

ORDINANCE NO: 1617-09

AN ORDINANCE OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA AMENDING THE CITY CODE OF ORDINANCES, CHAPTER 28, "LAND DEVELOPMENT CODE," BY AMENDING ARTICLE I, "GENERAL PROVISIONS," SECTION 1.2.1, "DEFINITIONS," TO AMEND AND ADOPT DEFINITIONS; BY AMENDING ARTICLE III, "ZONING REGULATIONS," BY AMENDING DIVISION 4, "ESTABLISHMENT AND DUTIES OF COMMISSION AND BOARDS," SECTION 3.4.1, "ZONING BOARD OF APPEALS AND ADJUSTMENT (ALSO KNOWN AS BOARD OF ZONING APPEALS)," SUBSECTION 3.4.1.3.2, "REQUIRED LEGAL NOTICES," TO AMEND THE REQUIRED LEGAL NOTICES FOR BOARD OF ZONING APPEALS HEARINGS, AND SECTION 3.4.4, "PUBLIC HEARING PROCESS BEFORE PLANNING BOARD," SUBSECTION 3.4.4.2, "REQUIRED LEGAL NOTICES," TO AMEND THE REQUIRED LEGAL NOTICES FOR PLANNING BOARD HEARINGS; BY AMENDING DIVISION 25, "MUD—MULTI-USE DEVELOPMENT," BY DELETING FIGURE 3.2i, "CITY PLAN 2005," AND INSERTING A MAP OF THE MICROZONE 93 PLANNING AREA, AND SECTION 3.25.7, "BUILDING HEIGHT REQUIREMENTS," TO AMEND MAXIMUM STRUCTURE HEIGHT; BY AMENDING DIVISION 41, "OFF-STREET PARKING, LOADING," SECTION 3.41.3, "SPECIALTY PARKING PROVISIONS," TO AMEND THE MAXIMUM NUMBER OF PARKING SPACES WHICH MAY BE DESIGNATED AS COMPACT, TO REFERENCE ACCESSIBLE RATHER THAN DISABLED SPACES, AND TO REQUIRE SPACE CONFORMANCE WITH CITY SPECIFICATIONS, AND SECTION 3.41.4, "PARKING STALL REQUIREMENTS," TO REFERENCE PROVISION OF CITY CONSTRUCTION DETAILS AS PARKING SPACE DESIGN STANDARDS; BY AMENDING DIVISION 42, "SIGN REGULATIONS," SECTION 3.42.8, "SPECIAL REGULATIONS PERTAINING TO PROJECTING SIGNS AND FREESTANDING SIGNS," TO AMEND CERTAIN REQUIREMENTS FOR FREESTANDING SIGNS; BY AMENDING DIVISION 44, "SUPPLEMENTAL DISTRICT REGULATIONS," SECTION 3.44.2, "FENCES, WALLS AND HEDGES," BY REVISING FENCE, WALL AND HEDGE REQUIREMENTS AND REQUIRING FENCE SCREENING AND MAINTENANCE FOR CERTAIN PROPERTIES, AND SECTION 3.44.23, "COMMUNITY RESIDENTIAL HOME," BY UPDATING REFERENCE TO STATE AGENCIES AND AMENDING NOTIFICATION AND SUBMISSION REQUIREMENTS AND CITY REVIEW PROCEDURES; BY AMENDING ARTICLE VI, "DESIGN STANDARDS," DIVISION I, "DESIGN STANDARDS," SECTION 6.1.14, "SCREENING WALLS AND LANDSCAPING," TO REFERENCE WALLS AND FENCE SCREEING AND MAINTENANCE REQUIREMENTS IN OTHER ARTICLES OF THE LAND DEVELOPMENT CODE AND REPEAL SAID REQUIREMENTS IN ARTICLE VI, AND SECTION 6.1.15, "SOLID WASTE COLLECTION AREAS," TO REVISE ENCLOSURE AND SCREENING

REQUIREMENTS FOR SOLID WASTE REFUSE FACILITIES; BY AMENDING ARTICLE VIII, "LANDSCAPING AND TREE PROTECTION," BY AMENDING DIVISION 2, "LANDSCAPING," BY AMENDING SECTION 8.2.2, "LANDSCAPING DESIGN REQUIREMENTS," TO PROVIDE PARKING ISLAND TREE REQUIREMENTS AND DIVISION 3, "TREE PROTECTION REQUIREMENTS," SECTION 8.3.7, "PLANTING AND REPLACEMENT STOCK," TO REMOVE CERTAIN TREES FROM THE PROHIBITED TREE LIST; PROVIDING FOR CONFLICTS, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Altamonte Springs finds that certain updates are needed to the City's Land Development Code; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that updating definitions, revising legal notice requirements for Board of Zoning Appeals and Planning Board hearings, and amending resident requirements for certain facilities is desirable and furthers the public interest; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that requiring fence screening and maintenance for certain properties is desirable; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that mesh screening on chain link fences should be maintained in a manner such that the mesh screening is free from tatters and tears, and is securely fastened to the fencing; and

WHEREAS, the City Commission of the City of Altamonte Springs finds that requiring screened fencing on certain lots can provide for safety as well as aesthetic consistency; and

WHEREAS, the City Commission finds that the updates and amendments to the Land Development Code set forth in this Ordinance are in the best interest of the public; and

WHEREAS, this ordinance was reviewed by the City Planning Board on October 14, 2009; and

WHEREAS, the City Commission finds that this ordinance promotes the public welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF ALTAMONTE SPRINGS, FLORIDA, as follows:

SECTION ONE: Article I, "General Provisions," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Section 1.2.1, "Definitions," to amend and revise the definitions set forth and to adopt new definitions as follows:

ARTICLE I. GENERAL PROVISIONS

* * *

1.2.1 Definitions.

General. Unless specifically defined below or in the specific chapter in which they appear, words or phrases used in this Code shall be interpreted so as to give them the meaning they have in common usage, and to give this Code its most reasonable application.

The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word "shall" is mandatory; the word "may" is permissive.

The word "used" or "occupied" includes the words "intended," "designed," or "arranged to be used or occupied."

The word "structure" includes the word "building" as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground.

The word "land" includes the words "water," "marsh," or "swamp."

