed on the DRC agenda until they are completed.
6. Appropriate fees shall be paid at the time of submittal.
7. The development review committee shall review all site plans for compliance with site plan requirements. The applicant may request to ~~shall be invited to~~ meet with the development review committee ~~in their review of~~ to discuss the site plan. The development review coordinator shall inform the applicant by letter of the recommendations which will be made by the development review committee to the planning and zoning commission if the applicant is not present.
8. If substantial revisions are required as determined by the development review committee, the revised site plan shall be submitted within 60 days from the development review committee meeting at which the recommendations were made. The development review committee will then review these changes for compliance with the appropriate site plan regulations and make recommendations to the planning and zoning commission.
9. More than two reviews by the development review committee for a site plan shall be considered a new application and, therefore, require an additional application fee.
10. Based upon the information provided by the applicant and the recommendations of the development review committee, the planning and zoning commission will approve, approve subject to stated conditions or deny the site plan.
11. Upon site plan approval and issuance of a building permit, the development shall be built in accordance with the approved site plan and site plan regulations.

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- 5.3.5 (3). *As-built record drawings.* ~~Three copies of a~~As-built record drawings shall be required in PDF and CAD form prior to the issuance of a certificate of occupancy.

As-built record drawings shall be prepared, signed and sealed by the **engineer of record**. The city shall not accept improvements nor issue a certificate of occupancy until ~~three copies of~~ as-built record drawings are submitted to the city and reviewed, and determined to be consistent with this code. ~~Also, see section 7.10.8 and section 7.13.6 of this code for specific as-built requirements for utility construction specifications.~~ These drawings shall be based upon field surveys, and will show all boundary, rights-of-way, easement and lot lines, and shall be **certified by a registered professional surveyor as may be permitted by Florida State Statute**, and shall include the following information listed below:

- a. Location and top and invert elevations of all lift stations and location of all valves, and point at which the force main crosses any wastewater or drainage lines.
- b. Accurate measurements of water and sewer lines and structures from fixed known locations within the development
- c. Location, size and invert elevation of all stormwater structures.
- d. Location and elevation of all control structures.
- e. Location of each house lateral and actual field measured rim and invert elevations
- f. Spot elevations, at one-hundred foot intervals and low points, along the top of the berm and sufficient bottom elevations to show conformance to design, of all retention/detention ponds.
- g. Spot elevation at all point of vertical intersections (PVI) of center lane of roadway.

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## CHAPTER VI. – DESIGN STANDARDS

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### 6.4.5. Specifications for Vehicle Wash Facilities.

1. Vehicle wash facilities are required to be equipped with a self-contained water recycling system. These facilities shall not back wash their filters but instead have their filter properly disposed (potentially as hazardous wastes). Disposal methods shall require approval by the Water Utilities Department.
2. All car wash shall have a disposal facility including sludge and grit removal. Disposal equipment shall be subject to the approval of the City Water Resources Department.
3. Any wastewater discharge to the City of Mount Dora Sanitary Sewer System shall be required to meet all City of Mount Dora Sanitary Sewer Standards.

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### 6.5.2. Off-Street Parking Requirements.

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15. Alternate data for off-street parking requirements. An adjustment in the required number of off-street parking spaces may be considered by the development review coordinator when evidence is submitted demonstrating that the required number of off-street parking spaces are not required based on estimates of parking demand. Evidence may include recommendations from the Institute of Traffic Engineers (ITE), parking studies, data collected from uses that are the same or comparable to the proposed use, or other relevant information. All evidence submitted shall document the source of data used to justify the reduction in off-street parking spaces.

\*\*\*

6.5.3. *Downtown exempt district.* The boundary of the downtown exempt district shall be as follows:

Bounded on the south by the southern right-of-way line of the ACL Railroad, with the addition of the west 172 feet of Block 19, Section 30, Township 19 South, Range 27 East (Evans Park), the north by Sixth Avenue, the east by Baker Street and the west by McDonald Street.

Within this district, all new development and redevelopment shall provide off-street parking in the following manner:

1. Hotels, motels, bed and breakfasts, and health care providers shall be required to provide off-street parking on-site;
- ~~2. Existing, improved parking areas shall not be developed unless an equal number of parking spaces are provided within the district;~~
- ~~3.~~ 2. Development, other than development set forth in paragraphs 1. ~~and 2.~~, occurring pursuant to a site plan approved prior to January 1, 2001, with no extension of such site plan being allowed, shall not be required to provide parking;
- ~~4.~~ 3. A redevelopment or change in use of a structure will not result in an increased or decreased parking requirement for that structure.

\*\*\*

### 6.5.6. *Parking garages.*

- ~~1.~~ 1. *Parking space and aisle dimensions:* Dimensions shown in subsection 6.5.4 apply. Depending on the needs of the use being served by a particular parking garage, space and aisle sizes may be reduced subject to the approval of the city.

- ~~2. *Compact spaces:* Up to 30 percent of the required parking spaces in any parking garage may be designed as compact spaces. Such spaces must be prominently marked and posted. Minimum compact space size shall be 8.5 feet wide and 18.5 feet deep for 90-degree spaces.~~

\*\*\*

6.5.11. Construction specifications. All parking lots, loading areas and vehicular use areas shall have durable all-weather drainage and surface water control.

1. Acceptable materials. A durable all-weather surface shall mean an improved surface of concrete, brick, asphalt, permanent porous grating or other permanent dust-free surfaces. Wood chips or similar materials shall only be allowed for lots of four spaces or less. All handicap spaces shall consist of hard surface materials. Parking spaces provided in excess of the minimum required shall be constructed of pervious materials, such as turf blocks or grassed parking areas.

\*\*\*

## CHAPTER VIII. – DEFINITIONS

The following definitions shall apply throughout this code. Words not specifically defined or otherwise explained within this code shall be as defined in a standard dictionary or as understood by the development review coordinator. Definitions specifically related to signage shall be found within Chapter VI, Design Standards, Section 6.7, Signs.

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*Accessory Dwelling Unit:* means an ancillary or secondary living unit that has a defined cooking facilities, bathroom, and sleeping area existing within the same structure, or on the same lot, as the primary dwelling unit. The accessory dwelling unit may be a separate and detached unit, an attached unit to the principal structure, a repurposed existing space within the principal structure, an apartment over a garage, or a similar structural form.

\*\*\*

*As-built record drawings:* Final plans amended to include all locations, dimensions, elevations, capacities, capabilities, as actually constructed and installed (included all final plan sheets such as site layout, utilities, as-built survey, landscaping, photometric, etc.). As-built record drawings shall be prepared, signed and sealed by the engineer of record.

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

\*\*\*

Community Residential Home: A dwelling unit licensed to serve residents who are clients of the Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, or the Department of Children and Families or licensed by the Agency for Health Care Administration which provides a living environment for 7 to 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, as defined in Florida Statutes.

\*\*\*

Family Residential Home: Homes of six or fewer residents which otherwise meet the definition of a community residential home.

\*\*\*

Personal Care Facilities: A service use primarily engaged in providing services involving the care of a person, his or her apparel, pets, or small appliances. Some examples include barbershops, beauty shops, exercise studios, funeral homes, pet grooming, appliance repair/service, laundromats, health and fitness clubs, parcel delivery offices, etc.

\*\*\*

Professional Office: An establishment providing executive, Management, administrative, or professional services, but not involving medical or dental services or the sale of merchandise, except as incidental to a Permitted use. Typical uses include offices for: accountants, economic consultants and stock brokers; attorneys; Engineers, Architects, surveyors, draftsmen, industrial designing, model making, planners, sculptors and artists, editorial and general designing, ceramic arts, and photographers; advertising agencies; insurance, real estate and/or escrow or abstract offices; secretarial and telephone answering services; and mortuaries and funeral homes.

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### **SECTION 3. IMPLEMENTATION OF ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

### **SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS.**

A. The revisions to City of Mount Dora Land Development Code, as set forth in Sections 2 above shall be codified in the City of Mount Dora Code of Ordinances.

B. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Land Development Code.

C. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

**SECTION 5.**            **SAVINGS CLAUSE.**        All prior actions of the City pertaining to the amendments to the City of Mount Dora Land Development Code, as well as any and all other applicable matters, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 6.**            **CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 7.**            **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 8.**            **EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment by the City of Mount Dora.

**PASSED AND ADOPTED this XX<sup>st</sup> day of XXXXXX 2025.**

**FIRST READING:            XXXXXXXX XX, 2025**

**SECOND READING:        XXXXXXXX XX, 2025**

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James Homich, Mayor  
City of Mount Dora, Florida

ATTEST:

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Jeanann Hand, City Clerk

For the use and reliance of City of Mount Dora only.  
Approved as to form and legality.

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Patrick Brackins, City Attorney

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## Landscaping Requirements for Residential Lots

A landscaping ordinance for residential lots may include requirements for planting native species, utilizing water-efficient practices like proper irrigation and mulching, maintaining appropriate plant sizes, and considering factors like lot size, setbacks, and proximity to water bodies, all while aiming to promote environmentally friendly landscaping practices aligned with "Florida-Friendly Landscaping" principles.

