

## **UMATILLA CITY COUNCIL MEETING**

**August 18, 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 #20-179 issued on July 29 , 2020, 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/draft-agenda-umatilla-city-council-meeting-august-18-2020>

Access to the Zoom meeting is available beginning at 5:45 p.m. by going to Zoom.us

Meeting ID# 813 1112 7485 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

- a. City Council meeting August 4, 2020
- b. Budget Workshop July 29, 2020
- c. City Council Special meeting July 29, 2020

2 Resolution 2020-12 Firefighter Assistant Grant

3 Surplus Goods

### **PUBLIC COMMENT**

Public comment during the Zoom meeting for non-agenda items is limited to emails submitted prior to or during 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**

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

### **OLD BUSINESS**

5 Palmer Utility Agreement

### **NEW BUSINESS**

6 Bid Award – Project 2020-05 Airport Infrastructure

7 Auditor Engagement Letter

## **GENERAL DISCUSSION**

8 Cemetery proposed rules

## **REPORTS**

City Attorney

City Manager Employment Agreement

Mayor

Council Members

### **Staff**

Police Activity Report – Police Chief Adam Bolton

Code Enforcement Report – Officer Misti Lambert

Fire Activity Report – Fire Chief Shane Lanoue

## **UPCOMING MEETINGS AND EVENTS**

### **September 1, 2020**

5:45 PM City Council meeting as Land Planning Agency

6 PM City Council meeting

### **September 8, 2020**

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

### **September 15, 2020**

6 PM City Council meeting

### **September 22, 2020**

6 PM CRA meeting – adoption of Final Budget

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

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 4, 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: Mayor Eric Olson, Vice Mayor Kent Adcock; Council members Katherine Adams, Brian  
10 Butler, Laura Wright; Police Chief Adam Bolton; Meeting Moderator and Finance Director Regina  
11 Frazier; City Manager Scott Blankenship; City Clerk Karen Howard.

12 NOT PARTICIPATING:  
13

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

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

19 **AGENDA REVIEW**

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

21 **Roll call vote:**

22 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes; Mayor Olson-yes**

23 **Motion carried.**  
24

25 **MINUTES REVIEW**

26 1 Minutes, City Council meeting July 21, 2020  
27

28 **MOTION by Adams; SECOND by**

29 **; to approve Minutes of the City Council meeting of July 21, 2020.**

30 **Roll call vote:**

31 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes; Mayor Olson-yes**

32 **Motion carried.**  
33

34 **PUBLIC COMMENT**

35 **Meeting Moderator Regina Frazier** said there was no public comment.  
36  
37

38 **NEW BUSINESS**

39 2 Airport Ground Lease Agreement - Revised  
40

41 **Attorney Stone** said this agreement is for a ground lease at the airport that would allow a developer to  
42 build a hangar. It is our understanding the intent is to build a hangar and run it as a flight school but that  
43 is not a requirement. This hangar is to be built to certain standards and be used for aviation purposes.  
44

45 The benefits to the city is that we do not have to expend fund to develop the site and it would be part of  
46 our airport. The more planes and traffic he have at the airport the happier we are. The benefit to the  
47 developer is they do not have the expense of acquiring land; they rent it from the city.  
48

49 A ground lease means we are renting only the land. The improvements will be made at the expense of  
50 the developer who will own the improvements and use them during the term of the lease. This is for a

51 very long time, as ground leases are. The developer will spend a large amount of money and needs to be  
52 able to recoup the investment. At the end of the fifty (50) year lease term the asset will revert to the city.  
53 The city has the option, after thirty (30) years, to buy out the term of the lease.

54  
55 The amount of the buyout would reduce by 2% each year the agreement is in effect. At the end of thirty  
56 years, the buyout would be at 40% of the assessed value. The city can make a decision to exercise that  
57 right with plenty of notice to the owners.

58  
59 There are a number of conditions that are standard for a ground lease, with some applicable to aviation  
60 uses. **Attorney Broome** is in the audience on behalf of the proposed developer of the hangar.

61  
62 **Motion by Wright; Second by Butler; to approve Ground Lease Agreement.**

63  
64 Discussion focused on the change from an agreement with an individual to a business. **Attorney Stone**  
65 said the business formed for this project is a Limited Liability Company, run by its managers or the  
66 members of the LLC. The rent is payable by the business and if it fails to pay the rent it would be the  
67 business we would be chasing for the payment. There is no personal liability. The asset is owned by the  
68 LLC, and it would be a problem for the tenant if they failed to live up to the terms of the lease because  
69 they would forfeit the asset.

70  
71 The downside for the city is we had included an early termination of the lease. The ownership of the LLC  
72 could change over time that could trigger the ability of the city to buy out the lease. However, this was  
73 offset by after the thirtieth year the city could buy out the lease at a substantial discount. It is more likely  
74 for the first thirty years that an LLC will occupy the space opposed to an individual. It is not a significant  
75 impact changing the character of the tenant.

76  
77 The provisions of the contract stay the same as long as the entity continues on in existence. If the city  
78 does not exercise the option to buy it out after thirty years this lease could continue fifty years or even  
79 more time. The city would have to be satisfied with the way things were going because the buy out would  
80 be very low.

81  
82 **Mr. Broome** said the LLC documents have been executed but SunBiz has been backed up. I see no problem  
83 that it should be fine by the time we sign.

84  
85 **Attorney Stone** said granting an interest to an entity that does not exist would not be a problem for the  
86 city, more so for the tenant. We will verify.

87  
88 There will be a few changes to this form. There was a change that your staff recommended about damage  
89 to the premises and abatement to rent. There are a couple things that will be tweaked in the city's favor  
90 as we finalize this form.

91  
92 No public comment.

93  
94 **Roll call vote:**  
95 **Adams – yes; Butler-yes; Wright-yes; Vice Mayor Adcock-yes**  
96 **Motion carried.**

97  
98 **GENERAL DISCUSSION**  
99 **City Manager Blankenship** reminded the Council there will be a budget workshop meeting via Zoom  
100 tomorrow night at 6 PM. Please get with me or **Ms. Frazier** if you have any questions.



101 **REPORTS**

102 **City Attorney Stone**

103 **Crescent Street**

104

105 **Attorney Stone** you are familiar with the background and since then there has been a lot of work done. I  
106 get the sense that **Mr. Purvis** paid attention during the last Council meeting. They have come up with a  
107 strategy that will satisfy the Council.

108

109 We spent a lot of time about what would happen if all the neighbors were not in agreement and there  
110 were a lot of options discussed with much detail.

111

112 My understanding is they were able to get the consent of all nine neighbors. This is new; there are a  
113 number of pieces to what the proposal will look like. **Mr. Broome** will present something that makes  
114 sense to me. We can set to work preparing a document and it will be brought back to Council for further  
115 action.

116

117 **Attorney Broome** said after the meeting I prepared a 22-page cross-access agreement. We noted the  
118 Council was concerned about the fifty (50) feet.

119

120 **Mr. Purvis** and **Mr. Straughan** will provide the back the 50' fee and proceed with the cross-access  
121 easement agreement. **Mr. Straughan** will take title to the 50' and responsibility for the ad valorem tax  
122 liability.

123

124 **Mr. Straughan** and **Mr. Purvis** have been diligent and have the agreement of all the neighbors who agree  
125 if they are not responsible for the taxes.

126

127 **Attorney Stone** said asked questions, such as will WCA still pick up garbage; will the city still have the right  
128 to maintain utility lines; what about the electric lines? Pick up of hurricane debris?

129

130 **Attorney Stone** asked if Council wants authorize him to move forward and prepare documents in  
131 furtherance of the deal where the city is conveying the property and will not own it anymore in exchange  
132 for the repayment of the funds paid almost twenty years ago.

133

134 **Attorney Broome** said the draft I prepared provides for all this. It provides for ingress and egress for solid  
135 waste services, utilities, stormwater, commercial ingress and egress. We tried to be exhaustive and  
136 covered everything.

137

138 **Mr. Broome** said the owners would all own their ground. This is an easement where no one would own  
139 the road per se, but all adjoining the road have a legal right of ingress and egress in perpetuity. There is  
140 a 50' easement, 25' from the centerline of the current existing paved road on either side.

141

142 **Attorney Stone** said each of the owners who owned the road before would own it again. Step two, each  
143 owner will grant to each other an easement to use the road forever. If one of the nine sold their property,  
144 it would be transferred to the new owner.

145

146 **Mr. Straughan** will assume all the ad valorem tax burden of all the 50' .

147

148 **Mr. Purvis** and **Mr. Straughan** will repay the \$10,900 to the city.

149

150 **Council member Butler, Council member Wright, and Vice Mayor Adcock** voiced their support of the  
151 proposal.  
152

153 **Mayor Olson** asked if **Mr. Stone's** fees would be covered. **Mr. Broome** responded that is not on the table  
154 right now. **Mayor Olson** believed it should be.  
155

156 **Council member Adams** stated if someone builds something in Umatilla without a permit, we could make  
157 them tear it up. At this point, is there something the city could take action against **Mr. Purvis** for his  
158 actions? **Attorney Stone** responded that if someone builds something in the city without a permit they  
159 are required to get an after the fact permit and pay additional fees. After that, it becomes a Code  
160 Enforcement violation. The Code Enforcement program we have does not apply here. We could file a  
161 lawsuit and there is certainly a claim that could be made by the city against **Mr. Purvis** for coming on their  
162 land and doing things without authority. Whatever claim would be waived for entering into an agreement  
163 like they have proposed.  
164

165 Extensive discussion took place on trying to obtain attorney fees with **Attorney Stone** advising to take a  
166 reasonable offer. I would encourage you to think a lawsuit is not something we would like to do.  
167

168 **Mayor Olson** said the offer is reasonable but we did not create the problem. I still feel he needs to pay  
169 the attorney fees. **Council member Adams** shared that opinion and it should be entered into the  
170 agreement.  
171

172 **Attorney Stone** responded that could be a condition of your counter offer. It is up to **Mr. Purvis** to accept  
173 or reject it.  
174

175 **Attorney Broome** said our position would be the paving is now a benefit to the neighbors and **Mr.**  
176 **Straughan** and **Mr. Purvis** are paying for something that is going off the city's maintenance roll.  
177

178 **Council member Butler** said we need to take what is laid out; it is a fair offer.  
179

180 **Vice Mayor Adcock** said accepting the offer is the most prudent action to take.  
181

182 **Council member Wright** said we got what we need and have a lot of other things in the city and we need  
183 to move forward and move on. I understand this is not the right way to do things, but we need to accept  
184 the offer.  
185

186 **Mayor Olson** said it sound like the Council wants to move forward with something.  
187

188 **Attorney Stone** said I have direction and will prepare the documents. This will be back before the Council.  
189 There could some logistical work to do and get it done as quickly as possible.  
190

191 **Councilmember Adams** reiterated she did not think this is fair to the City of Umatilla that we are putting  
192 money into this for something we did not start.  
193

194 **Attorney Stone** said he will bill the city for reviewing the work; the majority of the drafting will be done  
195 by **Mr. Broome**.  
196

197 **Mr. Broome** indicated he will draft the documents and probably pick up the recording fees.  
198

199 **Attorney Stone** was instructed to move on with the next step.

200 **REPORTS**

201 **Chief Bolton** reported there was a crash on 450 today

202

203 **Vice Mayor Adcock** asked if there were more calls with COVID and **Chief Bolton** replied there is less call  
204 volume.

205

206 **Meeting adjourned 6:48 p.m.**

207

208

209

210 \_\_\_\_\_  
Eric Olson

211 Mayor

212

213 ATTEST:

214

215

216 \_\_\_\_\_  
Karen H. Howard, MMC

217 City Clerk

1                                   **MINUTES, UMATILLA CITY COUNCIL BUDGET WORKSHOP**  
2   **JULY 29, 2020 6:00 P.M.**  
3                                   **MEETING CONDUCTED ON VIDEO CONFERENCING APP ZOOM**  
4

5 **Meeting called to order 6:00 p.m.**  
6

7 PARTICIPANTS: Mayor Eric Olson; Vice Mayor Kent Adcock; Council members Katherine Adams,  
8 Brian Butler, Laura Wright; Police Chief Adam Bolton; Fire Chief Shane Lanoue; Finance Director  
9 Regina Frazier; City Attorney Kevin Stone; City Manager Scott Blankenship; City Clerk Karen  
10 Howard  
11

12 The procedure for the Zoom meeting was explained to the participants.  
13

14 Roll call: Mayor Eric Olson, Vice Mayor Kent Adcock; Council members Katherine Adams, Brian  
15 Butler, Laura Wright attended via video conference.  
16

17 **NEW BUSINESS**

18 1 Review of Proposed Budget Fiscal Year 2020/2021  
19

20 **City Manager Scott Blankenship** noted the recommendation is to maintain the same millage rate  
21 as last year.  
22

23 This year is the effects of COVID-19 we are operating on some unknowns. Overall, we have had  
24 a good year in spite of COVID.  
25

26 Highlights:

- 27     • CDBG waterline project completed
- 28     • Interconnect with Eustis - we have \$2,000,000 in grant dollars committed toward the  
29     project. We are looking at around \$4,000,000 in funding through the State Revolving Loan  
30     program with a significant percentage to be forgiven. We are hoping the interest rate is  
31     low.
- 32     • FDOT has been gracious with grants  
33         This year we purchased additional property and land on the southwest side  
34         FDOT \$350,000 funding for runway rehab  
35         FAA CARES Grant of \$20,000 – to be used for fuel equipment at airport  
36         FDOT Grant \$35,000 for fuel farm  
37

38 Discussion took place on the fuel issues at the airport with **City Manager Blankenship** stating the  
39 equipment is old and works off and on. The long-term solution is replacement through FDOT  
40 grant. The new equipment should be in next week.  
41

42 FDOT Infrastructure project is close to a \$1 million project that will help improve the  
43 waterline from Rose Street to the other side of the airport; it will add additional benefits.  
44 Project is out to bid and will be coming back to Council.

- 45
- 46 • Cadwell and Larkin Park reapplying for \$50,000 grants for each park.
- 47 • Pool – It has been very difficult to get pool tech. CPH is on the third consultant.
- 48
- 49 • Roads and Streets – We are focusing infrastructure spending on needs not wants. Daphne  
50 Street reconstruction was completed
- 51
- 52 • City Hall hallway improvements should start in next couple weeks. The project will  
53 upgrade restrooms and dry wall the hallway.
- 54
- 55 • The Fire Department has a rehab project for their kitchen area
- 56
- 57 • LCWA Grants for Trowell Ave Baffle Box and a grant for stormwater off Umatilla  
58 Boulevard; there is a lot of stormwater that needs to be treated before it goes into our  
59 lakes.
- 60

61 Our overall budget is balanced with no recommended increase in our millage rates. It is status  
62 quo. We got hit pretty hard on our health insurance with an 8% increase and there was an  
63 increase in the contributions to the Florida Retirement System.

64

65 **Finance Director Regina Frasier** went over the Budget Tenents.

66

67 Budget highlights include:

- 68 • All Funds are balanced and the General Fund is projected to only utilize minimal  
69 carryover reserves
- 70 • No new positions are included
- 71 • Budget includes increased pension (state mandated) that went up over 1.5% and  
72 increased health insurance costs
- 73 • Budget includes merit-based increases on a 0 – 3% scale budgeted with an average of  
74 2.5% (last year’s average increase was 2.9 on a 0 – 4% scale).
- 75

76 General Fund Revenues:

- 77 • Property Taxes projected \$920,128  
78 ✓ 3.5% or \$31,850 higher than current year budget
- 79 • Other Taxes show an decrease of 2.7% or \$23,083  
80 ✓ True impact of these decreases is yet to be seen and State estimates are  
81 unavailable at this time
- 82 • Permit Fees are budgeted above FY 2020 by \$18,000  
83 ✓ Based on new fees and increased construction

84 ✓ Overall General Fund revenues projected to be down by approximately 2.5%

85

86 **Ms. Frazier** showed Revenue and Expenditure Comparison charts for the General Fund, CRA  
87 Fund, Enterprise Funds, and Capital Projects Funds.

88

89 **Wright** talked about the Library and expressed concerns on retaining employees and providing  
90 services. **Regina** said the county allocations

91 **Mr. Blankenship** said **Ms. Lewis** wants to allow students to come in to study maintaining social  
92 distancing so they will have Wi-Fi. We shared that information with the school system.

93

94 Fire Assessment Funds shows an increase. We did not budget for a transfer in for buy downs.  
95 Replacement vehicle for the Chief and debt service for the police and fire radio system. We will  
96 apply for a USDA grants to help with police and fire vehicles.

97

98 There is in the Water Sewer Fund the \$6,000,000 for the interconnect.

99

100 **Ms. Frazier** went over the Capital Projects Funds: Infrastructure Sales Tax Revenue

101 Roll over funds

- 102 • Two Police Cars
- 103 • Fire Chief vehicle
- 104 • Street Paving and Improvements \$100,000
- 105 • Upgrades to swimming pool and restrooms \$350,000

106 Debt Service is for public safety radios and the Fire Truck

107

### 108 **Budget Recap**

109

110 The General Fund operating budget is balanced utilizing approximately \$50,000 of fund balance  
111 rolled over from FY 2020 expenditure savings

- 112 • Complete impact of COVID-19 to revenues yet to be determined
- 113 • No new positions
- 114 • Merit increase or alternative for employees for FY 2021
- 115 • Incorporates \$350,000 for swimming pool and restroom renovations
- 116 • Fire Assessment rates proposed at the same level, however, no funding included for  
117 buy-down of any rate
- 118 • Millage rate set today will be advertised on the TRIM notice and cannot be increased  
119 but can be lowered at the Public Hearings

120

121 Discussion took place on alternatives to merit increases. **Ms. Frazier** responded we looked at  
122 alternatives of a slight increase and a one-time bonus. I can roll out different scenarios and we  
123 can play with those numbers anyway you want.

124

125

126 **Council member Wright** said she didn't know if merit is working. She expressed concern about  
127 the revenues.

128  
129 **Mayor Olson** said we are all concerned. We have a city to run but if we don't pay the employees  
130 they go somewhere else. I'm not sure what the prudent thing to do is for raises.

131  
132 **Council member Butler** asked about how the city would look at it doing a bonus and slight  
133 increase.

134  
135 **Ms. Frazier** noted a bonus is a one-time shot, even across the board for all employees. Next year  
136 it would only be based on the salary increase not what is given for a bonus. Any combination can  
137 be utilized. I will work out some scenarios and to get out to the Council.

138  
139 **Council member Adams** noted it all depends upon what is best for the employees.

140  
141 **Vice Mayor Adcock** said no one wants to look at a tax increase. The cost of living is increasing  
142 dramatically and we want to look at creative solutions. It concerns me when I talk to city  
143 employees who cannot afford a Habitat home. It is a difficult decision to wrestle with and I think  
144 we want to look at several scenarios.

145  
146 No public comment.

147  
148 **Meeting Adjourned 6:45 p.m.**

149  
150  
151  
152 \_\_\_\_\_

153 Eric Olson  
154 Mayor

155  
156  
157  
158 ATTEST:

159  
160  
161 \_\_\_\_\_  
162 Karen H. Howard, MMC  
163 City Clerk

1  
2  
3 **MINUTES, UMATILLA CITY COUNCIL SPECIAL MEETING**  
4 **JULY 29, 2020 6:00 P.M.**  
5 **MEETING CONDUCTED ON VIDEO CONFERENCING APP ZOOM**  
6

7 **Meeting called to order 6:53 p.m.**  
8

9 PARTICIPANTS: Mayor Eric Olson; Vice Mayor Kent Adcock; Council members Katherine Adams,  
10 Brian Butler, Laura Wright; Police Chief Adam Bolton; Fire Chief Shane Lanoue; Finance Director  
11 Regina Frazier; City Attorney Kevin Stone; City Manager Scott Blankenship; City Clerk Karen  
12 Howard  
13

14 Roll call: Mayor Eric Olson, Vice Mayor Kent Adcock; Council members Katherine Adams, Brian  
15 Butler, Laura Wright attended via video conference.  
16

17 **NEW BUSINESS**

18 1 Set Proposed Millage Rate for Fiscal Year 2020/2021  
19

20 **City Manager Blankenship** said staff recommends setting the proposed millage rate at the  
21 current rate of 7.1089 mils. Once the proposed millage is set it can be lowered but it is very  
22 difficult and expensive to increase it.  
23

24 **MOTION by Wright; SECOND by Adams; to set proposed millage rate at 7.1089 for Fiscal Year**  
25 **2020/2021.**  
26

27 **Council member Butler** asked if it would behoove us to increase it until we get better numbers.  
28

29 **Vice Mayor Adcock** asked if there is anything on the horizon that might bring in more revenue?  
30

31 **City Manager Blankenship** said the biggest thing on the horizon is a Planned Unit Development  
32 that will increase revenues to the city.  
33

34 **Vice Mayor Adcock** asked if there is a way to do a projection on revenue decreases because of  
35 COVID?  
36

37 **City Manager Blankenship** responded **Ms. Frazier** has been keeping a close eye on the  
38 projections and we do not see anything catastrophic. Our initial discussions with Department  
39 Heads was to keep the budget tight and you would not get more than last year.  
40

41 **Mayor Olson** asked if unknown figures were built into the budget.  
42

43 **Ms. Frazier** responded she has been very conservative and the projections she used that have  
44 come in have been around \$15,000 less than budgeted. There are only two more state estimates  
45 that we have not gotten yet. The projections numbers for next January are based on  
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construction. We have a lot of new construction this year. Our roll back rate is 6.9317 and a lot is calculated on what is going into the CRA

**Mayor Olson** asked when the estimates are expected to come in.

**Ms. Frazier** responded we know the number on the Ad Valorem. The biggest unknown is Infrastructure and that is for capital projects. There is not a lot of wiggle room on our expenditures.

Discussion took place on transferring funds from one fund to another and could more funds be transferred? **Ms. Frazier** responded you can do that but I believe there has to be a rationale.

**Vice Mayor Adcock** said he is not opposed to an increase, but prefers not to increase.

Discussion focused on increasing millage rate until the variables are determined.

**Roll call:**

**Adams-yes; Butler-no; Wright-yes; Vice Mayor Adcock-yes; Mayor Olson-no**

**Motion carried**

**Finance Director Regina Frasier** announced the dates for Tentative Millage Rate, Tentative Budget and Final Fire Assessment Fee.

Budget Hearings are Tuesday, September 8<sup>th</sup> and Tuesday, September 22<sup>nd</sup> .

City Manager Blankenship reminded the Council members that he and **Ms. Frazier** are available to go over the budget.

**Meeting adjourned 7:13 p.m.**

\_\_\_\_\_  
Eric Olson  
Mayor

ATTEST:

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

**CITY OF UMATILLA  
AGENDA ITEM STAFF REPORT**

---

**DATE:** August 11, 2020

**MEETING DATE:** August 18, 2020

**SUBJECT:** Resolution 2020-12

**ISSUE:** Assistance to Firefighters Grant – COVID 19 Supplemental

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**BACKGROUND SUMMARY:** The Fire Department sought grant funding from the Department of Homeland Security for the purchase of Personal Protective Equipment (PPE) and related supplies to prevent, prepare for, and respond to coronavirus.

The application was approved for federal funding in the amount of \$12,221.89. A matching grant of 5% or \$611.09 is required from the city. The total budget for the purchase is \$12,832.98.

The following approved purchases were included in the request for funding:

2	Isolation Gown Dispensers	Storage for gowns
30	Isolation Gowns	Unisex, reusable gowns; 1 for each member and one backup. Equipment on premise to clean and sanitize after each use
20	Surgical Masks	20 boxes, 50 disposable masks per box
20	half-mask respirators	MSA half mask, reusable respirators
60	filter cartridges for half-mask respirators	Replacement filter cartridges
50	Coveralls	Coveralls with elastic at wrists and ankles to keep sealed in vehicles in the event of being called to another scene without the ability to return to the station
20	Boxes gloves	Each box contains 100 gloves; equivalent to a year of calls
500	disposable isolation gowns	Back up gowns

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**STAFF RECOMMENDATIONS:** Adoption of Resolution 2020-12 Accepting Grant Award EMW-2020-FG-03124.

**FISCAL IMPACTS:** \$611.09 Fire Department

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**COUNCIL ACTION:**

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

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

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**RESOLUTION 2020 - 12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UMATILLA, LAKE COUNTY, FLORIDA, AUTHORIZING THE GRANT AGREEMENT BETWEEN THE DEPARTMENT OF HOMELAND SECURITY AND THE CITY OF UMATILLA FOR THE 2020 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM-COVID-19 SUPPLEMENTAL; AUTHORIZING CITY OFFICIALS TO EXECUTE SAID AGREEMENT; PROVIDING FOR AN AMENDMENT TO THE CITY BUDGET; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Umatilla, Lake County, Florida on August 18, 2020, approved the Assistance to Firefighters Grant Program-COVID-19 Supplemental, providing funds for the purchase of Personal Protective Equipment (PPE) and related supplies to prevent, prepare for and respond to coronavirus; and

**WHEREAS**, Award number EMW-2020-FG-03124 provides Federal Funding in the amount of \$12,221.89, requiring a match from the city of 5%, or \$611.09, for a total budget of \$12,832.98;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Umatilla, Florida:

1. That the Umatilla City Council authorizes acceptance of the Grant Award EMW-2020-FG-03124 from the Department of Homeland Security for the purchase by the Umatilla Volunteer Fire Department of PPE, a detailed list of which is included in Attachment A in an amount not to exceed \$12,221.89.
2. That the Mayor, Eric Olson, or the City Manager, Scott Blankenship, are hereby authorized and directed to sign the Grant Award on behalf of the City of Umatilla, Lake County, Florida.
3. That the Finance Director Regina Frazier is hereby directed to amend the budget to include the increase in funding.
4. **SAVINGS CLAUSE:** If any section, sentence, clause, phrase, or word of this Resolution is for any reason held, or declared to be, unconstitutional, inoperative or void, such holding or invalidity shall not effect the remaining portions of this Resolution without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Resolution, after the exclusion of such part or parts shall be deemed and held to be valid as if such parts had not been included herein; or if this Resolution or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not effect the applicability therereof to any other person, property or circumstances.

**EFFECTIVE DATE:** This Resolution shall take effect immediately upon its adoption by the City Council of the City of Umatilla, Lake County, Florida, this 18<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
Eric Olson  
Mayor, City of Umatilla

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Attest:

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Karen H. Howard, MMC  
City Clerk

Approved as to form:  
STONE & GERKEN, PA

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Kevin Stone  
Attorney, City of Umatilla

Passed First Reading: August 18, 2020  
[Seal]

## Award Letter

U.S. Department of Homeland Security  
Washington, D.C. 20472

Karen Howard  
UMATILLA, CITY OF  
P.O. BOX 2286  
UMATILLA, FL 32784



EMW-2020-FG-03124

Dear Karen Howard,

Congratulations on behalf of the Department of Homeland Security. Your application submitted for the Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) has been approved in the amount of \$12,221.89 in Federal funding. As a condition of this grant, you are required to contribute non-Federal funds equal to or greater than 5.00% of the Federal funds awarded, or \$611.09 for a total approved budget of \$12,832.98. Please see the FY 2020 AFG-S Notice of Funding Opportunity for information on how to meet this cost share requirement.

