Chapter 42 LAND DEVELOPMENT CODE[1]

ARTICLE I. IN GENERAL

Sec. 42-1. Title.

This chapter shall be entitled the Land Development Code.

(LDC § 1.00.00)

State law reference(s)—Land development regulations, F.S. § 163.3202.

Sec. 42-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Day means a working day unless a calendar day is indicated.

(LDC § 1.08.10)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-3. Penalties and remedies.

(a) *Generally.* If the planning department determines that the code enforcement process would be an inadequate response to a given violation, it may pursue the following penalties and remedies as provided by law.

(b) *Lot sales limited to approved subdivision.* It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell or negotiate to sell such land by reference to or exhibition of, or by other use of a plat or subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by this chapter and recorded the approved subdivision plat as required. If such unlawful use shall be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such plat shall be deemed guilty of an offense.

(c) *False representation as to maintenance responsibility.* Any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that any facilities and services such as roads and streets, sewers, water systems or drainage facilities will be built, constructed or maintained by the county shall be deemed guilty of an offense.

(d) *Violation of section 42-187, hazardous waste generator's permits.* Violation of section 42-187 is an offense and shall be prosecuted in the name of the state in a court having jurisdiction of misdemeanors by the

[1]Cross reference(s)—Any ordinance approving or amending any development order saved from repeal, § 1-6(5); any ordinance adopting or amending the comprehensive plan saved from repeal, § 1-6(6); code enforcement board, § 2-146 et seq.; environment, ch. 30; waterways, ch. 78.

prosecuting attorney thereof and upon conviction shall be punished by a fine not to exceed $500.00 and/or by imprisonment in the county detention facilities not to exceed 60 days. If any violation shall be continuing, each day's violation shall be deemed a separate violation; however, imposition of such fine or jail sentence shall not prohibit the court from imposing any other available statutory or civil penalties, which would include, but are not limited to, prohibiting the further generation of hazardous waste. Fines assessed pursuant to this subsection shall go into the general revenue fund of the county to be used for enforcement of this section.

(e) *Civil remedies.* If any building or structure is erected, constructed, reconstructed, altered, repaired or maintained, or any building, structure, land or water is used in violation of this chapter, the planning director, through the county attorney, may institute any appropriate civil action or proceedings in any court to prevent, correct or abate the violation.

(f) *Criminal penalties.* Any person who violates any provision of this chapter shall be deemed guilty of an offense and shall be subject to a fine and imprisonment as provided by law.

(LDC § 12.15.00)

Sec. 42-4. Authority.

This chapter is enacted pursuant to the requirements and authority of F.S. § 163.3202 and the general powers in F.S. ch. 125.

(LDC § 1.01.00)

Sec. 42-5. Findings.

(a) The provisions of F.S. ch. 163 requires each state local government to enact a single land development code which implements and is consistent with the local comprehensive plan, and which contains all land development regulations for the county.

(b) Controlling the location, design and construction of development within the county is intended to maintain and improve the quality of life in the county as more fully described in subsection (c) of this section.

(c) With regard to the following specific subject areas of this chapter, the board of county commissioners finds:

(1) *Administration and enforcement.*

a. A single set of administrative procedures for making all land use decisions promotes efficiency, predictability and citizen participation.

b. All development proposals and permit applications should undergo a review process to ensure compliance with the requirements of this chapter.

c. A mandatory preapplication conference requirement enhances communication and understanding between county staff and the developer thereby improving the efficiency of the development review process.

d. Concept review allows developers to modify proposals in response to early citizen and staff comment.

e. Developments of large potential impact on the community should go through a more rigorous review process than others.

f. Review of planning decisions should be independent of review of land development decisions to avoid ad hoc planning on a site-by-site basis.

g. All administrative decisions should be supported by a record with written findings to ensure accountability and efficient appellate review.

h. A quick, efficient and nonpolitical avenue of appeal should be available for all ministerial and administrative decisions.

i. Enforcement of development orders and the provisions of this chapter should be through procedures that are efficient, effective and consistent with the code enforcement procedures established by state law.

(2) *Signs.*

a. The manner of the erection, location and maintenance of signs affects the public health, safety, morals and welfare of the people of this county.

b. The safety of motorists, cyclists, pedestrians and other users of the public streets is affected by the number, size, location, lighting and movement of signs that divert the attention of drivers.

c. The construction, erection and maintenance of large signs suspended from or placed on the tops of buildings, walls or other structures may constitute a direct danger to pedestrian and vehicular traffic below, especially during periods of strong winds.

d. Uncontrolled and unlimited signs may degrade the aesthetic attractiveness of the natural and manmade attributes of the county and thereby undermine the economic value of tourism, visitation and permanent economic growth.

(3) *Landscaping and tree protection.*

a. Landscaping and buffering development with trees and other vegetation promotes the health, safety and welfare of the county to such an extent as to justify the imposition of landscaping and buffering requirements.

b. Trees and landscaping benefit the county by:

1. Absorbing carbon dioxide and returning oxygen to the atmosphere;

2. Precipitating dust and other particulates from the air;

3. Providing wildlife habitat, particularly for birds which in turn help control insects;

4. Providing soil stabilization which reduces erosion and mitigates the effect of flooding;

5. Providing shade which reduces energy consumption and glare, and making outdoor areas more comfortable during the warm months;

6. Making the built environment more attractive by adding a variety of color, shape and pattern and thereby increasing county pride and property values;

7. Providing attractive buffering between incompatible land uses; and

8. Abating noise.

c. Because native vegetation is adapted to local diseases, pests, soil and climate, it is generally more economical and desirable than exotic species which require more pesticides, fertilizers and water.

d. Exotic vegetation can crowd out native vegetation, use more water and damage the environment from increased use of fertilizers and pesticides.

e. Because some trees are more beneficial than others, the public benefits of tree protection may be obtained without preserving each and every tree.

(4) *Off-street parking and loading.*

a. Off-street parking and loading of vehicles promotes the public safety and welfare by reducing traffic congestion.

b. Well-designed off-street parking and loading areas promote the safe and efficient storage, loading and circulation of vehicles.

c. Allowing the use of porous paving materials and unpaved parking areas, whenever possible, conserves water and energy, moderates the micro-climate and reduces the expense and hazards of controlling stormwater runoff.

(5) *Stormwater management.*

a. Increased stormwater runoff may cause erosion and pollution of groundwater and surface water with a variety of contaminants such as heavy metals and petroleum products.

b. Stormwater runoff often contains nutrients such as phosphorus and nitrogen, which adversely affect flora and fauna by accelerating eutrophication of receiving waters.

c. Erosion silts up water bodies, decreases their capacity to hold and transport water, interferes with navigation and damages flora and fauna.

d. Installation of impervious surfaces increases the volume and rate of stormwater runoff and decreases groundwater recharge.

e. Improperly managed stormwater runoff increases the incidence and severity of flooding and endangers property and human life.

f. Improperly managed stormwater runoff may alter the salinity of estuarine areas and diminishes their biological productivity.

g. Degradation of groundwater and surface waters may alter economic costs on the community.

h. Eighty to 95 percent of the total annual loading of most stormwater pollutants discharged into receiving waters are concentrated in the flush created by the first one inch of rainfall (first flush), and carried off-site in the first one-half inch of runoff.

i. Improperly managed stormwater adversely affects the drainage of off-site property.

(6) *Floodplain protection.*

a. Flooding is a natural, recurring phenomenon in the county.

b. Naturally floodprone lands serve the following important functions in the regional hydrologic cycle and ecological system:

1. They provide natural storage and conveyance of floodwaters.

2. They facilitate groundwater recharge.

3. They provide temporary storage of surface waters that moderate flood elevations and the timing, velocity and rate of flood discharges.

4. They reduce erosion and filter nutrients, sediments and other pollutants from floodwaters.

5. They export detritus and other food sources to open water bodies and are vital habitat for fish, birds, wildlife and native plant communities.

c. Naturally occurring flooding may provide recharge to groundwater and a basic source of flow to surface waters.

d. The uncontrolled development of floodprone lands substantially degrades the health, safety and welfare of the county in the following ways:

1. The owners, residents, customers, guests and employees occupying homes, businesses and other structures located in floodprone areas are placed at unreasonable risk of personal injury and property damage.

2. Expensive and dangerous search, rescue and disaster relief operations may be necessary when developed properties are flooded.

3. Roads, public facilities and utilities associated with development may be damaged by flooding at great expense to taxpayers and rate payers.

4. Flooding of developed properties may lead to demands that the government construct expensive and environmentally damaging projects to control floodwaters.

5. Normally flood-free lands are placed at risk of flooding when floodwaters on natural floodprone areas are obstructed, diverted, displaced or channelized by development.

6. Water quality is degraded, the supply of fresh water to estuaries is disrupted and habitat is lost.

7. Property values are lowered and economic activity is disrupted by damaging floods.

(7) *Protection of environmentally sensitive lands.*

a. Protection of environmentally sensitive lands described or mapped in the conservation element of the comprehensive plan promotes the well-being of the people of the county as set forth in this subsection and in the conservation element.

b. Wetlands serve the following beneficial functions:

1. Provide natural storage and conveyance of floodwaters, and minimize erosion and sedimentation by reducing flood flows and the velocity of floodwaters.

