

# **UMATILLA CITY COUNCIL MEETING**

**September 1, 2020, 6:00 PM**

**The City of Umatilla has closed public access to City Council Chambers for the foreseeable future. Pursuant to the State of Florida Governor's Executive Order #20-69 and extended by #20-193, this meeting of the Umatilla City Council will be hosted via teleconference.**

## ***Public participation in the meeting:***

Members of the public may participate by submitting their name, address and comments to the meeting moderator Regina Frazier at [rfrazier@umatillafl.org](mailto:rfrazier@umatillafl.org) prior to or during the meeting to be read into the record.

Agenda with back up materials is located on the city website at : <https://www.umatillafl.org/city-council/agenda/september-1-2020-umatilla-city-council-meeting-agenda>

Access to the Zoom meeting is available beginning at 5:45 p.m. by going to Zoom.us using Meeting ID #864 7193 8186. The password is 32784

Alternatively, you may call telephone number: 1-929-205-6099

## ***Moment of silence***

## **Call to Order**

## **Roll Call**

## **AGENDA REVIEW**

## **CONSENT AGENDA**

1 Minutes, City Council meeting August 18, 2020

2 Pool Agreement with Lake County Schools and Umatilla High School

## **PUBLIC COMMENT**

Public comment during the Zoom meeting for non-agenda items is limited to emails submitted prior to the meeting to meeting moderator Regina Frazier at [rfrazier@umatillafl.org](mailto:rfrazier@umatillafl.org) Public comment emails must contain the name and address of the person submitting and will be read into the record..

Public comment regarding agenda items will be taken during the time the agenda items are discussed. Please log onto or phone into the Zoom meeting at the address or phone number noted at the top of the agenda. .

## **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

3 Ordinance 2020 - H Non-Residential Design Standards, second reading

4 Sanchez

a Ordinance 2020-K Annexation, first reading

b Ordinance 2020-K-1 Future Land Use Change, first reading

c Ordinance 2020-K-2 Rezoning, first reading

## **GENERAL DISCUSSION**

## **REPORTS**

City Attorney

Mayor

Council Members

## **Staff**

Police Activity Report – Police Chief Adam Bolton

## **UPCOMING MEETINGS AND EVENTS**

**September 8, 2020**

6 PM Budget Hearing to adopt Tentative Millage Rate, Tentative Budget and Final Fire Assessment Resolution (Zoom)

**September 15, 2020**

6 PM City Council meeting (live-Council Chambers)

**September 22, 2020**

6 PM CRA meeting – adoption of Final Budget (Zoom)

6:10 PM Budget Hearing to adopt Final Millage Rate and Final Budget

**October 6, 2020**

6 PM City Council meeting (live-Council Chambers)

Individuals with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk at least two (2) working days in advance of the meeting date and time at (352)669-3125.

F.S. 286.0105 If a person decides to appeal any decision or recommendation made by Council with respect to any matter considered at this meeting, he will need record of the proceedings, and that for such purposes, he 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.

Any invocation that may be offered before the official start of the Council meeting is and shall be the voluntary offering of a private citizen to and for the benefit of the Council pursuant to Resolution 2014-43. The views and beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent their individual religious beliefs, nor are the views or beliefs expressed intended to suggest allegiance to or preference for any particular religion, denomination, faith, creed, or belief by the Council or the City. No person in attendance at this meeting is or shall be required to participate in any invocation and such decision whether or not to participate will have no impact on his or her right to actively participate in the public meeting.

The City of Umatilla is an equal opportunity provider and employer.

1 UMATILLA CITY COUNCIL MEETING  
2 AUGUST 18, 2020 6:00 P.M.  
3 MEETING CONDUCTED ON VIDEO CONFERENCING APP ZOOM  
4

5 Call to order 6:00 p.m.

6  
7 **Moment of silence observed.**  
8

9 PARTICIPANTS: Vice Mayor Kent Adcock; Council members Katherine Adams, Brian Butler, Laura Wright;  
10 Police Chief Adam Bolton; Fire Chief Shane Lanoue; Meeting Moderator and Finance Director Regina Frazier;  
11 Land Planner Sherie Lindh; City Attorney Kevin Stone; City Manager Scott Blankenship; City Clerk Karen  
12 Howard.

13 NOT PARTICIPATING: Mayor Eric Olson  
14

15 The procedure for the Zoom meeting was explained to the participants.  
16

17 Roll call: Vice Mayor Kent Adcock; Council members Katherine Adams, Brian Butler, Laura Wright attended  
18 via video conference.  
19

20 **AGENDA REVIEW**

21 **MOTION by Adams; SECOND by Wright; to approve Agenda as presented.**

22 **Roll call vote:**

23 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes**

24 **Motion carried.**  
25

26 **CONSENT AGENDA**

27 1 Minutes

28 a City Council meeting August 4, 2020

29 b Budget Workshop July 29, 2020

30 c City Council Special meeting July 29, 2020

31 2 Resolution 2020-12 Firefighter Assistance Grant

32 3 Surplus Goods  
33

34 **MOTION by Wright; SECOND by butler; to approve Consent Agenda.**

35 **Roll call vote:**

36 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes**

37 **Motion carried.**  
38

39 **PUBLIC COMMENT**

40 **Meeting Moderator Regina Frazier** said there was public comment received via email for Agenda Item 8  
41 Cemetery Proposed rules which will be read into the record when we reach that agenda item.  
42

43 **PUBLIC HEARINGS/ORDINANCES/RESOLUTIONS**

44 4 Ordinance 2020-H Non-Residential Design Standards, first reading  
45

46 **City Attorney Kevin Stone** read the ordinance by title:  
47

48 **ORDINANCE 2020 - H**

49 **AN ORDINANCE OF THE CITY OF UMATILLA, FLORIDA, AMENDING THE *LAND DEVELOPMENT REGULATIONS*;**  
50 **TO AMEND CHAPTER 2 DEFINITIONS; AMEND CHAPTER 6, ZONING REGULATIONS AND PROVIDE FOR NON-**

Minutes, City Council meeting August 18, 2020

51 **RESIDENTIAL DESIGN STANDARDS; AMEND CHAPTER 7, CONDITIONAL USES AND SPECIAL EXCEPTIONS,**  
52 **PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS, SEVERABILITY;**  
53 **CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE**  
54

55 **Land Planner Sherie Lindh with LPG Urban & Regional Planners** presented an overview of the Architectural  
56 Standards from other surrounding cities. What the city is proposing is compatible with other municipalities.  
57

58 The purpose is to maintain a strong community image with compatibility between the structures. We believe  
59 by applying these standards we will get a better built community. The residential design standards that were  
60 implemented have resulted in beautiful new homes.  
61

62 Growth brings more commercial development and with that we want it to be quality. These design standards  
63 apply to Commercial, Residential Professional and Multi-Family development within the city limits.  
64 Industrial, Civic, and Institutional uses are exempt.  
65

66 The standards apply in the following instances: 1) The building floor area is being increased by more than  
67 thirty-five percent (35%); 2) more than fifty (50) percent of the building area is being renovated; 3) In the case  
68 of renovations to, or redevelopment of, an existing building or project, where the cost of renovation or  
69 redevelopment is greater than fifty (50) percent of the appraised value of the existing structure(s).  
70

71 **Ms. Lindh** talked about Design Details and Building Facades and how they enhance the attractiveness of the  
72 city's streetscape and give it character.  
73

74 We are recommending a new zoning category: Central Business District. It currently consists of downtown  
75 and the five-points area. We would like the district to have a storefront character with the look of a two story  
76 building. There are multiple architectural features and designs that can be chosen for the building.  
77

78 **City Manager Blankenship** gave an example of the way staff has worked with the developers to make the  
79 buildings look better. He specifically cited the new Dollar General stores with features that enhanced the  
80 building without making it cost prohibitive to the developer.  
81

82 **Ms. Lindh** talked about the allowance for an administrative variance or an appeal to the City Council. We  
83 would recommend that if someone wanted to deviate extensively to consider a Commercial Planned Unit  
84 Development and they offer Commercial Design Standards the City Council can review and determine if they  
85 are acceptable.  
86

87 **MOTION by Wright; SECOND by Butler; to approve Ordinance 2020-H, Non-Residential Design Standards**  
88

89 Extensive discussion took place on proposed changes to Open Space Requirements with **Public Works**  
90 **Director Mercer** supporting relaxing of the requirements.  
91

92 **Attorney Stone** said some of the changes are applicable across the board. The change in the use of wetlands  
93 would apply both in Commercial and Residential. There are a couple points to clarify. Now you are allowed  
94 to use 100% of wetlands for open space as long as the amount of wetlands in your open space is no more  
95 than 20% of your open space. Example: if you have 100 acres in your property and 5 of them are wet you  
96 are required to have 25 acres of open space. Up to 20% can be wet. That means you can use all 5 wet acres  
97 toward your open space. That is the rule today.  
98

99 If you started with 100 acres and ten of the acres were wet you would still need 25 acres of open space but  
100 you would only be able to use five of the wet acres because any more of that would exceed the 20%.

101 Some cities do it differently and you can use as much wetlands as you want but you only get partial credit.  
102  
103 The proposal completely prohibits wet waterbodies or wet retention as open space. Dry retention could be  
104 used if it is designed as an amenity. Wetlands would be allowed to be used at 100% credit. We will not have  
105 either restriction if adopting what is presented tonight.  
106  
107 No public Comment  
108  
109 **Roll call vote:**  
110 **Adams – yes; Butler-yes; Vice Mayor Adcock-yes**  
111 **Motion carried.**  
112  
113 Note: **Council member Wright** lost internet connection.  
114  
115 5 Palmer Utility Agreement  
116  
117 **City Attorney Stone** provided information on the Amended and Restated Utility Agreement. **Attorney Mike**  
118 **Mahoney** is in our audience, representing Palmer Homes. In 2005, the City entered into an agreement with  
119 Palmer Homes for the Wood Song subdivision. The intent at that time was to develop the parcel in the  
120 County and come into the City for utilities.  
121  
122 The property was not developed because of changes in circumstances but the idea did not go away. **Mr.**  
123 **Palmer** and Palmer Homes came back to the city with the intent of confirming entitlements for the property  
124 and getting it ready to be developed at some point in the future. The agreement did not indicate how long it  
125 would be effective.  
126  
127 The purpose of the amended and restated Utility Agreement is to confirm to Palmer Homes they are able to  
128 develop the property at the density and lot sizes as originally agreed. In exchange the city wanted  
129 confirmation that the approvals and applications would be subject to the residential design standards in  
130 place today.  
131  
132 We are going to confirm the density, open space, and lot widths that were designated in the 2005 agreement  
133 and Palmer Homes agrees they will be subject to the design standards adopted more recently. This is a  
134 confirmation of existing rights, not to create anything new.  
135  
136 **MOTION by Adams; SECOND by Butler; to approve Amended and Restated Utility Agreement with Palmer**  
137 **Homes.**  
138  
139 **Attorney Stone** verified that Palmer Homes annexed into the city but never developed. It is important that  
140 you understand regulations in place allowing the densities and lot widths in this R5 zoning were regulations in  
141 place when we entered into the agreement. Palmer Homes points out this is a binding agreement. They are  
142 clarifying they will comply with other regulations we have. This is the only property in the city that is designated  
143 R5 and is unique. It will not affect other properties in the city.  
144  
145 Council members confirmed they were satisfied with Palmer Homes agreeing to adhere to the design  
146 standards.  
147  
148 There was no public comment.  
149

150 **Attorney Stone** said the city would be conveying to the developer a strip of land originally deeded to the city  
151 in 2005. The original intent was for it to be used by the city to install a boardwalk between the development  
152 and a city park. The city has no desire for the strip of land and desires to return it to the developer.

153

154 **Roll call vote:**

155 **Adams – yes; Butler-yes; Vice Mayor Adcock-yes**

156 **Motion carried.**

157

158 Note: **Council member Wright** lost internet connection.

159

160 A five minute recess was requested to allow **Council member Wright** to reconnect.

161

162 **NEW BUSINESS**

163 6 Bid Award – Project 2020-05 Airport Infrastructure

164

165 **City Manager Blankenship** said the city advertised an Invitation to Bid on this project that includes paving,  
166 grading, drainage, site utilities and hangar site development. Airport Consultants GAI issued a recommendation  
167 for the bid to be awarded to apparent low bidder P&S Paving in the amount of \$949,376. This company did  
168 the construction on the first phase of the partial parallel taxiway project and we are familiar with their work.

169

170 **MOTION by Wright; SECOND by Butler; to approve bid award to P&S Paving in the amount of \$949,376**  
171 **pending the finalization of FDOT funding.**

172

173 There was no public comment.

174

175 **Roll call vote:**

176 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes**

177 **Motion carried.**

178

179 **7 Auditor Engagement Letter**

180

181 **City Manager Blankenship** noted that McDirmit Davis has performed the City's external audit for the past five  
182 years. The current audit contract expires September 30, 2020. Florida Statutes requires an audit committee be  
183 formed when going out to solicit new auditors. Due to COVID-19, we have been unable to do that this year and  
184 are therefore requesting an extension of the existing contract for one additional year.

185 An engagement letter for the audit of Fiscal Year 2020 has been submitted not to exceed \$30,000. There is a  
186 requirement for an audit of the CRA budget which will be presented to the CRA Board on September 22, 2020.  
187 Staff recommends approval.

188 **MOTION by Wright; SECOND by Adams; approval of McDirmit Davis Engagement Letter, City of Umatilla**  
189 **audit for Fiscal Year 2020.**

190

191 No public comment

192

193 **Roll call vote:**

194 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes**

195 **Motion carried.**

196

197 **GENERAL DISCUSSION**

198 8 Cemetery Proposed Rules

199  
200 **City Manager Blankenship** it has been 18 years since the ordinance was adopted. Our staff review found the  
201 ordinance in good condition. Our overall objective is to maintain the overall atheistically standards. For the  
202 last year and a half we have had a variety of concerns presented to us from folks who felt we needed to be  
203 more assertive in insuring our ordinances were being followed. Cemeteries are a very sensitive place. We  
204 want to be respectful of the families and those interred there.

205  
206 It costs the taxpayers of Umatilla approximately \$50,000 a year to maintain the cemetery, not counting  
207 equipment maintenance and fuel. It is not an easy task to manage the cemetery.

208  
209 I wanted to give you an example of challenges to the city staff. These are some of the sites we want to get  
210 back to the standards so they are nice, well-maintained cemetery lots. We want to get to a uniform standard  
211 so the plots are not unsightly to the plots to the left or right.

212  
213 We were trying to notify the family members. We don't have an automated cemetery software at this time.  
214 We may have already failed the process in getting a site back in trying to locate family. Examples of before  
215 and after were shown. At a minimum we need to look at getting sod back on the site.

216  
217 **Ms. Adams** suggested we put a sign up on the space to try to reach out to family members before the city  
218 takes any type of action.

219  
220 The city has not historically put sod on the sites and my recommendation would be to have the funeral home  
221 or the company digging the grave or the city to resod.

222  
223 **Mr. Butler** suggested allowing a variance so a family that wishes to maintain a site. They could come to the  
224 City Manager to request a variance.

225  
226 **City Manager Blankenship** said the big changes are to start enforcing the ordinance that has been in place for  
227 many years, do it compassionately and try to reach out to the family members, and a variance process that  
228 will allow for family members to maintain the gravesite. This is not a race into compliance. We can take our  
229 time, but we need to start.

230  
231 **Council member Adams** noted there needed to be definitions for cemetery and for veterans.

232 **City Manager Blankenship** said that **Taylor McCall** has been very active in recognizing veterans. He  
233 recommended that a reduced fee for veterans. Our recommendations is to eliminate a separate veteran's only  
234 section and a couple.

235 Discussion focused on a dedicated separate veteran's area and how plots had not been sold in that area  
236 because the area had not been surveyed. Back when the veteran's section was originally designated it was for  
237 veteran's that do not have families. These days they do not want to be interred separately but with their  
238 families.

239 Council consensus for Veteran's rate to be \$125 and they can be interred wherever they like.

#### 240 **Public Comment**

241 **Kaley Weizenecker** said the things I have heard are very proactive. The mental health and grieving process is  
242 important. My family is the exception to the rule. I would like you to consider the plots for families might be  
243 the place that gives them comfort when having a hard time. Treating them respectfully and restoring them  
244 respectfully is important. Think about it as if it your own families plot.

245 I did start a petition and the signature count was 3,484. That is about 500 shy of every person in Umatilla. It  
246 touches every single one of us as a human. I appreciate your efforts and think you are on the right path to a  
247 plan. Those belongings mean way more to people than you can imagine. The city has to be sensitive. Please  
248 do not punish us who maintain the sites. This is a mental health and grieving process. Please do not consider  
249 doing this for financial reasons because that is where people take offense.

250 **Vice Mayor Adcock** thanked **Ms. Weizenecker** for her comments and commended her for keeping her  
251 memories sharp and doing it in a respectful way. He spoke of the loss of his parents to COVID and talked with  
252 the out-of-state cemetery about maintaining their gravesites.

253 **Lisa Jones** said she laid their daughter to rest in 2001. The city needs to be sensitive to the families. Ms.  
254 Jones suggested using social media posts to contact the family members.

255 **Mr. Blankenship** said it is a good idea to use social media. We have looked at other cities and what they  
256 have done. We found that some cities have a basic ordinance and look at proposed rules that would be  
257 adopted by resolution.

258 **Council member Butler** said the City Manager should be allowed to handle the variances.

259

260 **Vice Mayor Adcock** asked for information of the number of gravesites that are sold but unused. **Clerk**  
261 **Howard** responded that she would get the information for the next meeting.

262

## 263 REPORTS

### 264 **City Attorney Stone**

265 9 City Manager Contract

266

267 **Attorney Stone** we hired **Mr. Blankenship** on a one-year contract originally and subsequently entered into a  
268 five year contract. Upon entering the last year of the contract, there are a few things the Council may wish to  
269 address to entice **Mr. Blankenship** to remain in Umatilla. I believe everyone is fine with the form of contract.  
270 The things we may wish to consider to modify is the salary, any additional retirement benefits, and additional  
271 leave time.

272

273 You have been provided with information outlining some of his accomplishments and a survey of some of the  
274 benefits and salaries provided to other city managers and their deputies in Lake County. As you can see, **Mr.**  
275 **Blankenship** is at the bottom end in those categories.

276

277 **Vice Mayor Adcock** asked if this would extend the contract. **Attorney Stone** said this is the opportunity to do  
278 extend the contract with something done now.

279

280 **Mr. Blankenship** noted it was his first City Manager position when Umatilla hired him. His salary was capped  
281 to the same percentage increase as the employees. We have built a strong team with the staff and we have  
282 done a lot of good things. We have focused on infrastructure. I am not afraid to talk to the community. We  
283 do not change for change sake. We have to be proactive on how we address the future of the city.

284

285 Extensive Council discussion took place on what they want to offer **Mr. Blankenship**. The determination made  
286 was to offer **Mr. Blankenship** a salary increase of \$30,000, a 401-K of 9%, and an additional week of vacation  
287 for a contract for six years.

288

289 **Attorney Stone** said we are extending the contract for five years down the road beginning on October 1<sup>st</sup>, with  
290 a salary increase of \$30,000, a contribution of 9% on top of salary to be contributed to a defined contribution  
291 plan, and changing 15 days of vacation leave to 20 days of vacation leave.



292 **MOTION by Butler; SECOND by Adams; for a salary increase of \$30,000, a contribution of 9% to be**  
293 **contributed to a defined contribution plan, and changing 15 days of vacation leave to 20 days of vacation**  
294 **leave.**

295  
296 **Roll call vote:**

297 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes**

298 **Motion carried.**

299  
300 **Council member Adams** asked for an update on Crescent Street. **Attorney Stone** replied that there is a lot of  
301 paperwork involved and the plan is in progress and they are optimistic in moving forward. There will be some  
302 action the Council will take.

303  
304 **Vice Mayor Adcock** asked if there was an update on Owens. **Attorney Stone** replied from a legal aspect  
305 perspective it could be closed. If it is the desired policy of the city it could be closed north of where Osceola  
306 angles into Owens.

307  
308 **City Manager Blankenship** said the challenge with Owens is the dirt road. I would like to have a conversation  
309 with **Ms. Kornegay**. I believe personally the road is used for school purposes. Our risk is the public perception  
310 of closing another road. If it is closed, the city might have some opportunity to pave it a short distance off  
311 Ocala. There is a chance we could look at improving it at some point in time.

312  
313 Council consensus was to do a traffic count on the road and not act on anything.

314  
315 **Public Works Director Mercer** announced the work on the hallway in City Hall will begin soon.

316  
317 **Meeting adjourned 8:25 p.m.**

318  
319  
320 \_\_\_\_\_  
321 Kent Adcock  
322 Vice Mayor

323  
324 ATTEST:  
325  
326 \_\_\_\_\_  
327 Karen H. Howard, MMC  
328 City Clerk

**CITY OF UMATILLA  
AGENDA COVER SHEET**

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**DATE:** August 28, 2020

**MEETING DATE:** September 1, 2020

**SUBJECT:** Municipal Swimming Pool

**ISSUE:** Agreement with LCSB for Use of City Facilities

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**BACKGROUND SUMMARY:** The Agreement allows the UHS Swim Team use of the pool with the LCSB assuming full risk for injuries, damage, or loss that may be sustained in connection with the User's use of the Pool.

The pool facility will be visually inspected by a qualified adult to determine safe condition of the pool and shall notify the city immediately upon the discovery of any defect.

All users of the pool and their parents/guardians will be required to sign a waiver/hold-harmless agreement in favor of the city.

**STAFF RECOMMENDATIONS:** Staff recommends approval

**FISCAL IMPACTS:** N/A

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**COUNCIL ACTION:**

Reviewed by City Attorney    Yes            No            N/A

Reviewed by City Engineer    Yes            No            N/A

**AGREEMENT FOR USE OF CITY FACILITIES**

This **AGREEMENT FOR USE OF CITY FACILITIES** ("Agreement") is made to be effective August 24, 2020, by and between by the City of Umatilla, a Florida municipality ("City") and the School Board of Lake County, Florida ("LCSB"),

**WHEREAS**, City owns the swimming facilities located at 16 Lone Star Street (the "Pool"), Umatilla, Florida and LCSB's students, staff, and invitees (the "Users") desire to use the Pool for swimming practice and swim meets for the Umatilla High School swim team,

**NOW THEREFORE**, in consideration of the mutual promises contained herein, the parties agree as follows:

1. License. City hereby grants to LCSB a revocable license for Users to use the Pool. The License shall commence August 24, 2020 and shall terminate immediately upon notice given by City. For the purposes of this Agreement, the "Pool" includes the swimming pool and the surrounding pool deck and other facilities located within the fence. The annual fee for the use of the pool shall be \$1,000.00, provided that this fee is presently being waived as an in-kind contribution pursuant to a separate Lease Agreement dated May 2, 2016, between the City and LCSB but may be payable upon the modification or termination of that Lease Agreement.

2. Covenants of LCSB. LCSB covenants as follows.

LCSB has inspected the Pool and determined, in its sole discretion, that it is suitable for its purposes. Users will act responsibly while using or at the Pool, and shall not create nor allow any unsafe condition or nuisance. There shall be adequate adult supervision whenever Users use or are at the Pool. A qualified adult shall visually confirm the safe condition of the Pool prior to its use by any User. LCSB shall replace any City property lost or damaged during the course of, or relating to, Users use of the Pool, not to include loss or damage resulting from ordinary wear and tear.

LCSB shall require all Users, prior to swimming at the Pool, to sign a waiver and hold-harmless agreement in favor of City, a copy of which is attached to this Agreement as Attachment "A."

3. Waiver of Liability; Indemnification.

LCSB assumes the full risk of any injuries, damage or loss which may be sustained by any party arising out of or connection with Users' use of the Pool. LCSB agrees to indemnify the City and hold it harmless as to any claim, judgment, or damage award whatsoever arising out of or related to LCSB's own negligent or wrongful acts or omissions arising out of or in connection with the LCSB's use of the pool, to the extent permitted by law. The parties understand that pursuant to Florida Statute § 768.28(19), no party is entitled to be indemnified or held harmless by another party for its own negligent or wrongful acts or omissions. Nothing herein is intended to serve as a waiver of sovereign immunity by any party. The parties to this Agreement do not intend that this Agreement benefit any third party.

4. Miscellaneous. This Agreement is not assignable. If a court determines any part of this Agreement to be unenforceable, then the remainder of this Agreement shall be severed from the Agreement and shall be enforceable.

**IN WITNESS WHEREOF**, each of the undersigned has hereunto set their hand and seal on the date first above written.

City of Umatilla:  
By: \_\_\_\_\_  
As its: \_\_\_\_\_

School Board of Lake County:  
By: \_\_\_\_\_  
As its: \_\_\_\_\_



# CITY OF UMATILLA

## AGENDA ITEM STAFF REPORT

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DATE: August 28, 2020

MEETING DATE: September 1, 2020

SUBJECT: Ordinance 2020-H, second reading

ISSUE: Non-residential Design Standards and changes to Land Development Regulations: Chapter 2 Definition, Chapter 6 Zoning, Chapter 7 Conditional Uses and Special Exceptions

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**BACKGROUND SUMMARY:** This ordinance establishes non-residential design standards within the city and makes some changes and additions to Land Development Regulations Chapters 2 Definitions, Chapter 6 Zoning, and Chapter 7 Conditional Uses and Special Exceptions.

There have been some changes to Chapter 6 – Zoning from the first reading. The changes are listed below and have been highlighted in yellow.

### CHAPTER 6 - ZONING

- Residential Professional District (lines 447-505)
  - Allows under permitted uses “Retail Sales incidental to the primary use” and removes Retail Sales under *Uses Expressly Prohibited*.
- Open Space Requirements (lines 715-761)
  - Allows wetlands to be utilized to meet minimum open space
  - Allows land above the design water elevation of wet or dry retention ponds or similar areas may be included for meeting minimum open space requirements if improved as an amenity (example: a walking path or a passive park. A dry, unfenced shallow pond could be used as an open field for play area or a dog park)
  - Open space for Commercial and Industrial PUDs with no residential uses shall be based on impervious surface ratio based on the Future Land Use map and does not have to be designated as common open space.
  - Residential components of mixed use PUDs shall provide for common open space of 25%. Commercial or industrial parcels may provide open space based on impervious surface ratio if designed as separate stand-alone tracts subject to City review and approval.
- Neighborhood Commercial (lines 866-934)
  - Permitted Uses revised to include P. Restaurant without drive thru facilities
- General Commercial and Warehouse District (lines 937-1018)
  - Permitted Uses specifies Convenience Stores without fuel operations
  - Permitted Uses specifies Restaurants without drive thru facilities
  - Special Exception Uses specifies Restaurants with drive thru facilities
  - Special Exception uses specifies Convenience Stores with fuel operations
  - Residential Uses are removed from those Expressly Prohibited

- **CENTRAL BUSINESS DISTRICT (CBD) is a new section added (lines 1238-1428)**  
This is step one of a two-step process. Step one is to define CDB Zoning while leaving the overlay districts in place. Step two will come before the Council in the future and will remove the overlay districts and designations. The properties will be rezoned to CBD.

- **SCHEDULE OF SETBACK REQUIREMENTS (Lines 1453-1460, pages 32-33)**  
Setbacks on arterial or collector roads may be waived by the City Manager or designee based on specific evidence.

- **SECTION 5 – NON-RESIDENTIAL DESIGN STANDARDS (lines 1876-end of chapter)**  
This is a new section to create design standards and details to enhance the city’s streetscape.

- **Applicability of Design Standards (page 45 [formatting issue-no line numbers])**  
Clarifies the requirements pertaining to redevelopment of existing commercial properties.

- **h) Central Business District (page 49)**  
Allows for administrative variance procedures regarding storefront character.