Key elements of a residential landscaping ordinance:

- **Plant Selection:**
  - **Native species emphasis:** Mandate a minimum percentage of native plants on each lot to support local ecosystems.
  - **Florida-Friendly Plant List:** Refer to a designated list of plants suitable for the local climate and water needs.
  - **Tree canopy requirements:** Specify minimum tree canopy coverage based on lot size.
  - **Prohibited invasive species:** Clearly list invasive plants that cannot be used in landscaping.
- **Watering Practices:**
  - **Efficient irrigation systems:** Require irrigation systems with automatic timers, rain sensors, and proper spray patterns.
  - **Watering schedules:** Set guidelines for appropriate watering frequency based on plant type and weather conditions.
  - **Mulch application:** Mandate proper mulch usage around plants to retain moisture and suppress weeds.
- **Maintenance Standards:**
  - **Regular pruning:** Require proper pruning practices to maintain plant health and shape.
  - **Weed control:** Outline acceptable methods for weed management, potentially favoring hand-pulling or selective herbicides.
  - **Lawn management:** Set guidelines for lawn care including mowing height and fertilization.
- **Specific Site Considerations:**
  - **Setbacks:** Establish planting setbacks from property lines and structures
  - **Buffer zones:** Require specific landscaping along property boundaries adjacent to waterways or public areas
  - **Drainage management:** Incorporate features like rain gardens or swales to manage stormwater runoff

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## **Sanford**

### Section 2.1. Landscape requirements for residential uses.

Landscape shall be provided and maintained for all residential uses in the following manner:

- A. *One- and two-family dwellings.* At least one tree shall be located in the required front yard of each dwelling unit for one-family dwellings and two-family dwellings.

## **Deland**

(d) Front yard trees.

1. For single-family uses. The developer shall plant, within each front yard setback area, no closer than five feet or further than 15 feet from the right-of-way, one shade tree for every 75 linear feet of right-of-way. Except where property on one side of the right-of-way is not owned by the developer, the trees shall be planted alternately on either side of the street. Existing trees and native tree species that need less water and maintenance are preferred.

2. Trees planted pursuant to this section shall be selected from the approved list of canopy trees contained in the document entitled "List of permitted shrubs and trees for landscaping and tree protection," and shall have a minimum overall height of eight feet at time of planting. The planning department shall be consulted in selecting appropriate tree species and planting procedures. Existing trees and native tree species that need less water and maintenance are preferred.

## **Lady Lake**

- a) *Tree requirements.* The purpose of this subsection is to recognize the importance of trees and vegetation and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands and the general promotion of the health, safety, welfare and well-being of the community.

1) *Residential.*

- A) All residential lots (single-family or duplex) must have canopy trees on-site as follows:

6,500 sq. ft. or less: One (1) tree

6,501—13,000 sq. ft.: Two (2) trees

13,001—19,500 sq. ft.: Three (3) trees

19,501—26,000 sq. ft.: Four (4) trees

One tree shall be required for each additional five thousand (5,000) square feet, or portion thereof, in excess of twenty-six thousand (26,000) square feet.

Palm trees may be planted at a 2:1 ratio (Sabal Palms, Washingtonia Palms or others of similar size at maturity) in lieu of a canopy tree with the exception of large canopy palms (Canary Island Palms, Date Palms, Paurotis Palms or others of

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similar size at maturity) which may be planted at a 1:1 ratio. One (1) canopy tree must be planted on each lot; substitution with palm trees as noted above is valid for those trees planted in excess of one (1) canopy tree.

- B) Grass, seed, or ground cover shall be placed on the front and side yards and fifteen (15) feet from the back of house. No foundation plants are required in back of house. Beds and hedges with rock are permitted around the exterior of the home; however they shall be no wider than fifty (50) percent of the side setback distance or five (5) feet (whichever is less), and no wider than five (5) feet into the front and rear setback.
- C) For single family or duplex dwellings within a new subdivision, additional trees may be required pursuant to the replacement requirements as stated within the clearing and tree permit. In such cases, the required number of replacement trees shall be divided by the number of lots approved for the subdivision. The resulting number shall be added to the minimum tree requirements for each lot.
- D) The required number of trees shall be planted prior to the issuance of a certificate of occupancy for new residences. Each lot owner where a residential unit is located must maintain on the lot a sufficient number of trees to comply with the requirements in this section. Any tree which dies must be replaced as defined in section 10-3 (Maintenance).
- E) All single family and multi-family developments shall provide internal canopy tree lined roads. Street trees shall be selected from the Acceptable Plants list in this section, at an average spacing of fifty (50) feet on center spacing along both sides of roads. The canopy trees required for residential lots may also be used as required street trees as long as they are no more than fifteen (15) feet away from the right-of-way line unless prohibited by an easement. See (Canopy Street Trees) in this section for additional information.

## **Minneola**

### **Sec. 110-5. Tree requirements.**

- (a) *Certificate of occupancy.* No certificate of occupancy shall be issued by the city clerk or designee on new single-family or duplex dwelling units unless the parcel has the minimum number of approved trees.
- (b) *Minimum.* Three trees are required for each lot up to 10,000 square feet. At least two of the three required trees must be a canopy trees. One additional canopy tree is required for each 6,000 square feet above the first 10,000 square feet. The trees shall consist of either replacement trees as stated within the tree removal permit or approved existing trees of equal or greater size of the replacement trees. For single-family or duplex dwellings within a new subdivision, additional trees may be required pursuant to the replacement requirements as stated within the tree removal permit. In such cases, the required number of replacement trees shall be divided by the number of lots approved for the subdivision.

### **Sec. 110-7. Irrigation.**

- (a) All landscaping required under this section will be required to provide an adequate irrigation system as required for the maintenance of the plant material. Irrigation systems shall meet the



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Florida Building Code specifications for landscape irrigation installation as outlined in appendix F of the plumbing code, and/or meet the current requirements standards as published by the Florida Irrigation Society. All irrigation systems installed within the city shall maintain the following as minimum guidelines for installation and maintenance:

- (1) Properly installed and functioning automatic rain sensors shut off devices.
  - (2) Backflow prevention valve.
  - (3) Separate irrigation zones for turf and nonturf areas.
  - (4) Matching precipitation rates on head within a zone (i.e., rotors and spray heads on separate zones).
  - (5) Use of pressure-regulated valve heads.
  - (6) Rotors in turf areas spaced for head-to-head coverage.
  - (7) Maximum velocity of five gallons per second.
  - (8) Check valves in low topographic areas on rotor and spray heads.
  - (9) Appropriate irrigation scheduling that supplements rainfall so turf areas receive no more than one and one-half inches of total moisture (rain and irrigation) per week for turf areas and less in planting areas.
  - (10) Regular inspection and maintenance to detect leaks, clean filters, and realign or replace rotors and spray heads as needed.
- (b) If xeriscape principles are used in the design of the landscape a reduction in the amount of irrigation required will be permitted and encouraged.

Sec. 110-8. Installation and maintenance.

- (a) All landscaping is to be installed in a professional manner following good nursery practices as set by then Florida Nurserymen and Growers Association (FNGA).
- (b) All irrigation systems are to be maintained in an operable manner.
- (c) The owner is responsible for the maintenance of the landscaping on-site and in grassed rights-of-way adjoining landscape areas.
- (d) The city may conduct periodic inspections to assure compliance with the maintenance requirements of this section.

Sec. 110-9. Xeriscape.

- (a) *Purpose.* Xeriscape 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 Denver Water 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 chapter.

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(b) *Design requirements.* All new development including single- and multifamily residential buildings permitted after the adoption date of the section shall be subject to these requirements. The xeriscape principles shall be implemented through the following standards:

- (1) *Design.* Retain and incorporate into the site plan any qualifying existing trees as required by this chapter. 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 section 1.06, Planting standards, a) Approved species. Plant species may be grouped with other plants of the same water use zone or with plants of higher water use zone. Plant species of a higher water use zone shall not be grouped with plants from a lower 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:

*High water use zone.* Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. High-water-use plants shall be limited to a maximum of 40 percent of the landscaped area of each lot.

*Moderate water use zone.* Plants which survive on natural rainfall with supplemental water during seasonal dry periods. This zone includes Bahia, Bermuda, centipede, and zoysia grass areas.

*Low water use zone.* Plants which survive on natural rainfall without supplemental water.

- (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 chapter shall be selected from the plant list found in section 1.06, Planting standards, a) Approved species.
- (3) *Grass.* Grass 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 grass is used as a design unifier, or other similar practical use. The landscape plan shall label the use of grass areas.
- (4) *Mulch.* A layer of organic mulch to a minimum depth of two inches shall be specified on the landscape plans in plant beds and around individual trees in grass areas. Mulch shall not be required in annual beds.
- (5) *Irrigation.* The irrigation system shall be designed to correlate to the organization of plants into zones as described in [subsection] (1) above. The water use zones shall be shown on the irrigation plan. Irrigation shall be required as follows:

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

*Moderate water use zone.* All portions of moderate water use zones shall be provided with a readily available water supply within 25 feet.