2. Coastal wetlands and inland wetlands adjoining larger lakes and rivers protect wildlife and the shoreline from destructive wave action.

3. Filter and help decompose sediments, nutrients and other natural and manmade pollutants that would otherwise degrade surface waters and groundwaters.

4. Support commercial and recreational fishing because they provide essential nutrients and hatcheries for aquatic life.

5. Provide habitat for rare and endangered species, and provide essential breeding and protective habitats for many other birds, mammals and reptiles.

c. Shorelines serve the following beneficial functions:

1. Land adjoining waters or wetlands, which can generally be divided into submergent, transitional and upland vegetation zones, provide essential habitat for many plant and animal species, including species that are endangered, threatened or of special concern.

2. Submergent, transitional and upland vegetation zones serve as effective buffers against noise and other human activities which may have adverse affects on aquatic and wetland-dependent wildlife.

3. Submergent, transitional and upland vegetation zones help slow stormwater runoff flows and increase infiltration of water, nutrients and other substances.

4. Submergent, transitional and upland vegetation zones reduce predation by domestic pests on wetlands and wetland dependent wildlife species.

(LDC §§ 1.04.01, 1.04.02)

State law reference(s)—Land development code required, F.S. § 163.3202(3).

Sec. 42-6. Intent.

(a) With regard to this chapter in general, its provisions shall be construed and implemented to achieve the following intentions and purposes of the board of county commissioners:

(1) Establish the regulations, procedures and standards for review and approval of all proposed development in the county.

(2) Foster and preserve public health, safety, comfort and welfare, and to aid in the harmonious, orderly, aesthetically pleasing and socially beneficial development of the county in accordance with the comprehensive plan.

(3) Adopt a development review process that is:

a. Efficient in terms of time and expense;

b. Effective in terms of addressing the natural resource and public facility implications of proposed development; and

c. Equitable in terms of consistency with established regulations and procedures, respect for the rights of property owners and consideration of the interests of the citizens of the county.

(4) Implement the county comprehensive plan as required by the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq.).

(5) Provide specific procedures to ensure that development orders and permits are conditioned on the availability of public facilities and services that meet level of service requirements (concurrency).

(b) The provisions of this chapter dealing with the following specific subject areas shall be construed and implemented to achieve the following intentions and purposes of the board of county commissioners:

(1) *Administration and enforcement.*

a. Ensure that all development proposals be thoroughly and efficiently reviewed for compliance with the requirements of this chapter, the county comprehensive plan and other applicable county regulations.

b. Promote efficiency, predictability and citizen participation.

c. Ensure compliance with approved development orders and the provisions of this chapter through rigorous but fair enforcement actions.

(2) *Signs.*

a. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.

b. To permit signs that are:

1. Compatible with their surroundings.

2. Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.

3. Appropriate to the type of activity to which they pertain.

4. Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property or the activities conducted on the property, and small enough to satisfy the need for regulation.

5. Reflective of the identity and creativity of individual occupants.

c. To promote the economic health of the community through increased tourism and property values.

(3) *Landscaping and tree protection.*

a. Enhance the attractiveness of the community.

b. Conserve energy through the cooling and shading effects of trees.

c. Abate nuisances such as noise, glare, heat, pollution and stormwater runoff.

d. Mitigate conflicts between adjoining land uses.

e. Preserve the environmental and ecological benefits of existing native trees and vegetation.

f. Promote safe and efficient use of off-street parking facilities and other vehicular use areas by:

1. Clearly delineating and buffering the bounds of vehicular use areas, particularly where they abut public rights-of-way, so that movement, noise and glare in one area do not adversely distract activity in another area;

2. Limiting physical site access to established points of ingress and egress; and

3. Limiting the internal movement of vehicles and pedestrians to designated traffic configurations.

g. Preserve the community's irreplaceable natural heritage for existing and future generations.

(4) *Parking and loading.* Ensure that all developments provide for adequate and safe storage and movement of vehicles in a manner consistent with community standards, good engineering and site design principles.

(5) *Stormwater management.*

a. Protect and maintain the chemical, physical and biological integrity of groundwaters and surface waters.

b. Prevent activities which adversely affect groundwaters and surface waters.

c. Encourage the construction of stormwater management systems that aesthetically and functionally approximate natural systems.

d. Protect natural drainage systems.

e. Minimize runoff pollution of groundwaters and surface waters.

f. Maintain and restore groundwater levels.

g. Protect and maintain natural salinity levels in estuarine areas.

h. Minimize erosion and sedimentation.

i. Prevent damage to wetlands.

j. Protect, maintain and restore the habitat of fish and wildlife.

(6) *Floodplain protection.*

a. Protect human life and health.

b. Minimize expenditure of public money for costly flood control projects.

c. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at public expense.

d. Minimize prolonged business interruptions and damage to public facilities and utilities caused by flooding.

e. Maintain a stable tax base by providing for the sound use and development of floodprone areas.

f. Ensure that potential purchasers of subdivided land are notified that the property is in a floodprone area.

g. Ensure that uses and facilities vulnerable to floods are designed and constructed to resist flood damage.

h. Preserve natural floodplains, stream channels and natural protective barriers to accommodate floodwaters.

i. Limit filling, grading, dredging and other development which may increase erosion, sedimentation or flood damage.

j. Prevent unnatural diversion of floodwater to lands that are normally flood-free.

k. Maintain the normal movement of surface waters, the optimum storage capacity of watersheds, desirable groundwater levels, water quality and the natural hydrological and ecological functions of wetlands and other floodprone lands.

l. Avoid the need of costly and environmentally disruptive flood management structures.

m. Encourage the use of floodprone lands as open space.

n. Make the county eligible for participation in the National Flood Insurance Program.

(7) *Protection of environmentally sensitive lands.*

a. Protect environmentally sensitive lands and their beneficial functions while also protecting the right of property owners.

b. Protect, maintain and restore the chemical, physical and biological integrity of groundwaters, surface waters and natural habitats.

c. Prevent activities which adversely affect groundwaters and surface waters, natural habitats and native flora and fauna.

d. Maintain recharge for groundwater aquifers.

e. Prohibit certain uses that are detrimental to environmentally sensitive areas.

f. Protect the recreation opportunities of environmentally sensitive lands for hunting, fishing, boating, hiking, nature observation, photography, camping and other uses.

g. Protect the public's rights in navigable waters.

h. Protect aesthetic and property values.

(LDC §§ 1.05.01, 1.05.02)

Sec. 42-7. Relationship to comprehensive plan.

The adoption of a unified land development code implements the goals, policies and objectives of the comprehensive plan.

(LDC § 1.06.01)

Sec. 42-8. Rules of interpretation.

The following rules of interpretation apply to this chapter:

(1) *Generally.* In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of the objectives and purposes of the county and deemed neither to limit nor repeal any other powers granted under state statutes.

(2) *Responsibility for interpretation.* If any question arises concerning the application of regulations, performance standards, definitions, development criteria or any other provision of this chapter, the planning director shall be responsible for interpretation and shall look to the county comprehensive plan for guidance. Responsibility for interpretation by the planning director shall be limited to standards, regulations and requirements of this chapter, but shall not be construed to include interpretation of any technical codes adopted by reference in this chapter, nor be construed as overriding the responsibilities given to any commission, board or official named in other sections or articles of this chapter.

(3) *Boundaries.* Interpretations regarding boundaries of land use districts shall be made in accordance with the following:

a. Boundaries shown as following or approximately following any street shall be construed as following the centerline of the street.

b. Boundaries shown as following or approximately following any platted lot line or other property line shall be construed as following such lines.

c. Boundaries shown as following or approximately following section lines, half-section lines or quarter-section lines shall be construed as following such lines.

d. Boundaries shown as following or approximately following natural features shall be construed as following such features.

(LDC §§ 1.08.01, 1.08.02, 1.08.11)

Sec. 42-9. Abrogation.

This chapter is not intended to repeal, abrogate or interfere with any existing easements, covenants or deed restrictions duly recorded in the public records of the county.

(LDC § 1.10.00)

Sec. 42-10. Applicability.

(a) Except as specifically provided in this section, the provisions of this chapter shall apply to all development in the county, and no development shall be undertaken without prior authorization pursuant to this chapter.

(b) The provisions of this chapter and any amendments thereto shall not affect the validity of any lawfully issued and effective development permit if the:

(1) Development of activity authorized by the permit has been commenced prior to the effective date of this chapter or any amendment thereto, or will be commenced after the effective date of this chapter but within six months of the effective date of this chapter; and

(2) Development activity continues without interruption, except because of war or natural disaster, until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this chapter or amendment thereto.

(c) Projects with development orders that have not expired at the time this chapter or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved, must meet only the requirements of the regulations in effect when the development plan was approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this chapter or an amendment thereto.

(d) Nothing in this section shall be construed to authorize development that is inconsistent with the county comprehensive plan.

(LDC § 1.02.01)

Sec. 42-11. Future land use map.

The future land use map as contained in the county comprehensive plan is incorporated into this chapter by reference.

(LDC § 1.07.02)

Sec. 42-12. Mobile homes and mobile home permits.

