

Article 9 - Waterways

- 9.1 Authority of city to regulate waterways.
- 9.2 Rights of city on property abutting public waterways.
- 9.3 Depositing effluvia, refuse, etc., in waters.
- 9.4 Obstructing.
- 9.5 Obstructing water channels; lowering the level of Lake Stella.

9.1 Authority of City to Regulate Waterways

The city shall have the right to regulate the use of all waterways within the city limits and the conduct of all persons using same, consistent with and not in conflict with federal or state regulations. All ordinances of the city regulating the conduct of persons on land shall apply to persons using waterways, insofar as same are properly applicable.

9.2 Rights of City on Property Abutting Public Waterways

- A. Whenever a public street or thoroughfare is laid out or existing in the city abutting or touching a waterway open to public use, the city as trustee for the public, has and owns riparian rights at such place where such public street or thoroughfare abuts or touches the waterway. The city shall have the right to regulate the use of the waters adjacent to such places, and to construct docks, public landings, piers, or wharves at such places.
- B. Wherever a street, laid out and existing in the city ends at a waterway in the city the portion of such dead-end street abutting the waterway is hereby declared to be public property, and the city shall have the right to regulate the use of the waters adjacent to such place and to construct docks, public landings, piers, or wharves at such place.
- C. When any plat is filed for record showing streets dedicated to public use laid out, touching, or abutting any waterways used by the public, it is hereby declared that the portion of such dedicated street touching or abutting upon waterways in the city shall be public property, and the city shall own and hold same for the use of the public, and shall pass rules and regulations governing the use of same.

9.3 Depositing Effluvia, Refuse, etc., in Waters

No person shall throw, place, or deposit, or cause to be thrown, placed, or deposited, any effluvia, refuse, by-products or decaying animal or vegetable matter in any of the canals, waterways, or ditches in the city to be a nuisance or injurious or detrimental to the health or comfort of any residents of the city.

9.4 Obstructing

It shall be unlawful for any person to place any obstruction of any kind whatsoever in any of the canals, waterways or ditches in the city as said canals, waterways and ditches now exist.

9.5 Obstructing Water Channels; Lowering the Level of Lake Stella

- A. It shall be unlawful for any person to obstruct or to prevent the usual or natural flow, or run of water, in any ravine or other water channel.
- B. It shall be unlawful for any person to dig or construct any drain, ditch or water channel, for the purpose of lowering the level of Lake Stella, unless such action is authorized by the City Commission.

Article 10 - Definitions

10.1 Terms Not Defined

If a term used in this Code is not defined in this article, City staff shall have the authority to provide a definition based on the definitions used in accepted sources—including, but not limited to, the most recent editions of A Planners Dictionary, A Glossary of Zoning, Development, and Planning Terms, and A Survey of Zoning Definitions (all published by the American Planning Association), The Complete Illustrated Book of Development Definitions (published by Routledge) and the Merriam-Webster Unabridged Dictionary.

10.2 Definitions

Accessory buildings or uses: A subordinate building or use which is clearly incidental to that of the principal use or building and which is customarily found in connection with and located on the same property as the principal use to which it is related; and which is designed for the comfort, convenience or necessity of the occupants of the principal use.

Aggrieved: To suffer direct pecuniary loss, which loss is not speculative and is not suffered by the public generally. For example, a commercial site owner who is required to install stormwater retention at the owner's expense is not an aggrieved person.

Agriculture: means farming, horticulture, pasturage, animal husbandry, citrus and other fruit groves, nurseries, dairy farms, commercial fisheries, or poultry hatcheries, and similar uses.

Alley: A public or private way which is not designed for general travel but is used primarily as a means of secondary access to a lot abutting thereon.

Applicant: Any person applying for or who has been granted a permit or development order to proceed with a project.

As-built drawings: Also referred to as "Record Drawings"; a complete set of approved site plans amended to include all locations, dimensions, elevations, capacities, capabilities, as actually constructed and installed. Must include Engineer of Record's certification of accuracy.

Available capacity: Capacity which is not encumbered or reserved by, or committed to, existing or future users of a public facility or service.

Awning sign: Information painted on, or imprinted on, awnings. An awning is defined as a sheltering screen, usually of canvas fabric, extending over or before any place which has windows, doors, outside walks or the like, and providing shelter or protection against the weather. Awning signs shall be calculated as a portion of the square footage allowed for on the site as outlined in this code.

Block: a unit of land bounded by streets or a combination of streets, rights-of-way, public lands, railroad tracks, waterways or any other barrier to the continuity of development.

Buffer: An area of land within a property or site generally adjacent to and parallel with a property line, that provides screening of view, noise, or activity taking place within the property or site from adversely affecting an adjoining property, site or public right-of-way.

