

DIVISION 15. HUNGERFORD PLANNED REDEVELOPMENT DISTRICT

Sec. 64-426. Legal description of Hungerford property as regulated pursuant to Hungerford Planned Redevelopment District zoning regulations.

The following legal description defines the property regulated pursuant to the Hungerford Planned Redevelopment District zoning regulations. The said property shall be delineated on the Town of Eatonville Official Zoning Map as the Hungerford Planned Redevelopment District:

Parcel 1: The northwest $\frac{1}{4}$ of the northeast $\frac{1}{4}$, Section 02, Township 22 South, Range 29 East, Orange County, Florida. Less and except: The right-of-way for Wymore Road and vacated 30 feet for road right-of-way lying south thereof as per certificate recorded in O.R. Book 4548, Page 4026, Public Records of Orange County, Florida. Also less and except: Begin 349 feet north of northwest corner of Lake Bell Subdivision, according to that map or plat thereof, as recorded in Plat Book 34, Page 8, Public Records of Orange County, Florida, thence run north 73° west 88.29 feet; thence north 538.61 feet, thence east 83.92 feet, thence south 566.81 feet to the point of beginning. Also less and except: Begin at the northwest corner of Lake Bell Subdivision, according to the map or plat thereof as recorded in Plat Book 34, Page 8, Public Records of Orange County, Florida, thence run south 525.04 feet; thence west 332.24 feet; thence north 138.03 feet, thence east 198.46 feet, thence north 06° east 431.30 feet; thence north 85° east 75.68 feet to a point on the northerly extension of the westerly line of Lake Bell Subdivision, thence south 45.44 feet to the point of beginning; and

Parcel 2: The east $\frac{1}{2}$ of the southeast $\frac{1}{4}$ of the northeast $\frac{1}{4}$ and that strip of land lying northerly of said parcel and southerly of Lucien Way of Section 34, Township 21 South, Range 29 East, Orange County, Florida. Less and except: The south 40 feet and portion platted; and

Parcel 3: The west $\frac{1}{2}$ of the southeast $\frac{1}{4}$ and the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 35, Township 21 South, Range 29 East, Orange County, Florida. Less and except: That portion lying west of Wymore Road. Also less and except: The north 685 feet of the east 685 feet of the southeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$. Also, less and except: Right-of-way for Wymore Road. Also less and except: Commence at the southeast corner of the northeast $\frac{1}{4}$ of the southeast $\frac{1}{4}$, thence west 24.9 feet, thence south 25 feet, thence continue south 660 feet for point of beginning, thence west 225 feet, thence south 205 feet, thence east 250.79 feet, thence north 179.91 feet, thence west 25 feet, thence north 25 feet to the point of beginning. Also less and except: A portion of land lying in Section 35, Township 21 South, Range 29 East, Orange County, Florida, being more particularly described as follows: Commence at the southeast corner of the northeast $\frac{1}{4}$ of said Section 35; thence run north $86^{\circ}30'54''$ west along the north line of said southeast $\frac{1}{4}$ for a distance of 1,259.36 feet to the point of beginning, also being a point on the westerly right-of-way line of College Avenue, also being point on a curve concave southwesterly and having a radius of 25.00 feet; thence departing aforesaid north line and from a tangent bearing of south $68^{\circ}28'16''$ east, run southerly along said curve and said westerly right-of-way line, through a central angle of $67^{\circ}44'57''$ for an arc distance of 29.56 feet to a point of tangency, thence continuing along said westerly right-of-way line, run south $00^{\circ}43'18''$ east, for a distance of 201.75 feet; thence departing said westerly right-of-way line run the following courses and distances; south $89^{\circ}16'15''$ west for a distance of 175.13 feet; thence run north $00^{\circ}43'45''$ west for a distance of 206.58 feet to a point on the southerly right-of-way of Kennedy Boulevard according to Orange County Engineering Department Right-of-Way map for Kennedy Boulevard/Lake Avenue, Contract Number Y7-805A prepared by PEC Inc., dated 4/11/1989, also according to Official Records Book 286, Page 845; thence run south $86^{\circ}30'54''$ east along said Southerly right-of-way line for a distance of 89.48 feet; thence continuing along

said southerly right-of-way line run the following courses and distances: North 01°33'08" east for a distance of 2,200 feet; thence run north 85°34'51" west for a distance of 51.30 feet; thence run south 86°30'54" east for a distance of 18.33 feet to aforesaid point of beginning. Also less and except: All that part of the north 25 feet of the southeast ¼ of the southeast ¼ lying west of the west right-of-way line of West Avenue. Also less and except: Commence at the southwest corner of the southeast ¼ of Section 35, Township 21 south, Range 29 East, 410.75 feet, thence north 88°53'38" east 5.03 feet to a non-tangent curve concave southwesterly with a radius of 863 feet and a chord direction of north 16°21'29" west with a delta of 13°38'31" for a distance of 205.48 feet to the point of beginning, thence north 89°48'25" east 281.14 feet, thence north 00°11'35" west 556.92 feet, thence south 89°48'25" west 577.83 feet to a non-tangent curve concave northeasterly with a radius of 803 feet and a chord direction of south 25°58'04" east with a delta of 28°00'14" for a distance of 392.47 feet to a reverse curve concave southwesterly with a radius of 863 feet and chord direction of south 31°52'06" east with a delta of 16°12'19" for a distance of 244.04 feet to the point of beginning.

(Ord. No. 2016-8, § I(2-16.1), 6-21-2016)

Sec. 64-427. Purpose and intent of Hungerford Planned Redevelopment District (H-PRD).

This district is intended to implement Hungerford redevelopment objectives and policies of the Town of Eatonville Comprehensive Plan and the Community Redevelopment Plan. The H-PRD district provides a flexible management framework for achieving objectives for Hungerford redevelopment consistent with the Town of Eatonville Comprehensive Plan for the redevelopment for mixed use development in the historic downtown Hungerford property. For instance, the H-PRD district provides for negotiating private sector redevelopment objectives that reinforce and advance public sector goals, objectives and policies for mixed use redevelopment and resource conservation. The purpose of the H-PRD district is to:

- (1) Create a quality sense of place, character and image with high performance infrastructure.
- (2) Require mixed use redevelopment within the Hungerford Town Center as well as commercial, residential, public and semi-public land uses that exemplify best planning and management principles and practices of economic development, urban design, and amenities that foster economic development, healthy living and working environments and cultural enrichment.
- (3) Achieve unified design and function of the various uses comprising the Hungerford Planned Redevelopment District.
- (4) Encourage a more productive use of land consistent with the public objectives and standards for accessibility, land use compatibility and effective connectivity among activity centers in the Hungerford Planned Redevelopment District and to other portions of the Town Center along East Kennedy Boulevard.
- (5) Promote efficient use of land by facilitating cost effective infrastructure by ensuring implementation of master plans for drainage and stormwater management; transportation improvements, and expansion of upgraded water and wastewater systems.
- (6) Stimulate opportunities for economic development and varied housing opportunities and an attractive business climate.
- (7) Conserve and protect the natural environment including wetlands, floodprone lands, natural habitat, floodprone lands, and other environmentally sensitive lands; and
- (8) Ensure suitably located open space, recreational opportunities, waterfront amenities, an expansive pedestrian system that links pedestrians with civic amenities, working and living areas, consumer

markets, communication venues, and places for gathering, cultural enrichment, education, and healthy life pursuits.

- (9) Achieve low impact designed "green streets" and sidewalks, and promote environmentally designed parking facilities throughout the district.
- (10) Effectuate CRA cost sharing policies for infrastructure improvements and coordinate infrastructure sharing with the proposed new elementary school.

(Ord. No. 2016-8, § II(2-16.2), 6-21-2022)

Sec. 64-428. Compliance with comprehensive plan and land development code.