Before you request and receive any of the Federal funds awarded to you, you must establish acceptance of the award through the FEMA Grants Outcomes (FEMA GO) system. By accepting this award, you acknowledge that the terms of the following documents are incorporated into the terms of your award:

- Summary Award Memo - included in this document
- Agreement Articles - included in this document
- Obligating Document - included in this document
- FY 2020 AFG-S Notice of Funding Opportunity (NOFO) - incorporated by reference

Please make sure you read, understand, and maintain a copy of these documents in your official file for this award.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Logan".

Christopher Logan  
Acting Assistant Administrator  
Grant Programs Directorate

# Summary Award Memo

**Program:** Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental

**Recipient:** UMATILLA, CITY OF

**DUNS number:** 079863247

**Award number:** EMW-2020-FG-03124

## Summary description of award

The purpose of the Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) is to provide funds for the purchase of PPE and related supplies, including reimbursements, to prevent, prepare for, and respond to coronavirus. After careful consideration, FEMA has determined that the recipient's project or projects submitted as part of the recipient's application and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S)'s purpose and was worthy of award.

Except as otherwise approved as noted in this award, the information you provided in your application for FY 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental (AFG-S) funding is incorporated into the terms and conditions of this award. This includes any documents submitted as part of the application.

## Amount awarded

The amount of the award is detailed in the attached Obligating Document for Award.

The following are the budgeted estimates for object classes for this award (including Federal share plus your cost share, if applicable):

<b>Object Class</b>	<b>Total</b>
Personnel	\$0.00
Fringe benefits	\$0.00
Travel	\$0.00
Equipment	\$0.00
Supplies	\$12,832.98
Contractual	\$0.00
Construction	\$0.00
Other	\$0.00
Indirect charges	\$0.00
<b>Federal</b>	<b>\$12,221.89</b>
<b>Non-federal</b>	<b>\$611.09</b>
<b>Total</b>	<b>\$12,832.98</b>
<b>Program Income</b>	<b>\$0.00</b>

## **Approved scope of work**

After review of your application, FEMA has approved the below scope of work. Justifications are provided for any differences between the scope of work in the original application and the approved scope of work under this award. You must submit scope or budget revision requests for FEMA's prior approval, via an amendment request, as appropriate per 2 C.F.R. § 200.308 and the AFG-S NOFO.

**Approved request details:**

## **Personal Protective Equipment (PPE)**



## Supplies

### DESCRIPTION

Two isolation gown dispensers to safely store the gowns at a cost of \$53.09 each. We chose to have reusable along with disposable gowns, because we are planning ahead for a possible resurgence of the virus.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	2	\$53.09	\$106.18	Supplies

## Isolation Gowns

### DESCRIPTION

30 unisex reusable isolation gowns at a cost of \$203.49 each. This will allow each member of our department to have access to one, with one ready as a backup. We have the equipment on premise to clean and sanitize these gowns after use.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	30	\$203.49	\$6,104.70	Supplies

## Surgical Type Face Masks

### DESCRIPTION

20 boxes, 50 per box - Disposable Face Mask, Breathable 3 Ply Masks with elastic earloops, General Use Protective face masks at a cost of \$32.45 a box. These will be backups to our respirators we have requested

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	20	\$32.45	\$649.00	Supplies

## Respirators

### DESCRIPTION

60 replacement filter cartridges for the half mask respirators at a cost of \$16.49 each.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	60	\$16.49	\$989.40	Supplies

## Protective Coveralls

### DESCRIPTION

Delta Safety Hooded Coveralls with Elastic Wrists and Ankles at the cost of \$19.95 each. Even though we have asked for isolation gowns, we have want a limited number of these to keep sealed in all of our vehicles just in case we are called to another scene, without having the opportunity to return to quarters.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	50	\$19.95	\$997.50	Supplies

## Gloves

### DESCRIPTION

20 boxes of disposable nitrile examination gloves. Each box contains 100 gloves giving us a total of 1000 pairs. The equivalent to a year of calls is the cost of \$19.95 per box.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	20	\$19.95	\$399.00	Supplies

## Respirators

### DESCRIPTION

20 MSA half mask respirators at the cost of \$19.61 each. These units are reusable.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	20	\$19.61	\$392.20	Supplies

### CHANGE FROM APPLICATION

**Budget class from Equipment to Supplies**

### JUSTIFICATION

Changed Budget Object Class from Equipment to Supplies.

## Isolation Gowns

### DESCRIPTION

500 disposable isolation gowns as backups at a cost of \$6.39 each.

	QUANTITY	UNIT PRICE	TOTAL	BUDGET CLASS
Cost 1	500	\$6.39	\$3,195.00	Supplies

## **Agreement Articles**

**Program:** Fiscal Year 2020 Assistance to Firefighters Grant Program - COVID-19 Supplemental

**Recipient:** UMATILLA, CITY OF

**DUNS number:** 079863247

**Award number:** EMW-2020-FG-03124

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- Article 6 Americans with Disabilities Act of 1990**
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**Article 1 Assurances, Administrative Requirements, Cost Principles, Representations and Certifications**

DHS financial assistance recipients must complete either the Office of Management and Budget (OMB) Standard Form 424B Assurances – Non-Construction Programs, or OMB Standard Form 424D Assurances – Construction Programs, as applicable. Certain assurances in these documents may not be applicable to your program, and the DHS financial assistance office (DHS FAO) may require applicants to certify additional assurances. Applicants are required to fill out the assurances applicable to their program as instructed by the awarding agency. Please contact the DHS FAO if you have any questions. DHS financial assistance recipients are required to follow the applicable provisions of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located at Title 2, Code of Federal Regulations (C.F.R.) Part 200, and adopted by DHS at 2 C.F.R. Part 3002.

**Article 2 DHS Specific Acknowledgements and Assurances**

All recipients, subrecipients, successors, transferees, and assignees must acknowledge and agree to comply with applicable provisions governing DHS access to records, accounts, documents, information, facilities, and staff. 1. Recipients must cooperate with any compliance reviews or compliance investigations conducted by DHS. 2. Recipients must give DHS access to, and the right to examine and copy, records, accounts, and other documents and sources of information related to the federal financial assistance award and permit access to facilities, personnel, and other individuals and information as may be necessary, as required by DHS regulations and other applicable laws or program guidance. 3. Recipients must submit timely, complete, and accurate reports to the appropriate DHS officials and maintain appropriate backup documentation to support the reports. 4. Recipients must comply with all other special reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance. 5. Recipients of federal financial assistance from DHS must complete the DHS Civil Rights Evaluation Tool within thirty (30) days of receipt of the Notice of Award or, for State Administering Agencies, thirty (30) days from receipt of the DHS Civil Rights Evaluation Tool from DHS or its awarding component agency. Recipients are required to provide this information once every two (2) years, not every time an award is made. After the initial submission for the first award under which this term applies, recipients are only required to submit updates every two years, not every time a grant is awarded. Recipients should submit the completed tool, including supporting materials to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov). This tool clarifies the civil rights obligations and related reporting requirements contained in the DHS Standard Terms and Conditions. Subrecipients are not required to complete and submit this tool to DHS. The evaluation tool can be found at <https://www.dhs.gov/publication/dhs-civil-rights-evaluation-tool>. 6. The DHS Office for Civil Rights and Civil Liberties will consider, in its discretion, granting an extension if the recipient identifies steps and a timeline for completing the tool. Recipients should request extensions by emailing the request to [CivilRightsEvaluation@hq.dhs.gov](mailto:CivilRightsEvaluation@hq.dhs.gov) prior to expiration of the 30-day deadline.

- Article 3 Acknowledgement of Federal Funding from DHS**  
Recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposal, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.
- Article 4 Activities Conducted Abroad**  
Recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.
- Article 5 Age Discrimination Act of 1975**  
Recipients must comply with the requirements of the Age Discrimination Act of 1975, Pub. L. No. 94-135 (1975) (codified as amended at Title 42, U.S. Code, § 6101 et seq.), which prohibits discrimination on the basis of age in any program or activity receiving federal financial assistance.
- Article 6 Americans with Disabilities Act of 1990**  
Recipients must comply with the requirements of Titles I, II, and III of the Americans with Disabilities Act, Pub. L. No. 101-336 (1990) (codified as amended at 42 U.S.C. §§ 12101–12213), which prohibits recipients from discriminating on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities.
- Article 7 Best Practices for Collection and Use of Personally Identifiable Information (PII)**  
Recipients who collect PII are required to have a publicly available privacy policy that describes standards on the usage and maintenance of the PII they collect. DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. Recipients may also find the DHS Privacy Impact Assessments: Privacy Guidance and Privacy Template as useful resources respectively.
- Article 8 Civil Rights Act of 1964 – Title VI**  
Recipients must comply with the requirements of Title VI of the Civil Rights Act of 1964 (codified as amended at 42 U.S.C. § 2000d et seq.), which provides that no person in the United States will, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance. DHS implementing regulations for the Act are found at 6 C.F.R. Part 21 and 44 C.F.R. Part 7.



**Article 9 Civil Rights Act of 1968**

Recipients must comply with Title VIII of the Civil Rights Act of 1968, Pub. L. No. 90-284, as amended through Pub. L. 113-4, which prohibits recipients from discriminating in the sale, rental, financing, and advertising of dwellings, or in the provision of services in connection therewith, on the basis of race, color, national origin, religion, disability, familial status, and sex (see 42 U.S.C. § 3601 et seq.), as implemented by the U.S. Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)—be designed and constructed with certain accessible features. (See 24 C.F.R. Part 100, Subpart D.)

**Article 10 Copyright**

Recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of U.S. Government sponsorship (including the award number) to any work first produced under federal financial assistance awards.

**Article 11 Debarment and Suspension**

Recipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders (E.O.) 12549 and 12689, which are at 2 C.F.R. Part 180 as adopted by DHS at 2 C.F.R. Part 3000. These regulations restrict federal financial assistance awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs or activities.

**Article 12 Drug-Free Workplace Regulations**

Recipients must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 C.F.R. Part 3001, which adopts the Government-wide implementation (2 C.F.R. Part 182) of Sec. 5152-5158 of the Drug-Free Workplace Act of 1988 (41 U.S.C. §§ 8101-8106).

**Article 13 Duplication of Benefits**

Any cost allocable to a particular federal financial assistance award provided for in 2 C.F.R. Part 200, Subpart E may not be charged to other federal financial assistance awards to overcome fund deficiencies; to avoid restrictions imposed by federal statutes, regulations, or federal financial assistance award terms and conditions; or for other reasons. However, these prohibitions would not preclude recipients from shifting costs that are allowable under two or more awards in accordance with existing federal statutes, regulations, or the federal financial assistance award terms and conditions.

- Article 14 Education Amendments of 1972 (Equal Opportunity in Education Act) – Title IX**  
Recipients must comply with the requirements of Title IX of the Education Amendments of 1972, Pub. L. No. 92-318 (1972) (codified as amended at 20 U.S.C. § 1681 et seq.), which provide that no person in the United States will, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance. DHS implementing regulations are codified at 6 C.F.R. Part 17 and 44 C.F.R. Part 19.
- Article 15 Energy Policy and Conservation Act**  
Recipients must comply with the requirements of the Energy Policy and Conservation Act, Pub. L. No. 94- 163 (1975) (codified as amended at 42 U.S.C. § 6201 et seq.), which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.
- Article 16 False Claims Act and Program Fraud Civil Remedies**  
Recipients must comply with the requirements of the False Claims Act, 31 U.S.C. §§ 3729-3733, which prohibits the submission of false or fraudulent claims for payment to the federal government. (See 31 U.S.C. §§ 3801-3812, which details the administrative remedies for false claims and statements made.)
- Article 17 Federal Debt Status**  
All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129.)
- Article 18 Federal Leadership on Reducing Text Messaging while Driving**  
Recipients are encouraged to adopt and enforce policies that ban text messaging while driving as described in E.O. 13513, including conducting initiatives described in Section 3(a) of the Order when on official government business or when performing any work for or on behalf of the federal government.
- Article 19 Fly America Act of 1974**  
Recipients must comply with Preference for U.S. Flag Air Carriers (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974, 49 U.S.C. § 40118, and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942.
- Article 20 Hotel and Motel Fire Safety Act of 1990**  
In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, 15 U.S.C. § 2225a, recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, (codified as amended at 15 U.S.C. § 2225.)

- Article 21 Limited English Proficiency (Civil Rights Act of 1964, Title VI)**  
Recipients must comply with Title VI of the Civil Rights Act of 1964, (42 U.S.C. § 2000d et seq.) prohibition against discrimination on the basis of national origin, which requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services. For additional assistance and information regarding language access obligations, please refer to the DHS Recipient Guidance: <https://www.dhs.gov/guidance-published-help-department-supported-organizations-provide-meaningful-access-people-limited> and additional resources on <http://www.lep.gov>.
- Article 22 Lobbying Prohibitions**  
Recipients must comply with 31 U.S.C. § 1352, which provides that none of the funds provided under a federal financial assistance award may be expended by the recipient to pay any person to influence, or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any federal action related to a federal award or contract, including any extension, continuation, renewal, amendment, or modification.
- Article 23 National Environmental Policy Act**  
Recipients must comply with the requirements of the National Environmental Policy Act of 1969 (NEPA), Pub. L. No. 91-190 (1970) (codified as amended at 42 U.S.C. § 4321 et seq.) and the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA, which require recipients to use all practicable means within their authority, and consistent with other essential considerations of national policy, to create and maintain conditions under which people and nature can exist in productive harmony and fulfill the social, economic, and other needs of present and future generations of Americans.
- Article 24 Nondiscrimination in Matters Pertaining to Faith-Based Organizations**  
It is DHS policy to ensure the equal treatment of faith-based organizations in social service programs administered or supported by DHS or its component agencies, enabling those organizations to participate in providing important social services to beneficiaries. Recipients must comply with the equal treatment policies and requirements contained in 6 C.F.R. Part 19 and other applicable statutes, regulations, and guidance governing the participations of faith-based organizations in individual DHS programs.
- Article 25 Non-supplanting Requirement**  
Recipients receiving federal financial assistance awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

**Article 26 Notice of Funding Opportunity Requirements**

All the instructions, guidance, limitations, and other conditions set forth in the Notice of Funding Opportunity (NOFO) for this program are incorporated here by reference in the award terms and conditions. All recipients must comply with any such requirements set forth in the program NOFO.

**Article 27 Patents and Intellectual Property Rights**

Recipients are subject to the Bayh-Dole Act, 35 U.S.C. § 200 et seq, unless otherwise provided by law. Recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from federal financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

**Article 28 Procurement of Recovered Materials**

States, political subdivisions of states, and their contractors must comply with Section 6002 of the Solid Waste Disposal Act, Pub. L. No. 89-272 (1965), (codified as amended by the Resource Conservation and Recovery Act, 42 U.S.C. § 6962.) The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 C.F.R. Part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition.

**Article 29 Rehabilitation Act of 1973**

Recipients must comply with the requirements of Section 504 of the Rehabilitation Act of 1973, Pub. L. No. 93-112 (1973), (codified as amended at 29 U.S.C. § 794,) which provides that no otherwise qualified handicapped individuals in the United States will, solely by reason of the handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**Article 30 Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of any currently active grants, cooperative agreements, and procurement contracts from all federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this federal award, then the recipients must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 31 Reporting Subawards and Executive Compensation**

Recipients are required to comply with the requirements set forth in the government-wide award term on Reporting Subawards and Executive Compensation located at 2 C.F.R. Part 170, Appendix A, the full text of which is incorporated here by reference in the award terms and conditions.

**Article 32 SAFECOM**

Recipients receiving federal financial assistance awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**Article 33 Terrorist Financing**

Recipients must comply with E.O. 13224 and U.S. laws that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism. Recipients are legally responsible to ensure compliance with the Order and laws.

**Article 34 Trafficking Victims Protection Act of 2000 (TVPA)**

Recipients must comply with the requirements of the government-wide financial assistance award term which implements Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), codified as amended at 22 U.S.C. § 7104. The award term is located at 2 C.F.R. § 175.15, the full text of which is incorporated here by reference.

**Article 35 Universal Identifier and System of Award Management (SAM)**

Recipients are required to comply with the requirements set forth in the government-wide financial assistance award term regarding the System for Award Management and Universal Identifier Requirements located at 2 C.F.R. Part 25, Appendix A, the full text of which is incorporated here by reference.

**Article 36 USA Patriot Act of 2001**

Recipients must comply with requirements of Section 817 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act), Pub. L. No. 107-56, which amends 18 U.S.C. §§ 175-175c.

**Article 37 Use of DHS Seal, Logo and Flags**

Recipients must obtain permission from their DHS FAO prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

**Article 38 Whistleblower Protection Act**

Recipients must comply with the statutory requirements for whistleblower protections (if applicable) at 10 U.S.C § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. §§ 4304 and 4310.

**Article 39 Acceptance of Post Award Changes**

In the event FEMA determines that changes are necessary to the award document after an award has been made, including changes to period of performance or terms and conditions, recipients will be notified of the changes in writing. Once notification has been made, any subsequent request for funds will indicate recipient acceptance of the changes to the award. Please call the FEMA/GMD Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov if you have any questions.

**Article 40 Prior Approval for Modification of Approved Budget**

Before making any change to the DHS/FEMA approved budget for this award, you must request prior written approval from DHS/FEMA where required by 2 C.F.R. § 200.308. DHS/FEMA is also utilizing its discretion to impose an additional restriction under 2 C.F.R. § 200.308(e) regarding the transfer of funds among direct cost categories, programs, functions, or activities. Therefore, for awards with an approved budget where the Federal share is greater than the simplified acquisition threshold (currently \$250,000), you may not transfer funds among direct cost categories, programs, functions, or activities without prior written approval from DHS/FEMA where the cumulative amount of such transfers exceeds or is expected to exceed ten percent (10%) of the total budget DHS/FEMA last approved. You must report any deviations from your DHS/FEMA approved budget in the first Federal Financial Report (SF-425) you submit following any budget deviation, regardless of whether the budget deviation requires prior written approval.

**Article 41 Disposition of Equipment Acquired Under the Federal Award**

When original or replacement equipment acquired under this award by the recipient or its subrecipients is no longer needed for the original project or program or for other activities currently or previously supported by DHS/FEMA, you must request instructions from DHS/FEMA to make proper disposition of the equipment pursuant to 2 C.F.R. § 200.313.

**Article 42 Environmental Planning and Historic Preservation**

DHS/FEMA funded activities that may require an EHP review are subject to FEMA's Environmental Planning and Historic Preservation (EHP) review process. This review does not address all Federal, state, and local requirements. Acceptance of Federal funding requires recipient to comply with all Federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize Federal funding. DHS/FEMA is required to consider the potential impacts to natural and cultural resources of all projects funded by DHS/FEMA grant funds, through its EHP Review process, as mandated by the National Environmental Policy Act; National Historic Preservation Act of 1966, as amended; National Flood Insurance Program regulations; and, any other applicable laws and Executive Orders. To access the FEMA's Environmental and Historic Preservation (EHP) screening form and instructions go to the DHS/FEMA website at: <https://www.fema.gov/media-library/assets/documents/90195>. In order to initiate EHP review of your project(s), you must complete all relevant sections of this form and submit it to the Grant Programs Directorate (GPD) along with all other pertinent project information. Failure to provide requisite information could result in delays in the release of grant funds. If ground disturbing activities occur during construction, applicant will monitor ground disturbance, and if any potential archeological resources are discovered, applicant will immediately cease work in that area and notify the pass-through entity, if applicable, and DHS/FEMA.

## Obligating document

<b>1. Agreement No.</b> EMW-2020-FG-03124	<b>2. Amendment No.</b> N/A	<b>3. Recipient No.</b> 596000442	<b>4. Type of Action</b> AWARD	<b>5. Control No.</b> WX03218N2020T		
<b>6. Recipient Name and Address</b> UMATILLA, CITY OF 1 S CENTRAL AVE UMATILLA, FL 32784		<b>7. Issuing FEMA Office and Address</b> Grant Programs Directorate 500 C Street, S.W. Washington DC, 20528-7000 1-866-927-5646		<b>8. Payment Office and Address</b> FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20742		
<b>9. Name of Recipient Project Officer</b> Karen Howard		<b>9a. Phone No.</b> 3526693125	<b>10. Name of FEMA Project Coordinator</b> Assistance to Firefighters Grant Program		<b>10a. Phone No.</b> 1-866-274-0960	
<b>11. Effective Date of This Action</b> 07/30/2020	<b>12. Method of Payment</b> OTHER - FEMA GO	<b>13. Assistance Arrangement</b> COST SHARING		<b>14. Performance Period</b> 08/06/2020 to 08/05/2021 <b>Budget Period</b> 08/06/2020 to 08/05/2021		
<b>15. Description of Action a. (Indicate funding data for awards or financial changes)</b>						
<b>Program Name Abbreviation</b>	<b>Assistance Listings No.</b>	<b>Accounting Data(ACCS Code)</b>	<b>Prior Total Award</b>	<b>Amount Awarded This Action + or (-)</b>	<b>Current Total Award</b>	<b>Cumulative Non-Federal Commitment</b>
AFG	97.044	2020-FC-GB01 - P431-xxxx-4101-D	\$0.00	\$12,221.89	\$12,221.89	\$611.09
Totals			\$0.00	\$12,221.89	\$12,221.89	\$611.09
<b>b. To describe changes other than funding data or financial changes, attach schedule and check here:</b> N/A						
<del><b>16. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)</b></del> This field is not applicable for digitally signed grant agreements						



<b>17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)</b>	<b>DATE</b>
<b>18. FEMA SIGNATORY OFFICIAL (Name and Title)</b>	<b>DATE</b>
<b>Christopher Logan, Acting Assistant Administrator Grant Programs Directorate</b>	<b>07/30/2020</b>

**CITY OF UMATILLA  
AGENDA ITEM STAFF REPORT**

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**DATE:** August 4, 2020

**MEETING DATE:** August 18, 2020

**SUBJECT:** Declaration of Surplus Goods

**ISSUE:** Surplus items no longer used by the city

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**BACKGROUND SUMMARY:** When the city has items that no longer have value or have exceeded their useful life the procedure is to have the Council declare the items as surplus so they may be donated to another agency for which a useful purpose may be found.

Public Works Director Aaron Mercer has requested the following items be declared surplus and subsequently donated to the Lake County Correctional Institute.

- P24, 2003 F250 w/Utility bed, power windows do not work, AC does not work, has been replaced.
- Vermeer PMD 550, 12+ years old VacTron, operable but unreliable with several issues, obsolete and has been replaced.
- (2) 3" trash pumps, 12+ years old, current not running, obsolete and have been replaced
- 36" Scagg walk behind mower, currently not in use; unable to operate safely due to malfunctioning hand controls, not effective.

Police Chief Adam Bolton has requested the following vehicle be declared surplus:

- 2010 Chevrolet Impala, VIN 2G1WD5EM9B1141608, fair condition
- 

**STAFF RECOMMENDATIONS:** Declare listed goods surplus and dispose of properly.

**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

## AGENDA ITEM STAFF REPORT

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DATE: July 30, 2020

MEETING DATE: August 18, 2020

SUBJECT: Ordinance 2020-H

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.

### 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.

- **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.

#### **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, first reading**

FISCAL IMPACTS: N/A

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COUNCIL ACTION:

Reviewed by City Attorney  
Reviewed by City Engineer

Yes  
Yes

No  
No

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

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

52  
53 **Note:** Underlined words constitute additions while ~~strikethrough~~ constitutes deletions, and asterisks (\*\*\*)  
54 indicate an omission from the existing text which is intended to remain 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 space,  
60 preservation of wildlife corridors, and preservation of non-intensive agricultural uses for the  
61 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 retention  
65 areas and the land above the design water elevation on wet retention ponds may be used to meet  
66 open space requirements if designed as an amenity. (Ord. 2005 F adopted 07/05/05)

67  
68  
69 STUDIO – A workroom for, or place of study of, an art, including, but not limited to, painting,  
70 sculpting, photography, dancing, and music. A Studio as used in this Code is not intended to  
71 include places for public performance or public display of art.

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74 **CHAPTER 6, ZONING DISTRICT REGULATIONS\*\*\* - SEE EXHIBIT ‘A’**

75  
76 **CHAPTER 7, CONDITIONAL USES AND SPECIAL EXCEPTIONS\*\*\* – SEE EXHIBIT ‘B’**

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

83  
84 **SECTION 5. CODIFICATION AND SCRIVENER’S ERRORS.**

85  
86 (a). This Ordinance shall be codified in the Umatilla Code of Ordinances and Land  
87 Development Code and all other sections shall not be codified.

88  
89 (b). The sections, divisions and provisions of this Ordinance may be renumbered or re-  
90 lettered as deemed appropriate by the Code codifier.

91  
92 (c). Typographical errors and other matters of a similar nature that do not affect the  
93 intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with  
94 the endorsement of the City Manager, or designee, without the need for a public hearing.

95  
96 **SECTION 6. CONFLICTS.** All ordinances or part of ordinances in conflict with this  
97 Ordinance are hereby repealed; provided, however, that any code or ordinance that provides for  
98 an alternative process to effectuate the general purposes of this Ordinance shall not be deemed a  
99 conflicting code or ordinance.

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

106  
107           **SECTION 8. EFFECTIVE DATE.** This Ordinance shall become effective immediately  
108 upon enactment.

109  
110 **PASSED AND ORDAINED** in regular session of the City Council of the City of Umatilla, Lake County,  
111 Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

112  
113  
114  
115 \_\_\_\_\_  
116 Eric Olson, Mayor  
117 City of Umatilla, Florida

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119  
120 ATTEST:

Approved as to Form:

121  
122  
123 \_\_\_\_\_  
124 Karen H. Howard, MMC  
125 City Clerk

126  
127 \_\_\_\_\_  
128 Kevin Stone  
129 City Attorney

130 Passed First Reading \_\_\_\_\_  
131 Passed Second Reading \_\_\_\_\_  
132 (SEAL)



## 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**

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a) AGRICULTURE RESIDENTIAL (AR-1)

1) Purpose and Intent

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

2) Permitted Uses

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

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

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

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

4) Uses Expressly Prohibited

- A) Single family attached dwelling units
- B) Multi-Family residential dwelling units
- 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 A) Single-family dwelling units having a minimum living area of one thousand  
94 five hundred (1,500) square feet, which shall not include carports, and  
95 garages.
- 96 B) Accessory buildings or structures thereto, pursuant to Chapter 8 of this  
97 Code.
- 98 C) Buildings, structure or uses maintained or operated by a body having the  
99 right of eminent domain.
- 100 D) Licensed Community Residential Homes, Group Homes, and Foster Care  
101 Facilities with 1 – 6 residents.
- 102 F) Home Occupations pursuant to Chapter 8 of this Code.
- 103 G) One (1) accessory dwelling unit may be permitted if the lot is at least one  
104 (1) acre in size and is to be utilized by family members and non-paying  
105 guests. The principal dwelling unit and accessory dwelling unit shall remain  
106 in the same ownership. The accessory dwelling unit shall not exceed one  
107 thousand two hundred (1,200) square feet or forty (40) percent of the air  
108 conditioned enclosed living area of the principal dwelling; whichever is  
109 greater. Accessory dwelling units must meet setbacks for the principal  
110 dwelling unit and share a common driveway. An accessory dwelling unit  
111 may be attached to a principal dwelling, an apartment unit within the  
112 principal dwelling, or a detached building.