## **CHAPTER 7 – CONDITIONAL USES**

- **Special Requirements and Conditions**
  - Review criteria 2, E) – revised language to include avoidance of concentration of similar uses within the commercial corridor
  - Adult Congregate Living Facilities – removed the word “shall be” and replaced with “is” to allow the City to decide if the parcel is less than 1 acre it may be approved. Revised language to allow the City to decide if an ALF shall front on an arterial, collector or local roadway
  - Auction House - removed the word “shall be” and replaced with “is” to allow the City to decide if the parcel is less 2,000’ from any other such use it may be approved.
  - Boat Sales - removed the word “shall be at least” and replaced with “is” to allow the City to decide if the parcel is less 2,000’ from any other such use it may be approved. Revised language to allow the City to decide if the use shall front on an arterial, collector or local roadway
  - Business Services - Revised language to allow the City to decide if the use shall front on an arterial, collector or local roadway. Removed “the proposed site shall be a” and replaced with “a minimum lot area” to allow the City to decide what acreage is appropriate.
  - Commercial Stables - Removed “the proposed site shall be a” and replaced with “a minimum lot area” to allow the City to decide what acreage is appropriate.
  - Convenience Stores with Fuel Operations – Added additional criteria regarding lot width, architectural features, access separation, and shared ingress/egress.
  - Mobile Home Sales - removed the word “shall be at least” and replaced with “is” to allow the City to decide if the parcel is less 2,000’ from any other such use it may be approved.

- **Motor Vehicle and Boat Storage Facilities** - removed the word “shall be at least” and replaced with “is” to allow the City to decide if the parcel is less 2,000’ from any other such use it may be approved.
- **Motor Vehicle Sales** - removed the word “shall be at least” and replaced with “is” to allow the City to decide if the parcel is less 2,000’ from any other such use it may be approved. Removed “shall be” with “is” to allow the City to decide what acreage is appropriate.
- **Restaurant or Coffee/Donut Shop with Drive Through Facilities** - Added proposed conditions
- **Pharmacy/Drug Store with Drive Through Facilities** – Added proposed conditions

**STAFF RECOMMENDATIONS:** Adoption of Ordinance 2020-H Non-Residential Design Standards, second reading

**FISCAL IMPACTS:** N/A

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**COUNCIL ACTION:**

<b>Reviewed by City Attorney</b>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> N/A
<b>Reviewed by City Engineer</b>	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> N/A

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**ORDINANCE 2020 - H**

**AN ORDINANCE OF THE CITY OF UMATILLA, FLORIDA, AMENDING THE *LAND DEVELOPMENT REGULATIONS*; TO AMEND CHAPTER 2 DEFINITIONS; AMEND CHAPTER 6, ZONING REGULATIONS AND PROVIDE FOR NON-RESIDENTIAL DESIGN STANDARDS; AMEND CHAPTER 7, CONDITIONAL USES AND SPECIAL EXCEPTIONS, PROVIDING FOR LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR CONFLICTS, SEVERABILITY; CODIFICATION AS WELL AS THE CORRECTION OF SCRIVENER'S ERRORS; AND AN EFFECTIVE DATE.**

**WHEREAS**, under its home rule powers, the City of Umatilla may regulate land use matters of the Land Development Code; and

**WHEREAS**, the City Council from time to time provides updates and amendments to the Land Development Code in order to provide proper clear interpretation of adopted regulations within the City; and

**WHEREAS**, the City Council of the City of Umatilla desires to amend the Umatilla Code of Ordinances; and

**WHEREAS**, in order to promote and foster economic growth, it is necessary to revise and update site development standards in keeping with current land use trends; and

**WHEREAS**, the City Council of the City of Umatilla hereby finds and determines that the provisions of this Ordinance advance a legitimate public purpose and promote and protect the public health, safety, morals and welfare of the public.

NOTE: Underlined words constitute additions to the original text of the *Land Development Regulations*; ~~strikethroughs~~ constitute deletions to the original text of the *Land Development Regulations*; and asterisks (\*\*\*) indicate omissions from the original text of the *Land Development Regulations* which is intended to remain unchanged.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, AS FOLLOWS**

**SECTION 1. Legislative Findings and Intent.** The City of Umatilla City Council has complied with all requirements and procedures of the Florida Law in processing this Ordinance. The above recitals are hereby adopted.

**SECTION 2. Implementing Administrative Actions.** The City Manager is hereby authorized and directed to take such actions as he may deem necessary and appropriate in order to implement the provisions of this Ordinance. The City Manager may, as deemed appropriate,



46 necessary and convenient, delegate the powers of implementation as herein set forth to such  
47 City employees as deemed effectual and prudent.

48  
49 **SECTION 3: Amendments to the City's Land Development Code.** The following Land  
50 Development Regulation Sections and Sub-Sections shall be amended:

51  
52 **Note:** Underlined words constitute additions while ~~striketrough~~ constitutes deletions, and  
53 asterisks (\*\*\*) indicate an omission from the existing text which is intended to remain  
54 unchanged.

55  
56 **CHAPTER 2, DEFINITIONS AND INTERPRETATIONS\*\*\***

57  
58 OPEN SPACE – Those areas within a development set aside for conservation, including wetlands,  
59 active and passive recreation, landscaped common areas, preservation of undisturbed green  
60 space, preservation of wildlife corridors, and preservation of non-intensive agricultural uses for  
61 the purpose of meeting minimum open space requirements contained in the Land Development  
62 Regulations. ~~For purposes of calculating minimum open space, no more than twenty percent (20%)~~  
63 ~~of the minimum open space shall be comprised of wetlands.~~ Waterbodies and water retention  
64 areas (dry or wet) shall not be used to meet open space requirements, provided that dry  
65 retention areas and the land above the design water elevation on wet retention ponds may be  
66 used to meet open space requirements if designed as an amenity. (Ord. 2005 F adopted  
67 07/05/05)

68  
69  
70 STUDIO – A workroom for, or place of study of, an art, including, but not limited to, painting,  
71 sculpting, photography, dancing, and music. A Studio as used in this Code is not intended to  
72 include places for public performance or public display of art.

73  
74  
75 **CHAPTER 6, ZONING DISTRICT REGULATIONS\*\*\* - SEE EXHIBIT 'A'**

76  
77 **CHAPTER 7, CONDITIONAL USES AND SPECIAL EXCEPTIONS\*\*\* – SEE EXHIBIT 'B'**

78  
79  
80  
81 **SECTION 4. SAVINGS PROVISION.** All prior actions of the City of Umatilla pertaining to  
82 Land Development Code, as well as any and all matters relating thereto, are hereby ratified and  
83 affirmed consistent with the provisions of this Ordinance.

84  
85 **SECTION 5. CODIFICATION AND SCRIVENER'S ERRORS.**

86  
87 (a). This Ordinance shall be codified in the Umatilla Code of Ordinances and Land  
88 Development Code and all other sections shall not be codified.

90 (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-  
91 lettered as deemed appropriate by the Code codifier.

92  
93 (c). Typographical errors and other matters of a similar nature that do not affect the  
94 intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected  
95 with the endorsement of the City Manager, or designee, without the need for a public hearing.

96  
97 **SECTION 6. CONFLICTS.** All ordinances or part of ordinances in conflict with this  
98 Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for  
99 an alternative process to effectuate the general purposes of this Ordinance shall not be deemed  
100 a conflicting code or ordinance.

101  
102 **SECTION 7. SEVERABILITY.** If any section, sentence, phrase, word, or portion of this  
103 Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not  
104 be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase,  
105 word, or portion of this Ordinance not otherwise determined to be invalid, unlawful, or  
106 unconstitutional.

107  
108 **SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon  
109 enactment.

110  
111 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County,  
112 Florida, this 1<sup>st</sup> day of September, 2020.

113  
114  
115  
116 \_\_\_\_\_  
117 Eric Olson, Mayor  
118 City of Umatilla, Florida

119  
120  
121 ATTEST:

Approved as to Form:

122  
123  
124 \_\_\_\_\_  
125 Karen H. Howard, MMC  
126 City Clerk

127 \_\_\_\_\_  
128 Kevin Stone  
129 City Attorney

130 Passed First Reading August 18, 2020  
131 Passed Second Reading September 1, 2020  
132 (SEAL)  
133

## CHAPTER 6

## ZONING DISTRICT REGULATIONS

## SECTION 1: PURPOSE AND INTENT

In order to implement the adopted Comprehensive Plan in a manner consistent with Chapter 163.3201, Florida Statutes, the following zoning regulations are hereby established. These regulations are intended to assist in implementing comprehensive planning issues surrounding the uses and/or development of specific lots, parcels, and tracts of land or any combination thereof within the City of Umatilla. It is further intended that this Chapter is to promote, protect, and improve the public health, safety, comfort, convenience, prosperity and general welfare of the citizens of the City; similarly it is the intent of this Chapter to establish standards of development which will encourage the sound economic utilization of the land and the creation of a healthful living environment.

- a) The following zoning districts existing as of October 31, 2016, shall be renamed as follows:

Zoning Districts (Old)	Zoning Districts (New)
Agriculture Residential (AR)	Agriculture Residential (AR-1)
Low Density Residential (R-18)	Low Density Residential (R-3)
Single Family Residential District (R-15)	Low Density Residential (R-3)
Urban Residential District (R-12)	Urban Residential District (UR-5)
Residential Single Family (R-10)	Urban Residential District (UR-5)
Single Family Medium Density Residential District (R-8)	Single Family Medium Density Residential District (R-5)
-	Multi-Family Medium Density Residential (MF-8)
Multi-Family High Density Residential (R-5)	Multi-Family High Density Residential (MF-12)
Mobile Home Rental Park (MHRP)	Mobile Home Rental Park (MHRP-8)
Mobile Home Subdivision (MHS)	Manufactured Home Subdivision (MHS-8)
Residential Professional (RP)	Residential Professional (RP)
Tourist Commercial (TC)	Tourist Commercial (TC-12)
Planned Unit Development (PUD)	Planned Unit Development (PUD)
Public Facilities District (PFD)	Public Facilities District (PFD)
Neighborhood Commercial (C-1)	Neighborhood Commercial (C-1)
General Commercial & Warehouse (C-2)	General Commercial & Warehouse (C-2)
Light Manufacturing (LM)	Light Manufacturing (LM)
Airport Zoning (AZ)	Airport Zoning (AZ)

22 **SECTION 2: ZONING DISTRICTS**

23  
24 a) AGRICULTURE RESIDENTIAL (AR-1)

25  
26 1) Purpose and Intent

27  
28 The purpose of this district is to implement comprehensive plan policies to provide  
29 for the protection of interim agricultural pursuits in transitional or urbanizing areas.  
30 The density shall not exceed one (1) unit per acre.

31  
32 2) Permitted Uses

33  
34 The following uses are permitted within the AR-1 district:

- 35  
36 A) Single family dwelling unit having a minimum living area of one thousand  
37 twelve hundred (1,200) square feet, which shall not include carports, and  
38 garages.  
39 B) Accessory buildings or structures thereto pursuant to Chapter 8 of this  
40 Code.  
41 C) Agriculture: Field crops/Wholesale Nurseries  
42 D) Agriculture: Pasture/Forestry  
43 E) Grove caretaking and maintenance  
44 F) Home Occupations pursuant to Chapter 8 of this Code  
45 G) One (1) accessory dwelling unit may be permitted to be utilized by family  
46 members and non-paying guests. The principal dwelling unit and accessory  
47 dwelling unit shall remain in the same ownership. The accessory dwelling  
48 unit shall not exceed one thousand two hundred (1,200) square feet or forty  
49 (40) percent of the air conditioned enclosed living area of the principal  
50 dwelling; whichever is greater. Accessory dwelling units must meet  
51 setbacks for the principal dwelling unit and share a common driveway. An  
52 accessory dwelling unit may be attached to a principal dwelling, an  
53 apartment unit within the principal dwelling, or a detached building.  
54 H) Livestock. A minimum of five (5) acres shall be required. Stables shall be  
55 located a minimum of seventy-five (75) feet from any lot line. (Ordinance  
56 2018-J)

57  
58  
59 3) Uses Permitted as Special Exception Uses upon approval of the City Council.

- 60  
61 A) Farmers/Flea Markets  
62 B) Kennels  
63 C) Veterinary Clinics  
64 D) Retail Nurseries & Garden Supplies  
65 E) Commercial Stables  
66 F) Any use prohibited by City, State or Federal law

67  
68 4) Uses Expressly Prohibited

- 69  
70 A) Single family attached dwelling units  
71 B) Multi-Family residential dwelling units  
72 C) Two-family (duplex) dwelling units

- 73 D) Industrial land uses  
 74 E) Any use prohibited by City, State or Federal law  
 75  
 76 5) Other possible uses  
 77  
 78 Uses which, because of their uniqueness, are not specifically identified as  
 79 permitted uses or special exception uses, may be permitted as conditional uses  
 80 pursuant to Chapter 7 of this Code.  
 81  
 82 b) LOW DENSITY RESIDENTIAL DISTRICT (R-3)  
 83  
 84 1) Purpose and Intent  
 85  
 86 The R-3 residential district is intended to provide low-density residential  
 87 development in those areas only suitable for such development due to their  
 88 location and adjacent to agriculture areas, environmentally sensitive areas, or  
 89 existing large lot residential development. The gross density shall not exceed  
 90 three (3) units per acre.  
 91  
 92 2) Permitted Uses  
 93  
 94 A) Single-family dwelling units having a minimum living area of one thousand  
 95 five hundred (1,500) square feet, which shall not include carports, and  
 96 garages.  
 97 B) Accessory buildings or structures thereto, pursuant to Chapter 8 of this  
 98 Code.  
 99 C) Buildings, structure or uses maintained or operated by a body having the  
 100 right of eminent domain.  
 101 D) Licensed Community Residential Homes, Group Homes, and Foster Care  
 102 Facilities with 1 – 6 residents.  
 103 F) Home Occupations pursuant to Chapter 8 of this Code.  
 104 G) One (1) accessory dwelling unit may be permitted if the lot is at least one  
 105 (1) acre in size and is to be utilized by family members and non-paying  
 106 guests. The principal dwelling unit and accessory dwelling unit shall remain  
 107 in the same ownership. The accessory dwelling unit shall not exceed one  
 108 thousand two hundred (1,200) square feet or forty (40) percent of the air  
 109 conditioned enclosed living area of the principal dwelling; whichever is  
 110 greater. Accessory dwelling units must meet setbacks for the principal  
 111 dwelling unit and share a common driveway. An accessory dwelling unit  
 112 may be attached to a principal dwelling, an apartment unit within the  
 113 principal dwelling, or a detached building.  
 114  
 115 3) Uses Permitted as Special Exception Uses Upon Approval of the City  
 116 Council  
 117  
 118 A) Licensed Community Residential Homes, Group Homes and  
 119 Foster Care Facilities with more than six (6) residents.  
 120  
 121 4) Uses Expressly Prohibited  
 122  
 123 A) Single family attached dwelling units

- 124 B) Multi-Family residential dwelling units
- 125 C) Two-family (duplex) dwelling units
- 126 D) Commercial land uses
- 127 E) Industrial land uses
- 128 F) Bed & Breakfast Inns
- 129 G) Any use prohibited by City, State or Federal law

130

131 5) Other possible uses

132

133 Uses which, because of their uniqueness, are not specifically identified as

134 permitted uses or special exception uses, may be permitted as conditional uses

135 pursuant to Chapter 7 of this Code.

136

137

138 c) URBAN RESIDENTIAL DISTRICT (UR-5)

139

140 1) Purpose and Intent

141

142 This district is established to implement comprehensive plan policies for managing

143 traditional single-family residential development at a density not to exceed five (5)

144 dwelling units per acre. This district is established to preserve the stability of

145 existing and future residential neighborhoods, preserve open space and natural

146 features of the land, and manage future densities; to assure a smooth transition

147 between low-density residential and areas designated for more intense uses, and

148 between existing and projected public services and facilities within the area.

149

150 2) Permitted Uses

151

- 152 A) One (1) single-family dwelling unit having a minimum living area of one
- 153 thousand two hundred (1,200) square feet excluding carports, and garages
- 154 B) Accessory buildings or structures thereto pursuant to Chapter 8 of this
- 155 Code
- 156 C) Buildings, structures or uses maintained or operated by a body having the
- 157 right of eminent domain
- 158 D) Licensed Community Residential Facilities, Group Homes and Foster Care
- 159 Facilities with 1-6 residents
- 160 E) Home Occupations pursuant to Chapter 8 of this Code
- 161 G) One (1) accessory dwelling unit may be permitted if the lot is at least one
- 162 (1) acre in size and is to be utilized by family members and non-paying
- 163 guests. The principal dwelling unit and accessory dwelling unit shall remain
- 164 in the same ownership. The accessory dwelling unit shall not exceed one
- 165 thousand two hundred (1,200) square feet or forty (40) percent of the air
- 166 conditioned enclosed living area of the principal dwelling; whichever is
- 167 greater. Accessory dwelling units must meet setbacks for the principal
- 168 dwelling unit and share a common driveway. An accessory dwelling unit
- 169 may be attached to a principal dwelling, an apartment unit within the
- 170 principal dwelling, or a detached building.

171

172 3) Uses Permitted as Special Exception Uses Upon Approval of the City

173 Council

174

- 175 A) Licensed Community Residential Facilities, Group Homes, and Foster  
176 Care Facilities with more than six (6) residents  
177 B) Bed and Breakfast Inns  
178

179 4) Uses Expressly Prohibited  
180

- 181 A) Single family attached dwelling units  
182 B) Multi-family residential dwelling units  
183 C) Two-family (duplex) dwelling units  
184 D) Commercial land uses  
185 E) Industrial land uses  
186 F) Any use prohibited by City, State or Federal law  
187

188 5) Other Possible Uses  
189

190 Uses which, because of their uniqueness, are not specifically identified as  
191 permitted uses or special exception uses, may be permitted as conditional uses  
192 pursuant to Chapter 7 of this Code.  
193

194  
195 d) SINGLE FAMILY MEDIUM DENSITY RESIDENTIAL DISTRICT (R-5)  
196

197 1) Purpose and Intent  
198

199 This district is established to implement comprehensive plan policies for managing  
200 traditional single-family residential development at a density not to exceed five (5)  
201 dwelling units per acre. This district is intended to provide relatively affordable,  
202 urban density housing, and it is intended to serve as a transitional zone between  
203 multi-family and single family residential uses.  
204

205 2) Permitted Uses  
206

- 207 A) Single family detached dwelling units having a minimum living area of 1,000  
208 square feet excluding carports and garages  
209 B) Single family attached dwelling units  
210 C) Licensed Community Residential Homes, Group Homes, and Foster Care  
211 Facilities with 1-6 residents  
212 D) Accessory buildings or structures thereto pursuant to Chapter 8 of this  
213 Code  
214 E) Home Occupations pursuant to Chapter 8 of this Code  
215 F) One (1) accessory dwelling unit may be permitted if the lot is at least one  
216 (1) acre in size and is to be utilized by family members and non-paying  
217 guests. The principal dwelling unit and accessory dwelling unit shall remain  
218 in the same ownership. The accessory dwelling unit shall not exceed one  
219 thousand two hundred (1,200) square feet or forty (40) percent of the air  
220 conditioned enclosed living area of the principal dwelling; whichever is  
221 greater. Accessory dwelling units must meet setbacks for the principal  
222 dwelling unit and share a common driveway. An accessory dwelling unit  
223 may be attached to a principal dwelling, an apartment unit within the  
224 principal dwelling, or a detached building.  
225

- 226 3) Uses Permitted as Special Exception Uses Upon Approval of the City  
 227 Council  
 228  
 229 A) Licensed Community Residential Homes, Group Homes and Foster Care  
 230 Facilities with more than six (6) residents  
 231 B) Day Care Centers  
 232 C) Bed and Breakfast Inns  
 233
- 234 4) Uses Expressly Prohibited  
 235  
 236 A) Duplex Dwelling units  
 237 B) Multi-Family dwelling units  
 238 C) Commercial land uses  
 239 D) Industrial land uses  
 240 E) Any use prohibited by City, State or Federal law  
 241
- 242 5) Other Possible Uses  
 243  
 244 Uses which, because of their uniqueness, are not specifically identified as  
 245 permitted uses or special exception uses, may be permitted as conditional uses  
 246 pursuant to Chapter 7 of this Code.  
 247
- 248 e) MULTI-FAMILY MEDIUM DENSITY RESIDENTIAL (MF-8)  
 249
- 250 1) Purpose and Intent  
 251  
 252 This district is established to implement comprehensive plan policies for managing  
 253 high density residential development at a density not to exceed eight (8) units per  
 254 acre. This district is established to ensure that sufficient land is available for  
 255 medium density residential development.  
 256
- 257 2) Permitted Uses  
 258  
 259 A) Single family attached dwelling units  
 260 B) Single family detached dwelling units  
 261 C) Two-Family (duplex) dwelling units  
 262 D) Multi-Family dwelling units  
 263 E) Accessory buildings or structures thereto pursuant to Chapter 8 of this  
 264 Code  
 265 F) Home Occupations pursuant to Chapter 8 of this Code  
 266 G) Licensed Community Residential Homes, Group Homes, and Foster  
 267 Care Facilities with more than six (6) residents  
 268
- 269 3) Uses Permitted as Special Exception Uses Upon Approval of the City  
 270 Council  
 271  
 272 A) Adult Congregate Living Facilities  
 273 B) Nursing Homes  
 274 C) Day Care Center  
 275
- 276 4) Uses Expressly Prohibited



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- A) Industrial land uses
- B) Mobile Homes
- C) Uses prohibited by City, State or Federal Law

5) Other Possible Uses

Uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses, may be allowed as a conditional use pursuant to Chapter 7 of this Code.

f) MULTI-FAMILY HIGH DENSITY RESIDENTIAL (MF-12)

1) Purpose and Intent

This district is established to implement comprehensive plan policies for managing high density residential development at a density not to exceed twelve (12) units per acre. This district is established to ensure that sufficient land is available for high density residential development.

2) Permitted Uses

- A) Single family attached dwelling units
- B) Single family detached dwelling units
- C) Two-Family (duplex) dwelling units
- D) Multi-Family dwelling units
- E) Accessory buildings or structures thereto pursuant to Chapter 8 of this Code
- F) Home Occupations pursuant to Chapter 8 of this Code
- G) Licensed Community Residential Homes, Group Homes, and Foster Care Facilities with more than six (6) residents

3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- A) Adult Congregate Living Facilities
- B) Nursing Homes
- C) Day Care Center
- D) Business Services
- E) Offices for Professional Services
- F) Financial Services
- G) Personal Services

4) Uses Expressly Prohibited

- A) Industrial land uses
- B) Uses prohibited by City, State or Federal Law

5) Other Possible Uses

328  
329 Uses which, because of their uniqueness, are not specifically identified as  
330 permitted uses or special exception uses, may be allowed as a conditional use  
331 pursuant to Chapter 7 of this Code.  
332

333 g) MOBILE HOME RENTAL PARK DISTRICT (MHRP-8)  
334

335 1) Permitted Uses  
336

- 337 A) Mobile homes which are single-family detached dwelling units having a  
338 minimum living area of six hundred (600) square feet, which shall not  
339 include garages or carports
- 340 B) Accessory structures such as carports, utility buildings thereto, but  
341 not to include guest cottages, guest apartments or garage apartments
- 342 C) Public parks or public recreational facilities incidental to the mobile  
343 home park but not to include commercial recreational enterprises
- 344 D) Self-service Laundromats, provided, however, that this land use is so  
345 situated within the park as to be equally convenient to all residents of the  
346 park and also provided that it is intended for use of the residents of the park  
347 only
- 348 E) Buildings, structures, or uses maintained or operated by a body having the  
349 right of eminent domain
- 350 F) Home Occupations pursuant to Chapter 8 of this Code

351  
352 2) Uses Permitted as Special Exception Uses Upon approval of the City  
353 Council  
354

- 355 A) None

356  
357 3) Uses Expressly Prohibited  
358

- 359 A) Industrial Uses
- 360 B) Guest apartments, guest cottages or garage apartments
- 361 C) Uses prohibited by City, State or Federal Law
- 362 D) Single family residential

363  
364 4) Other Possible Uses  
365

366 Uses which, because of their uniqueness, are not specifically identified as  
367 permitted uses or special exception uses, may be permitted as conditional uses  
368 pursuant to Chapter 7 of this Code.  
369

370 5) Master Park Plan Requirements  
371

- 372 A) A Master Park Plan shall be filed in accordance with the Site Development  
373 Plan requirements in Chapter 13 of this Code. A mobile home park shall  
374 be entirely enclosed, exclusive of driveways, at its external boundaries by  
375 a solid wall, fence or landscaped buffer as specified in Chapter 15 of this  
376 Code
- 377 B) Access roads within a mobile home park shall be paved to a width not less  
378 than twenty-four (24) feet in width. The sole vehicular access shall not be

- 379 by alley and all dead-end driveways shall include adequate vehicular  
 380 turning space or cul-de-sac. There shall be a minimum front building  
 381 setback of twenty-five (25) feet from all streets within the mobile home park  
 382 C) Mobile homes shall be so harbored on each space so that there shall be at  
 383 least a fifteen (15) foot clearance between mobile homes, provided  
 384 however, with respect to mobile homes parked end to end, the end  
 385 clearance shall not be less than thirty (30) feet  
 386 D) There shall be at least two (2) paved, off-street parking spaces for each  
 387 mobile home space, which shall be on the same site as the mobile home  
 388 served and may be located in the rear or side yard of the mobile home unit  
 389 E) Sidewalks not less than four (4) feet wide shall be provided along at least  
 390 one (1) side of all streets  
 391 F) Streets, areas at the entrance to buildings used by occupants at night, and  
 392 walkways shall be lighted  
 393 G) Each mobile home space shall be at least fifty (50) feet wide and one  
 394 hundred (100) feet long, however, the overall density of the project site  
 395 shall not exceed eight (8) units per acre. Each space shall be clearly  
 396 defined by permanent markers.  
 397

398 h) MANUFACTURED HOME SUBDIVISION DISTRICT (MHS-8)

399 1) Permitted Uses

- 400 A) Manufactured homes which are single-family detached dwelling structures,  
 401 having a minimum living area of six hundred (600) square feet excluding  
 402 carports or garages.  
 403 B) Accessory structures such as carports, utility rooms, etc. but not to  
 404 include guest cottages, guest apartments or garage apartments  
 405 C) Public parks or recreational facilities incidental to the mobile home  
 406 subdivision  
 407 D) Buildings, structures or uses maintained or operated by a body having the  
 408 right of eminent domain  
 409 E) Home Occupations pursuant to Chapter 8 of this Code.  
 410 F) Single family detached dwelling units having a minimum living area of eight  
 411 hundred (800) square feet excluding carport, garages, or utility rooms  
 412  
 413  
 414

415 2) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- 416 A) None  
 417

418 3) Uses Expressly Prohibited

- 419 A) Single family attached dwelling units  
 420 B) Two family dwelling units  
 421 C) Multi-family dwelling units  
 422 D) Commercial land uses  
 423 E) Industrial land uses  
 424 F) Guest apartments, guest cottages or garage apartments  
 425 G) Any use prohibited by City, State or Federal law  
 426  
 427  
 428

429 4) Other Possible Uses

430  
431 Uses which, because of their uniqueness, are not specifically identified as  
432 permitted uses or special exception uses, may be permitted as conditional uses  
433 pursuant to Chapter 7 of this Code.  
434

435 5) General Requirements  
436

437 The developer shall prepare and submit plans in accordance with the Subdivision  
438 Regulations as specified in Chapter 9 of this Code.  
439

440 i) RESIDENTIAL PROFESSIONAL DISTRICT (RP)  
441

442 1) Purpose and Intent  
443

444 This district is established to implement comprehensive plan policies for managing  
445 transitional areas where existing residential structures can be utilized for personal  
446 and professional services and not adversely affect adjacent property. The density  
447 cannot exceed the future land use designation. The intensity shall be limited to  
448 seventy-five (75) percent impervious surface area (including building coverage) and  
449 the building height cannot exceed thirty five (35) feet.  
450

451 2) Permitted Uses  
452

453 A) Single-family dwelling units having a minimum living area of fifteen  
454 hundred (1,500) square feet excluding balconies, porches, carports or  
455 garages

456 B) Multi-family dwelling units conforming to the minimum living area as  
457 designated on the MF-12 (MF) "Schedule of Dimensional Requirements" Table  
458 excluding carports, garages, or utility rooms

459 C) Business services (see definition in Chapter 2)

460 D) Offices for professional services

461 E) Financial services

462 F) Personal services

463 G) Medical Office/Clinic

464 H) Bed and Breakfast Inns

465 I) One (1) accessory dwelling unit may be permitted and is to be utilized by  
466 family members and non-paying guests. The principal dwelling unit and  
467 accessory dwelling unit shall remain in the same ownership. The  
468 accessory dwelling unit shall not exceed one thousand two hundred (1,200)  
469 square feet or forty (40) percent of the air conditioned enclosed living area  
470 of the principal dwelling; whichever is greater. Accessory dwelling units  
471 must meet setbacks for the principal dwelling unit and share a common  
472 driveway. An accessory dwelling unit may be attached to a principal  
473 dwelling, an apartment unit within the principal dwelling, or a detached  
474 building.