All development within the Hungerford Planned Redevelopment District (H-PRD) shall comply with the town's comprehensive plan, the community redevelopment agency plan, and applicable provisions of the land development code, including, but not limited to, the following provisions:

- (a) Unified control. All developments proposed Hungerford Planned Redevelopment District (H-PRD) district shall be under unified ownership or control as evidenced by legal instruments submitted by the applicant. These legal instruments shall be approved by the town attorney.
- (b) Compliance with other regulatory provisions of the land development code as generally described below, excepting cases where an executed H-PRD development agreement over-rides more conventional regulatory provisions of the land development code. The regulatory provisions of the land development code are generally summarized below:

(1) *Subdivision regulations (chapter 58, articles I through VI, Town of Eatonville Land Development Code)*. Subdivision means the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions pursuant to F.S. § 177.031. Applications for H-PRD development located on a site that is not duly subdivided shall comply with chapter 58, subdivision regulations, that require the preparation and town approval of a duly certified engineered preliminary subdivision plat and a duly certified engineered final plat pursuant to procedures and specifications contained in chapter 58.

a. *Preliminary plat*. Pursuant to the above paragraph, in cases where a preliminary plat is required for a development proposed in the H-PRD, the preliminary plat shall include engineering data and analysis address design factors, computations and specifications demonstrating estimated demand and designed capacity of proposed public facilities, and anticipated impacts on the levels of service of respective systems for:

1. Distribution of an adequate supply of potable water;
2. Waste water collection and treatment;
3. Transportation system;
4. Drainage and stormwater management, including environmental impacts; and
5. Pedestrian circulation plan consistent with subsection 64-426(8) herein.

Also several chapter 58 preliminary and final subdivision plat requirements state that supportive development information, data or planning and design illustrations that are not included in the preliminary plat shall be submitted with supportive site plan components consistent with chapter 58 and chapter 54 site plan regulations.

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- b. *Final plat.* Final plat shall comply with chapter 58 procedures and specifications for final plats.
 - (2) *Minimum property maintenance standards.* (Reference: chapter 50.)
 - (3) *Landscape regulations.* Landscaping plans compliant with chapter 62 shall become part of the requisite site plan required pursuant to chapter 14 and shall be submitted with preliminary subdivision plats as required pursuant to chapter 58.
 - (4) *Tree protection regulations.* Tree planting, protection and/or removal plans compliant with chapter 6 shall become part of the requisite site plan required pursuant to chapter 14 and shall be submitted with preliminary subdivision plats as required pursuant to chapter 58.
 - (5) *Stormwater management regulations.* Stormwater management plans compliant with chapter 56 and the most recent NPDES standards shall become part of the requisite site plan required pursuant to chapter 54 and shall be submitted with preliminary subdivision plats as required pursuant to chapter 58.

The proposed stormwater management plan shall be consistent with Florida laws and applicable administrative rules of the Florida Department of Environmental Protection and Department of Transportation addressing stormwater and state administrative oversight procedures for implementing the National Pollutant Discharge Elimination System permit program. Planning and design illustrations and/or analysis which are not integrated in a preliminary plat shall be contained in the required drainage and stormwater management site plan component required pursuant to section 58-264 and section 58-292 and pursuant to section 54-28(3)(o), chapter 54, site plan.

- (6) *Sign regulations.* Plans for signs shall be compliant with chapter 8 but provisions of this article shall override any provisions of chapter 52 that conflict with provisions of this article. Plans for new signs shall become part of the site plan required pursuant to chapter 54 and shall be submitted with preliminary subdivision plats as required pursuant to chapter 58.
- (7) *Legal Provisions.* (Reference: Chapter 42)
- (8) *Flood damage protection.* Plans for flood damage protection shall be compliant with chapter 52; however, provisions in this article shall override any those of chapter 52 that conflict with provisions of this article. Plans for new signs shall become part of the requisite site plan required pursuant to chapter 54 and shall be submitted with preliminary subdivision plats as required pursuant to chapter 58.
- (9) *Permit fee schedule.* (Reference: Section 42-9)
- (10) *Supplemental regulations.* (Reference: Chapter 60)
- (11) Site plan review regulations (Reference: Chapter 54)
- (12) *Administrative processes and procedures.* (Reference: Chapter 44)
- (13) *Definitions.* (Reference: Section 42-4).

(Ord. No. 2016-8, § III(2-16.3), 6-21-2016)

Sec. 64-429. Land uses.

Table 2-16.4 below describes permitted uses, conditional uses, and special exception uses within the Hungerford Planned Redevelopment District (H-PRD) that may be duly approved pursuant to the terms of an H-PRD Redevelopment Agreement. All such uses must be located on duly approved subdivided property. The

respective conditional uses and special exception uses may be allowed only after a finding that the use complies with respective conditional use or special exception use criteria and procedures.

TABLE 2-16.4: HUNGERFORD PLANNED UNIT REDEVELOPMENT DISTRICT (H-PRD) LAND USES			
Land Uses	Permitted Uses (P)	Conditional Uses (C)	Special Exception Uses (SE)
RESIDENTIAL USES:			
Detached single-family or attached townhouse	X		
Mixed use projects		X	
Accessory uses			
Home occupations		X	
COMMERCIAL USES:			
Business and professional offices	X		
Business and financial service facilities	X		
Cultural arts, museums, and related exhibits	X		
Educational, religious, and philanthropic institutions	X		
Farmers' market		X	
Hotel or motel	X		
Mixed use projects	X	X	
Personal service stores	X		
Cultural arts, museums, and related exhibits	X		
Restaurants	X		
Retail stores	X		
Accessory uses	X		
PUBLIC AND SEMI-PUBLIC USES:			
Community center and performing arts facility	X		
Essential services		X	
General government facilities	X		
Parks and recreation, and performing arts facilities			
Schools			

Mixed Use Developments	Min.% Land Use Mix	Max.% Land Use Mix
Residential	20%	50%
Employment Center Use (Office/Business Park)	20%	60%
Commercial Retail/Service Use	40%	60%
Public/Semi-Public Uses, including Educational, Religious, and Philanthropic	20%	No Maximum

(Ord. No. 2016-8, § IV(2-16.4), 6-21-2016)

Sec. 64-430. Size and dimension regulations.

Encourage an overall planned mix of land uses within the town center Hungerford Redevelopment District. At the time of its creation the Hungerford Redevelopment District property was comprised of large tracts under the Orange County School Board's unified ownership. The ownership of the subject property is transitioning from the Orange County School Board to the Town of Eatonville. The Town of Eatonville desires to encourage redevelopment of a large tract mixed use town center. The Town of Eatonville desires to implement a flexible planning and management framework that attracts private sector investment in innovative mixed use redevelopment that demonstrating consistency with the nation's best planning, design and management principles and practices. Size and dimension specifications shall comply with the following standards and principles:

- (a) *Maximum residential density.* The maximum residential density shall be as follows:
 - (1) Detached single-family residential low-density maximum is up to five dwelling units per acre; and
 - (2) Attached or detached residential medium-density maximum is up to eight units per acre.
- (b) *Height and other size dimension regulations.* Height, setback, yard, open space and other size dimension regulations are established in table 2.16.5: Hungerford Planned Redevelopment District Size and Dimension Regulations. However, modification in the minimum provisions of table 2.16.5 may be negotiated and approved by the town council as part of the terms of a duly H-PRD development agreement pursuant to provisions of this article. The applicant shall propose the desired minimum size and dimension specifications in the required preliminary plat (if land is being subdivided) and in the required site plan.

The site plan shall provide detailed information on land use and planned improvements, proposed minimum site size, minimum lot size, setbacks, as well as proposed open space, screening and buffers as may be needed. The town shall retain the authority to increase proposed setbacks or require buffers consistent with sound application of urban design principles and practices. The building setbacks shall provide adequate access to light and air and shall provide sufficient open areas to accommodate landscape improvements, sidewalks, and project amenities consistent with the term of this article. In addition, distance between buildings shall be adequate for access be adequate for convenient access by fire trucks and emergency vehicles.

- (c) *Building configuration and open space.* The placement of building footprints and arrangement and orientation of structures, open space, landscaping, and pedestrian and vehicular circulation improvements shall provide a functional and an aesthetically pleasing environment for pedestrian users. Minimum open space requirement is 25 percent pursuant to chapter 54, site plan, section 54-55(5), required open space.
- (d) *Frontage and accessibility.* All residential development shall have access to a paved public street either directly or via an approved private roadway.
- (e) *Minimum lot size.* No detached single-family residential lot area shall be smaller than 5,000 square feet excepting approved zero lot line developments. The minimum size lot for a proposed attached single-family residential dwellings within a townhouse development or a proposed zero lot line single-family residential development shall be determined during the preliminary plat and site plan review process upon demonstration by the applicant that substantial project amenities for the future residents of the development and the public can be attained by such modification which cannot otherwise be achieved by retaining the 5,000 square foot minimum. The burden of proof is on the applicant to demonstrate to the town council's satisfaction that the increased amenities yielded by the modified minimum lot size is substantial and beneficial to the town and its residents.