113  
114  
115 3) Uses Permitted as Special Exception Uses Upon Approval of the City  
116 Council

- 117 A) Licensed Community Residential Homes, Group Homes and  
118 Foster Care Facilities with more than six (6) residents.

119  
120  
121 4) Uses Expressly Prohibited

- 122 A) Single family attached dwelling units
- 123

- 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  
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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

- 277  
278 A) Industrial land uses  
279 B) Mobile Homes  
280 C) Uses prohibited by City, State or Federal Law  
281  
282 5) Other Possible Uses  
283  
284 Uses which, because of their uniqueness, are not specifically identified as  
285 permitted uses or special exception uses, may be allowed as a conditional use  
286 pursuant to Chapter 7 of this Code.  
287  
288

289 f) MULTI-FAMILY HIGH DENSITY RESIDENTIAL (MF-12)  
290

- 291  
292 1) Purpose and Intent  
293  
294 This district is established to implement comprehensive plan policies for managing  
295 high density residential development at a density not to exceed twelve (12) units  
296 per acre. This district is established to ensure that sufficient land is available for  
297 high density residential development.  
298

- 299 2) Permitted Uses  
300  
301 A) Single family attached dwelling units  
302 B) Single family detached dwelling units  
303 C) Two-Family (duplex) dwelling units  
304 D) Multi-Family dwelling units  
305 E) Accessory buildings or structures thereto pursuant to Chapter 8 of this  
306 Code  
307 F) Home Occupations pursuant to Chapter 8 of this Code  
308 G) Licensed Community Residential Homes, Group Homes, and Foster Care  
309 Facilities with more than six (6) residents  
310  
311

312 3) Uses Permitted as Special Exception Uses Upon Approval of the City Council  
313

- 314 A) Adult Congregate Living Facilities  
315 B) Nursing Homes  
316 C) Day Care Center  
317 D) Business Services  
318 E) Offices for Professional Services  
319 F) Financial Services  
320 G) Personal Services  
321

322 4) Uses Expressly Prohibited  
323

- 324 A) Industrial land uses  
325 B) Uses prohibited by City, State or Federal Law  
326

327 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

419 3) Uses Expressly Prohibited

- 420 A) Single family attached dwelling units  
421 B) Two family dwelling units  
422 C) Multi-family dwelling units  
423 D) Commercial land uses  
424 E) Industrial land uses  
425 F) Guest apartments, guest cottages or garage apartments  
426 G) Any use prohibited by City, State or Federal law  
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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631

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

643  
644  
645           7)     Application for Rezoning

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

651  
652  
653           8)     Development Plan Approval

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

657  
658           A)     **Conceptual Plan** – If the applicant so chooses, a conceptual plan may be  
659 submitted prior to the first rezoning hearing for review by the TRC. The  
660 conceptual plan shall include the following:

- 661  
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
- 714 residents of the PUD or specific phase thereof
- 715 B) Common open space set aside for recreational use shall be
- 716 suitably 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
- 719 features of listed species habitat, or for buffering purposes, shall remain
- 720 undisturbed and be protected by conservation easements dedicated to the City
- 721 or to such other agency designated by the City Council. Wetlands may be
- 722 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. Johns
- 729 River Water Management District or similar agency may be included for
- 730 purposes of meeting minimum open space requirements if utilized as an amenity.
- 731 F) Waterbodies shall not be included for purposes of meeting minimum open
- 732 space requirements. (Ord 2005-F, adopted 07/05/2005)

733 G) Common open space shall be maintained by the Home Owner's  
734 Association or other legal entity of the PUD or the specific phase  
735 thereof, provided however, the City of Umatilla shall have the right to  
736 enforce compliance with the terms and conditions of conservation  
737 easements dedicated for the protection of wetlands, waterbodies or other  
738 environmentally sensitive areas within a subdivision. (Ord 2005-F, adopted  
739 07/05/2005)

740 H) Open Space for Commercial and Industrial PUDs with no residential uses  
741 shall be based on the established impervious surface ratio (ISR) of the land use  
742 designation of the Future Land Use Map of the Comprehensive Plan the project is  
743 located in and does not have to be designated as common open space.

744 I. Only the residential components of mixed use PUDs shall provide for  
745 common open space as outlined above.

746 10) Density Bonuses

747 A) Affordable Housing

748 Residential developments may receive a density bonus not to exceed  
749 twenty percent (20%) of the density permitted by the applicable land use  
750 designation for the provision of affordable housing

751 An affordable dwelling unit shall be a dwelling unit which:

- 752 1) Has a market value less than two (2) times 80% of the
- 753 median annual household income of Lake County or
- 754 2) Has a monthly rent less than or equal to 1/12 x 25% of 80% of
- 755 the median annual household income of Lake County
- 756 3) The affordable housing density bonus shall be determined as
- 757 follows:

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

758 B) Environmental Protection

759 Residential developments may receive a density bonus of up to 100%  
760 of the number of units allowed by the underlying comprehensive land use  
761 designation for the transfer of units from on-site, non-altered wetlands and  
762 upland habitat.

- 763 1) The total number of units transferred shall not exceed the gross
- 764 density as allowed on the Future Land Use Map
- 765 2) A conservation easement shall be recorded for the property from
- 766 which the units are to be transferred. Such easement shall specify that
- 767 no uses other than passive recreation uses shall be allowed on the
- 768 property and shall state that the easement shall restrict such land in
- 769 perpetuity. The easement shall be approved by the City



784 Attorney and recorded in the public records of Lake  
785 County.

786  
787 11) Application Review Process

788  
789 A) Technical Review Committee (TRC). All applications may be  
790 reviewed by the TRC staff and members' comments may be  
791 delivered and discussed at a regularly scheduled meeting. Formal  
792 comments of the TRC shall be transmitted in writing to the applicant no  
793 later than three (3) working days after the meeting. A formal staff report will  
794 be forwarded to the Planning and Zoning Board with staff recommendations.  
795 B) Resubmittal of the revised preliminary development plan. Resubmittal of  
796 the preliminary development plan reflecting revisions required by TRC comments  
797 shall be made within five (5) working days of the regularly scheduled TRC  
798 meeting.

799  
800 12) Approval of Application for Rezoning

801  
802 A) Planning and Zoning Board Action. The Planning and Zoning Board  
803 shall consider the submitted plan and rezoning application at a regularly  
804 scheduled meeting to determine if the application meets the requirements of  
805 this code. Upon consideration of the TRC and public comments, the  
806 Commission shall take one of the following actions:

- 807  
808 1) Postpone the consideration of the application until the next  
809 regularly scheduled meeting to allow for the resolution of  
810 outstanding issues.  
811 2) Recommend that the application be approved  
812 3) Recommend that the application be approved with conditions  
813 4) Recommend that the application be denied

814  
815 B) City Council Approval. The City Council shall consider the submitted plan  
816 and rezoning application at a regularly scheduled meeting and determine if the  
817 application meets the requirements of this Code. Upon consideration of the  
818 comments of the TRC, the public and recommendation of the Planning and  
819 Zoning Board, the City Council shall take one of the following actions:

- 820  
821 1) Postpone the consideration of the application until the next  
822 regularly scheduled meeting to allow for the resolution of  
823 outstanding issues  
824 2) Approve the application  
825 3) Approve the application with conditions  
826 4) Deny the application

827  
828 13) Alterations to Preliminary Development Plan

829  
830 Alterations to the approved preliminary development plan shall be classified as  
831 either substantial or non-substantial alterations. The following criteria shall be used  
832 to identify a substantial alteration.  
833

- 834 A) A change which would include a land use not previously permitted
- 835 under the approved PUD zoning
- 836 B) A change which would increase the land use intensity or density by ten
- 837 percent (10%) within any development phase without a corresponding
- 838 decrease in some other portion of the overall PUD
- 839 C) A change that would require an amendment to the conditions
- 840 approved by the City Council

841  
842 Alterations to the preliminary development plan which are determined to be  
843 substantial, must be submitted with plans and support data for review by the TRC,  
844 the Planning and Zoning Board and the City Council.

845  
846 All proposed alterations to an approved plan must be submitted to the City  
847 Manager for a determination of whether the alteration is substantial or non-  
848 substantial.

849  
850 I) NEIGHBORHOOD COMMERCIAL (C-1)

851  
852 1) Purpose and Intent

853  
854 The Neighborhood Commercial district is intended to provide for limited  
855 commercial uses within easy walking and biking distance of residential  
856 neighborhoods. Development standards and allowed uses are designed to  
857 insure compatibility with adjacent residential uses.

858  
859 2) Permitted Uses

- 860 A) Offices for professional services
- 861 B) Personal services
- 862 C) Convenience stores without fuel operations
- 863 D) Laundry and dry cleaning retail stores
- 864 E) Day care centers
- 865 F) Adult Congregate Living Facilities
- 866 G) Licensed Community Residential Homes, Group Homes and Foster Care
- 867 Facilities with more than six (6) residents
- 868 H) Financial Services
- 869 I) Office supply
- 870 J) Retail sales & services
- 871 K) Business services
- 872 L) Bed & Breakfast Inn
- 873 M) Office complex
- 874 N) Maintenance contractor
- 875 O) Medical office/clinic
- 876 P) Restaurant without drive thru facilities

877  
878  
879 3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

- 880 A) Convenience stores with fuel operations
- 881 B) Restaurants with drive thru facilities
- 882 C) Banks
- 883 D) Bars, Lounges, and Night Clubs
- 884

- 885 E) Athletic/Sports facilities
- 886 F) Game/Recreation facilities
- 887 G) Health/Exercise Clubs
- 888 H) Mini-warehouses
- 889 I) Veterinary offices/Kennels
- 890 J) Xerographic and offset printing
- 891 K) Multi-family dwelling units
- 892 L) Artisan/Craftsman Shop

893  
894 4) Uses Expressly Prohibited

- 895
- 896 A) Wholesale commercial uses
- 897 B) Industrial uses
- 898 C) Adult entertainment
- 899 D) RV Parks
- 900 E) Uses prohibited by City, State or Federal law
- 901

902 5) Other Possible Uses

903  
904 Uses which, because of their uniqueness, are not specifically identified as  
905 permitted uses or as special exception uses, may be permitted as conditional  
906 uses pursuant to Chapter 7 of this Code

907  
908 6) Maximum Intensity Standard

909  
910 A) The maximum intensity standard shall be limited to seventy-five (75)  
911 percent impervious surface ratio (which includes building coverage) and  
912 a maximum building height of thirty-five (35) feet. For multi-family dwelling  
913 units, the maximum density allowed shall be twelve (12) units per acre.

914  
915 7) Site Plan Approval

916  
917 A site development plan shall be required per Chapter 13 of this Code prior to  
918 final project approval.

919  
920  
921 I) GENERAL COMMERCIAL AND WAREHOUSE DISTRICT (C-2)

922  
923 1) Purpose and Intent

924  
925 The purpose of the C-2 zoning district is to provide an area for those  
926 structures which by their use and location are especially adapted to  
927 conduct the business of wholesale distribution and storage and to provide  
928 an area for the full-scale service needs of the community.

929  
930 2) Permitted Uses

- 931
- 932 A) Those uses permitted within the C-1 district
- 933 B) Artisan/Craftsman Shop
- 934 C) Appliance/Electronic repair shops
- 935 D) Funeral Home/Mortuary

Ordinance 2020-H Exhibit A

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

987  
988 Uses which, because of their uniqueness, are not specifically identified as  
989 permitted uses or special exception uses, may be permitted as conditional  
990 uses pursuant to Chapter 7 of this Code

991  
992 6) Maximum Intensity Standard  
993

994 The maximum intensity standard shall be limited to a maximum of seventy-five  
995 (75) percent impervious surface ratio (which includes building coverage) and a  
996 maximum building height of thirty-five (35) feet.

997  
998 7) Site Plan Approval  
999

1000 A site development plan shall be required per Chapter 13 of this Code prior to  
1001 final project approval.

1002  
1003 n) TOURIST COMMERCIAL (TC-12)  
1004

1005 1) Purpose and Intent  
1006

1007 The tourist commercial district is intended to implement comprehensive plan  
1008 policies to provide adequate land for tourist oriented facilities. The density shall  
1009 not exceed twelve (12) units per acre.

1010  
1011 2) Permitted Uses  
1012

- 1013 A) Motels/Hotels
- 1014 B) Bed and Breakfast Inns
- 1015 C) Recreational Vehicle (RV) Parks
- 1016 D) Campgrounds

1017  
1018 3) Other Possible Uses  
1019

1020 Uses which, because of their uniqueness, are not specifically identified as  
1021 permitted uses or as special exception uses, may be permitted as conditional  
1022 uses pursuant to the Chapter 7 of this Code

1023  
1024 4) General Requirements for RV Parks and Campgrounds  
1025

- 1026 A) The proposed site shall be at least one thousand (1,000) feet from  
1027 any other such use
- 1028 B) The proposed site shall front on arterial or collector roadways
- 1029 C) The proposed site shall be a minimum of five (5) acres
- 1030 D) The proposed site shall be designated and used for short-term,  
1031 transient accommodation of:

- 1032
- 1033 1) Travel trailers
- 1034 2) Vehicles with sleeping accommodations
- 1035 3) Tents
- 1036 4) Other similar type accommodations
- 1037

1038 An occupant of a space (other than those employed to maintain the site) shall  
1039 remain in the same facility no longer than one hundred eight (180) days out of  
1040 every three hundred and sixty (360) days.

1041  
1042 E) Convenience establishments, such as grocery stores, restaurants and  
1043 laundries may be permitted in recreational vehicle parks or campgrounds subject  
1044 to the following conditions:

1045  
1046 1) The convenience establishments shall be restricted to use by park  
1047 occupants only and not advertised for patronage by the general public.

1048  
1049 F) Restrooms and shower facilities shall be provided based upon the Health  
1050 Department regulations.

1051  
1052 G) A master plan shall be prepared as outlined in Section 2(h)(5) of this  
1053 chapter of the Code.

1054  
1055 H) Interior streets shall be designed as follow:

1056  
1057 1) All one-way streets shall have a minimum pavement width of  
1058 twelve (12) feet.

1059  
1060 2) All two-way streets shall have a minimum pavement width of  
1061 twenty (20) feet.

1062  
1063 I) RV spaces shall be a minimum of two thousand four hundred (2,400)  
1064 square feet, however, the density shall not exceed twelve (12) units per acre.

1065  
1066 J) Maximum Intensity Standard  
1067  
1068 The maximum intensity standard shall not exceed seventy-five  
1069 percent (75%) impervious surface ratio (which includes building  
1070 coverage) and the building height shall not exceed thirty-five (35) feet.

1071  
1072 o) LIGHT MANUFACTURING (LM)

1073  
1074 1) Purpose and Intent

1075  
1076 This district is established to implement comprehensive plan policies for  
1077 managing industrial development and to provide development for limited  
1078 industrial operations engaged in fabricating, repair, or storage of manufactured  
1079 goods, where no objectionable by-products of the activity (such as odors, smoke, dust,  
1080 refuse, electro-magnetic interference, noise in excess of that customary to loading,  
1081 unloading, and handling of goods and materials) are noticeable beyond the lot on  
1082 which the facility is located. No hazardous materials may be utilized by the industrial  
1083 operations permitted in this district. The location of such districts shall take  
1084 into consideration access to rail and terminal facilities, major arterial roadways,  
1085 labor markets and necessary urban services. Such districts shall be accessible to  
1086 major thoroughfares and buffered from residential neighborhoods.

1087  
1088 2) Permitted Uses

- 1089
- 1090 A) All permitted C-2 uses
- 1091 B) Agriculturally related industry
- 1092 C) Boat repair
- 1093 D) Commercial/Industrial service
- 1094 E) Construction Contractor's Yard and Storage
- 1095 F) Distribution Centers
- 1096 G) Laboratory/Research and Development
- 1097 H) Laundry/Dry Cleaning Plants
- 1098 I) Manufacturing: Fabrication
- 1099 J) Manufacturing: Processing
- 1100 K) Motor Vehicle Service and Repair Facility
- 1101 L) Motor Vehicle Towing and Impoundment
- 1102 M) Trucking Terminal
- 1103 N) Warehousing
- 1104 O) Farmers/Flea Market
- 1105 P) Motor Vehicle Body Repair Facility
- 1106

1107 3) Uses Permitted as Special Exception Uses Upon Approval of the City  
1108 Council

- 1109
- 1110 A) One single-family residential dwelling unit on the site of a permitted use
- 1111 to be used exclusively by a owner/caretaker
- 1112 B) Used motor vehicle parts yard
- 1113

1114 4) Uses Expressly Prohibited

- 1115
- 1116 A) Adult entertainment
- 1117 B) Residential dwelling units
- 1118 C) Uses prohibited by City, State or Federal law
- 1119

1120 5) Other Possible Uses

1121  
1122 Uses, which because of their uniqueness, that are not specifically identified as  
1123 permitted uses or as special exception uses may be permitted as conditional uses  
1124 pursuant to Chapter 7 of this Code.  
1125

1126 6) Maximum Intensity Standard

1127  
1128 The maximum intensity standard shall not exceed seventy-five percent (75%)  
1129 impervious surface ratio (which includes building coverage) and the maximum  
1130 building height shall not exceed thirty-five (35) feet.  
1131

1132 p) AIRPORT ZONING (AZ)

1133  
1134 1) Purpose and Intent

1135  
1136 The Airport Zoning District is intended to provide for appropriate land uses within  
1137 the City that is used for aircraft-related operations and the direct support of such  
1138 operations.  
1139

1140 All uses shall conform to the City of Umatilla Municipal Airport Master Plan as well  
1141 as all applicable State, Federal, and local laws and regulations.  
1142

1143 2) Permitted Uses

- 1144 A) Administrative offices for businesses primarily engaged in aeronautical
- 1145 activities
- 1146 B) Aeronautical dusting and spraying operations
- 1147 C) Aeronautical radio and communication facilities
- 1148 D) Aeronautical training establishments
- 1149 E) Aircraft charter and taxi service
- 1150 F) Aircraft sales
- 1151 G) Fire stations
- 1152 H) Research and Development
- 1153 I) Sales of aviation petroleum products utilizing and ramp service
- 1154

1155 3) Uses Permitted as Special Exception Uses Upon Approval of the City Council

1156  
1157 In granting any special exception, the city council may prescribe appropriate  
1158 conditions and safeguards to ensure compliance with the requirements of this  
1159 chapter and the land development regulations. Such conditions may include time  
1160 limits for the initiation of the special exception use, specific minimum or maximum  
1161 limits to regular code requirements, or any other conditions reasonably related to  
1162 the requirements and criteria of this chapter.  
1163

1164 When reviewing an application for a special exception, the city council shall  
1165 consider all applicable requirements and criteria, including, but not limited to:  
1166

- 1167 a. Traffic generation and access for the proposed use shall not adversely impact
- 1168 adjoining properties and the general public safety
- 1169 b. Off-street parking, loading and service areas shall be provided and located such
- 1170 that there is no adverse impact on adjoining properties, beyond that generally
- 1171 experienced in the district.
- 1172 c. Required yards, screening or buffering, and landscaping shall be consistent
- 1173 with the district in general and the specific needs of the abutting land uses.
- 1174 d. Size, location, and number of special exception uses in the area shall be limited
- 1175 so as to maintain the overall character of the district as intended by the land
- 1176 development regulations.
- 1177 e. Architectural and signage treatments shall comply with the general provisions
- 1178 applicable to permitted uses in the district, to the greatest extent possible, and
- 1179 be sensitive to surrounding development.
- 1180 f. The availability of utilities services, such as water, sewer, and solid waste.

- 1181
- 1182 A) Aircraft engine and accessory maintenance and repair
- 1183 B) Aircraft Manufacturing
- 1184 C) Automobile leasing establishments
- 1185 D) Commercial off-street parking lots and garages
- 1186 E) Motels and hotels
- 1187 F) Museums
- 1188 G) Restaurants, including those with outdoor dining
- 1189 H) Vocational, technical, trade, and industrial schools
- 1190



- 1191 4) Uses Expressly Prohibited  
1192  
1193 A) Adult entertainment  
1194 B) Uses prohibited by City, State, or Federal law  
1195
- 1196 5) Other Possible Uses  
1197  
1198 Uses, which because of their uniqueness, are not specifically identified as  
1199 permitted, special exception, or prohibited uses may be permitted as conditional  
1200 uses pursuant to Chapter 7 of this Code.  
1201
- 1202 6) Standards  
1203 Outdoor Storage  
1204 Other than aeronautical uses and operable vehicles, no outdoor storage shall be  
1205 allowed in any required yard area. No outdoor storage of any type shall be located  
1206 within 25 feet of a residential district. Non-aeronautical outdoor storage areas shall  
1207 be screened on all sides by a solid wall or a solid fence at least six feet high. Non-  
1208 aeronautical outdoor storage may be located in front of the principal building only  
1209 if the lot on which the storage is located is not visible from view from residential  
1210 districts or roads designated as an arterial. Aeronautical storage may be located  
1211 in front of the principal building.  
1212
- 1213 Repair and Manufacturing  
1214 All repair and manufacturing processes conducted within 300 feet of a residential  
1215 district shall be in completely enclosed buildings. Processes located at a greater  
1216 distance may be located outdoors if enclosed by a solid wall or fence at least six  
1217 feet high.  
1218 (q. Ord 2011-U, 12.06.2011)  
1219
- 1220 q) CENTRAL BUSINESS DISTRICT  
1221
- 1222 1) Location  
1223 The Central Business District is located as indicated on the City Zoning Map.  
1224
- 1225 2) Purpose and Intent  
1226 The intent of this zone is to promote infill and redevelopment, encourage pedestrian  
1227 oriented development, to enhance the urban character of the historic shop front buildings  
1228 and promote compatibility between adjacent residential and non-residential uses by  
1229 establishing development and design standards... It is intended that the mix of uses  
1230 within this zone primarily refers to vertical mixed use where retail or commercial are on the  
1231 ground floor and residential or commercial are above. This section is intended to override  
1232 the dimensional and parking requirements that are listed for the zoning categories in other  
1233 sections of the Land Development Regulations.  
1234
- 1235 3) Permitted Uses  
1236 The uses within the Central Business District are those uses permitted to emphasize the  
1237 pedestrian orientation of the district, thus businesses or uses which have a drive  
1238 thru or drive in component as part of their operation shall require a special  
1239 exception use.  
1240 a. Antique shops  
1241 b. Art galleries

- 1242 c. Art, photography, dance and music instruction studios
- 1243 d. Artisan/Craftsman shop
- 1244 e. Bakery/Pastry shop with retail sales and consumption on premises
- 1245 f. Banks without drive thru facilities
- 1246 g. Bars, lounges and nightclubs
- 1247 h. Business Services
- 1248 i. Clubs, Lodges and Fraternal Organizations
- 1249 j. Coffee Shop with retail sales and consumption on premises
- 1250 k. Cosmetic and Skin Care Treatment Businesses
- 1251 l. Craft Micro Brewery, Winery, Distillery
- 1252 m. Deli/Cheese Shop with retail sales and consumption on premises
- 1253 n. Donut Shop with retail sales and consumption on premises without drive
- 1254 thru facilities
- 1255 o. Florist
- 1256 p. Financial Services
- 1257 q. Grocery Store
- 1258 r. Hardware, home supply, home decorating and paint stores
- 1259 s. Hotel
- 1260 t. Ice Cream Shop with retail sales and consumption on premises
- 1261 u. Jewelry Store
- 1262 v. Professional Offices
- 1263 w. Personal Services
- 1264 x. Residential above the 1<sup>st</sup> floor
- 1265 y. Pet Supply Store
- 1266 z. Pharmacy/Drug Store without drive thru facilities
- 1267 aa. Retail Sales
- 1268 bb. Restaurants without drive thru facilities
- 1269 cc. Sidewalk cafes
- 1270 dd. Specialty Shops
- 1271 ee. State-licensed massage therapists
- 1272 ff. Tailor/Seamstress Shops
- 1273 gg. Variety Shops
- 1274 hh. Uses of similar nature that can be conducted in a fully enclosed building,
- 1275 and can demonstrate, to the City's satisfaction, the ability through design and
- 1276 operational standards, to be compatible with adjacent land uses and in compliance
- 1277 with this Code.
- 1278
- 1279 4) Uses Permitted as Special Exception Uses Upon Approval of the City Council
- 1280
- 1281 A) Convenience store with fuel operations
- 1282 B) Motor Vehicle and Boat sales
- 1283 C) Motor Vehicle and Boat storage facilities
- 1284 D) Motor Vehicle repair facilities
- 1285 E) Motor Vehicle service center
- 1286 F) Pharmacy/Drug Store with drive thru facilities
- 1287 G) Restaurants/Donut shops with drive thru facilities
- 1288 H) Tire repair facilities
- 1289
- 1290 5) Uses Expressly Prohibited
- 1291
- 1292 A) Adult Entertainment

1293 C) Any use prohibited by City, State or Federal law

1294

1295 6) Other possible uses

1296

1297 Uses which, because of their uniqueness, are not specifically identified as  
 1298 permitted uses or special exception uses, may be permitted as conditional uses  
 1299 pursuant to Chapter 7 of this Code.

1300

1301

1302 Storage shall be limited to accessory storage of commodities sold at retail on the premises  
 1303 and storage shall be within a completely enclosed building. In addition, residential uses  
 1304 are allowed above ground floor commercial, retail, and general business uses at a density  
 1305 not to exceed 12 du / acre. Residential development is not intended to be free standing  
 1306 apartment complexes or subdivisions. Outside consumption and sales of alcoholic  
 1307 beverages may be permitted pursuant to Chapter 6, Section 3, b) 12, provided that doing  
 1308 so is in accordance with all applicable statutes, ordinances, and regulations.

1309

1310

1311 7) Dimensional Requirements Chart

1312

**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>
-------------------------	------------------

1313

1314 Notes

- 1315 1) All floors must have a primary ground-floor entrance that faces the primary or side street.  
 1316 2) Loading docks, overhead doors, and other service entries are prohibited on primary street-  
 1317 facing façades.  
 1318 3) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered  
 1319 existing, non-conforming structures. For new construction, building heights may exceed the  
 1320 maximum height if all applicable requirements of the National Fire Protection Code are met.

1321

1322

1323

1324 8) Reduced Parking Requirements

1325  
1326 All new development and redevelopment which expands the existing footprint or increases  
1327 the square footage requiring the City’s approval of a site plan within the Central Business  
1328 District due to site constraints or other factors may provide fifty percent (50%) of the  
1329 parking requirements outlined in Chapter 14. Parking may be provided on-site, off-site  
1330 within 600' of the property or as shared parking. Shared parking may be in the form of  
1331 public parking. Private parking may be used for shared parking as well, provided  
1332 agreements satisfactory to the City are obtained by the property owner to use the private  
1333 parking.

1334  
1335 On corner lots, parking drive shall not be located on the street which the primary building  
1336 façade faces unless the same already exists.

1337  
1338 Bicycle parking must be provided as required per Chapter 14.

1339  
1340  
1341 9) Encroachments Into Setbacks

1342  
1343 Canopies, awnings, and balconies may encroach into the setback line or sidewalk within  
1344 City right of way as indicated below.