Other specific definitions are included in division 42 and articles II, III, VII, XI, XII, XIV, and XV, and XVI.

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Adult congregate living facility (ACLF). Also known as an assisted living facility (ALF). A facility which, whether operated for profit or not, undertakes through its ownership or management to provide full-time living arrangements, including, but not limited to, housing, nutritional meals, and help with the activities of daily living for residents, for a period exceeding 24 hours, housing, food services and one or more personal services for unrelated adults who require such services. The facility shall be licensed and approved by the Agency for Health Care Administration ~~State of Florida Department of Health and Rehabilitative Services~~. Shall not include nursing home, boarding house or rooming house.

Adult day care center. A facility which, whether operated for profit or not, undertakes through its ownership or management to provide for a part of the twenty-four-hour day, basic services to three or more adults (18 years or older), not related by blood or marriage, who require such services. The facility shall be licensed and approved by the Agency for Health Care Administration ~~State of Florida Department of Health and Rehabilitative Services~~. A landscape buffer may be required on nonstreet property lines.

* * *

Community residential home (CRH). 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 Florida Department of Children and Families ~~Family~~

Services or a dwelling unit licensed by the Agency for Health Care Administration which provides a living environment for seven 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. A CRH may provide respite services. A community residential home shall not include nursing home, boardinghouse or rooming house. CRH definitions and regulations in this code are pursuant to chapter 419, Florida Statutes. Refer to (See section 3.44.23, Community residential homes, article III, Zoning for CRH regulations.), including those for homes of six or fewer residents.

Community residential home licensing entity or entities. The Department of Elderly Affairs, the Agency for Persons with Disabilities, the Department of Juvenile Justice, the Department of Children and Family Services, or the Agency for Health Care Administration, all of which are authorized to license a CRH to serve residents pursuant to chapter 419, Florida Statutes.

Community residential home resident. ~~An aged person~~ A frail elder, a physically disabled or handicapped person, a developmentally disabled person, a non-dangerous mentally ill person, ~~or child~~ a child who is found to be dependent, or a child in need of services, as defined by chapter 419, Florida Statutes. ~~Nothing in this section herein~~ shall permit persons to occupy a community residential home who would constitute a direct threat to the health and safety of other persons or whose residency would result in substantial physical damage to the property of others.

Community residential home sponsoring agency. An agency or unit of government, a profit or nonprofit agency, or any other person or organization which intends to establish or operate a community residential home.

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Foster care facility. ~~A type of community residential home licensed by the Florida Department of Health and Rehabilitative Services. A residential facility, not in a private residence, that provides staffed 24-hour care for children, whether operated for profit or not, licensed by the Department of Children and Families. Does not include hospitals, boarding schools, recreation camps, nursing homes or facilities operated by a government agency for treatment, training, or rehabilitation.~~

Foster home. ~~A private residence, licensed by the Department of Children and Families, in which children who are unattended by a parent or legal guardian~~ A structure in which the owners or operators are subject to licensing and approval by the Florida Department of Health and Rehabilitative Services, live permanently, and are provided full-time care and supervision in a family living environment, to a maximum of three clients who are unrelated to the owners or operators. A foster home may provide emergency shelter or foster care for children with special needs ~~respite services~~ but may not exceed three clients at any time. Shall not include nursing home, boardinghouse or rooming house.

* * *

Nursing home. A community residential facility licensed by the Agency for Health Care Administration, which provides for a period exceeding 24 hours, nursing care, personal care, or custodial care for three or more persons, feed, shelter, diagnosis, treatment, individualized continuing evaluation, planning, 24our supervision and coordination and integration of health or rehabilitative services to help each client reach his maximum functioning capabilities. The capacity of such facility shall not be less than three clients. This definition shall include respite care, rest home and convalescent home, but does not include any place providing care and treatment primarily for the acutely ill.

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Treatment and rehabilitative facility. A secure or nonsecure inpatient, residential, or outpatient facility which provides behavior and rehabilitation services which include mental health and substance abuse treatment to persons with emotional mental, or addictive disorders. Such facility shall be licensed by the Department of Children and Family Services as a treatment and recovery facility. facility which provides rehabilitation services which may include room and board, personal care, and intensive supervision in case work with emphasis on treatment and counseling services. Such facility may include an out-patient component and may include, but is not limited to, psychiatric residential treatment programs; drug and alcoholic rehabilitation programs; group treatment centers; and group treatment for status offenders. Such facility shall be licensed by the state Department of Health and Rehabilitative Services as a treatment and recovery facility.

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SECTION TWO: Article III, "Zoning Regulations," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Division 4., "Establishment and Duties of Commissions and Boards," by amending Section 3.4.1, "Zoning Board of Appeals and Adjustment (Also Known As Board of Zoning appeals)," by amending subsection 3.4.1.3.2, "Required Legal Notices," and by amending Section 3.4.4, "Public Hearing Process Before Planning Board," by amending subsection 3.4.4.2 "Required Legal Notices," to amend the required legal notice requirement for the Board of Zoning Appeals and Adjustment and the Planning Board, as follows:

ARTICLE III. ZONING REGLUATIONS

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DIVISION 4. ESTABLISHMENT AND DUTIES OF COMMISSIONS AND BOARDS

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3.4.1 Zoning board of appeals and adjustment (also known as board of zoning appeals).

3.4.1.3 Procedure for public hearing before the board of zoning appeals:

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3.4.1.3.2 Required legal notices:

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(b) Responsibilities of the applicant:

1. Notice to surrounding property owners. Notice of the time and place of the public hearing by the board of zoning appeals shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which a variance or other action is sought; provided, however, that where the applicant is the owner of adjacent land not included in the applicant's application for a zoning amendment, the 300-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the applicant's application. It shall be the responsibility of the applicant or his designated agent or attorney to notify all affected property owners. The applicant shall be responsible for obtaining the names and addresses of the property owners from the county property appraiser's office.
 - a. For the purpose of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest property tax rolls of Seminole County. As part of the application submittal to the city, the applicant shall provide a list of the affected property owners' names, addresses, and property identification numbers within 300 feet that are to be notified, and a map indicating the location of those properties and the 300-foot boundary line.
 - b. Those notices shall be delivered by U.S. Postal Service first-class U.S. certified mail to all property owners within the 300-foot radius, and the certified mail provided a USPS delivery confirmation receipts, postmarked by the U.S. Postal Service, and affidavit of mailing by the applicant is shall be provided to the city to prove compliance with these notice requirements. Certified mail return receipt service (green postcard) is not required.
2. Notice to subject property. A "notice of public hearing" sign shall be posted on the land which is the subject of the hearing at least 15 days prior to the date of the public hearing. Said notification sign shall be as provided by the city and shall be located so as to be visible from the nearest right-of-way. Where the property is landlocked, the sign shall be located on the nearest street right-of-

way, with an attached notation indicating generally the distance and direction to the property.