(a) This section shall apply to all new or relocated mobile homes as defined in F.S. § 320.01(2), used for dwellings, temporary or permanent offices or those that are to be placed on property for more than 180 days, which are located or placed in use on any site within the unincorporated limits of the county. The standards and requirements of this section shall apply to all mobile home dwelling units whether on occupant-owned lots or on rental lots, including spaces in rental parks. This section does not apply to:

(1) Mobile homes used as temporary offices shall be exempt from compliance with this chapter in the areas of setup, but shall be subject to permitting and inspection for compliance with all applicable electrical and handicapped accessibility regulations.

(2) Mobile homes placed on lots of licensed mobile home dealers shall not be required to meet requirements of this section. This exception shall not apply to any mobile home that is to be used as a permanent office or storage.

(b) The following standards are to be used for determining compliance with this section:

(1) The standards established by the Department of Highway Safety and Motor Vehicles' Division of Motor Vehicles' Act, F.A.C. 15C-1.10, shall be used for setup of mobile homes.

(2) Any additions to mobile homes must comply with the Department of Highway Safety and Motor Vehicles' Division of Motor Vehicles' Act, F.A.C. 15C-2.0081, Mobile Home Repair and Remodeling Code.

(3) The Florida Building Code, where it applies to mobile homes or additions to mobile homes.

(c) The county building official, with approval of the board of county commissioners, shall promulgate all departmental policies for the building department that he deems necessary to carry out the provisions of this section. All changes to departmental policy shall be presented to the board of county commissioners for approval before implementation.

(d) All fees shall be set by resolution of the board of county commissioners. All fees shall be doubled if a mobile home is occupied before a permit has been obtained and inspected for compliance with the standards set forth in this section. The doubling of such fee may be waived by the building official if a permit is obtained and inspected for compliance within 30 days.

(e) Any person locating or placing in use as a dwelling or office a mobile home on any site within the unincorporated areas of the county shall obtain a permit for the mobile home. This shall not be misconstrued to require mobile home setup personnel who locate or place mobile homes on property for others to obtain permits.

(f) A mobile home permit issued shall be construed to be a license to proceed with the work and not as authority to violate, cancel, alter or set aside any of the provisions of the technical codes. Every permit issued shall become invalid unless the mobile home is installed and inspected within 180 days after its issuance. One or more extensions of time, for periods of not more than 90 days each, may be allowed for the permit. The request for extension shall be in writing and justifiable cause shall be demonstrated. Extensions, when granted, shall be in writing by the building official.

(g) Any permit issued under this section may be revoked and/or a stop work order issued by the building official at any stage of completion upon a finding of any of the following:

(1) Misrepresentation or omission of facts required for the permit.

(2) Permit issued in error where no authority for such issuance exists.

Whenever permits are revoked, the board of county commissioners shall be notified.

(h) Temporary power poles that are to be used for the repair or remodeling of mobile homes may be approved for 180 days, provided proper permits are obtained for the construction. At the end of the 180 days the service will be disconnected from the service pole unless an extension has been requested and approved in writing or a mobile home permit has been obtained and the mobile home has been inspected and approved for occupancy. If the mobile home is occupied without proper permitting and inspection, the applicable electric utility company will be requested to disconnect the electric service to the mobile home.

(i) The installation of all new or relocated mobile homes shall have inspections conducted to ascertain compliance with all adopted county ordinances. The interior wiring of mobile homes shall be maintained in accordance with the codes that they were initially inspected for by their manufacturer. Procedures for inspections shall be as defined in the building department policy manual. Copies of procedures shall be made available to the permittee at the time of permit issuance. All mobile homes must be approved to be electrically safe before the electric utility company will be authorized to energize the service to any mobile home. Any work that does not meet code compliance when it is inspected shall be reinspected until it is in compliance with county ordinances. Any work that is covered up without reinspection shall be uncovered and reinspected.

(Ord. No. 93-2, §§ II—X, 2-1-1993)

State law reference(s)—Factory-built housing, F.S. § 553.35 et seq.; mobile home installers, F.S. § 320.8249; mobile home inspection, F.S. § 320.8255 et seq.; mobile home tie downs, F.S. § 320.8325.

Sec. 42-13. Definitions.

The following definitions apply in section 42-12 and sections 42-13 through 42-16.

(a) The term "manufactured building" means a closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes mobile homes, but does not include recreational vehicles nor buildings not intended for human habitation such as lawn storage buildings and storage sheds.

(b) The term "recreational vehicle" means a vehicle which is:

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or towable by a car or light duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(c) The term "used manufactured building" means any manufactured building that has been occupied as a residence, business or other use in the past. The term does not include a manufactured building that has only been occupied in the course of being held out for sale, and which has never been previously occupied as a residence, business or other use.

(Ord. No. 2004-3, § 1, 4-5-2004)

Sec. 42-14. Move-on permit required.

(a) No manufactured building shall be moved to any residential lot within Taylor County, or moved from any place within the county to another place within the county, or from any place outside the county to any place within the county, unless a move-on permit is first obtained from the county building department. Provided, however, that no move-on permit shall be required for moving a manufactured building to a business location within the county where manufactured buildings are offered for sale.

(b) The owner of the manufactured building shall have the responsibility for obtaining the move-on permit. An agent for the owner may apply for a move-on permit with an affidavit from the owner establishing the agency for that purpose.

(c) The move-on permit shall be posted prominently on the manufactured building before the building is moved to the new location within the county.

(d) The move-on permit shall identify the location to which the manufactured building may be moved. The manufactured building shall not be moved to any location other than that identified on the move-on permit.

(e) The applicant must show a tag for the manufactured building, or execute an affidavit that the manufactured building will be assessed as real property.

(Ord. No. 2004-3, § 1, 4-5-2004)

Sec. 42-15. Requirements for certification of used manufactured buildings.

(a) A move-on permit for the installation of a used manufactured building shall not be granted unless the used manufactured building has received re-certification from the State of Florida pursuant to F.S. § 553.375, or is certified pursuant to these regulations as meeting the minimum requirements for used manufactured buildings set forth in section 42-16 below.

(b) Notwithstanding the requirement in (a) above, no inspection shall be required in order to obtain a move-on permit for a manufactured building to be used for non-residential purposes on a temporary basis. Move-on permits issued for such temporary uses shall include a condition that the building must be removed within six months. The county administrator may renew the move-on permit for an additional six months upon a finding that the additional period is needed and that there is no intent on the part of the permittee to make the installation permanent.

(c) Certification of a used manufactured building may be obtained as follows:

(1) If the used manufactured building is located within the county, the manufactured building shall be inspected by a county building official. After the inspection, the building official shall provide the applicant with a written document that either certifies that the manufactured building meets the minimum requirements in section 42-16 below, or sets forth the reasons why the manufactured building does not meet the minimum requirements.

(2) If the used manufactured building is located outside of the county, a state certified building inspector or contractor may certify the used manufactured building as meeting the requirements of section 42-16 below. The certification shall be on a form provided by the building department which shall:

a. Require identification of the owner and proof of ownership of the manufactured building.

b. Require identification of the inspector and state licensing information.

c. Require a statement as to the use to which the manufactured building will be put after installation in the county.

d. Set forth as a checklist the minimum requirements in section 42-16.

e. Require that the inspector initial each item on the checklist.

f. Include an affidavit for the inspector to sign certifying that the inspector has inspected the used manufactured building and that it meets each of the minimum requirements set forth on the form.

(3) No building official or building inspector employed by the county shall perform inspections of used manufactured buildings located outside the county.

(Ord. No. 2004-3, § 1, 4-5-2004)

Sec. 42-16. Minimum requirements.

(a) The minimum requirements for used manufactured buildings shall be as set forth in this section.

(b) *Fire safety:*

(1) All manufactured buildings manufactured since January of 1968 shall have an approved smoke detector(s) properly located outside of each sleeping area of the manufactured building.

(2) Smoke detectors shall be installed to the product manufacturer's installation instructions.

(c) *Electrical:*

(1) Every unit shall have a complete electrical system.

(2) Distribution panelboards shall be properly installed, complete with required breakers/fuses, with all unused openings property covered. All connections are to be checked for tightness, and all panels shall be accessible.

(3) All electrical fixtures shall be property installed, wired and supported. Aluminum conductors shall be connected to approved listed devices.

(4) All grounding conductors shall be secured to the proper locations and/or connector on the fixture or device.

(d) *Plumbing:*

(1) All plumbing fixtures shall be protected with approved and workable traps.

(2) Plumbing fixtures shall be property vented and fixtures shall be in workable condition.

(3) Relief valve on water heater shall have sufficient room to operate, and shall have unthreaded ¾-inch drain pipe extended beneath the manufactured building.

(4) Drainage piping shall be complete. Piping shall be supported property and not constitute a hazard.

(5) Water piping shall not be bent or kinked so as to retard the flow of water. Each fixture shall be connected to water piping.

(e) *Heating and air conditioning:*

(1) All required cooking and heating appliances shall be properly anchored and connected in place.

(2) If the home has deleted heating system, drop-outs must be installed for connecting exterior system.

(3) All homes with central heating and/or cooling shall have operable thermostat.

(4) Air registers shall be operable.

(5) Ducts shall be sealed at openings and shall not be crushed or missing.

(6) Gas furnace and water hearing vents shall be properly installed and secured to appliance.

(7) There shall be proper return air to furnace, exterior heat/AC units and all rooms.

(8) Range and bathroom ceiling vents shall be complete and vented to outside.