1345 **Encroachments**

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

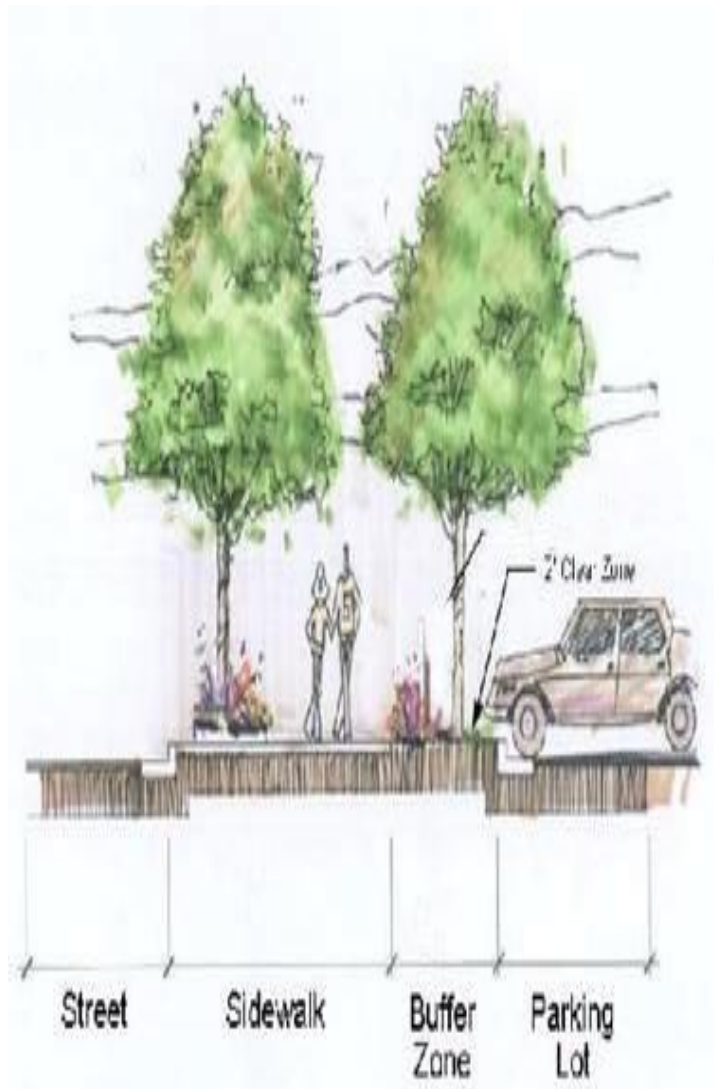
1346  
1347 **Notes**

1348 1) Sidewalk seating, such as sidewalk cafes, may encroach onto the sidewalk within City  
1349 right of way, but must leave an aisle of 5 feet.

1350  
1351 10) Landscape Requirements

1352  
1353 Parking lots within the Central Business District may be exempt from the requirements of  
1354 Chapter 15, Section 6, Internal Landscaping due to site constraints or other factors. If  
1355 exempt from full requirements, the following shall be provided: perimeter buffering of  
1356 parking lots are a minimum of five feet (5') wide with a three foot (3') planted area and  
1357 provided that a two foot (2') parking overhang is included as illustrated below. A  
1358 continuous hedge is required as well as one (1) understory tree per thirty feet (30').  
1359 Ground covers may consist of sod in the overhang area and plant material other than sod  
1360 for the balance of the ground cover. All other landscaping and irrigation requirements  
1361 must comply with Chapter 15.

1362  
1363 A typical parking lot buffer within Central Business District is shown on the following  
1364 exhibit.

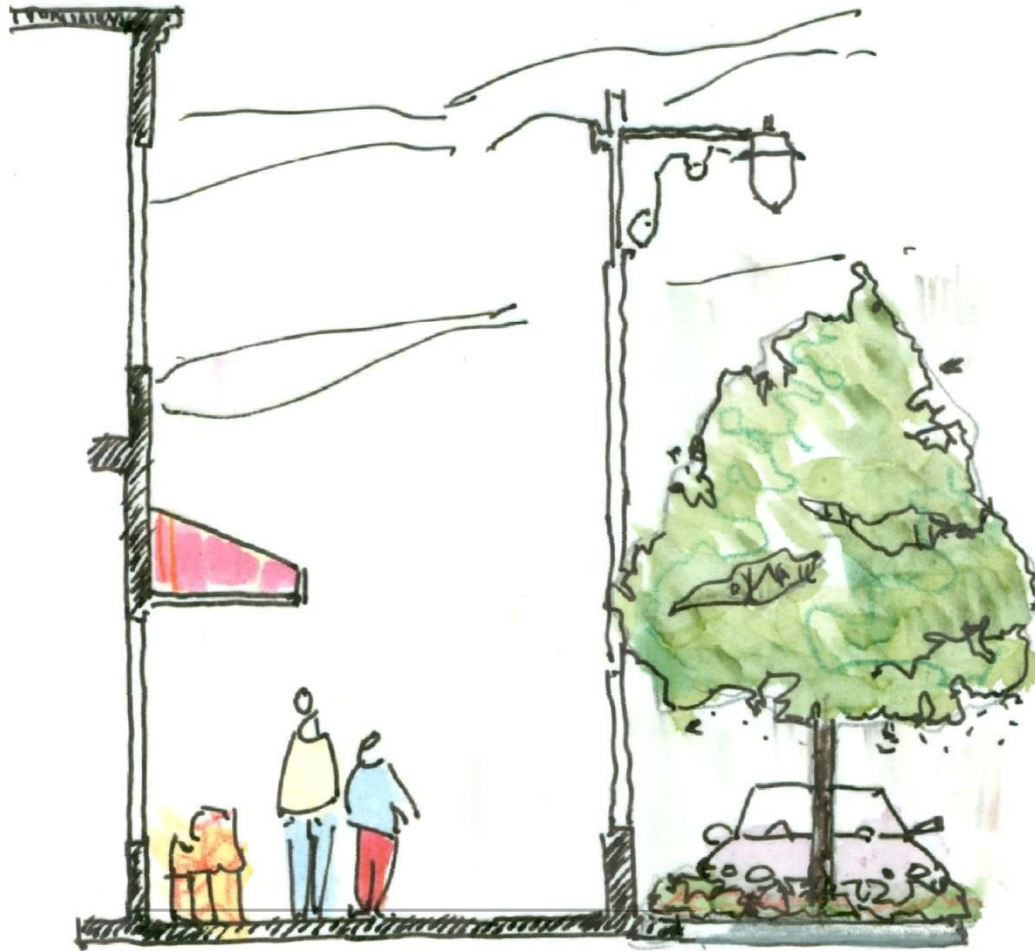


Typical Parking Lot Buffer

1365  
1366  
1367  
1368  
1369  
1370  
1371  
1372  
1373  
1374  
1375

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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1411  
1412  
1413  
1414

- 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

1415  
1416  
1417  
1418

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’.

1419 \* Not less than twenty percent (20%) of lot depth but not exceed thirty (30) feet  
1420 \*\* Setbacks for PUD's are flexible, however; in no case shall the rear or side setback be less than 10  
1421 feet between structures.

1422  
1423 Setbacks from all arterial roadways shall be 50' from the right of way; however, if no additional right of  
1424 way is required the setbacks stated above may be utilized.

1425 Setbacks from all collector roadways shall be 35' from the right of way; however, if no additional right  
1426 of way is required the setbacks stated above may be utilized.

1427  
1428 (Ord 2017-D, 08.01.2017)

1429  
1430  
1431 **SECTION 3: OVERLAY DISTRICTS** (adopted Ord 2013-B, 02.21.20123)

1432  
1433 a) **PRIMARY DOWNTOWN DISTRICT OVERLAY**

1434  
1435 1) Location  
1436 The Primary Downtown District is located as indicated on Overlay Map.

1437  
1438 2) Purpose and Intent  
1439 The intent of this zone is to enhance character of the existing commercial areas. The  
1440 physical form and uses are regulated to reflect the urban character of the historic shop  
1441 front buildings. It is intended that the mix of uses within this zone primarily refers to  
1442 vertical mixed use where retail or commercial are on the ground floor and residential or  
1443 commercial are above. This section is intended to override the dimensional and parking  
1444 requirements that are listed for the zoning categories in other sections of the Land  
1445 Development Regulations.

1446  
1447 3) Permitted Uses  
1448 The uses permitted within the Primary Downtown District Overlay district are those uses  
1449 that would be allowed per the C-1 zoning category pursuant to Chapter 6, Section 2, and  
1450 the following: restaurants, banks, bars, lounges, and night clubs, health/exercise clubs,  
1451 hotels and motels; and sidewalk cafes pursuant to Chapter 6, Section 3, b) 11. In addition,  
1452 residential uses are allowed above ground floor commercial, retail, and general business  
1453 uses at a density not to exceed 12 du / acre. Residential development is not intended to  
1454 be free standing apartment complexes or subdivisions. Outside consumption and sales  
1455 of alcoholic beverages may be permitted pursuant to Chapter 6, Section 3, b) 12, provided  
1456 that doing so is in accordance with all applicable statutes, ordinances, and regulations.

1457  
1458  
1459 4) Dimensional Requirements Chart

**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

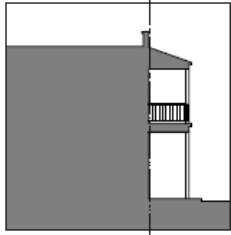
**Building Form**



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>

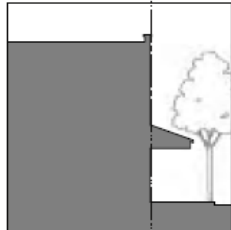
- 1461
- 1462 Notes
- 1463 1) All floors must have a primary ground-floor entrance that faces the primary or side
- 1464 street.
- 1465 2) Loading docks, overhead doors, and other service entries are prohibited on primary
- 1466 street-facing façades.
- 1467 3) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered
- 1468 existing, non-conforming structures. For new construction, building heights may exceed
- 1469 the maximum height if all applicable requirements of the National Fire Protection Code are
- 1470 met.
- 1471
- 1472 5) New Construction or Alteration
- 1473
- 1474 The plans for the construction of a new structure or for modification of an existing structure for
- 1475 an amount that exceeds fifty (50%) of its appraised value impacting the exterior appearance
- 1476 of such structure in the Primary Downtown District and Five Points Overlay Districts must be
- 1477 submitted to the City for review of the TRC and Planning and Zoning Commission. The
- 1478 Planning and Zoning Commission shall make a recommendation on such plans to the City
- 1479 Manager who shall approve, deny, or approve with conditions the submitted plans. An appeal
- 1480 to the decision made by the City Manager or designee may be made pursuant to Chapter 3,
- 1481 Section 5, b).
- 1482
- 1483 In considering approval for new construction, the TRC, Planning and Zoning Commission, and
- 1484 City Manager or designee shall consider the following guideline:
- 1485
- 1486 Architectural details including street facades, materials, colors, textures, roof lines, and
- 1487 window styles shall be designed to make a new structure or alteration compatible with its
- 1488 original architectural style and character, and the surrounding structures in the Primary
- 1489 Downtown Overlay District and the Five Points Overlay District, as applicable.
- 1490
- 1491 6) Frontage Façade Styles
- 1492
- 1493 The existing downtown commercial area consists of three (3) types of frontage façade styles
- 1494 as indicated below. All redevelopment and new development must provide one (1) of the
- 1495 three (3) styles.
- 1496
- 1497

1498  
1499



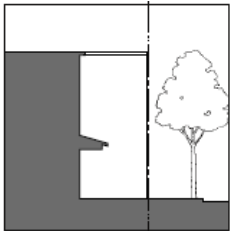
**Gallery:** The main façade of the building is at the frontage line and the gallery element overlaps the sidewalk. The entry should be at the same grade as the sidewalk. This type can be one or two stories and is intended for retail uses. The gallery should extend close enough to the curb so that a 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.

1500  
1501



**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.

1502  
1503



**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.

1504  
1505  
1506

7) Reduced Parking Requirements

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.

1514  
1515  
1516

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

1517  
1518  
1519

Bicycle parking must be provided as required per Chapter 14.

1520  
1521

8) Amenities Bank

1522  
1523  
1524

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.

1525  
1526  
1527

1528  
1529  
1530

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

1531 shall be determined by submittal of a cost analysis prepared, signed and sealed by an  
1532 appropriate registered professional reasonably approved by the City Manager or his  
1533 designee at the property owner’s expense and submitted to the City Manager or designee.  
1534 In the event the City does not agree with the cost analysis submitted by the property  
1535 owner, City may obtain a cost analysis at City’s expense and the average of the two  
1536 analyses shall be the amount required to be paid by the applicant into the amenities bank  
1537 fund.

1538  
1539 Any payments required to be made to the amenities bank fund shall be made upon  
1540 approval of the final site plan. No building permit shall be issued until such payment has  
1541 been made.

1542  
1543 Under no circumstances will the City be required to refund monies deposited into the  
1544 amenities bank fund pursuant to this Chapter 6, Section 3(a)(8).

1545  
1546 9) Encroachments Into Setbacks

1547  
1548 Canopies, awnings, and balconies may encroach into the setback line or sidewalk within  
1549 City right of way as indicated below.

1550  
**Encroachments**

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

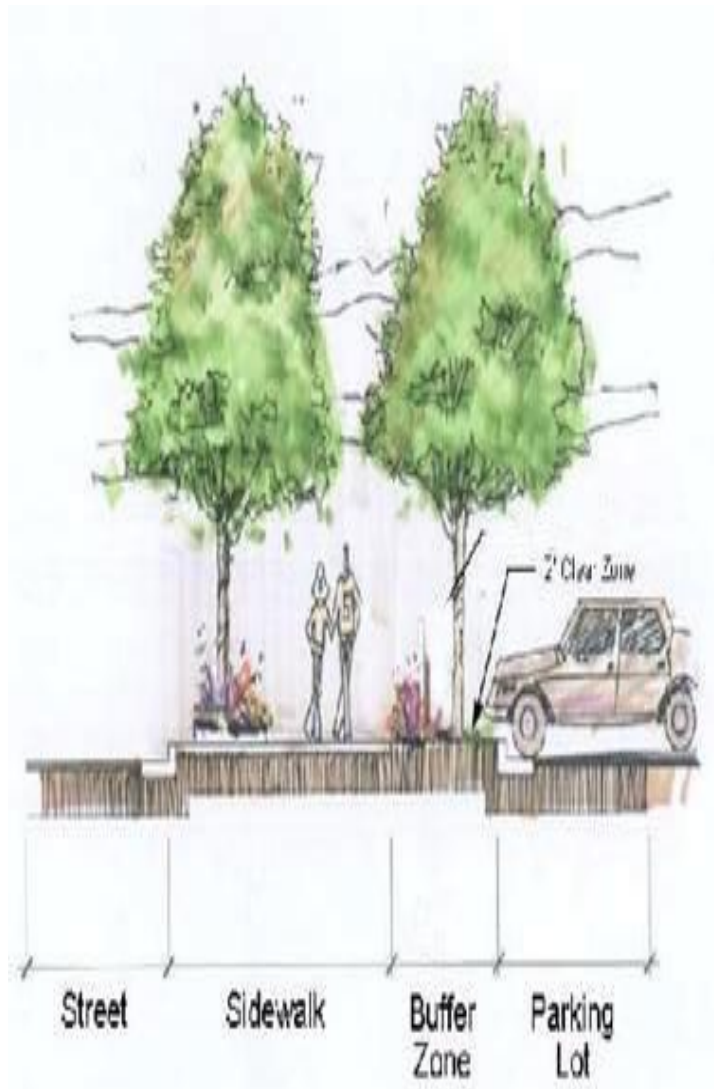
1551  
1552 Notes

1553 2) Sidewalk seating, such as sidewalk cafes, may encroach onto the sidewalk within City  
1554 right of way, but must leave an aisle of 5 feet.

1555  
1556 10) Landscape Requirements

1557  
1558 Parking lots within the Primary Downtown District Overlay shall be exempt from the  
1559 requirements of Chapter 15, Section 6, Internal Landscaping provided that perimeter  
1560 buffering of parking lots are a minimum of five feet (5’) wide with a three foot (3’) planted  
1561 area and provided that a two foot (2’) parking overhang is included as illustrated below. A  
1562 continuous hedge is required as well as one (1) understory tree per thirty feet (30’).  
1563 Ground covers may consist of sod in the overhang area and plant material other than sod  
1564 for the balance of the ground cover. All other landscaping and irrigation requirements  
1565 must comply with Chapter 15.

1566  
1567 A typical parking lot buffer within Primary Downtown District Overlay is shown on the  
1568 following exhibit.

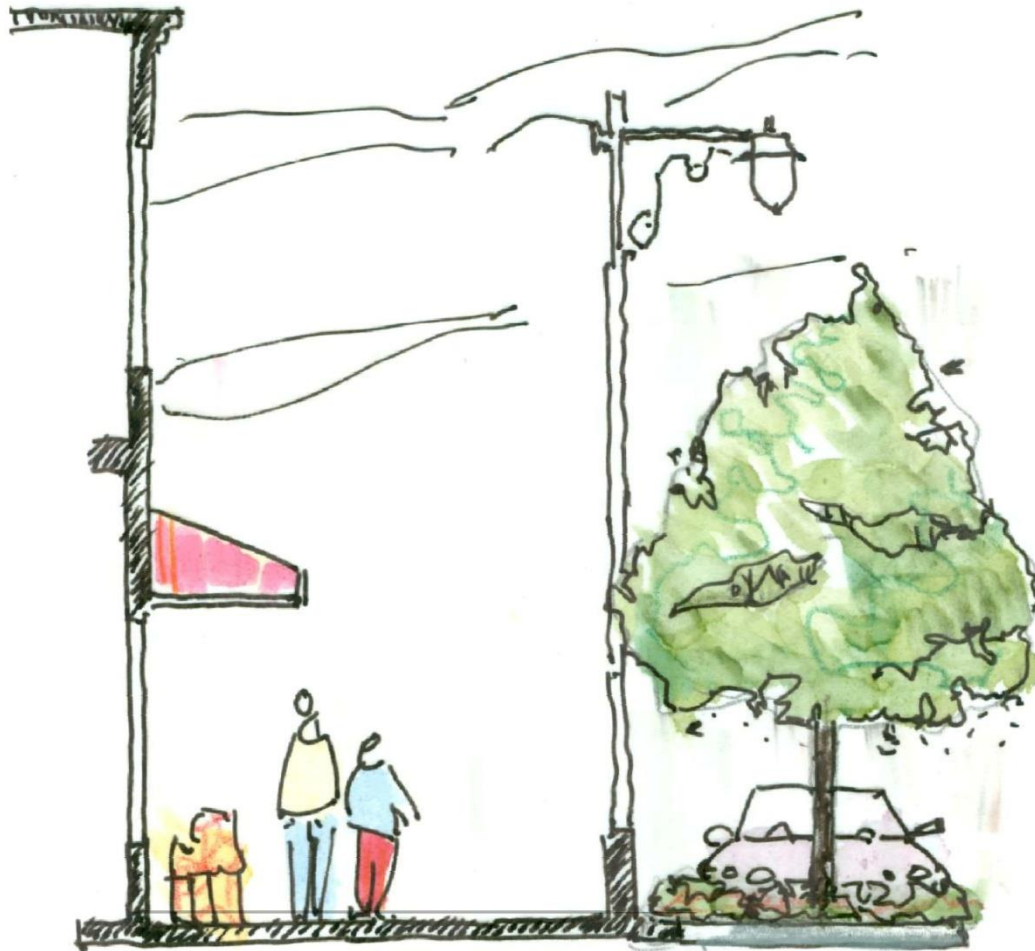


Typical Parking Lot Buffer

1569  
1570  
1571  
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1579

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**

1580  
1581  
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1595

**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

1596 clear of impediments at all times. This area is protected by the bump out zone on  
 1597 the street side and the storefront zone on the building side.

1598  
 1599 1) Pedestrian movement is the priority function for narrow sidewalks. This  
 1600 may mean that the storefront and bump out zone will need to be reduced  
 1601 or eliminated. The following provides guidelines for the various zones.

1602  
 1603 a) Sidewalks up to 5' wide: Walking Zone minimum 5'

1604  
 1605 b) Sidewalks 5' to 8' wide: Walking Zone - minimum 5'  
 1606 Storefront Zone – 0' to 3' maximum

1607  
 1608 c) Sidewalks 8' to 10' wide: Walking Zone minimum 5'  
 1609 Storefront Zone – 3' to 5' maximum

1610  
 1611  
 1612 c) **SECONDARY DOWNTOWN DISTRICT OVERLAY**

1613  
 1614 1) Location  
 1615 The Secondary Downtown District is located as shown on the Overlay Map

1616  
 1617 2) Purpose and Intent  
 1618 The intent of the Overlay District is to allow older residential areas to evolve into a  
 1619 combination of residences and restricted professional business services and low intensity  
 1620 commercial uses. As this area evolves from a predominantly residential area to a  
 1621 commercial area, a decline in residential density is anticipated.

1622  
 1623 3) Permitted Uses  
 1624 The uses permitted within the Secondary Downtown District Overlay district are those  
 1625 uses that would be allowed per the parcels' zoning category pursuant to Chapter 6. In  
 1626 addition, business services, offices for professional services, personal services, medical  
 1627 office/clinic, and bed and breakfast inns would be allowed.

1628  
 1629 4) Dimensional Requirements Chart

1630  
 1631

<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>

1632  
 1633 Notes

1634 (1) Existing buildings that exceed this height limit as of February 1, 2013 shall be considered  
1635 existing, non-conforming structures. For new construction, building heights may exceed the  
1636 maximum height if all applicable requirements of the National Fire Protection Code are met.

1637  
1638  
1639 5) Parking Requirements

1640  
1641 All new development and redevelopment within the Secondary Downtown District Overlay  
1642 must meet the parking and bicycle parking requirements outlined in Chapter 14.

1643  
1644 6) Off-Street Parking Design Standards

1645  
1646 A stabilized pervious parking surface material may be utilized as an alternative to paved  
1647 parking provided that the number of non-handicap parking spaces required equals 10  
1648 spaces or less; and parking spaces shall meet the minimum size requirements and each  
1649 space shall be designated by a wheel stop.

1650  
1651 Notwithstanding anything herein to the contrary, all handicap accessible spaces shall be  
1652 paved.

1653  
1654 7) Landscape Requirements

1655  
1656 Landscape requirements shall follow the buffer and landscape requirements in Chapter  
1657 15 as they relate to the RP zoning district. Internal parking lot landscape buffers may be  
1658 waived provided that a perimeter buffering of parking lots will be a minimum of 5' wide with  
1659 a 3' planted area and include a 2 foot parking overhang. A continuous hedge is required  
1660 as well as 1 understory tree per 30'. Ground covers may consist of sod in the overhang  
1661 area and plant material other than sod for the balance of the ground cover.

1662  
1663 (Section 3 Ord. 2013-B, 02/21/2013)

1664  
1665  
1666 **SECTION 4. RESIDENTIAL DESIGN STANDARDS**

1667  
1668 1) **Purpose and Intent.** It is the purpose of this section to establish standards for the architectural  
1669 design of development and redevelopment in the city. These standards apply to new residential  
1670 construction.

1671  
1672 2) **Applicability.**

1673  
1674 a. These design standards shall apply to any new residential construction within a subdivision,  
1675 formed by final plat after the effective date of this Section, and where the applicant  
1676 advocates, proposes, suggests, or exhibits a proposed plan, map, or plat of development of  
1677 land or proposes to create a street, right-of-way or easement that joins or connects to an  
1678 existing public street.

1679  
1680 b. The design standards as outlined in Section 4, 6(c) through Section 4, 6(h), inclusive shall  
1681 apply to all new residential construction within the City to which subparagraph (a) does  
1682 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.



- 1729 1. Each development of 50 or more homes shall have at least seven (7) base models,  
1730 developments of less than 50 units but more than 20 units, shall have at least five (5)  
1731 base models, and developments less than 20 units shall have at least three (3) base  
1732 models. Each base model proposed may have multiple variances and design options  
1733 available for customization.
- 1734 2. Each single family residence or duplex building shall present an individual character  
1735 through building placement, floorplan, exterior elevation, and color. No two  
1736 buildings with the same exterior elevation shall be located adjacent to one another.  
1737 Flexibility in the building elevation variation requirements may be considered at the  
1738 discretion of the City Manager or designee provided the overall intent of this Section  
1739 is maintained.

1740  
1741 c. Architectural Styles and Components.

- 1742
- 1743 1. While the City does not wish to discourage creativity or uniqueness in housing  
1744 design, architectural styles that represent identifiable historic styles are preferred in  
1745 order to promote quality neighborhood design and compliment community identity.
- 1746 2. Desired Architectural Components. The following list of architectural components  
1747 represents a partial list of desired elements associated with traditional residential  
1748 architecture. Not all residential styles or buildings will contain every element in  
1749 the list, but must include components consistent with the established style.
- 1750 A. Open air front or wrap around porches;  
1751 B. Stoops;  
1752 C. Overhangs and awnings;  
1753 D. Gable or hip type roofs;  
1754 E. Second story balconies;  
1755 F. Decorative roof treatments, including, but not limited to, pediments, dormers,  
1756 ridge cresting, decorative bridgeboard, stickwork, brackets, rafter tails, and  
1757 decorative shingles; and  
1758 G. Decorative window treatments, including, but not limited to, double-hung  
1759 windows, arched windows, transoms, bay windows, and louvered shutters.

- 1760
- 1761 d. The mixing of elements from multiple architectural styles within a single residential  
1762 building is discouraged.

1763

1764 e. Roof Elements.

- 1765 1. All roof projections, including chimneys, dormers, flues and vents shall be  
1766 compatible in scale, height and material with the structure from which they project.  
1767 Chimney hardware must be screened within an architectural feature such as a  
1768 decorative chimney cap in keeping with the architectural style of the home.
- 1769 2. Gutters and downspouts are highly encouraged as long as they are consistent with  
1770 the established architectural style of the residential building.
- 1771 3. When overhangs and awnings are included, they shall be no less than two (2) feet  
1772 deep when measured perpendicular to the building face, to function as an energy  
1773 conservation measure and/or to protect people and the house from inclement

1774 weather. Required setbacks shall be measured from the bearing wall of the primary  
1775 structure and not the overhang/awning.

1776

1777

f. Windows and Doors.

1778

1779

1. All front, street-facing facades shall have windows and doors covering at least  
1780 twenty-five percent (25%) of the primary front façade (exclusive of the garage  
1781 façade in calculating this area).

1782

2. The front entry of the residential entry should be in scale with the façade and  
1783 designed appropriate to the established architectural style of the building.

1784

1785

g. Exterior Finishes.

1786

1. Exterior finishes shall be consistent with the established architectural style of the  
1787 residential building.

1788

2. Acceptable finishes may include wood, cement board, brick, rock and masonry.  
1789 Stucco is acceptable if consistent with the established architectural style of the  
1790 building.

1791

3. Prohibited finishes include exterior insulation finish systems (EIFS), foam  
1792 moldings, and vinyl siding.

1793

4. Simulated materials such as synthetic brick siding/paneling and stone veneer will  
1794 be held to a higher level of scrutiny to assess quality and natural appearance.  
1795 Samples of such materials may be required to be submitted with the application for  
1796 review and approval by the City Manager or designee.

1797

1798

h. Garages.

1799

1. Garages are encouraged to be located to the side or rear of a residential lot.  
1800 Illustration 1 shows several recommended alternative locations for garages.