3. Proof of notification. The applicant must provide the city with proof of notification at least seven days prior to the public hearing and must include the following:
 - a. An affidavit from the applicant certifying that the adjoining property owners' notifications were properly mailed, and the property was properly posted.
 - b. ~~USPS delivery confirmation~~ Postal Service certified mail receipts for regular first-class ~~U.S.~~ mail notifications, postmarked by the ~~U.S.~~ Postal Service.
 - c. A list of any additional parties noticed, who were not in the original mailing list.
 - d. Copies of any additional materials the applicant included in the adjoining property owner mailout.
4. Failure to notify surrounding property owners. Failure to notify all adjoining property owners shall not invalidate the proceedings unless the board of zoning appeals finds that the failure was substantial or in bad faith.

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3.4.4 Public hearing process before planning board.

3.4.4.1 *Written petition.* All proposals shall be submitted in writing to the growth management department, accompanied by all pertinent information required by these zoning regulations for proper consideration of the matter, along with payment of such fees and charges as have been established by the city commission in accordance with section 3.4.8 of this article. No application shall be heard by the planning board until such fees and charges have been paid.

3.4.4.2 Required legal notices:

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3.4.4.2.2 Responsibility of the applicant.

- (a) Notice to surrounding property owners. Notice of the time and place of the public hearing by the planning board shall be sent at least 15 days in advance of the hearing by mail to all owners of property within 300 feet of the property lines of the land for which a proposed change is sought; provided, however, that where the applicant is the owner of adjacent land

not included in the application for the proposed change, the 300-foot requirement shall be measured from the boundaries of the applicant's ownership, including the land not covered by the application. It shall be the responsibility of the applicant or his designated agent or attorney to notify all affected property owners. The applicant shall be responsible for obtaining the names and addresses of the property owners from the county Property Appraiser's Office.

- (1) For the purpose of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest property tax rolls of Seminole County. As part of the application submittal to the city, the applicant shall provide a list of the affected property owners' names, addresses, and property identification numbers within 300 feet that are to be notified, and a map indicating the location of those properties and the 300-foot boundary line.
 - (2) These notices are required to be mailed ~~certified return receipt requested, except that notices for variance hearings shall be sent to property owners within a 300-foot radius by regular first-class U.S. mail, provided a USPS delivery confirmation receipt, postmarked by the U.S. Postal Service, and affidavit of mailing are provided by applicant to the city as proof of notice.~~ by U.S. Postal Service first-class certified mail to all property owners within the 300-foot radius. Additionally, non-variance applications shall be mailed with certified mail return receipt service. The certified mail receipts, postmarked by the Postal Service, and affidavit of mailing by the applicant is shall be provided to the city to prove compliance with these notice requirements. For non-variance applications, the return receipt service cards (green postcards) shall also be provided to the city. This mailing must be done at least 15 days prior to the hearing.
- (b) Notice on subject property. A "notice of public hearing" sign shall be posted on the land which is the subject of the hearing at least 15 days prior to the date of the public hearing. Said notification sign shall be as provided by the city and shall be located so as to be visible from the nearest right-of-way, with an attached notation indicating generally the distance and direction to the property for which the proposed change is sought.
- (c) Proof of notification. The applicant must provide the city with proof of notification at least seven days prior to the public hearing and must include the following:

- (1) An affidavit from the applicant certifying that the notifications of the adjoining property owners were properly mailed and the property was properly posted;
 - (2) For ~~nonvariance applications, copies of the certified mail receipts and return receipt signature cards, postmarked by the U.S. Postal Service all applications, Postal Service certified mail receipts for first-class mail notifications, postmarked by the Postal Service;~~
 - (3) For ~~variance applications, a USPS delivery confirmation receipt, postmarked by the U.S. Postal Service, showing satisfaction of the notice requirements~~ non-variance applications, Postal Service certified mail return receipt cards (green postcards);
 - (4) A list of any additional parties noticed who were not in the original mailing list;
 - (5) Copies of any additional materials the applicant included in the adjoining property owner mailout.
- (d) Failure to notify surrounding property owners. Failure to notify all adjoining property owners shall not invalidate the proceedings unless the planning board finds that the failure was substantial or in bad faith.