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

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Retained trees, shrubs and native plant communities shall not be required to be irrigated. Grass areas shall be irrigated on separate irrigation zones from tree, shrub, and groundcover beds. Reclaimed or nonpotable 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 surface.

### **Tavares**

(B) Residential Developments.

- (1) New residential development. All new single family residential subdivisions, duplex family residential subdivisions and multifamily residential developments must comply with the standard landscape and buffering requirements of this chapter set forth in *Section 11-4*.
- (2) Single Family and Duplex family lots within existing and new developments.
  - (a) New residential development on vacant single family and duplex family residential lots within a platted subdivision or on a parcel of record shall maintain a minimum of one (1) canopy tree for every two-thousand square feet (2,000') of gross lot area, up to a maximum of five (5) trees, prior to issuance of a certificate of occupancy. At least, one canopy shall be on the front yard. The front canopy tree(s) shall be installed within a minimum of ten (10) feet and a maximum of twenty (20) feet of the right-of-way line and a minimum of eight (8) feet from r-o-w sidewalk and curb. All such lots shall also maintain a minimum of 5 shrubs for every two-thousand square feet (2000') of gross lot area, up to a maximum of 25 shrubs.
  - (b) Existing residential development containing non-conforming landscaping shall be required to comply with this section only if expanding the residential unit by five-hundred square feet (500') or more.
  - (c) Minimum plant material standards shall be in accordance with *Section 11-5*.
  - (d) Existing vegetation may satisfy the requirements of this section subject to staff approval.

### **Lake County**

9.01.08 Landscape Requirements for Individual Single-Family Residential and Duplex Lots. No Certificate of Occupancy Shall be issued unless in compliance with this section. The requirements of this Section Shall be noted on the development permit and/or plot plan unless otherwise required by other provisions in the Lake County Code or any other development order.

- A. Canopy tree requirements. Each single-family or duplex lot Shall provide canopy trees as follows:
1. A minimum of two (2) canopy trees for lots six thousand (6,000) square feet or less.
  2. A minimum of three (3) canopy trees for lots between six thousand one (6,001) and ten thousand (10,000) square feet.
  3. A minimum of four (4) canopy trees for lots between ten thousand one (10,001) square feet to fifteen thousand (15,000) square feet.
  4. A minimum of five (5) canopy trees for lots between fifteen thousand one (15,001) square feet to forty-three thousand five hundred sixty (43,560) square feet (1 acre).
  5. A minimum of eight (8) canopy trees for lots between one (1) acre and less than two (2) acres.

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6. A minimum of eleven (11) canopy trees for lots between two (2) acres and less than three (3) acres.
  7. A minimum of fifteen (15) canopy trees for lots between three (3) acres and less than five (5) acres.
  8. A minimum of twenty-five (25) trees for lots five (5) acres or greater.

Existing trees meeting the quality and size requirements within required buffers immediately adjacent to the lot may be credited towards this requirement.

- B. Front yard trees within lots. One (1) or more of the required trees Shall be planted at a minimum of ten (10) feet and maximum of twenty (20) feet outside of the right-of-way for lots less than or equal to one-half ( $\frac{1}{2}$ ) acre. More canopy trees may need to be planted along the road right-of-way to satisfy other requirements of the code.
- C. Preservation of existing trees. Existing trees that are classified as protected trees in Section 9.02.01 (A) and greater than three (3) inches in diameter Shall be preserved unless within the areas required for access, infrastructure, building footprint or within a fifteen-foot offset of the footprint for the residence. Stem wall construction Shall be used where necessary to achieve this requirement. The following exceptions may be allowed to this requirement:
  1. Trees in fire prone areas, such as pine forests, or in rural communities with a density of less than two (2) dwelling units per acre, may remove trees with the appropriate permit, a distance of up to thirty (30) feet from a building upon written authorization by the Lake County Fire Chief or designee.
  2. Existing fire-prone vegetation may also be removed up to thirty (30) feet from the structure's wall with permission granted by the Lake County Fire Chief or designee. The minimum landscaping required by this section Shall be provided.
  3. Any trees or vegetation that are protected by other laws such as wetland trees Shall not be removed without the prior written approval from the Water Management District or the appropriate jurisdictional agency.
- D. Avoid damage by structures. Structures Shall be located to avoid removing or damaging protected trees to the maximum extent possible.

# **Xeriscaping**

The word "xeriscape" is derived from the Greek "xeros," meaning dry, and "scape," a kind of view or scene. Together, xeriscaping is landscaping with slow-growing, drought-tolerant plants to conserve water and establish a waste-efficient landscape.

Landscapes can be designed from the start to reduce the amount of resources needed to maintain them. By selecting the appropriate plants and efficient irrigation systems, a balance can be achieved to fit your aesthetic needs as well as reduce resource use. Benefits of xeriscaping include cost savings through lower water bills and a reduction in the labor needed to maintain your landscape.

In Florida, landscapes that are designed to conserve natural resources are called Florida-Friendly Landscaping. The Department of Environmental Protection has discontinued the use of xeriscaping in statute, and adopted Florida Friendly Landscaping. The program targets homeowners, builders, developers, and commercial horticulture professionals. It helps one to identify and use low-maintenance plants and environmentally sustainable management practices that ultimately will save time, money, and energy. This program is operated through the University of Florida's Center for Landscape Conservation & Ecology. Through nine principles, this program helps residential and commercial properties to become a Florida-Friendly yard. Ultimately, these yards help urban environments reduce their water and energy consumption, reduce pollutants that enter waterways, and conserve biodiversity.

Designing a resource-efficient landscape requires the incorporation of a few design elements.

## **Elements of Xeriscaping**

### **Zoning**

This involves grouping plants in the landscape according to their water requirements. For example, water-loving plants should be grouped separately from drought-tolerant plants. This allows for the proper amount of water to be distributed to the plants as they need it.

### **Use of drought-tolerant plants**

These plants require less water and are adapted to drought conditions and soils with low water-holding capacities.

### **Drought-tolerant turf**

Ask your local nurseries which grass varieties have excellent drought tolerance and will grow well in your yard's soil type. Centipede grass is appropriate for most of the Southeast. In Florida, bahiagrass, bermudagrass, and zoysiagrass all have excellent drought tolerance and may be suitable for your area as well. During dry periods, allow the turf to go dormant. When the rain comes, these grasses will turn green again.

### **Mulch**

Because mulch reduces evaporation, it is used extensively in xeriscaping to replace areas that require extensive watering. Mulch can also be used to create paths or walkways throughout your landscape.

**ORDINANCE NO: 2025 - XX**

**AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA, PERTAINING TO REVISIONS TO THE CITY OF MOUNT DORA LAND DEVELOPMENT CODE; PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER IV, SUBDIVISION REGULATIONS; PROVIDING FOR THE IMPLEMENTATION OF ADMINISTRATIVE ACTIONS; PROVIDING FOR CODIFICATION AND SCRIVENER'S ERRORS; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statutes, Chapter 166, confers upon a local government, the authority to adopt regulations designed to promote the public health, safety and general welfare of its citizens; and

**WHEREAS**, pursuant to its home rule powers, the City of Mount Dora may regulate land use matters and design standards within the City limits through the adoption of Land Development regulations; and

**WHEREAS**, from time to time the City of Mount Dora provides updates and amendments to its Land Development regulations; and

**WHEREAS**, the City finds that the amendments to its Land Development Code, as set forth herein, are consistent with all applicable policies of the City of Mount Dora Comprehensive Plan; and

**WHEREAS**, the City has determined that the amendments to its Land Development Code, as set forth herein, advance a legitimate public purpose and promote and protect the health, safety and welfare of the citizens of the City of Mount Dora.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT DORA, FLORIDA, AS FOLLOWS:**

**SECTION 1.**        **LEGISLATIVE FINDINGS AND INTENT.** The City of Mount Dora has complied with all requirements and procedures of the Florida law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. AMENDMENTS TO CITY OF MOUNT DORA LAND DEVELOPMENT CODE, CHAPTER IV SUBDIVISION REGULATIONS.** The City of Mount Dora Land Development Code Chapter IV entitled ‘Subdivision Regulations,’ is hereby repealed and reinstated as follows:

## **CHAPTER IV. - SUBDIVISION REGULATIONS**

### **4.1. Purpose and Intent.**

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



- k. Adequate design that creates interconnectivity between adjacent subdivisions and undeveloped parcels which will promote vehicular, bicycle and pedestrian connection to the greatest extent possible.