1801

1802

2. Garages shall not comprise more than thirty (30%) percent of the front of the  
1803 residence.

1804

1805

3. Garages facing the street shall be offset at least five (5) feet from the primary front  
1806 facade of the home.

1807

1808

4. Garage doors should be simple in design with door patterns and accent colors  
1809 complementary to the architectural character of the home. Windows are  
1810 encouraged to reduce the visual impact.

1811

1812

5. Side-facing garage doors must incorporate a minimum of fifteen percent (15%) in  
1813 area windows and trim on the wall facing the front street.

1814

1815

6. No more than seventy-five percent (75%) of the lots in a proposed subdivision are  
1816 permitted to contain front loaded garages. If a project is proposed in multiple  
1817 phases, each phase must meet this requirement individually.

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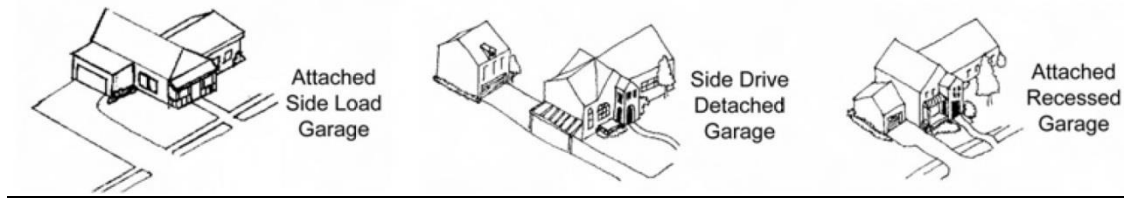
1825

1826

1827

1828

1819 7. One-car garage must be a minimum of 12 feet x 20 feet interior size. The number  
1820 of garage spaces required shall be consistent with the underlying zoning district of  
1821 this Code.  
1822



1823  
1824  
1825  
1826

**Illustration 1**

1827 7) **Neighborhood Identity.** Special design elements located at the periphery and entrances of  
1828 residential development create a distinctive image for the neighborhood. These entrances shall  
1829 be designed as thresholds to change from public thoroughfares to quiet neighborhood streets  
1830 with slower design speeds.

- 1831
- 1832 a. All single family and duplex subdivisions of twenty (20) units or more are required to  
1833 construct a development entrance with residential scaled landscaping, signage and  
1834 streetscape patterns/furniture. Entrance features of consistent design are required at both  
1835 primary and secondary entrances of each project to enhance the visual identify of the  
1836 development.
  - 1837 b. Pedestrian connections shall be provided to promote access to surrounding areas, including  
1838 schools, public buildings, parks and nearby commercial areas.
  - 1839 c. Lighting along roadways in developments should provide a smooth, even pattern that  
1840 eliminates glare or light flow intrusion onto adjacent properties. Fixtures should be  
1841 installed according to optimum spacing as recommended by the manufacturer. Light poles  
1842 should not exceed twenty feet (20') in height. Illumination for vehicles in residential  
1843 neighborhoods should be approximately 0.50 foot candles. Street lighting shall be  
1844 designed consistent with the International Dark-Sky Association lighting principals.
  - 1845 d. Decorative light fixtures are required to be provided consistently throughout the  
1846 development and must be approved by the City Manager or designee.

1847  
1848 (Section 4, Ordinance 2019-D, 03/19/19)

1849  
1850  
1851

**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 building floor area is being increased by more than thirty-five percent (35%);
  - b) More than fifty (50) percent of the building area is being renovated; and/or
  - c) 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.
  - d) 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.

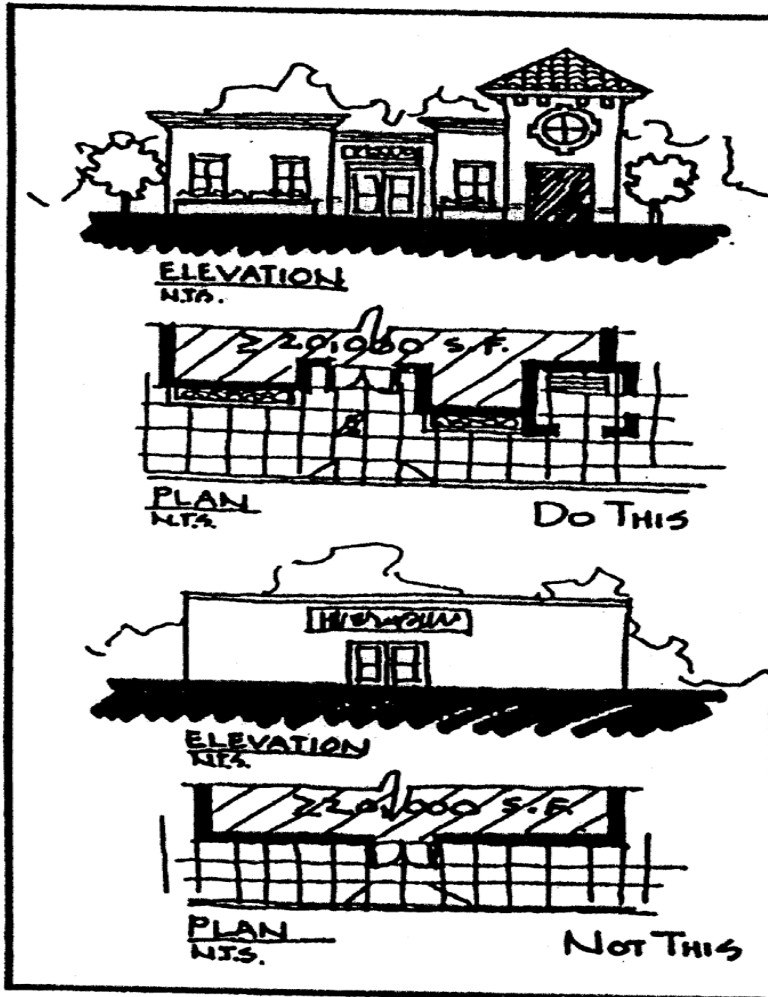


Illustration 1

- 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).

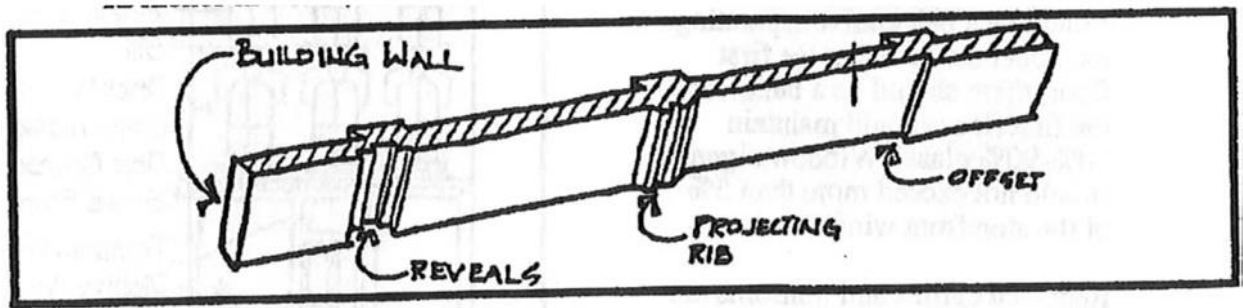


Illustration 2

- 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.** The Downtown Enhancement District shall provide a storefront character. 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

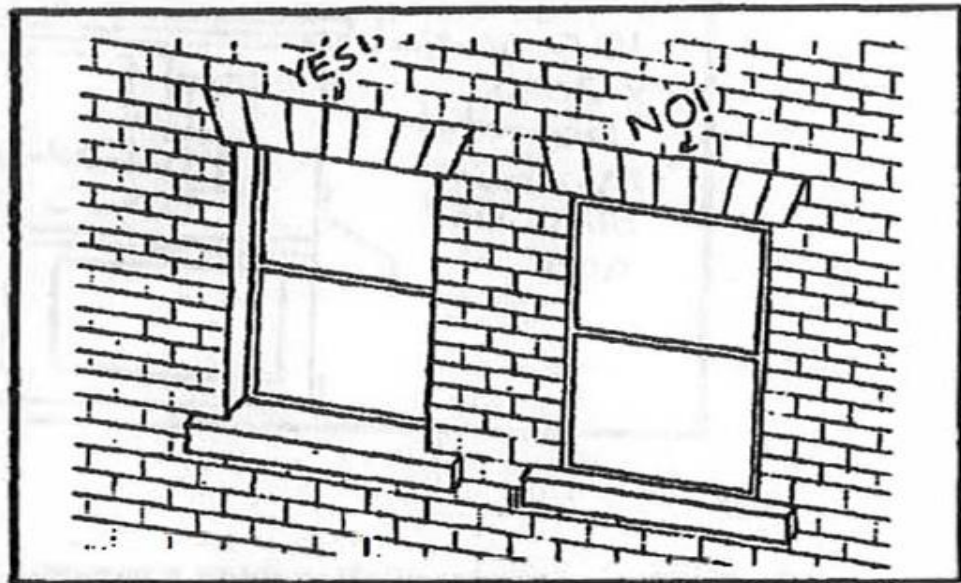


Illustration 3

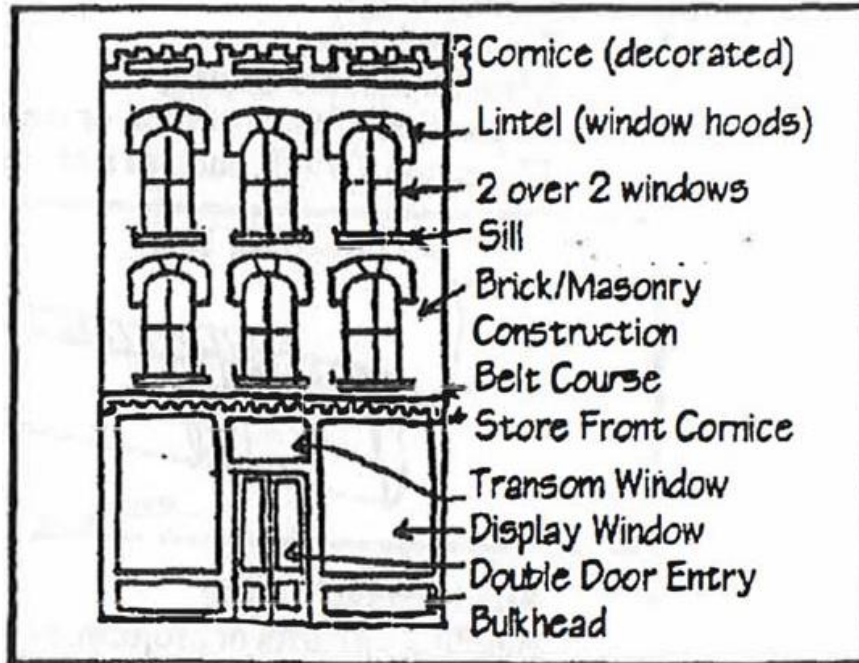


Illustration 4

- 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.



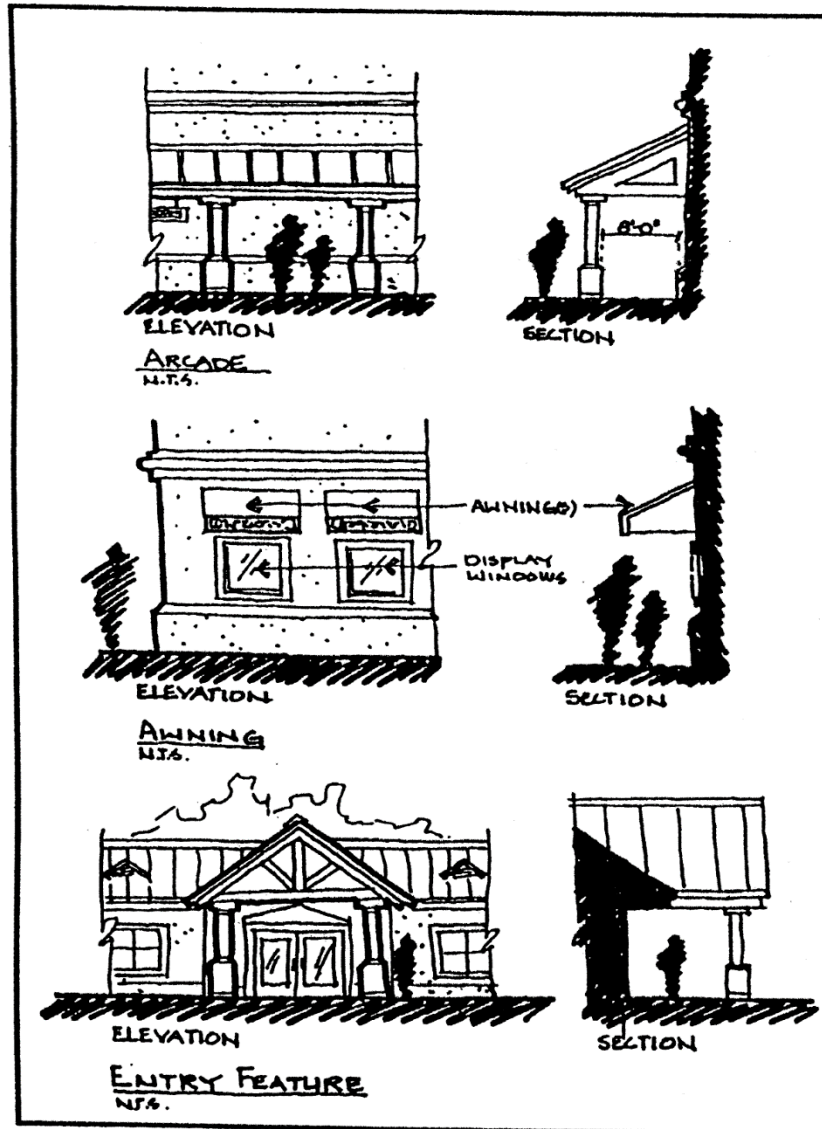


Illustration 6

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.

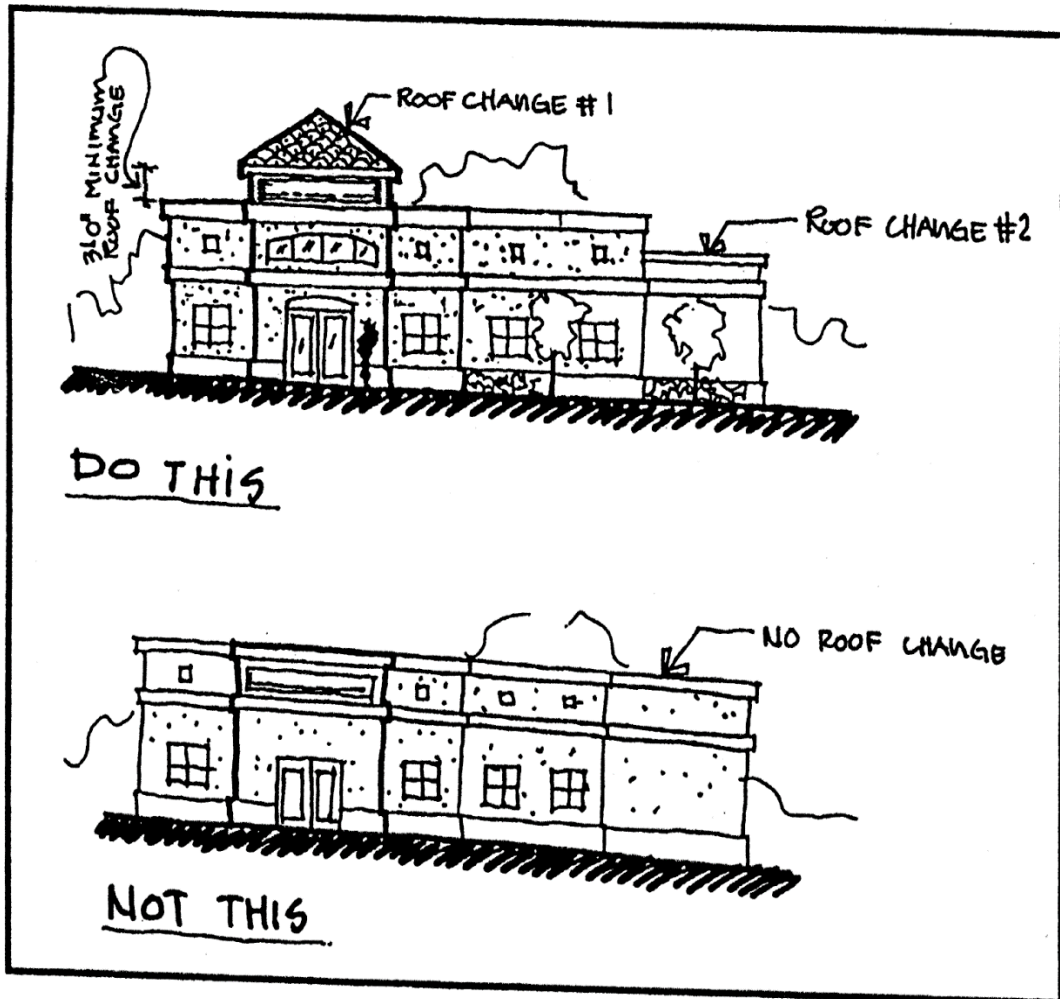


Illustration 7



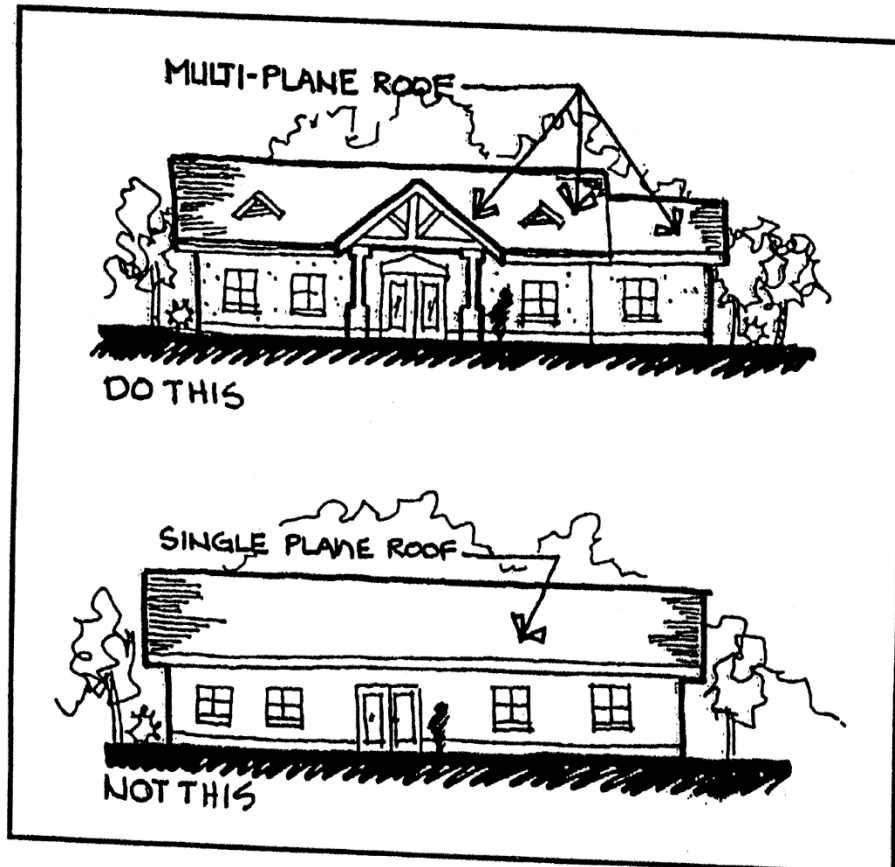


Illustration 8

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 finishes 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.

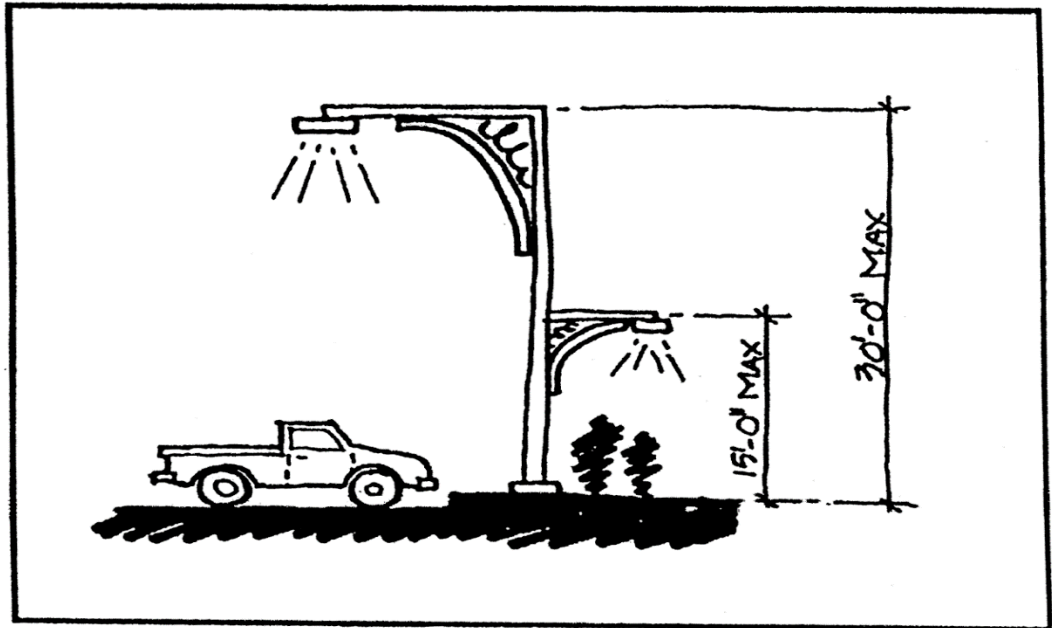


Illustration 9

- 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.

## Ordinance 2020-H Exhibit A

- 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.

457

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)

491

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

493  
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536

- A) The proposed site shall be at least two thousand (2,000) feet from any other such use.
  
- 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.
  
- 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.
  
- 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.
  
- 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”.
  
- 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)  
579  
580  
581



# CITY OF UMATILLA

## AGENDA ITEM STAFF REPORT

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DATE: August 11, 2020

MEETING DATE: August 18, 2020

SUBJECT: Amended and Restated Utility Agreement

ISSUE: Palmer Homes (the “Developer”)

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### BACKGROUND SUMMARY:

This proposed Amended and Restated Utility Agreement is to clarify development rules for the Developer’s conceptualized “Wood Song” subdivision.

The Developer and the City entered into a Utility Agreement on December 6, 2005 for property north of CR 450A and east of Pine Street. Then, the property was in unincorporated Lake County. The idea was that the developer would apply to the county for preliminary plat and construction plan approval for a subdivision called “Wood Song.” After county approval, the property would be annexed into Umatilla and provided with City utilities. To obtain the City’s sign-off, the developer agreed to certain development standards, to provide certain on-site and off-site improvements, and to give .37 acres for a boardwalk to Guerrant Park.

According to plan, the preliminary plat was approved in the county, and the land was annexed into the City. The land for the Guerrant Park connection was given to the City. However, the developer did not move forward with obtaining a final plat approval or construction approvals at that time. While the agreement contained no expiration date, a preliminary plat is valid pursuant to the City’s Land Development Regulations for an 18-month period from approval. In 2008, the developer requested a continuation of approval of the plans, and the city agreed to extend the timeframe to December 31, 2009. No construction plan or final plat approvals were sought before that extended date.

Now, with the passage of almost 15 years, the Developer and the City share a desire for clarity on their respective rights and obligations for Wood Song. City Staff and the developer have discussed their mutual goals and prepared the proposed form for an Amended and Restated Utility Agreement. It is not the intent of this Amended and Restated Utility Agreement to grant any new rights at this time, but rather to agree on and memorialize existing rights and obligations to ensure that the Developer can realize its expectations and the City can assure that development meets its quality standards.

The 2005 Agreement addressed a future subdivision on the 39 acres with 138 single family units, at a maximum density of 4.74 units per acre (excluding wetlands). The proposed plan called for 52’ minimum lot widths, 5.5 foot setbacks, a minimum buffer/setback of 40 feet from wetlands or water bodies, and compliance with open space requirements in effect at that time. The proposed Amended and Restated Utility Agreement before the Council now will, if

adopted, provide comfort to the Developer that the subdivision may be developed in accordance with those particular standards, regardless of any subsequent changes to the Land Development Regulations. However, the Developer acknowledges that in all other ways, any application for development will require adherence to current rules, including the City's residential design standards.

In addition, the city's intent in 2005 was to build and provide boardwalk access from the development to Guerrant Park, so the land was provided by the developer for this purpose. Now, however, the city has no need or desire for this parcel and the restated agreement provides for the re-conveyance of said parcel to the developer. This parcel can be used for open space requirements when the Developer submits plans to the City for approval, but will not be used in calculating density of 4.74 units per acre (excluding wetlands), so that returning this land to the Developer does not increase the overall allowed density.

This agreement has a term of twenty-five (25) years from the date of approval by the City Council.

**STAFF RECOMMENDATIONS:** Approval of Amended and Restated Utility Agreement with Palmer Homes Inc.

**FISCAL IMPACTS:** N/A

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**COUNCIL ACTION:**

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



# Palmer Property





## UTILITY AGREEMENT

THIS UTILITY AGREEMENT (“the Agreement”), is made this \_\_\_ day of \_\_\_\_\_ 20\_\_\_, by and between the CITY OF UMATILLA, FLORIDA, a Florida Municipal corporation (hereinafter referred to as “City”), and PALMER HOMES, INC. (hereinafter referred to as “Owner”), whose mailing address is 840 Lake Catherine Drive, Maitland, Florida 32751.

### RECITALS

WHEREAS, the City owns and operates a central water and wastewater utility within a designated utility service district, adopted pursuant to Chapter 180, Florida Statutes; and

WHEREAS, Owner owns property located within the municipal boundaries of the City; and Owner desires to build single family residences on the land described on the attached Exhibit "A" (the "Property"); and

WHEREAS, the City’s current sanitary sewer and potable water main lines are within 1,000 feet from the site's boundary; and

WHEREAS, the City and the Owner desire for the City to serve the Property with central water and wastewater during and after development of the project; and

WHEREAS, on December 6, 2005, the City and Owner entered into a Utility Agreement and Covenant to Annex (the “Utility and Annexation Agreement”), which is recorded at Official Records Book 3139, Pages 1067-1074, Public Records of Lake County, Florida; and

WHEREAS, the Utility and Annexation Agreement specifically permitted Owner to develop the Property in accordance with a form of preliminary plat that was attached to the Utility and Annexation Agreement as Exhibit “B”, which permitted an overall density for the subdivision not to exceed a density of 4.74 per acre (including wetlands); minimum lot width within the subdivision of 52 feet, a minimum buffer/setback of 50 feet from wetlands or water bodies, and minimum side yard setback of 5.5 feet with a minimum of 11 feet between eaves of houses; and

WHEREAS, the Owner agreed in the Utility and Annexation Agreement to annex the Property into the City of Umatilla and to provide a direct connection from the future subdivision to the City’s public park system; and

WHEREAS, in furtherance of carrying out the terms of the Utility and Annexation Agreement, the Owner annexed the Property into the City of Umatilla and, to ensure a direct connection to the City’s public park system, the Owner conveyed a .37-acre parcel to the City, which would provide access from the Property to the City’s public park system; and

WHEREAS, the City and Owner recognize that the Property was annexed into the City limits of Umatilla pursuant to the Utility and Annexation Agreement, and

WHEREAS, subsequent to entering into the Utility and Annexation Agreement, and subsequent to the approval of the density and setback requirements provided therein, the City amended its Land Development Regulations and subdivision requirements; and

WHEREAS, the amended Land Development Regulations and subdivision requirements adjusted the permissible density, setback, and lot size requirements within future subdivision development; and

WHEREAS, despite the amendments to the Land Development Regulations, the City and Owner agree that the Owner has vested rights under the Utility and Annexation Agreement.