Buildable area: That portion of a site on which improvements, including but not limited to, structures, driveways, and parking lots may be erected.

Building: means a structure, either temporary or permanent, with a roof intended to be impervious to weather, and used or built for the shelter or enclosure of persons, animals, chattels or property of any kind. This definition includes tents, awnings, cabanas or vehicles situated on private property and serving the function of a building.

Building, height of: The vertical distance from the finished grade to the highest point of a flat roof or a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs or other pitched roofs.

Building line: The line beyond which a building shall not extend, except as specifically provided by law, and determined from the extreme support for the roof of the main structure or appurtenance thereto.

Building setback line: The line beyond which a building shall not extend, except as specifically provided by law.

Capacity: The ability or availability of a public service or facility to accommodate users, expressed in an appropriate unit of measure, such as gallons per day or peak hour traffic volumes.

Companion Animals: Means animal species suitable to be human companions including dogs, cats, rabbits, ferrets, birds, guinea pigs and select other small mammals, small reptiles and fish.

Carport: A structure consisting of a roof system which may be supported by poles or columns, is not enclosed, and is generally intended to provide cover for a vehicle. Carports shall not be considered as structures meeting garage requirements of any section of this Code.

Certificate of capacity: The document issued by the city indicating the quantity of public facilities that are available and reserved for the property described in the certificate, including any limits on uses, densities, and intensities of the approved development of the property, and containing an expiration date.

Childcare centers: an establishment that provides care, protection, and supervision for five or more children unrelated to the operator and that receives a payment, fee, or grant for the children receiving care, whether or not operated for profit, including preschools and nursery schools. This definition does not include public or nonpublic schools that are in compliance with the Compulsory School Attendance Law, F.S. ch. 232.

Clearing: The removal of trees from a substantial part of the land but, shall not include grubbing, mowing or the selective removal of dead, dying or diseased trees.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by one person or a group of persons practicing any form of healing or health-building services to individuals, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is lawful in the State of Florida.

Club: an establishment providing facilities for social or recreational purposes including those organized chiefly to promote friendship and welfare among its members and not operated for profit, excluding adult entertainment.

Construction: Building, assembling, expanding, modifying, or altering the existing contours of a site, the erection of buildings or other structures, or any part thereof, or land clearing.

Coverage: That portion of lot area covered by the principal and accessory buildings.

Density: Refers to the number of residential dwelling units permitted per gross acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel including any preservation and undevelopable areas, or areas below the normal high-water line of a lake that is entirely within the confines of the property. In the determination of the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Developer: Any person, including a governmental agency, undertaking any development, as defined in this section.

Development: The alteration, construction, installation, demolition or removal of a structure, impervious surface, drainage facility; the clearing, killing or otherwise removing the vegetation from a site; or adding, removing, exposing, excavating, leveling, grading, digging, burrowing, dumping, piling, dredging or otherwise significantly disturbing the soil, mud, sand, or rock of a site; or adding new uses to a site; or the division of land into 2 or more parcels.

Development order: Any order, permit or other official action of the city granting, or granting with conditions, an application for development.

Development permits: includes any building permit, zoning permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of local government having the effect of permitting the development of land.

Discharge, discharge point: The outflow of water from a project, site aquifer, drainage basin or facility and the point thereof.

Dwelling: A structure or portion thereof designed exclusively for residential occupancy, including one-family, two-family and multifamily dwellings, but not including hotels, motels, boardinghouses, rooming houses, tents, houseboats, recreational vehicles or other forms of temporary or portable housing.

Dwelling, multifamily: A building containing three or more dwelling units.

Dwelling, single-family: A building containing only one dwelling unit.

Dwelling two-family: A building containing only two dwelling units.

Dwelling unit: means a room or rooms connected together, which could constitute a separate, independent housekeeping establishment for a family, for owner occupancy, or for rental or lease on a monthly or longer basis, and physically separated from any other rooms or dwelling units that may be in the same structure and containing sleeping and sanitary facilities and one kitchen. The term "dwelling unit" does not include rooms in hotels, motels, or institutional facilities.

Family: means one or more persons occupying a dwelling unit and living as a single, nonprofit housekeeping unit, provided that a group of four or more people who are not related by blood, marriage, or adoption will not be deemed to constitute a family. The term "family" does not include a fraternity, sorority, club, or institutional group.

Flood, 100-year: The flood flow or stage of the magnitude which has a one percent chance of being equaled or exceeded during any one given year.

Floodplain, 100-year: An area inundated as a result of runoff from a 100-year flood.