(9) All gas appliances shall be connected with an approved shut-off valve, if building was manufactured after May of 1975.

(f) *Construction:*

(1) Exterior exit doors, including sliding glass, shall be in good working order.

(2) Exterior doors shall have operable locks.

(3) All manufactured buildings manufactured after January of 1975 shall have an exterior egress door or an operable egress window located in each sleeping room with an opening of 22 inches in its shortest measurement.

(4) All windows and window operators shall be operable. Missing glass shall be replaced.

(5) Screens shall be required on each window capable of being opened.

(6) All holes in the floor and damaged flooring, and all broken decking and floor joists shall be repaired or replaced.

(7) Missing interior paneling shall be replaced and bowed or loose paneling shall be secured.

(8) Bottomboard shall be made rodent proof throughout and securely sealed. Missing insulation from exposed areas shall be replaced.

(9) When visible structural damage caused by water leaks is apparent, repairs and corrections are to be completed to assure leaks have been corrected.

(10) All over-the-roof tie-down straps shall be free of damage. Frame ties and bonding on all used single and double wide homes shall be as required in the amended Rules of the Division of Motor Vehicles, Chapter 15C-1, if the manufacturer's setup requirements are not available. Splices of strap shall overlap at least 12 inches and be secured with two seals. All tie points shall be used.

(Ord. No. 2004-3, § 1, 4-5-2004)

Secs. 42-17—42-45. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT[2]

DIVISION 1. GENERALLY

Sec. 42-46. Planning department.

(a) There shall be a planning department under the direction and control of the county coordinator/administrator. Unless otherwise specified or assigned, the planning department shall perform all administrative functions of the county government related to the administration of this chapter.

(b) The planning department shall be responsible for all investigation, analysis, inspection and review required by this chapter for the approval of development proposals. It shall perform its duties and responsibilities in conjunction with, and as staff for, the planning board.

(LDC §§ 11.01.01, 11.01.03)

Sec. 42-47. Planning director.

(a) The planning director is appointed by the county coordinator/administrator with the concurrence of the board of county commissioners and serves at the pleasure of the board of county commissioners.

(b) The planning director or his designee shall perform the following duties:

(1) Receive all applications for comprehensive plan amendments, amendments to this chapter and applications for development approval.

(2) Determine the completeness of development applications.

(3) Conduct all preapplication conferences.

[2]Cross reference(s)—Administration, ch. 2.

(4) Schedule all applications before the technical review committee and/or the planning board.

(5) Chair the technical review committee.

(6) Ensure that proper notice is given prior to all hearings and prior to all hearings on development applications.

(7) Ensure that all time limits prescribed by this chapter are met.

(8) Monitor the progress of all development applications through the review process and be available to respond to the queries of interested persons.

(9) Interpretation of this chapter.

(10) Prepare forms and guidelines which implement this chapter.

(11) Perform other duties as prescribed or implied by this chapter.

(LDC § 11.01.02)

Cross reference(s)—Officers and employees, § 2-61 et seq.

Sec. 42-48. Technical review committee.

(a) There is established a technical review committee (TRC).

(b) The voting membership of the technical review committee shall be composed of an employee appointed from each of the following departments and entities:

(1) Planning department.

(2) Building department.

(3) Public works department/road department.

(4) County engineer.

(5) County coordinator.

(c) Employees from other departments and entities may be included in the technical review committee meetings at the discretion of the planning director.

(d) The technical review committee shall be chaired by the planning director and meet at least monthly to review development proposals as prescribed in this chapter. The planning director may call additional meetings and may refer matters to the technical review committee for review and comment. The recommendation of the technical review committee shall be forwarded to the planning board for their consideration. Development applicants will be given an opportunity to participate in the review process of their proposed developments.

(LDC §§ 11.02.01—11.02.03)

Cross reference(s)—Boards, commissions and authorities, § 2-126 et seq.

Sec. 42-49. Board of adjustments and appeals.

(a) There is established a board to be called the county board of adjustments and appeals, hereinafter referred to as "board," which shall consist of seven members. The board shall be appointed by the board of county commissioners.

(b) The board of adjustments and appeals shall consist of seven members. Such board shall be composed of one member from the plumbing industry, one member from the electrical industry, one member from the mechanical industry, one building contractor and three members at large from the public. Nothing shall prohibit the board of county commissioners from appointing members of any other county designated board from serving as members of the board of adjustments and appeals.

(c) Members of the board of adjustments and appeals shall be appointed for terms of two years. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Continued absence of any member from regular meetings of the board shall, at the discretion of the board of county commissioners, render any such member liable to immediate removal from office.

(d) Four members of the board of adjustments and appeals shall constitute a quorum. In varying the application of any provisions of this section or in modifying an order of the county building official, affirmative votes of the majority present, but not less than three affirmative votes, shall be required. A board member shall not act in a case in which he has a personal interest.

(e) The county building official shall act as secretary of the board of adjustments and appeals and shall make a detailed record of all its proceedings, which shall set forth the reasons for its decisions, the vote of each member, the absence of a member and any failure of a member to vote.

(f) The board of adjustments and appeals shall establish rules and regulations for its own procedure not inconsistent with the provisions of this section. The board shall meet at regular intervals, to be determined by the chairman. In any event, the board shall meet within ten days after a notice of appeal has been received. Every decision shall be promptly filed, in writing, in the office of the county building official, and shall be open to public inspection, a certified copy shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the county building official for two weeks after filing.

(g) Whenever the county building official shall reject or refuse to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building or structure, or when it is claimed that the provisions of any electrical, mechanical, plumbing, gas, building or fire safety codes adopted by the county do not apply or that any equally good or more desirable form of installation can be employed in any specific case, or when it is claimed that the true intent and meaning of those codes or any of the regulations set forth in such codes have been misconstrued or incorrectly interpreted, the owner of such building or structure or his duly authorized agent may appeal from the decision of the county building official to the board of adjustments and appeals. Notice of appeal shall be in writing and filed within 90 days after the decision is rendered by the county building official. Appeals shall be on forms provided by the county building official.

(h) In the case of a building or structure which, in the opinion of the county building official, is unsafe or dangerous, the county building official may, in his order, limit the time for such appeal to a shorter period of time.

(i) The board of adjustments and appeals, when so appealed to and after a hearing, may vary the application of any provision of those codes to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of the codes or public interest, or when, in its opinion the interpretation of the county building official should be modified or reversed.

(j) The board of adjustments and appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for this decision. If a decision of the board reverses or modifies a refusal, order or disallowance of the county building official, or varies the application of any provision of these codes, the county building official shall immediately take action in accordance with such decision.

(k) Every decision of the board of adjustments and appeals shall be final, subject, however, to such remedy as any aggrieved party might have at law or in equity.

(Ord. No. 90-1, §§ 1—8, 1-2-1990)

Cross reference(s)—Boards, commissions and authorities, § 2-126 et seq.

Sec. 42-50. Vested rights.

(a) *Established.*

(1) *Generally.* There shall be two types of vested rights under the county comprehensive plan. Both types shall entitle the holder of such vested rights to develop the property that is the subject of such vested rights as was allowed pursuant to the laws and regulations in existence on June 29, 1990, and those provisions of the county comprehensive plan that merely restate such law and regulation, including both compliance with the county comprehensive plan and satisfaction of concurrency requirements.

(2) *Types.* The two types of vested rights are:

a. Those vested rights acquired pursuant to policies 1.8.1 and 1.8.2 of the county comprehensive plan.

1. Vacant or unimproved lots or parcels which are nonconforming as to size for residential use for single-family, duplex or triplex units only, and which can individually be identified and described from documents recorded in the public records of the county on June 29, 1990, the date of adoption of the comprehensive plan, shall continue to be eligible for the issuance of residential building permits, subject to all other provisions of the comprehensive plan, including setbacks and concurrency.

2. Nonconforming residential lots or parcels may continue in residential use until their separate identity is lost or there is a change in use.

b. Those vested rights acquired pursuant to a special use permit as defined in subsection (b) of this section.

(3) *Conditions.* All vested rights permits shall be subject to the provisions of this chapter.

(b) *Special use permit.*

(1) *Issuance.* A vested rights special use permit may be issued by the county administrator/coordinator or his designee with the concurrence of the planning director, if the applicant meets the following criteria:

a. Presentation of a sufficient showing that the applicant has been issued a final development order and development has commenced and is continuing in good faith; or

b. A satisfactory showing that the property owner has relied, to his detriment, by making a material change in his position in good faith on a commitment by or omission of the county.

(2) *Relevant factors.* In making such determination, all relevant factors shall be considered, including, but not limited to, the following:

a. Whether construction has commenced;

b. Whether the planned development is part of a phased development a portion of which has been commenced with the reasonable expectation that the proposed development would be included in the overall development;

c. Whether the expense or obligation incurred is unique to the development;

d. Whether the development satisfied all prior regulations.

(3) *Factors not considered development expenditures or obligations.* The following are not considered to be development expenditures or obligations in and of themselves:

a. Expenditures for legal or other professional services that are not related to the design or construction of improvements;

b. Payment of taxes;

c. Expenditures for initial acquisition of land.

(4) *Time limits.* On or before December 1, 1993, an application for a vested rights special use permit may be submitted to the planning director on such forms as may be provided from time to time. The vested rights special use permit will be granted or denied within 90 days of the filing of the application.