NOW THEREFORE, for and in consideration of the mutual covenants and promises hereinafter set forth, the parties do hereby agree as follows:

1. The foregoing recitals are true and correct in all respects and are expressly incorporated herein by this reference.

2. This Agreement replaces and supersedes all previous agreements and understandings between the Parties.

3. The term of this Agreement shall be for a period of 25 years from the date the Agreement is approved by the Umatilla City Council.

4. This Agreement shall be recorded in the Public Records of Lake County, Florida. This Agreement and all undertakings of the Owner hereunder shall constitute covenants running with the title to the Property and shall be binding on the Owner. All references to Owner throughout this Agreement shall mean the Owner and anyone who in the future claims any rights, title, or interest in the Property, whether by, through, under or against Owner or any of Owner's heirs, devisees, successors or assigns whomsoever.

5. Owner hereby agrees to connect to City sanitary sewer and potable water lines prior to applying for or pulling the first single family residential building permit on the property.

6. Owner, at its expense and without cost to the City, shall design, permit and construct such off-site improvements as are necessary to bring sanitary sewer and potable water lines to the boundary of the Property sufficient to serve the anticipated capacity of the project. Such off-site improvements shall commence within one hundred and eighty days of final construction approvals as granted by Lake County, Florida and any other State, City or County Agencies whose approval is required prior to development. The off-site improvements shall be conveyed to the City upon completion.

7. Owner, at its expense and without cost to the City, shall design, permit and construct all on-site improvements as are necessary to serve the residential development. Such on-site improvements shall be designed, permitted and constructed to the City's and other jurisdictional agencies' standards and requirements, and shall be sufficient to serve the project.

8. Applications for plat approval, construction plan approval, and other permits and development orders shall be evaluated for approval or denial by the City in accordance with the City's Ordinances, Codes, and Regulations in existence at the time of each such application. Notwithstanding the foregoing, the parties acknowledge that the Owner has certain vested rights pursuant to the Utility and Annexation Agreement which shall not be extinguished, superseded, or diminished by this Agreement. Specifically, Owner shall be permitted to develop the Property with an overall density not to exceed 4.74 per acre (including wetlands, but excluding the land re-conveyed pursuant to paragraph 9 below); minimum lot width within the subdivision of 52 feet, a

minimum buffer/setback of 50 feet from wetlands or water bodies, and minimum side yard setback of 5.5 feet with a minimum of 11 feet between the eaves of houses.

9. Owner, in an effort to provide connectivity to City's then existing utilities, conveyed a parcel of wetlands to City. City no longer needs that property for connectivity and will, at Owner's request and without expenses to Owner, re-convey that wetland property described in Exhibit "B" hereto to Owner. Further, should Owner or assign develop the property within the term of this Agreement, the Owner may consider the wetlands (under common ownership) as part of the total property for purposes of establishing open space requirements in compliance with 2006 Umatilla requirements. However, the re-conveyed property shall not be counted in calculating the density of 4.74 units per acre.

10. Owner agrees at Owner's expense to install water re-use lines within subdivision suitable for connection to the City's future water re-use distribution system and shall install separate meters for irrigation and potable water. Until such time as the City's water re-use distribution system is operational, Owner agrees to connect water re-use lines to the City's central water system for the purposes of providing irrigation to individual lots or common areas.

11. Owner agrees that the "stormwater" or "water retention" ponds within the project shall be dry ponds, and in the event that said ponds do not function as dry ponds, Owner agrees to modify engineering plans for the project and if necessary, modify the pond design.

12. Owner shall submit its proposed Deed Restrictions and Homeowner's Association documents to the City of Umatilla Attorney for review. Owner agrees that the Deed Restrictions shall authorize the City to perform the functions of the Homeowner's Association (including the right to impose assessments or fees to maintain common areas and the subdivision stormwater system) in the event that the Homeowner's Association for the subdivision does not fulfill its obligations under the deed restrictions.

13. In the event that any provision of this Agreement shall be held to be invalid or unenforceable, the provision shall be deleted from this Agreement without affecting in any respect whatsoever the validity of the remainder of this Agreement.



IN WITNESS WHEREOF, Owner has assigned this Utility Agreement and Covenant to Annex this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

WITNESSES:

OWNER

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Print Name/Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Signature

STATE OF FLORIDA  
COUNTY OF LAKE

I HEREBY CERTIFY that on this day before me, an officer duly qualified to take acknowledgements, personally appeared \_\_\_\_\_ who is personally known to me or who produced \_\_\_\_\_ as identification, who executed the foregoing instrument and acknowledged before me that he/she executed the same.

WITNESS my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public  
My Commission Expires

\_\_\_\_\_

CITY OF UMATILLA, FLORIDA

Approved as to form and legality

\_\_\_\_\_  
Scott Blankenship, City Manager

\_\_\_\_\_  
Kevin Stone, City Attorney

\_\_\_\_\_  
Eric A. Olson, Mayor

Exhibit A  
Legal Description of the Subject Property

PARCEL NO. 1:

THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 24, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LESS ROAD RIGHT-OF-WAY, ALL BEING IN LAKE COUNTY, FLORIDA.

PARCEL NO.2:

BEGIN SOUTH  $64^{\circ}30'00''$  EAST 450.0 FEET FROM THE NORTHWEST CORNER OF BLOCK J. MITCHENORS ADDITION TO UMATILLA, AS RECORDED IN PLAT BOOK 1, PAGE 56, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN SOUTH  $64^{\circ}30'00''$  EAST ALONG THE NORTHERLY LINE OF BLOCK J TO THE SOUTHEAST CORNER OF BLOCK J AND DESIGNATED POINT A. BEGIN AGAIN AT THE POINT OF BEGINNING, RUN SOUTH  $25^{\circ}30'00''$  WEST 136.07 FEET, MORE OR LESS, TO THE SOUTH LINE OF BLOCK J, THENCE NORTH  $86^{\circ}56'28''$  EAST 284.63 FEET, MORE OR LESS, TO THE SOUTHEAST CORNER OF SAID BLOCK J AND DESIGNATED POINT A.

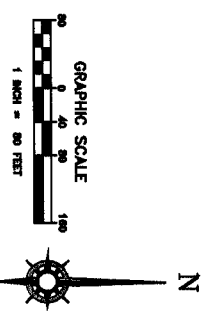
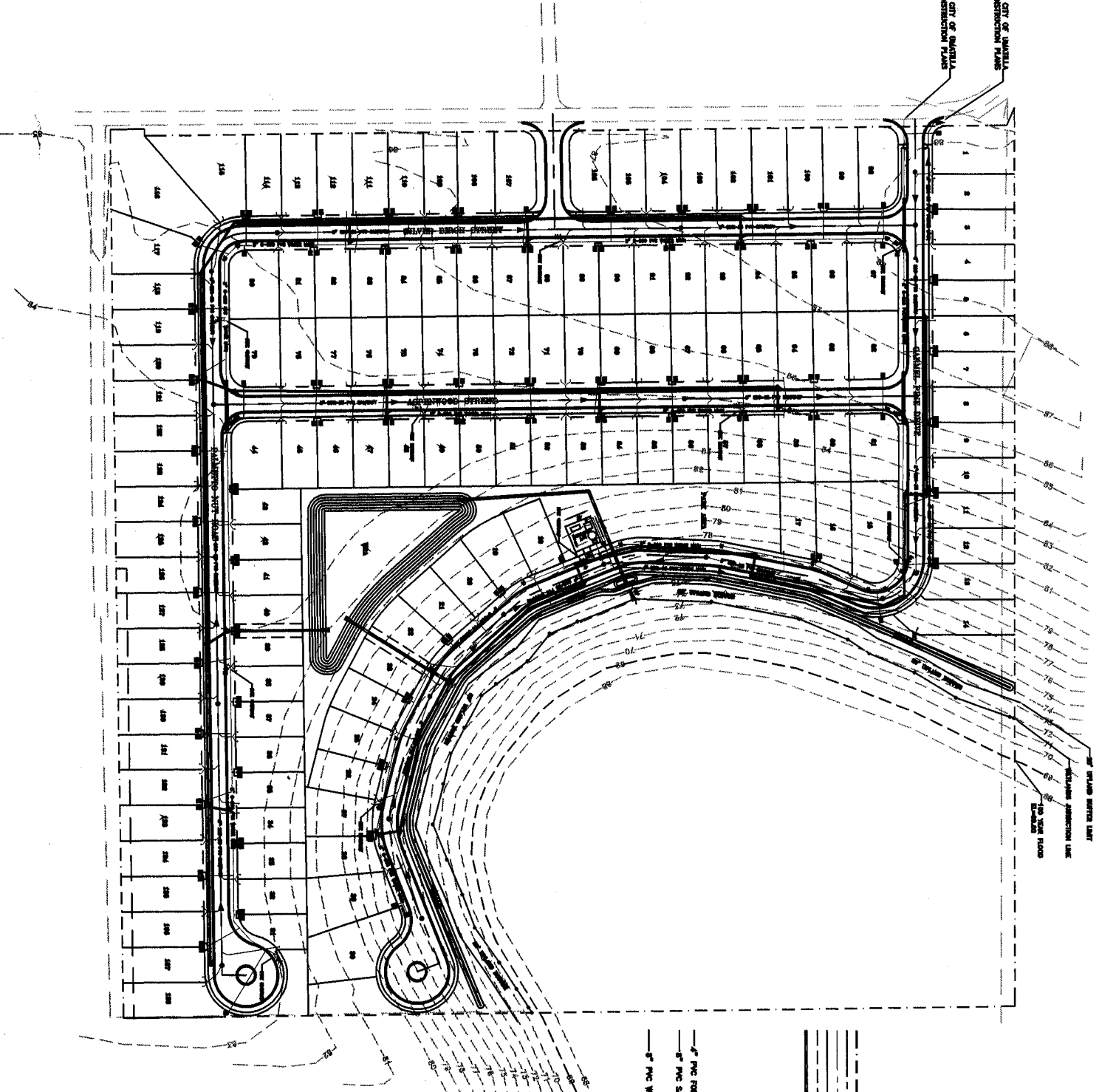
Exhibit B  
Legal Description of Property to be Re-Conveyed

**That portion of Section 24, Township 18 South, Range 26 East, Lake County, Florida described as follows:**

**Beginning at the North  $\frac{1}{4}$  corner of said Section 24; thence North  $89^{\circ}48'43''$  West along the North line of the Northwest  $\frac{1}{4}$  of Section 24 for 448.78 feet; thence South  $19^{\circ}42'03''$  West for 37.13 feet; thence South  $89^{\circ}48'43''$  East for 461.81 feet to the East line of the Northwest  $\frac{1}{4}$  of Section 24, thence North  $00^{\circ}50'31''$  West along said East line for 35.01 feet to the Point of Beginning.**

**Containing 0.37 acres more or less.**

FORCE MAIN TO BE EXTENDED AND CONNECT TO CITY OF SUWANNEE  
 EXTENDED PLANS WILL BE PART OF CONSTRUCTION PLANS  
 WATER MAIN TO BE EXTENDED AND CONNECT TO CITY OF SUWANNEE  
 EXTENDED PLANS WILL BE PART OF CONSTRUCTION PLANS



- LEGEND**
- PROPERTY BOUNDARY LINE
  - ROADWAY CENTERLINE
  - RIGHT-OF-WAY LINE
  - PROPOSED UTILITY EASEMENTS
  - SYSTEM OVERLAP/POE
  - BENTED END SECTION w/ ENERGY DISSIPATOR
  - CHIMNEY TYPE 1
  - CHIMNEY TYPE 2
  - OVERFLOW STRUCTURE
  - MANHOLE (STORM or SANITARY)
  - PROPOSED SANITARY FORCE MAIN
  - PROPOSED GRAVITY SANITARY
  - SANITARY FLOW DIRECTION
  - PROPOSED WATER MAIN
  - FINE HYDRANT ASSEMBLY
  - WATER MAIN GATE VALVE
  - WATER MAIN BEND
  - WATER MAIN TEE
  - WATER SERVICE (SHOULD)
  - WATER SERVICE (POUNCE)
  - SANITARY SERVICE (POUNCE)
  - SANITARY SERVICE (SHOULD)

**WOOD SONG  
 RESIDENTIAL SUBDIVISION**

**UTILITY PLAN**

**FRANCO  
 DALRY  
 AND ASSOCIATES, INC.**

350 North Shady Avenue • Tallahassee, Florida 32376 • (904) 543-8481  
 STATE OF FLORIDA CERTIFICATE OF AUTHORIZATION NO. 4709

▲ ENGINEERS  
 ▲ SURVEYORS  
 ▲ PLANNERS

DATE	REVISIONS
8/16/05	Revised per Lake County comments of 8-10-05

DESIGNED BY	
PROJECT FILE NUMBER	
DRAWN BY	
CHECKED BY	
DATE	
SCALE	
SHEET NO.	
TOTAL SHEETS	

WOOD SONG RESIDENTIAL SUBDIVISION  
 UTILITY PLAN  
 SHEET 4 OF 4

**CITY OF UMATILLA  
AGENDA COVER SHEET**

---

**DATE:** August 11, 2020

**MEETING DATE:** August 18, 2020

**SUBJECT:** Bid Award

**ISSUE:** Project 2020-05 Airport Infrastructure Project

---

**BACKGROUND SUMMARY:** This project includes paving, grading, drainage, site utilities, and hangar site development on the acreage on the southwest side of the runway. This is the area purchased in 2018 through an FDOT grant.

An Invitation to Bid was advertised and sealed bids were submitted and opened in the Council Chambers at 2:00 p.m. on August 7<sup>th</sup>. There were twelve responding firms with bids ranging from \$949,376 to \$1,747,768.84. GAI reviewed and tabulated the bids. Their recommendation for bid award is the apparent low bidder, P&S Paving Inc.

**STAFF RECOMMENDATIONS:** Award of Bid for Project 2020-05 Airport Infrastructure Project to apparent low bidder P&S Paving in the amount of \$949,376 pending the finalization of FDOT funding.

**FISCAL IMPACTS:** Paid for through FDOT Grant

---

**COUNCIL ACTION:**

Reviewed by City Attorney      Yes      No      N/A

Reviewed by City Engineer      Yes      No      N/A

**BID OPENING - PROJECT #2020-05**  
**AIRPORT INFRASTRUCTURE PROJECT**  
**Deadline: 2:00 P.M., AUGUST 7, 2020**  
**City Council Chambers, 1 S. Central Ave, Umatilla, FL**

**Sealed submittals**

	<b>RESPONDING FIRM</b>	<b>BID</b>	<b>ADDENDUM ATTACHED</b>
1	Art Walker Construction, Inc.	<b>\$1,747,768.84</b>	Y
2	Bulldog Sitework	<b>\$1,097,696.55</b>	Y
3	West to West Construction LLC	<b>\$970,030.50</b>	Y
4	P & S Paving	<b>\$949,376.00</b>	Y
5	C. W. Roberts Contracting Inc.	<b>\$1,171,168.50</b>	Y
6	D. J. Haycock Construction Co.	<b>\$1,147,500.00</b>	Y
7	Carr & Collier Inc.	<b>\$1,117,777.00</b>	Y
8	Emmett Sapp Builders	<b>\$1,142,995.00</b>	Y
9	GPS Civil Construction	<b>\$1,141,810.00</b>	Y
10	Cathcart Construction	<b>\$1,097,850.00</b>	Y
11	Valencia Construction	<b>\$1,378,378.00</b>	Y
12	Halifax Paving Inc.	<b>\$975,890.00</b>	Y

City Clerk Karen Howard announced the bid opening on August 7, 2020 at 2: 00 P.M. and asked if there were any further bids to be turned in. Seeing none, Airport Consultant Jack Thompson opened the bids and read them out loud.

Bid opening concluded at 2:08 P.M.

  
 \_\_\_\_\_  
 Karen Howard, MMC City Clerk



Orlando Office  
618 East South Street  
Suite 700  
Orlando, Florida 32801

T 407.423.8398  
F 407.843.1070

August 10, 2020

Mr. Scott Blankenship  
City Manager  
City of Umatilla  
1 S. Central Avenue  
Umatilla, FL 32784

**Umatilla Municipal Airport  
FDOT FM No. 444874-1-94-01 (G1C53)  
City of Umatilla Project No. 2020-05  
Construction of Hangar Infrastructure Development**

Dear Mr. Blankenship:

Twelve (12) bids for the above-referenced project were received at 2:00 pm on August 7, 2020. The bids were reviewed, tabulated, and the low bidder is as follows:

P&S Paving, Inc.  
Timothy W. Phillips, President  
3701 Olson Drive  
Daytona Beach, FL 32124  
Phone: 386-258-7911

We recommend awarding the contract for the referenced project to P&S Paving, Inc. in the amount of **\$949,376.00**.

We have spoken with the contractor who has expressed satisfaction with his bid.

If you have any questions, please contact me by telephone at 407-793-0315 or via email at [j.thompson@gaiconsultants.com](mailto:j.thompson@gaiconsultants.com).

Sincerely,

GAI Consultants, Inc.

Jack E. Thompson, Jr.  Digitally signed by Jack E. Thompson, Jr  
Date: 2020.08.09 14:43:19-04'00'

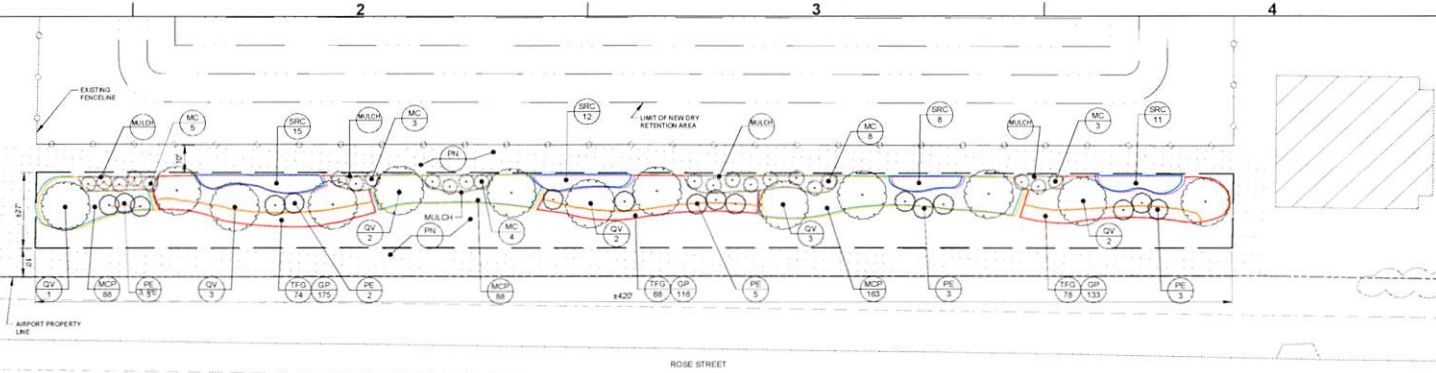
Jack E. Thompson, Jr., CM, LEED AP  
Aviation Director

Enc.: Signed Bid Tabulation  
P&S Paving, Inc. Proposal









REVISIONS	
NO.	DATE

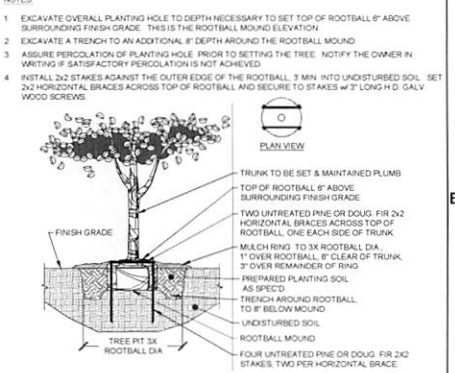
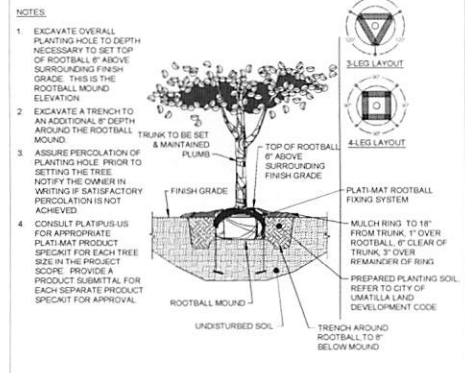
SCALE: AS SHOWN  
 DATE: JULY 2020  
 DRAWN: KSM, ALS  
 CHECKED: MEH  
 APPROVED: DJN

**C1 LANDSCAPING PLAN**  
 SCALE: 1" = 20'

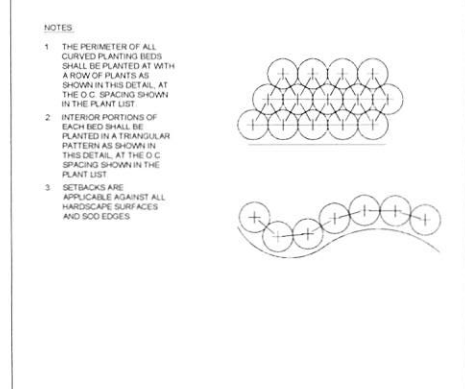
**PLANT SCHEDULE**

PLANT SYMBOL	PLANT TAG	QTY	BOTANICAL NAME	COMMON NAME	SIZE SPECIFICATION	SPACING	IRRIGATION USE	NOTES
<b>TREES:</b>								
	QV	13	QUERCUS VIRGINIANA	LIVE OAK	4" CAL, 22' HT, X 8" W	AS SHOWN	LOW	
	PE	16	PNUS ELLIOTTI IMPROVED	SLASH PINE	15 GAL, 6' HT	AS SHOWN	LOW	
	MC	23	MYRTICA CERIFERA	WAX MYRTLE	15 GAL, 6' HT, X 4" W FTG	AS SHOWN	LOW	
<b>SHRUBS AND GROUND COVER:</b>								
	GP	424	GALLARDIA PULCHELLA	BLANKET FLOWER	1 GAL, 10" HT, FULL	18" O.C.	LOW	LOCATE RANDOMLY IN THE FORWARD 9' OF THE TFG PLANTING BEDS
	MCP	339	MULLENBERGIA CAPILLARIS	GULF MULCH GRASS	3 GAL, 24" HT, X 24" W	30" O.C.	LOW	
	SRC	46	SERENGA REPENS CINEREA	SILVER SAW PALMETTO	3 GAL, 15" HT, X 15" W	48" O.C.	LOW	
	TFO	220	TRIPSACULUM FLORIDANUM	FLORIDA GAMA GRASS	3 GAL, 21" HT, X 18" W, FULL	30" O.C.	LOW	
<b>SOD AND MULCH:</b>								
	PN		PASPALLUM NOTATUM	ARGENTINE BAHIA	12" X 18" SOLID SOD PIECES, MINIMUM			
	MULCH			PINE STRAW MULCH	3" DEPTH AFTER WETTING AND LIGHT TAMPING			