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- (f) *Setbacks.* The minimum setbacks from perimeter boundary setbacks established in this article shall be required unless otherwise established in a duly approved H-PRD development agreement pursuant to provisions of this article. The applicant shall propose minimum setbacks in the required site plan. The site plan shall provide detailed information on all setbacks for each respective lot as well as proposed buffers as may be needed. The town shall retain the authority to increase proposed setbacks or require buffers consistent with sound application of urban design principles and practices. The building setbacks shall provide adequate access to light and air and shall provide sufficient open areas to accommodate landscape improvements, sidewalks, and pedestrian plazas. In addition, distance between buildings shall be adequate for access be adequate for convenient access by fire trucks and emergency vehicles.
- (g) *Distance between buildings.* A minimum of 20 feet separating structures, excepting buildings with immediately adjoining or common walls. However, the minimum distance separating any one building over 25 feet in height from an adjacent building shall be 20 feet plus one foot for each additional two feet in height above 25 feet unless otherwise approved by the fire marshal.

(Ord. No. 2016-8, § V(2-16.5), 6-21-2016)

Sec. 64-431. H-PRD pre-application conference.

Required. Applications for a preliminary plat and/or a site plan for a proposed development within the Hungerford Planned Redevelopment District shall not be accepted until after the pre-application conference is completed. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the city staff with the applicable provisions of this division, the comprehensive plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.

- (a) *Initiation of pre-application conference.* The potential applicant shall request a pre-application conference at the Town of Eatonville Planning Office. With the request for a pre-application conference, the applicant shall provide a description of the character, location, and magnitude of the proposed development and any other available supporting materials, including written statements, maps and/or available illustrations, as may be appropriate, that identify the name and contact information regarding the person or entity requesting the pre-application conference; the location and owner of the proposed development site; and a description of the proposed use and characteristics of the proposed development. The applicant maintains responsibility to provide sufficiently detailed plans and descriptions of the proposal for staff to make the informal recommendations discussed below. The materials should be submitted at least five business days before the conference.
- (b) *Waiver of pre-application conference.* The town administrative official or designee may waive the pre-application conference requirement for applications upon the town administrative official's decision that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly support such waiver.
- (c) *Schedule and convene pre-application conference.* The town administrative official or designee shall schedule a pre-application conference after receipt of a proper request and supportive information as described in paragraph (a) above. At the conference, the applicant, the town administrative official or designee, and any other persons the town deems appropriate to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this division, the parties should discuss in general the proposed development and the applicable requirements and standards of this division and provide the applicant with applications for a preliminary plat if required, and an application for site plan review.
- (d) *Record of pre-application conference.* The applicant shall be responsible for recording a summary of topics discussed at the pre-application conference. The record shall be submitted as part of the formal application.
- (e) *Informal pre-application meeting evaluation not binding.* The informal evaluations of the town administrative official or designee and staff provided at the conference are not binding upon the applicant or the town, but are intended to serve as a guide to the applicant in making the application and advising the applicant in advance of the formal application of issues that may be presented to the appropriate decision-making body.

Land Use	Min. Site Size		Lot: Minimum Lot Area		Front	Rear	Lot: Side Yard Requirements			Minimum Living Floor Area Per Dwelling Unit (sq.ft.) ⁽¹⁾		Min. Lot Coverage (%)	Max. Height (ft.)
	Site Area (sq.ft.)	Site Width (ft.)	Lot Area (sq.ft.)	Lot Width (ft.)			Min. Both Sides (ft.)	Min. One Side (ft.)	Corner Side (ft.)	# Bedrooms	Sq. Ft.		
Detached single-family low-density	(A) Max. density 5u/a	(A)	7,500 Max. density 5 u/a	75	25	20	15	5	15	1—2 3 or 2 + den/office 4 or 3 + den/office 5 or more	1,100 1,300 1,600 1,900 (5)	35	35
Attached single-family residential low-density	(A) Max. density 5 u/a	(A)	(A) Max. density 5 u/a	(A)	25	20	15	5	15			40	35
Detached single-family medium density	(A) Max. density 8 u/a	(A)	5,000 Max. density 8 u/a	50	25	20	15	5	15			40	35
Attached town house zero lot line residential medium density	(A) Max. density 8 u/a	(A)	(A) Max. density 8 u/a	(A)	(A)	(A)							
E. Kennedy Commercial Retail	(A)		(A)	(A)	(A)	(A)	None	5	15	None		40	40 ft.
Wymore Office South	2 acres	(A)	(A)	(A)	15	20	30	15	15	None		40	110/115 (C)

Wymore Office Central	1 acre	(A)	(A)	(A)	15	15	30	5	15	None	40	40/70
Hungerford West Central Office	(A)	(A)	(A)	(A)	15	20	30	5	20	None	40	40
Public/semi-public	(A)	(A)	(A)	(A)	None	20(B)	None	None	15	None	65	48
Civic or medical	(A)	(A)	(A)	(A)	35	20	30	15	20	None	50	48

- (A) Minimum size and dimension standards not in the table shall be negotiated during the preliminary subdivision plan approval process as part of the terms of a duly executed H-PRD development agreement pursuant to this division. The applicant shall propose the desired minimum size and dimension specifications in the required preliminary plat (if land is being subdivided) and in the required site plan. The site plan shall provide detailed information on land use and planned improvements, proposed minimum site size, minimum lot size, setbacks, as well as proposed open space, screening and buffers as may be needed.
- (B) The H-PRD development agreement negotiation may provide for a reduction in rear setback up to a minimum of ten feet.
- (C) The maximum height permitted for building in the Wymore Office South and the Wymore Office Central sector of the Hungerford Planned Redevelopment District measured from the weighted average of approved finished ground elevation of the property to the peak of the roof is specified in table 2.16.5. Through a negotiated H-PRD development agreement an increase in height may be negotiated to achieve an additional height up to 115 feet in the Wymore Office South segment, and up to 70 feet in the Wymore Office South segment, as delineated on the zoning map. If the applicant desires to negotiate an investment in stormwater management, roadways, wastewater/potable water systems, mass transit system, fiber optics cable system expansion to site, or other off-site or on-site community improvement within the Hungerford Planned Redevelopment district that is not a requirement pursuant to the Town of Eatonville regulatory powers. The objective is for the applicant and town to achieve mutually proportionate benefits through terms of a negotiated development agreement through the development review process. The town council and the applicant/owner, and any successor in title, would be bound by the terms of a duly negotiated development agreement.

(Ord. No. 2016-8, § VI(2-16.6), 6-21-2016)

Sec. 64-432. Preliminary plat and site plan requirements.

This section addresses required adherence to preliminary plat requirements and site plan regulations for development within the Hungerford Planned Redevelopment District (H-PRD). The preliminary plat and site plan shall include maps necessary to show at least the following:

- (a) *Purpose and intent.* Development within the H-PRD shall incorporate and demonstrate consistency with best planning, design, and management principles and practices in the overall planning and design of development and shall include, but not limited to, the following:
- (b) *Preliminary plat and site plan content.* Reference subsection 64-428(b)(1)a., for a summary of preliminary plat which may be required. Chapter 58 of the land development code addresses preliminary and final subdivision plat requirements; however, requisite supportive development information, data and planning and design illustrations that are not included in the preliminary plat shall be submitted with supportive site plan components consistent with chapter 58, subdivision regulations and chapter 54, site plan. Section 64-428 cross references other applicable land development code requirements. The preliminary plat and site plan shall describe planning, design and specifications that fully describe the proposed development in the Hungerford Redevelopment District (H-PRD) and shall describe relevant procedures for construction as well as dimensions and character of buildings and structures consistent with chapter 58, subdivision regulations and chapter 54, site plan. The following identifies significant features applicable to site plans required for development in the H-PRD:
 - (1) Development schedule. A development schedule indicating the approximate date when construction of the H-PRD or stages of the PRO can be expected to begin and be completed.
 - (2) Symbols, descriptions and quantitative data. Symbols and quantitative data shall address the following as appropriate:
 - a. Proposed name of the H-PRD, title of map, name of town, and description of section, township and range.
 - b. Name and address of record owners, applicant, and person preparing preliminary development plan.
 - c. The locations and names of abutting subdivisions and the names of owners of record of adjacent acreage.
 - d. Date, north arrow and graphic scale acceptable to the town engineer.
 - e. Legal description, survey of the proposed H-PRD boundaries with total number of acres made and certified by the Florida registered land surveyor.
 - f. Proposed lot or building site lines with dimensions, setbacks, and landscaped yards. Location and floor area size of all existing and proposed buildings, structures, and other improvements. Area in square feet of each lot or building site, to be indicated in a rectangle within each lot or building site. Designation of all dwelling unit types and number of units. Gross and net residential density calculations. Plans for non-residential uses shall include the square footage allocated to each respective use.
 - g. Proposed lot or building site coverage by buildings, structure and other impermeable surfaces each identified and listed separately.
 - h. Proposed amount of open space.