## **4.2 Applicability and Process**

1. The provisions of this chapter are applicable to the division of a parcel of land into two or more parcels of land, and includes, but is not limited to, all cases where:
  - a. The property owner advocates, proposes, suggests, or exhibits a proposed plan, map, or plat of development of land; or
  - b. The property owner proposes to create a street, right-of-way, or easement that joins or connects to an existing public street; or
  - c. The property owner(s) seeks to alter an existing boundary line which may or may not have been established by a plat.
2. There shall be a three-step process for the approval of all subdivision plats. This process is intended to permit full and adequate review by the city in order to ensure and protect the public interest. This process will also benefit the property owner by identifying conceptual problems with the development and offering solutions to alleviating those problems prior to the preparation of detailed plans. This three-step process shall be (1) preliminary plat, (2) construction plans, and (3) final plat. At the property owner's request, steps may be combined in an attempt to reduce the time involved. This is allowed if practical as determined by the development review coordinator and would be at the property owner's own risk.
3. No plat of lands in Mount Dora subject to this code shall be recorded, whether as an independent instrument or by attachment to another instrument entitled to record, unless and until such plat has been approved by City Council. Penalties for the illegal subdivision of property shall include, but are not limited to the following:
  - a. Prohibit issuance of building permits on illegally subdivided lots;
  - b. Seek an injunction requiring the illegal subdivision to be dissolved; or
  - c. Seek an injunction requiring the removal of any structures placed on the illegally subdivided lots.
4. All new developments with 20 lots or more are required to provide a recreational tract for use of a park or other recreational feature.
5. All new developments are required to be energy efficient (ex. Energy Star).

## **4.3 Preliminary Plat.**

- 4.3.1 Intent. The purpose of the preliminary plat is to permit complete and accurate presentation of technical data and preliminary engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and surrounding areas. If required, the Preliminary Plat must be approved by both the Development Review Committee and the Planning and Zoning Commission prior to submitting an application for construction plans.

4.3.2 Applicability. A Preliminary Plat shall be required for any development:

1. Platting ten (10) or more lots;
2. Being developed in accordance with a Planned Unit Development (PUD) zoning ordinance; or
3. Zoned MU-1, MU-2, WBI-E or WBI-G and seeking to establish a master site plan.

4.3.3 Submittal Requirements.

1. A completed application signed and notarized by all owners, or their agent, of the property subject to the proposal. Signatures by agents will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signatory's office in the corporation.
2. Topography and Elevation.
  - a. Contours at one-foot intervals for the tract being subdivided and extending 25 feet beyond the property line including water surface elevations and date recorded.
  - b. Preliminary grading plans specifically including earthwork cut and fill.
  - c. Minimum lowest floor elevations of buildings within any special flood hazard areas.
  - d. Statement that the earthwork as proposed will balance on-site, and, if not balanced, a summary of quantities being added or removed from the site.
  - e. Open space as required.
3. Site Layout.
  - a. Legal Description, parcel identification number, and address of the subject property.
  - b. Vicinity map showing relationship between the areas proposed for development and surrounding streets and public facilities.
  - c. Preliminary lot and tract layout with approximate dimensions
  - d. Site data table with the following information:
    - i. Gross and Net acreage of the site
    - ii. Zoning district and land use category
    - iii. Maximum and proposed impervious surface
    - iv. Net density
    - v. Minimum and proposed open space
    - vi. Lot and tract sizes
    - vii. Utility providers
  - e. Typical detail plan for each lot
  - f. Location of proposed buildings.
  - g. Use or zoning classification of adjacent properties
  - h. Location and size of existing and proposed sidewalks, bicycle paths, and trails
4. Potable Water and Wastewater Systems.
  - a. The boundaries of all existing and proposed utility easements.
  - b. Exact locations of on-site and nearby existing and proposed fire hydrants.
  - c. Location and availability of capacity for potable water and wastewater facilities to serve the proposed site, including a description of any required improvements or extensions of existing off-site facilities.
  - d. The projected flows of the water and wastewater treatment and pumping facilities, by phases if applicable.
5. Streets, Parking and Loading.

- a. The layout of all existing and proposed streets, easements, rights-of-way, sidewalks and driveways with paving and drainage plans showing existing and proposed elevations, road profiles and grades of all public and private paved areas within the proposed development.
  - b. A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.
  - c. The location of all exterior lighting.
  - d. The location and specifications of any proposed garbage dumpsters.
  - e. Location, names and widths of existing roads, highways, easements, building lines, adjacent driveways, alleys, parks, sidewalks and other public spaces and similar facts regarding adjacent property within five hundred (500) feet of the boundaries of the proposed development.
6. Landscaping Plan.
  - a. Location and dimensions of proposed buffer zones and landscaped areas.
  - b. Description of plant materials existing and to be planted in buffer zones and landscaped areas.
  - c. Name and location of plant materials to be installed or preserved.
  - d. Irrigation Plan
  - e. Tree Survey of all protected trees 6" DBH or greater in size
  - f. Type and size (in DBH) of all trees proposed to be removed and calculations pertaining to their mitigation.
7. Environmental Review.
  - a. Location of wetlands, lakes, watercourses or other pertinent features on, or abutting, the subject property.
  - b. Ground Cover and Land Use. Description of current ground cover and land use, as defined by the Florida Land Use and Classification System (FLUCS) and imperviousness by sub-basin.
  - c. Soil classification map drawn on the face of the plan for comparison with proposed development activities shall be provided and shall indicate soil classifications on the plat as identified by the United State Department of Agriculture Soil Conservation Service in the "Lake County Area Soil Survey." An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the identified soils are not classified correctly. If said determination is concurred in by the city engineer, the soils shall be correctly identified for the purpose of this code.
  - d. Soils analysis, signed and sealed, by a qualified Geotechnical Engineer and Professional Geologist shall be required with the preliminary plat submittal.
8. Stormwater Management.
  - a. Stormwater master plan, showing hydrologic boundaries, and all adjacent properties affected thereby.
  - b. Project boundaries and areas.
  - c. Sufficient topographical information with elevations to verify the location of all ridges, streams, etc. (one (1) foot contour intervals within the project's boundaries and for proposed off-site improvements).

- d. High water data or critical flood elevations on existing structures upstream of, within and downstream of the project.
  - e. Notes indicating sources of high water data and critical flood elevations.
  - f. Notes pertaining to existing standing water, areas of heavy seepage, springs, wetlands, streams, hydrologically sensitive areas, etc.
  - g. Existing stormwater management features (ditches, roadways, ponds, etc.) are to be shown a minimum of one thousand (1,000) feet downstream of the proposed development unless the ultimate outfall system is a lesser distance.
  - h. Stormwater management features, including locations of swales, stormwater ponds, and general location of proposed stormwater works.
  - i. Delineation and area of pre-site and post-site sub-basins.
  - j. Delineate retention/detention areas and ingress/egress areas for facilities maintenance.
  - k. General type of soils by sub-basin (as defined by the U.S.D.A. Soil Conservation Service Maps), and general location of soil borings.
  - l. Special flood hazard areas for any areas in or within one hundred (100) feet of the property. The source of these elevations Shall also be shown on the plans.
  - m. Preliminary stormwater calculations justifying the location and area of retention ponds, approved by a professional engineer.
  - n. Proposed drainage easements.
  - o. Name of the legal entity proposed for maintenance.
9. Flood Hazard Areas. Where any portion of the proposed subdivision lies within a flood hazard area, the plan set shall delineate flood hazard areas, floodway boundaries and flood zones, and their established flood elevations.
10. Survey of Native Vegetation.
- a. A professionally conducted survey of native vegetative communities shall be required for all proposed development sites of 30 acres or more where native habitat exists on the site. This survey shall be conducted by an ecologist, biologist, or similar professional and shall include an inventory of wildlife, as well as state and federally listed endangered and threatened animal and plant species, and species of special concern. Site surveys shall address the following:
    - i. The size and distribution of native habitat;
    - ii. Wildlife and listed species populations within the proposed development site;
    - iii. The feasibility and viability of on-site protection and management;
    - iv. Whether the proposed development site includes a wildlife corridor and the feasibility of maintaining the wildlife corridor;
    - v. The appropriateness of mitigating the impacts of development by the relocation of the listed species to an acceptable off-site location, in the event that on-site protection is shown to be ineffective.
  - b. The developer and the city shall use the information gathered from the survey to develop and implement a plan to protect state and federally listed endangered and threatened plant and animal species and species of special concern.
  - c. Any development project of 30 or more acres shall be required to preserve native and upland habitat in accordance with the guidelines of the United States Fish and Wildlife Service and the Florida Freshwater Game and Fish Commission, as applicable.