475 J) Retail sales incidental to the primary use  
476

477 3) Uses Permitted as Special Exception Uses Upon Approval of the City  
478 Council  
479

480 A) Banks

- 481 B) Day Care Centers
- 482 C) Office/Warehouse Facilities
- 483 D) Veterinary Offices/Kennels
- 484 E) Game Recreation Facilities
- 485 F) Health/Exercise Clubs

486  
487 4) Uses Expressly Prohibited

- 488
- 489 A) Industrial land uses
- 490 B) Adult entertainment
- 491 C) Uses prohibited by City, State or Federal law
- 492

493 5) Other Possible Uses

494  
495 Uses which, because of their uniqueness, are not specifically identified as  
496 permitted uses or as special exception uses, may be permitted as conditional uses  
497 pursuant to Chapter 7 of this Code

498  
499 j) PUBLIC FACILITIES DISTRICT (PFD)

500  
501 1) Purpose and Intent

502  
503 The purpose of this section is to provide for the creation of “PFD” public facilities  
504 districts in those areas where special or substantial public interest uses and  
505 activities are necessary and desirable.

506  
507 It is further the intent to establish PFD districts individually under site plans and  
508 conditions necessary to promote general welfare and to promote coordinated land  
509 uses that are compatible with the Future Land Use Map of the Comprehensive  
510 Plan.

511  
512  
513 2) Permitted Uses

- 514
- 515 A) Airports and heliports subject to Chapter 5 of this Code
- 516 B) Auditoriums, stadiums, arenas and expositions
- 517 C) Broadcasting facilities, including towers and antennas
- 518 D) Municipal/governmental buildings, structures and uses
- 519 E) Cemeteries
- 520 F) Community residential facilities with more than seven (7) residents
- 521 G) Churches
- 522 H) Day care centers
- 523 I) Educational institutions
- 524 J) Electric power substations and operation centers
- 525 k) Gas and water metering stations
- 526 L) Hospitals, clinics and medical facilities
- 527 M) Parks
- 528 N) Post offices
- 529 O) Libraries
- 530 P) Police and fire facilities
- 531 Q) Recreation facilities

- 532 R) Landfills, transfer stations, composting facilities
- 533 S) Sewage treatment facilities
- 534 T) Water withdrawal operations
- 535 U) Adult Congregate Living Facilities
- 536 V) Any other uses of a similar nature when approved by the City Manager

537

538 3) Special Conditions for Approval

539

- 540 A) Approved PFD uses shall front on an arterial or collector roadway.
- 541 Exceptions to this requirement may be made for public services such
- 542 as water, sewer, electrical, stormwater facilities, broadcasting towers,
- 543 cemeteries and antennas
- 544 B) Such uses shall comply with appropriate landscape and buffering
- 545 requirements pursuant to Chapter 15 of this Code
- 546 C) Such uses shall comply with appropriate access management
- 547 techniques pursuant to Chapter 14 of this Code.

548

549 4) Site Plan Requirements

550

551 In order to establish a “PFD” public facilities district, the applicant must provide a

552 preliminary site plan, with a zoning application, drawn to an appropriate scale, on

553 a 24” x 36” reproducible paper indicating the following:

554

- 555 A) Project name
- 556 B) North arrow, date and scale
- 557 C) Name, address, and telephone number of owner and applicant
- 558 D) Legal description of site, property lines and contiguous streets
- 559 E) Location and dimensions of all existing and proposed structures,
- 560 indicating their intended use, and setback distances from all
- 561 property lines and centerline of roadways.
- 562 F) Proposed means of access management to site and projected
- 563 estimate of traffic to be generated by the intended use
- 564 G) Location of off-street parking and loading areas, showing the
- 565 number of spaces and the dimensions of access aisles and
- 566 driveways
- 567 H) Proposed landscaping per Chapter 15 of this Code
- 568 I) Location of all signs per Chapter 16 of this Code
- 569 J) Location of water and sewer facilities

570

571 Upon approval of the preliminary site plan, a final site plan meeting the

572 requirements of Chapter 13 of this Code must be submitted and approved by the

573 Technical Review Committee before any building permits are issued or before the

574 start of operation or activity on the site plan.

575

576 5) Maximum Intensity Standard

577

578 The maximum intensity standard shall be limited to seventy-five percent (75%)

579 impervious surface ratio (which includes building coverage) and the maximum

580 height cannot exceed thirty-five (35) feet.

581

582 k) PLANNED UNIT DEVELOPMENT (PUD)

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1) Purpose and Intent

The PUD district is established to implement comprehensive plan policies for encouraging affordable housing by allowing a variety of housing types with a broad range of housing costs. This district is designed to encourage innovative development concepts, to provide design amenities and to manage natural features of the land. The location of such PUDs will be dictated by the type of development that will be provided. (Residential PUDs will be located in residentially designated areas of the Future Land Use Map, commercial PUDs will be located in commercially designated areas of the Future Land Use Map, etc.). Densities and intensities cannot exceed those which are permitted in that area on the Future Land Use Map. Preliminary and/or Conceptual Development plans are required to be submitted along with the rezoning application.

2) Permitted Uses

- A) **Residential PUD** – Single and multi-family residential dwelling units, on-site recreational facilities and on-site day care facilities, convenience store and personal services intended to serve the principal use and other uses deemed appropriate by the City Council
- B) **Commercial PUD** – All uses as permitted under the C-1 and C-2 zoning district and other uses deemed appropriate and incidental to the primary use by the City Council
- C) **Industrial PUD** – Industrial uses as permitted by the LM zoning districts and other uses deemed appropriate and incidental to the primary use by the City Council
- D) Agricultural activities including livestock may be permitted as an interim land use on the undeveloped portions of the property until seventy-five percent (75%) of the land area has been developed. (Ordinance 2018-J)

3) Minimum Project Size

The minimum size of any parcel shall be ten (10) acres. A lesser minimum area may be approved if the City Council determines that the intent and purpose of the PUD district and expressed municipal development policy would be served in such case.

4) Unified Ownership

All land within the PUD shall be under the ownership or control of the applicant at the time of execution of the development agreement whether the applicant be an individual, partnership or corporation, or groups of individuals, partnerships or corporations.

5) Setbacks and Buffering Requirements

632 Setback requirements within the PUD shall be flexible, however, in no case  
633 shall the setback be less than ten (10) feet between structures. Buffering  
634 requirements shall be those set out in Chapter 15 of this Code.

635  
636 6) Pre-Application Conference (Optional)

637  
638 It is recommended that a pre-application conference be scheduled with the City  
639 Manager by the developer or the developer's representatives, in order to verify the  
640 steps necessary for application and review and to discuss potential issues  
641 regarding the PUD proposal. Comments made during the pre-application  
642 conference are totally non-binding on the formal review of the preliminary  
643 development plan.

644  
645 7) Application for Rezoning

646  
647 Application for conceptual or preliminary development plan and rezoning  
648 approval shall be made to the City utilizing the form provided by the City, along  
649 with the appropriate review fee. The application shall be accompanied by six (6)  
650 copies of the conceptual or preliminary plan prepared in accordance with the  
651 requirements of this Code.

652  
653 8) Development Plan Approval

654  
655 In order to implement the goals and policies of the Comprehensive Plan and to  
656 streamline the development review process, the applicant shall have the option of  
657 preparing the following types of submittals:

658  
659 A) **Conceptual Plan** – If the applicant so chooses, a conceptual plan may be  
660 submitted prior to the first rezoning hearing for review by the TRC. The  
661 conceptual plan shall include the following:

- 662 1) Boundary of subject property
- 663 2) Major natural features such as lakes, streams, wetlands, and  
664 natural communities
- 665 3) Existing or proposed streets abutting the project
- 666 4) Generalized location map and legal descriptions, including  
667 acreage
- 668 5) Proposed land use types and their locations
- 669 6) Gross densities
- 670 7) Typical lot sizes showing setbacks and dimensions
- 671 8) Number and type of units
- 672 9) Floor area for commercial or industrial, if applicable
- 673 10) Adjacent zoning
- 674 11) Maximum building heights
- 675 12) Anticipated phasing plan
- 676 13) Proposed method of providing water service (including fire  
677 protection), sewage disposal, and storm-water  
678 management
- 679 14) Location and percent of open space
- 680 15) Acreage and location of parks/recreation area, if applicable
- 681 16) Typical road section
- 682



- 683 17) Soils and 100 year flood prone areas
- 684 18) Project name
- 685 19) Existing topography at one-foot contours based on Lake
- 686 County or St. Johns River Water Management District
- 687 datum
- 688 20) Net living area for each type of dwelling unit
- 689 21) Environmental survey per Chapter 17 of this Code
- 690 22) Parking and loading facilities
- 691 23) Any other information deemed pertinent by the City Manager,
- 692 Planning & Zoning Board or City Council
- 693

694 Upon approval of the Conceptual Plan and rezoning application by the TRC,  
 695 Planning and Zoning Board and City Council, a preliminary development plan must  
 696 be submitted for review and approval by the TRC prior to construction.  
 697

698 B) **Preliminary Development Plan** – In order to streamline the process, the  
 699 applicant may elect to file a preliminary development plan for rezoning  
 700 approval that meets the requirements of a preliminary plan submittal as  
 701 outlined in Chapter 13 of this Code. This plan can be submitted in lieu of  
 702 the conceptual plan. Should the development elect to submit the preliminary  
 703 plan with the rezoning application, and upon approval of the rezoning  
 704 application, the applicant can proceed with final development plan approval  
 705 as outlined in Chapter 13 of this Code.  
 706

707 9) Open Space Requirements  
 708

709 A minimum of twenty-five percent (25%) of the total project area shall be  
 710 established and maintained as common open space. No area shall be  
 711 accepted as common open space unless it satisfies the following standards:  
 712

- 713 A) Common open space shall be dedicated to, and useable by, all residents
- 714 of the PUD or specific phase thereof
- 715 B) Common open space set aside for recreational use shall be suitably
- 716 improved for its intended use. Such improvements may include
- 717 aesthetics, amenities, buffering or recreational facilities.
- 718 C) Common open space set aside for the preservation of natural features of
- 719 listed species habitat, or for buffering purposes, shall remain undisturbed
- 720 and be protected by conservation easements dedicated to the City or to
- 721 such other agency designated by the City Council. Wetlands may
- 722 be utilized to meet minimum open space.
- 723 D) Common open space shall not be used for the construction of any
- 724 structures other than recreational facilities and incidental maintenance
- 725 buildings.
- 726 E) Land above the design water elevation of wet retention areas, “dry”
- 727 retention ponds, or similar areas used for managing and storing stormwater
- 728 runoff pursuant to a stormwater management permit issued by the St.
- 729 Johns River Water Management District or similar agency may be included
- 730 for purposes of meeting minimum open space requirements if utilized as
- 731 an amenity for active or passive recreation.
- 732 F) Waterbodies shall not be included for purposes of meeting minimum open
- 733 space requirements. (Ord 2005-F, adopted 07/05/2005)

- 734 G) Common open space shall be maintained by the Home Owner's
- 735 Association or other legal entity of the PUD or the specific phase thereof,
- 736 provided however, the City of Umatilla shall have the right to enforce
- 737 compliance with the terms and conditions of conservation easements
- 738 dedicated for the protection of wetlands, waterbodies or other
- 739 environmentally sensitive areas within a subdivision. (Ord 2005-F, adopted
- 740 07/05/2005)
- 741 H) Open Space for Commercial and Industrial PUDs with no residential uses
- 742 shall be based on the established impervious surface ratio (ISR) of the land
- 743 use designation of the Future Land Use Map of the Comprehensive Plan
- 744 the project is located in and does not have to be designated as common
- 745 open space.
- 746 I) If an area of a mixed-use PUD contains commercial and/or industrial uses
- 747 but no residential uses, open space for that that area shall be based on the
- 748 established impervious surface ratio (ISR) of the land use designation of
- 749 the Future Land Use Map of the Comprehensive Plan the project is located
- 750 in; that area may then be excluded from the "total project area" for the
- 751 purposes of calculating the common open space requirement. The
- 752 remainder of the PUD shall comply with the common open space
- 753 requirements as set forth in this section.

754  
755 10) Density Bonuses

756  
757 A) Affordable Housing

758  
759 Residential developments may receive a density bonus not to exceed

760 twenty percent (20%) of the density permitted by the applicable land use

761 designation for the provision of affordable housing

762  
763 An affordable dwelling unit shall be a dwelling unit which:

- 764 1) Has a market value less than two (2) times 80% of the
- 765 median annual household income of Lake County or
- 766 2) Has a monthly rent less than or equal to 1/12 x 25% of 80% of
- 767 the median annual household income of Lake County
- 768 3) The affordable housing density bonus shall be determined as
- 769 follows:

<u>% of total units affordable</u>	<u>Bonus</u>
20-30%	10%
31-50%	15%
51%+	20%

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778 B) Environmental Protection

779  
780 Residential developments may receive a density bonus of up to 100%

781 of the number of units allowed by the underlying comprehensive land use

782 designation for the transfer of units from on-site, non-altered wetlands and

783 upland habitat.

- 785 1) The total number of units transferred shall not exceed the gross
- 786 density as allowed on the Future Land Use Map
- 787 2) A conservation easement shall be recorded for the property from
- 788 which the units are to be transferred. Such easement shall specify that
- 789 no uses other than passive recreation uses shall be allowed on the
- 790 property and shall state that the easement shall restrict such land in
- 791 perpetuity. The easement shall be approved by the City
- 792 Attorney and recorded in the public records of Lake
- 793 County.

794

795 11) Application Review Process

796

- 797 A) Technical Review Committee (TRC). All applications may be
- 798 reviewed by the TRC staff and members' comments may be
- 799 delivered and discussed at a regularly scheduled meeting. Formal
- 800 comments of the TRC shall be transmitted in writing to the applicant no
- 801 later than three (3) working days after the meeting. A formal staff report will
- 802 be forwarded to the Planning and Zoning Board with staff recommendations.
- 803 B) Resubmittal of the revised preliminary development plan. Resubmittal of
- 804 the preliminary development plan reflecting revisions required by TRC comments
- 805 shall be made within five (5) working days of the regularly scheduled TRC
- 806 meeting.

807

808 12) Approval of Application for Rezoning

809

810 A) Planning and Zoning Board Action. The Planning and Zoning Board

811 shall consider the submitted plan and rezoning application at a regularly

812 scheduled meeting to determine if the application meets the requirements of

813 this code. Upon consideration of the TRC and public comments, the

814 Commission shall take one of the following actions:

- 815
- 816 1) Postpone the consideration of the application until the next
- 817 regularly scheduled meeting to allow for the resolution of
- 818 outstanding issues.
- 819 2) Recommend that the application be approved
- 820 3) Recommend that the application be approved with conditions
- 821 4) Recommend that the application be denied
- 822

823 B) City Council Approval. The City Council shall consider the submitted plan

824 and rezoning application at a regularly scheduled meeting and determine if the

825 application meets the requirements of this Code. Upon consideration of the

826 comments of the TRC, the public and recommendation of the Planning and

827 Zoning Board, the City Council shall take one of the following actions:

- 828
- 829 1) Postpone the consideration of the application until the next
- 830 regularly scheduled meeting to allow for the resolution of
- 831 outstanding issues
- 832 2) Approve the application
- 833 3) Approve the application with conditions
- 834 4) Deny the application
- 835

836 13) Alterations to Preliminary Development Plan

837

838 Alterations to the approved preliminary development plan shall be classified as  
839 either substantial or non-substantial alterations. The following criteria shall be used  
840 to identify a substantial alteration.

841

842 A) A change which would include a land use not previously permitted  
843 under the approved PUD zoning

844 B) A change which would increase the land use intensity or density by ten  
845 percent (10%) within any development phase without a corresponding  
846 decrease in some other portion of the overall PUD

847 C) A change that would require an amendment to the conditions  
848 approved by the City Council

849

850 Alterations to the preliminary development plan which are determined to be  
851 substantial, must be submitted with plans and support data for review by the TRC,  
852 the Planning and Zoning Board and the City Council.

853

854 All proposed alterations to an approved plan must be submitted to the City  
855 Manager for a determination of whether the alteration is substantial or non-  
856 substantial.

857

858 I) NEIGHBORHOOD COMMERCIAL (C-1)

859

860 1) Purpose and Intent

861

862 The Neighborhood Commercial district is intended to provide for limited  
863 commercial uses within easy walking and biking distance of residential  
864 neighborhoods. Development standards and allowed uses are designed to  
865 insure compatibility with adjacent residential uses.

866

867 2) Permitted Uses

868

869 A) Offices for professional services

870 B) Personal services

871 C) Convenience stores without fuel operations

872 D) Laundry and dry cleaning retail stores

873 E) Day care centers

874 F) Adult Congregate Living Facilities

875 G) Licensed Community Residential Homes, Group Homes and Foster Care  
876 Facilities with more than six (6) residents

877 H) Financial Services

878 I) Office supply

879 J) Retail sales & services

880 K) Business services

881 L) Bed & Breakfast Inn

882 M) Office complex

883 N) Maintenance contractor

884 O) Medical office/clinic

885 P) Restaurant without drive thru facilities

886

887 3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

888

889 A) Convenience stores with fuel operations

890 B) Restaurants with drive thru facilities

891 C) Banks

892 D) Bars, Lounges, and Night Clubs

893 E) Athletic/Sports facilities

894 F) Game/Recreation facilities

895 G) Health/Exercise Clubs

896 H) Mini-warehouses

897 I) Veterinary offices/Kennels

898 J) Xerographic and offset printing

899 K) Multi-family dwelling units

900 L) Artisan/Craftsman Shop

901

902 4) Uses Expressly Prohibited

903

904 A) Wholesale commercial uses

905 B) Industrial uses

906 C) Adult entertainment

907 D) RV Parks

908 E) Uses prohibited by City, State or Federal law

909

910 5) Other Possible Uses

911

912 Uses which, because of their uniqueness, are not specifically identified as

913 permitted uses or as special exception uses, may be permitted as conditional

914 uses pursuant to Chapter 7 of this Code

915

916 6) Maximum Intensity Standard

917

918 A) The maximum intensity standard shall be limited to seventy-five (75)

919 percent impervious surface ratio (which includes building coverage) and

920 a maximum building height of thirty-five (35) feet. For multi-family dwelling

921 units, the maximum density allowed shall be twelve (12) units per acre.

922

923 7) Site Plan Approval

924

925 A site development plan shall be required per Chapter 13 of this Code prior to

926 final project approval.

927

928

929 I) GENERAL COMMERCIAL AND WAREHOUSE DISTRICT (C-2)

930

931 1) Purpose and Intent

932

933 The purpose of the C-2 zoning district is to provide an area for those

934 structures which by their use and location are especially adapted to

935 conduct the business of wholesale distribution and storage and to provide

936 an area for the full-scale service needs of the community.

937

- 938 2) Permitted Uses  
939  
940 A) Those uses permitted within the C-1 district  
941 B) Artisan/Craftsman Shop  
942 C) Appliance/Electronic repair shops  
943 D) Funeral Home/Mortuary  
944 E) Banks  
945 F) Bars, Lounges, and Night Clubs  
946 G) Commercial/Industrial Equipment and supplies  
947 H) Convenience Stores without fuel operations  
948 I) Equipment Rental  
949 J) Furniture and appliance stores  
950 K) Game/recreation facilities  
951 L) Health/Exercise Clubs  
952 M) Hotels/Motels  
953 N) Multi-family dwelling units  
954 O) Offices  
955 P) Restaurants without drive through facilities  
956 Q) Retail Home Building Materials  
957 R) Retail Sales and Services  
958 S) Shopping Centers  
959 T) Theaters  
960 U) Veterinary Clinics/Kennels  
961 V) Licensed Community Residential Homes, Group Homes and Foster Care  
962 facilities with more than six (6) residents  
963 W) Xerographic and Offset printing  
964 X) Athletic/Sports Facilities  
965  
966 3) Uses Permitted as Special Exception Uses Upon Approval of the City Council  
967  
968 A) Trucking Terminal  
969 B) Farmers/Flea Markets  
970 C) Auction Houses  
971 D) Boat Sales  
972 E) Gun and Archery Range  
973 F) Mobile Homes sales  
974 G) Motor Vehicle and Boat Storage Facilities  
975 H) Motor Vehicle sales  
976 I) Motor Vehicle Service and Repair Facility  
977 J) Motor Vehicle Fuel Service Facility  
978 K) Pawn Shops  
979 L) Tattoo Parlor  
980 M) Mini-warehouses  
981 N) Transportation Service  
982 O) Wholesalers and Distributors  
983 P) One (1) single family dwelling unit for owners/caretakers residence  
984 Q) Restaurants with drive through facilities  
985 R) Convenience stores with fuel operations  
986  
987 4) Uses Expressly Prohibited  
988



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- 1) Travel trailers
- 2) Vehicles with sleeping accommodations
- 3) Tents
- 4) Other similar type accommodations

An occupant of a space (other than those employed to maintain the site) shall remain in the same facility no longer than one hundred eight (180) days out of every three hundred and sixty (360) days.

E) Convenience establishments, such as grocery stores, restaurants and laundries may be permitted in recreational vehicle parks or campgrounds subject to the following conditions:

- 1) The convenience establishments shall be restricted to use by park occupants only and not advertised for patronage by the general public.

F) Restrooms and shower facilities shall be provided based upon the Health Department regulations.

G) A master plan shall be prepared as outlined in Section 2(h)(5) of this chapter of the Code.

H) Interior streets shall be designed as follow:

- 1) All one-way streets shall have a minimum pavement width of twelve (12) feet.
- 2) All two-way streets shall have a minimum pavement width of twenty (20) feet.

I) RV spaces shall be a minimum of two thousand four hundred (2,400) square feet, however, the density shall not exceed twelve (12) units per acre.

J) Maximum Intensity Standard

The maximum intensity standard shall not exceed seventy-five percent (75%) impervious surface ratio (which includes building coverage) and the building height shall not exceed thirty-five (35) feet.

o) LIGHT MANUFACTURING (LM)

1) Purpose and Intent

This district is established to implement comprehensive plan policies for managing industrial development and to provide development for limited industrial operations engaged in fabricating, repair, or storage of manufactured goods, where no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electro-magnetic interference, noise in excess of that customary to loading, unloading, and handling of goods and materials) are noticeable beyond the lot on which the facility is located. No hazardous materials may be utilized by the industrial



1091 operations permitted in this district. The location of such districts shall take  
1092 into consideration access to rail and terminal facilities, major arterial roadways,  
1093 labor markets and necessary urban services. Such districts shall be accessible to  
1094 major thoroughfares and buffered from residential neighborhoods.

1096 2) Permitted Uses

- 1098 A) All permitted C-2 uses
- 1099 B) Agriculturally related industry
- 1100 C) Boat repair
- 1101 D) Commercial/Industrial service
- 1102 E) Construction Contractor's Yard and Storage
- 1103 F) Distribution Centers
- 1104 G) Laboratory/Research and Development
- 1105 H) Laundry/Dry Cleaning Plants
- 1106 I) Manufacturing: Fabrication
- 1107 J) Manufacturing: Processing
- 1108 K) Motor Vehicle Service and Repair Facility
- 1109 L) Motor Vehicle Towing and Impoundment
- 1110 M) Trucking Terminal
- 1111 N) Warehousing
- 1112 O) Farmers/Flea Market
- 1113 P) Motor Vehicle Body Repair Facility

1115 3) Uses Permitted as Special Exception Uses Upon Approval of the City  
1116 Council

- 1118 A) One single-family residential dwelling unit on the site of a permitted use  
1119 to be used exclusively by a owner/caretaker
- 1120 B) Used motor vehicle parts yard

1122 4) Uses Expressly Prohibited

- 1124 A) Adult entertainment
- 1125 B) Residential dwelling units
- 1126 C) Uses prohibited by City, State or Federal law

1128 5) Other Possible Uses

1129 Uses, which because of their uniqueness, that are not specifically identified as  
1130 permitted uses or as special exception uses may be permitted as conditional uses  
1131 pursuant to Chapter 7 of this Code.  
1132

1134 6) Maximum Intensity Standard

1135 The maximum intensity standard shall not exceed seventy-five percent (75%)  
1136 impervious surface ratio (which includes building coverage) and the maximum  
1137 building height shall not exceed thirty-five (35) feet.  
1138

1140 p) AIRPORT ZONING (AZ)  
1141

- 1142 1) Purpose and Intent  
1143  
1144 The Airport Zoning District is intended to provide for appropriate land uses within  
1145 the City that is used for aircraft-related operations and the direct support of such  
1146 operations.  
1147  
1148 All uses shall conform to the City of Umatilla Municipal Airport Master Plan as well  
1149 as all applicable State, Federal, and local laws and regulations.  
1150
- 1151 2) Permitted Uses  
1152 A) Administrative offices for businesses primarily engaged in aeronautical  
1153 activities  
1154 B) Aeronautical dusting and spraying operations  
1155 C) Aeronautical radio and communication facilities  
1156 D) Aeronautical training establishments  
1157 E) Aircraft charter and taxi service  
1158 F) Aircraft sales  
1159 G) Fire stations  
1160 H) Research and Development  
1161 I) Sales of aviation petroleum products utilizing and ramp service  
1162
- 1163 3) Uses Permitted as Special Exception Uses Upon Approval of the City Council  
1164  
1165 In granting any special exception, the city council may prescribe appropriate  
1166 conditions and safeguards to ensure compliance with the requirements of this  
1167 chapter and the land development regulations. Such conditions may include time  
1168 limits for the initiation of the special exception use, specific minimum or maximum  
1169 limits to regular code requirements, or any other conditions reasonably related to  
1170 the requirements and criteria of this chapter.  
1171  
1172 When reviewing an application for a special exception, the city council shall  
1173 consider all applicable requirements and criteria, including, but not limited to:  
1174  
1175 a. Traffic generation and access for the proposed use shall not adversely impact  
1176 adjoining properties and the general public safety  
1177 b. Off-street parking, loading and service areas shall be provided and located such  
1178 that there is no adverse impact on adjoining properties, beyond that generally  
1179 experienced in the district.  
1180 c. Required yards, screening or buffering, and landscaping shall be consistent  
1181 with the district in general and the specific needs of the abutting land uses.  
1182 d. Size, location, and number of special exception uses in the area shall be limited  
1183 so as to maintain the overall character of the district as intended by the land  
1184 development regulations.  
1185 e. Architectural and signage treatments shall comply with the general provisions  
1186 applicable to permitted uses in the district, to the greatest extent possible, and  
1187 be sensitive to surrounding development.  
1188 f. The availability of utilities services, such as water, sewer, and solid waste.  
1189  
1190 A) Aircraft engine and accessory maintenance and repair  
1191 B) Aircraft Manufacturing  
1192 C) Automobile leasing establishments

- 1193 D) Commercial off-street parking lots and garages
- 1194 E) Motels and hotels
- 1195 F) Museums
- 1196 G) Restaurants, including those with outdoor dining
- 1197 H) Vocational, technical, trade, and industrial schools

1198  
1199 4) Uses Expressly Prohibited

- 1200
- 1201 A) Adult entertainment
- 1202 B) Uses prohibited by City, State, or Federal law
- 1203

1204 5) Other Possible Uses

1205  
1206 Uses, which because of their uniqueness, are not specifically identified as  
1207 permitted, special exception, or prohibited uses may be permitted as conditional  
1208 uses pursuant to Chapter 7 of this Code.

1209  
1210 6) Standards

1211 Outdoor Storage

1212 Other than aeronautical uses and operable vehicles, no outdoor storage shall be  
1213 allowed in any required yard area. No outdoor storage of any type shall be located  
1214 within 25 feet of a residential district. Non-aeronautical outdoor storage areas shall  
1215 be screened on all sides by a solid wall or a solid fence at least six feet high. Non-  
1216 aeronautical outdoor storage may be located in front of the principal building only  
1217 if the lot on which the storage is located is not visible from view from residential  
1218 districts or roads designated as an arterial. Aeronautical storage may be located  
1219 in front of the principal building.