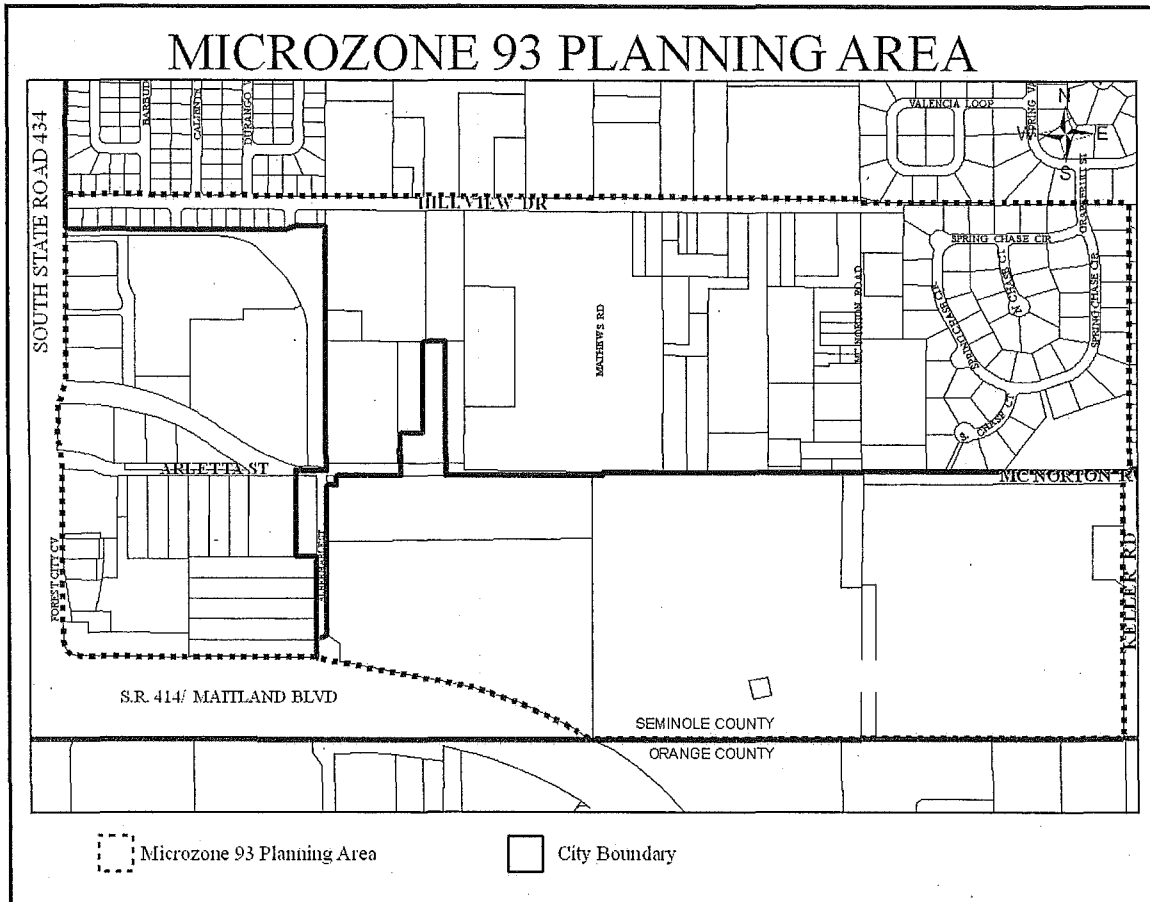
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SECTION THREE: Article III, "Zoning Regulations," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Division 25, "MUD - Multi-Use Development," by amending Section 3.25.2, "Eligibility," to delete Figure 3.2i, "City Plan 2005," and to insert a map of the Microzone 93 Planning Area, and by amending Section 3.25.7, "Building Height Requirements," to amend maximum structure height, as follows:

DIVISION 25. MUD – MULTI-USE DEVELOPMENT

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3.25.2 Eligibility. Figure 3.2i, "City Plan 2005," is hereby deleted and replaced with the following map of the Microzone 93 Planning Area.



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3.25.7 Building height requirements.

(a) The permitted height for any building or structure is three stories and may be up to seven 12 stories through development incentives. Up to three levels of parking will not be counted toward the maximum story requirements if located under the building. A shading study may be required to determine any effects of shadows cast on neighboring lands or structures. Results of the shading study will be reviewed by the growth management director (See division 46 for development bonus information).

(b) A building or structure height over three stories and up to a maximum height of seven 12 stories will be permitted if the following standards are met:

- (1) The proposed building height is included on all site plans (conceptual plans) submitted to the city.
- (2) A development incentive is awarded for unique architectural features and design (See division 46 for development bonus information).
- (3) A development incentive is awarded for the additional height (See division 46 for development bonus information).

- (4) Detailed architectural drawings with elevations, materials, and colored renderings are submitted for review to the development review committee prior to any approval. Also required is a sample of all textures and materials and may include a scaled-model.
- (5) A shading study is submitted for review.
- (6) Any change (substantial or non-substantial) to the building height and/or materials, or to a previously approved plan, must be submitted to the growth management department for review. The growth management director shall have the discretion to require such changes to be returned to the planning board for review and approval. Any major or substantial change to the building height and/or materials, or to a previously approved plan, which affects the intent and character of the development, approved land use plan, final development order and developers agreement, shall be reviewed and approved by the city commission upon receipt of the recommendation of the planning board. If the requested changes are deemed to have a substantial effect on adjacent property owners, residents of the area under an approved MUD plan or the general public, involves an increase in density or a change in the phasing, the city commission shall cause a public hearing to be held prior to official action on said requested change. A request for a revision of the land use map or development order shall be supported by a written statement demonstrating the reasons the revisions are necessary or desirable. Such changes as determined by the growth management director to be nonsubstantial may be resubmitted to the development review committee for review and approval.

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SECTION FOUR: Article III, "Zoning Regulations," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Division 41, "Off-Street Parking, Loading," by amending Section 3.41.3, "Specialty Parking Provisions," to delete reference to a minimum width for parking stalls, to reference accessible spaces rather than disabled spaces and to require space conformance with department of public works specifications; and by amending Section 3.41.4, "Parking Stall Requirements," to reference department of public works standard construction details being provided as parking space design standards, as follows:

DIVISION 41. OFF-STREET PARKING, LOADING

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3.41.3 Specialty parking provisions.

3.41.3.1 *Compact vehicle provisions.* When off-street parking is required for 25 or more vehicles, 25 15 percent of the required number of spaces may be designated for use by compact vehicles. Such spaces shall be reserved for, and show indication of use only for compact vehicle parking by means of a raised identification sign. Dimensions of such parking stalls shall be a minimum of eight feet in width and 16 feet in length when calculated for 45-

degree, 60-degree or 90-degree parking requirements only. Compact vehicle spaces shall not be permitted for parallel, or zero-degree parking spaces. Compact spaces should be dispersed uniformly throughout the parking area and should not be located directly adjacent to the building.

3.41.3.2 *Disabled Accessible parking space provisions.*

- (a) Number of required spaces shall be based on the requirement set forth in the state statutes and as listed below in Table H. Where parking spaces and loading zones are provided, the number to be reserved for the disabled accessible spaces shall be set forth in Table H.

TABLE H

<i>Total Spaces or Zones</i>	<i>Required Number to be Reserved for <u>Disabled Accessible</u> Parking Spaces</i>
Up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
Over 1,000	2% plus 1 for each 100 over 1,000

- (b) ~~Each space shall contain a fixed sign and a white wheelchair symbol on the pavement, in accordance with the city's standard design details conform to the specifications issued as standard construction details by the city's department of public works.~~
- (c) Disabled Accessible spaces shall be located nearest the building entrance.
- (d) Ramps with a maximum slope of 12 to one (12:1) are required for access into building from parking area.
- (e) Spaces to be dimensioned at 12 feet wide, 20 feet deep with a five-foot roll aisle.
- (f) All disabled accessible parking spaces shall be maintained by the owner of the property upon which the space exists in accordance with the approved site plan for the property.