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- i. Proposed amount of public lands including all dedicated rights-of-way, easements, and other lands dedicated for public facilities and services. Location, name and dimensions of all existing and proposed dedicated public lands and the conditions of such dedication. Location and width of proposed permanent utility easements. The easements shall provide satisfactory access to existing rights-of-way or other open space shown upon the tentative H-PRD plat. Proposed locations and proposed designs for sidewalks, curbs, storm drainage facilities, water mains, sanitary sewers, fire hydrants, and flow facilities. Permanent drainage easements shall also be shown. The location and size, in acres or square feet, of all areas to be conveyed, dedicated or preserved as open spaces, public parks, recreational areas, school sites, and similar public uses.
 - j. A legend of all symbols and abbreviations shall be shown.
- (3) *Site plan drawings and supportive analysis.* Site plan and supportive analysis shall address the following:
- a. *Site boundaries and topography.* Information on adjacent areas sufficient to indicate the relations between the proposed development and the adjoining areas, including:
 - (i) Site preparation. Address methods for excavation, site preparation, existing and finished grade and resource conservation.
 - (ii) Land ownership within 500 feet of the exterior boundary of the property. Where lands in the vicinity include substantial acreage under unified control, the applicant may be required to submit land ownership data, including principal officers/owners of corporately owned property.
 - (iii) Existing land use.
 - (iv) Circulation system
 - (v) Density.
 - (vi) Public facilities.
 - (vii) Unique natural features.
 - b. *Stormwater management master plan.* Reference subsection 64-428(b)(5), herein. The following factors shall be considered:
 - (i) Natural environmental conditions of the site;
 - (ii) Existing and proposed future hydrological conditions of the site, including existing and proposed site elevations, amounts and rates of water run-off, water quality, and other related factors; and
 - (iii) Available drainage improvements on and off site.
 - c. *Potable water distribution system plan.* Include projected demand and supply factors anticipated, proposed designed capacity and system components specifications including, but not limited to: distribution lines, force mains, and fire flow specifications. Location of closest available public water supply system and proposed design for water service improvements, including proposed level of service, general location of facility improvements, and schematic drawings as required by the town engineer.
 - d. *Sanitary sewerage system improvements.* Include the location of proposed wastewater collection system and proposed design of wastewater collection improvements, including proposed location of improvements, level of service proposed, and schematic drawings as required by the town engineer. Describe projected demand and supply factors anticipated

including the designed capacity and system components specifications including, but not limited to: collection lines, lift stations, and other relevant specifications.

- e. *Vehicular and pedestrian circulation systems.* The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). Include the width and location of any street or other public way shown upon the comprehensive plan within the H-PRD and the proposed width, location and grade of all streets or other public ways proposed by the applicant. Notations of proposed ownership—public or private—shall be included where appropriate. The existing and proposed pedestrian and bicycle circulation system, including its interrelationship with the vehicular circulation system indicating proposed treatments of points of conflict. Include engineered design specifications for system components, such as pavement specifications for roadways, improvements for on and off-site improvements for access and egress, bikeways, and sidewalks; and specifications for directory or other relevant on-site signage for safe and convenient internal vehicular and pedestrian circulation. Sidewalks shall link vehicle use areas including parking areas with all principal buildings and other principal pedestrian destinations. The pedestrian circulation system shall include marked pedestrian crossings in order to separate vehicular and pedestrian traffic.
- f. *Land use.* Specific land uses and mixed use activity centers, including residential, office, commercial, public and semi-public uses, and supportive infrastructure improvements that provide a functional and an aesthetically pleasing environment for pedestrian users. The intent is to incorporate a flexible management policy, require urban design amenities, and foster innovative master planning in the design of the proposed development. Such land uses and improvements shall demonstrate best planning and management principles and practices of economic development, urban design, and cultural enrichment. Where the tentative H-PRD plat covers only a part of contiguous rear property owned by the applicant, a master phasing plan shall also be required unless the application certifies that the remaining real property shall be developed independently of the proposed H-PRD plat.
- g. *Floor plans.* Scaled drawings shall illustrate the floor plans, including the allocation of uses and activities proposed for all buildings and structures, including inhabited and uninhabited space.
- h. *Placement and design of buildings.* The scaled site plan shall describe and illustrate with appropriate professional drawings demonstrating the location and dimensions of the building footprint, architectural treatment of buildings, building orientation, including character and articulation of building facades, windows, roof lines, building materials, building height, color schemes, and other design attributes. Elevations, sections and/or perspectives as necessary to indicate the basic architectural intent, the height of buildings and structures, and the general window and door arrangements.
 - (i) *Wall articulation.* Primary structures having single walls exceeding 50 feet in length shall incorporate two or more of the following features at least every 50 feet in length:
 1. Changes in color, graphical patterning, changes in texture, or changes in material;
 2. Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of 12 inches;
 3. Windows and fenestration;

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4. Gable projections; and
 5. Horizontal/vertical breaks.
- (ii) *Entrances.* Each primary structure shall have a clearly defined main pedestrian entrance featuring at least three of the following elements:
1. Canopies or porticos, or
 2. Overhangs, or
 3. Recesses or projections,
 4. Arcades, or
 5. Arches, or
 6. Peaked roof forms, or
 7. Outdoor patios, or
 8. Architectural tile work or moldings integrated in building design, or
 9. Integrated planters or wing walls that incorporate landscaped areas or seating areas.
- (iii) *Multiple buildings in commercial centers.* In order to achieve unity between all buildings in a commercial development consisting of more than one building, all buildings in such a development shall employ a consistent architectural style or theme, be constructed of similar exterior materials, and feature similar colors.
- i. *Open space, court yards, plazas, and other amenities.* Site plans shall comply with open space requirements of chapter 54. An explanation of proposed open space areas, landscaping, screening and buffering features, including specification of the size of open space and landscaped areas and a tabular accounting of permeable and impermeable surfaces, and setbacks is required. The proposed treatment of the perimeter of the H-PRD plat, including material and techniques used, such as landscape, fences and walls for screening and buffering.
- j. *Street furniture, street trees, and other streetscape amenities.* Site plans shall describe and illustrate streetscape amenities, including open plazas, walkways, possible uses and functions, aesthetic treatment and materials comprising paved areas, proposed streetscape and/or sidewalk furniture, street benches, waste disposal receptacles, and sidewalk plantings which promote the project's urban design and aesthetics. Typical cross-sections of proposed streets, sidewalks, canals and ditches and other proposed improvements.
- k. *Landscaping.* Reference chapter 62, landscape requirements. Site plans must include the type and specifications of trees and plant material, proposed installation and protective measures.
- l. *Common areas and maintenance agreements.* Site plans shall denote the character, magnitude and dimensions of common areas. A maintenance agreement shall include an explanation of intended ownership of common areas including open space and the entity or entities responsible for the maintenance of common areas, including wet and dry ponds and retention/detention areas.
- m. *Street graphics and signage.* Reference chapter 52, general requirements for signage. Within the Hungerford-Planned Redevelopment District proposed developments shall

include a unified scheme for signage which describes plans for coordinating the character, scale, and specifications for signage on each site.