- d. The city recognizes the need to protect specific rare natural communities within the Wekiva Study Area. These include the longleaf pine, sand hill, sand pine and xeric oak communities. A site assessment produced by an environmental professional verifying the existence or lack thereof of these natural communities shall be required for all sites over 30 acres in size. If portions of these communities (less than or equal to 50 percent) exist on potential development sites they shall be protected. The development potential lost through this protection shall be allowed to be transferred to more appropriate areas of the site. If more than 50 percent of the site is encompassed by one of these communities, 50 percent of the natural community shall be protected with the density transferred from the protected portion of the site to the developed portion.
  - e. For sites greater than 100 acres which have more than 50 percent of the site containing sensitive upland habitats, at least 50 percent of the site must be maintained as open space and that portion must contain the sensitive habitat.
  - f. As part of this assessment the developer shall identify any karst features located on the site. These shall include, but not be limited to, sinkholes and limestone outcroppings. All development shall maintain a 50-foot buffer from these karst features.
11. Title Opinion. A title opinion of an attorney licensed in Florida or a certification by an abstractor or a title company dated no earlier than thirty (30) calendar days prior to the submittal, showing all persons or entities with an interest of record in the property including, but not limited to, the record fee owners, easement holders, mortgage and lien holders, leasehold interest holders, judgment interest holders and parties with any interest in the land by reason of probate or other legal proceedings. The report shall include the tax identification number(s) for the property and copies of documents such as deeds, easement, etc. referenced in the title opinion.
12. Project Phasing. The following requirements apply to property which is to be developed in phases:
- a. A preliminary site plan for the entire site to be developed.
  - b. A site phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.
  - c. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
  - d. Number, height, and type of residential uses.
  - e. Floor area, height, and types of office, commercial, industrial and other proposed uses.
  - f. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
  - g. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
  - h. Approximate location and acreage of any proposed public use such as parks, school developments, and similar public or semi-public uses.

4.3.4 Approval of Preliminary Plat. The Development Review Committee and Planning and Zoning Commission Shall approve an application for a preliminary plat if found to be in consistent with the Land Development Code and Comprehensive Plan. Any preliminary plat not in compliance with these regulations shall be provided a letter stating the reasons for denial.

4.3.5 Expiration of Preliminary Plat Approval.

1. Preliminary plat approval shall be effective for a period of twelve (12) months from issuance. The applicant shall submit an application for construction plan or final plat within one year of preliminary plat approval or the preliminary plat will be considered expired and require a new application which complies with the current code provisions.
2. An extension of the six month limit may be considered by the planning and zoning commission upon written request by the applicant prior to the expiration date showing cause for such an extension. Only two six-month extensions shall be allowed.
3. Multi-phase Developments. For multi-phase developments, construction plans or final for the initial phase must be submitted within twelve (12) months of preliminary plat approval. Construction plans or final applications for subsequent phases must be submitted within eighteen (18) months of approval of the construction plans for the previous phase. In no event shall the preliminary plat approval exceed six (6) years.

**4.4. Construction Plans.**

4.4.1 Intent. The purpose and intent of the construction plan is to provide complete and accurate presentation of technical data and final engineering drawings of the subdivision in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and surrounding areas, and determine necessary on-site and off-site improvements.

4.4.2 Submittal Requirements. Construction plans shall be approved by the Development Review Committee prior to, or in conjunction with, an application for final plat approval. Construction plans shall include the information required as a result of preliminary plat approval, plus the following information. Some requirements may be omitted if the Development Review Coordinator determines that the information is not necessary based on the character of the subdivision.

1. Existing Conditions.
  - a. A soils map of the site overlain on the construction plan. Existing U.S.D.A. Soil Conservation Service maps are acceptable.
  - b. A map of vegetative cover based on the Florida Land Use and Classification System (FLUCS).
  - c. A detailed overall project area map showing existing hydrography and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.

- d. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each within the proposed development and within five hundred (500) feet of the boundaries of the proposed development.
  - e. Location, names and widths of existing roads, highways, easements, building lines, adjacent driveways, alleys, parks, sidewalks and other public spaces and similar facts regarding adjacent property within five hundred (500) feet of the boundaries of the proposed development.
  - f. The 100-year flood elevations.
  - g. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
  - h. Existing and proposed on-site wells.
2. Subdivision Design.
- a. Site Layout.
    - 1. Legal Description, parcel identification number, and address of the subject property.
    - 2. Vicinity map showing relationship between the areas proposed for development and surrounding streets and public facilities.
    - 3. Preliminary lot and tract layout with approximate dimensions
    - 4. Site data table with the following information:
      - i. Gross and Net acreage of the site
      - ii. Zoning district and land use category
      - iii. Maximum and proposed impervious surface
      - iv. Net density
      - v. Minimum and proposed open space
      - vi. Lot and tract sizes
      - vii. Utility providers
    - 5. Typical detail plan for each lot
    - 6. Location of proposed buildings.
    - 7. Use or zoning classification of adjacent properties.
    - 8. Location and size of existing and proposed sidewalks, bicycle paths, and trails
    - 9. Construction phase lines.
  - b. Streets and Driveways
    - 1. The layout of all streets, sidewalks and driveways with paving and drainage plans showing existing and proposed elevations and grades of all public and private paved areas.



2. Typical cross Sections and specifications of all proposed pavement.
3. Typical and special roadway and drainage Sections.
4. Location of all temporary construction access.
- c. Land Use and Dedications.
  1. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, and the like.
  2. Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.
  3. The total number and type of residential units categorized according to the number of bedrooms. The total number of residential units per acre (gross density) Shall be provided.
- d. Signs. The location of all existing and proposed street and directional signs Shall be shown.
- e. External Lighting. All new developments, including public rights-of-way, shall utilize lighting fixtures designed and located to minimize glare and reduce light trespass and overhead skyglow. All fixtures shall be designed meeting the International Dark Sky Association principals.
3. Potable Water and Wastewater System Utility Plan.
  - a. Exact location and availability of capacity for potable water and wastewater facilities to serve the proposed site, including a description of required improvements or extensions of existing off-site facilities.
  - b. Exact location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
  - c. The plans and profiles of proposed water distribution systems and sanitary sewers shall be at a horizontal scale equal to the scale shown on the subdivision plan with grades and sizes indicated. If piped systems of water supply and/or sewers are not proposed, then size and location of wells and drain fields shall meet the requirements of these regulations and the regulations of the Lake County Health Department. Easements, setbacks, and rights-of-way to provide future centralized services shall be shown.
4. Stormwater Management Plan.
  - a. It is the responsibility of the applicant to include sufficient information for the City to evaluate the following:
    1. The environmental and hydraulic characteristics of the affected areas.
    2. The potential and predicted impacts of the proposed activity on community waters.

3. The effectiveness and acceptability of those measures proposed by the applicant for eliminating or reducing adverse impacts.
  4. The ability of an entity to properly maintain the system.
- b. At a minimum, the following information is required:
1. Type of facility, e.g., detention, retention, swales.
  2. Method of conveyance of stormwater runoff, e.g., swales, curb and gutter, sheet flow.
  3. Location of stormwater retention/detention facilities.
  4. Pre-site and post-site drainage basin divides.
  5. Stormwater calculations, sealed by a professional engineer for all stormwater works, including design high water elevations for all applicable storm events.
  6. Pre-site and post-site stormwater flows and stages for the site and retention/detention ponds including, but not limited to, the following:
    - (i) Pre-site hydrograph, post-site runoff hydrograph to the stormwater pond, and the routed post-site hydrograph discharged from the stormwater pond. Hydrographs shall be in accordance with the standards set forth by the St. Johns River Water Management District or the Southwest Florida Water Management District.
    - (ii) Pre-site and post-site runoff volumes.
    - (iii) Stage-area storage calculations for the stormwater pond.
    - (iv) Stage-discharge calculations for the outfall control structure, including tailwater assumptions.
    - (v) Treatment volume and recovery calculations for the stormwater pond and associated swales or works.
    - (vi) Soil storage or curve number calculations per sub-basin, including impervious calculations.
    - (vii) Time of concentration calculations per sub-basin.
    - (viii) 100-year floodplain compensating calculations, if applicable.
    - (ix) Recharge demonstration where required for Natural Resources Conservation Service (NRCS) Hydrologic Group A Soils.
  7. Storm sewer, culvert and open channel tabulations including, but not limited to, the following:
    - (i) Location and type of drainage works.
    - (ii) Length of facility and dimensions including diameter, height, and/or width for pipes, and cross-sections for open channels.

- (iii) Sub-basin areas tributary to each drainage work.
- (iv) Runoff coefficient or curve number per sub-basin.
- (v) Time of concentration to the inlet of each drainage work.
- (vi) Each stormwater flow to and from the stormwater work or junction point.
- (vii) Hydraulic gradient for the applicable storm event, including losses through works with friction and local loss coefficients.
- (viii) Estimated receiving water elevation with sources of information, if available.
- (ix) Velocities for all facilities and details for provisions to control erosion.

8. Geotechnical engineering Shall be provided for the following:

- (i) Subsoil Report. A subsoil report Shall be prepared by a geotechnical engineer, professional geologist or professional engineer experienced in the preparation of this type of report. The contents of the subsoil report Shall include at a minimum, but not be limited to, soil borings which indicate American Association of State Highway and Transportation Officials (AASHTO) soil classifications, gradation, determination of existing (24-hour test) and wet season groundwater table, field determined vertical and horizontal soils permeability rates, soils porosity values, and the depth of the relative impermeable soil layer for determining the duration of the vertical infiltration. A minimum of two (2) borings will be taken per retention/detention area for each pond equal to or larger than ten thousand (10,000) square feet. A single boring may be acceptable for ponds less than ten thousand (10,000) square feet depending on existing site conditions and suitability of existing soil. Soil boring locations, date of borings, and reference elevations shall be included in the report.
- (ii) Earthwork quantities.
- (iii) Subdivision grading plan at a one (1) foot contour interval including roads, lots, detention basins and any excavation and fill.
- (iv) Typical lot grading schematics.