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3.41.4 Parking stall requirements.

3.41.4.2 *Design standards.* ~~A table of d~~Design standards for parking spaces ~~is are~~ provided in the ~~Appendix to Article VI, Design Standards by the city's department of public works as standard construction details.~~ Reduction of the twenty-foot perpendicular parking stall to 18 feet is highly desirable whenever possible. The remaining two feet shall be added to the required landscaping dimensions as provided for in article VIII, section 6.1.15 8.2.2.1(d) of this Code.

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SECTION FIVE: Article III, "Zoning Regulations," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Division 42, "Sign Regulations," by amending Section 3.42.8, "Special Regulations Pertaining to Projecting Signs and Freestanding Signs," by amending subsection 3.42.8.1, "Requirements for Projecting Wall Signs," to amend the thickness requirements for projecting signs and to set forth requirements for the perimeter and shape of projecting signs, as follows:

DIVISION 42.

SIGN REGULATIONS

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3.42.8 Special regulations pertaining to projecting signs and freestanding signs.

3.42.8.1 Requirements for projecting wall signs:

- (a) When permitted. For districts or uses where projecting signs are permitted, such signs shall be instead of, but not in addition to, the allowable wall signs.
- (b) Projection. Projecting signs shall be attached to a structure or building wall and project out at a right angle to the building wall. A projecting sign's interior edge shall be no more than 12 inches from the wall to which the sign is attached, and the sign's leading edge shall not project more than 60 inches from the wall.
- (c) Sign area and thickness. Projecting signs shall meet the following requirements:
 - (1) Projecting signs shall not be more than 32 square feet in area.
 - (2) The sign face of projecting signs shall be a minimum of 24 inches wide and a maximum of 48 inches wide.
 - (3) The thickness of projecting signs shall not exceed 24 ten inches.

- (4) Projecting signs may not have more than two back-to-back faces, and no copy or graphics may be placed on the sign edges. For projecting signs with two faces, square footage shall be calculated pursuant to the definition of area of sign.
 - (5) The perimeter of projecting signs shall be in the shape of a square or rectangle. "Cut-out" shapes or signs in the shape of a product or other type of object shall not be permitted. However, products or other types of objects may be depicted in the sign face.
- (d) Height and wall location. Projecting signs shall meet the following requirements:
- (1) Projecting signs shall not exceed 20 feet in height above the ground on one-story buildings and shall not exceed 33 feet in height above the ground on two-story buildings. Projecting signs on two-story buildings shall be positioned between the bottom of the second story windows and roofline or top of the parapet.
 - (2) Projecting signs shall be prohibited above two stories.
 - (3) Projecting signs shall not be located in front of any window openings, shall not extend above a roof or the top of a parapet of a building, and shall only be allowed on buildings with sufficient parapet walls and/or marquees.
- (e) Clearance. Signs shall have a minimum clearance of nine (9) feet between the bottom of the sign and the ground. The leading edge of any projecting sign shall not extend over a public or private right-of-way or parking lot drive aisle.

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SECTION SIX: Article III, "Zoning Regulations," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Division 42, "Supplemental District Regulations," by amending Section 3.44.2, "Fences, walls and hedges," by revising fence, wall and hedge requirements and providing fence screening and maintenance requirements for certain properties; and by amending Section 3.44.23, "Community Residential Homes," by updating references to state agencies and amending notification and submission requirements, and city review procedures, as follows:

ARTICLE III. ZONING REGULATIONS

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DIVISION 44. SUPPLEMENTAL DISTRICT REGULATIONS

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3.44.2 Fences, walls and hedges.

3.44.2.1 *Visibility at intersections.* On a corner lot in all districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half feet and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of intersection.

3.44.2.2 *Fences, walls and hedges.* These regulations for fences, walls and hedges make a distinction between "yards" and "required yards." Required yards are those yards as are specified by the zoning regulations for building setbacks, and by similar yard provisions in this Code. The various types of yards (front, side, etc.) are defined in section 1.2.1, definitions.

3.44.2.2.1 In any district zoned as a residential dwelling district, fences, walls and hedges fences erected on all lots shall be in accordance with Landscaping and tree protection, article VIII of this Code, and the following criteria:

- (a) Front yard. Front yard fences, walls and hedges, including those on front and side lot lines shall not exceed two and one-half feet in height above established lot grade, and no wall, fence or hedge in excess of two and one-half feet may be maintained within a front yard area. Walls or fences determined by the ~~development manager~~ city to be a part of a unified architectural design with the principal building or structure on the property may be within the side yard area but not within any required front yard area.
- (1) Notwithstanding the above, for any property used for a single-family residential subdivision with six dwelling units or more, decorative subdivision perimeter screening walls, including those on front and side lot lines, may be allowed up to a maximum height of six feet provided all of the following criteria are met:
 - a. The wall shall be constructed of brick, stucco, or split-face block, and be of a decorative residential character.
 - b. A minimum setback of five feet from the property line shall be provided for the wall. In addition, no portion of the wall may be in any easement.
 - c. One tree shall be planted in the setback area for each 50 linear feet or fraction thereof of ~~the setback area wall length~~, or one shrub shall be planted in the setback area for each five linear feet of ~~the setback area wall length~~. Shrubs may be grouped or clustered provided the total quantity of shrubs is achieved. Trees and shrubs shall meet the minimum standards contained in Landscaping and tree protection, article VIII of this Code.