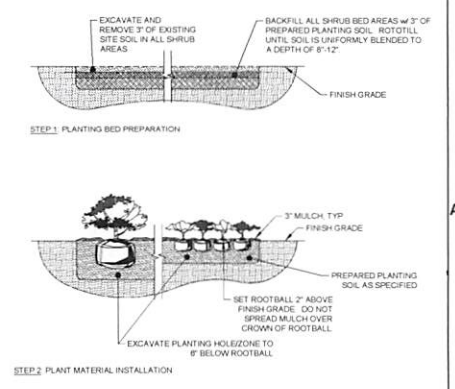
- LANDSCAPE NOTES:**
1. ALL INSTALLATION OF PLANT MATERIAL SHALL COMPLY WITH APPLICABLE JURISDICTIONAL CODES. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL PERMITS ASSOCIATED WITH THIS WORK.
  2. THE CONTRACTOR SHALL REVIEW ARCHITECTURE/ENGINEERING PLANS TO BECOME THOROUGHLY FAMILIAR WITH SURFACE AND SUBSURFACE UTILITIES.
  3. THE PLANT QUANTITIES SHOWN ON THE LANDSCAPE CONTRACT DOCUMENTS ARE FOR THE CONVENIENCE OF THE CONTRACTOR. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING ALL QUANTITIES AND REPORTING ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT FOR CLARIFICATION PRIOR TO CONTRACT AWARD AND COMMENCEMENT OF WORK.
  4. ALL PLANT MATERIAL SHALL BE IN FULL AND STRICT ACCORDANCE WITH FLORIDA NO. 1 GRADE, ACCORDING TO THE "GRADES AND STANDARDS FOR NURSERY PLANTS" PUBLISHED BY THE FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES.
  5. ALL PLANT MATERIAL SIZES SPECIFIED ARE MINIMUM SIZES. CONTAINER SIZE SHALL BE INCREASED IF NECESSARY TO PROVIDE OVERALL PLANT SIZE SPECIFIED.
  6. IF PLANT MATERIAL DOES NOT COMPLY WITH THE REQUIREMENTS AS SPECIFIED HEREIN, THE OWNER'S REPRESENTATIVE RESERVES THE RIGHT TO REJECT SUCH PLANTS AND REQUIRE THE CONTRACTOR TO REPLACE RECEIVED WORK AND CONTINUE SPECIFIED MAINTENANCE UNTIL RE-INSPECTED AND FOUND TO BE ACCEPTABLE.
  7. PRIOR TO INSTALLATION, THE CONTRACTOR SHALL CONFIRM THE AVAILABILITY OF ALL THE SPECIFIED PLANT MATERIALS. SUBMIT DATED PHOTOGRAPHS OF TREE MATERIAL AND SPECIMEN PLANT MATERIAL TO THE OWNER'S REPRESENTATIVE FOR REVIEW.
  8. ALL PLANTING BEDS SHALL BE TOP-DRESSED WITH A 1" LAYER OF PINE BARK MULCH (FINES); CONTRACTOR TO SUBMIT SAMPLES FOR APPROVAL. ALL TREES SHALL HAVE A 3" THICK, 24" RADIUS (FROM THE TRUNK) MULCH RING PLACED AROUND THE BASE OF THE TRUNK.
  9. SHRUBS AND GROUND COVER BED QUANTITIES ARE INDICATED ON THE PLANT LIST. PLANT ACENT SHRUBS AND TREES AS SHOWN ON THE LANDSCAPE PLANTING PLANS WHEN INDIVIDUAL PLANTS ARE DELINEATED.
  10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR STABILITY AND PLUMB CONDITION OF ALL TREES AND SHRUBS, AND SHALL BE LEGALLY LIABLE FOR ANY DAMAGE CAUSED BY INSTABILITY OF ANY PLANTS AND SHRUBS. STAKING OF TREES OR SHRUBS SHALL BE DONE IN ACCORDANCE WITH PLANS AND SPECIFICATIONS.
  11. THE CONTRACTOR SHALL INSURE ADEQUATE VERTICAL DRAINAGE IN ALL PLANT BEDS AND PLANTERS. IF INADEQUATE VERTICAL DRAINAGE IS ENCOUNTERED, THE CONTRACTOR SHALL SUBMIT RECOMMENDATIONS FOR PROVIDING ADEQUATE DRAINAGE TO THE OWNER'S REPRESENTATIVE AND SOIL SHOULD BE GREATER THAN 3:1.
  12. CONTRACTOR SHALL COORDINATE ALL PLANTING WORK WITH IRRIGATION WORK. CONTRACTOR SHALL BE RESPONSIBLE FOR HAND WATERING AS REQUIRED TO SUPPLEMENT IRRIGATION WATERING AND RAINFALL.
  13. CONTRACTOR SHALL BE RESPONSIBLE FOR HAND WATERING IN ALL PLANTING AREAS IF NECESSARY TO MAINTAIN PLANT VITALITY, REGARDLESS OF THE STATUS OF EXISTING OR PROPOSED IRRIGATION.
  14. CONTRACTOR SHALL RE-GRADE ALL AREAS DISTURBED BY PLANT REMOVAL, RELOCATION, AND/OR INSTALLATION WORK.
  15. MAINTENANCE SHALL BEGIN AFTER EACH PLANT HAS BEEN INSTALLED AND SHALL CONTINUE UNTIL THE DATE OF SUBSTANTIAL COMPLETION. MAINTENANCE INCLUDES WATERING, PRUNING, WEEDING, MULCHING, REPLACEMENTS OF SICK OR DEAD PLANTS, AND ANY OTHER CARE NECESSARY FOR THE PROPER GROWTH OF THE PLANT MATERIAL.
  16. UPON COMPLETION OF ALL LANDSCAPING, AN INSPECTION FOR SUBSTANTIAL COMPLETION OF THE WORK SHALL BE HELD. THE CONTRACTOR SHALL NOTIFY THE OWNER'S REPRESENTATIVE FOR SCHEDULING THE INSPECTION AT LEAST SEVEN (7) DAYS PRIOR TO THE ANTICIPATED INSPECTION DATE.
  17. THE CONTRACTOR SHALL SUBMIT WRITTEN GUARANTEE OR SURVIVABILITY OF ALL PLANT MATERIAL FOR A PERIOD OF ONE (1) YEAR FROM DATE OF SUBSTANTIAL COMPLETION.
  18. PLANT PHOTOGRAPHS: CONTRACTOR SHALL PROVIDE REPRESENTATIVE PHOTOGRAPHS OF ALL PLANT MATERIALS SPECIFIED OVER 7 GALLONS IN SIZE WITH A MEASURING RING INCLUDED IN THE PHOTOGRAPH. AT OWNER'S OPTION, CONTRACTOR MAY BE REQUIRED TO COORDINATE WITH OWNER TAGGING TRIPS TO VIEW ALL LARGER PLANT MATERIALS.
  19. ALL CERTIFICATES, REPORTS, AND SAMPLES SHALL BE SUBMITTED BY THE CONTRACTOR TO THE OWNER A MINIMUM OF TWO WEEKS PRIOR TO THE INSTALLATION OF ANY OF THE MATERIALS. CONTRACTOR SHALL NOT BEGIN WORK UNTIL ALL SUBMITTALS HAVE BEEN APPROVED BY THE OWNER. SUBMITTALS REQUIRED BUT NOT LIMITED TO THE FOLLOWING:
    - A. EXISTING SOIL ANALYSIS AND SAMPLE
    - B. PREPARED SOIL ANALYSIS AND SAMPLE
    - C. MULCH SAMPLE
    - D. EROSION CONTROL FABRIC SAMPLE AND PRODUCT SHEET
    - E. PRE- AND POST-EMERGENCE HERBICIDE
    - F. WEED ERADICATION TREATMENT FOR LAWN GRASS
    - G. FOLIAR SPRAY FERTILIZER
    - H. PLANT SAMPLES AND/OR PHOTOGRAPHS
    - I. DRAINAGE GRAVEL SAMPLE
    - J. LIST OF PERSONNEL, QUALIFICATIONS, AND SCHEDULE
    - K. GUYING METHODOLOGIES
    - L. LEAF ANTI-DISEASANT SPRAY
    - M. MAINTENANCE MANUAL
  20. IRRIGATION SHALL BE NECESSARY AND REQUIRED IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN AND PROVIDE AN IRRIGATION DESIGN FOR THE LANDSCAPING SHOWN. DRIP IRRIGATION SHALL BE REQUIRED AND WATER SOURCE SHALL BE THE 8" WATER MAIN LOCATED ADJACENT TO THE LANDSCAPING AREA. IRRIGATION PLANS SHALL BE SUBMITTED TO THE ENGINEER AND THE OWNER FOR REVIEW. THE COST ASSOCIATED WITH IRRIGATION DESIGN, IMPLEMENTATION AND INSTALLATION SHALL BE INCIDENTAL TO ITEM SP-03. LANDSCAPING AND IRRIGATION MEASUREMENT AND PAYMENT FOR ALL WORK ITEMS ASSOCIATED WITH THE LANDSCAPING AND IRRIGATION SHALL BE MADE IN ACCORDANCE WITH ITEM SP-03, LANDSCAPING AND IRRIGATION.



**B4 TREE PLANTING DETAIL 65-300 GAL**  
 SCALE: 10" = 10'



**B4 TREE PLANTING DETAIL: 15-45 GAL**  
 SCALE: 10" = 10'



**A1 PLANT SCHEDULE AND LANDSCAPING NOTES**  
 SCALE: 10" = 10'

**A3 TRIANGULAR PLANT LAYOUT DETAIL**  
 SCALE: 10" = 10'

**A4 SHRUBS AND GROUND COVER PLANTING**  
 SCALE: 10" = 10'

**LANDSCAPING PLAN**  
**HANGAR INFRASTRUCTURE DEVELOPMENT**  
 UMATILLA MUNICIPAL AIRPORT (023), LAKE COUNTY, FLORIDA

DATE: 7/14/2020 10:44 AM  
 DRAWN: KSM, ALS  
 CHECKED: MEH  
 APPROVED: DJN

**gai consultants**  
 EB 991  
 818 SOUTH EB SUITE 700  
 ORLANDO, FLORIDA 32801  
 PHONE: (407) 423-8398  
 PROJECT NO: GASH NO. A1703.06  
 SHEET  
**CG503**

**CITY OF UMATILLA  
AGENDA ITEM STAFF REPORT**

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**DATE:** August 12, 2020

**MEETING DATE:** August 18, 2020

**SUBJECT:** Audit for Fiscal Year 2020

**ISSUE:** Extension of External Audit Contract

---

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

McDirmit Davis has provided engagement letters for the City audit as well as the new separate CRA audit that will be required this year.

**STAFF RECOMMENDATIONS:** Approval of McDirmit Davis Engagement Letter, City of Umatilla audit for Fiscal Year 2020

**FISCAL IMPACTS:** Not to exceed \$30,000 as included in F/Y 2020-2021 Budget. Approval for the Engagement letter for the CRA Audit will be requested from the CRA Board at the September 22, 2020 meeting and will be included in the CRA Budget

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**COUNCIL ACTION:**

Reviewed by City Attorney    Yes                    No                    vN/A

Reviewed by City Engineer    Yes                    No                    vN/A



August 7, 2020

*City of Umatilla*  
1 South Central Avenue  
Umatilla, FL 32784

The following represents our understanding of the services we will provide *City of Umatilla*.

You have requested that we audit the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of *City of Umatilla*, as of September 30, 2020 and for the year then ended and the related notes, which collectively comprise *City of Umatilla's* basic financial statements as listed in the table of contents. In addition, we will audit the City's compliance over major federal award programs and state projects for the year ended September 30, 2020. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audits will be conducted with the objectives of our expressing an opinion on each opinion unit and an opinion on compliance regarding the City's major federal award programs and state projects.

Accounting principles generally accepted in the United States of America (U.S. GAAP,) as promulgated by the Governmental Accounting Standards Board (GASB) require that certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

1. Management's Discussion and Analysis
2. Supplementary Pension and OPEB Schedules

Supplementary information other than RSI will accompany *City of Umatilla's* basic financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the basic financial statements and perform certain additional procedures, including comparing and reconciling the supplementary information to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on the following supplementary information in relation to the financial statements as a whole:

1. Combining and individual fund financial statements and schedules

Also, the document we submit to you will include the following other additional information that will not be subjected to the auditing procedures applied in our audit of the financial statements:

1. Statistical Section
2. Introductory Section

### **Schedule of Expenditures of Federal Awards and State Financial Assistance**

We will subject the schedule of expenditures of federal awards and state financial assistance to the auditing procedures applied in our audit of the basic financial statements and certain additional procedures, including comparing and reconciling the schedule to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and additional procedures in accordance with auditing standards generally accepted in the United States of America. We intend to provide an opinion on whether the schedule of expenditures of federal awards and state financial assistance is presented fairly in all material respects in relation to the financial statements as a whole.

### **Data Collection Form**

Prior to the completion of our engagement, we will complete the sections of the Data Collection Form that are our responsibility. The form will summarize our audit findings, amounts and conclusions. It is management's responsibility to submit a reporting package including financial statements, schedule of expenditure of federal awards, summary schedule of prior audit findings and corrective action plan along with the Data Collection Form to the federal audit clearinghouse. The financial reporting package must be text searchable, unencrypted, and unlocked. Otherwise, the reporting package will not be accepted by the federal audit clearinghouse. We will assist you in the electronic submission and certification. You may request from us copies of our report for you to include with the reporting package submitted to pass-through entities.

The Data Collection Form is required to be submitted within the earlier of 30 days after receipt of our auditors' reports or nine months after the end of the audit period, unless specifically waived by a federal cognizant or oversight agency for audits. Data Collection Forms submitted untimely are one of the factors in assessing programs at a higher risk.

### **Auditor Responsibilities**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS), the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States of America; the audit requirements of Title 2 U.S. Code of Federal Regulations (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance); and Chapter 10.550, *Rules of the Auditor General*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) or noncompliance may not be detected exists, even though the audit is properly planned and performed in accordance with U.S. GAAS and *Government Auditing Standards* of the Comptroller General of the United States of America. Please note that the determination of abuse is subjective and *Government Auditing Standards* does not require auditors to detect abuse.

In making our risk assessments, we consider internal control relevant to the City's preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Compliance with Laws and Regulations**

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of City of Umatilla's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Audits of Major Program Compliance**

Our audits of *City of Umatilla's* major federal award programs and state projects compliance will be conducted in accordance with the requirements of the Single Audit Act, as amended; the Uniform Guidance; and the Florida Department of Financial Services, *State Projects Compliance Supplement*; and will include tests of accounting records, a determination of major programs in accordance with the Uniform Guidance and State Projects Compliance Supplement, and other procedures we consider necessary to enable us to express such an opinion on major federal award program and state project compliance and to render the required reports. We cannot provide assurance that an unmodified opinion on compliance will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion or withdraw from the engagement.

The Uniform Guidance and State Projects Compliance Supplement require that we also plan and perform the audit to obtain reasonable assurance about whether the City has complied with applicable laws and regulations and the provisions of contracts and grant agreements applicable to major federal award programs and major state projects. Our procedures will consist of determining major federal programs and performing the applicable procedures described in the U.S. Office of Management and Budget *OMB Compliance Supplement* and the *State Projects Compliance Supplement* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of those procedures will be to express an opinion on the City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and *State Projects Compliance Supplement*.

Also, as required by the Uniform Guidance and *State Projects Compliance Supplement*, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material noncompliance with compliance requirements applicable to each of the City's major federal award programs and major state projects. However, our tests will be less in scope than would be necessary to render an opinion on these controls and, accordingly, no opinion will be expressed in our report.

We will issue a report on compliance that will include an opinion or disclaimer of opinion regarding the City's major federal award programs and major state projects, and a report on internal controls over compliance that will report any significant deficiencies and material weaknesses identified; however, such report will not express an opinion on internal control.

### **Management Responsibilities**

Our audits will be conducted on the basis that management acknowledge and understand that they have responsibility:

1. For the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America;
2. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to error,
3. For identifying, in its accounts, all federal awards received and expended during the period and the federal programs under which they were received, including federal awards and funding increments received prior to December 26, 2014 (if any), and those received in accordance with the Uniform Guidance generally received after December 26, 2014;
4. For maintaining records that adequately identify the source and application of funds for federally funded activities;
5. For preparing the schedule of expenses of federal awards (including notes and noncash assistance received) in accordance with the Uniform Guidance requirements;
6. For the design, implementation, and maintenance of internal control over federal and state awards;
7. For establishing and maintaining effective internal control over federal awards that provides reasonable assurance that the nonfederal entity is managing federal awards in compliance with federal statutes, regulations, and the terms and conditions of federal awards;
8. For identifying and ensuring that the entity complies with federal statutes, regulations, and the terms and conditions of federal award programs and state projects and implementing systems designed to achieve compliance with applicable federal statutes, regulations and the terms and conditions of federal award programs and state projects;
9. For disclosing accurately, currently, and completely the financial results of each federal award in accordance with the requirements of the award;
10. For identifying and providing report copies of previous audits, attestation engagements, or other studies that directly relate to the objectives of the audit, including whether related recommendations have been implemented;
11. For taking prompt action when instances of noncompliance are identified;
12. For addressing the findings and recommendations of auditors, for establishing and maintaining a process to track the status of such findings and recommendations and taking corrective action on reported audit findings from prior periods and preparing a summary schedule of prior audit findings;
13. For following up and taking corrective action on current year audit findings and preparing a corrective action plan for such findings;
14. For submitting the reporting package and data collection form to the appropriate parties;
15. For making the auditor aware of any significant contractor relationships where the vendor is responsible for program compliance;
16. To provide us with:
  - a. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the financial statements, and relevant to federal award programs and state projects, such as records, documentation, and other matters;
  - b. Additional information that we may request from management for the purpose of the audit; and
  - c. Unrestricted access to persons within the City from whom we determine it necessary to obtain audit evidence.
17. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by the entity's auditor;
18. For adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period under audit are immaterial, both individually and in the aggregate, to the financial statements as a whole;
19. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
20. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets;

21. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on compliance;
22. For the accuracy and completeness of all information provided;
23. For taking reasonable measures to safeguard protected personally identifiable and other sensitive information; and
24. For confirming your understanding of your responsibilities as defined in this letter to us in your management representation letter.

With regard to the schedule of expenditures of federal awards and state financial assistance and the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the schedule and supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding the schedule and supplementary information; (c) to include our report on the schedule and supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the schedule and supplementary information with the audited basic financial statements, or if the schedule and supplementary information will not be presented with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the schedule and supplementary information no later than the date of issuance by you of the schedule and supplementary information and our reports thereon.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit.

We will not assume management responsibilities on behalf of City of Umatilla. However, we will provide advice and recommendations to assist management of City of Umatilla in performing its responsibilities.

With respect to any nonattest services we perform, such as drafting financial statements and proposing adjusting journal entries to be reviewed and approved by management, the City of Umatilla's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are considered non-audit service.

This engagement is limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries

### **Reporting**

We will issue a written report upon completion of our audit of *City of Umatilla's* basic financial statements. Our report will be addressed to the governing body of *City of Umatilla*. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance over financial reporting will not be an objective of the audit and, therefore, no such opinion will be expressed.



As required by Section 163.387(8), Florida Statutes, we will also audit the City of Umatilla Community Development Agency, the terms of which are specified in a separate letter.

We will also issue a written report on the City's compliance with the requirements of Section 218.415, Florida Statutes upon completion of our audit.

**Other**

We understand that your employees will prepare all confirmations we request and will locate any documents or support for any other transactions we select for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

**Provisions of Engagement Administration, Timing and Fees**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to begin our audits in March 2021 and to issue our reports no later than June 30, 2020.

Tammy Campbell is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising McDirmit Davis, LLC's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fee for these services described in this letter will not exceed \$20,000 for the audit of the financial statements, and \$5,000 each for the federal and state single audits, if required, inclusive of all costs and out-of-pocket expenses, unless the scope of the engagement is changed, the assistance that *City of Umatilla* has agreed to furnish is not provided, or unexpected conditions are encountered, in which case we will discuss the situation with you before proceeding. Whenever possible, we will attempt to use *City of Umatilla's* personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

At the conclusion of our audit engagement, we will communicate to the City Council the following significant findings from the audit:

- Our view about the qualitative aspects of the City's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;



- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of McDirmit Davis, LLC and constitutes confidential information. However, we may be requested to make certain audit documentation available to a federal or state agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities, pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of McDirmit Davis, LLC's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audits of the basic financial statements, compliance over major federal award programs and state projects, including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Respectfully,

*McDirmit Davis*

McDirmit Davis, LLC

\*\*\*\*\*

RESPONSE:

This letter correctly sets forth our understanding.

City of Umatilla

Acknowledged and agreed on behalf of City of Umatilla by:

\_\_\_\_\_

Title: \_\_\_\_\_



August 7, 2020

City of Umatilla Community Redevelopment Agency  
1 South Central Avenue  
Umatilla, FL 32784

The following represents our understanding of the services we will provide the *City of Umatilla Community Redevelopment Agency*.

You have requested that we audit the governmental activities, and major fund of the City of Umatilla *Community Redevelopment Agency*, as of September 30, 2020, and for the year then ended and the related notes, which collectively comprise the City of Umatilla Community Redevelopment Agency's basic financial statements as listed in the table of contents. We are pleased to confirm our acceptance and our understanding of this audit engagement by means of this letter. Our audit will be conducted with the objective of our expressing an opinion on each opinion unit applicable to those basic financial statements.

Accounting principles generally accepted in the United States of America (U.S. GAAP,) as promulgated by the Governmental Accounting Standards Board (GASB) require that management's discussion and analysis and budgetary comparison schedules be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the GASB, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the required supplementary information (RSI) in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist primarily of inquiries of management regarding their methods of measurement and presentation, and comparing the information for consistency with management's responses to our inquiries. We will not express an opinion or provide any form of assurance on the RSI. The following RSI is required by accounting principles generally accepted in the United States of America. This RSI will be subjected to certain limited procedures but will not be audited:

- a. Management's Discussion and Analysis

#### **Auditor Responsibilities**

We will conduct our audit in accordance with auditing standards generally accepted in the United States of America (U.S. GAAS) and, in accordance with *Government Auditing Standards*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the basic financial statements are free from material misstatement. An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the basic financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the basic financial statements, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the basic financial statements. If appropriate, our procedures will therefore include tests of documentary evidence that support the transactions recorded in the accounts, tests of physical existence of inventories, and direct confirmation of cash, investments, and certain other assets and liabilities by correspondence with creditors and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representation from you about the basic financial statements and related matters.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk that some material misstatements (whether caused by errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations) may not be detected exists, even

though the audit is properly planned and performed in accordance with U.S. GAAS and in accordance with *Government Auditing Standards*.

In making our risk assessments, we consider internal control relevant to the entity's preparation and fair presentation of the basic financial statements in order to design audit procedures that are appropriate in the circumstances but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. However, we will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we have identified during the audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any other periods.

We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions on the basic financial statements are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or to issue a report as a result of this engagement.

### **Compliance with Laws and Regulations**

As previously discussed, as part of obtaining reasonable assurance about whether the basic financial statements are free of material misstatement, we will perform tests of *City of Umatilla Community Redevelopment Agency's* compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

### **Management Responsibilities**

Our audit will be conducted on the basis that management and, when appropriate, those charged with governance acknowledge and understand that they have responsibility:

- a. For the preparation and fair presentation of the basic financial statements in accordance with accounting principles generally accepted in the United States of America;
- b. For the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of basic financial statements that are free from material misstatement, whether due to error, fraudulent financial reporting, misappropriation of assets, or violations of laws, governmental regulations, grant agreements, or contractual agreements; and
- c. To provide us with:
  - i. Access to all information of which management is aware that is relevant to the preparation and fair presentation of the basic financial statements such as records, documentation, and other matters;
  - ii. Additional information that we may request from management for the purpose of the audit; and
  - iii. Unrestricted access to persons within the entity from whom we determine it necessary to obtain audit evidence.
- d. For including the auditor's report in any document containing basic financial statements that indicates that such basic financial statements have been audited by the entity's auditor;
- e. For identifying and ensuring that the entity complies with the laws and regulations applicable to its activities;
- f. For adjusting the basic financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the current year period(s) under audit are immaterial, both individually and in the aggregate, to the basic financial statements as a whole; and
- g. For acceptance of nonattest services, including identifying the proper party to oversee nonattest work;
- h. For maintaining adequate records, selecting and applying accounting principles, and safeguarding assets.
- i. For informing us of any known or suspected fraud affecting the entity involving management, employees with significant role in internal control and others where fraud could have a material effect on the financials; and
- j. For the accuracy and completeness of all information provided.

With regard to the supplementary information referred to above, you acknowledge and understand your responsibility: (a) for the preparation of the supplementary information in accordance with the applicable criteria; (b) to provide us with the appropriate written representations regarding supplementary information; (c) to include our report on the supplementary information in any document that contains the supplementary information and that indicates that we have reported on such supplementary information; and (d) to present the supplementary information with the audited basic financial statements, or if the supplementary information will not be presented

with the audited basic financial statements, to make the audited basic financial statements readily available to the intended users of the supplementary information no later than the date of issuance by you of the supplementary information and our report thereon.

As part of our audit process, we will request from management written confirmation concerning representations made to us in connection with the audit.

With respect to any nonattest services we perform, such as drafting financial statements and proposing adjusting journal entries to be reviewed and approved by management, the City of Umatilla Community Redevelopment Agency's management is responsible for (a) making all management decisions and performing all management functions; (b) assigning a competent individual to oversee the services; (c) evaluating the adequacy of the services performed (d) evaluating and accepting responsibility for the results of the services performed; and (e) establishing and maintaining internal controls, including monitoring ongoing activities.

We will not assume management responsibilities on behalf of City of Umatilla Community Redevelopment Agency. However, we will provide advice and recommendations to assist management of City of Umatilla Community Redevelopment Agency in performing its responsibilities.

Government Auditing Standards require that we document an assessment of the skills, knowledge, and experience of management, should we participate in any form of preparation of the basic financial statements and related schedules or disclosures as these actions are considered non-audit service.

This engagement is limited to the services previously outlined. Our firm, in its sole professional judgment, reserves the right to refuse to do any procedure or take any action that could be construed as making management decisions or assuming management responsibilities, including determining account coding and approving journal entries

### **Reporting**

We will issue a written report upon completion of our audit of the *City of Umatilla Community Redevelopment Agency's* basic financial statements. Our report will be addressed to the governing body of *City of Umatilla Community Redevelopment Agency*. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions, add an emphasis-of-matter or other-matter paragraph(s), or withdraw from the engagement.

In accordance with the requirements of *Government Auditing Standards*, we will also issue a written report describing the scope of our testing over internal control over financial reporting and over compliance with laws, regulations, and provisions of grants and contracts, including the results of that testing. However, providing an opinion on internal control and compliance will not be an objective of the audit and, therefore, no such opinion will be expressed.

### **Other**

We understand that your employees will prepare all confirmations we request and will locate any documents or invoices selected by us for testing.

If you intend to publish or otherwise reproduce the basic financial statements and make reference to our firm, you agree to provide us with printers' proofs or masters for our review and approval before printing. You also agree to provide us with a copy of the final reproduced material for our approval before it is distributed.

Regarding the electronic dissemination of audited financial statements, including financial statements published electronically on your Internet website, you understand that electronic sites are a means to distribute information and, therefore, we are not required to read the information contained in these sites or to consider the consistency of other information in the electronic site with the original document.

### **Provisions of Engagement Administration, Timing and Fees**

During the course of the engagement, we may communicate with you or your personnel via fax or e-mail, and you should be aware that communication in those mediums contains a risk of misdirected or intercepted communications.

We expect to begin our audit in March 2021 and to issue our reports no later than June 30, 2020.

Tamara Campbell is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising McDermitt Davis's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Our fee for these services described in this letter will be as follows, inclusive of all costs and out-of-pocket expenses, unless the scope of the engagement is changed, the assistance that City of Umatilla Community Redevelopment Agency has agreed to furnish is not provided, or unexpected conditions are encountered, in which case we will discuss the situation with you before proceeding. The audit fee for the fiscal year ended September 30, 2020 will be \$5,000.

Whenever possible, we will attempt to use the City of Umatilla Community Redevelopment Agency's personnel to assist in the preparation of schedules and analyses of accounts. This effort could substantially reduce our time requirements and facilitate the timely conclusion of the audit. Further, we will be available during the year to consult with you on financial management and accounting matters of a routine nature.

During the course of the audit we may observe opportunities for economy in, or improved controls over, your operations. We will bring such matters to the attention of the appropriate level of management, either orally or in writing.

You agree to inform us of facts that may affect the basic financial statements of which you may become aware during the period from the date of the auditor's report to the date the financial statements are issued.

We agree to retain our audit documentation or work papers for a period of at least five years from the date of our report.

At the conclusion of our audit engagement, we will communicate to those charged with governance the following significant findings from the audit:

- Our view about the qualitative aspects of the entity's significant accounting practices;
- Significant difficulties, if any, encountered during the audit;
- Uncorrected misstatements, other than those we believe are trivial, if any;
- Disagreements with management, if any;
- Other findings or issues, if any, arising from the audit that are, in our professional judgment, significant and relevant to those charged with governance regarding their oversight of the financial reporting process;
- Material, corrected misstatements that were brought to the attention of management as a result of our audit procedures;
- Representations we requested from management;
- Management's consultations with other accountants, if any; and
- Significant issues, if any, arising from the audit that were discussed, or the subject of correspondence, with management.

The audit documentation for this engagement is the property of McDermitt Davis and constitutes confidential information. However, we may be requested to make certain audit documentation available to regulators pursuant to authority given to it by law or regulation, or to peer reviewers. If requested, access to such audit documentation will be provided under the supervision of McDermitt Davis's personnel. Furthermore, upon request, we may provide copies of selected audit documentation to regulators. The regulators may intend, or decide, to distribute the copies of information contained therein to others, including other governmental agencies.

Please sign and return the attached copy of this letter to indicate your acknowledgment of, and agreement with, the arrangements for our audit of the basic financial statements including our respective responsibilities.

We appreciate the opportunity to be your financial statement auditors and look forward to working with you and your staff.

Sincerely,

*McDirmit Davis*

McDirmit Davis, LLC

\*\*\*\*\*

RESPONSE:

This letter correctly sets forth our understanding.

City of Umatilla Community Redevelopment Agency

Acknowledged and agreed on behalf of City of Umatilla Community Redevelopment Agency by:

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Title: \_\_\_\_\_

**CITY OF UMATILLA  
AGENDA COVER SHEET**

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**DATE:** August 13, 2020

**MEETING DATE:** August 18, 2020

**SUBJECT:** Municipal Cemeteries

**ISSUE:** Proposed Rules and Regulations – Discussion Only

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**BACKGROUND SUMMARY:** The Municipal Cemetery ordinance in effect is Ordinance 2020-C adopted in March 2002.