1220  
1221 Repair and Manufacturing

1222 All repair and manufacturing processes conducted within 300 feet of a residential  
1223 district shall be in completely enclosed buildings. Processes located at a greater  
1224 distance may be located outdoors if enclosed by a solid wall or fence at least six  
1225 feet high.  
1226 (q. Ord 2011-U, 12.06.2011)

1227  
1228 q) CENTRAL BUSINESS DISTRICT

1229  
1230 1) Location

1231 The Central Business District is located as indicated on the City Zoning Map.

1232  
1233 2) Purpose and Intent

1234 The intent of this zone is to promote infill and redevelopment, encourage pedestrian  
1235 oriented development, to enhance the urban character of the historic shop front buildings  
1236 and promote compatibility between adjacent residential and non-residential uses by  
1237 establishing development and design standards... It is intended that the mix of uses  
1238 within this zone primarily refers to vertical mixed use where retail or commercial are on the  
1239 ground floor and residential or commercial are above. This section is intended to override  
1240 the dimensional and parking requirements that are listed for the zoning categories in other  
1241 sections of the Land Development Regulations.

1242  
1243 3) Permitted Uses

1244 The uses within the Central Business District are those uses permitted to emphasize the  
1245 pedestrian orientation of the district, thus businesses or uses which have a drive  
1246 thru or drive in component as part of their operation shall require a special  
1247 exception use.

- 1248 a. Antique shops
- 1249 b. Art galleries
- 1250 c. Art, photography, dance and music instruction studios
- 1251 d. Artisan/Craftsman shop
- 1252 e. Bakery/Pastry shop with retail sales and consumption on premises
- 1253 f. Banks without drive thru facilities
- 1254 g. Bars, lounges and nightclubs
- 1255 h. Business Services
- 1256 i. Clubs, Lodges and Fraternal Organizations
- 1257 j. Coffee Shop with retail sales and consumption on premises
- 1258 k. Cosmetic and Skin Care Treatment Businesses
- 1259 l. Craft Micro Brewery, Winery, Distillery
- 1260 m. Deli/Cheese Shop with retail sales and consumption on premises
- 1261 n. Donut Shop with retail sales and consumption on premises without drive  
1262 thru facilities
- 1263 o. Florist
- 1264 p. Financial Services
- 1265 q. Grocery Store
- 1266 r. Hardware, home supply, home decorating and paint stores
- 1267 s. Hotel
- 1268 t. Ice Cream Shop with retail sales and consumption on premises
- 1269 u. Jewelry Store
- 1270 v. Professional Offices
- 1271 w. Personal Services
- 1272 x. Residential above the 1<sup>st</sup> floor
- 1273 y. Pet Supply Store
- 1274 z. Pharmacy/Drug Store without drive thru facilities
- 1275 aa. Retail Sales
- 1276 bb. Restaurants without drive thru facilities
- 1277 cc. Sidewalk cafes
- 1278 dd. Specialty Shops
- 1279 ee. State-licensed massage therapists
- 1280 ff. Tailor/Seamstress Shops
- 1281 gg. Variety Shops
- 1282 hh. Uses of similar nature that can be conducted in a fully enclosed building,  
1283 and can demonstrate, to the City's satisfaction, the ability through design and  
1284 operational standards, to be compatible with adjacent land uses and in compliance  
1285 with this Code.

1286  
1287 4) Uses Permitted as Special Exception Uses Upon Approval of the City Council  
1288

- 1289 A) Convenience store with fuel operations
- 1290 B) Motor Vehicle and Boat sales
- 1291 C) Motor Vehicle and Boat storage facilities
- 1292 D) Motor Vehicle repair facilities
- 1293 E) Motor Vehicle service center
- 1294 F) Pharmacy/Drug Store with drive thru facilities

- 1295 G) Restaurants/Donut shops with drive thru facilities
- 1296 H) Tire repair facilities
- 1297
- 1298 5) Uses Expressly Prohibited
- 1299
- 1300 A) Adult Entertainment
- 1301 C) Any use prohibited by City, State or Federal law
- 1302

1303 6) Other possible uses

1304 Uses which, because of their uniqueness, are not specifically identified as  
 1305 permitted uses or special exception uses, may be permitted as conditional uses  
 1306 pursuant to Chapter 7 of this Code.

1307  
 1308  
 1309  
 1310 Storage shall be limited to accessory storage of commodities sold at retail on the premises  
 1311 and storage shall be within a completely enclosed building. In addition, residential uses  
 1312 are allowed above ground floor commercial, retail, and general business uses at a density  
 1313 not to exceed 12 du / acre. Residential development is not intended to be free standing  
 1314 apartment complexes or subdivisions. Outside consumption and sales of alcoholic  
 1315 beverages may be permitted pursuant to Chapter 6, Section 3, b) 12, provided that doing  
 1316 so is in accordance with all applicable statutes, ordinances, and regulations.

1317  
 1318  
 1319 7) Dimensional Requirements Chart

1320  
**Setbacks**

SR 19 setback	Minimum – 0’ – Maximum – 50’
Front setback	Minimum – 0’ Maximum – 25’ <sup>1, 2</sup>
Side setback (road)	Minimum – 0’ Maximum – 75’ <sup>1, 2</sup>
Side setback (adjacent to parcel)	Minimum – 0’ Maximum – 15’
Rear setback (adjacent to residential zoning)	15’
Rear setback (adjacent to any other commercial zoning or street)	Minimum – 0’ Maximum – 15’

**Building Form**

Percentage of the primary street façade built to the front setback line	50% to 100%
Road frontage (lot width) minimum	Minimum 50’ – Maximum 300’
ISR maximum	.75 new construction, 1.0 for existing development (no greater ISR than existing condition for re-development)
Open space minimum	25% new construction, 0% for existing development (no less open space than existing condition for re-development)

**Height**

Building height maximum	48’ <sup>3</sup>
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1321  
 1322 Notes

- 1323 1) All floors must have a primary ground-floor entrance that faces the primary or side street.
- 1324 2) Loading docks, overhead doors, and other service entries are prohibited on primary street-
- 1325 facing façades.

1326 3) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered  
1327 existing, non-conforming structures. For new construction, building heights may exceed the  
1328 maximum height if all applicable requirements of the National Fire Protection Code are met.  
1329

1330  
1331  
1332 8) Reduced Parking Requirements  
1333

1334 All new development and redevelopment which expands the existing footprint or increases  
1335 the square footage requiring the City's approval of a site plan within the Central Business  
1336 District due to site constraints or other factors may provide fifty percent (50%) of the  
1337 parking requirements outlined in Chapter 14. Parking may be provided on-site, off-site  
1338 within 600' of the property or as shared parking. Shared parking may be in the form of  
1339 public parking. Private parking may be used for shared parking as well, provided  
1340 agreements satisfactory to the City are obtained by the property owner to use the private  
1341 parking.  
1342

1343 On corner lots, parking drive shall not be located on the street which the primary building  
1344 façade faces unless the same already exists.  
1345

1346 Bicycle parking must be provided as required per Chapter 14.  
1347

1348  
1349 9) Encroachments Into Setbacks  
1350

1351 Canopies, awnings, and balconies may encroach into the setback line or sidewalk within  
1352 City right of way as indicated below.  
1353

**Encroachments**

Front	6' maximum <sup>1</sup>
Side street	4' maximum <sup>1</sup>
Rear	4' maximum <sup>1</sup>

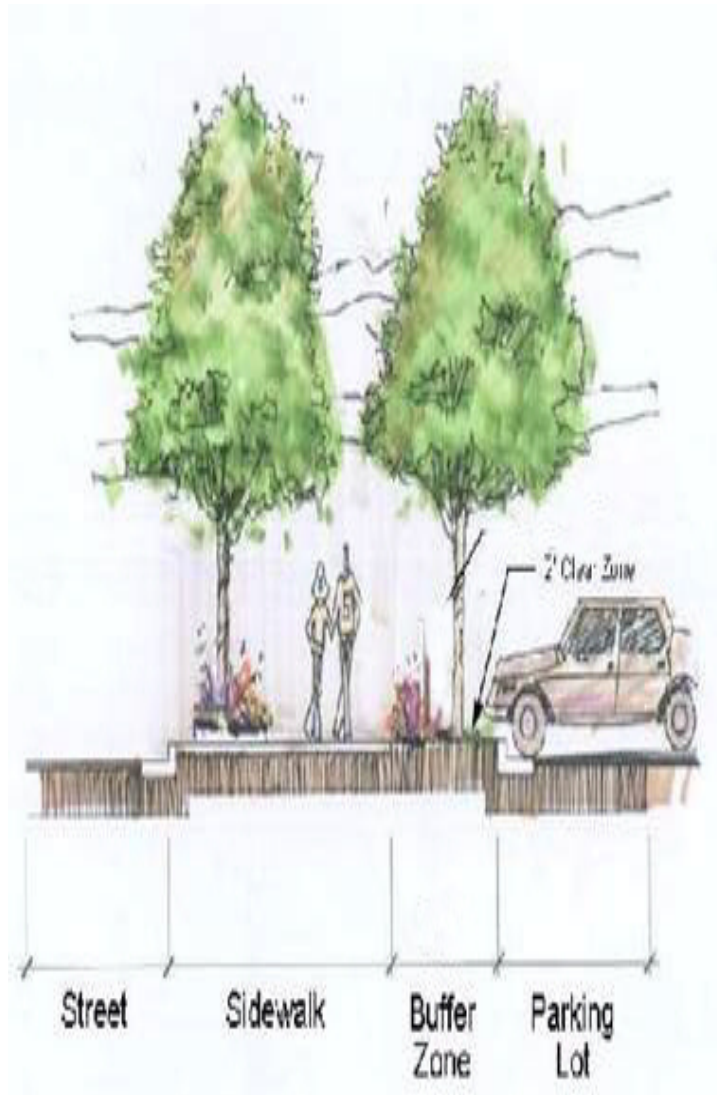
1354  
1355 Notes

1356 1) Sidewalk seating, such as sidewalk cafes, may encroach onto the sidewalk within City  
1357 right of way, but must leave an aisle of 5 feet.  
1358

1359 10) Landscape Requirements  
1360

1361 Parking lots within the Central Business District may be exempt from the requirements of  
1362 Chapter 15, Section 6, Internal Landscaping due to site constraints or other factors. If  
1363 exempt from full requirements, the following shall be provided: perimeter buffering of  
1364 parking lots are a minimum of five feet (5') wide with a three foot (3') planted area and  
1365 provided that a two foot (2') parking overhang is included as illustrated below. A  
1366 continuous hedge is required as well as one (1) understory tree per thirty feet (30').  
1367 Ground covers may consist of sod in the overhang area and plant material other than sod  
1368 for the balance of the ground cover. All other landscaping and irrigation requirements  
1369 must comply with Chapter 15.  
1370

1371 A typical parking lot buffer within Central Business District is shown on the following  
1372 exhibit.

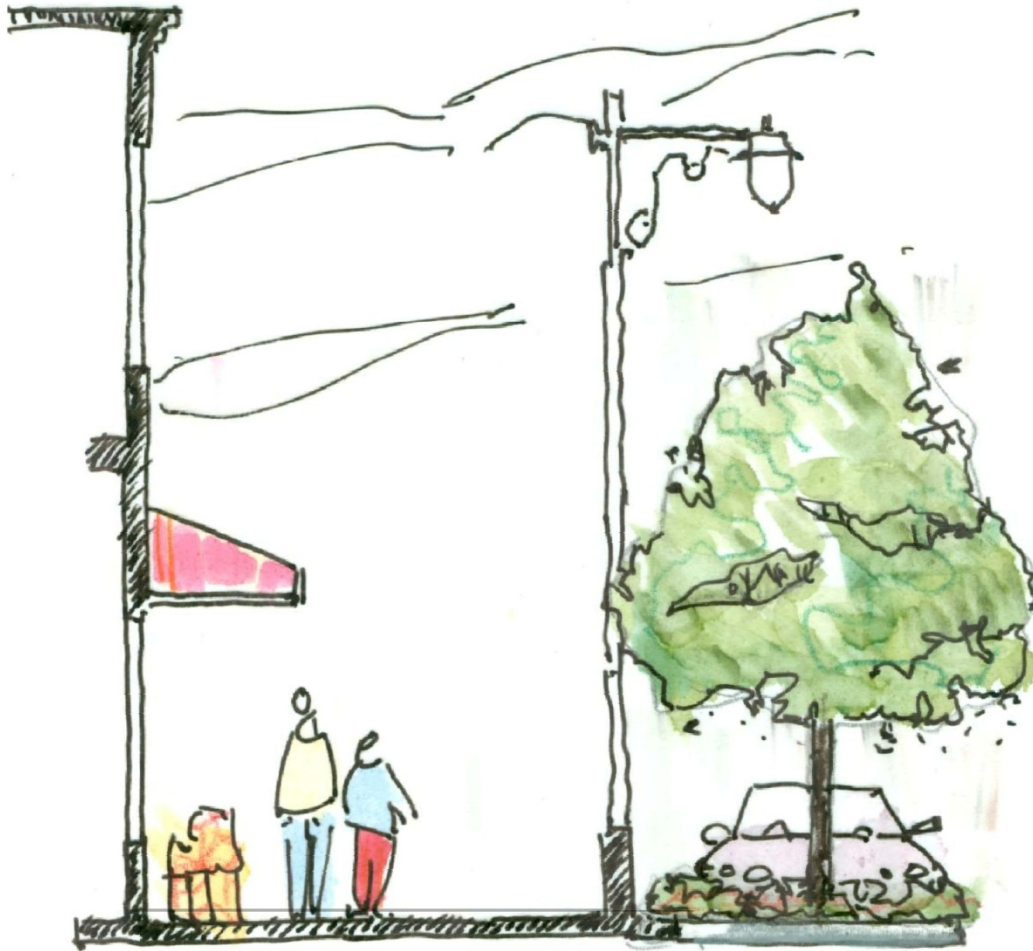


Typical Parking Lot Buffer

1373  
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11) Storefront and Walkway Zones

The sidewalk can be divided into two zones of activity as shown on the following exhibit.



5'	5'	10'
Storefront Zone	Walkway Zone	Bump-out

**Typical Walkway and Bump-Out**

A)

**The Storefront Zone**

Description and Usage - The storefront zone is the business' front yard. It should allow easy access to the front door, room for "window shopping" and protection from inclement weather through awnings and doorways. Portable signage of six (6) square feet or less, movable planters, and outdoor displays may be placed within the storefront zone.

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- B) The Walkway Zone  
 Description and Usage -The main function of the walkway zone portion of the sidewalk is for pedestrian circulation. This zone of the sidewalk should be kept clear of impediments at all times. This area is protected by the bump out zone on the street side and the storefront zone on the building side.
- 1) Pedestrian movement is the priority function for narrow sidewalks. This may mean that the storefront and bump out zone will need to be reduced or eliminated. The following provides guidelines for the various zones.
- a) Sidewalks up to 5' wide: Walking Zone minimum 5'
  - b) Sidewalks 5' to 8' wide: Walking Zone - minimum 5'  
Storefront Zone – 0' to 3' maximum
  - c) Sidewalks 8' to 10' wide: Walking Zone minimum 5'  
Storefront Zone – 3' to 5' maximum

CITY OF UMATILLA SCHEDULE OF SETBACK REQUIREMENTS			
MINIMUM BUILDING SETBACK IN FEET (FT) <sup>1</sup>			
DISTRICT	FRONT	SIDE <sup>2</sup>	REAR
AR-1	25	10	15
R-3	25	10	15
UR-5	25	7.5	15
R-5	25	5	15
MF-8	25	5	10
MF-12	25	7.5	*
MHRP-8	20	5	10
MHS - 8	20	5	10
PFD	25	15	15
PUD	**	**	**
RP	20	10	15
TC-12	20	10	15
C-1	20	10	25
C-2	20	10	25
CBD	SEE DIMENSIONAL REQUIREMENTS		
LM	50	25	25
AZ	25	5	10

1423  
 1424  
 1425  
 1426

1. Setbacks between buildings are measured from eave to eave. Setbacks from property line are measured from property line to eave of building.
2. For corner lots, the side yard setback from the secondary street is 15'.

1427 \* Not less than twenty percent (20%) of lot depth but not exceed thirty (30) feet  
1428 \*\* Setbacks for PUD's are flexible, however; in no case shall the rear or side setback be less than 10  
1429 feet between structures.

1430  
1431 Setbacks from all arterial roadways shall be 50' from the right of way. The City Manager or designee  
1432 may waive this requirement based on submittal of justification such as, but not limited to, evidence of  
1433 sufficient right of way, speed limit, and safety

1434 Setbacks from all collector roadways shall be 35' from the right of way. The City Manager or designee  
1435 may waive this requirement based on submittal of justification such as, but not limited to, evidence of  
1436 sufficient right of way, speed limit, and safety

1437  
1438 (Ord 2017-D, 08.01.2017)

1439  
1440  
1441 **SECTION 3: OVERLAY DISTRICTS** (adopted Ord 2013-B, 02.21.20123)

1442  
1443 a) PRIMARY DOWNTOWN DISTRICT OVERLAY

1444  
1445 1) Location  
1446 The Primary Downtown District is located as indicated on Overlay Map.

1447  
1448 2) Purpose and Intent  
1449 The intent of this zone is to enhance character of the existing commercial areas. The  
1450 physical form and uses are regulated to reflect the urban character of the historic shop  
1451 front buildings. It is intended that the mix of uses within this zone primarily refers to  
1452 vertical mixed use where retail or commercial are on the ground floor and residential or  
1453 commercial are above. This section is intended to override the dimensional and parking  
1454 requirements that are listed for the zoning categories in other sections of the Land  
1455 Development Regulations.

1456  
1457 3) Permitted Uses  
1458 The uses permitted within the Primary Downtown District Overlay district are those uses  
1459 that would be allowed per the C-1 zoning category pursuant to Chapter 6, Section 2, and  
1460 the following: restaurants, banks, bars, lounges, and night clubs, health/exercise clubs,  
1461 hotels and motels; and sidewalk cafes pursuant to Chapter 6, Section 3, b) 11. In addition,  
1462 residential uses are allowed above ground floor commercial, retail, and general business  
1463 uses at a density not to exceed 12 du / acre. Residential development is not intended to  
1464 be free standing apartment complexes or subdivisions. Outside consumption and sales  
1465 of alcoholic beverages may be permitted pursuant to Chapter 6, Section 3, b) 12, provided  
1466 that doing so is in accordance with all applicable statutes, ordinances, and regulations.

1467  
1468  
1469 4) Dimensional Requirements Chart

1470 **Setbacks**

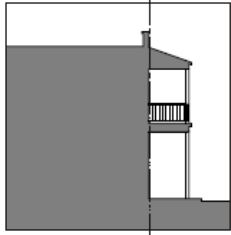
Front setback	None <sup>1, 2</sup>
Side setback (road)	None <sup>1, 2</sup>
Side setback (adjacent to parcel)	None
Rear setback (adjacent to residential zoning)	8'
Rear setback (adjacent to any other commercial zoning or street)	None

**Building Form**

Percentage of the primary street façade built to the front setback line	80% minimum
Road frontage (lot width) minimum	None
ISR maximum	.75 new construction, 1.0 for existing development (no greater ISR than existing condition for re-development)
Open space minimum	25% new construction, 0% for existing development (no less open space than existing condition for re-development)
<b>Height</b>	
Building height maximum	48' <sup>3</sup>

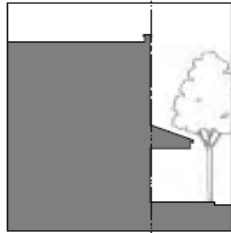
- 1471
- 1472 Notes
- 1473 1) All floors must have a primary ground-floor entrance that faces the primary or side
- 1474 street.
- 1475 2) Loading docks, overhead doors, and other service entries are prohibited on primary
- 1476 street-facing façades.
- 1477 3) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered
- 1478 existing, non-conforming structures. For new construction, building heights may exceed
- 1479 the maximum height if all applicable requirements of the National Fire Protection Code are
- 1480 met.
- 1481
- 1482 5) New Construction or Alteration
- 1483
- 1484 The plans for the construction of a new structure or for modification of an existing structure for
- 1485 an amount that exceeds fifty (50%) of its appraised value impacting the exterior appearance
- 1486 of such structure in the Primary Downtown District and Five Points Overlay Districts must be
- 1487 submitted to the City for review of the TRC and Planning and Zoning Commission. The
- 1488 Planning and Zoning Commission shall make a recommendation on such plans to the City
- 1489 Manager who shall approve, deny, or approve with conditions the submitted plans. An appeal
- 1490 to the decision made by the City Manager or designee may be made pursuant to Chapter 3,
- 1491 Section 5, b).
- 1492
- 1493 In considering approval for new construction, the TRC, Planning and Zoning Commission, and
- 1494 City Manager or designee shall consider the following guideline:
- 1495
- 1496 Architectural details including street facades, materials, colors, textures, roof lines, and
- 1497 window styles shall be designed to make a new structure or alteration compatible with its
- 1498 original architectural style and character, and the surrounding structures in the Primary
- 1499 Downtown Overlay District and the Five Points Overlay District, as applicable.
- 1500
- 1501 6) Frontage Façade Styles
- 1502
- 1503 The existing downtown commercial area consists of three (3) types of frontage façade styles
- 1504 as indicated below. All redevelopment and new development must provide one (1) of the
- 1505 three (3) styles.
- 1506
- 1507

1508  
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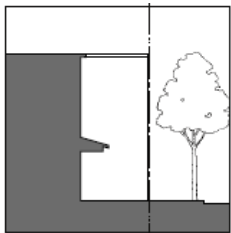
**Gallery:** The main façade of the building is at the frontage line and the gallery element overlaps the sidewalk. The entry should be at the same grade as the sidewalk. This type can be one or two stories and is intended for retail uses. The gallery should extend close enough to the curb so that a pedestrian cannot bypass it. Due to the overlap of the right-of-way, an easement is usually required. A minimum depth is required within the development standards to ensure usability. This type is appropriate for ground floor commercial uses.

1510  
1511



**Awning:** The main façade of the building is at or near the frontage line and the canopy or awning element may overlap the sidewalk. The canopy is a structural, cantilevered, shed roof and the awning is canvas or similar material and is often retractable. The coverings should extend far enough from the building to provide adequate protection for pedestrians. This type is appropriate for retail and commercial uses only because of the lack of a raised ground story.

1512  
1513



**Forecourt:** The main façade of the building is at or near the frontage line and a small percentage of it is set back, creating a small court space. The space could be used as an entry court or shared garden space for apartment buildings, or as an additional shopping or restaurant seating area within commercial zones. The proportions and orientation of these spaces should be carefully considered for solar orientation and user comfort. This frontage type should be used sparingly and should not be repeated within a block. A short wall, hedge, or fence should be placed along the undefined edge.

1514  
1515

7) Reduced Parking Requirements

1516  
1517

All new development and redevelopment which expands the existing footprint or increases the square footage requiring the City’s approval of a site plan within the Primary Downtown District Overlay district shall be required to provide fifty percent (50%) of the parking requirements outlined in Chapter 14. Parking may be provided on-site, off-site within 600’ of the property or as shared parking. Shared parking may be in the form of public parking. Private parking may be used for shared parking as well, provided agreements satisfactory to the City are obtained by the property owner to use the private parking.

1518  
1519

On corner lots, parking drive shall not be located on the street which the primary building façade faces unless the same already exists.

1520  
1521

Bicycle parking must be provided as required per Chapter 14.

1522  
1523

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8) Amenities Bank

1530  
1531

An amenities bank fund is established by the City to provide an opportunity to make a cash payment to the City in exchange for installing up to 25% of the required parking spaces outlined in Chapter 6, Section 3, a, 7. The amenities bank shall be a dedicated fund used expressly for transportation related improvements in the Primary Downtown District and Five Points District such as sidewalk improvements, public parking improvements, and bicycle parking racks.

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1539

Calculations for payments into the amenities bank fund shall be the equivalent of the permitting and development and land cost for each parking space exchanged. This cost

1540

1541 shall be determined by submittal of a cost analysis prepared, signed and sealed by an  
1542 appropriate registered professional reasonably approved by the City Manager or his  
1543 designee at the property owner's expense and submitted to the City Manager or designee.  
1544 In the event the City does not agree with the cost analysis submitted by the property  
1545 owner, City may obtain a cost analysis at City's expense and the average of the two  
1546 analyses shall be the amount required to be paid by the applicant into the amenities bank  
1547 fund.

1548  
1549 Any payments required to be made to the amenities bank fund shall be made upon  
1550 approval of the final site plan. No building permit shall be issued until such payment has  
1551 been made.

1552  
1553 Under no circumstances will the City be required to refund monies deposited into the  
1554 amenities bank fund pursuant to this Chapter 6, Section 3(a)(8).

1555  
1556 9) Encroachments Into Setbacks  
1557  
1558 Canopies, awnings, and balconies may encroach into the setback line or sidewalk within  
1559 City right of way as indicated below.

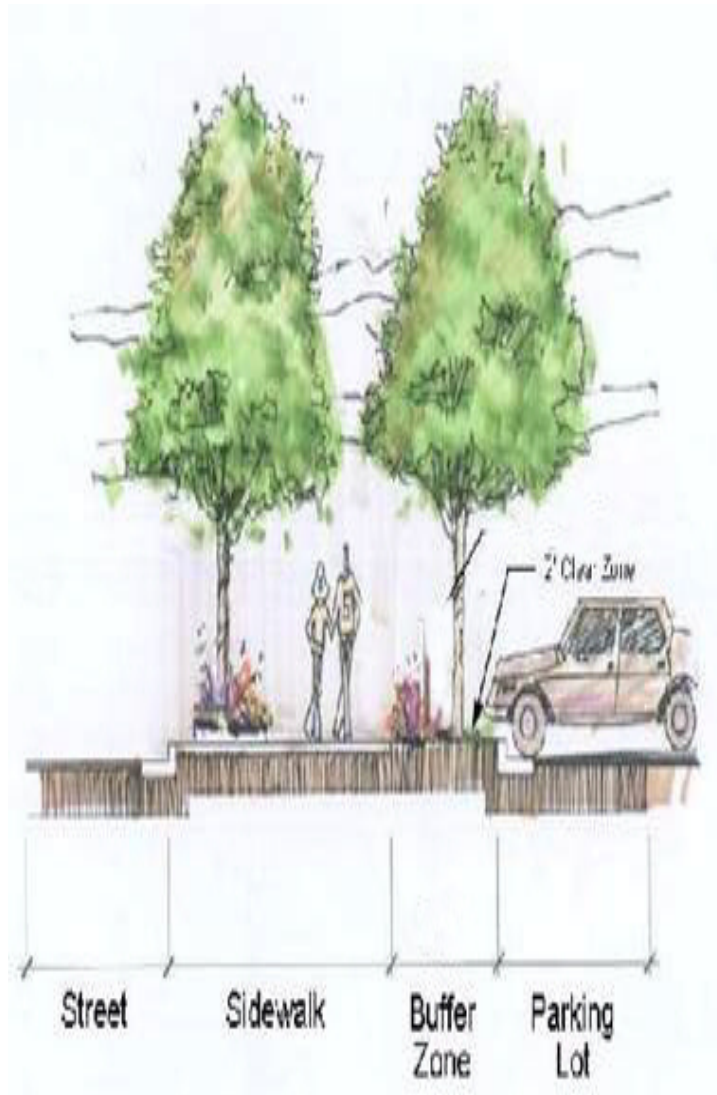
1560

<b>Encroachments</b>	
Front	6' maximum <sup>1</sup>
Side street	4' maximum <sup>1</sup>
Rear	4' maximum <sup>1</sup>

1561  
1562 Notes  
1563 2) Sidewalk seating, such as sidewalk cafes, may encroach onto the sidewalk within City  
1564 right of way, but must leave an aisle of 5 feet.

1565  
1566 10) Landscape Requirements  
1567  
1568 Parking lots within the Primary Downtown District Overlay shall be exempt from the  
1569 requirements of Chapter 15, Section 6, Internal Landscaping provided that perimeter  
1570 buffering of parking lots are a minimum of five feet (5') wide with a three foot (3') planted  
1571 area and provided that a two foot (2') parking overhang is included as illustrated below. A  
1572 continuous hedge is required as well as one (1) understory tree per thirty feet (30').  
1573 Ground covers may consist of sod in the overhang area and plant material other than sod  
1574 for the balance of the ground cover. All other landscaping and irrigation requirements  
1575 must comply with Chapter 15.

1576  
1577 A typical parking lot buffer within Primary Downtown District Overlay is shown on the  
1578 following exhibit.