- d. Ground cover and irrigation shall be provided for the remainder of the setback area.
 - e. The wall and landscaping shall be located within a platted tract or an easement dedicated to the homeowners' association for this purpose.
 - f. The wall, landscaping, and tract or easement shall be identified on the development plans.
 - g. All developments shall have screening walls separating residential property from abutting arterials pursuant to section 6.1.14.
- (2) For any property used for a multiple-family residential use with six dwelling units or more, decorative front yard perimeter fences, including those on front and side lot lines, may be allowed up to a maximum height of six feet provided all of the following criteria are met:
- a. The fence shall be of decorative residential character, be wrought iron or extruded aluminum, and be a dark color.
 - b. The fence shall utilize decorative finished block or brick columns spaced a maximum of 40 feet apart.
 - c. A minimum setback of five feet from the property line shall be provided for the fence and the columns. In addition, no portion of the fence or columns may be in any easement.
 - d. The buffer landscaping of trees and shrubs required by ~~landscaping and tree protection~~, article VIII of this Code shall be placed between the fence and the property line.
 - e. No solid walls or fences, wood stockade or privacy fences, or chain link fences shall be permitted to take advantage of this allowance.
 - f. All developments shall have screening walls separating residential property from abutting arterials pursuant to section 6.1.14.
- (b) Side and rear yards. Side and rear yards and fences, including those on side and rear lot lines, shall not exceed six feet in height above the established lot grade and must be maintained behind a required front yard area.

- (c) Where a lot line is adjacent to nonresidential zoned property or constitutes a rear lot line on a double frontage lot, fences and walls may be maintained at a height not exceeding six feet above the established lot grade provided that such walls and fences only extend into the front yard area to the extent necessary to act as a ~~screen or~~ buffer from adjacent property.
- (d) Walls, fences or similar structures erected in any residential dwelling district shall not contain any substance, such as broken glass, spikes, nails, barbs or similar materials designed to inflict pain or injury to any person or animal. No barbed wire, string wire or electrically charged fence, or any similar devices, shall be erected in any location on any lot or parcel of land in residentially zoned districts.
- (e) A fence or wall ~~that is built~~, that is not located within the required setbacks, shall not be more than ten feet in height.
- (f) On irregular shaped residential lots the placement of the fence shall be determined by the ~~development manager~~ growth management director, or designee, as to height, location and relationship to adjoining residential lots.
- (g) All fences, walls, hedges or other similar structures erected in any residential dwelling district shall be maintained by the property owner. Property owners shall be responsible for maintaining the appearance of the fence, wall, hedge or other similar structure in such a manner that there are no missing boards or slats, cracks, open gaps, leaning sections, crooked posts, missing blocks or bricks, cracked or crumbling blocks or bricks, and the structural integrity of the fence, wall or other similar structure must be maintained by the property owner at all times.
- (h) No person shall remove any fence, wall, hedge, or other similar structure, or any portion of a fence, wall or other similar structure if removing same would leave a gap or open space in a perimeter fence, wall, hedge or other similar structure.
- (i) Standard maintenance of walls, fences or railings located on or adjacent to public rights-of-way, which benefit the owner of the adjoining real property along which such wall, fence or railing was constructed shall be the responsibility of the owner of the real property along which such fence was constructed.

3.44.2.2.2 In industrial or commercial districts, fences, walls and hedges fences erected on all lots shall be in accordance with Landscaping and Tree Protection, article VIII of this Code, and the following criteria:

- (a) Front yard. Front walls, fences, and hedges, including those on front and side lot lines, shall not exceed two and one-half feet in height above established lot grade, and no wall, fence or hedge in excess of two and one-half feet in height may be maintained within a front yard area except that walls or fences determined by the building official to be part of a unified architectural design with the principal building or structure on the property may be within the front yard area, but not within any required front yard.
- (b) Side and rear yards. Side and rear yard walls and fences, including those on side and rear lot lines, shall not exceed six feet in height above the established lot grade and must be maintained behind a required front yard area. When industrial or commercial properties are adjacent to residential or other dissimilar land uses, the buffer level requirements of article VIII, ~~Buffer yard standards~~, shall supersede this regulation.
- (c) An eighteen-inch extension of barbed wire may be incorporated above the fence as approved by the building official, provided that no such extension of barbed wire shall be incorporated below the level of six feet above established lot grade, and in no event shall such extension of barbed wire be placed so as to project outward over any sidewalk, street or other public way, or over the property of any adjacent owner.
- (d) A fence or wall ~~that is built~~, that is not located within the required setbacks, shall not be more than ten feet in height.
- (e) Wood fences are not permitted.

3.44.2.2.3 Where the topography between structures does not afford the desired results of the six-foot maximum wall height, the ~~land management coordinator~~ growth management director (or designee) shall permit additional height as established by the following method. An imaginary straight line shall be projected from a point six feet above the finished rear floor elevation of each structure. The adjusted maximum wall height shall be at the elevation where this line intersects the mutual property line.

~~3.44.2.2.4 Screening fences shall be a minimum of 75 percent opaque. Chainlink fences are not allowed. The materials providing opacity must be an integral part of the structure.~~

3.44.2.2.4 Fencing and fence screening material, as approved by the city, may be required on any vacant lot, lot under construction, lot containing an unsafe structure, or abandoned lot (whether vacant or developed) to provide for public safety, to control pedestrians, to prevent illegal use of the property, or to comport with the general aesthetics of the surrounding property. Fencing, fence screening materials, and arrangement shall be as approved by the building official. Fencing

used for this purpose may be in the required front yard if specifically approved by the city, subject to maintaining adequate visibility at intersections and driveways.

3.44.2.2.5 Fences required for screening purposes by this Code shall be opaque. The materials providing opacity must be an integral part of the structure. Chain link fences shall not be allowed as a screening fence except as specifically provided in this Code and approved by the city.

3.44.2.2.6 The following screening material requirements shall apply to chain link fences or other fences erected for screening purposes but which are not adequately opaque.

- (a) Fence screening material and arrangement shall be as approved by the building official; however, screening material shall not consist of slats or other inserts in the chain link fencing.
- (b) Approved screening material on fences, such as mesh fabric, shall be securely fastened to the fence and shall be maintained at all times such that the screening material is not ripped, torn, tattered, loose or unfastened. Screening shall be kept clean and free from mold, mildew, dirt, or other stains or growths. Screening material that has faded shall be replaced with a new screen. All screening material shall be either black, dark blue, or dark green in color.
- (c) Chain link fences shall not be used to meet the buffer wall or fence requirements of article VIII.