- n. *Outdoor lighting.* All outdoor lighting must be harmonious with the urban design theme of the project, and shall promote aesthetics and reinforce good principles and practices of streetscape design. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. All outdoor lighting shall comply with section 64-437, of this article.
- o. *Loading docks together with shipping and receiving operations.* Loading docks and related shipping and receiving operations are prohibited on interior streets. Loading docks shall be located at the rear of all principal structures. Parking for trucks and all other company owned or controlled vehicles customarily used in shipping and receiving operations shall be located at the rear of all principal structures. Shipping or receiving areas shall be screened and buffered from adjacent residential areas.
- p. *Screening of loading and refuse collection.* All loading and refuse collection facilities shall be screened pursuant to Ordinance 2005-5.
- q. *Utilities.* Unless a waiver is authorized by the town council, all electrical and telephone lines and wires including, but not limited to, street lighting, shall be placed underground. Feeder and other major transmission lines may remain overhead. All utility installation shall conform to the town's protocols for standards and specifications.
- r. *Additional information.* Any other additional material and information as the town staff, planning board or town council may reasonably require.

(Ord. No. 2016-8, § VII(2-16.7), 6-21-2016)

Sec. 64-433. General review procedure for preliminary plat and site plan.

- (a) *Fee for H-PRD preliminary plat and site plan.* The minimum fee for filing said applications for a preliminary plat review and site plan review shall be as established in section 42-9, permit fees, land development code. Before a development in the Hungerford Planned Redevelopment District (H-PRD) shall be approved, the applicant for a development approval shall request a pre-application conference prior to submitting a preliminary plat, as may be required (reference subsection 64-428(b)(1)(i)) as well as site plan approval filed together with the requisite fee at the town public works and planning office.
- (b) *Review procedures for preliminary plat and site plan.* Each applicant for approval of a development application within the Hungerford Planned Redevelopment District (H-PRD) shall submit appropriate applications for review by town officials. The review process shall be carried out pursuant to this article. If a required preliminary plat is approved and the site plan are approved, the applicant shall submit a final plat for review by town officials.
 - (1) *Staff review.* Copies of the preliminary plat and site plan shall be submitted to the planning office and shall be reviewed by the building official, the town planner and engineer, and such other staff or professional consultants as the town council deems appropriate.
 - (2) *Criteria for review.* The town staff shall present its findings in written report to the planning board. Staff review shall be accomplished expeditiously in order to prevent undue delay or inconvenience, but shall not be limited to the subdivision ordinance time frame for review of plats. The preliminary plat and site plan shall comply with the preliminary plat and site plan requirements of the land development code.

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- (3) *Review by planning board and town council.* The planning board shall hold a meeting to review the preliminary plat and site plan. If approved by the planning board, the town council shall also review the plan and approve said plan prior to the submission of any final development plan.
- a. *Considerations by the planning board.* The board shall consider all aspects of the preliminary plat and site plan necessary to meet the intent and requirements of this article and the comprehensive plan. The board shall also consider the recommendations and comments of the staff.
 - b. *Action by the planning board.* The board shall recommend approval, approval with modifications or conditions, or disapproval; and such recommendation shall be endorsed on the face of each copy of the preliminary plat and site plan, by the chairman of the board. The recommendation and reasons for the board action shall be reduced to writing and forwarded to the town council.
 - c. *Consideration by town council.* The town council shall consider the recommendations and comments of the planning board and staff. The town council may make such investigations as may be deemed reasonably necessary to ensure conformity with the intent and requirements of this article.
 - d. *Action by the town council.* The town council shall approve, approve with modifications or conditions, or deny the preliminary plat and site plan, or may refer the preliminary plat and site plan to the planning board for further consideration. In making its decision, the town council shall consider all aspects of the preliminary plat and site plan necessary to meet the intent and requirements of the land development code and the comprehensive plan.
 - e. *Conditions.* In approving a preliminary plat and site plan, the town council may establish such conditions and may require such modifications as shall assure compliance with the Hungerford Planned Redevelopment District (H-PRD) standards and regulations and further, the town council may waive or modify subdivision, site plan or other zoning requirements otherwise applicable to the development when such waiver or conflict is not in conflict with said standards and regulations.
 - f. *Requests for additional information.* Prior to, or in addition to, approval of a preliminary plat and site plan, and upon a determination that additional information is necessary for proper review of the H-PRD project, the town council may require the submission of additional information by the applicant. The review of such additional information shall follow the procedures applicable to the review of the preliminary development plan. The town council should approve a preliminary plat and site plan application subject to a prescribed time limit of not more than 18 months for the applicant to submit a final plat for approval.
 - g. *Amendments of preliminary plat and site plan.* Once the H-PRD preliminary plat and site plan have been approved, and there is cause for amendment of the same, or any portion thereof, such amendment shall be processed in a like manner as the original submission.
 - h. *Changes in preliminary development plan.* If a final H-PRD plat is submitted which includes changes from the approved preliminary plat and site plan, the administrative official or designee shall review the plan to determine the effect of the H-PRD and consistency with applicable ordinances and recommend appropriate action to the planning board. The planning board shall determine whether any changes are of such significance that the preliminary plat and site plan should be re-submitted to the planning board. In any case of doubt, the revised preliminary plat and site plan shall be re-submitted for approval by the planning board and the town council. The prescribed time limit for the submission and approval of the final H-PRD plan may be extended by the town council, for good cause if the developer presents evidence within the 18-month period which demonstrates that the developer has progressed in good faith toward implementing the preliminary development plan.

Sec. 64-434. General procedure for final H-PRD plat review.

Approval of the preliminary plat and site plan by the town council shall constitute authority for the applicant to submit a final H-PRD plat prepared in accordance with the approved preliminary plat and site plan and all conditions as may have been required by the town council. A final H-PRD plat shall not be considered approved by the town council and shall not be recorded in the records of Orange County until it has been approved in a manner prescribed herein. After the final plat is duly approved by the Town of Eatonville, the applicant shall file the final plat at the Orange County Recording Office.

- (a) *Filing final H-PRD plat.* No final H-PRD plat shall be filed unless it has been prepared on the basis of a duly approved preliminary plat. The appropriate number of copies of the final H-PRD plat shall be filed with the town clerk together with the requisite fee for processing and reviewing the said plan.
- (b) *Filing staged final H-PRD plat.* A final H-PRD plat may be prepared and submitted for the entire Hungerford-Planned Redevelopment District at one time, or for the approved development stages on an individual basis.
- (c) *Time limit for submission of final H-PRD plan.* The final H-PRD plat for either the entire H-PRD or the first phase(s) thereof shall be submitted within 18 months of the date of approval of the preliminary plat or within such extended periods as the council may authorize.
- (d) *Fee for town review of final H-PRD plat.* A minimum fee for filing a final H-PRD plat shall be as resolved by the town council.
- (e) *Ownership requirements for application.* The ownership requirements for filing a final H-PRD plat shall be the same as for filing the preliminary plat and site plan.
- (f) *Review procedures for final H-PRD plat.* Each applicant that receives town council approval of a preliminary plat must file a final plat for review by town officials pursuant to the requirements for a final plat as addressed in chapter 58, subdivision regulations and the final plat must be consistent with the terms of this article.
 - (1) *Staff review and surety.* The administrative official or designee shall transmit the final plat to the building official, town planner and town engineer and/or such other staff or professional consultants as may be deemed necessary. The professional review the final H-PRD plat shall assure that all public improvements are constructed and in place pursuant to the approved plans and specifications, and that no outstanding indebtedness is due for said improvements. As an alternate surety, the applicant may deposit a certified check, cash, performance bond, or such surety as the town council deems adequate to ensure total compliance pursuant to section 64-91 and section 54-53. The bond requirement shall be established based on procedures to be adopted by resolution of the town council.
 - (2) *Criteria for final H-PRD plat review.* The town staff shall report its findings in a written report to the planning board. The staff report shall evaluate the said plan based on the following criteria:
 - a. *Compliance with preliminary plat and site plan.* The final H-PRD plat shall incorporate all changes, modifications, and conditions required for approval of the preliminary plat, site plan and final plat which pertain to the final plat. The final H-PRD plat may constitute only that portion of an approved preliminary plat which the applicant proposes to currently record and develop, provided all requirements of this article are satisfied by such portion standing alone. If a final H-PRD plat is submitted which includes changes from the approved preliminary development plat, the building official or other designated professional shall

review the plat to determine the effect of such changes on the proposed H-PRD development and consistency with applicable ordinances. The building official or other designated professional shall review the final plat and file a written report to the planning board evaluating whether the final plan complies with the preliminary plat and all applicable regulations and laws. The planning board shall determine whether any changes are of such significance that a revised preliminary development plan should be re-submitted to the planning board and the town council. In any case of doubt, a revised preliminary development plan shall be re-submitted for approval by the planning board and the town council.