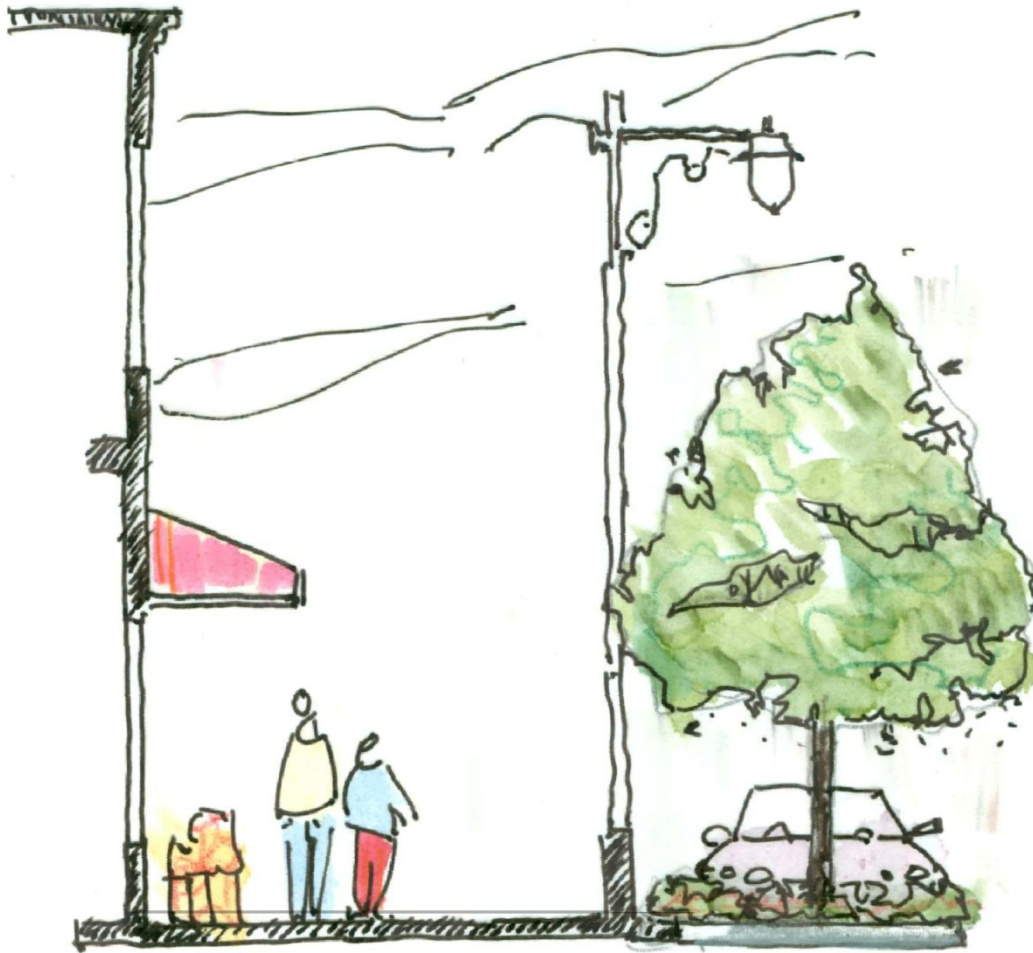


Typical Parking Lot Buffer

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1580  
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11) Storefront and Walkway Zones

The sidewalk can be divided into two zones of activity as shown on the following exhibit.



5'	5'	10'
Storefront Zone	Walkway Zone	Bump-out

**Typical Walkway and Bump-Out**

1590  
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**A) The Storefront Zone**

Description and Usage - The storefront zone is the business' front yard. It should allow easy access to the front door, room for "window shopping" and protection from inclement weather through awnings and doorways. Portable signage of six (6) square feet or less, movable planters, and outdoor displays may be placed within the storefront zone.

**B) The Walkway Zone**

Description and Usage -The main function of the walkway zone portion of the sidewalk is for pedestrian circulation. This zone of the sidewalk should be kept

1606 clear of impediments at all times. This area is protected by the bump out zone on  
1607 the street side and the storefront zone on the building side.

1608  
1609 1) Pedestrian movement is the priority function for narrow sidewalks. This  
1610 may mean that the storefront and bump out zone will need to be reduced  
1611 or eliminated. The following provides guidelines for the various zones.

1612  
1613 a) Sidewalks up to 5' wide: Walking Zone minimum 5'

1614  
1615 b) Sidewalks 5' to 8' wide: Walking Zone - minimum 5'  
1616 Storefront Zone – 0' to 3' maximum

1617  
1618 c) Sidewalks 8' to 10' wide: Walking Zone minimum 5'  
1619 Storefront Zone – 3' to 5' maximum

1620  
1621  
1622 c) **SECONDARY DOWNTOWN DISTRICT OVERLAY**

1623  
1624 1) Location  
1625 The Secondary Downtown District is located as shown on the Overlay Map

1626  
1627 2) Purpose and Intent  
1628 The intent of the Overlay District is to allow older residential areas to evolve into a  
1629 combination of residences and restricted professional business services and low intensity  
1630 commercial uses. As this area evolves from a predominantly residential area to a  
1631 commercial area, a decline in residential density is anticipated.

1632  
1633 3) Permitted Uses  
1634 The uses permitted within the Secondary Downtown District Overlay district are those  
1635 uses that would be allowed per the parcels' zoning category pursuant to Chapter 6. In  
1636 addition, business services, offices for professional services, personal services, medical  
1637 office/clinic, and bed and breakfast inns would be allowed.

1638  
1639 4) Dimensional Requirements Chart

1640  
1641

<b>Setbacks</b>	
Front setback	20'
Side setback (road)	20'
Side setback (adjacent to parcel)	10'
Rear setback	15'
<b>Building Form</b>	
Road frontage (lot width) minimum	50'
ISR maximum	.75
Open space minimum	25%
<b>Height</b>	
Building height maximum	35' <sup>1</sup>

1642  
1643 Notes



1644 (1) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered  
1645 existing, non-conforming structures. For new construction, building heights may exceed the  
1646 maximum height if all applicable requirements of the National Fire Protection Code are met.  
1647

1648  
1649 5) Parking Requirements  
1650

1651 All new development and redevelopment within the Secondary Downtown District Overlay  
1652 must meet the parking and bicycle parking requirements outlined in Chapter 14.  
1653

1654 6) Off-Street Parking Design Standards  
1655

1656 A stabilized pervious parking surface material may be utilized as an alternative to paved  
1657 parking provided that the number of non-handicap parking spaces required equals 10  
1658 spaces or less; and parking spaces shall meet the minimum size requirements and each  
1659 space shall be designated by a wheel stop.  
1660

1661 Notwithstanding anything herein to the contrary, all handicap accessible spaces shall be  
1662 paved.  
1663

1664 7) Landscape Requirements  
1665

1666 Landscape requirements shall follow the buffer and landscape requirements in Chapter  
1667 15 as they relate to the RP zoning district. Internal parking lot landscape buffers may be  
1668 waived provided that a perimeter buffering of parking lots will be a minimum of 5' wide with  
1669 a 3' planted area and include a 2 foot parking overhang. A continuous hedge is required  
1670 as well as 1 understory tree per 30'. Ground covers may consist of sod in the overhang  
1671 area and plant material other than sod for the balance of the ground cover.  
1672

1673 (Section 3 Ord. 2013-B, 02/21/2013)  
1674  
1675

1676 **SECTION 4. RESIDENTIAL DESIGN STANDARDS**  
1677

1678 1) **Purpose and Intent.** It is the purpose of this section to establish standards for the architectural  
1679 design of development and redevelopment in the city. These standards apply to new residential  
1680 construction.  
1681

1682 2) **Applicability.**  
1683

1684 a. These design standards shall apply to any new residential construction within a subdivision,  
1685 formed by final plat after the effective date of this Section, and where the applicant  
1686 advocates, proposes, suggests, or exhibits a proposed plan, map, or plat of development of  
1687 land or proposes to create a street, right-of-way or easement that joins or connects to an  
1688 existing public street.  
1689

1690 b. The design standards as outlined in Section 4, 6(c) through Section 4, 6(h), inclusive shall  
1691 apply to all new residential construction within the City to which subparagraph (a) does  
1692 not apply unless exempt pursuant to subparagraph (c).

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- c. Existing development with a valid and active Planned Unit Development, Preliminary Plat, Final Construction Plan, or Building Permit as of the effective date of this Section shall not be required to meet design standards contained herein to the extent not required prior to the effective date of this Section, but are permitted to comply with the same.
  - 3) **Development Plans.** Any new preliminary plat, final construction plans, preliminary/final planned unit development, or application for building permit shall comply with this code unless exempted under item 2 above.
  - 4) **Administrative Review and Approval.**
    - a. Application Review. The City Manager or designee shall review all applications for compliance with the residential design standards. Upon determination of compliance the City Manager or designee will approve the application. The City Council shall review and approve all residential design standards associated with a Planned Unit Development.
    - b. Administrative Variance. The City Manager or designee may issue an administrative variance to the residential design standards on a case by case basis.
    - c. Right to appeal to the City Council.
  - 5) **Submittals.** The applicant shall submit, with the appropriate applications, a conceptual site plan, building elevations, and floor plans with sufficient detail to ensure that the intent of this section is met.
  - 6) **Design Standards.**
    - a. General Neighborhood Design and Layout.
      - 1. Driveways must be 25' from house side of sidewalk to garage and accommodate vehicles without protruding into sidewalk.
      - 2. Lot sizes and patterns within a neighborhood shall be varied to avoid monotonous streetscapes and to provide a diverse range of housing styles. The widths and depths of lots should vary at the discretion of the developer; however, no lot shall be less than the minimum standards established for the zoning district. Larger building types set on large lots are encouraged for corners and at prominent intersections. Smaller lots are encouraged surrounding or adjacent to common open spaces.
      - 3. Neighborhood design should respect the character of the existing topography and maximize preservation of environmental areas and native vegetation.
      - 4. Front elevations shall be designed to emphasize entries, porches, and other residential use features and to de-emphasize vehicular use areas and garages.
      - 5. A higher level of elevation design and finish shall be maintained on both faces of corner lots with similar articulation and detail on both street-facing facades.
      - 6. Driveways on corner lots are encouraged to be located as far as possible from street intersections.
    - b. Housing Model and Style Variety.

- 1739 1. Each development of 50 or more homes shall have at least seven (7) base models,  
1740 developments of less than 50 units but more than 20 units, shall have at least five (5)  
1741 base models, and developments less than 20 units shall have at least three (3) base  
1742 models. Each base model proposed may have multiple variances and design options  
1743 available for customization.
- 1744 2. Each single family residence or duplex building shall present an individual character  
1745 through building placement, floorplan, exterior elevation, and color. No two  
1746 buildings with the same exterior elevation shall be located adjacent to one another.  
1747 Flexibility in the building elevation variation requirements may be considered at the  
1748 discretion of the City Manager or designee provided the overall intent of this Section  
1749 is maintained.

1750

1751 c. Architectural Styles and Components.

1752

- 1753 1. While the City does not wish to discourage creativity or uniqueness in housing  
1754 design, architectural styles that represent identifiable historic styles are preferred in  
1755 order to promote quality neighborhood design and compliment community identity.
- 1756 2. Desired Architectural Components. The following list of architectural components  
1757 represents a partial list of desired elements associated with traditional residential  
1758 architecture. Not all residential styles or buildings will contain every element in  
1759 the list, but must include components consistent with the established style.
- 1760 A. Open air front or wrap around porches;  
1761 B. Stoops;  
1762 C. Overhangs and awnings;  
1763 D. Gable or hip type roofs;  
1764 E. Second story balconies;  
1765 F. Decorative roof treatments, including, but not limited to, pediments, dormers,  
1766 ridge cresting, decorative bridgeboard, stickwork, brackets, rafter tails, and  
1767 decorative shingles; and  
1768 G. Decorative window treatments, including, but not limited to, double-hung  
1769 windows, arched windows, transoms, bay windows, and louvered shutters.

1770

- 1771 d. The mixing of elements from multiple architectural styles within a single residential  
1772 building is discouraged.

1773

1774 e. Roof Elements.

- 1775 1. All roof projections, including chimneys, dormers, flues and vents shall be  
1776 compatible in scale, height and material with the structure from which they project.  
1777 Chimney hardware must be screened within an architectural feature such as a  
1778 decorative chimney cap in keeping with the architectural style of the home.
- 1779 2. Gutters and downspouts are highly encouraged as long as they are consistent with  
1780 the established architectural style of the residential building.
- 1781 3. When overhangs and awnings are included, they shall be no less than two (2) feet  
1782 deep when measured perpendicular to the building face, to function as an energy  
1783 conservation measure and/or to protect people and the house from inclement

1784 weather. Required setbacks shall be measured from the bearing wall of the primary  
1785 structure and not the overhang/awning.

1786  
1787 f. Windows and Doors.

- 1788  
1789 1. All front, street-facing facades shall have windows and doors covering at least  
1790 twenty-five percent (25%) of the primary front façade (exclusive of the garage  
1791 façade in calculating this area).  
1792 2. The front entry of the residential entry should be in scale with the façade and  
1793 designed appropriate to the established architectural style of the building.

1794  
1795 g. Exterior Finishes.

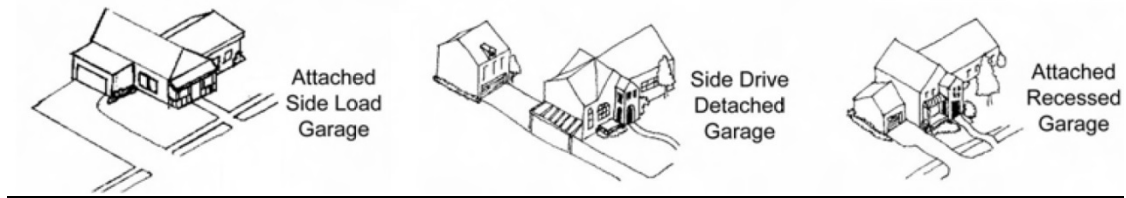
- 1796 1. Exterior finishes shall be consistent with the established architectural style of the  
1797 residential building.  
1798 2. Acceptable finishes may include wood, cement board, brick, rock and masonry.  
1799 Stucco is acceptable if consistent with the established architectural style of the  
1800 building.  
1801 3. Prohibited finishes include exterior insulation finish systems (EIFS), foam  
1802 moldings, and vinyl siding.  
1803 4. Simulated materials such as synthetic brick siding/paneling and stone veneer will  
1804 be held to a higher level of scrutiny to assess quality and natural appearance.  
1805 Samples of such materials may be required to be submitted with the application for  
1806 review and approval by the City Manager or designee.

1807  
1808 h. Garages.

- 1809 1. Garages are encouraged to be located to the side or rear of a residential lot.  
1810 Illustration 1 shows several recommended alternative locations for garages.  
1811  
1812 2. Garages shall not comprise more than thirty (30%) percent of the front of the  
1813 residence.  
1814  
1815 3. Garages facing the street shall be offset at least five (5) feet from the primary front  
1816 facade of the home.  
1817  
1818 4. Garage doors should be simple in design with door patterns and accent colors  
1819 complementary to the architectural character of the home. Windows are  
1820 encouraged to reduce the visual impact.  
1821  
1822 5. Side-facing garage doors must incorporate a minimum of fifteen percent (15%) in  
1823 area windows and trim on the wall facing the front street.  
1824  
1825 6. No more than seventy-five percent (75%) of the lots in a proposed subdivision are  
1826 permitted to contain front loaded garages. If a project is proposed in multiple  
1827 phases, each phase must meet this requirement individually.  
1828

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7. One-car garage must be a minimum of 12 feet x 20 feet interior size. The number of garage spaces required shall be consistent with the underlying zoning district of this Code.



1833  
1834  
1835  
1836

**Illustration 1**

1837  
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7) **Neighborhood Identity.** Special design elements located at the periphery and entrances of residential development create a distinctive image for the neighborhood. These entrances shall be designed as thresholds to change from public thoroughfares to quiet neighborhood streets with slower design speeds.

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a. All single family and duplex subdivisions of twenty (20) units or more are required to construct a development entrance with residential scaled landscaping, signage and streetscape patterns/furniture. Entrance features of consistent design are required at both primary and secondary entrances of each project to enhance the visual identify of the development.

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b. Pedestrian connections shall be provided to promote access to surrounding areas, including schools, public buildings, parks and nearby commercial areas.

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c. Lighting along roadways in developments should provide a smooth, even pattern that eliminates glare or light flow intrusion onto adjacent properties. Fixtures should be installed according to optimum spacing as recommended by the manufacturer. Light poles should not exceed twenty feet (20') in height. Illumination for vehicles in residential neighborhoods should be approximately 0.50 foot candles. Street lighting shall be designed consistent with the International Dark-Sky Association lighting principals.

1854  
1855  
1856

d. Decorative light fixtures are required to be provided consistently throughout the development and must be approved by the City Manager or designee.

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1858

(Section 4, Ordinance 2019-D, 03/19/19)

1859  
1860  
1861

**SECTION 5 – NON-RESIDENTIAL DESIGN STANDARDS**

1) **Purpose and Intent.** The purpose of these design standards is to:

- a) Contribute to the development of a well-planned urban environment by fostering the creation of visually compatible and harmonious streetscapes;
- b) Create and maintain a strong community image, identity and sense of place;
- c) Create and maintain a positive visual ambiance for the community;
- d) Enhance and sustain property values;

- e) Promote a high degree of compatibility between surrounding structures and land uses,
  - f) Establish and promote a standard for quality design and enduring quality development; and
  - g) Foster civic pride and community spirit by maximizing the positive impact of quality development.
- 2) **Applicability of Design Standards.** The design standards contained in this Section are applicable to all commercial, residential/professional, and multi-family development within the City limits. Industrial, civic and institutional uses are exempt. In the case of redevelopment of existing commercial properties, the standards shall apply if one or more of the following occur:
- a) The gross floor area is being increased by more than thirty-five percent (35%);
  - b) In the case of renovations to, or redevelopment of, an existing building or project, where the cost of renovation or redevelopment is greater than fifty (50) percent of the appraised value of the existing structure(s). Supporting documentation regarding the extent and cost of the redevelopment project must be submitted to the City for a determination of the applicability of this requirement.
  - c) Non-conforming structures and uses. The provisions of Chapter 3, Section 7 of this code shall apply to this section.
- 3) **Administrative Review and Approval.** The City Manager or designee shall review all applications for compliance with the non-residential design standards. Upon determination of compliance the City Manager or designee will approve the application. The City Council shall review and approve all non-residential design standards associated with a Planned Unit Development (PUD) during the PUD review process.
- a. **Administrative Variance.** The City Manager or designee may issue an administrative variance to the non-residential design standards on a case by case basis where site specific factors may impact the ability to meet these standards and are deemed to meet the overall purpose and intent set forth herein.
  - b. Right of appeal to City Council.
- 4) **Submittals.** Architectural drawings (complete front, sides, and rear elevations and overhead view of roof) of all structures shall be a required exhibit of any site plan required to be submitted for development approval. Such drawings shall be rendered in color prior to final project review by the City Manager or designee and shall include construction material specifications, color charts, structure dimensions, service area and mechanical equipment locations, outdoor storage area locations, screening devices, master lighting plan, and any other information as determined necessary by the City Manager or designee to ensure consistency with the intent of this Section. Final approval of all required project design submittals shall be by the City Manager or designee as part of the development approval process. Such approval shall include, but not be limited to, building elevations, roof type, construction materials, lighting, screening, colors and building orientation.
- 5) **Architectural Style and Application.** While no one particular architectural style is necessarily preferred over another, it is the intent of this Section to ensure a harmonious streetscape, compatibility between structures and well-designed transitions between architectural styles from project to project.

This shall be accomplished through utilization of the following techniques:

- a) Structures within the same parcel shall reflect similar architectural styles, material details and colors.
  
- b) Structures on different parcels, but within the same master development, shall reflect similar styles, and, at the discretion of the City Manager or designee, shall reflect similar materials, details and colors.
  
- c) Structures on different parcels not within the same development shall reflect styles and materials that are similar to surrounding structures and provide for an aesthetically compatible transition between structures.

- d) In locations where there is no established architectural pattern between adjacent structures, or where a change in established patterns will result in improved aesthetics, the City Manager or designee shall determine an acceptable style, construction materials and colors for new development or redevelopment.
- e) **Design Detail.** Buildings shall be designed to enhance the attractiveness of the city's streetscape. Buildings shall, through use of architectural details and scale, have architectural features and patterns that provide visual interest from the perspective of the pedestrian. The following techniques shall be incorporated into building design in order to accomplish such requirements. All buildings shall be required to provide a minimum of three (3) of the following exterior design treatments:
1. Canopies or porticos, integrated with building massing and style and extending at least five feet (5').
  2. Awnings installed in increments of fifteen feet (15') or less.
  2. Overhangs extending at least five feet (5').
  3. Dormers.
  5. Covered porch entries.
  6. Variation in roof lines.
  7. Arches.
  8. Ornamental and structural architectural details, such as bays, columns, gables, belt courses, lintels, pilasters and fascia.
  9. Clock towers, bell towers, cupolas and the like.
  10. Recessed entries (at least three feet from the primary façade).
  11. Protruding entries (at least three feet from the primary façade).
  12. Other similar treatments determined by the City Manager or designee to meet the intent of this section.



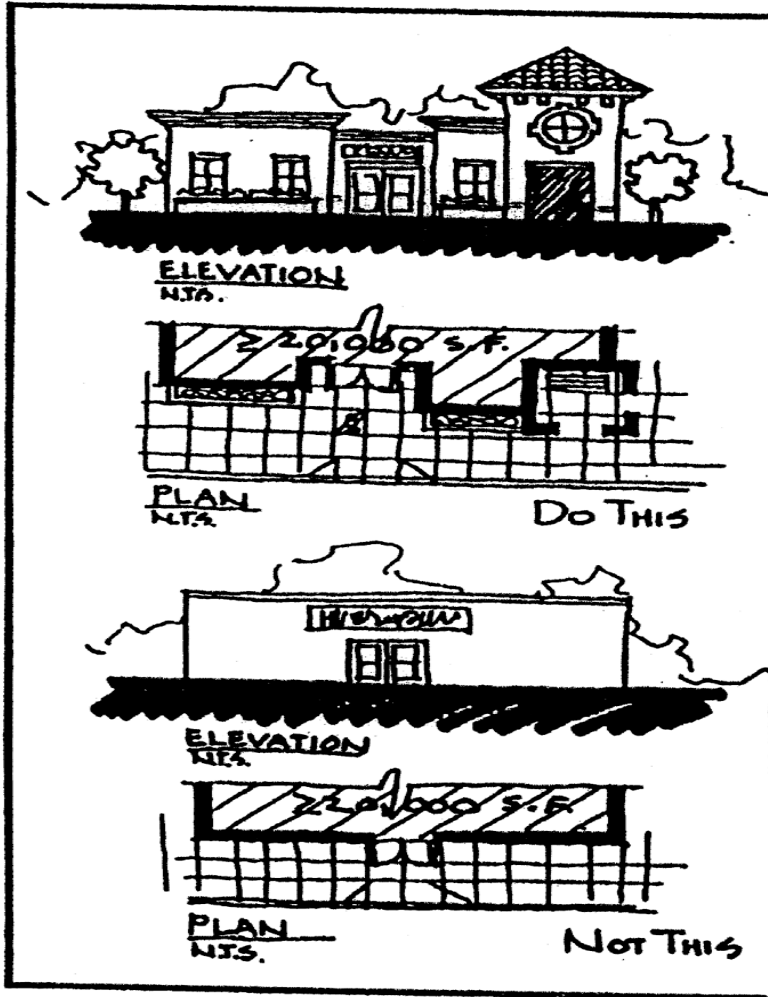


Illustration 1

- f) **Building Façade.** Building facades shall, on all sides that are, or will be, exposed to the general public, include a repeating pattern that shall consist of a minimum of two (2) of the elements listed below. At least one of the elements shall repeat horizontally.
1. Color change;
  2. Texture change;
  3. Material change;
  4. Pattern change;
  5. Architectural banding;
  6. Expression of architectural or structural bays, such as a reveal, an offset, or a projecting rib, through a change in plane of no less than 12 inches in width;

7. Building setbacks or projections, a minimum of 3 feet in width, on upper level(s).

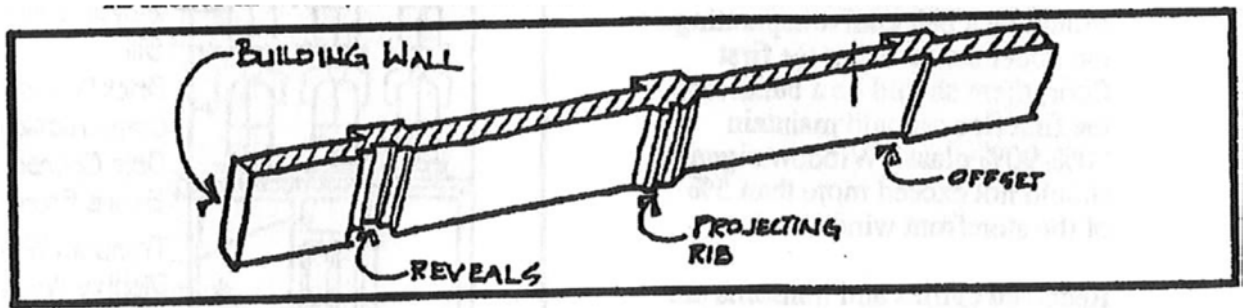


Illustration 2

- g) Windows shall be compatible in scale and height with the structure. All street facing facades shall have windows covering at least 33% of the primary façade. Windows shall be recessed or shall project at least one-half inch and shall include prominent sills, shutters, stucco relief or other such forms of framing.
  1. Glass shall be transparent without color, except for appropriate stained glass or art glass. The use of darkly tinted or reflective glass on windows and doors is prohibited.
  
- h) ~~Downtown Enhancement District~~ **Central Business District**. The ~~Downtown Enhancement~~ Central Business District shall provide a storefront character. **Subject to the administrative variance procedures set forth herein**, Buildings shall be a minimum of two stories or provide the appearance of a two story building. Large display windows shall be provided on the ground floor. Windows shall be placed along at least fifty percent (50%) of the front facing façade. The storefront shall contain at least eighty percent (80%) glass area. Windows shall be recessed or shall project at least one-half inch and shall include prominent sills. The interior backdrop shall be a minimum of two feet (2') back allowing for use as a display window. Glass shall conform to 5, g) 1. Windows on the upper floors shall appear as recessed openings within a solid wall, rather than windows separated only by their frames or curtain walls as in the storefront. A solid wall must appear to be the structural element. For wood frame construction, cornice and sill is an acceptable alternative; three inch minimum projection.
  1. Residential uses are limited to the upper floors of buildings above ground-level commercial and office uses.
  2. Where new buildings exceed 40 feet in width, the façade shall be visually subdivided into proportional bays, similar in scale to the adjacent buildings. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the façade.
  3. New construction and façade rehabilitation shall maintain horizontal and vertical spacing of elements similar to other buildings on the block.