3.44.2.2.7 Screening fences or screening material which screens a construction site or vacant property that is planned to be developed may contain graphics on the fence or screening material in a manner consistent with and as permitted and set forth in the sign regulations, division 42 of these zoning regulations, and as approved by the building official. Such graphics shall only be permitted on construction sites with a valid building permit and vacant property for which there exists a valid site plan approval.

* * *

3.44.23 Community residential homes.

Standards for site selection of community residential homes, as defined in article 14, Definitions, are as follows and pursuant to chapter 419, Florida Statutes:

3.44.23.1 Minimum distance between facilities:

- a. ~~Community residential homes with~~ 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 for the purpose of local laws and ordinances, and shall be permitted in a single-family or multifamily zoning district, or in a residential planned unit development provided that such homes shall not be located within a radius of 1,000 feet of another existing home with six or fewer residents.
- b. Community residential homes with seven or more residents in a multifamily zoning district or commercial planned unit development shall not be located within a radius of 1,200 feet of another existing community residential home in a multifamily zone or within a radius of 500 feet of a single-family zoning district.
- c. All distance requirements in this section shall be measured from the nearest property line of the existing home or zoning district boundary to the nearest property line of the proposed home.

3.44.23.2 Notification and submission requirements:

- a. Community residential homes in multifamily zoning districts. When a site for a community residential home has been selected in a multifamily zoning district, the sponsoring agency shall notify the growth management director (as designee of the chief executive officer of the city of Altamonte Springs) in writing and include in such notice the following:
 1. Address and legal description of the site.
 2. ~~Florida Department of Children and Families (DCF)~~ The residential licensing category.
 3. Number of residents.
 4. Community support requirements of the program.
 5. Statement from the ~~DCF district administrator~~ licensing entity indicating ~~the need for and~~ the licensing status of the proposed community residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of the clients in the home. ~~DCF~~ The sponsoring agency shall also provide to the city of Altamonte Springs the most recently published data compiled from the licensing entities that identifies all community residential homes ~~in the district in which the proposed site is to be located~~ within the city. The city shall review the notification of the sponsoring agency in accordance with the zoning regulations and any other applicable requirements of this code.

- b. Homes with six or fewer residents which otherwise meet the definition of a community residential home shall not be required to comply with the notification provisions of this section; provided, however, that prior to licensure, the sponsoring agency provides the city with the most recently published data of community residential homes compiled from the licensing entities in order to show that no other community residential home is within a radius of 1,000 feet of the proposed home with six or fewer residents. ~~the~~ The sponsoring agency or DCF notifies must notify the city at the time of home occupancy that the home is licensed by ~~DCF~~ the licensing entity.
- c. A city ~~occupational license~~ business tax receipt is required for all community residential homes. As part of the ~~occupational license~~ business tax receipt review, the applicant shall submit to the ~~land planning and~~ development division of the growth management department any other information (e.g., surveys, plats, drawings, etc.) as may be necessary to enable the city to determine whether or not the proposed siting of the community residential home will comply with all applicable zoning regulations.

3.44.23.3 *Other requirements; exclusions:*

- a. If an existing structure is to be used for a community residential home, the appearance of the structure must be or remain in keeping with surrounding residences.
- b. Nothing in this section shall be deemed to affect the authority of any community residential home lawfully established prior to October 1, 1989, to continue to operate as approved.
- c. Nothing in this section shall be deemed to infer that a community residential home is exempt from compliance with the requirements of the Florida Fire Prevention Code and Florida Building Code.

3.44.23.4 *Review procedures:*

- a. The city shall have 60 days to review the notification of the community residential home sponsoring agency in accordance with the land development code. If the city fails to respond within 60 days, the sponsoring agency may establish the home at the site selected.
- b. Denial of the siting of the community residential home. If any proposed community residential home does not conform with the provisions of any applicable zoning regulation or rule, the siting of the home shall be disapproved; and the applicant notified in writing of the reasons for the disapproval. The siting of the home at the site selected may be denied for the following reasons:

1. Does not otherwise conform to existing zoning regulations applicable to other multifamily uses in the area.
 2. Does not meet applicable licensing criteria established and determined by DCF the licensing entity, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
 3. Would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences, such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing community residential home in a multifamily zoning district shall be an overconcentration of such homes that substantially alters the nature and character of the area. A home that is located within a radius of 500 feet of a single-family zoning district substantially alters the nature and character of the area.
- c. Appeals. If agreed to by both the city of Altamonte Springs and the sponsoring agency, a conflict may be resolved through informal mediation. The city shall arrange for the services of an independent mediator or may utilize for the mediation process established by the East Central Florida Regional Planning Council (ECFRPC) pursuant to Section 186.509, Florida Statutes. Mediation shall be concluded within 45 days of a request therefor. The resolution of any issue through the mediation process shall not alter any person's right to a judicial determination under statutory or common law.

* * *

SECTION SEVEN: Article VI, "Design Standards," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Division 1, "Design Standards," by amending Section 6.1.14, "Screening Walls and Landscaping," to reference walls and fence screening and maintenance requirements in other Articles of the Land Development Code and to repeal wall, fence and landscaping requirements in Article VI; and by amending Section 6.1.15, "Solid Waste Collection Areas," to revise enclosure and screening requirements for solid waste refuse facilities, as follows:

ARTICLE VI. DESIGN STANDARDS

DIVISION 1. DESIGN STANDARDS.

* * *

6.1.14 Screening walls and landscaping.

All developments shall have screening walls separating non-residential developments from abutting residential properties or residential property from abutting arterials. Such walls shall be at six feet in height or higher as determined by the applicable authority. Such walls shall be located on private property no nearer to the property line than one foot. (See also article III, section 3.44.2, ~~article III~~ and article VIII, section 8.2.2.1(c), of this Code.)