9. Any other information that may be required by the City Engineer or designee based upon size and type of proposed development.

5. Environmental Plans.

- a. Environmentally Sensitive Lands.

1. Detailed statement or other materials showing the percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.
  2. The manner in which habitats of designated species are protected or mitigated.
  3. Location and description of proposed conservation easements.
  4. Evidence that the applicant has contacted all other state or local agencies having jurisdiction over environmentally sensitive lands.
- b. Wildlife.
1. Mitigation plan for impacts to designated species.
  2. Mitigation plan for loss of scrub habitat.
6. Landscaping Plan. The landscape plan shall demonstrate compliance with Subsection 6.6 and be prepared by a registered landscape architect.
7. Dust and Erosion Plan. A dust and erosion plan, meeting the criteria established in Article III, Dust and Erosion Control, Chapter 20, Code of Ordinances, shall be required to protect and maintain the natural environment and to reduce the health effects caused by the creation of nuisance particulates and wind erosion as a result of the operations and activities with new or existing construction and development.
8. Letters of service. Letters will be submitted by all appropriate utility companies stating which utilities they will be providing to the site and confirming that all utility easements are adequate for their installation and maintenance.
- 4.4.3 Approval of Construction Plans. The City shall approve all construction plans if found to be in compliance with the Land Development Regulations and Comprehensive Plan. Any construction plan not in compliance with these regulations shall be provided a letter stating the reasons for the denial.
- 4.4.4 Expiration of Construction Plan Approval. Construction plan approval shall be effective for a period of twenty-four (24) months if a site development permit is obtained within six (6) months of receiving approval or if the applicant files for final plat approval within six (6) months of receiving construction plan approval. If the Applicant does not apply for a site development permit or final plat within six (6) months of construction plan approval, the construction plans will be considered null and void.

## **4.5 Site Development Permit**

### **4.5.1. Applicability.**

1. It shall be unlawful for any site development to occur on a lot or parcel of land within the city unless a site development permit has been issued therefor. Site development includes the alteration, construction, installation, demolition or removal of a structure, impervious surface or drainage facility; or clearing, scraping, grubbing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand or rock of a site.

2. Subdivision improvements shall be installed in accordance with the approved construction plans prior to issuance of a certificate of completion for the site development permit. Improvements include any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalks, or other manmade objects constituting a physical change or betterment of real property, or any part or portion of said change or betterment. Additionally, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.P.s), or any other improvements required by the city.

4.5.2. Submittal Requirements. Applications for a site development permit shall contain the following information:

1. Completed application.
2. Estimate of construction costs associated with the scope of the site development permit.
3. Application fee, as established by Resolution.
4. All applicable local, state, and federal permits associated with the development.
5. Approved construction plans.

5.5.3. Inspections.

1. Representatives of the City Shall periodically visit the project site to make a visual inspection of the progress of the work and methods of construction. Upon observation of work not done in accordance with the approved plans and specifications, the City will notify the contractor and/or the developer/owner or designee and request that the necessary corrections be made or tests performed to assure compliance with the specifications, at no cost to the City. The City may issue a stop work order if corrections are not made as instructed. The City may issue stop work orders on any project which has commenced prior to securing proper permits and approval. Work shall cease until such time that appropriate approvals are obtained.
2. Staged inspections during construction are required and it shall be the responsibility of the developer/owner or their contractor to schedule these inspections.
3. Pre-Inspections are required prior to commencing construction activities:
  - a. Silt fence inspection
  - b. Tree protection barrier
4. During construction and upon completion of the construction stage identified with an asterisk (\*), the developer/owner or contractor shall notify the City that the stage is ready for inspection and will await clearance before proceeding to the next stage:
  - a. Clearing and grubbing.
  - b. \*Removal of unsuitable material (if applicable).
  - c. Utility systems.
  - d. Stormwater facilities and subdivision lot grading.
  - e. \*Underdrains and exfiltration pipe (mandatory unless otherwise directed).
  - f. \*Inlets, box culverts, and all other concrete structures when steel is in place prior to pouring.
  - g. \*Stabilization of subbase.
  - h. Curb and gutter (including backfill behind curbing).
  - i. \*Base course.

- j. \*Finishing base course prior to paving.
  - k. \*Wearing surface during application.
  - l. Sidewalks, driveways, dumpster pads, and other reinforced structures (prepour).
  - m. Cleanup and dressing of right-of-way limits.
  - n. Sodding and/or landscaping.
  - o. Pavement marking and traffic control signals.
  - p. Street name signs.
  - q. Traffic signal systems
  - r. \*Final inspection.
5. The City will require twenty-four (24) hour notice of said scheduled inspections. The purpose of these inspections is to ensure compliance with the approved construction plans and to advise the City whether or not the roads, traffic controls, storm drainage, utilities, and other required improvements being constructed appear to qualify for acceptance by the City.
  6. The City accepts no responsibility or liability for the work, or for any contractual conditions involving acceptance, payment, or guarantees between the contractor and the developer, by virtue of these stage inspections. The City assumes no responsibility or commitment guaranteeing acceptance of the work or for subsequent failure, by virtue of these stage inspections. However, if any aspect of the work being performed does not comply with acceptable standards, corrections will be required by the City as a condition for acceptance. All required improvements shall be installed, and have the approval of the City prior to acceptance.

#### 4.5.4 Construction Provisions.

1. Traffic Control During Construction. The developer/owner Shall prohibit public traffic from using newly constructed roadways until they are accepted and approved to be opened by the City. The developer/owner or contractor Shall be required to provide work zone traffic during construction within the public right-of-way until approval is given by the City to remove the controls. In no case Shall new roads be opened for traffic prior to the installation of traffic control devices. Traffic control devices may include, but not be limited to regulatory signs, warning signs, informational signs, road name signs, turn lane striping, stop bar and centerline striping and edge striping.
2. Signing and Pavement marking. All signing and pavement marking Shall be installed prior to final approval. All pavement markings must comply with Florida Department of Transportation standards adopted pursuant to Section 316.0745, Florida Statutes. Developers must provide pavement marking testing reports to the City in accordance with the Florida Department of Transportation specifications in Section 316.0745, Florida Statutes.
3. Restoration of Disturbed Areas within the Right-of-Way. During the course of construction, the contractor Shall take special care and provide adequate protection in order to minimize damage to vegetation, surface areas, and structures within the right-of-way, and take full responsibility for the replacement or repair thereof. Existing landscaping, sidewalks/bike paths, and driveways removed, disturbed, or destroyed by construction

Shall be replaced to City standards. All grassed areas disturbed within the right-of-way shall be sodded with the same or better material.

#### 4.5.5 As-Built/Record Drawings.

1. As-built record drawings shall be prepared, signed and sealed by the engineer of record and provided to the City in PDF and CAD drawings.
2. prior to the issuance of a certificate of completion for the site development permit
3. The city shall not accept improvements, issue a certificate of completion for the site development permit, nor issue a certificate of occupancy until as-built record drawings are reviewed by the City and determined to be consistent with this code.
4. These drawings shall be based upon field surveys, and will show all boundary, rights-of-way, easement and lot lines, and shall be certified by a registered professional surveyor as may be permitted by Florida State Statute. Each individual sheet shall be clearly stamped "As-Built" and include the following information:
  - a. Location and top and invert elevations of all lift stations and location of all valves, and point at which the force main crosses any wastewater or drainage lines.
  - b. Accurate measurements of water and sewer lines and structures from fixed known locations within the development
  - c. Location, size and invert elevation of all stormwater structures.
  - d. Location and elevation of all control structures.
  - e. Location of each house lateral and actual field measured rim and invert elevations
  - f. Spot elevations, at one-hundred foot intervals and low points, along the top of the berm and sufficient bottom elevations to show conformance to design, of all retention/detention ponds.
  - g. Spot elevation at all point of vertical intersections (PVI) of center lane of roadway.

#### 4.5.6. Final Inspection and Approval.

1. Final approval Shall be granted upon satisfactory completion of the final inspection, submissions and approval of as-built/record drawings, certified test reports, surveyor's certification (Lot Line Certification), approval by utility providers and/or other appropriate governmental agencies, and maintenance bonds, if applicable, and of the payment of all outstanding fees.
2. Completion of Infrastructure Prior to Final Plat Approval. Upon approval of the preliminary plat and approval of the construction plans, the applicant may begin construction of infrastructure improvements. After the infrastructure improvements are completed the applicant may proceed with obtaining final plat approval.
3. Completion of Infrastructure After Final Plat Approval. Upon approval of the preliminary plat and approval of the construction plans, the applicant may choose to submit a final plat to the City for City Council for consideration and approval along with the guarantees and sureties specified in Subsection 4.7.