4. New and reconstruction of existing storefronts shall include the basic features of a storefront. There should be a belt course separating the upper stories from the first floor; there should be a bulkhead. Recessed entries and transoms are encouraged.
5. Roof lines of new construction shall be similar to those in adjacent buildings. Gable roof shapes are acceptable if parapet walls hide the end wall.
6. Materials. Appropriate rehabilitation and new construction materials for all exposed surfaces shall include at least one of the following:
  - Brick
  - Masonry
  - Stone
  - Split-faced concrete block
  - Stucco
7. Detailing materials. Cast and molded metals, wood, fiberglass replications, gypsum detailing, structural glass when replicating a pre-1940 storefront design, architecturally detailed exterior insulation finish system (commonly known as Dryvit).
8. Prohibited materials for visible surfaces:
  - Wood, vinyl or aluminum siding
  - Wood, asphalt or fiberglass shingles
  - Structural ribbed metal panels
  - Corrugated metal panels
  - Plywood sheathing
  - Plastic sheathing

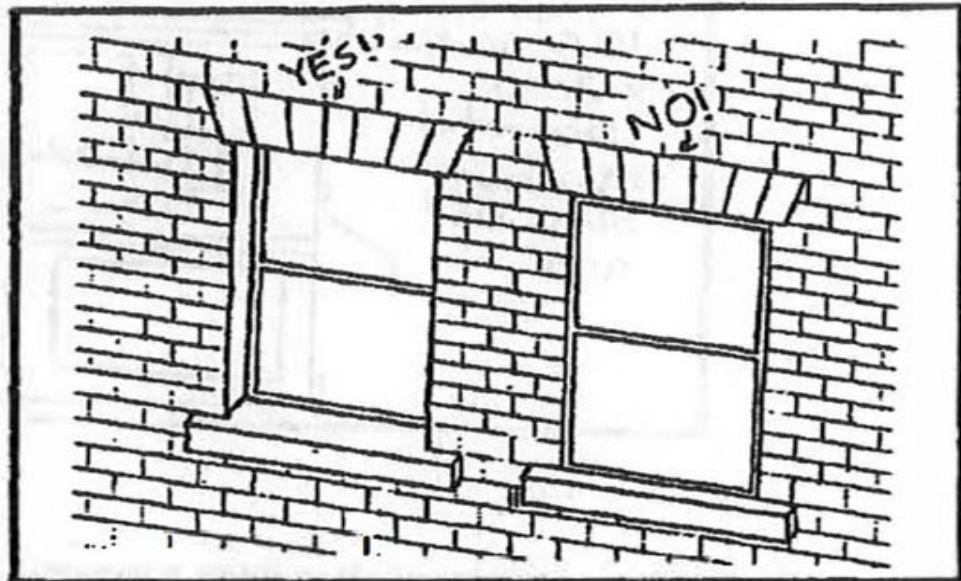


Illustration 3

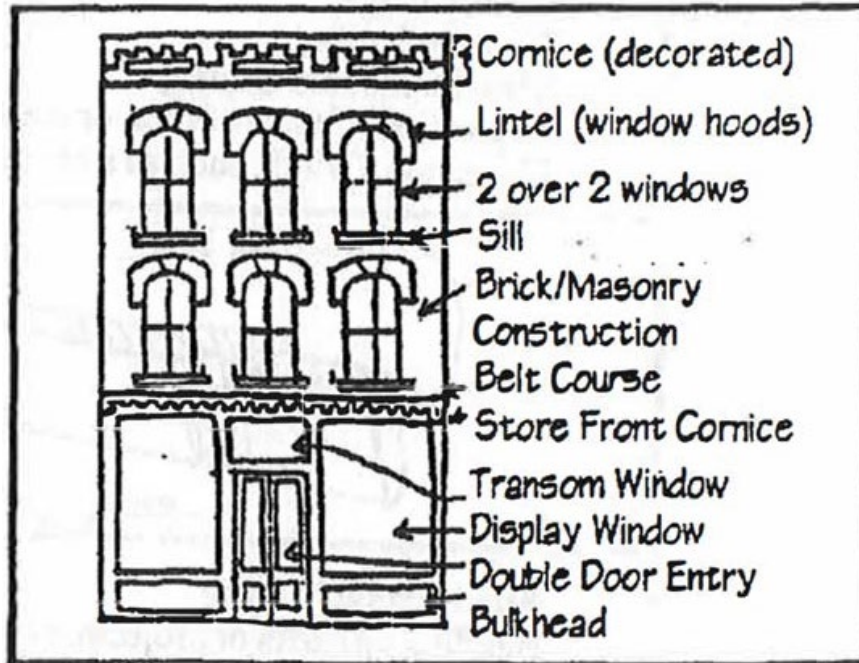


Illustration 4

- i) **Building Mass.** Building design shall be such that rectangular structures and blank walls are minimized. In order to accomplish this requirement, the following techniques shall be incorporated.
- (1) Building mass shall be varied by height and width so that it appears to be divided into distinct massing elements and architectural details can be viewed from a pedestrian scale.
  - (2) Projections and recesses from uninterrupted façade lengths shall have a minimum depth of 1.5 feet with a minimum of twenty-five percent (25%) of the uninterrupted façade being of varied length.
  - (3) All building shall have a minimum of one (1) offset per façade length that is visible from the public right of way.
  - (4) Blank wall areas may incorporate the use of landscaping or other treatments to break up the monolithic and monotonous appearance of such areas. Blank wall areas shall not exceed ten (10) feet in vertical direction or twenty (20) feet in horizontal direction of any building façade.

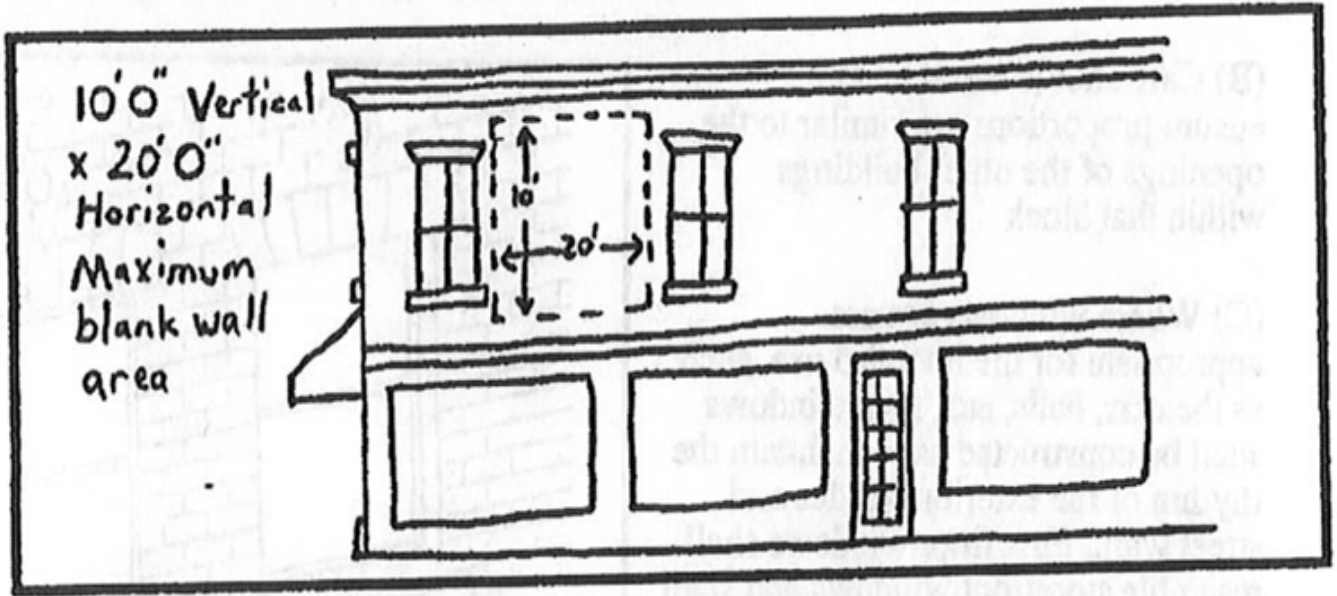


Illustration 5

6. **Entryways/Customer Entrance Design.** Entryways shall be designed to provide project focal points and to provide protection from the sun and adverse weather conditions. As such, entryways shall be designed in accordance with the techniques listed below. In the event that the entryway is not oriented toward the major road that, as determined by the City Manager or designee, provides access to the building, the side of the building facing such road shall also be designed to comply with Item a below.
  - a) Entryways shall be differentiated from the remainder of the façade through the use of color, change in materials, application of architectural features (arches, columns, colonnades, etc.), setbacks, offsets, level changes and the like.
  - b) Entryway design shall incorporate hardscape features such as low walls, decorative paving, water features and the like.
  - c) Entryway design shall incorporate landscaping, landscape planters or wing walls with landscaped areas.
  - d) Entryway areas shall be provided with structural or vegetative shading features and benches or other seating components.

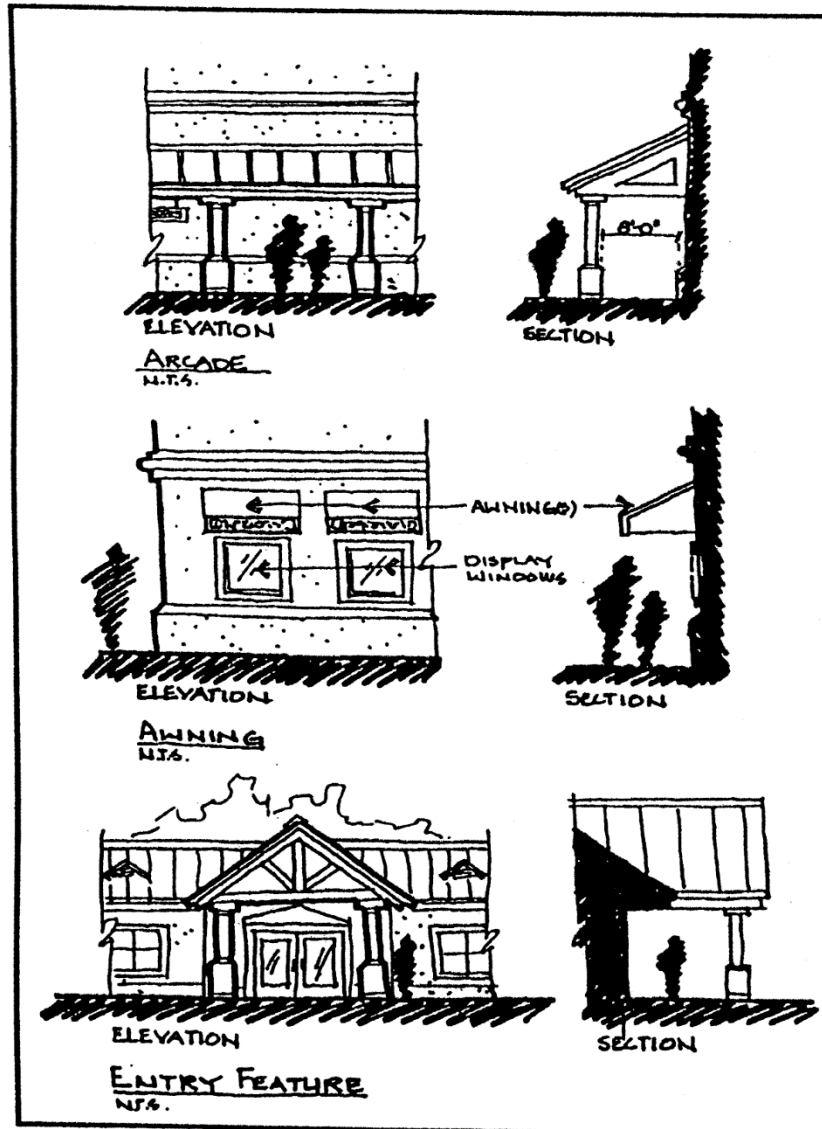


Illustration 6

7. **Building Orientation.** Buildings shall be oriented so as to enhance the appearance of the city's streetscape. This requirement shall be met by incorporating the following techniques into project design.
  - a) The building's entrance shall face parallel to the public road from which driveway access is provided. In the event that access is provided by two or more roads, the building's entrance shall face parallel to the road that is determined by the City Manager or designee to be a major road providing such access.
  - b) The building's primary façade shall face parallel to the public road from which driveway access is provided. In the event that access is provided by two or more

roads, the building's primary façade shall face parallel to the road that is determined by the City Manager or designee to be the major road providing such access. Where, because of site constraints or other factors, the building's primary façade is unable to be oriented parallel to the major road providing driveway access, each façade which is clearly visible from a public right of way or public area of adjoining properties shall be designed with full architectural treatment. Such treatments shall be consistent with the design requirements of this Section and shall incorporate door and window placements, façade architectural treatments and detail, roof design and building materials applications necessary to give the appearance that each visible façade is a primary façade.

- c) The architectural treatment requirements of Item (b) above shall also be applied to any building façade which, by nature of the site layout or location, is situated where it is clearly visible from a public right of way or public area of an adjoining building, unless the City Manager or designee approves the use of landscaping as an alternative to architectural treatment.
  - d) Building orientation shall be such that service areas are placed out of view from public rights of way, parking areas and adjacent properties. Where, because of site constraints or other factors, service areas cannot be located in accordance with this requirement, such areas shall be screened from view by vegetative or structural means. Structural screening shall be architecturally compatible with the building in terms, style, colors, construction materials and finish. Landscape screening shall be compatible with and integrated into the project's landscape plan.
8. **Building Transition.** Façade and height transitions between buildings are key elements in creating and maintaining an attractive streetscape. Height and scale of a new development and redevelopment shall be compatible with that of surrounding development. In order to accomplish appropriate façade transitions, and to maximize city streetscape aesthetics, the following transitional techniques shall be applied to new development and redevelopment when within 300 feet of an existing commercial building.
- a) Buildings shall be designed to provide transitional elements and architectural features (architectural style, scale, design details, construction materials and the like) that are architecturally compatible with adjacent structures.
  - b) The pattern of placement, proportions and materials of windows and doors shall be harmonious with surrounding structures.
  - c) The ratio of wall surface to openings and the ratio of width and height of windows and doors shall be consistent and compatible with surrounding structures.

- d) The requirements contained in Items (a), (b) and (c) above may be waived where the City Manager or designee determines that city aesthetics would be enhanced by a change in the pattern of development that has been previously established by adjacent structures. In such a case, the City Manager or designee shall determine an appropriate style and exterior materials for the new development and redevelopment.

9. **Exterior Materials and Colors.** Exterior building materials and colors contribute significantly to the visual impact of a building on a community, which, in turn, individually and collectively reflect upon the visual character and quality of a community. In order to project an image of high quality city aesthetics, building materials and colors shall conform to the following requirements.

- a. All buildings shall be faced with materials that exhibit a durable, high quality appearance.
- b. Materials shall be of a low maintenance type, retaining a consistent, clean appearance.
- c. Generally accepted exterior facing materials shall include, on all façades that are, or will be, exposed to the general public, brick, tinted and textured or split-faced concrete masonry blocks, exposed aggregate, stone, stucco, architectural concrete and cellulose fiber-reinforced cement building boards.
- d. **Building Colors.** Building colors for walls, excluding accent colors shall be determined using the Light Reflectance Value (LRV) index or an equivalent methodology. Color schemes must be submitted to the City Manager or designee for approval.

- 1. Light pastel colors and white. Acceptable light pastel colors and white shall have LRV of 80 or greater.
- 2. Earth tones. Earth tones include shades of brown, brown-taupe or sandy-taupe, beige, terra cotta, olive, sage and gray. Acceptable earth tone shades shall have a LRV of 25 or greater.
- 3. Accent colors are all colors except prohibited colors as stated in Subsection e (3)(b) of this section.
  - a. Accent colors shall only be applied to architectural elements. Architectural elements may include but are not limited to, doors, shutters, keystones, quoins, awnings, window trims, door frames, window sills, cornices, and banding.



- b. Prohibited Colors. Fluorescent colors shall be prohibited on all exterior surfaces. Neon lighting is not included in the term “fluorescent”.
      - c. Accent colors shall not exceed 20 percent of any one elevation.
    - 4. Colors without a LRV. If the LRV of a color sample is not available, the City Manager or designee shall compare the color sample to a color chip with a known LRV and determine whether the sample is lighter, darker, or equivalent LRV.
    - 5. Corporate colors shall be allowed as provided by Chapter 553, Section 553.79(22), Florida Statutes.
  - f) Building materials and colors shall be consistent around the entire building. Exceptions to this provision may be made for portions of a structure that are not exposed to the general public.
  - g) Buildings may vary wall color vertically between building masses, horizontally between stories, or a combination thereof, but not more than three (3) colors may be used per building.
10. **Roof Design and Materials.** Roofs are an integral part of building design and, as such, shall be designed and constructed to add interest to and reduce the massing of buildings. Roof features shall be in scale with the buildings mass and complement the character of adjoining structures, developments and neighborhoods. Roofs shall be constructed of durable, high quality materials in order to enhance the appearance and attractiveness of the community. Roofs shall incorporate the design elements and materials listed below.
- a) The design of roof structures shall be of hip, gambrel, gable and true mansard styles and shall be extended to all sides of the structure. Roof-like appurtenances such as false roofs, parapets and other similar features may be allowed if, in the determination of the City Manager or designee, such features are required for mechanical equipment screening or acoustical control that cannot be accomplished through utilization of approved roof styles. Application of such roof-like features shall be accomplished in such a manner as to minimize the appearance of a flat roof design.
  - b) Roofs shall be designed to be of such height, bulk and mass so as to appear structural even when the design is non-structural.
  - c) The roof edge, where visible from any public right-of-way, shall have, at a minimum of two locations, a vertical change from the dominant roofline. Such change shall be a minimum of three feet (3’).
  - d) Sloping roofs shall have a minimum of two (2) plane changes per primary façade (buildings constructed adjacent to public road intersections shall be considered to have a primary façade on each of the sides nearest the individual intersecting roads).

- e) Roof materials visible from the ground shall consist of concrete tiles, terra cotta, metal standing seam, or asphalt shingles (laminated, 25 year architectural grade or better). To allow for the introduction of new roofing materials of similar quality and appearance and that meet City building codes the City Manager or designee may maintain a list of acceptable roofing materials.
- f) **Roof color.** Roof color shall be compatible with the selected wall color. Roofs may in the color of natural roofing materials (such as slate or clay) or may be finished in shades of gray, galvanized silver, copper, brown, green, red, black, blue, or white, except that a roof made of copper may be left in its natural color.

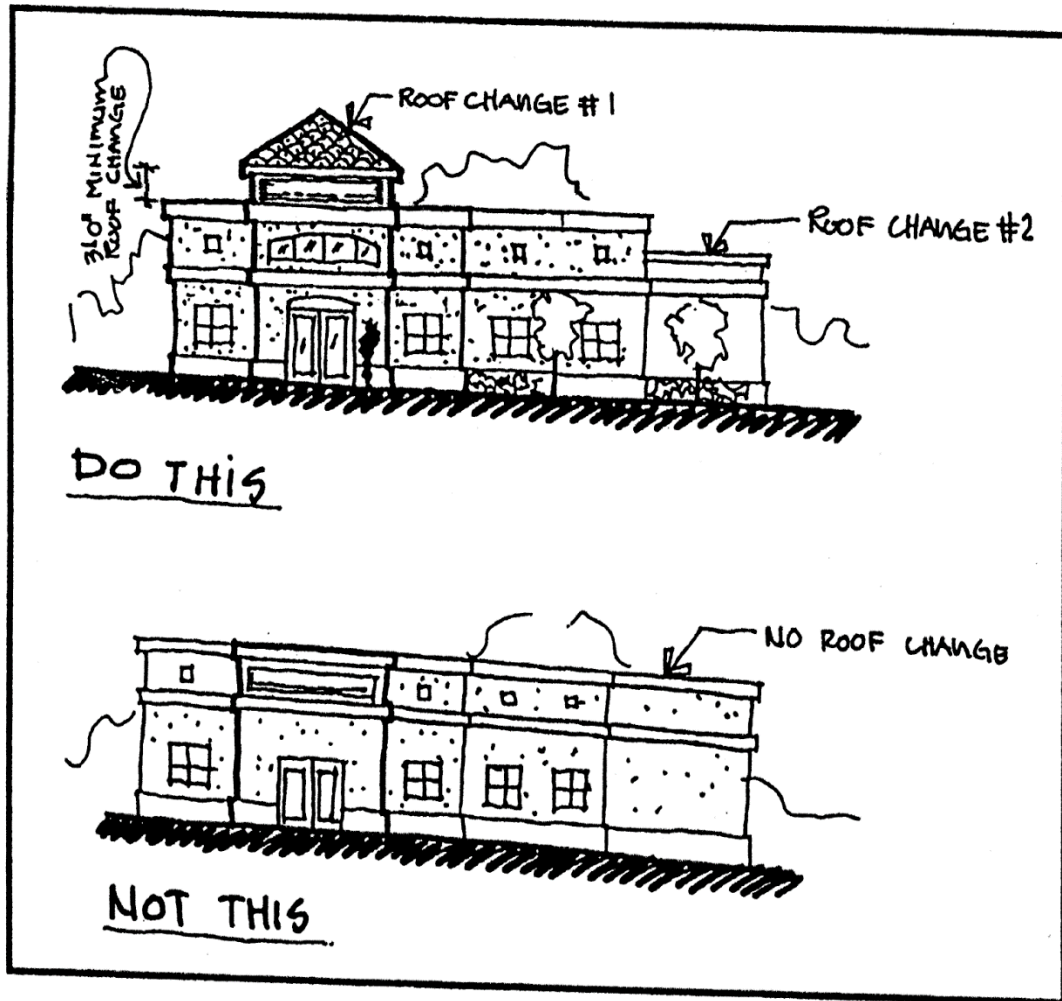


Illustration 7

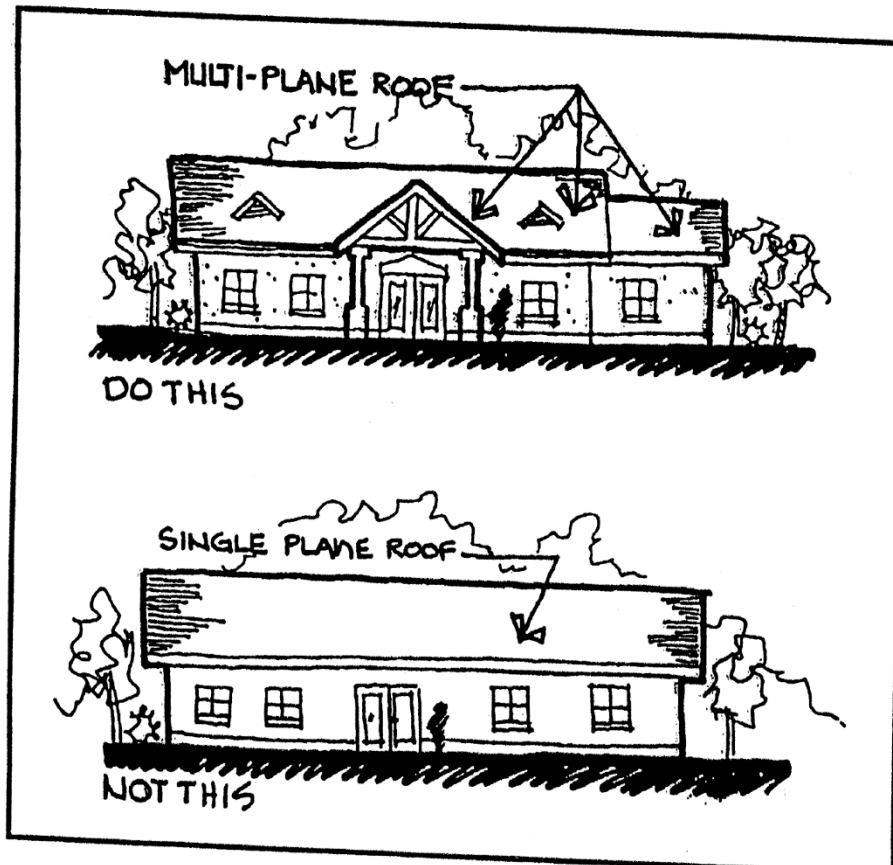


Illustration 8

11. **Fence and Wall Design.** Design and construction quality of fences and walls are important visual reflections of community character and quality. In order to promote quality site aesthetics, fence and wall design and construction shall comply with the following requirements.
  - a) Fences and walls, whether required for project approval or whether incorporated into overall project design, shall be designed as an integral part of the principal structure(s). Such design shall include the use of similar materials, colors and finished as the principal structure.
  - b) Fences and walls shall be architecturally designed with offsets, raised elements and landscape pockets to avoid an expansive monolithic or monotonous appearance.
  - c) Where chain link fencing is required or approved behind the front facade, such fencing shall be of the black vinyl type. Posts and rails shall also be black. These provisions may be modified on a case-by-case basis by the City Manager or designee where site design or location warrants the use of other colors or finishes.
  - d) Landscaped berms may be utilized in lieu of fence or wall where approved by

the City Manager or designee.

12. **Screening of Service Function Areas.** The purpose of these regulations are to diminish, in a safe manner, the visual impacts of service functions including loading and storage areas, mechanical equipment and solid waste disposal that may detract or have a negative impact on the streetscape, landscape and/or the overall community image.
  - a) Buffering and screening standards. Loading or docking, outdoor storage, trash collection, mechanical equipment, trash compaction, vehicular storage excluding new and used cars, recycling, and other service function areas shall be fully screened from adjacent properties and road way corridors at ground and pedestrian levels.
  - b) Materials and design standards. Screening material and design shall be consistent with design treatment of the primary facades of the commercial building or project and the landscape plan.
  
13. **Lighting.** Lighting fixture design and placement are important components of an attractive urban environment as well as important to public safety and shall be designed to provide safe, convenient and efficient lighting for pedestrians and vehicles. Exterior project lighting shall comply with the requirements listed below.
  - a) An exterior building and site lighting master plan detailing areas and structures requiring illumination, lighting fixture styles, light source and light levels shall be included as part of a project's site plan submittal.
  - b) Recessed lighting fixtures shall be required in order to conceal the actual light source, reduce glare and direct light to specific areas while shielding other areas.
  - c) Lighting of parking areas, access drives and vehicular circulation areas shall be as follows.
    1. Lighting shall be a full cut-off shield type fixture mounted at the top of a pole. Poles and fixtures shall not exceed 30 feet in height in vehicular areas and 15 feet in height within non-vehicular pedestrian areas and shall be anodized bronze or black in color. Should a pole other than a metal pole be used for the mounting of lights, such pole shall be constructed so that the exterior finish color is consistent throughout the pole.
    2. Light poles shall be located in landscaped strips, buffer or plant islands.
    3. The minimum setback of the light pole from the public rights-of- way shall be a horizontal distance of 20 feet.
  - d) Illumination from any light source into adjacent properties shall not exceed 1.0 foot candles.

- e) Building illumination and architectural lighting shall be indirect and with no visible light source.
- f) Ground level light fixtures shall be of the burial vault type or shall be fully screened by landscaping materials.

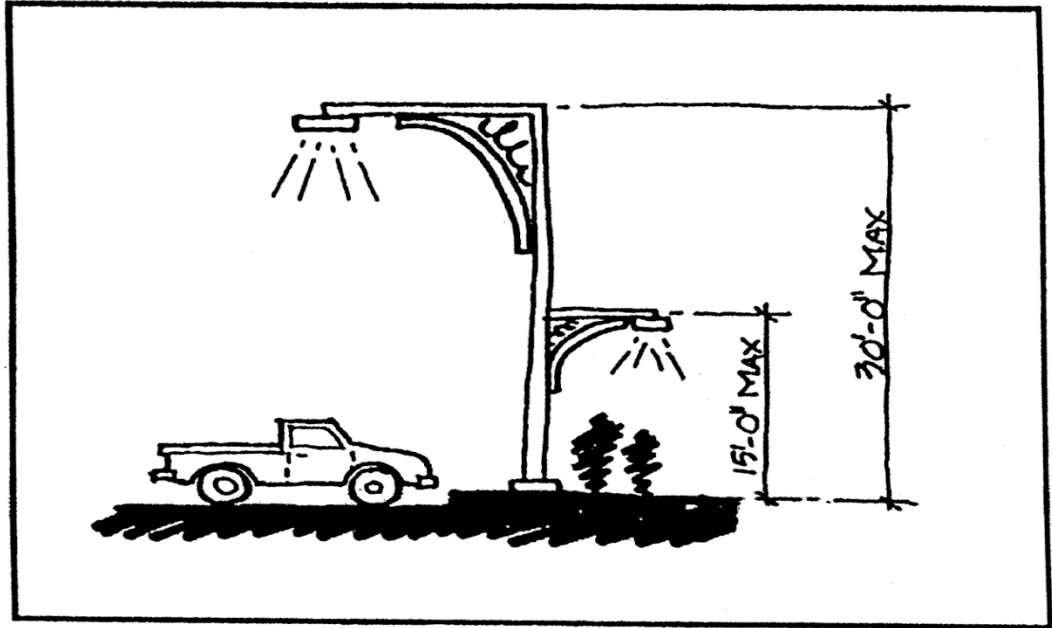


Illustration 9

- 14. **Utilities.** The location and aesthetic treatment of utilities is an important factor in creating an attractive urban environment. In order to enhance and maintain the image of quality in the urban environment, utilities construction and placement shall comply with the following requirements.
  - a) All utility lines, whether new or relocated, shall be installed underground.
  - b) Utility conduit and utility panels/boxes shall be painted to match the color of the building on which they are placed.
  - c) Water and sewer lift stations, pump houses and similar features shall be located at the rear of the project site and shall be fully screened from view by structural or vegetative means. Where screening is accomplished by structural means, such screening shall be compatible in design and color with the main building.
  
- 15) **Access, Circulation and Parking.**
  - a) The use of shared driveways is required between sites. Joint access easements will be required between adjacent property owners.