- b. *Compliance with subdivision ordinance.* The final H-PRD plan and plat thereof shall comply with all applicable provisions of the land development code, including chapter 58, "subdivision regulations" as well as site plan requirements of chapter 58 and chapter 54, site plan review.
 - c. *Compliance with final H-PRD plat requirements.* The final H-PRD plan shall comply with all requirements for form and content of a final plat herein stated. This information shall be used to evaluate compliance with the purpose and intent of the H-PRD district. All permitted and conditional uses shall be allowed only in the location shown on the approved final H-PRD plat.
 - d. *Compliance with other regulations, ordinances, and statutes.* The final H-PRD plat shall comply with all other provisions of this article as well as provisions of this chapter which are not in conflict with this article and shall comply with all other applicable regulations, ordinances, and statutes of the town, county and state concerning final plats and site plan review.
- (3) *Review and action by town council.* Upon receipt of the written staff evaluation of the final H-PRD plat, the town council shall consider said plan. Such consideration shall be predicated on criteria listed in the above paragraph. The town council shall approve, approve with conditions or modifications, or deny the final plat. The signature of the town clerk and mayor of the town council, date of approval and the seal of the town council on the final plat shall certify that the final plat has been adopted. However, no final plat approved with conditions or modifications shall be executed until such conditions or modifications are carried out and duly approved. The town clerk shall provide the applicant with written notice of its action, including reasons for rejection in cases of denial.
- (g) *Commencement of development.* Following the approval of a final plat for development within the Hungerford Planned Redevelopment District (H-PRD) by the town council, the plat shall be filed by the applicant with the Orange County Court Clerk. The applicant shall be authorized to apply for other necessary permits to proceed with the construction of cited in the duly approved plans for the H-PRD development.
 - (h) *Failure to comply with approved final H-PRD plat.* Failure to comply with the requirements of the approved final plat and any conditions imposed in its final approval, including time conditions, shall constitute a violation of this article. Upon finding by the town council that the developer has failed to comply with the conditions of any staging plans or prescribed time limits, the approval of the final plat shall be automatically terminated. Prior to continuing with finalizing plans for development with the Hungerford Planned Redevelopment District, the developer shall reapply to the town council for approval to continue. The town council may authorize the petitioner to continue under the terms of the final plat approval or may require the developer to re-submit the application in conformance with any step outlined in the procedure for preliminary plat and site plan approval or final plat approval. No subsequent plan or re-approval shall affect an increase in the overall project density or change in use as established in the original approval.

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- (i) *Minor changes in approved final H-PRD plat.* Minor final plat changes in the location or siting of buildings and structures or in the landscape plan may be authorized by signature of the administrative official or designee, the chairman of the planning board and chair of the town council, if required by engineering or other circumstances not foreseen at the time the final H-PRD plat was approved. A staff or consulting professional shall first review the preliminary plat, site plan, final plat and provide an appropriate recommendation to the chair of the town council and the chair of the planning board. No change authorized by this subsection may cause any of the following:
- (1) A change in the use or character of the H-PRD site plan and/or the preliminary plat or final plat;
 - (2) An increase in overall coverage of structures;
 - (3) An increase in the intensity of use. or the density;
 - (4) An increase in the problems of traffic circulation and public utilities;
 - (5) A reduction in approved open space;
 - (6) A reduction in required pavement widths;
 - (7) A violation of a specific requirement or condition of this article. Changes, erasures, modifications, additions or revisions shall not be made to a final H-PRD plat after the town council approval has been given, unless the final H-PRD plat is resubmitted for approval, except as required by law for clarification. All changes in use, re-arrangement of lots and blocks, changes in the provision of common open spaces, and other changes except those listed in the paragraph above, may be allowed at the discretion of the town council. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the final H-PRD plan was approved, or by changes in adopted community policy. Any changes which are approved in the final H-PRD plan must be recorded as amendments in accordance with the procedure established for the recording of the final H-PRD plan.
- (j) *Occupancy and use of premises.* Prior to the use or occupancy of any portion of the H-PRD project, the developer must satisfy all the provisions of the approved final H-PRD plan as stipulated herein, and obtain all necessary permits.

(Ord. No. 2016-8, § IX(2-16.9), 6-21-2016)

Sec. 64-435. Final plat: Form and content.

The form and content of a final H-PRD plat shall be consistent and shall comply with requirements of F.S. ch. 177, part I, §§ 177.011—177.151. A final H-PRD shall also include the attached approved preliminary plat and site plan components. The final H-PRD plan, shall include the preliminary plat and all site plan components as approved by the town council, or as subsequently amended pursuant to applicable regulations, shall comprise the elements of the final H-PRD plan. The final H-PRD plat shall be consistent with all form, content, criteria, and procedures as presented in chapter 58, subdivision regulations of the land development code.

(Ord. No. 2016-8, § X(2-16.10), 6-21-2016)

Sec. 64-436. Open space and landscaped areas.

All open space required by this chapter shall be either private, reserved for common use, or dedicated to the public. All required open space shall be reserved as such through appropriate deed restrictions which cannot be removed without the consent of the town council. Private open space shall be owned in fee simple title as part of a lot or parcel in private ownership. The use of private open space shall be reserved and limited through appropriate

deed restrictions. The deed restriction shall require the property owner to maintain the private open space in perpetuity. All open space reserved for common use shall ultimately be owned in fee simple by an organization of property owners within the H-PRD plat. The organization shall be established by the applicant, and all organizational documents, including, but not limited to, article of incorporation, bylaws and restrictive deed covenants, shall be submitted to the town attorney for approval prior to recording in the public records of the county. The organization shall be responsible for the maintenance of all common open spaces. The organization shall be empowered to assess reasonable maintenance fees upon the owners of real property within the H-PRD plat for the maintenance of the common open space.

- (1) All open space reserved for common use shall be conveyed to the organization prior to or at the time when two-thirds of all the dwelling units of the H-PRD plat under development have been sold. Conveyance shall be by a general warranty deed in fee simple absolute, acceptable to the town attorney. The deed shall include a deed restriction providing for the perpetual maintenance of the common open space by the organization.
- (2) The organization may offer to convey the common open space to the town at no cost. If the town accepts the offer, then the conveyance shall be of general warranty deed in fee simple absolute, acceptable to the town attorney. Upon acceptance, the open space shall be available for use by the general public. The town shall not accept a conveyance of common open space unless arrangements acceptable to it are made for the continued maintenance of the open space.
- (3) Open space dedicated to the public shall be open to the general public.
- (4) All landscaped yards shall be owned in fee simple as part of an approved lot or parcel, and the landscaped yards shall be reserved and limited through appropriate deed restriction. The deed restrictions shall require the property owner to maintain the landscaping in perpetuity.

(Ord. No. 2016-8, § XI(2-16.11), 6-21-2016)

Sec. 64-437. Outdoor lighting regulations for site plan review.

- (a) *Purpose and intent.* The purpose of the outdoor lighting regulations is to provide outdoor lighting standards to ensure that improvements do not unreasonably interfere with safety, security, comfort and productivity. The regulations are intended to encourage the types, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the jurisdiction.
- (b) *Outdoor lighting must conform to applicable codes.* All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this code, the building code, the electrical code as applicable and under appropriate permit and inspection.
- (c) *Approved lighting materials and methods of construction or installation/operation.* The provisions of this Code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The building official may approve any such proposed alternate providing he finds that it:
 - (1) Provides at least approximate equivalence to that applicable specific requirements of this Code;
 - (2) Is otherwise satisfactory and complies with the intent of this Code; or
 - (3) Has been designed or approved by a registered professional engineer and content and function promotes intent of this Code.