It has been eighteen years since the City looked at the ordinance and this review will determine if any changes are needed. The primary operational objectives for the cemeteries are to maintain aesthetics, ensure ease of maintenance and respect for all interred there.

Also included for discussion are general rules outlining the guidelines for the cemeteries.

**STAFF RECOMMENDATIONS:** Discussion only – staff requests input from Council Members

**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

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**RESOLUTION 2020 - 13**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UMATILLA, LAKE COUNTY, FLORIDA, RELATED TO UMATILLA MUNICIPAL CEMETERIES; ESTABLISHING RULES, REGULATIONS, AND RESTRICTIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Section \_\_\_ of the Code of Ordinances of the City of Umatilla, provides that the City Council shall by resolution adopt rules, regulations, and restrictions for the use of Umatilla Municipal Cemeteries; and

**WHEREAS**, it has been determined by the City Council that the adoption of amended rules, regulations, and restrictions is in the best interest of all users of Umatilla Municipal Cemeteries and the citizens of Umatilla;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Umatilla, Florida:

1. The Umatilla City Council does hereby adopt amended rules, regulations, and restrictions for use of the following Municipal Cemeteries: Glendale, Glendale II, Umatilla Cemetery, Umatilla Cemetery Annex I, Umatilla Cemetery Annex II as specifically set forth in Exhibit A.
2. All resolutions, rules, regulations, or policies of the City of Umatilla in conflict herewith are hereby repealed to the extent of the conflict.
3. **SAVINGS CLAUSE:** If any section, sentence, clause, phrase, or word of this Resolution is for any reason held, or declared to be, unconstitutional, inoperative or void, such holding or invalidity shall not effect the remaining portions of this Resolution without such unconstitutional, invalid, or inoperative part therein; and the remainder of this Resolution, after the exclusion of such part or parts shall be deemed and held to be valid as if such parts had not been included herein; or if this Resolution or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not effect the applicability thereof to any other person, property or circumstances.
4. This Resolution shall take effect immediately upon adoption by the City Council.

**PASSED AND RESOLVED** this 18<sup>th</sup> day of August, 2020.

\_\_\_\_\_  
Eric Olson  
Mayor, City of Umatilla

Attest:

Approved as to form:



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STONE & GERKEN, PA

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Karen H. Howard, MMC  
City Clerk

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Kevin Stone  
Attorney, City of Umatilla

Passed First Reading: \_\_\_\_\_  
[Seal]

**RULES AND REGULATIONS OF UMATILLA MUNICIPAL CEMETERIES**

**PURPOSE**

These rules and regulation are designed for the protection of owners and interment rights as a group. The enforcement is intended to protect the Cemeteries and create and preserve their beauty. These rules and regulations are hereby adopted by the City Council as rules and regulations of the Umatilla Municipal Cemeteries, and all owners of interment rights, visitors and contractors performing work within the Cemeteries shall be subject to said rules and regulations, amendments, or alterations as shall be adopted by the City of Umatilla from time to time.

**DEFINITIONS**

*Burial space or plot* means a parcel of property located within a cemetery in which or upon which one (1) human remain; one (1) human remain and one (1) human cremain; or two (2) human cremains are to be interred in the ground or above ground in a cremation monument or burial crypt.

*Burial vault* means a prefabricated concrete inner lined secure sealed container which does not allow contaminants to travel in or out and is designed to receive a casket at burial.

*City* means the City of Umatilla and/or City Council

*Coping* means the covering course of a wall usually with a sloping top.

*Cribs* means to line or support with a framework of timber.

*Crypt* means interment space in pre-placed chambers located within a mausoleum.

*Immediate family and their heirs* means a person who is next in line or relation. For purposes of these rules it means grandfather, grandmother, father, mother, spouse, child, grandchild, brother, sister, half-brother, half-sister, and in-laws.

*Interment* means cremation and interment; entombment or burial of the remains of a deceased person.

*Memorial or Monument* means any marker or structure upon or in any lot or niche, placed thereupon for the purpose of identification or in memory of the interred.

*Non-Resident* means a person residing outside the corporate city limits at the time of death or purchase of the right of interment.

*Owner* means the owner of the right of interment

142 *Remains* means a deceased human body.

143

144 *Resident* means an individual whose primary residence, at the time of purchase or death,  
145 was within the municipal boundaries of the City of Umatilla.

146

147 *Right of Interment* or *Interment rights* means the right granted by a land owner to another  
148 person allowing for the interment of human remains or cremains in a specified burial  
149 space.

150

## 151 **SUPERVISION OF MUNICIPAL CEMETERIES**

152

153 1 Hours of the Municipal Cemeteries are sunrise to sunset.

154

155 2 Persons seeking to perform paranormal activities in the Municipal Cemeteries are  
156 prohibited.

157

158 3 The City reserves the right to compel all persons entering Municipal Cemeteries  
159 to obey all Rules and Regulations adopted by the City. The Rules and  
160 Regulations may be changed without notice to any owner of a Right of Interment  
161 by the City Council through adoption of Resolution.

162

163 4 The City shall take reasonable precaution to protect Municipal Cemeteries from  
164 loss or damage from causes beyond reasonable control and especially from  
165 damages caused by the elements as an act of God, common enemy, thieves,  
166 vandals, strikers, invasion, insurrections, riots, or order of any military or civil  
167 authority, whether the damage be direct or collateral.

168

169 4 The City reserves the right to correct any errors that may be made in marking  
170 gravesites for interment by or through the transfer, conveyance and substitution of  
171 interment through rights of equal value and similar location, as far as possible.

172

173 5 Motor vehicles shall be driven only on the designated driving lanes.

174

## 175 **SALE OF RIGHT OF INTERMENT**

176

177 1 No human remains or cremains shall be interred in any cemetery owned by the City  
178 except upon the purchase of a right of interment from the City or gifting of a lot to  
179 an individual. The right of interment shall entitle the purchaser to bury or dispose  
180 of the purchaser's remains or cremains, or the remains or cremains of any natural  
181 person within the purchaser's immediate family, in a cemetery owned by the City.  
182 The right of internment shall be limited to the particular burial space set forth in  
183 the document conferring the right. The right of interment shall not be construed as  
184 conveying any interest in the real property upon which or in which remains or  
185 cremains may be buried or disposed, nor shall it be construed as granting the  
186 owner any rights other than those specifically granted by the City. In order to be  
187 valid, the right of interment issued hereunder must be recorded in the office of the  
188 City Manager.

- 189  
190 2 Sales are limited to individuals only, not to exceed eight (8) burial spaces to any  
191 single individual unless approved by the City Manager.  
192  
193 3 The City Manager, City Clerk, or designee shall issue the right of interment to  
194 either residents or nonresidents. The City Council may set a schedule of fees by  
195 resolution that is deferential to residents over non-residents of the City.  
196  
197 4 Sales of burial spaces in Glendale II will be based on the phasing plan and limited  
198 to the areas that have been surveyed. Burial spaces in Umatilla Cemetery Annex II  
199 are sold on a first come, first served basis.  
200  
201 5 The Right of Interment for a single burial space can accommodate:  
202 (a) A full body interment  
203 (b) A full body and cremain interment  
204 (c) Two cremains  
205 (d) A parent and an infant  
206 (e) Two children with caskets placed end to end  
207

#### **TRANSFERABILITY**

- 208  
209  
210 1 Rights of Interment issued hereunder are only transferable in the form of a gift or  
211 by bequest or court ordered inheritance or other legal proceedings.  
212  
213 2 Any person owning a Right of Interment may return the Right of Interment for an  
214 unused and unmarked cemetery space to the City whereupon the Right of  
215 Interment will be extinguished and the City will refund the original purchase price  
216 of the interment less administrative costs.  
217

#### **GRAVE OPENINGS AND BURIALS OF REMAINS AND CREMAINS**

- 218  
219  
220 1 It shall be unlawful for any person to bury or dispose of human remains within the  
221 City of Umatilla except as provided for in the Rules and Regulations.  
222  
223 2 All grave opening and closings within Municipal Cemeteries shall be performed by  
224 and under the supervision of a licensed funeral director.  
225  
226 3 All remains and cremains shall be interred in a sealed vault which shall be installed  
227 at the time of grave opening.  
228  
229 4 A burial space in which human remains or cremains have been interred may be  
230 partially opened to allow the interment of an additional cremain if cremain  
231 interment rights have been sold in the burial space. In no other instance shall a city  
232 owned burial space in which remains or cremains have been interred be opened.  
233

- 234 5 Notwithstanding any other provision of these rules, a court of competent  
235 jurisdiction may order the opening of a city owned burial space in which remains  
236 or cremains have been interred.  
237
- 238 6 Final disposition of human remains and cremains in Umatilla Municipal  
239 Cemeteries must be may be accomplished in the following ways:  
240
- 241 (a) Ground burial
  - 242 (b) Above round burial by entombment in a mausoleum
  - 243 (c) Cremation with ground burial in a cremains vault
  - 244 (d) Cremation with above ground burial by inurnment in a cremation monument  
245
- 246 7 Cremains or ashes are prohibited from being spread within a Umatilla Municipal  
247 Cemetery.  
248

## 249 **MONUMENTS**

250

- 251 1 Mausoleums may be installed or constructed within any cemetery owned by the  
252 City.
- 253 (a) A monument may be installed upon a burial space located within a  
254 cemetery owned by the City subject to the following restrictions:
    - 255 (1) No copings, cribs may be installed or constructed, no gravels, no  
256 fences, no improvements of any kind other than the approved  
257 monuments outlined in the Rules are permitted.  
258
    - 259 (2) Cornerstones may be installed, but they must be set flush with the  
260 ground;  
261
    - 262 (3) Monuments identifying the individual burial spaces may be  
263 headstones or slabs (see exhibit "A"), or a combination thereof;  
264 however, no slab may exceed six inches (6") in height, and no  
265 headstone may exceed forty-eight inches (48") in height;  
266
    - 267 (4) All headstones shall be attached to a below-ground foundation  
268 consisting of a slab and subterranean pilings which shall be  
269 constructed to prevent the sinking or tipping of the headstone; and,  
270
    - 271 (5) Monuments shall be constructed of either granite, marble or bronze.  
272
    - 273 (6) Monuments shall be located on the west side of the gravesite only.  
274
  - 275 a. No person shall install a monument within any Municipal  
276 Cemetery without first receiving permission from the City to do  
277 so. The City Manager or designee shall verify valid Right of  
278 Interment is on file with the city.  
279

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- b. The City Manager or designee shall initiate the marking of the burial space for the monument installation. The burial space shall be marked with flags indicating the name of the remains interred.
  
- c. The City shall not be responsible for, nor shall it perform, any monument installation or repair. All monument installation and repair within the city shall be performed by and under the supervisor of a licensed monument installer. The City shall be notified prior to installation.
  
- (b) No burial space may be mounded.
  
- (c) No trees or shrubbery of any nature shall be planted on individual lots.
  
- (d) If any tree or shrub presently situated in any lot shall by means of its roots, branches or otherwise become detrimental in any way to the adjoining lot, avenue, or walk, the City hereby reserves the right to enter upon said lot and remove the said tree or shrub or such parts thereof as may be considered detrimental, dangerous, or inconvenient. No tree growing in any lot or border shall be injured or removed without the consent of the City.
  
- (e) Floral designs are permitted in vases attached or part of an existing marker or monument. Monuments without attached vases are permitted to place a florist saddle to display floral arrangements.

Permitted receptacles for flowers





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- (f) It shall be the duty of individual lot owners to remove all floral designs, flowers, weeds, trees, shrubs, plants or herbage of any kind from the cemetery as soon as they become faded, unsightly, dangerous, detrimental, diseased, or when they do not conform to the standards maintained. Should the above duties not be assumed by individual lot owners, the City reserves the right to carry out same and shall not be liable for floral pieces, baskets, or frames in which or to which such floral pieces are attached.

**VARIANCE TO RULES AND REGULATIONS**

The City recognizes the emotional ties families have with their loved ones. Families are required to meet the Rules and Regulations listed in this document but may submit a request for Variance to be approved by the City Manager.

**MAINTENANCE**

- 1 The City shall maintain the cemetery grounds.
- 2 Upon the use of a right of interment, the owner of the Right of Interment shall become and remain responsible for the maintenance of any monument installed upon the burial space referenced in the Right of Interment. This maintenance responsibility shall continue in perpetuity, and shall be the responsibility of the owner’s heirs and assigns.
- 3 In the event the burial space is not maintained, the City reserves the right to bring the burial space into compliance with the current rules.

**PENALTIES**

A violator of these Rules shall be liable for a civil penalty not to exceed \$500 for each violation plus costs of enforcement required to insure compliance, including a reasonable attorney’s fee.

**PREEXISTING NONCONFORMING CONDITIONS**

All existing nonconforming conditions of these Rules shall be removed by the City.

345 **SCHEDULE OF FEES**

346

347 1 The City Council by resolution shall establish fees from time to time as deemed  
348 necessary by administrators of these Rules.

349

350 2 There is hereby created an accounting system for the deposit of all monies,  
351 including donations, received for the operation of the Municipal Cemeteries.

352

353 3 All funds shall be recorded in the accounting system of the City of Umatilla.  
354 A separate ledger shall be kept showing deposits and withdrawals from the fund  
355 for Cemetery purposes. Money which is earmarked for the Cemetery shall not be  
356 expended for any purpose other than the administration, operation, and  
357 maintenance of Municipal Cemeteries.

358

359

**Cemetery Fee Schedule**  
**Fee Schedule and Maintenance; Administrative Costs**

360

361

<b>Umatilla</b>	<b>Plot Fee</b>	<b>Management Fee</b>	<b>Total</b>
Residential Burial Space- Non-lake Front	\$350	\$125	\$475
Residential Burial Space – Lake Front	\$450	\$125	\$575
Non-resident Burial Space	\$550	\$125	\$675
Non-resident Burial Space Lake Front	\$650	\$125	\$775
Veterans	\$0	\$125	\$125
Administrative Costs for Transfers or Repurchase			\$25

362

363



# UMATILLA POLICE DEPARTMENT PRESS RELEASE

WEEK OF July 28, 2020 – August 3, 2020

## ARRESTS

7/29/2020	7:30 pm	James Pollard	Charges added to prior arrest while in the Lake County Jail of witness tampering and violation of pretrial release judicial instructions.
7/30/2020	10:32 AM	Dane Ward Eustis	Assault on a law enforcement officer, resisting without violence and assault.

## CRIMINAL CITATIONS REQUIRING COURT APPEARANCE

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## REPORTS FILED

7/28/2020	1:25 pm	Officers took a report of gas pumps being broken into and scanners stolen from the Sunoco gas station which has been closed.
7/28/2020	3:10 pm	Officers took a report of a stolen golf cart charger from a residence on Highland Avenue.

## ACTIVITY BREAKDOWN

ARRESTS	2
DISPATCHED CALLS	71
TRAFFIC STOPS	7
TRAFFIC CITATIONS ISSUED	1

*Jill B. Cook  
Office Manager  
Umatilla Police Department  
352-669-3561*



# UMATILLA POLICE DEPARTMENT PRESS RELEASE

WEEK OF August 4, 2020 – August 10, 2020

## ARRESTS

8/4/2020	12:54 am	Timothy Kniep Jacksonville	Warrant for manufacturing/delivery of cocaine.
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## CRIMINAL CITATIONS REQUIRING COURT APPEARANCE

### REPORTS FILED

8/6/2020	10:15 pm	Officers located a partially opened door	
8/4/2020	2:24 pm	Officers responded to a vehicle crash with injuries at CR 450 near the Health Department.	
8/6/2020	5:27 pm	Officers responded to a landlord tenant dispute at 23 Cayman Cir.	
8/6/2020	10:15 pm	During a security check officers found evidence of a break in at the Sunoco station at 793 S Central Ave.	
8/7/2020	12:21 am	Officers responded to 248 E Collins St. to assist EMS with gaining access to a patient who was locked in a home.	
8/7/2020	10:20am	Officers responded to the Cassady St. area in reference to a driver being followed by another vehicle.	
8/08/2020	1:44 am	Officers responded to 44200 SR 19 Rocking Horse Stables. In reference to assisting in a vehicle crash.	
8/08/2020	8:43 am	Officers responded to the Dollar General at 607 N Central Ave in reference to a vehicle crash.	
8/08/2020	3:30 pm	Officers responded to a hit and run with property damage at Combat Café at 831 S Central Ave.	
8/09/2020	4:21 pm	Officers assisted LCSO in searching for a runaway from Turning Point Ranch.	
8/10/2020	4:56 pm	Officers responded to Combat Café at 831 N Central Ave. in reference to a theft.	
8/10/2020	8:14 pm	Officers responded to Recovery Village at 633 Umatilla Blvd. in reference to a well being check on a person.	
8/11/2020	8:11am	Officers responded to a report of missing property at the Fish and Chix at 100 N Central Ave.	
8/11/2020	9:52 am	Officers responded to a civil dispute at 35 Cayman Cir.	

## ACTIVITY BREAKDOWN

ARRESTS	1
DISPATCHED CALLS	98
TRAFFIC STOPS	20
TRAFFIC CITATIONS ISSUED	2

# CODE ENFORCEMENT

## August 10, 2020

CASE	ALT KEY	ADDRESS	DATE	VIOLATION		
16-00015	1501482	410 N ORANGE AVE		IN COMPLIANCE WITH ORDER AS OF 5/27/2018 FINE DUE \$10,992.90		Fine Certified on 6/21/2017; COF \$ 25/day starting 3/17/17
17-00007	1500168	546 GUERRANT ST		property was abated, fine stopped on August 1, 2018 TOTAL FINE DUE \$20,508.33 (375 DAYS @ \$50/DAY + ABATEMENT AND ADMIN FEES)		Fine certified on 8/16/2017 COF \$50/day starting 7/22/17
17-00166	1500842	398 ROSE ST	10/18/2017	ROOF DEFECT, TREE BRANCHES/GUTTER DOWN, GRASS OVERGROWN, UNKEMPT		CN MAILED
18-00015	1499429	128 CASSADY ST	1/23/2018	Trash, fence, grass, junk		
17-00139	1130662	195 BULLDOG LN	8/9/2017	Went to Cert. of Fine. Still accruing daily fine of \$50.00 per day. Fine as of July 24, 2019 fine is \$24,557.34		
18-00048	1499429	128 CASSADY ST	3/7/2018	SPECIAL MASTER GRANTED 90 DAYS FOR COMPLIANCE (REINSPECTION 1 MAY, 2019) \$50/DAY IF NOT IN COMPLIANCE		
18-00215	1122422	911 N CENTRAL AVE	10/23/2018	SPECIAL MASTER GRANTED 30 DAYS TO OBTAIN PERMIT AND ANOTHER 30 DAYS TO BEGIN WORK THEREAFTER- POSSIBLE CRA APPLICATION TO FOLLOW		
18-00219	2925779	208 LORI COURT	11/13/2018	SPECIAL MASTER GRANTED 30 DAYS FOR COMPLIANCE (REINSPECTION MARCH 4, 2019) \$50/DAY IF NOT IN COMPLIANCE (10,500 as of 9/30/2019)		
19-00021	1500842	398 ROSE ST	2/20/2019	ABATEMENT NOTICE POSTED 2/26/2019 - USDA Foreclosure		
19-00044	1806470	41 N OAK AVE	4/2/2019	ABANDONED VEHICLES - RV AND SUV		
19-00130	1201713	390 EAST LAKE ST	9/9/2019	LIFE SAFETY HAZARD WAS REMOVED, MONITORING FOR REMOVAL THE DEBRIS LEFT FROM THE TREE THEY CUT DOWN		
19-00153	1130883	191 N CENTRAL AVE	11/5/2019	ACCUMULATION OF TRASH, JUNK, DEBRIS ON PROPERTY <b>PARTIAL COMPLIANCE - MONITOR FOR COMPLETION</b>		
19-00154	1501695	180 N KENTUCKY	11/5/2019	ACCUMULATION OF TRASH, JUNK, DEBRIS ON PROPERTY, INOPERABLE VEHICLE ON PROPERTY WITHIN VIEW OF RIGHT-OF-WAY		
19-00169	1770131	501 N CENTRAL AVE	12/30/2019	ACCUMULATION OF VEHICLES BLOCKING ALLEYWAY ACCESS		
19-00170	1201659	STORAGE LOT BEHIND KERR TIRES	12/30/2019	STORAGE NOT SCREENED FROM VIEW.		
20-00008	1129991	433 N CENTRAL AVE	1/22/2019	Improper outdoor display of merchandise - <b>partial compliance - some items have been moved from the right-of-way to the fenced yard. VN sent 7/14/2020</b>		
20-00010	1501547	470 CASSADY ST	1/29/2020	APPLIANCES IN DRIVEWAY FOR MONTHS, ACCUMULATION OF OTHER RANDOM PERSONAL PROPERTY IN SIDE YARD WITHIN VIEW OF PUBLIC.		
20-00036	2586931	140 ARAGON AVE		ACCUMULATION OF JUNK IN THE FRONT YARD/DRIVEWAY, RECURRING OFFENSE		
20-00044	1201381	189 GUERRANT ST	5/6/2020	GRASS UNKEMPT, OUTDOOR STORAGE OF PERSONAL PROPERTY/JUNK - <b>PARTIAL COMPLIANCE grass being mowed, still some property stored outdoors by carport</b>		
20-00050	1130662	195 BULLDOG LN	5/19/2020	additional violations regarding continued deterioration of the property.		
20-00054	1501172	204 W OCALA ST	5/28/2020	ABOVE GROUND POOL INSTALLED WITHOUT PERMIT. NO FENCE AROUND POOL AND LADDER INSTALLED. MAY NOT MEET SETBACK REQUIREMENT - pool currently empty - monitor		
20-00058	1051032	85 S CENTRAL AVE	5/29/2020	Camper on property appears occupied.		
20-00073	3818558	390 MEBANE ST	6/18/2020	GRASS OVERGROWN TO 3 FEET, FENCE NOT IN GOOD CONDITION, DEBRIS AND TOILET IN YARD		
20-00075	1737443	461 WINOGENE AVE	6/19/2020	PUBLIC WORKS REFERRAL, DEBRIS IN R-O-W; ADDITIONAL VIOLATIONS DISCOVERED- JUNK ON PROPERTY, UNLICENSED VEHICLES		
20-00076	1130867	235 N CENTRAL AVE	6/19/2020	WASHOUT OF SAND FROM PROPERTY INTO STORM DRAIN SYSTEM.		
20-00078	1737516	152 CASSADY ST	6/19/2020	INJURIOUS VEGETATION CLIMBING POWER LINES FROM OVERGROWN HEDGE - <b>PARTIAL COMPLIANCE, WORK CONTINUES</b>		
20-00079	1692407	136 CASSADY ST	6/19/2020	UNHEALTHY TREE GROWING OVER POWER LINE ; Duke responded, the work will require a planned outage. They will let us know when.		
20-00080	1755280	167 CASSADY	6/19/2020	DEAD TREE ON PROPERTY DETERIORATING, <b>TREE HAS BEEN CUT DOWN, SOME DEBRIS REMAINS IN YARD - NO REMAINING LIFE SAFETY HAZARD</b>		
20-00081	112242	911 N CENTRAL AVE	6/24/2020	LOW HANGING TREES POSING DANGER TO PEDESTRIANS AND MOTORISTS, UNMAINTAINED RETENTION PONDS,		
20-00082	1129320	51 WAFFORD STREET	6/24/2020	VACANT NEW CONSTRUCTION HOUSE LOT NOT BEING MAINTAINED <b>MAIL WAS RETURNED "MOVED LEFT NO ADDRESS, UNABLE TO FORWARD"</b>		
20-00083	1499852	501 TUTUOLA	6/24/2020	VACANT LOT OVERGROWN <b>MAIL WAS RETURNED "MOVED LEFT NO ADDRESS, UNABLE TO FORWARD"</b>		
20-00085	3551192	5 CAYMAN CIR	7/6/2020	TRASH AT CURB NOT IN CONFORMANCE WITH CURBSIDE COLLECTION STANDARD, INOPERABLE VEHICLE, JUNK ON PROPERTY, FENCE INSTALLED WITHOUT PERMIT <b>PARTIAL</b>		
20-00086	3551150	25 CAYMAN	7/6/2020	ACCUMULATION OF JUNK AND OTHER UNSIGHTLY OR UNSANITARY MATTER IN YARD, DRIVEWAY		
20-00089	3551222	16 CAYMAN CIR	7/6/2020	UNREGISTERED TRAILER IN YARD WITH SEA DOO ON IT		
20-00090	1499615	749 S CENTRAL AVE	7/8/2020	TREES DANGEROUSLY LOW OVER PUBLIC ACCESS AREAS <b>partial compliance - ONE BRANCH STILL TOO LOW, MR TRACY SAID HE WOULD TRIM IT 8/7/2020</b>		
20-00092	1211590	350 N OAK AVE	7/14/2020	GRASS OVERGROWN TO ABOUT 3 FEET HIGH		
20-00093	1499381	42 S TROWELL AVE	7/14/2020	REFERRAL FROM VAUGHAN AT PUBLIC WORKS REFERENCE HEDGES, BUSHES GROWING OVER THE SIDEWALK		
20-00094	1201578	648 WINOGENE	7/15/2020	RECURRING OFFENDER- ANONYMOUS COMPLAINT REFERENCE PROPERTY OWNER'S LACK OF ATTENTION TO MAINTENANCE		
20-00095	2966947	49 CAYMAN CIR	7/27/2020	RECURRING OFFENDER GRASS OVERGROWN		
20-00096	1130174	VLW OF 342 ROSE ST	7/27/2020	OVERGROWN VACANT LOTS ALONG ORANGE COURT		
20-00097	3551109	32 BONAIRE PL	8/3/2020	UNTAGGED VEHICLE UP ON JACKS IN THE DRIVEWAY, TIRES OFF		
20-00098	1128625	80 N CENTRAL AVE	8/5/2020	COMPLAINT REFERENCE ILLEGAL SIGNAGE FOR A COMPANY NOT IN UMATILLA (MASTERPIECE FLOORING - FRUITLAND PARK)		
20-00099	1201519	770 WINOGENE AVE	8/5/2020	COMPLAINT OF OVERGROWN GRASS.		
20-00100						
20-00101						
20-00102						
20-00103						
20-00104						
20-00105						

COMPLETE - FINE DUE
CURRENTLY ACCRUING DAILY FINES
COMPLETED - CASE CLOSED
CERTIFICATION OF FINE PENDING
PERMIT EXPIRED
SPECIAL MASTER AUGUST 26 IF NOT COMPLIANT
REFERRED TO DUKE ENERGY
ABATEMENT - LIEN RECORDED

*Umatilla Fire Department Activity Report*



*Figure 1 Fire Department Logo*

# CITY OF UMATILLA FIRE DEPARTMENT

*“Nature’s Hometown”*

**Report for:** 09/022019-10/27/2019

Medical Calls: **39**

Total Calls: **59**

<b>Fire/Accident/Other</b>		<b>County</b>	
Fire	0	Automatic Aid Given	16
MVA	5	Automatic Aid Received	2
Public Assistance	4		
Automatic Fire Alarm	1		
Mutual Aid	0		
Fly Outs	2		
Technical Rescue	0		
Average Response Time	6 minutes		

## **Meetings and Activities**

Plans review/ site inspections completed

Training

**A Note from the Fire Chief:**

All is well within the department.

*Shane Lanoue*

**Fire Chief**