~~6.1.14.1 Maintenance free masonry walls on side or rear property lines may be permitted; however, their use must be specifically identified on the construction plans. Walls on side property lines shall be no more than two feet high when forward of the building setback line. Wood fences will not be permitted. No fence or wall when placed on a side or rear lot line will exceed six feet in height. Landscaping shall be provided in the form of hedge material or shrubs planted adjacent to the wall or fence equal to 25 percent of its length.~~

6.1.15 Solid waste collection areas.

All commercial developments shall have adequate solid waste collection areas with adequate access and egress, independent of parking and loading facilities. The requirements in this section shall be applicable to all solid waste collection facilities including, but not limited to, recyclable and non-recyclable materials. ~~Dumpster pads and access drives shall meet the requirements currently issued by the city's department of public works. Solid waste refuse facilities shall be screened by a six-foot masonry wall if located within the building setback areas. Such walls shall screen the refuse receptacle on three sides with the access side oriented towards the interior of the site. Refuse receptacles which are located in areas visible to the patrons of the site or abutting properties shall be screened. This section shall be applicable to all solid waste management including, but not limited to, both recyclable and non-recyclable materials. Screening material for either the enclosure or the enclosure doors may not be chainlink fencing with slats or other inserts.~~

6.1.15.1 New solid waste collection facilities, regardless of the facility location on a site, and all solid waste facilities located within building setback areas, shall be screened by masonry wall enclosures.

6.1.15.2 Existing solid waste collection facilities which are not located within building setback areas, and which have been erected with a city building permit, may be screened by a fence enclosure. In cases of changes of use, construction of additional buildings on a site, or expansions of existing buildings, the requirement to retrofit existing solid waste facility enclosures from a fence enclosure to a masonry enclosure shall be as determined by the development review committee.

6.1.15.3 Screening enclosures shall screen the collection receptacle on all four sides, with the gated access side oriented towards the interior of the site. The exterior of masonry enclosures shall be of finished quality with stucco or a similar maintenance-free decorative surface complementary to the principal building on the site. Fence enclosures, and the gate doors on any type of enclosure, shall

not consist of chainlink fencing with slats or other screening material. Enclosures for standard dumpsters shall be six feet in height. Dumpster pads, enclosures, and access drives shall also comply with the specifications issued as standard construction details by the department of public works.

6.1.15.4 Containers used for waste fats, oils, and grease from grills and fryers shall be screened by a finished masonry enclosure, which may be incorporated into the masonry trash collection enclosure if the enclosure is sized accordingly.

* * *

SECTION EIGHT: Article VIII, "Landscaping and Tree Protection," of Chapter 28, "Land Development Code," of the City Code of Ordinances is hereby amended by amending Division 2, "Landscaping," by amending Section 8.2.2, "Landscaping Design Requirements," to provide tree placement in parking island requirements; and by amending Division 3, "Tree Protection Requirements," by amending Section 8.3.7, "Planting and Replacement Stock," to remove Camphor Trees as a prohibited tree, as follows:

ARTICLE VIII. LANDSCAPING AND TREE PROTECTION

* * *

DIVISION 2. LANDSCAPING

* * *

8.2.2 Landscaping design requirements.

8.2.2.1 *Lot, parcel or project requirements.*

* * *

- (d) Internal landscaping regulations. In addition to landscape requirements for buffers adjacent to rights-of-ways and adjoining properties, internal landscaping shall be provided for visual and climatic relief from broad expanses of structures and pavement and to channelize and define logical areas for pedestrian and vehicular circulation.
 - (1) Interior landscaping shall account for a minimum of ten percent of parking and traffic circulation areas.
 - (2) One tree shall be required and maintained for each 200 square feet or fraction thereof of required interior landscaping, or as otherwise required by the city. The required trees may be clustered but shall be located to divide and break up expanses of buildings, paving, and long rows of parking stalls. Along building walls or facades facing public or private

rights-of-way, one tree per each 50 lineal feet or fraction thereof shall be planted, or as otherwise required by the city.

- (3) All interior landscaping shall be protected from vehicular encroachment by curbing or wheelstops and should be raised unless such areas are designed as a part of the on site retention and recharge areas.
- (4) All parking rows shall be separated by a continuous landscaped dividing strip. A minimum width of four feet shall be maintained between the backs of all required curbing. Where wheelstops are used, the length of the parking stall may be reduced to 18 feet if the dividing strip is widened to eight feet.
- (5) Parking islands shall be provided for every ten parking spaces in a row. Said islands shall be a minimum width of five feet, measured from the back of all required curbing. One tree shall be provided in each parking island, including each end-of-parking-row island. When islands traverse two rows of parking, trees shall be provided in the islands for each of the rows.

* * *

DIVISION 3. TREE PROTECTION REQUIREMENTS

* * *

8.3.7 Planting and replacement stock.

* * *

8.3.7.4 *Prohibited trees.* The following species of trees are prohibited from being planted and are unacceptable for meeting any landscaping/tree requirements:

Australian Pine (Casuarine species)

Brazilian Pepper (Schinus terebinthifolius)

Cajeput or Punt Tree (Melaluca leucadendra)

Cama Eucalyptus (Eucalyptus camaldulensis)

Chinaberry (Melia azedarch)

Chinese Tallow (Sapium sebiferum)

~~Camphor Tree (Cinnamomum camphora)~~

Ear Tree (Enteriobium cyclacarpuml contortisiliqluum)

Eucalyptus Robusta

Jacaranda (Jacaranda acutifolia)

Monkey Puzzle (Auracaria wrightii)

Silk Oak (Grevillea robusta)

* * *

SECTION NINE: CONFLICTS.

All other ordinances or parts of ordinances in conflict herewith be and the same are hereby repealed.

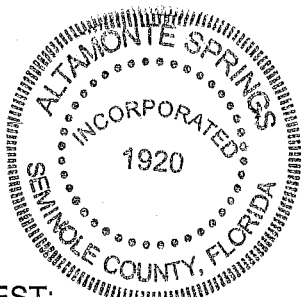
SECTION TEN: SEVERABILITY

If any section, sentence, clause phrase of this Ordinance is held to be invalid or unconstitutional by any Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION ELEVEN: EFFECTIVE DATE

This Ordinance shall take effect immediately upon adoption.

PASSED AND DULY ADOPTED by the City of Altamonte Springs, Seminole County, Florida this 1st day of DECEMBER, 2009.



FIRST READING: NOVEMBER 17, 2009

ADVERTISED: NOVEMBER 05, 2009

SECOND READING: DECEMBER 01, 2009

Pat Bates
Pat Bates, Mayor, City of Altamonte Springs

ATTEST:

Linda Sundvall
Linda Sundvall, City Clerk

Approved as to formal legality
for use and reliance by the
City of Altamonte Springs

James A. Fowler
James A. Fowler, City Attorney