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- (d) *Definitions.* As used in these outdoor lighting regulations, unless the context clearly indicates, certain word and phrases used in this chapter shall mean the following:
- (1) *Person* means any individual, tenant, lessee, owner, or any commercial entity including, but not limited to, firm, business, partnership, joint venture or corporation.
 - (2) *Installed* means the attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.
 - (3) *Outdoor luminaire* means outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, area and flood lights for:
 - a. Buildings and structures;
 - b. Recreational areas;
 - c. Parking lot lighting;
 - d. Landscape lighting;
 - e. Signs (advertising or other);
 - f. Street lighting;
 - g. Product display area lighting;
 - h. Building overhands and open canopies.
- (e) *Shielding of light source.* Shielded light sources shall be used to illuminate signs, building facades, parking and loading areas; and shall be so arranged as to eliminate glare onto roadways and streets; and shall be directed away from adjacent properties. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed. Following are more finite specifications for implementing the intent and purpose of the outdoor lighting regulations:
- (1) *Areas with intrinsically dark landscapes.* All outdoor luminaires adjacent to areas with intrinsically dark landscapes such as areas of outstanding natural beauty and residential areas shall have full cut-off optics with fully shielded lamps. Equip luminaire with house side shields in areas with intrinsically dark landscapes.
 - (2) *Areas of low ambient brightness.* All outdoor luminaires adjacent to low ambient brightness such as wetlands and lake areas shall have lamps with fully shielded cut-off optics. Equip luminaire with house side shields adjacent to all residential property and other light sensitive areas.
 - (3) *Areas of medium ambient brightness.* All outdoor luminaires adjacent to areas of medium ambient brightness in urban and residential areas shall have cut-off optics with fully shielded lamps. Equip luminaire with house side shields adjacent to all residential property and other light sensitive areas.
 - (4) *Areas of high ambient brightness.* All outdoor luminaires adjacent to areas of high ambient brightness such as commercial areas may be semi-cutoff optics with shielding as required for compliance with other sections of the outdoor lighting regulations and as approved by the Town of Eatonville.
 - (5) *Definitions for shielding lighting.* Following are related definitions for interpreting the outdoor lighting regulation of this Code:

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- a. *Partially shielded*: Shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from any part of the fixture is projected above the horizontal zones.
 - b. *Semi-cutoff*: Intensity at 80 degrees from nadir does not exceed 200 candelas per 1,000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candelas per 1,000 lamp lumens.
 - c. *Cutoff*: Intensity at 80 degrees from nadir does not exceed 100 candelas per 1,000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 25 candelas per 1,000 lamp lumens.
 - d. *Fully shielded*: constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.
 - e. *Fully cutoff*: A luminaire light distribution where no candlepower occurs at or above an angle of 90 degrees from nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.
- (f) *Plans and evidence of compliance*. The applicant for any permit required by the town in connection with proposed work involving outdoor lighting shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission of plans shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in this Code, upon application for the required permit.
- (1) Scaled site plan drawings. Scaled drawings shall include, but are not limited to, the following:
 - a. All property boundaries, land use of abutting properties and all abutting streets and rights-of-way. Whether or not the adjacent streets are local, residential, private, collector, arterial, expressway, freeway, or frontage roads (service or access road).
 - b. Outdoor luminaire locations on the premise including, but not limited to, wall mounted luminaires and recessed down and up lights.
 - c. Showing all existing and proposed structures.
 - d. North arrow.
 - e. Title block with project name, date prepared, date of any revisions, the name, address, phone and fax number of the firm responsible for preparing the plan.
 - (2) Outdoor luminaire descriptions shall include manufacturer's name and catalog number, lamp type and lamp burning position, lamp wattage, lens type and luminaire mounting height above finished grade.
 - (3) Certified point by point photometric data shall be submitted with foot-candle levels on a five-foot grid extending five feet beyond abutting properties and all abutting streets and rights-of-way. Point by point statistics with IES photometric file number, "lamp lumen factor" (LLF) and luminaire "coefficient of utilization" (CU), luminaire mounting height and NEMA distribution such as type II, III, IV or V.
 - (4) Submit certifications signed and sealed by a registered professional engineer that all calculations comply with this Code and applicable State of Florida energy code.
 - (5) Additional submission. The above required plan submission, luminaire descriptions and data in subsections (f)(1) through (f)(4) shall be sufficiently complete to enable the Town of Eatonville to

readily determine whether compliance with the requirements of this Code is met. If such plans submission, luminaire description and data cannot determine compliance with this Code applicant shall additionally submit as evidence of compliance to enable such determination. Additional submissions such certified reports of tests provided these tests have been performed and certified by a recognized testing laboratory.

- (6) Subdivision plat certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Town of Eatonville Code will be adhered to.
 - (7) Lamp or fixture substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this Code, which must be received prior to substitution.
- (g) *Prohibited fixtures and lamps.* The installation, sale, offering for sale, lease or purchase of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp the use of which do not comply with this Code is prohibited. Exemptions and exceptions are as follows:
- (1) Residential fixtures consisting of a single incandescent light having an output of less than 1,800 lumens or 100 watts.
 - (2) Floodlights and spotlight, provided that the total beam width is less than 120 degrees and the beam center is directed at least 65 degrees below the horizontal.
 - (3) Grade mounted up lighting for signs and architectural illumination, provided that the total output is less than 5,400 initial lumens per property parcel and less than 1,800 initial lumens per fixture. No luminaire shall project beyond the highest point of the structure.
 - (4) Seasonal decorative lighting consists of incandescent lamps in a temporary installation.
 - (5) Full cutoff street lighting which is part of a federal, state, or municipal installations.
 - (6) Specialized lighting necessary for safety, such as navigated or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.
 - (7) Lighting of sports facilities or stadiums prior to 11:00 p.m. Illumination after 11:00 p.m. is also permitted if it is necessary in order to conclude a recreational, sporting or other scheduled activity which is in progress prior to that time.
 - (8) Phosphor coated metal halide lamps are recommended. Other light sources submitted shall demonstrate to the satisfaction of the town that light source is equally effective in eliminating adverse spill light, glare, and light intensities in compliance with latest edition of IESNA recommendations and applicable NEMA standards.
 - (9) Flat lenses shall be used on pole mounted luminaires with a means to control glare and spill light.
 - (10) All pole mounted luminaires shall be equipped with horizontally mounted lamps.
 - (11) Spill light and glare onto residential property shall comply with this code and latest edition of IESNA recommendations.
 - (12) Luminaires with adjustable aiming brackets are prohibited.
 - (13) Lighting as required for emergency egress, security and safety subject to approval by the town.
- (h) *Grandfathering.* The following provisions address exceptions and exemptions to outdoor lighting regulations herein stated:

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- (1) Existing lighting is exempt from the provisions of this Code except that replacement fixtures, must be fully compliant.
 - (2) Luminaires with adjustable aiming brackets shall be modified in compliance with this Code within 90 days from notification of non-compliance.
 - (3) These grandfathering provisions do not apply to lighting on a property, which ceases operations or is unoccupied for more than 12 months. Site lighting must be brought into full compliance before reoccupation or reuse.
 - (4) These grandfathering provisions do not apply to lighting on a property where renovation work exceeds the value of existing property by 25 percent. Site lighting must be brought into full compliance before reoccupation or reuse.
 - (5) All existing lighting installations that do not qualify under the grandfather clause must be brought into full compliance with the provisions of this Code within ten years of its effective date.
- (i) *Lighting standards.* The following additional lighting standards shall apply:
- (1) For parking areas and general areas not under canopy: Thirty-foot maximum and a 20-foot minimum mounting height from finished grade to light source/luminaire in compliance with this code. The lamp shall be metal halide with a maximum wattage of 250 or as otherwise approved by the Town.
 - (2) For pedestrian areas and walkways with luminaires mounted lower than 20 feet: Sixteen feet maximum height from finished grade to light source/luminaire. The lamp shall be metal halide, with a maximum wattage of 100 watts or as otherwise approved by the town.
 - (3) For decorative post top, acorn or globe type outdoor lighting: Sixteen-foot maximum height from finished grade to light source/luminaire. Luminaire shall be equipped with an internal louvered optical system and textured clear acrylic lens/globe or equivalent. The lamp source shall be metal halide with a maximum wattage of 100 or as otherwise approved by the town.
 - (4) Fully shielded luminaires. Fully shielded luminaires such as shoe box lighting, shall have lamps mounted in the horizontal burn position. Decorative post top, acorn, or globe type lighting is exempt from the horizontal lamp burning position requirement.
 - (5) "Shoe box" rectilinear type luminaires. It is recommended that all "shoe box" rectilinear type luminaires be equipped with a flat tempered glass lens. Quartz lenses are prohibited.
 - (6) Paved driveway and fire lane at front of building. Maximum of five foot-candles for paved driveway and fire lane at front of building and an average maintained illumination across the lighted area of one to two footcandles.
 - (7) On/off time controls. On/off time controls shall be provided. General outdoor lighting shall be turned off within 30 minutes after closing of business. Under no circumstances shall the full illumination of the lighted site be permitted after 11:00 p.m. without Town approval. All lighting used after 11:00 p.m. shall be used for security lighting and pedestrian safety only.
 - (8) Required phosphor coated lamps. Phosphor coated lamps shall be utilized in all luminaires where the lamp source is not hidden by the luminaire housing or equipped with a diffused lens.
 - (9) For areas under a canopy. For areas under a canopy the following lighting standards shall apply:
 - a. The light source shall be metal halide (maximum of 250 watts) or fluorescent
 - b. The light fixture shall have a flat lens, if recessed or, if not recessed but dropped and attached, a flat lens and opaque on all sides