Floodplain or flood-prone area: An area inundated as a result of runoff from a storm with a defined probability of occurrence in any year (e.g., the one percent probability of occurrence floodplain is the 100-year floodplain.)

Floodway: The permanent channel of a stream or other watercourse, plus any adjacent floodplain areas that must be kept free of any encroachment in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than a designated amount, not to exceed one foot except as otherwise established by the Water Management District or established by a flood insurance rate study conducted by the Federal Emergency Management Agency (PEMA).

Garage: As required for residential structures, a garage shall be a structure consisting of three solid walls and one door of appropriate size to allow parking of at least one standard size automobile. The minimum garage

size shall be 12 feet by 20 feet. Garages shall not extend into any setback. Garages must also be architecturally similar to the primary structure in design and materials.

Gasoline service stations: A commercial operation offering for dispense, gasoline, diesel fuel or other petroleum-based product for the use in automobiles, as opposed to automotive repair facilities which provide repair and maintenance of automobiles without dispensing fuel.

Grade: The slope of a road, street, other public way, or lot specified in percentage terms.

Ground sign: A sign which is supported by structures in or upon the ground and independent of support from any building.

Historic site: Any site, building, structure, feature, or improvement which has been designated as a "historic site" under the terms, conditions, and procedures of this ordinance.

Honest design construction: Honest design construction concerns proper design of all work in its details, the uses of weather-resistant material, etc., and applies to advertising.

Hydrograph: A graph of discharge versus time for a selected outfall point.

Impervious surface: A surface which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes semi-pervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots, and other similar surfaces.

Improvement: Any building, structure, fence, gate, wall, walkway, parking facility, light fixture, bench, foundation, sign, work of art, earthworks, sidewalks, or other manmade objects constituting a physical change or betterment of real property, or any part or portion of said change or betterment. Additionally, street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, street names, signs, landscaping, permanent reference monuments (P.R.M.s), permanent control points (P.C.P.s), or any other improvements required by the city.

Kennel: A place where dogs and other small animals and house pets are kept, sheltered, boarded, bred or groomed for compensation.

Land use: The development that has occurred on the land, or the development that is proposed by a developer on the land, or the use that is permitted or permissible on the land under an adopted comprehensive plan, or element or portion thereof, or under land development regulations or a land development code, as the context may indicate.

Livestock: Includes all animals of the equine, bovine or swine class, including, but not limited to, goats, sheep, mules, horses, hogs, cattle, and other grazing animals.

Lot: A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned. Used, used, developed, or built upon.

Lot, corner: A lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees. Corner lots shall have two front yard setbacks along the adjacent rights-of-way and two side yard setbacks on the remaining sides.

Lot, depth: The distance measured from the midpoint of the front line to the midpoint of the opposite rear line of the lot.

Lot, front: The portion of a lot that abuts the street or road right-of-way. In the case of a corner lot, this is both.

Lot of record: A lot, which is part of a subdivision, the plat of which has been recorded in the office of the Clerk of the Circuit Court of Putnam County, Florida, or was shown as an individual lot on the Putnam County Assessment Map, as of May 8, 1975.

Lot width: The distance between the side lot lines, measured at the front setback or building line and parallel to the front lot line.

Owner: means as applied to a building or land, includes any part owner, joint owner, tenant in common, tenant in partnership, joint tenant, or tenant by the entirety, of the whole or a part of such building or land.

Parcel or parcel of land: A piece or area of land with identified ownership and formally described and recorded in the Public Records of Putnam County.

Permitted uses: Those land uses that are permitted within a zoning district.

Person: Any and all persons, natural or artificial, and includes any individual, firm, corporation, governmental agency, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal entity.

Planned development: An area of land devoted by its owner to development as a single entity with a plan which does not necessarily comply with the provisions of other zoning districts with respect to lot size, lot coverage, setbacks, off-street parking, bulk or type of dwelling, density, and other restrictions.

Plat: A map or delineated representation of the subdivision of lands, being a complete, exact representation of the subdivision and other information in compliance with the requirement of all applicable statutes and of local ordinances, and may include the terms "replat," "amended plat," or "revised plat."

Proper design concepts: Proper design concepts refer to architectural planning and to the analysis of the whole structure in terms of font and composition, color, materials and surface decoration. It includes scale in relationship to scale of adjacent buildings and landscape. It applies to inner character of the individual project. It applies in the same manner to alterations and advertising on the project (building). That the area contains other unsightly buildings is not a criterion to allow new unsightly buildings.

Public facilities: Roads, potable water supplies, sanitary sewer treatment, solid waste, drainage, public parks.