(c) *Limitations.* Vested rights special use permits shall be issued with the following limitations:

(1) Upon the expiration of five years from the date of issuance of a vested rights special use permit, the development subject to such permit shall no longer be vested as to satisfying any concurrency requirements of the comprehensive plan and shall be subject to the requirements for the determination of capacity of public facilities and the availability of such public facilities as required by the comprehensive plan. Vested rights granted pursuant to this section may be extended by the board of county commissioners upon finding that such extension is reasonable and necessary in light of the development approved; and

(2) All development subject to a vested rights special use permit must be consistent with the terms of the development approvals upon which such permit was based. Any substantial deviation from a prior development approval shall be subject to the comprehensive plan.

(d) *Substantial deviations.* The planning director shall determine whether a proposed change in a development subject to a vested rights special use permit is a substantial deviation. The following shall be considered substantial deviations:

(1) An increase in the intensity of use of more than five percent of the usable floor area of a nonresidential development;

(2) Any change in use from a specifically approved use;

(3) Any increase in traffic generated by the proposed development of more than ten percent;

(4) A decrease of more than ten percent in the area set aside in the proposed development for open space;

(5) Any change in height of more than 15 feet of any structure included within the proposed development; or

(6) A combination of increases in a multiuse development where the sum of the increases of each land use as a percentage of the applicable substantial deviation criteria is equal to or exceeds 100 percent.

(e) *Legal status.* Vested rights established pursuant to this section shall apply to the land and therefore may be transferred from owner to owner. Subject to the limitations set forth in this section, a vested right vests the development with respect to the comprehensive plan, this chapter and the requirements for the determination for the capacity and availability of public facilities.

(LDC §§ 12.08.01—12.08.05)

Sec. 42-51. Existing nonconforming development.

(a) *Continuation.* A nonconforming development is a development that does not conform to the use regulations in article V of this chapter and/or the development design and improvement standards in article VIII of this chapter and/or accessory structures and uses as set forth in section 42-407. Subject to the provisions in subsection (b) of this section for terminating a nonconforming development, such development may, if otherwise lawful and in existence on the date of enactment of this chapter, remain in use in its nonconforming state. Existing nonconforming lots of record, as of the adoption date of this chapter, may be issued a building permit subject to conforming with all other requirements of this chapter.

(b) *Termination.*

(1) *Generally.* Nonconforming developments must be brought into full compliance with the use regulations in article V of this chapter, and the development design and improvement standards in articles VIII and IX of this chapter, in conjunction with the following activities:

a. The gross floor area of the development is expanded by more than 50 percent or more than 4,000 square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing with the effective date of this chapter, shall be combined in determining whether this threshold has been reached.

b. Notwithstanding anything to the contrary contained in this chapter, in any case or situation where a structure or use, or an accessory use, as of the effective date of this chapter, violates any dimensional or use requirement prescribed in this chapter, if such structure or accessory structure is damaged or destroyed by fire or other casualty, such damaged or destroyed structure or use, or accessory structure, may be restored within the dimensional area now occupied by it, provided such restoration or reconstruction shall be initiated within one year of the date of damage or destruction.

(2) *Special provisions for specific nonconformities.*

a. *Nonconformity with the stormwater management requirements of this chapter.* In addition to the activities listed in subsection (c)(1) of this section, an existing development that does not comply with the stormwater management requirements of this chapter must be brought into full compliance when the use of the development is intensified, resulting in an increase in stormwater runoff or added concentration of pollution in the runoff.

b. *Nonconformity with the parking and loading requirements of this chapter.* In addition to the activities listed in subsection (c)(1) of this section, full compliance with the requirements of this chapter shall be required where the seating capacity or other factor controlling the number of parking or loading spaces required by this chapter is increased by ten percent or more.

c. *Nonconforming signs.*

1. *Defined.* Any sign within the county on the effective date of this chapter, which does not conform to the requirements of this chapter, except that signs that are within ten percent of the height and size limitations of the requirements of this chapter, and that in all other respects conform to the requirements of this chapter, shall be deemed to be in conformity with this chapter.

2. *Amortization.* All nonconforming signs shall be removed or altered to be conforming within five years of the effective date of this chapter, unless an earlier removal is required by subsection (b)(1) of this section or subsection (b)(2)c.3 of this section.

3. *Continuation of nonconforming signs.* Subject to the restrictions in subsections (c)(1) and (c)(2) of this section, a nonconforming sign may be continued and shall be maintained in good condition as required by this chapter, but it shall not be:

    i. Structurally changed to another nonconforming sign.

    ii. Structurally altered to prolong the life of the sign, except to meet safety requirements.

    iii. Altered in any manner that increases the degree of nonconformity.

    iv. Expanded.

    v. Reestablished after damage or destruction if the estimated cost of reconstruction exceeds 50 percent of the appraised replacement cost as determined by the county building official.

    vi. Continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit.

    vii. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds 50 percent of the assessed value of the structure.

    viii. Continued in use after the structure housing the occupancy has been vacant for six months or longer.

(c) *Additions.* Additions, improvements or accessory structures proposed on parcels or structures that are nonconforming to the dimensional regulations and design standards in articles V, VIII and IX of this chapter may be approved by the building official provided that the following requirements are met:

(1) The requested addition or improvement does not create any hardship for abutting property owners and is in harmony with the intent of this chapter.

(2) The proposed addition or improvement will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.

(3) The proposed addition or improvement does not violate any regulations or design standards in this chapter.

(4) The proposed addition or improvement does not increase the amount of nonconformity.

(LDC §§ 7.01.01—7.01.03)

Sec. 42-52. Variances.

(a) *Generally.*

(1) Where there are practical difficulties or unnecessary hardships incurred in the literal enforcement of the provisions of this chapter, the county planning board shall have the power, in specific and appropriate cases, and after due notice and a public hearing, to grant, upon petition, such variance from or exception to the terms of this chapter as may not be contrary to the public interest and in order that substantial justice may be done, except, the county planning board shall not grant variances from land use classification provisions in article V of this chapter and consistency/concurrency provisions in article III of this chapter.

(2) At least ten days prior to such hearing, notice of the time and place of such public hearing shall be given in a newspaper of general circulation within the county, by posting such notice at the county

courthouse, and by verified notification to owners and adjacent and opposite lots extending laterally a distance of 500 feet on each side of the property for which such variance petition is being made. For multiple-owned structures (condominiums, cooperative ownership, etc.) the mailing shall be to the property owner's association only.

(3) A person desiring to undertake a development activity not in conformance with this chapter may apply for a variance in conjunction with the application for development review as specified in section 42-53(b). A development activity that might otherwise be approved by the planning director must be approved by the county planning board if a variance is sought. The variance shall be granted or denied in conjunction with the application for development review.

(b) *Limitations on granting variances.*

(1) Before granting any variance, the county planning board shall determine that:

a. Special conditions and circumstances exist which are peculiar to the land, structure or building involved.

b. The special conditions and circumstances do not result from actions of the applicant.

c. Literal interpretation of the provisions of this chapter could work unnecessary and undue hardship on the applicant.

d. The variance, if granted, is the minimum variance that will make possible the reasonable use of the land, structure or building.

e. A grant of variance will be in harmony with the general intent and purpose of this chapter, and that such variance will not be injurious to the land use district involved or otherwise detrimental to the public interest.

f. In granting a variance, the county planning board may prescribe any terms, conditions and safeguards which it may, in its judgment, deem fitting and proper to preserve the safety, health and welfare of the county.

g. Neither nonconforming use of neighboring properties, structures or buildings, nor permitted use of properties, structures or buildings in other land use districts shall be considered a substantive basis for granting a variance, nor will financial hardship or gain be a justification for granting a variance.

(2) In granting a development approval involving a variance, the county planning board may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the factors set forth in subsection (b)(1) of this section, or to minimize the injurious effect of the variance.

(3) If the granting of any variance pursuant to this section is for the purpose of allowing additional new improvements to be constructed, then such variance, if granted, shall automatically expire 12 months after such variance is approved by the county planning board, unless a building permit is procured from the county with respect to the improvements contemplated by the application for variance within such 12-month period, and unless the construction of such improvement is promptly commenced pursuant to the building permit and diligently pursued to completion thereafter. Upon application pursuant to section 42-52(b), the county planning board may extend the expiration for up to one year.

(c) *Special provisions.*

(1) In addition to the findings required in subsection (b) of this section, the county flood appeals board (FAB), shall find that the requested variance will not result in an increase in the elevation of the base flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public or conflicts with other local ordinances.

(2) Before granting a variance, the flood appeals board shall consider:

a. The danger that materials may be swept from the site onto other lands.

b. The danger to life and property from flooding or erosion.

c. The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.

d. The importance of the services provided by the proposed facility to the county, and whether it is a functionally dependent facility.

e. The availability of alternative locations not subject to flooding or erosion for the proposed use.

f. The compatibility of the proposed use with existing and anticipated neighboring developments.

g. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.

h. Safe vehicular access to the property in times of flood.

i. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and effects of wave action, if applicable, at the site.

j. The costs of providing governmental services during and after floods, including maintenance and repair of public utilities and facilities.

(3) Variances that would increase flood levels during the base flood shall not be issued within any regulatory floodway.