4. Upon approval of the final plat, the City shall record the final plat with the Clerk of the Circuit Court prior to the selling of any lot or building site by the applicant/developer. A certificate of occupancy shall not be granted by the City until construction of all infrastructure improvements are completed and approved and/or accepted by the City unless the City has agreed through a developer's agreement to issue at an earlier date.
- 4.5.7. Expiration. The site development permit will become void if final inspections for approval are not obtained within 24 months of issuance of the permit. An extension of the 24-month limit may be considered by the planning and zoning commission upon written request by the applicants prior to the expiration date showing cause for such an extension. Only one extension not to exceed 24 months shall be allowed.

#### **4.5 Final Plat.**

- 4.5.1 Intent. The purpose of the final plat is to ensure the preparation, completion and recording of a final plat map and its accompanying legal documentation.
- 4.5.2 Submittal Requirements. Prior to final Plat approval, the final plat Shall be consistent with the information in the preliminary plat and construction plans.
  1. Final plats Shall be twenty-four (24) inches by thirty-six (36) inches with proper borders clear of all writing except for the space for plat book and page number, drawn to an appropriate scale. All text size on Plats Shall be a minimum of 0.10 inches in height, including lower case lettering. The scale Shall not be smaller than one (1) inch = one hundred (100) feet. The City Manager or designee may grant exception to this rule based on necessity or for good cause shown.
  2. The final plat Shall conform with all requirements set forth in Chapter 177, Florida Statutes.
  3. The final plat shall constitute only that portion of the approved preliminary plat which the applicant proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations. The total number of review plat sets shall be prescribed by the city. Final plat showing the following information shall be provided:
    - a. Title block to include the name of the subdivision, the appropriate section, township and range, and the "City of Mount Dora, Lake County, Florida."
    - b. The legal description of the area contained within the plat with bearings and distances and with references to a subdivision corner tie.
    - c. A vicinity map, at scale, showing the proposed subdivision in relation to the surrounding streets.
    - d. The location of all permanent reference markers (PRM's) in conformance with state statutes. PRM's shall be placed no more than 800 feet apart within the platted lands and on the exterior boundaries thereof so as to provide definite reference points. PRM's shall be set at all points of curvature, point of reverse curvature, points of tangency, and each corner or change in direction. The monuments shall be four

inches by four inches reinforced concrete, 24 inches long, and have the reference point marked thereon. All monuments shall have their location indicated on the plat and referenced by angle and distances. The monuments shall be marked "Permanent Reference Monuments" or "PRM." A signed and sealed letter by the platting surveyor stating that all PRM's have been set must be received prior to recording of the plat.

- e. A legend which defines all symbols, shows stated and graphic scale, and displays north arrow.
- f. Sufficient data to determine readily, and to reproduce on the ground, the location, bearing and length of each street right-of-way line, boundary line, block line and building line, whether curved or straight, adequately correlated with monuments and markers.
- g. The right-of-way lines, widths and names of all streets and roads.
- h. The radius, central angle and arcs of all curved streets, and curved property lines.
- i. Lot line dimensions and lot and block numbers.
- j. Proposed building setback lines from side, front and back lot lines, if different than those specified by chapter III.
- k. Location and width of canals and waterways.
- l. Dedications, reservations and easements, showing widths and purpose, shall be delineated on the face of the plat and shall not be incorporated by reference.
- m. The names, locations, and plat book and page numbers of abutting subdivisions and streets, and the location of abutting subdivisions.
- n. Certificates, as required by Florida Statutes, of owners showing dedications; of surveyor confirming correctness; of planning and zoning commission approval; of city council approval; and for Clerk of Circuit Court recording. Signatures of owners must be in conformance with F.S. §§ 692.01, 689.01, 695.25, and 695.26, as applicable.
- o. A certificate of consent and approval by mortgagee on the plat or as a separate instrument.
- p. A minimum of two horizontal control points on the boundary of the plat with State Plane Coordinates (Florida East Zone) shown on the plat for each point established. The acceptable methods for establishing these control points shall be as follows:
  - i. Direct Global Positioning System (GPS) observation, in accordance with Third Order, Class II requirements as set forth in Standards and Specifications for Geodetic Control Networks, Federal Geodetic Control Committee, September 1984. A certification by the surveyor and mapper in charge of the establishment of these points will be required as part of the submittal of the final plat.
  - ii. Self-closing (looped) traverse(s), conducted between two existing control stations of the Lake County Geodetic Control Network and the plat

boundary, with a minimum precision of no less than one part in 12,000 before adjustment.

- iii. Self-closing (looped) traverse(s), conducted between one existing horizontal control station of the Lake County Geodetic Control Network, the plat boundary, and a line whose azimuth has been determined by astronomic observation or GPS, with a minimum precision of no less than one part in 12,000 before adjustment. Astronomic or GPS observations shall be performed in accordance with Third Order, Class II requirements set forth in Standards and Specifications for Geodetic Control Networks, Federal Geodetic Control Committee, September 1984.
- iv. Horizontal control stations that are used shall be shown on the plat by graphically identifying their location, name and number. The final adjusted direct tie (bearing and distance) shall be shown between those horizontal control stations and specific points on the plat boundary. If only one horizontal control station was located as in subsection c. above, a bearing diagram shall be shown on the plat relating the bearing structure shown on the plat to grid north.
- q. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, stormwater systems, water and wastewater systems, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature Shall require the establishment of restrictive covenants and such covenants Shall be submitted with the final plat for recordation. Additionally, in any residential plat where landscaping is proposed on individual lots, the following statement Shall be included on the plat: Individual lot purchasers Shall be required to comply with all landscape maintenance requirements as set forth in Section 9.01, Land Development Regulations.
- r. Where the site includes private streets, ownership and maintenance association documents Shall be submitted with the final plat and the dedication contained on the final plat Shall clearly indicate the roads and maintenance responsibility to the association without recourse to the city/County or any other public agency.
- s. An easement for utilities lying adjacent to and contiguous with all platted or deeded public rights-of-way, the minimum width of which Shall be seven and a half (7.5) feet in width, may be required in each subdivision submitted for approval, and dedicated on the final plat, upon an individualized determination that the dedication is related both in nature and extent to the impact of the proposed development. This easement, if required to be dedicated, is in addition to the current County standards for width and road rights-of-way.
- t. An easement for lot grading drainage, lying contiguous to the side and rear lot lines, a minimum of eight (8) feet total, may be required upon an individual determination that the dedication is related both in nature and extent to the impact of the proposed development, for the purpose of maintaining stormwater runoff, as per construction plans submitted for the proposed development. Structures shall not be permitted within said drainage easement area. Driveways, landscaping and other lot appurtenances may be allowed providing that they do not obstruct the flow of water

as per approved lot grading plan. This easement, if required to be dedicated, is in addition to all other requirements for drainage and retention ponds.

- u. The developer of any subdivision shall provide educational brochures informing property purchasers within the property of the of the necessity of, and the methods for, protecting the aquifer and any lakes, streams, wetlands or other sensitive environmental features on or adjacent to the subdivision. A reference to this requirement shall be placed in the restrictive covenants for the project.

#### 4. Additional Documentation.

- a. Deed Restrictions and Covenants. Any protective deed restrictions or covenants to be placed on the property shall be notarized and in a form suitable for recording.
- b. Title of Opinion. A title opinion or an update of a previously submitted title opinion by an attorney at law licensed in Florida or a certification by an abstractor or a title company showing all persons or entities with an interest of record in the property including, but not limited to, the record fee owners, easement holders, mortgage and lien holders, leasehold interest holders, judgment interest holders and parties with any interest in the land by reason of probate or other legal proceedings. The report Shall include the tax identification number(s) for the property and copies of documents such as deeds, easements, etc., referenced in the title opinion. The title opinion required by this Subsection Shall be brought current to the day of approval of the final plat by City Council.
- c. Addresses. The developer shall provide for approval by the city address numbers for all proposed lots and tracts as shown on the proposed plat with a spread sheet containing the assigned address, lot, and street name (electronic format may be required for developments greater than 12 lots). The address ranges shall follow the city's address grid and house numbering system. This requirement may be waived by the development review coordinator depending on complexity of the proposed development plan.
- d. Drafting Methods. Computer aided design and drafting (CADD) methods shall be used in the preparation of the subdivision plat and a copy of the associated electronic data file shall be provided to the city. Any graphics file in electronic format shall be in AutoCAD native file format (.dwg) or file exchange format (.dxf) compatible with AutoCAD version 12 or later. Graphics files shall use the same bearing structure and coordinate system as the Lake County Geodetic Control Network and the Horizontal Control Station used in preparation of the plat. Subdivisions of less than 20 lots shall be exempt from this requirement.

#### 4.5.3 Approval of Final Plat.

1. City Council shall approve all final plats, if found to be in compliance with these regulations. Any application for a final plat not in compliance with these regulations shall be provided a letter of denial stating the reasons for the denial.
2. Plats shall not be released by the city for recording until construction of infrastructure is complete and approved by the city or a bond is posted under subsection 4.6.
3. Recording of plats shall be accomplished by the city; however, the developer shall be responsible for the fee therefor.