Public utility: Any publicly or privately operated utility, such as, but not limited to, storm drainage, sanitary sewers, electric power, water service, gas service or telephone lines, whether underground or overhead which serves the public.

Recreation Facility Indoor: means a commercial establishment that provides indoor facilities for recreation or entertainment-oriented activities by patrons or members. Use types include amusement arcades, amusement centers, aquatic centers, bingo halls, bowling alleys, gymnasiums, health clubs, recreation courts, skating facilities, cinemas or theaters, and similar uses.

Recreation Facility Outdoor: means a commercial establishment that provides outdoor facilities for recreation or entertainment-oriented activities by patrons or members. Uses include: athletic fields; golf courses, miniature; golf driving ranges; passive and active recreational and educational activities including, but not limited to, hiking and nature trails, zip lining, paragliding, and similar activities; swimming pools, tennis courts and other similar outdoor activities not grouped elsewhere; and water slides, aquatic centers; and similar uses.

Recreational Vehicle: means a recreational vehicle type unit as defined in F.S. § 320.01. It is primarily designed as a temporary living unit for recreational, camping or travel use, and has its own motive power or is mounted on or drawn by another vehicle.

Right-of-way (ROW): Land dedicated, deeded, used or intended to be used for a street, alley, walkway, boulevard, drainage facilities, public and private utilities, access for ingress and egress, or other public purposes.

Riverine flood hazard area: A floodplain area associated with stormwater, rather than tidal, flooding.

Roadway: The paved portion of a street available for vehicular traffic.

Shopping center: A group of retail stores planned and developed for a site upon which they are built, with off-street parking provided on the property.

Shrubs: A woody plant of relatively low height distinguished from a tree by having several stems rather than a single trunk; a bush.

Signs: Any letter, figure, character, mark, plane, point, marquee sign, design, poster, pictorial, picture, stroke, stripe, line, trademark, reading matter, inflatable device, or illuminated surface, which shall be so constructed, placed, attached, painted, erected, fastened, or manufactured in any manner whatsoever, so that the same shall be used for the attraction of the public to any place, subject, person, firm, corporation, public performance, article, machine, or merchandise, whatsoever, which is displayed in any manner whatsoever.

Site: Any tract, lot, or parcel of land or combination of tracts, lots, or parcels of land, which is in one ownership, or contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

Site plan: An illustration of the details of development of areas, such as, but not limited to, commercial, recreational, and multiple-family residential uses not being platted

Street: Any access way, such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court, terrace, place or cul-de-sac, and also includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets, whether improved or unimproved, but shall not include those accessways such as easements and rights-of-way intended solely for limited utility purposes, such as electric power lines, gas lines, telephone lines, water lines, drainage and sanitary sewers and easements of ingress and egress.

Structure: Anything constructed, installed or portable, the use of which requires a location on a parcel of land. It includes a movable structure while it is located on land which can be used for housing, business, commercial, agricultural or office purposes either temporarily or permanently. Structure also includes billboards, swimming pools, poles, pipelines, transmission lines, tracks, and advertising signs.

Subdivision: The division of a parcel of land, whether improved or unimproved, into two or more lots or parcels of land for the purpose, whether immediate or future, of transfer of ownership, or if right to possession, or for any building development, including a condominium in which there is or is intended to be: (1) any division of any parcel or tract into units; or (2) any division of the airspace into units above or contiguous to any parcel or tract held in common, undivided ownership. If the establishment of a new street is involved, this term shall mean any division of any parcel or tract of land.

Telecommunications tower: A structure, such as a self-supporting lattice tower, guy tower, monopole tower, or building on which transmitting or receiving antennae are located, including accessory facilities for equipment storage and operations. The term includes radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, and the like, but excludes accessory structures to a permitted use such as ham radio towers, receive-only antennae, radio dispatch systems, transportable telecommunications devices and the like.

Tree, mature: Any living, self-supporting, perennial plant which has a trunk diameter of at least six inches measured four and a half (4.5) feet above grade (at the base of the tree) and normally grows a minimum overall height of fifteen (15) feet.

Vested: Having the right to develop or continue development notwithstanding the provisions the current provisions of this Code.

Watercourse: Any natural or artificial stream, creek, channel, ditch, canal, waterway, gully, ravine, or wash in which water flows either continuously or intermittently, and which has a definite channel, bed, or banks.

Waters: This item shall include, but not be limited to, rivers, lakes, streams, springs, impoundments and all other water or bodies of water, whether surface or subsurface, and whether navigable or non-navigable. The term shall encompass all bottom lands lying below the mean high-water mark, whether said bottom lands be submerged or not.

Wetlands: areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil. Wetland boundaries shall be determined using the methodology in F.S. § 373.4211.