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- c. The metal halide source shall be phosphor coated when used with a clear flat glass lens or may be clear, when used with a diffused flat glass lens
 - d. The maximum footcandle level shall not exceed 30 footcandles (average maintained maximum) - see IES Lighting Handbook, 8th edition, Chapter 11, Figure 11-1, Part IV, Outdoor Facilities, Service Station (at grade).
- (10) Lighting intensities. Lighting intensities at the property line shall range from zero to one footcandle, with one-half footcandle next to residential; house side shields shall be used to direct light away from light sensitive areas such as residential.
- (11) On-site building lighting. On-site building lighting shall be limited to wall-washer or up-light fixtures which do not produce spillover lighting; floodlight fixtures mounted on building walls, roofs or poles are prohibited.
- (12) Compliance with statutes and IES standards:
- a. Lighting intensities for ATMs shall comply with Florida Statutes.
 - b. Lighting intensities shall be designed as recommended by the Illuminating Engineering Society of North America (IESNA)
- (13) Floodlighting restriction. Floodlighting is prohibited under this Code without compliance for cutoff luminaire as specified herein and recommended by IESNA. If a floodlight type luminaire is used its mounting shall be permanently fixed with no vertical adjustment.
- (14) Lighting for facilities served by a canopy. Facilities located under a canopy the luminaire lamp wattage shall not exceed 250 watts. Light fixtures shall have flat lens, if recessed or, if not recessed, the fixture shall have a flat lens and shall be opaque on all sides.
- (15) Public safety considerations. Illumination shall not be designed, arranged, or installed in any manner that creates a hazard or nuisance to traffic flow or to adjacent properties. Sufficient details shall be submitted to show compliance.
- (j) *Lighting for recreational facilities.* Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private) such as football, soccer, baseball and softball fields, tennis courts, and other similar town approved recreational land uses, provided all of the following conditions are satisfied:
- (1) Lighting for parking lots and other areas surrounding football, soccer, baseball, and softball fields, tennis courts, auto and similar approved recreational land uses shall comply with this Code.
 - (2) All luminaires used for football, soccer, baseball, and softball fields, tennis courts, and similar approved recreational land uses shall be fully shielded as defined in this Code, or shall be designed to provide sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

(Ord. No. 2016-8, § XII(2-16.12), 6-21-2016)

Sec. 64-438. Development agreement required.

Any approval of a preliminary plat, final plat and/or site plan within the Hungerford Planned Redevelopment District by the town council shall be executed based on a written development agreement. The development agreement shall be approved by the town council and approved by the town attorney as to form and content pursuant to the provisions of section 64-437, Hungerford Planned Redevelopment District, chapter 64, Town of Eatonville Land Development Code. Development agreement files shall embrace the plans, documents, drawings, and tabulations comprising terms of negotiated agreement pertaining to:

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- Preliminary plats and supportive plans;
 - Site plans and construction drawings (i.e., building plans);
 - Final plats.

Within the Hungerford Planned Redevelopment District a written development agreement shall be required to duly verify each town council action required as a prerequisite approval to duly authorize subdivision of property, development, redevelopment, and/or expansion of property within the Hungerford Redevelopment District.

A plat and subdivision development agreement shall incorporate the duly approved preliminary and final plats required to authorize the subdivision of land within Hungerford Planned Redevelopment District. A preliminary plat and final plat shall be required to be duly approved by town council and shall provide notice of the compliant actions associated with the subdivision of property, including detailed data and illustrations of the size, shape, dimensions, topography, approved excavation and other actions taken by the owner/applicant in reconfiguring and preparing property for development. Each file for a such a development agreement shall include a resolution verifying town council action in approving the subject plat and related subdivision plans and shall specifically reference the copy of the signed official copy of the plat and subdivision documents as well as any supportive documents affixed thereto as may be required to describe special conditions negotiated in the process of achieving a Hungerford Planned Redevelopment Development Agreement. Such plats, supportive subdivision plans, and documents shall describe and illustrate site improvements desired by the applicant/owner and required to verify compliance with the applicable subdivision provisions of the Town of Eatonville Land Development Code:

A site plan and building plan development agreement shall incorporate the duly approved components of the site plan and building plan required to initiate new, changed or expanded land uses and construct buildings and other supportive improvements on property within the Hungerford Planned Redevelopment District. Development agreements for respective site plans and construction drawings shall include a resolution verifying town council's duly processed approval of the site plan and construction drawings and shall specifically reference signed official copy of the site plan and construction drawings as well as any supportive documents affixed thereto as may be required to describe special conditions negotiated in the process of achieving a Hungerford Planned Redevelopment Development Agreement. Such plans and supportive documents shall describe and illustrate the buildings, on-site parking and landscaping, signage, access and egress improvements, including location and design of curb cuts, internal traffic circulation, and other feature of the proposed development desired by the applicant/owner and required to verify compliance with the applicable provisions of the Town of Eatonville Land Development Code. Key supplemental documents related to rezonings or specific negotiations addressing minimum lot sizes, building setbacks; minimum and maximum building areas, maximum densities, maximum lot coverage, maximum building heights, and proposed architectural standards shall be described in the written development agreement.

The duly approved development agreement document shall reference and incorporate the duly approved preliminary plat, site plan, final plat and other documents as needed that address specific issues associated with proposed development within the Hungerford Redevelopment District, including such issues as:

- (1) Stated agreements to:
 - a. Proceed with the proposed development according to all regulations;
 - b. Provide appropriate performance and maintenance guarantees;
 - c. Comply with all other provisions of the Land Development Code to the extent not expressly inconsistent with the written development agreement; and bind the applicant's successors in title to his commitments.
- (2) Acreage and percentage of the total land area devoted to each of the proposed land uses.
- (3) Maximum density for each type of dwelling unit.

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- (4) Maximum building height.
 - (5) Minimum building spacing and floor areas.
 - (6) Lot sizes, yard areas, and buffer areas, including perimeter buffers.
 - (7) Statement regarding the disposition of sewage and stormwater and arrangements for potable water.
 - (8) When the PUD is planned for phased development, a schedule of the phases.
 - (9) The proposed language of any covenants, easements, or other restrictions.
 - (10) Any additional information or statements subsequently deemed necessary by any reviewing department or agency.

(Ord. No. 2016-8, § XIII(2-16.13), 6-21-2016)

Sec. 64-439. Enforcement and penalties.

In the event of a non-compliance with this article, the town council or a designated representative of the town council shall have the authority to suspend construction activity and revoke any building permit used under this article, and to take all actions necessary to halt construction until such time as the provisions herein are complied with, including any direct costs, expenses, and fees. In the event legal action is necessary, and costs, expenses and fees, including attorney fees and any professional fees are incurred by the town in forcing compliance, these expenses shall be borne by the developer or parties violating the terms of this article.

(Ord. No. 2016-8, § XIV(2-16.14), 6-21-2016)