(4) No variance that would increase flood damage on property outside any regulatory floodway shall be granted unless flowage easements have been obtained from the owners of all affected properties. In no event shall a variance be granted that would increase the elevation of the base flood more than one foot.

(5) All variances to the flood damage prevention regulations shall:

a. Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.

b. State that the variance will result in increased premium rates for flood insurance up to amounts as high as $25.00 for $100.00 of insurance coverage.

c. State that construction below the flood protection level increases risks to life and property.

(6) The secretary of the flood appeals board shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The Federal Emergency Management Agency shall report all variances in the annual report to the Federal Insurance Administrator.

(7) Notwithstanding the requirements of this section, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district listed on the National Register of Historic Places, the local register of historic places or the state inventory of historic places. The special variances shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation or restoration will cause the structure to lose its historical designation.

(LDC §§ 7.02.01—7.02.03)

Sec. 42-53. Chapter amendments.

(a) *State law controlling.* The procedures in this section shall be followed in amending this chapter. This section supplements the mandatory requirements of state law, which must be adhered to in all respects.

(b) *Application.* Any person, board or agency may apply to the planning department to amend this chapter in compliance with procedures, not inconsistent with state law, prescribed by the planning department. The application shall include the following:

(1) The applicant's name and address;

(2) The precise wording of any proposed amendments to the text of this chapter;

(3) A statement describing any changed conditions that would justify an amendment;

(4) A statement describing why there is a need for the proposed amendment;

(5) A statement describing whether and how the proposed amendment is consistent with the county comprehensive plan;

(6) A statement outlining the extent to which the proposed amendment:

a. Is compatible with existing land uses;

b. Affects the capacities of public facilities and services;

c. Affects the natural environment;

d. Will result in an orderly and logical development pattern.

(7) Such other information or documentation as the planning director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

(c) *Standards for review.* In reviewing the application of a proposed amendment to the text of this chapter, the board of county commissioners and the planning board shall consider:

(1) Whether the proposed amendment is in conflict with any applicable provisions of this chapter;

(2) Whether the proposed amendment is consistent with all elements of the county comprehensive plan;

(3) Whether or the extent to which the proposed amendment is inconsistent with existing and proposed land uses;

(4) Whether there have been changed conditions that require an amendment;

(5) Whether or the extent to which the proposed amendment would result in demands on public facilities, and whether or the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;

(6) Whether or the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;

(7) Whether or the extent to which the proposed amendment would adversely affect the property values in the area;

(8) Whether or the extent to which the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;

(9) Whether the proposed amendment would be in conflict with the public interest, and in harmony with the purpose and interest of this chapter; and

(10) Any other matters that may be deemed appropriate by the planning board or the board of county commissioners, in review and consideration of the proposed amendment.

(d) *Review by the planning department.*

(1) *Submission and completeness.* Within 30 days after an application for an amendment to the text of this chapter or an application for an amendment to the county comprehensive plan is submitted, the planning director shall determine whether the application is complete. If the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by certified mail, return receipt requested. The planning director shall take no further action on the application unless the deficiencies are remedied.

(2) *Review.* When the planning director determines an application for an amendment to this chapter is complete, he shall notify the planning board, review the application and make a recommendation to the planning board.

(e) *Action by planning board.*

(1) *Public hearing.* Upon notification of the completed application for an amendment to the text of this chapter, the planning board shall place it on the agenda of a regular or special meeting for a public hearing in accordance with the requirements of section 42-153. The public hearing held on the application shall be in accordance with section 42-154. In recommending the application to the board of county commissioners, the planning board shall consider the standards set forth in subsection (c) of this section.

(2) *Action by planning board.* Within 45 days of the conclusion of the public hearing, the planning board shall make a recommendation to grant or deny the application for amendment to the board of county commissioners. Such recommendation shall:

a. Identify any provisions of this chapter, the comprehensive plan or other law relating to the proposed change and describe how the proposal relates to it.

b. State factual and policy considerations pertaining to such recommendations.

c. In the case of proposed amendments to this chapter, include the written comments, if any, received from the planning director.

(f) *Action by board of county commissioners.*

(1) Upon receipt of the recommendation of the planning board, the board of county commissioners shall place the application on the agenda of a regular meeting of the board of county commissioners for a public hearing in accordance with the requirements of section 42-154.

(2) In making a decision on the application, the board of county commissioners shall consider the recommendation of the planning board and the standards set forth in subsection (c) of this section.

(3) Within a reasonable time of the conclusion of the public hearings, the board of county commissioners shall either grant or deny the application for a proposed amendment.

(4) Notification of the board of county commissioners' decision shall be mailed to all parties, and the decision shall be filed in the planning department in accordance with section 42-154(f).

(g) *Time limitation.*

(1) After a decision or recommendation denying a proposed amendment to the text of this chapter the board of county commissioners and the planning board shall not consider an application for the same amendment for a period of two years from the date of the action.

(2) The time limits set forth in subsection (g)(1) of this section may be waived by the affirmative vote of four members of the board of county commissioners when such action is deemed necessary to prevent injustice or facilitate the proper development of the county.

(LDC §§ 12.10.01—12.10.07)

State law reference(s)—Ordinance adoption procedures, F.S. § 125.66 et seq.; adoption of zoning ordinances, F.S. § 125.66(4); adoption of land development regulations, F.S. § 163.3194(2); administrative review of land development by regulations, F.S. § 162.3213.

Sec. 42-54. Comprehensive plan amendments.

(a) *State law controlling.* Procedures in this section shall be followed in amending the comprehensive plan. This section supplements the mandatory requirements of state law, which must be adhered to in all respects.

(b) *Application.*

(1) *Generally.* Any person, board or agency may apply to the planning department to amend the comprehensive plan in compliance with procedures, not inconsistent with state law, prescribed by the planning department.

(c) *Submittals.* The application shall include the following:

(1) The applicant's name and address;

(2) A statement describing any changed conditions that would justify an amendment;

(3) A statement describing why there is a need for the proposed amendment;

(4) A statement describing whether and how the proposed amendment is consistent with the county comprehensive plan;

(5) A statement outlining the extent to which the proposed amendment:

a. Is compatible with existing land uses;

b. Effects the capacities of public facilities and services;

c. Effects the natural environment;

d. Will result in an orderly and logical development pattern.

(6) If the application requests an amendment to the future land use map, the applicant shall include the:

a. Street address and legal description of the property proposed to be reclassified;

b. Applicant's interest in the subject property;

c. Owner's name and address, if different than the applicant;

d. Current land use district classification and existing land use activities of the property proposed to be reclassified;

e. The area of the property proposed to be reclassified stated in square feet or acres.

(7) For plan amendments involving those areas designated agricultural/rural residential, mixed use rural residential and mixed use urban development on the future land use map, the applicant shall provide an inventory of all wetlands and other environmentally sensitive lands, as well as documentation that the proposed use will not negatively impact environmentally sensitive lands.

(8) Such other information or documentation as the planning director may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

(d) *Standards for review.* In reviewing the application of a proposed amendment to the county comprehensive plan, the board of county commissioners and the planning board shall consider:

(1) Whether the proposed amendment is in conflict with any applicable provisions of this chapter;

(2) Whether the proposed amendment is consistent with all elements of the county comprehensive plan;

(3) Whether or the extent to which the proposed amendment is inconsistent with existing and proposed land uses;

(4) Whether there have been changed conditions that require an amendment;

(5) Whether or the extent to which the proposed amendment would result in demands on public facilities, and whether or the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;

(6) Whether or the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;

(7) Whether or the extent to which the proposed amendment would adversely affect the property values in the area;

(8) Whether or the extent to which the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;

(9) Whether the proposed amendment would be in conflict with the public interest, and in harmony with the purpose and interest of this chapter; and

(10) Any other matters that may be deemed appropriate by the planning board or the board of county commissioners, in review and consideration of the proposed amendment.

(e) *Review by the planning department.*

(1) *Submission and completeness.* Within 30 days after an application for an amendment to the county comprehensive plan is submitted, the planning director shall determine whether the application is complete. If the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by certified mail, return receipt requested. The planning director shall take no further action on the application unless the deficiencies are remedied.

(2) *Review.* When the planning director determines an application for an amendment to the county comprehensive plan is complete, and, as determined by the planning director, should a proposed amendment impact adjacent local governments, the county school board and other units of government which provide services, but do not have regulatory authority over the use of land, such agencies shall be notified that the application has been filed and found complete. In addition, the planning director shall notify the planning board, review the application and make a recommendation to the planning board.

(f) *Action by planning board.*

(1) *Public hearing.* Upon notification of the completed application for an amendment to the county comprehensive plan, the planning board shall place it on the agenda of a regular or special meeting for a public hearing in accordance with the requirements of section 42-153. The public hearing held on the application shall be in accordance with section 42-154. In recommending the application to the board of county commissioners, the planning board shall consider the standards set forth in subsection (d) of this section.

(2) *Action by planning board.* Within 45 days of the conclusion of the public hearing, the planning board shall make a recommendation to grant or deny the application for amendment to the board of county commissioners. Such recommendation shall:

a. Identify any provisions of this chapter, the comprehensive plan or other law relating to the proposed change and describe how the proposal relates to it.

b. State factual and policy considerations pertaining to such recommendation.