- b) Pedestrian ways, linkages and paths shall be provided from the building entry to the on-site parking areas, surrounding streets, external sidewalks and outparcels.
  - c) Pedestrian walkways shall be consistent with the provisions of the Americans with Disabilities Act (ADA). Materials may include specialty pavers, concrete, colored concrete or stamped pattern concrete.
  - d) Crosswalks shall be a minimum of five (5) feet wide, and are required wherever a pedestrian walkway intersects a vehicular area.
- 16) **Outdoor storage.** Outdoor storage areas shall be located behind the front façade of the main building and shall be fully screened from view by structural means, vegetative means, or a combination of earthen berms and vegetation. Where screening is accomplished by structural means, the structure shall be compatible in design and color with the main building.

CHAPTER 7

CONDITIONAL USES AND SPECIAL EXCEPTIONS

**SECTION 1:            CONDITIONAL USES**

a)     In General

Conditional uses shall be generally limited to those uses or combination of uses which, because of their uniqueness, are not specifically identified as permitted uses or special exception uses within any zoning district in the Code.

b)     Application Procedure

Written application shall be made to the City for a conditional use in accordance with the procedures established in this chapter of the Code. In addition, the applicant shall provide the following information:

- 1)     A conceptual plan showing buildings, parking and access locations, utility service points, proposed screening or buffering and any other information pertinent to the specific requested use of the site; and
- 2)     A written statement specifically addressing the general requirements of Paragraph (d)(2) below.

c)     Hearing Procedure

The procedure for review and approval of conditional use request shall be in accordance with the rezoning procedure established in Chapter 3 of this Code.

d)     General Requirements and Conditions

- 1)     Conditions and Safeguards. In granting any conditional use, the Planning and Zoning Board may recommend, and the City Council may prescribe appropriate conditions and safeguards to ensure compliance with the requirements of this Chapter and Code in general. Such conditions may include time limits for the initiation and duration of the conditional use, specific minimum or maximum limits to regular Code requirements, or any other conditions reasonably related to the requirements and criteria of this Chapter.
- 2)     Review Criteria. When reviewing an application for a conditional use, the Planning Commission and City Council shall consider the following requirements and criteria:

- 47 A) Traffic generation and access for the proposed use shall not
- 48 adversely impact adjoining properties and the general public
- 49 safety;
- 50 B) Off-street parking, loading and service areas shall be provided and
- 51 located such that there is no adverse impact on adjoining
- 52 properties, beyond that generally experienced in the district;
- 53 C) Required yards, screening or buffering and landscaping shall be
- 54 consistent with the district in general and the specific needs of
- 55 abutting land uses;
- 56 D) Size, location and number of conditional uses in an area shall be
- 57 limited so as to maintain the overall character of the district as
- 58 intended by this Code.

59

60 e) Transfer or Abandonment of a Conditional Use

61

62 Conditional uses run with the property and the ownership of a conditional use may

63 be transferred along with the property.

64

65 A conditional use that is not initiated within one (1) year of being granted shall not

66 be established without a new application and public hearing in accordance with the

67 rezoning procedures described in Chapter 3 of this Code. A conditional use that is

68 abandoned for a period of six (6) months or more shall not be reestablished without

69 a new application and public hearing in accordance with the procedures for such

70 described in Chapter 3 of this Code.

71

72

73 **SECTION 2: SPECIAL EXCEPTIONS**

74

75 a) In General

76

77 A special exception is a use that would not be appropriate without restriction, but

78 which, if controlled as to number, area, location or relation to the surrounding area,

79 would promote the public health, safety and general welfare. Such use may be

80 permitted in a zoning district as a special exception only if identified as such in this

81 Code.

82

83 b) Application Procedure

84

85 Written application shall be made to the City for a special exception in accordance

86 with the procedures established in Chapter 3 of this Code. In addition, the applicant

87 shall provide the following information:

88

- 89 1) A conceptual site plan showing buildings, parking and access locations,
- 90 utility service points, proposed screening or buffering, supplemental
- 91 details necessary to address the review and criteria and satisfy any specific



- 92 requirement for such use described in this Chapter, and any other  
93 information pertinent to the specific required use of the site.  
94
- 95 A) The City Clerk may exempt an applicant from the requirements of  
96 a conceptual plan, if deemed warranted.  
97
- 98 2) A written statement specifically addressing the general requirements of  
99 Paragraph (d)(2) below and any special requirements for the specific use  
100 in Section 3 of this Chapter.  
101
- 102 c) Hearing Procedure  
103  
104 The procedure for review and approval of special exception request shall be in  
105 accordance with the rezoning procedure established in Chapter 3 of this Code.  
106
- 107 d) Special Requirements and Conditions  
108
- 109 1) Conditions and Safeguards. In granting any special exception, the  
110 Planning and Zoning Board may recommend and the City Council may  
111 prescribe appropriate conditions and safeguards to ensure compliance with  
112 the requirements of this Chapter and the Code in general. Such conditions  
113 may include time limits for the initiation of the special exception use,  
114 specific minimum or maximum limits to regular Code requirements, or  
115 any other conditions reasonably related to the requirements and criteria of  
116 this Chapter.  
117
- 118 2) Review Criteria. When reviewing an application for a special exception,  
119 the Planning and Zoning Board and the City Council shall consider the  
120 following requirements and criteria:  
121
- 122 A) Traffic generation and access for the proposed use shall not  
123 adversely impact adjoining properties and the general public  
124 safety;
- 125 B) Off-street parking, loading and service areas shall be provided and  
126 located such that there is no adverse impact on adjoining  
127 properties, beyond that generally experienced in the district;
- 128 C) Required yards, screening or buffering and landscaping shall be  
129 consistent with the district in general and the specific needs of the  
130 abutting land uses;
- 131 D) Architectural and signage treatments shall comply with the general  
132 provisions applicable to permitted uses in the district, to the  
133 greatest extent possible, and be sensitive to surrounding  
134 development; and
- 135 E) Size, location or number of special exception uses in the area shall  
136 be limited so as to maintain the overall character of the district, avoid

137 concentration of similar uses within the commercial corridor, as  
138 intended by this Code.

139  
140 e) Transfer or Abandonment of Special Exceptions

141  
142 Special exceptions run with the property and the ownership of a special exception  
143 use may be transferred to another party. A special exception use that is not initiated  
144 within one (1) year of being granted shall not be established without a new public  
145 hearing in accordance with requirements of this Chapter. A special exception use  
146 that is abandoned for a period of six (6) months or more shall not be reestablished  
147 without a new public hearing in accordance with the requirements of this Chapter.

148  
149 f) Distance Between Special Exception Uses

150  
151 Unless the method for measurement is specifically described herein, the distance  
152 between specific uses shall be measured by a straight line drawn from the nearest  
153 point of each lot, parcel or site to each other.

154  
155  
156 **SECTION 3: SPECIAL REQUIREMENTS AND CONDITIONS**  
157 **FOR SPECIAL EXCEPTION USES**

158  
159 a) In General

160  
161 For those special exception uses listed below, the following special requirements  
162 shall apply in addition to those described in Section 2(d) above. Buffering  
163 requirements within this Section shall be in conformance with Chapter 15 of this  
164 Code.

165  
166 b) Special Requirements and Conditions

167  
168 1) ADULT CONGREGATE LIVING FACILITIES. (R-5, MF-8, MF-12)

169  
170 A special exception may be granted under the following conditions:

- 171  
172 A) The proposed site is a minimum of one (1) acre;  
173 B) The City shall decide if the proposed site shall front on an arterial  
174 collector, or local roadway; and  
175 C) Buffering shall be provided based on a Buffer Class “E” for  
176 service and loading areas, and Class “D” for the remainder of the  
177 use.

178  
179 2) ATHLETIC/SPORTS FACILITIES. (C-1)

180  
181 A special exception may be granted under the following conditions:

182

- 183 A) The proposed site shall front on an arterial or collector roadway;  
184 B) A proposed corner site shall not abut a residential lot unless access  
185 is prohibited to the street upon which both lots front; and  
186 C) Buffering shall be provided based on a Buffer Class “E” for  
187 parking, loading and service areas which abut any residential zone.  
188

189 3) ARTISAN/CRAFTSMAN SHOP (C-1)

190 A Special Exception may be granted under the following conditions:  
191

- 192 A) The proposed site shall not abut a residentially zoned lot; and  
193 B) The proposed activity takes places in an enclosed structure.  
194

195 4) AUCTION HOUSES (C-2)

196 A Special Exception may be granted under the following conditions:  
197

- 198 A) The proposed site is two thousand (2,000) feet from any other  
199 such use.  
200

201 5) BANKS (RP) (C-1)

202 A special exception may be granted under the following conditions:  
203

- 204 A) The proposed site shall front on an arterial or collector roadway;  
205 B) The proposed site shall be directly adjacent to a commercial land  
206 use;  
207 C) Special buffering and screening shall be provided where drive-thru  
208 lanes are adjacent to residential uses;

209 6) BARS, LOUNGES AND NIGHTCLUBS (C-1)

210 A special exception may be granted under the following conditions:  
211

- 212 A) The proposed site shall be at least seven hundred fifty (750) feet  
213 from the nearest house of worship, school or child care center;  
214 B) The proposed site shall front on an arterial or collector roadway;  
215 C) Buffering shall be provided based on a Buffer Class “E”;  
216 D) The proposed site shall be at least one thousand (1,000) feet from  
217 any other such use;  
218 E) The proposed site shall be at least five hundred (500) feet from a  
219 residential zone measured along right-of-way centerlines.  
220

221 7) BED AND BREAKFAST INN. (UR- 5) (R-5)

222 A special exception may be granted under the following conditions:  
223

- 224 A) The facility must be owner occupied and managed;  
225  
226

- 227 B) Off street parking shall be provided at a ratio of one (1) space per  
228 rental room;  
229 C) All parking areas shall be located in the rear of the facility. If  
230 unusual circumstances exist that prohibit the use of the rear for  
231 parking then adequate provisions must be made to assure  
232 compatibility with the character of the residential neighborhood;  
233 D) The number of rental rooms shall be limited to five (5).

234  
235 8) BOAT SALES (C-2)(CBD)  
236

237 A Special Exception may be granted under the following conditions:  
238

- 239 A) The proposed site is two thousand (2,000) feet from any other  
240 such use;  
241 B) The proposed site is a minimum of one (1) acre;  
242 C) The proposed boat sales display area shall be stabilized and  
243 maintained; and  
244 D) The City shall decide if the proposed site shall front on an arterial,  
245 collector, or local roadway.

246  
247 9) BUSINESS SERVICES/OFFICES FOR PROFESSIONAL  
248 SERVICES/FINANCIAL SERVICES/PERSONAL SERVICES (MF-12)  
249

250 A special exception may be granted under the following conditions:  
251

- 252 A) The City shall decide if the proposed site shall front on an arterial,  
253 collector, or local roadway, as appropriate, and  
254 B) A minimum lot area of one-half (1/2) acre.  
255

256  
257 10) COMMERCIAL STABLES (AR-1)  
258

259 A special exception may be granted under the following conditions:  
260

- 261 A) A minimum site area of (10) acres; and  
262 B) Structures housing the animals shall be at least two hundred (200)  
263 feet from the nearest right-of-way line of any public street, county  
264 road, state or federal highway or the adjacent boundary of property  
265 owned by others.  
266

267 11) DAY CARE CENTERS (MF-12) (R-5) (RP) (MF-8)  
268

269 A special exception may be granted under the following conditions:  
270

- 270 A) The proposed site shall be a minimum of fifteen thousand (15,000)  
271 square feet with a minimum lot width of one hundred (100) feet;

- 272 B) A minimum of four thousand (4,000) square feet of outside play
- 273 area shall be provided for the first twenty (20) children or less, and
- 274 one hundred (100) square feet of play area per child for the next
- 275 one hundred (100) children;
- 276 C) The play area shall be completely enclosed with a minimum six (6)
- 277 foot high opaque wall or fence to be constructed as part of the
- 278 required bufferyard; and
- 279 D) Buffering shall be provided based on a Buffer Class “D”.

280

- 281 12) (LICENSED) COMMUNITY RESIDENTIAL HOMES, GROUP HOMES
- 282 AND FOSTER CARE FACILITIES WITH MORE THAN SIX (6)
- 283 RESIDENTS (R-3) (UR-5) (R-5)

284

285 A special exception may be granted under the following conditions:

286

- 287 A) The proposed facility shall be compatible with the neighborhood in
- 288 its physical size;
- 289 B) The proposed facility is not within one thousand twelve hundred
- 290 (1,200) feet of an existing facility;
- 291 C) The proposed structure would not alter the character of the
- 292 neighborhood;
- 293 D) Adequate parking and infrastructure facilities are provided; and
- 294 E) Buffering shall be provided based on a Buffer Class “D”.

295

- 296 13) CONVENIENCE STORES WITH FUEL OPERATIONS (C-1)(C-
- 297 2)(CBD)

298

299 A special exception may be granted under the following conditions:

300

- 301 A) The proposed site shall front on an arterial or collector roadway;
- 302
- 303 B) The proposed site is 30,000 square feet in size.
- 304 C) Minimum lot width of 100 feet along roadways;
- 305 D) Architectural details of canopies and canopy supports shall be
- 306 consistent with the principle building and building façade;
- 307 E) If located at intersection, meet or exceed access separation
- 308 distances of jurisdiction having control of roadway; and
- 309 F) Maximize shared ingress and egress and provide cross access
- 310 between all adjoining parcels.

311

312

- 313 14) FARMERS/FLEA MARKETS (AR-1) (C-2)

314

315 A special exception may be granted under the following conditions:

316

- 317 A) The proposed site shall front on an arterial or collector roadway;
- 318 B) The proposed site shall be a minimum of five (5) acres with a
- 319 minimum of two hundred (200) feet of frontage;
- 320 C) A maximum of twenty (20) percent of the site shall be devoted to
- 321 sales area;
- 322 D) Operation shall be restricted to daylight hours on Fridays,
- 323 Saturdays and Sundays only and legal holidays which fall on a
- 324 Monday;
- 325 E) Required parking shall be provided at a ratio of two (2) spaces for
- 326 every one hundred (100) square feet of sales area;
- 327 F) Buffering shall be provided based on a Buffer Class “E” with a six
- 328 (6) foot high opaque fence or wall required along property lines
- 329 which abut any residential zone;
- 330 G) All merchandise and refuse shall be removed from the site at the
- 331 end of each day; and
- 332 H) Sales area must be covered and secured by a wall or fence.

333  
334 15) GAME/RECREATION FACILITIES (RP) (C-1)

335  
336 A special exception may be granted under the following conditions:

- 337
- 338 A) The proposed site shall front on an arterial or collector roadway;
- 339 B) The proposed site shall be at least three hundred (300) feet from
- 340 the nearest house of worship, school or day care center;
- 341 C) The proposed site shall be at least one thousand (1,000) feet from
- 342 any other such use;
- 343 D) Buffering shall be provided based on a Buffer Class “D”; and
- 344 E) The proposed site shall be at least three hundred (300) feet from a
- 345 residential zone measured along right-of-way centerlines.

346  
347 16) GUN AND ARCHERY RANGE (C-2)

348  
349 A special exception may be granted under the following conditions:

- 350
- 351 A) Proposed gun range shall be located indoors;
- 352 B) Proposed archery range shall be located on a site of at least one (1)
- 353 acre; and
- 354 C) Proposed archery range shall be completely enclosed within a six
- 355 (6) or eight (8) foot fence or wall.

356  
357 17) HEALTH/EXERCISE CLUBS (RP) (C-1)

358  
359 A special exception may be granted under the following conditions:

- 360
- 361 A) The proposed site shall front on an arterial or collector roadway;

- 362 B) A proposed corner site shall not abut a residential lot unless access  
363 is prohibited to the street upon which both lots front; and  
364 C) Additional buffering and special design shall be provided to  
365 effectively prevent illumination of adjoining residential land due to  
366 outdoor lighting of courts, fields, pools, or parking areas associated  
367 with the club or center.

368  
369 18) MINI-WAREHOUSES (C-1) (C-2)

370  
371 A special exception may be granted under the following conditions:

- 372  
373 A) Warehouse buildings shall be screened from any public rights-of-  
374 way by a six (6) foot high opaque fence or wall with a bufferyard  
375 planted along the street side of the fence or wall;  
376 B) The proposed site shall be a minimum of two (2) acres;  
377 C) The proposed site shall front on an arterial or collector roadway;  
378 D) Outside storage of boats or vehicles may be approved with site plan;  
379 and  
380 E) The mini-warehouses are to be used solely for the purposes of  
381 storage; wholesale, manufacturing or other commercial uses are  
382 expressly prohibited.

383  
384 19) MOBILE HOME SALES (C-2)

385  
386 A Special Exception may be granted under the following conditions:

- 387  
388 A) The proposed site is two thousand (2,000) feet from any other  
389 such use;  
390 B) The proposed site shall be a minimum of one (1) acre;  
391 C) The proposed mobile home sales display area shall be stabilized  
392 and maintained; and  
393 D) The proposed site shall front on an arterial roadway.

394 20) MOTOR VEHICLE AND BOAT STORAGE FACILITIES (C-2)(CDB)

395  
396 A Special Exception may be granted under the following conditions:

- 397  
398 A) The proposed site is two thousand (2,000) feet from any other  
399 such use;  
400 B) The proposed motor vehicle and boat storage area shall be  
401 stabilized and maintained;  
402 C) The proposed site shall front on an arterial or collector roadway;  
403 and  
404 D) The proposed storage area shall be completely enclosed by a six  
405 (6) foot high opaque fence or wall.

406 21) MOTOR VEHICLE SALES (C-2)(CBD)

407

408 A Special Exception may be granted under the following conditions:

409

410 A) The proposed site is two thousand (2,000) feet from any other  
411 such use;

412 B) The proposed site is a minimum of one (1) acre;

413 C) The proposed automobile display area shall be stabilized and  
414 maintained; and

415 D) The proposed site shall front on an arterial or collector roadway.

416 22) MOTOR VEHICLE SERVICE AND REPAIR FACILITY (C-2)(CBD)

417

418 A Special Exception may be granted under the following conditions:

419

420 A) The proposed site shall front on an arterial or collector roadway;

421 B) All service areas shall be enclosed in such a manner that no service  
422 areas are visible from the right of way; and

423 C) Demonstrate that noise, odor and fumes shall not create a nuisance  
424 for abutting property owners.

425 23) MULTI-FAMILY DWELLING UNITS (C-1)

426

427 A Special Exception may be granted under the following conditions:

428

429 A) The proposed units must be compatible with the existing  
430 neighborhood; and

431 B) Must meet minimum requirements of the MF-12 District.

432

433 24) NURSING HOMES (MF-12) (MF-8)

434

435 A special exception may be granted under the following conditions:

436

437 A) The proposed site shall front on an arterial or collector roadway;

438 B) Buffering shall be provided based on a Class “E” for service and  
439 loading areas, and Buffer Class “D” for the remainder of the site;  
440 and

441 C) Proof of licensing by the appropriate jurisdictional agency will be  
442 required prior to final development approval.

443

444 25) OFFICE/WAREHOUSE FACILITIES (RP)

445

446 A special exception may be granted under the following conditions:

447



- 448 A) General retail sales and services shall not be permitted;
- 449 B) Warehouse space shall be shall be used for storage purposes only.
- 450 No manufacturing or fabrication of any kind shall be permitted;
- 451 C) No commercial vehicles larger than one (1) ton capacity shall be
- 452 regularly parked on the site; and
- 453 D) Buffering shall be provided based on a Buffer Class “E” for access
- 454 drives and other areas specifically designed to service the
- 455 warehouse facilities, and Buffer Class “D” for the remainder of the
- 456 site.

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458

459 26) ONE (1) SINGLE FAMILY DWELLING UNIT FOR

460 OWNERS/CARETAKERS RESIDENCE (C-2)

461

462 A Special Exception may be granted under the following conditions:

- 463
- 464 A) Must be located on the property in which the commercial use is
- 465 located; and
- 466 B) Must meet minimum requirements of the MF-12 District.

467

468 27) PAWN SHOPS (C-2)

469

470 A Special Exception may be granted under the following conditions:

- 471
- 472 A) The proposed site shall be at least two thousand (2,000) feet from
- 473 any other such use.

474 28) RETAIL NURSERIES AND GARDEN SUPPLIES (AR-1)

475

476 A special exception may be granted under the following conditions:

- 477
- 478 A) The proposed site shall front on an arterial or collector roadway;
- 479 and
- 480 B) The proposed site shall be a minimum of two (2) acres.

481

482 29) SINGLE FAMILY RESIDENTIAL DWELLING UNIT (LM)

483

484 A special exception may be granted under the following conditions:

- 485
- 486 A) The dwelling unit cannot be a mobile home; and
- 487 B) The dwelling unit is to be used exclusively by the owner or
- 488 caretaker.

489

490 30) TATOO PARLOR (C-2)

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492 A Special Exception may be granted under the following conditions:

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- A) The proposed site shall be at least two thousand (2,000) feet from any other such use.

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31) TRANSPORTATION SERVICE (C-2)

A Special Exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway; and
- B) The proposed site shall not abut a residentially zoned lot.

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32) TRUCKING TERMINAL (C-2)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial roadway; and
- B) The proposed site shall contain at least one (1) acre.

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33) RESTAURANT (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The maximum number of seats shall not exceed fifty (50); and
- C) No drive thru service shall be permitted.

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34) USED MOTOR VEHICLE PARTS YARD (LM)

A special exception may be granted under the following conditions:

- A) The proposed site shall be a minimum of one (1) acre;
- B) Storage of used motor vehicle parts shall be within an enclosed building or within a six (6) to eight (8) foot high wall or fence;
- C) The proposed site shall front on an arterial or collector roadway; and
- D) Buffering and landscaping shall be provided based on a Buffer Class “E”.

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35) VETERINARY OFFICES AND/OR KENNELS (AR-1) (RP) (C-1)

A special exception may be granted under the following conditions:

- A) The proposed site shall front on an arterial or collector roadway;
- B) The proposed site shall be a minimum of one (1) acre;

- 537 C) The proposed site shall be devoted to the sole purpose of the use  
538 and shall not be part of any multi-tenant complex or multi-use  
539 property;  
540 D) All animal and confinement areas shall be in an air-conditioned  
541 and sound attenuated building; and  
542 E) Facilities for housing ~~on~~ not less than five (5) animals shall be  
543 maintained on the premises.  
544

545 36) WHOLESALE AND DISTRIBUTORS (C-2)  
546

547 A Special Exception may be granted under the following conditions:  
548

- 549 A) The proposed site shall front on an arterial or collector roadway,  
550 B) No manufacturing, processing or craftsman of any kind shall be  
551 permitted; and  
552 C) The proposed site shall not abut a residentially zoned lot.

553  
554 37) XEROGRAPHIC AND OFFSET PRINTING (C-1)  
555

556 A special exception may be granted under the following conditions:  
557

- 558 A) The proposed site shall front on an arterial or collector roadway;  
559 and  
560 B) The proposed facility shall contain less than one thousand five  
561 hundred (1,500) square feet of service and storage area.  
562

563 38) AIRCRAFT ENGINE AND ACCESSORY MAINTENANCE REPAIR,  
564 AUTOMOBILE LEASING ESTABLISHMENTS, COMMERCIAL OFF-  
565 STREET PARKING LOTS AND GARAGES, MOTELS OR HOTELS,  
566 MUSEUMS, RESTAURANTS INCLUDING THOSE WITH OUTDOOR  
567 DINING, VOCATIONAL, TECHNICAL, TRADE, AND INDUSTRIAL  
568 SCHOOLS (AZ)  
569

- 570 A) Special exceptions may be granted for the uses above, as determined by  
571 the City Council, and in accordance with Chapter 6, Section 2(q) of the  
572 City Land Development Regulations, after having been reviewed on an  
573 individual basis.  
574 B) All uses shall conform to the City of Umatilla Municipal Airport Master  
575 Plan as well as any State or Federal Laws that govern airports and areas  
576 near airports.  
577 (rev. Ord 2011-U 12/06/2011)  
578 (Ord 2017-E 09/01/2017)  
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582           39)    RESTAURANT OR COFFEE/DONUT SHOP WITH DRIVE THROUGH  
583                   FACILITIES (C-1) (C-2)(CBD)

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- A special exception may be granted under the following conditions:
- A) The proposed use shall front on an arterial or collector roadway;
  - B) The proposed site is 30,000 square feet in size.
  - C) Minimum lot width of 150 feet along roadways;
  - D) Drive thru lanes shall not be located along the roadway frontage;
  - E) Architectural details of drive-thru canopies and canopy supports shall be consistent with the principle building and building façade;
  - F) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and
  - G) Maximize shared ingress and egress and provide cross access between all adjoining parcels.

598           40)    PHARMACY/DRUG STORE WITH DRIVE THROUGH FACILITIES  
599                   (C-1) (C-2)(CBD)

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- A special exception may be granted under the following conditions:
- A) The proposed use shall front on an arterial or collector roadway;
  - B) Minimum lot width of 100 feet along roadways;
  - C) Drive thru lanes shall not be located along the roadway frontage;
  - D) Architectural details of drive-thru canopies and canopy supports shall be consistent with the principle building and building façade;
  - E) If located at intersection, meet or exceed access separation distances of jurisdiction having control of roadway; and
  - F) Maximize shared ingress and egress and provide cross access between all adjoining parcels.

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**CITY OF UMATILLA  
AGENDA COVER SHEET**

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**DATE:** August 27, 2020

**MEETING DATE:** September 1, 2020

**SUBJECT:** Ordinances 2020-K, 2020-K-1, and 2020-K2, first reading

**ISSUE:** Annexation, Small Scale Comprehensive Plan Amendment, and Rezoning

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**BACKGROUND SUMMARY:** Application has been made for annexation, small scale comprehensive plan amendment and rezoning on a 0.086 +/- parcel west of SR 19, East of Altoona Road, and south of SR 42. The applicant desires to hook up to city water.

A residential home is currently on the property and if annexation is approved would continue to be utilized as such and be subject to the city's non-conforming regulations.

Ordinance 2020-K Annexation. The property is eligible to annex into the city because the city limits are adjacent to the southern and western property boundaries.

Ordinance 2020-K-1 Small Scale Comprehensive Plan Amendment. The proposed Comprehensive Plan Amendment is from Lake County Rural Transition/Rural Support Corridor to the city's General Commercial designation.

The Amendment meets Future Land Use policies: General Pattern of Commercial Land Use; the Promotion of Orderly and Compact Growth; and Land Use Designations and Maximum Intensity and Density.

There is no requirement to submit Small Scale Comprehensive Plan Amendments to the Department of Economic Opportunity. Once Council adopts the ordinance at the second reading affected property owners have a right to appeal within 31 days.

Ordinance 2020-K-2 Rezoning. The proposed rezoning of C-2 is consistent with Lake County zoning. The existing use as single family residential is considered a non-conforming use and is subject to the Land Development Regulations Chapter 3, Section 7, which has been included as back up material.

**STAFF RECOMMENDATIONS:** Three separate motions:

**2020-K Annexation:** Motion to approve annexation of Sanchez property.

**2020-K-1 Small Scale Comprehensive Plan Amendment:** Motion to approve Small Scale Comprehensive Plan Amendment

**2020-K-2 Rezoning:** Motion to approve rezoning to C-2.

Sanchez 2020-K Annexation, 2020-K-1 Small Scale Comprehensive Plan, 2020-K-2 Rezoning

**FISCAL IMPACTS:**    N/A

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**COUNCIL ACTION:**

**Reviewed by City Attorney**    Yes            No            **vN/A**

**Reviewed by City Engineer**    Yes            No            **vN/A**

**CITY OF UMATILLA  
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.**

**ANNEXATION, SSCPA AND REZONING**

**Owner:** Adrianna Sanchez

**General Location:** West of SR 19 and East of West Altoona Road

**Number of Acres:** 0.086 ± acres

**Existing Zoning:** Lake County Commercial (C-2)

**Proposed Zoning:** General Commercial & Warehouse (C-2)

**Existing Land Use:** Rural Transition/Rural Support Corridor

**Proposed Land Use:** General Commercial

**Date:** July 28, 2020

**Description of Project**

The owner is seeking annexation, small scale comprehensive plan amendment and a zoning of General Commercial (C-2). The annexation is requested to receive city water. The existing property is utilized as a residential home. If annexed, it would continue to be utilized as a residential home and would be non-conforming and subject to the City's non-conforming regulations.