- 4.5.4. Expiration of Approval. Within sixty (60) calendar days of final approval by City Council of the final plat, the applicant shall provide the City with a title opinion current through the date of council's final approval. The final plat shall not be recorded until such title opinion is supplied. If the final plat is not recorded within sixty (60) calendar days from council's approval, the final plat approval will expire and the final plat will need to be presented to the board at the next available meeting. The applicant shall be required to supply another title opinion updated through the date of the next council approval.
- 4.5.5. Recording of Final Plat. The linen, or equivalent material copy, of the approved final plat will be retained by the city for the purpose of recording with the Clerk of the Circuit Court of Lake County after approval by the mayor. All fees and documents required by the clerk for filing and recording of the approved final plat shall be transmitted through the development review coordinator to the County Clerk when final approval is received.

#### **4.7 Bonding and Sureties.**

- 4.7.1. Applicability. Development Orders approved by the City often contain requirements for the construction of infrastructure, the installation of landscaping, or other required improvements to be constructed by a developer in connection with the approved development. In some instances, it is acceptable to delay the construction of infrastructure, the installation of landscaping, or the construction of other required improvements. The purpose of this Section is to provide a mechanism for such delay, while at the same time providing a guarantee to the City that such infrastructure, landscaping, or other improvements will be provided.
1. Developer's Agreements Required Where a Plat is Recorded Prior to Completion of Infrastructure. The approval of any final plat prior to the completion of the infrastructure Shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, wetlands mitigation, uplands mitigation, landscape requirements, and replacement trees Shall be satisfactory constructed according to the approved construction plans. The following information Shall be provided:
    - a. Agreement that all improvements, whether required by these regulations or constructed at the developer's option, Shall be constructed in accordance with the standards and provisions of these regulations.
    - b. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed two (2) years from the recording of the plat.
    - c. The projected total cost for each improvement. Cost for construction shall be determined by either an estimate prepared and provided by the applicant's engineer or a copy of the executed construction contract.
    - d. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
    - e. Agreement that upon failure of the applicant to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement to ensure performance.

- f. Provision of the amount and type of security provided to ensure performance.
- 2. Amount and Type of Security.
  - a. Security requirements may be met by but are not limited to the following:
    - i. Cash, certified check or cashier's check;
    - ii. Irrevocable Letters of Credit; or
    - iii. Surety Bond.
  - b. The amount of security Shall be one hundred and ten (110) percent of the total construction costs for the required developer installed improvements, including, but not limited to storm and drainage facilities, streets and highways, water and sewer lines, wetlands mitigation, uplands mitigation and landscaping requirements.
- 3. Completion of Improvements. When improvements are completed, final inspection shall be conducted and corrections, if any, Shall be completed before final acceptance is recommended by the City. A recommendation for final acceptance to the City Council Shall be made upon receipt of a certification of project completion by the project engineer including sealed as-built plans and one (1) copy of all test results.
- 4. Maintenance of Improvements.
  - a. A maintenance agreement and security Shall be provided by every developer for those projects dedicating property to the public to assure the City that all required improvements Shall be maintained by the developer according to the following requirements:
    - i. The period of maintenance Shall be a minimum of two (2) years or as otherwise set out in other parts of these regulations.
    - ii. The maintenance period Shall begin with the acceptance by the City of the construction of the improvements.
    - iii. The security Shall be in the amount of ten (10) percent of the entire construction contract amount which includes all costs of the improvements. Prior to the conclusion of the two (2) year maintenance period, the work will be inspected by the City. Deficiencies Shall be corrected by the developer/owner. Should the developer/owner fail to make corrections prior to the expiration of the maintenance bond, the County Shall make corrections utilizing funds from the bond.
    - iv. If the developer enters into an agreement for sidewalks as specified above, the developer Shall provide a maintenance bond for sidewalk infrastructure at the time of the agreement. The bond Shall be for a period not to exceed six (6) years from the date of the agreement or two (2) years from the date that all sidewalks are completed, whichever occurs first.
  - b. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity Shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements. No development order Shall be issued for a

development for which an owner's association is required until the documents establishing such association have been reviewed and approved by the City.

**4.8. Deviations to Approved Plans.** Preliminary Plats or Construction Plans that have received city approval may file an application for minor plan (minor deviations) revisions that meets the following criteria:

1. A minor deviation is a deviation from a development plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:
  - a. Alteration of the location of any road, walkway, landscaping or structure by not more than five feet.
  - b. Minor changes in utility design, such as pipe sizes, locations, etc.
  - c. Reduction of the total amount of open space by not more than five percent or reduction of the yard area or open space associated with any single structure by not more than five percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this code.
2. Major deviations. Any deviation from a plan/plat that does not meet the criteria for a minor deviation, as defined above, shall be considered a major deviation. Major deviations shall following the normal application review process pursuant to this code.
3. The city's acceptance of the revisions shall not grant any time extensions. The approval date of the plan/plat shall be the initial action taken by the city regardless of the timing of the plan/plat revisions.
4. Proposed minor deviations may be considered by the development review committee after filing an application with format provided by the city, the revised plan sheet(s), and filing fee.

**4.6 Vacations.**

**4.6.1 Vacation of Plats.**

1. By owner:
  - a. The owner(s) of any land subdivided by way of a plat may petition the city under the provisions of F.S. § 177.101, to remove (vacate or annul) the existing plat, or portion of a plat, from the official record of the county. The petition must contain the signatures of all owners of property affected by the vacation.
  - b. The applicant for vacating a plat or a part of a plat shall file the petition, a certificate of title, a statement of taxes, and shall pay the appropriate filing fee as established by the city.
  - c. Following review of the appropriate departments, the petition shall be acted upon by the city council.
  - d. The applicant shall be responsible for recording the petition and the proof of publication with the Clerk of Circuit Court for the County.
2. By city:
  - a. The city council may, on its own motion, order the vacation and annulment of all or any part of a subdivision within its jurisdiction.
  - b. This action may include the vacation of dedicated rights-of-way and easements, provided that:



- i. The subdivision plat was lawfully recorded not less than five years before the date of this action by the city council; and
      - ii. No more than ten percent of the total subdivision or part thereof has been sold as lots by the original subdivider or his successor in title.
      - iii. This action shall be based on a finding by the city council that:
      - iv. The proposed vacation and annulment of the plat will result in greater conformity with the comprehensive plan of the area; and
      - v. The public health, safety, and welfare will be promoted thereby.
    - c. Before acting on a proposal for vacation and annulment of subdivided land, the city council shall hold a public hearing.
    - d. Access to individually owned parcels: No owner of any parcel of land in a subdivision shall be deprived by the vacation and annulment of a plat or a portion of a plat, of reasonable access to the parcel, nor of reasonable access therefrom to existing facilities to which the parcel has access. However, the access remaining or provided after such vacation need not be the same as that theretofore existing.
- 4.6.2. Vacating of rights-of-way and easements.
1. Roads, rights-of-way and easements may be vacated at a public hearing of the city council.
  2. The applicant must submit a petition and legal description of the area to be vacated as well as a survey identifying all structures and utilities, if any, located in the legally described area. A revised plat may be required by the city.
  3. The city council will consider the petition based on the recommendations of appropriate departments in regard to the possible effect of the proposal on the city in general, the immediate neighborhood, and individuals near the specific land in question.

### **SECTION 3. IMPLEMENTATION OF ADMINISTRATIVE ACTIONS.**

The City Manager is hereby authorized and directed to take such actions as deemed necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate, necessary and convenient, delegate the powers of implementation as herein set forth to such City employees as deemed prudent.

### **SECTION 4. CODIFICATION AND SCRIVENER'S ERRORS.**

- A. The revisions to City of Mount Dora Land Development Code, as set forth in Sections 3 above shall be codified in the City of Mount Dora Code of Ordinances.
- B. The sections, divisions and provisions of this Ordinance may be renumbered or re-lettered as deemed appropriate by the codifier of the City of Mount Dora Land Development Code.
- C. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

**SECTION 5. SAVINGS CLAUSE.** All prior actions of the City pertaining to the amendments to the City of Mount Dora Land Development Code, as well as any and all other applicable matters, are hereby ratified and affirmed consistent with the provisions of this Ordinance.

**SECTION 6. CONFLICTS.** All ordinances or part of ordinances in conflict with this Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a conflicting code or ordinance.

**SECTION 7. 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 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon enactment by the City of Mount Dora.

**PASSED AND ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2025.**

**FIRST READING:** \_\_\_\_\_

**SECOND READING:** \_\_\_\_\_

\_\_\_\_\_  
James Homich, Mayor  
City of Mount Dora, Florida

ATTEST:

\_\_\_\_\_  
Jeanann Hand, City Clerk

For the use and reliance of  
City of Mount Dora only.  
Approved as to form and legality.

\_\_\_\_\_  
Patrick Brackins, City Attorney