(g) *Action by board of county commissioners.*

(1) Upon receipt of the recommendation of the planning board, the board of county commissioners shall place the application on the agenda of a regular meeting of the board of county commissioners for a public hearing in accordance with the requirements of section 42-154.

(2) In making a decision on the application, the board of county commissioners shall consider the recommendation of the planning board and the standards set forth in subsection (d) of this section.

(3) Within a reasonable time of the conclusion of the public hearing, the board of county commissioners shall either grant or deny the application for a proposed amendment.

(4) Notification of the board of county commissioners' decision shall be mailed to all parties, and the decision shall be filed in the planning department in accordance with section 42-154(f).

(h) *Time limitation.*

(1) After a decision or recommendation denying a proposed amendment to the county comprehensive plan, the board of county commissioners and the planning board shall not consider an application for the same amendment for a period of two years from the date of the action.

(2) The time limits of this subsection may be waived by the affirmative vote of four members of the board of county commissioners when such action is deemed necessary to prevent injustice or facilitate the proper development of the county.

(LDC §§ 12.09.01—12.09.07)

State law reference(s)—Comprehensive plan amendment, F.S. § 163.3189.

Sec. 42-55. Appeals.

(a) *Appeals from decisions of the planning department, the county engineer, the county road department and the building department.* A developer or any adversely affected person may appeal an order, decision, determination or interpretation of the comprehensive plan by the planning department subject to an appeal, specifying the grounds for the appeal. Appeals shall be made to the planning board by filing a notice of appeal with the planning department within 30 days of the decision. Other appeals, including to an order, decision, determination or interpretation of this chapter by the planning department, the county engineer, the county road department or the building department shall be made to the planning board in the same manner.

(b) *Appeals from decisions of the planning board.* A developer, an adversely affected party or any person who appeared orally or in writing before the planning board and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision of the planning board to the board of county commissioners.

(c) *Record.* The record to be considered on appeal shall be all written materials considered during the initial decision, any additional written material submitted by the appellant to the county and any testimony considered on the hearing of the appeal.

(d) *Effect of filing an appeal.* The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the planning director, county engineer, county road director or building official, as appropriate, certifies to the planning board that, by reason of certain facts, a stay would pose an imminent peril to life or property; in such case the appeal will not stay further proceedings except by a restraining order.

(e) *Procedure.*

(1) The appellate board (planning board or board of county commissioners, as appropriate) shall hold a hearing on the appeal within a reasonable time after a notice of appeal is filed. The appellant shall be notified by the planning director, county engineer, county road director or building official, as appropriate, of the time, date and place of the public hearing by certified mail, return receipt requested. The appellate board shall reverse the order, decision, determination or interpretation only if there is substantial competent evidence in the record that an error was made in the decision being appealed from that fails to comply with the requirements of this chapter. In modifying such decision, the appellate board shall be deemed to have all powers of the officer or board from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.

(2) The decision of the appellate board shall be mailed to all parties by the planning director.

(f) *Appeals to circuit court.* Any person, firm, organization or agency claiming to be injured or aggrieved by any final action of the planning director, code enforcement board, planning board or board of county commissioners arising from the decision-making or administration of this chapter may present to the circuit court of the county a petition for a writ of certiorari to review such final action as provided by the state appellate rules. Such action shall not be taken until the litigant has exhausted all of the remedies available in this chapter. Such petition shall be presented to the court within 30 days after the date the litigant has exhausted all such chapter remedies.

(LDC §§ 12.11.01—12.11.06)

Sec. 42-56. Fees—Generally.

A schedule of fees may be established by resolution of the board of county commissioners in order to cover the costs of technical and administrative activities required pursuant to this chapter. Unless specifically exempted by the provisions of this chapter, an applicant for any development that is subject to the rules and regulations set out in this chapter shall bear the costs stipulated within such fee schedule.

(LDC § 12.12.00)

Sec. 42-57. Building permit fees.

(a) The building permit fees are as follows:

(1) S.F.R. heated$ 0.12

(2) S.F.R. unheated0.09

(3) Mobile home SW150.00

(4) Mobile home DW200.00

(5) Detached < 40030.00

(6) Detached > 39950.00

(7) Trades40.00

(8) RV electric125.00

(9) Remodel0.10

(10) Move/raise house100.00

(11) Pool50.00

(12) Reroof50.00

(Plus a notarized statement for planned disposal of old shingles.)

(b) The board at its discretion may raise or lower these fees by resolution.

(Ord. No. 2003-8, §§ 1, 2, 9-16-2003)

Sec. 42-58. Planning fees.

(a) The planning fees are as follows:

(1) Small scale amendment$2,000.00

(2) Large scale amendment2,500.00

(3) Variance150.00

(4) LDR amendment500.00

(5) Comp plan amendment1,000.00

(6) Major subdivision750.00

(7) Minor subdivision500.00

(8) Major residential development150.00

(9) Minor residential development150.00

(10) High intensity commercial150.00

(11) Small scale industrial150.00

(12) Neighborhood commercial150.00

(13) Institutional150.00

(14) General commercial150.00

(15) Public service150.00

(16) Industrial150.00

(17) Outdoor recreational150.00

(18) Professional service150.00

(b) The board at its discretion may raise or lower these fees by resolution.

(Ord. No. 2003-9, §§ 1, 2, 9-16-2003)

Secs. 42-59—42-80. Reserved.

DIVISION 2. PLANNING BOARD[3]

Sec. 42-81. Establishment.

The county planning board is established and designated as the local planning agency in accordance with the Local Government Comprehensive Planning and Land Development Regulation Act (F.S. § 163.3161 et seq.).

(LDC § 11.03.01)

Sec. 42-82. Membership; compensation; terms of office; removal from office; vacancy.

(a) The planning board shall consist of five members, which shall be appointed by the board of county commissioners at large. No member of the planning board shall be paid or be an elected official or employee of the county.

(b) The term of office for members of the planning board shall be for three years, all appointments shall be staggered as the existing terms expire.

(c) Members of the planning board may be removed for cause by the board of county commissioners after filing or written charges, and a public hearing and a majority vote of county commissioners. Vacancies in the planning board membership shall be filed by the board of county commissioners for the unexpired term of the member affected. It shall be the duty of the chairperson of the planning board to notify the board of county commissioners within ten days after any vacancy shall occur among members of the planning board. A member whose term expires may continue to serve until a successor is appointed and qualified.

(LDC §§ 11.03.02, 11.03.03; Ord. No. 2023-04, §§ 1—3, 5-1-2023)

Sec. 42-83. Organization.

(a) The planning board shall elect from within the planning board a chairman, who shall be the presiding member, and a vice-chairman, who shall preside in the chairman's absence or disqualification. The county administrator/coordinator or his designee shall serve as secretary to the planning board.

(b) The planning board shall establish rules and regulations approved by the board of county commissioners for its own operation, not inconsistent with the provisions of applicable state statutes. Such rules of procedure shall be available in a written form to persons appearing before the planning board and to the public.

(c) The planning board shall meet at regular intervals at the call of the chairman, at the written request of four or more regular members or within 30 days after receipt of a matter to be acted upon by the planning board, provided that the planning board shall hold at least one regularly scheduled meeting each month, on a day to be scheduled by the planning board. All meetings of the planning board and its subcommittees shall be open to the public. A record of all its motions, recommendations, transactions, findings and determinations shall be made, which record shall be of public record, on file.

[3]Cross reference(s)—Boards, commissions and authorities, § 2-126 et seq.

(d) If any member of the planning board shall find that his private or personal interests are involved in a matter coming before the planning board, he shall disqualify himself from all participation in that case. No member of the planning board shall appear before the planning board as agent or attorney for any person.

(e) The planning board shall create whatever subcommittees it deems necessary to carry out the purposes of the planning board. The chairman of the planning board shall appoint the membership of each subcommittee from the members of the planning board.

(f) The board of county commissioners shall make available to the planning board appropriations necessary in the conduct of planning board work and shall also establish a schedule of fees to be charged by the planning board.

(g) Four members of the planning board shall constitute a quorum.

(h) The concurring vote of a majority of the members of the planning board who are present and voting shall be necessary to pass any motion which is considered by the planning board.

(LDC § 11.03.04)

Sec. 42-84. Legal counsel.

The board of county commissioners may provide legal counsel to the county planning board when merited and upon request by the planning board.

(LDC § 11.03.06)

Sec. 42-85. General functions, powers and duties.

(a) The functions, powers and duties of the planning board, in general, shall be to:

(1) Acquire and maintain such information and materials as are necessary to an understanding of past trends, present conditions and forces at work to cause changes in these conditions. Such information and materials may include maps and photographs of manmade and natural physical features of the areas subject to the comprehensive plan, statistics on past trends and present conditions with respect to population, property values, economic base, land use and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the areas subject to the comprehensive plan.

(2) Prepare, update and recommend to the board of county commissioners and from time to time amend the comprehensive plan for meeting present requirements and such future requirements as may be foreseen.

(3) Recommend principles and policies for guiding action affecting development in the unincorporated areas of the county.

(4) Prepare and recommend to the board of county commissioners proposed land development regulations, land development codes, ordinances, regulations and other proposals promoting orderly development along the lines indicated as desirable by the comprehensive plan.