	<b>Surrounding Zoning</b>	<b>Surrounding Land Use</b>
<b>North</b>	County C-2	County Rural Transition/Rural Support Corridor
<b>South</b>	City C-2	General Commercial
<b>East</b>	County C-2	County Rural Transition/Rural Support Corridor
<b>West</b>	City PFD	Institutional

**Assessment**

**Annexation**

The City limits are adjacent to the southern and western property boundaries; therefore the site is eligible for annexation.

## **Comprehensive Plan Amendment**

The proposed comprehensive plan amendment is from Lake County Rural Transition/Rural Support Corridor to City of Umatilla General Commercial. The maximum development allowed within Lake County is an ISR of 0.50 and the maximum development proposed within the City is an ISR of 0.75.

## **Rezoning**

The proposed rezoning to City C-2 is consistent with the existing Lake County zoning. The C-2 category does allow for a caretakers residence as a Special Exception Use in conjunction with a business. The existing use of single family residential would be considered a non-conforming use and subject to the City's Nonconformance provisions of Chapter 3, Section 7.

## **Recommendation**

---

## **Annexation**

It is recommended that the proposed annexation be approved.

## **Comp Plan Amendment**

It is recommended that the proposed comprehensive plan amendment be approved and the amendment meets the following FLU policies, among others:

### **Policy 1-1.3.2: General Pattern of Commercial Land Use.**

Three commercial land use categories shall be designated on the Future Land Use Map: Commercial General, Commercial Wholesale, and Commercial Tourist. Higher intensive commercial activities shall be directed toward the existing business district located near S.R. 19 (Central Avenue). These commercial categories serve to prevent high intensive commercial uses from dispersing throughout the rest of the City.

### **Policy 1-1.10.2: Promote Orderly, Compact Growth.**

Land use patterns delineated on the Future Land Use Map shall promote orderly, compact growth. The City shall encourage growth and development in existing developed areas where public facilities and services are presently in place and in those areas where public facilities can provide the most efficient service. Land shall not be designated for growth and development if abundant undeveloped land is already present within developed areas served by facilities and services.

### **Policy 1-2.1.1: Land Use Designations and Maximum Intensity and Density.**

Density is calculated on net acreage, which for this purpose is the total acreage minus open water bodies and minus wetlands. The density for the wetlands is calculated as 1 dwelling unit/acre, but those units may not be located within the wetlands. The Future Land Use Map Series shall designate areas for the following uses:

12. General Commercial - 75% maximum of impervious surface ratio per parcel, which includes building coverage. Development shall be limited to retail sales and services as defined in Policy 1-



2.3.1. Residential uses may be permitted 2<sup>nd</sup> floor or above up to 12 dwelling units/acre.

In addition, the subject amendment will not degrade level of service standards for public facilities

**Rezoning**

Staff recommends approval of the rezoning.

ORDINANCE 2020 - K

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UMATILLA, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY 0.086 ± ACRES OF LAND GENERALLY LOCATED WEST OF SR 19 AND EAST OF WEST ALTOONA ROAD; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been submitted for annexation of approximately 0.086 acres of land generally located west of SR 19 and east of West Altoona Road (the "Property") by Adrianna Sanchez as Owner;

WHEREAS, the petition bears the signature of all applicable parties; and

WHEREAS, the required notice of the proposed annexation has been properly published; and

WHEREAS, the Property is contiguous to the City limits and may be annexed by the City of Umatilla.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Umatilla, Florida, as follows:

Section 1.

The following described property consisting of approximately 0.086 acres of land generally located west of SR 19 and east of West Altoona Road, is hereby incorporated into and made part of the City of Umatilla Florida. The property is more particularly described as follows:

LEGAL DESCRIPTION: The South 1/2 of Lot L, of Francis J. Hinsons plan of the Town of Altoona, according to the Plat thereof as recorded in Plat Book 1, Pages 28 and 29, of the Public Records of Lake County, Florida.

Alternate Key # 3560639

Section 2. The City Clerk shall forward a certified copy of this Ordinance to the Clerk of the Circuit Court, the County Manager of Lake County, Florida, and the Secretary of State of Florida within seven (7) days after its passage on second and final reading.

Section 3.

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 4. The property annexed in this Ordinance is subject to the Land Use Plan of the Lake County Comprehensive Plan and county zoning regulations until the City adopts the Comprehensive Plan Amendment to include the property annexed in the City Comprehensive Plan.

Section 5. Utilities. The property is located within the City's Chapter 180, Florida Statutes, Utility District. The owner hereby agrees that the City shall be the sole provider of water and wastewater services

49 to the property subject to this Ordinance when such services become available subject to the rules and  
50 regulations established by State and Federal regulatory agencies, and applicable City ordinances, policies,  
51 and procedures. For the purposes of this Section 5, 'available' shall mean when the City's potable water  
52 system comes within 300' of the private water system or any of the central lines of such private system  
53 and when the City's wastewater system comes within 1,000' of the private treatment system or any central  
54 lines of such private system. Distances shall be measured as a curb line distance within the right of way  
55 or the centerline distance within an easement. The owner further agrees that when the City provides  
56 notice that such utilities are available; the owner shall connect to the applicable system within 12 months  
57 of the date of the City's written notice.

58  
59 **Section 6.**  
60 This Ordinance shall become effective immediately upon passage by the City Council of the City of  
61 Umatilla.

62  
63  
64 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County, Florida,  
65 this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

66  
67  
68 \_\_\_\_\_  
69 Eric Olson, Mayor  
70 City of Umatilla, Florida

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73 ATTEST: Approved as to Form:  
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76 \_\_\_\_\_  
77 Karen H. Howard, MMC Kevin Stone  
78 City Clerk City Attorney

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80  
81 Passed First Reading \_\_\_\_\_  
82 Passed Second Reading \_\_\_\_\_  
83 (SEAL)

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CR-42

MAIN-ST

Subject Property

SR-19

HINSON-RD

REA-WAY

ORDINANCE 2020 – K-1

AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA, PURSUANT TO THE PROVISIONS OF FLORIDA STATUTE 163.3187(1)(c); AMENDING THE LAND USE DESIGNATION OF 0.086 ± ACRES OF LAND DESIGNATED LAKE COUNTY RURAL TRANSITION TO GENERAL COMMERCIAL IN THE CITY OF UMATILLA FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY ADRIANNA SANCHEZ LOCATED WEST OF US 19 AND EAST OF WEST ALTOONA ROAD; DIRECTING THE CITY MANAGER TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, a petition has been received from Adrianna Sanchez as owner, requesting that real property within the city limits of the City of Umatilla be assigned a land use designation from Lake County Rural Transition to City General Commercial under the Comprehensive Plan for the City of Umatilla;

WHEREAS, the amendment would facilitate commercial development and is in compliance with the policies of the City’s comprehensive plan; and

WHEREAS, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

WHEREAS, the Local Planning Agency for the City of Umatilla have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Council of the City of Umatilla.

WHEREAS, the City Council reviewed said petition, the recommendations of the Land Planning Agency, staff report and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised;

WHEREAS, the City has held such public hearings and the records of the City provide that the owners of the land affected have been notified as required by law; and,

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

Section 1: Purpose and Intent.

That the land use classification of the following described property, being situated in the City of Umatilla, Florida, shall hereafter be designated from Lake County Rural Transition to General Commercial as depicted on the map attached hereto as Exhibit “A”, and as defined in the Umatilla Comprehensive Plan.

LEGAL DESCRIPTION: The South ½ of Lot L, of Francis J. Hinsons plan of the Town of Altoona, according to the Plat thereof as recorded in Plat Book 1, Pages 28 and 29, of the Public Records of Lake County, Florida.

Alternate Key # 3560639

- A. That a copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Umatilla as a matter of permanent record of the City, and that matters and

49 contents therein are made a part of this ordinance by reference as fully and completely as  
50 if set forth herein, and such copy shall remain on file in said office available for public  
51 inspection.  
52

53 B. That the City Manager, after passage of this Ordinance, is hereby directed to indicate the  
54 changes adopted in this Ordinance and to reflect the same on the Comprehensive Land  
55 Use Plan Map of the City of Umatilla.  
56

57 **Section 2: Severability.**

58 If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void,  
59 unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall  
60 remain in full force and effect.  
61

62 **Section 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.  
63

64 **Section 4: Effective Date.**

65 This Ordinance shall become effective 31 days after its adoption by the City Council. If this  
66 Ordinance is challenged within 30 days after its adoption, it may not become effective until the  
67 state land planning agency or Administrative Commission, respectively, issues a final order  
68 determining that this Ordinance is in compliance.  
69  
70

71 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County, Florida,  
72 this \_\_\_\_\_ day of \_\_\_\_\_, 2020.  
73

74 \_\_\_\_\_  
75 Eric Olson, Mayor  
76 City of Umatilla, Florida  
77

78 ATTEST:

Approved as to Form:

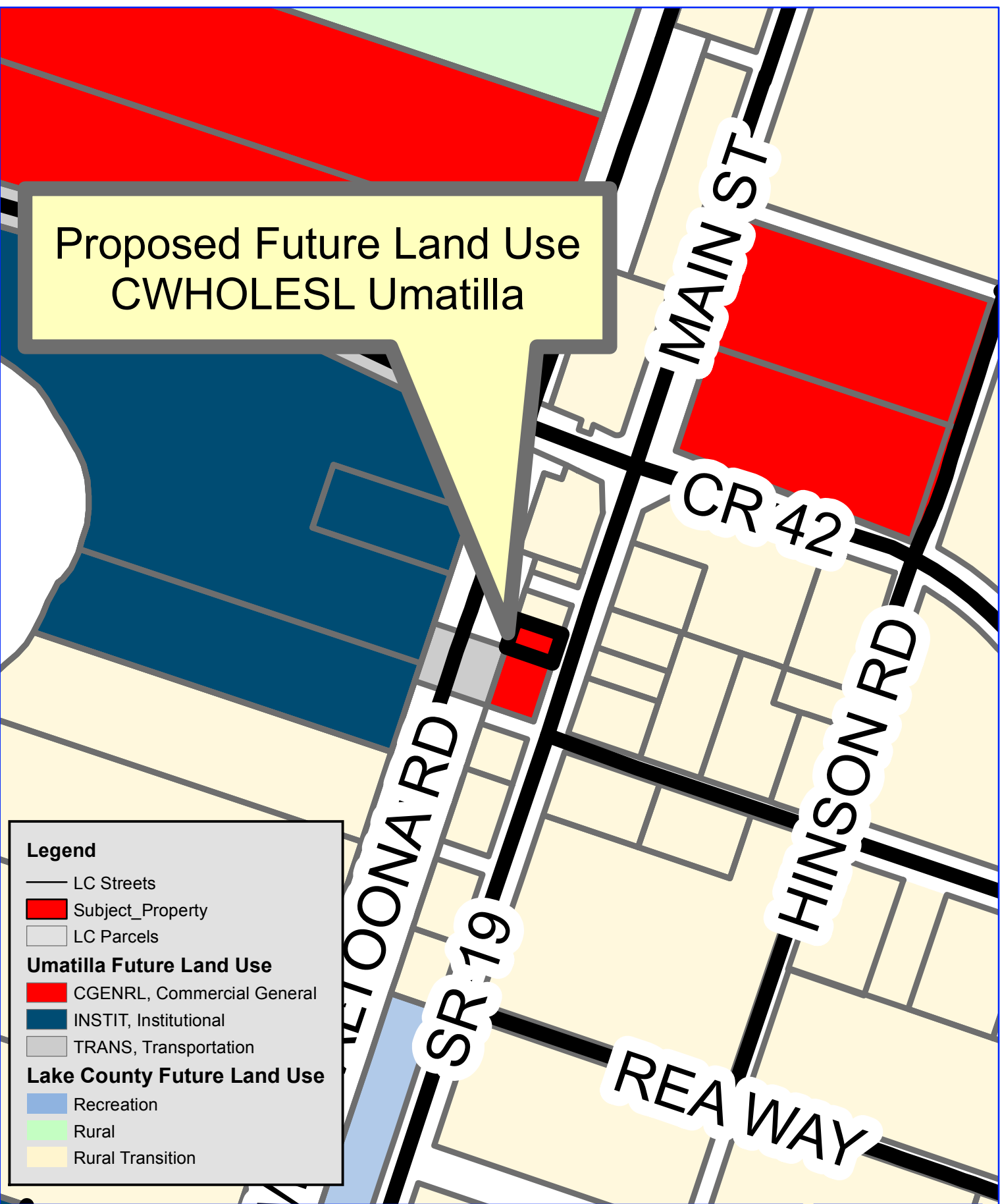
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82 Karen H. Howard, MMC  
83 City Clerk  
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\_\_\_\_\_

Kevin Stone  
City Attorney

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86 Passed First Reading \_\_\_\_\_  
87 Passed Second Reading \_\_\_\_\_  
88 (SEAL)  
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Proposed Future Land Use  
CWHOLESL Umatilla



**Legend**

- LC Streets
- Subject\_Property
- LC Parcels

**Umatilla Future Land Use**

- CGENRL, Commercial General
- INSTIT, Institutional
- TRANS, Transportation

**Lake County Future Land Use**

- Recreation
- Rural
- Rural Transition



1 inch = 200 feet

**City of Umatilla  
Sanchez Property**

Lake County, Florida  
Proposed Future Land Use Map

Project No.: 399-20-01  
File Name: Prop FLU.mxd  
Project Name: Sanchez  
Project Manager: Sherie L  
Creation Date: July 29, 2020  
Created By: J.Meier



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3 **ORDINANCE 2020 – K - 2**

4 **AN ORDINANCE OF THE CITY OF UMATILLA, COUNTY OF LAKE, STATE OF FLORIDA,**  
5 **RECLASSIFYING 0.086 ± ACRES OF LAND ZONED LAKE COUNTY COMMERCIAL (C-2) TO**  
6 **THE DESIGNATION OF GENERAL COMMERCIAL AND WAREHOUSE (C-2) IN THE CITY**  
7 **OF UMATILLA FOR THE HEREAFTER DESCRIBED PROPERTY OWNED BY ARDIANNA**  
8 **SANCHEZ, LOCATED WEST OF SR 19 AND EAST OF WEST ALTOONA ROAD; DIRECTING**  
9 **THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER**  
10 **APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER**  
11 **AND THE SECRETARY OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR AN**  
12 **EFFECTIVE DATE.**

13 **WHEREAS,** a petition has been submitted by Adrianna Sanchez as Owner, to rezone  
14 approximately 0.086 acres of land from Lake County Commercial (C-2) to City of Umatilla General  
15 Commercial and Warehouse (C-2);

16  
17 **WHEREAS,** the Petition bears the signature of all required parties; and

18  
19 **WHEREAS,** the required notice of the proposed rezoning has been properly published;

20  
21 **WHEREAS,** the City Council reviewed said petition, the recommendations of staff report and any  
22 comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing  
23 duly advertised;

24  
25 **WHEREAS,** upon review, certain terms pertaining to the development of the above described  
26 property have been duly approved, and

27  
28 **NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Umatilla, Florida,  
29 as follows:

30  
31 **Section 1: Purpose and Intent.**

32 That the zoning classification of the following described property, being situated in the City of Umatilla,  
33 Florida, shall hereafter be designated as General Commercial (C-2) as defined in the Umatilla Land  
34 Development Regulations and as depicted on the map attached hereto as Exhibit “A” and incorporated  
35 herein by reference.

36  
37 **LEGAL DESCRIPTION:** The South ½ of Lot L, of Francis J. Hinsons plan of the Town of  
38 Altoona, according to the Plat thereof as recorded in Plat Book 1, Pages 28 and 29, of the Public  
39 Records of Lake County, Florida.

40  
41 **Alternate Key # 3560639**

42  
43 **Section 2: Zoning Classification.**

44 That the property shall be designated as C-2, General Commercial, in accordance with Chapter 6, Section  
45 2(m) of the Land Development Regulations of the City of Umatilla, Florida.

46  
47 **Section 3:** The City Manager, or designee, is hereby directed to amend, alter, and implement the  
48 official zoning map of the City of Umatilla, Florida, to include said designation consistent with this  
49 Ordinance.



52 **Section 4: Severability.**  
53 If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void,  
54 unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall  
55 remain in full force and effect.

56  
57 **Section 5: Effective Date.**  
58 This Ordinance shall become effective immediately upon passage by the City Council of the City of  
59 Umatilla.

60  
61 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County,  
62 Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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68 Eric Olson, Mayor  
69 City of Umatilla, Florida

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71 ATTEST:

Approved as to Form:

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76 Karen H. Howard, MMC  
77 City Clerk

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82 Kevin Stone  
83 City Attorney

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Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_  
(SEAL)

Proposed Zoning  
C2 Umatilla

**Legend**

- LC Streets
- Subject\_Property
- LC Parcels

**Umatilla Zoning**

- AR-1 -- Agriculture Residential
- R-3 -- Low Density Residential
- R-5 -- Single Family Medium Density Residential
- MF-8 -- Multi-Family Medium Density Residential
- MF-12 -- Multi-Family High Density Residential
- UR-5 -- Urban Residential District
- MHRP-8 -- Mobile Home Rental Park
- MHS-8 -- Manufactured Home Subdivision
- PUD -- Planned Unit Development
- RP -- Residential Professional
- AZ -- Airport Zoning
- PFD -- Public Facilities District
- C-1 -- Neighborhood Commercial
- C-2 -- General Commercial & Warehouse
- TC-12 -- Tourist Commercial
- LM -- Light Manufacturing
- R/W -- Right of Way
- LAKE -- Lake

**Lake County Zoning**

- "A" Agriculture District
- "R-3" Medium Residential District
- "R-6" Urban Residential District
- "C-2" Community Commercial District
- "CP" Planned Commercial District
- "CFD" Community Facility District

ALTOONA RD  
SR 19  
CR 42  
HINSON RD  
REA WAY



1 inch = 200 feet

**City of Umatilla  
Sanchez Property**

**Lake County, Florida  
Proposed Zoning Map**

Project No.: 399-20-01  
File Name: Prop Zoning.mxd  
Project Name: Sanchez  
Project Manager: Sherie L  
Creation Date: July 29, 2020  
Created By: J.Meier



**LAND DEVELOPMENT REGULATIONS**  
**CHAPTER 3, ADMINISTRATION**

**SECTION 7:**                      **NONCONFORMANCE PROVISIONS.**

a)     **Types of nonconforming Status.**

Within the districts established by this Code or Amendments that later may be adopted, there may exist lots, uses of land, or structures which lawfully existed before this Code was passed or amended but would be prohibited, regulated, or restricted under the terms of this Code.

It is the intent of this Code to permit these nonconformities to continue in their present condition but not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. There are three (3) types of nonconforming status, as follows:

1)     **Nonconforming Lots of Record.**

In any district in which residential dwellings are permitted, notwithstanding district dimensional requirements, a single family dwelling and customary accessory buildings may be erected on any single lot of record as defined herein which existed on or before January 21, 1992. This provision shall apply even though such lot fails to meet the requirements applying to area or width, or both, of the lot and shall conform to all other regulations for the district in which said lot is located. However, development on residential lots platted under previous zoning ordinances may be permitted to develop based on setbacks in force at the time of platting.

The following provisions shall apply to lots of record zones commercial or industrial on or before January 21, 1992:

- A)     The construction of one commercial or industrial building shall be permitted on each lot providing that no adjoining lots are in the same ownership, or were in the same ownership as of January 21, 1992.
  
- B)     Dimensional requirements shall be based on the established requirements of this Code.

No portion of any nonconforming lot shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by this Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements stated in this Code.

2) Nonconforming Uses of Land and Structure.

A nonconforming use of land or structure existing prior to January 21, 1992, shall continue to have such nonconforming status and shall be subject to the applicable provisions of this Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of January 21, 1992.
- B) No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use as of January 21, 1992.
- C) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land or structure.

3) Nonconforming Structures.

A nonconforming structure existing prior to January 21, 1992, shall continue to have such nonconforming status and shall be subject to the applicable provisions of this Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming structure may be enlarged or altered in any way which increased its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than seventy-five percent (75%) of its current appraised value as recorded in the tax assessor's office at time of destruction, it shall not be reconstructed except in conformity with the provisions of this Code.
- C) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations of the district in which it is located after it is removed.

b) Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, repairs and modernization are permitted provided that the cubic area existing

when it became nonconforming shall not be increased. Nothing in this Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official. All repairs shall be completed within six (6) months after damages occur or the use shall not be rebuilt except as a conforming use.

c) **Discontinuance of Nonconforming Uses of Land or Structures.**

If a nonconforming use of land or a nonconforming use of structure has been abandoned for period of six (6) months, such use shall not thereafter be reestablished and any future use shall be in conformity with the provisions of this Code.

d) **Uses Under Special Exception or Conditional Use Provisions Are Not Nonconforming Uses.**

Any use which is permitted as a special exception or conditional use in a district under the terms of this Code shall be deemed a conforming use, subject to any conditions legally imposed by the City Council in the past.

# UMATILLA POLICE DEPARTMENT PRESS RELEASE

WEEK OF August 11, 2020 – August 18, 2020

## ARRESTS

### CRIMINAL CITATIONS REQUIRING COURT APPEARANCE

### REPORTS FILED

8/11/2020	5:32 pm	Officers responded to Turtle Run in reference to a report of illegal dumping.
2/12/2020	3:02 pm	Officers responded to Cassady Street to assist the Department of Children and Families.
8/14/2020	5:30 pm	Officers found a payroll check on West Third Avenue and returned it to its rightful owner.
8/14/2020	9:07 pm	Officers responded to assist Florida Highway Patrol on a traffic stop at Lake Road and State Road 19.
8/15/2020	2:57 pm	Officers responded to a minor vehicle crash at Devault St and S Central Ave. No report.
8/15/2020	10:27 am	Officers responded to Palm Court in reference to a vehicle burglary.
8/15/2020	10:56 am	Officers responded to a verbal altercation at 80 N Central Avenue.
8/15/2020	7:21 pm	Officers responded to assist LCSO reference a complaint of a juvenile driving a golf cart on the road.
8/16/2020	3:42 pm	Officers responded to Lori Court in reference to a vehicle burglary.
8/17/2020	8:15 am	Officers responded to 200 S Central Avenue in reference to an unattended death.
8/17/2020	11:48 am	Officers responded to N. Orange Avenue in reference to a stolen vehicle.

### ACTIVITY BREAKDOWN

ARRESTS	0
DISPATCHED CALLS	60
TRAFFIC STOPS	24
TRAFFIC CITATIONS ISSUED	3

# UMATILLA POLICE DEPARTMENT PRESS RELEASE

WEEK OF August 18 – August 25, 2020

## ARRESTS

8/23/2020	7:13 pm	Dwayne Clark	Trespass After Warning
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## CRIMINAL CITATIONS REQUIRING COURT APPEARANCE

8/23/2020	12:36 am	Dylan Michael Reynolds	Reckless Driving
8/18/2020	9:48 pm	Naomi Ann Watts	Expired Driver License more than 6 months

## REPORTS FILED

8/19/2020	9:53 am	Officers responded to N Oak Avenue in reference to Burglary to a Vehicle.
8/19/2020	6:15 pm	Officers responded to Umatilla Police Department in reference to a subject with a Virginia warrant that wanted to turn herself in. No extradition. No arrest.
8/19/2020	7:24 pm	Officers responded to a complaint of recurring stop sign violations at Winogene Avenue and Owens St.
8/20/2020	4:00 pm	Officers responded to N Kentucky Ave in reference to a verbal altercation.
8/20/2020	9:34 pm	Officers responded to East 5 <sup>th</sup> St. to assist Lake County Sheriff's Office with an aggressive resident.
08/24/2020	11:30 pm	Officers opened an investigation into fraudulent checks and mail theft on Rose St.
8/25/2020	332 am	Officers responded to Roberts St and S Central Ave to assist LCSO and FHP with a hit and run crash that occurred at SR 19 and CR445a.

## ACTIVITY BREAKDOWN

ARRESTS	1
DISPATCHED CALLS	57
TRAFFIC STOPS	32
TRAFFIC CITATIONS ISSUED	4

## City of Umatilla – Clarifier failure at Waste Water Treatment Plant August 11, 2020 approximately 7:15 a.m.

There was a failure of the Clarifier at the Umatilla Waste Water Treatment Plant (WWTP). The support beams on the energy dissipating inlet sit at water level. Corrosion from age and oxidation took its toll on those components. Most of the components below water level looked fine except for a couple minor repairs to the rake arm (part of the Scraper Blade).

Actions taken by city staff to respond to this equipment failure:

FDEP was contacted and the city kept them apprised of all the steps being taken to keep the plant operational. During this time the WWTP was considered to be out of compliance with FDEP regulations because the effluent was poor. The chlorine flow was increased to the contact chamber to accommodate the solids flowing over the weirs.

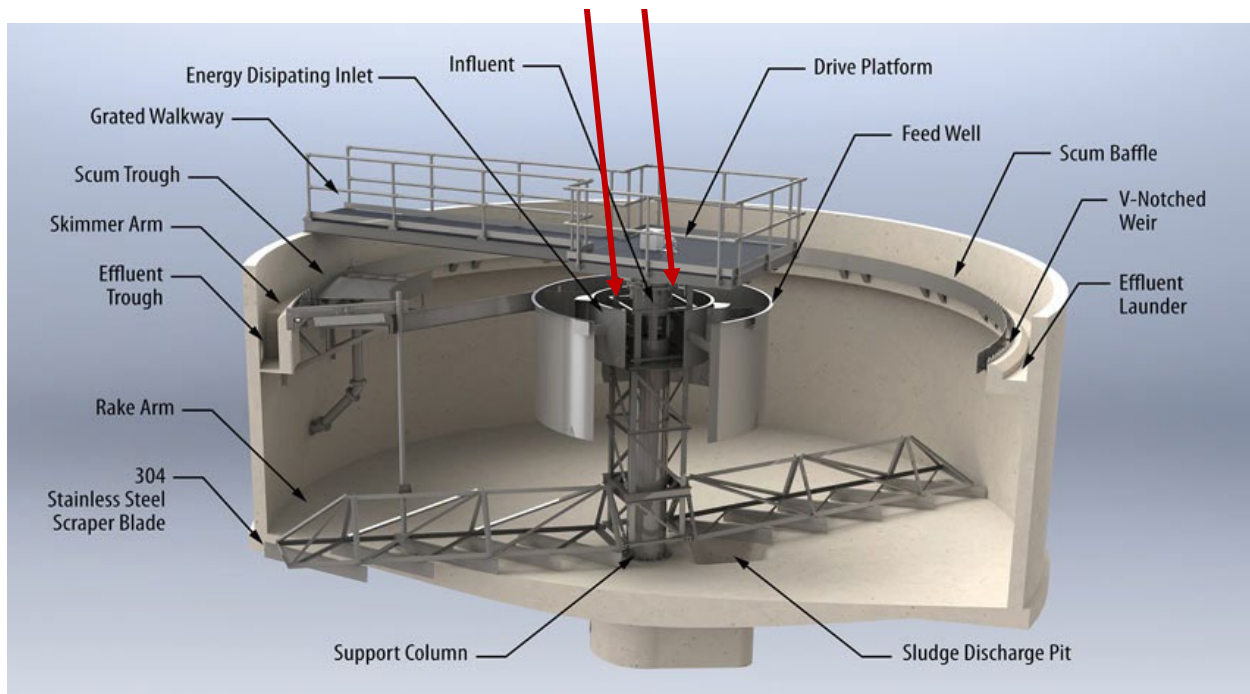
In order to determine the exact issue and begin the repair process, it was necessary to clear the effluent and sludge from the Clarifier. The city rented equipment to pump the effluent from the effluent pond to the Rapid Infiltration Basins (RIBs).

American Pipe & Tank hauled 42,600 gallons of sludge from the clarifier and transported to an alternate location for treatment and disposal.

The city contracted with RCM Utilities to evaluate and begin work on the repairs. RCM was able to visually inspect the damage and effect repairs to get the Clarifier back in working order.

Repairs were completed on August 14, 2020.

### Component Failure – Support Beams on Disipating inlet





**City of Umatilla – Clarifier failure at Waste Water Treatment Plant  
August 11, 2020 approximately 7:15 a.m.**

Rotted supports caused major failure



Repairs made on supporting well feed

**City of Umatilla – Clarifier failure at Waste Water Treatment Plant  
August 11, 2020 approximately 7:15 a.m.**

Minor repairs on scraper blade