(5) Determine whether specific proposed developments conform to the principles and requirements of the comprehensive plan. The planning board shall review and make recommendations to the board of county commissioners on applications for major development review pursuant to this chapter.

(6) Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan and ordinances, codes and regulations

related to it and to establish public committees when deemed necessary for the purpose of collecting and compiling information necessary for the plan, or for the purpose of promoting the accomplishment of the plan in whole or in part.

(7) Make or cause to be made any necessary special studies on the location, adequacy and conditions of specific facilities which are subject to the comprehensive plan. These may include, but are not limited to, studies on housing, commercial and industrial conditions and facilities, recreation, public and private utilities, roads and traffic, transportation, parking, etc.

(8) Keep the board of county commissioners informed and advised on these matters.

(9) Perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation of implementation of the comprehensive plan.

(b) All employees of the county shall, upon request and within reasonable time, furnish to the planning board or its agents such available records or information as may be required in its work. The planning board or its agents may, in the performance of official duties, enter upon lands and make examinations of surveys in such manner as other authorized agents or employees of the county and shall have such other powers as are required for the performance of official functions in carrying out the purposes of the planning board.

(c) All official actions in regard to the recommendations made by the planning board shall be presented to the board of county commissioners who shall be responsible for the final decisions relating to the recommendations of the planning board.

(LDC § 11.03.05)

Secs. 42-86—42-105. Reserved.

DIVISION 3. DEVELOPMENT ORDERS, PERMITS AND PLANS

Subdivision I. In General

Sec. 42-106. Withdrawal of application.

An application for development review may be withdrawn at any time.

(LDC § 12.00.02)

Sec. 42-107. Major and minor deviations.

(a) In this section:

(1) A minor deviation is a deviation from a final development plan that falls within the following limits, and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

a. Alteration of the location of any road, walkway, landscaping or structure by not more than five feet.

b. Reduction of the total amount of open space by not more than five percent, or a reduction of the yard area or open space associated with any single structure by not more than five percent,

provided that such reduction does not permit the required yard area or open space to be less than that required by this chapter.

(2) A major deviation is a deviation other than a minor deviation from the final development plan.

(b) The planning department shall utilize code enforcement officers for periodic inspection of development work in progress to ensure compliance with the development permit which authorized such activity.

(c) If the work is found to have one or more minor deviations, the planning department shall amend the development order to conform to actual development. The planning department may, however, refer any minor deviation that significantly affects the development's compliance with the purposes of this chapter to the planning board for treatment as a major deviation.

(d) If the work is found to have one or more major deviations, the planning department shall:

(1) Place the matter on the next agenda of the planning board allowing for adequate notice, and recommend appropriate action for the planning board to take.

(2) Issue a stop work order or other legal action available to remedy the deviation and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the planning department determines that work or occupancy may proceed pursuant to the decision of the planning board.

(e) The planning board shall hold a public hearing on a major deviation and shall take one of the following actions:

(1) Order the developer to bring the development into substantial compliance (i.e., having no deviations or only minor deviations) within a reasonable period of time specified by the planning board. The development order or permit may be revoked if such order is not complied with.

(2) Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty, and shall be consistent with the intent and purpose of the development approval given and the requirements of this chapter.

(3) Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

(f) After a development order or permit has been revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

(LDC §§ 12.13.01, 12.13.02)

Sec. 42-108. Application for certificate of occupancy.

Upon completion of work authorized by a development order or permit, and before the development is occupied, the developer shall apply to the building department for a certificate of occupancy. The building department shall inspect the work and issue the certificate of occupancy if the development is found to be in conformity with the permit or order.

(LDC § 12.13.03)

Secs. 42-109—42-125. Reserved.

Subdivision II. Subdivisions, Plats and Abandonment of Roads[4]

Sec. 42-126. Requirements for subdivisions.

(a) *Generally.* Where proposed minor or major development includes the subdivision of land, the final approval of the development plan by the planning board shall constitute preliminary plat approval and must conform to the development plan provisions of this division.

(b) *Final plat approval.*

(1) *Construction plans submittal.* Prior to submittal of the final subdivision plat for approval, the developer shall submit the construction plans for all subdivision improvements. Such plans shall be prepared and signed by a licensed professional engineer registered in the state. The developer shall submit two sets of prints of the completed construction plans to the planning department. The final plat of the proposed subdivision shall conform substantially to the approved preliminary plat. If so desired by the developer, the plat may contain only that portion of the preliminary plat which is proposed to be developed and recorded. In such case, that portion shall conform to the requirements of this section.

(2) *Maintenance.* The developer shall be held responsible for the maintenance of all roads within the project during construction and until such time as the roads are accepted in dedication by the board of county commissioners in accordance with section 42-156(f).

(3) *Action by the board of county commissioners.* The developer shall submit the original of the subdivision plat with two blue or black line copies and a title opinion from an attorney to the office of the planning director at least ten days prior to the meeting of the board of county commissioners at which the plat is to be considered. The county engineer shall, within ten days of receipt, review one copy of the plat for completeness and conformity to this section, to the approved preliminary plat and to any conditions attached thereto. If the plat is found to be in compliance, the county engineer shall sign the original in an appropriate space. Review of the plat by the board of county commissioners shall be strictly limited to whether the plat conforms to the requirements of F.S. ch. 177. If the final plat is in compliance with the approved preliminary plat and meets and fulfills the conditions and requirements set forth in this section, the chairman of the board of county commissioners shall indicate such approval by signing in an appropriate space on the original plat after approval by the board of county commissioners. If the final subdivision plat is disapproved, reasons for such disapproval shall be stated in the record of the board of county commissioners. Such reasons for disapproval shall be given to the developer, in writing, along with the original plat.

(4) *Recording.* When the subdivision plat has all approvals, the county clerk shall return the original plat to the developer for copying. The original plat, one reproducible copy on linen or mylar and two black or blue line copies, one of which shall be printed on cloth, shall then be returned to the county clerk for filing as an official plat of record. A copy shall also be maintained by the planning department. Approval and recording of the final subdivision plat shall not constitute acceptance by the county of any proposed dedication of any street, right-of-way or grounds until inspected by the county engineer and

[4]State law reference(s)—Provisions regulating subdivision of land required, F.S. § 163.3202(2)(a).

approved and certified, in writing, by the board of county commissioners in its records. A copy of such certification shall be sent to the developer.

(5) *Final plat requirements.* The plat shall substantially conform to the layout and design proposed on the preliminary plat.

a. It shall be an original drawing made with black permanent drawing ink or veritype process on a good grade linen tracing cloth or with suitable permanent black drawing ink on a stable base film a minimum of 0.003 inch thick, coated upon completion with a suitable plastic material to prevent flaking and to assure permanent legibility, or a nonadhered scaled print on a stable base film made by photographic processes from a film scribing tested for residual hypo-solution to assure permanency. Marginal lines, standard certificates and approval forms shall be printed on the plat with a permanent black drawing ink.

b. The size of each sheet of a plat for recording shall be 24 inches wide and 36 inches in length. Each sheet shall be drawn or printed with a marginal line completely around each sheet and placed so as to leave at least a three-quarter-inch margin on the left side of the plat for binding purposes. Whenever there is more than one sheet, the total number of sheets included shall be indicated, as well as clearly labeled match lines to show where the other sheets match or adjoin.

c. The scale used shall be of sufficient size to show all detail and shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided. The standard scale shall be one inch to 100 feet, unless approved otherwise by the planning director.

d. The name of the plat shall be shown in bold, legible letters. The name of the subdivision shall be shown on each included sheet.

e. Each sheet shall have a north arrow drawn so as to be prominent on each sheet showing lands subdivided.

f. Each plat shall show a description of the lands subdivided and the description shall be the same in the title certification.

g. Location of all streets with their names, waterways and all other rights-of-way and easements shall be shown and properly labeled.

h. All contiguous properties shall be identified by subdivision title, plat book and page number, or if unplatted, shall be so designated by numbers.

i. All lots shall be designated by progressive numbers within each block. All blocks shall be progressively designated by numbers.

j. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement and all other areas shown on the plat. All dimensions shall be shown to a minimum of hundredths of feet. Bearings of deflection angles, radii, arcs and central angles of all curves shall be given to the nearest minute. All measurements shall refer to horizontal plane and be in accordance with the definition of a foot adopted by the United States Bureau of Standards.

k. Municipal, county or U.S. Government lot lines are to be shown when available.

l. Street centerlines showing angles of deflection, radii, lengths of arcs and degree of curvature with basis of curve data shall be shown. When curve data cannot be shown on the map, it may be given on the plat in tabular form with the curves numbered.

m. All section lines and quarter section lines falling within the map or plat are to be identified with appropriate words and figures. If the description is by metes and bounds, the point of beginning

shall be indicated together with all bearings and distances of the boundary lines. The initial point shall be tied to the nearest government corner or other recorded and well established corner.

n. Title certification on the plat showing that the applicant is the owner, and a statement by such owner in dedication of all rights-of-way, easements and public sites to the purposes for which they are intended, shall be included.

o. Certification of the surveyor shall be included.

p. The statement that "this subdivision is subject to a special taxing district for the maintenance and improvement of public facilities" pursuant to section 42-858.

q. All other requirements of this chapter shall be complied with by the final plat before approval by the board of county commissioners may be given and the plat recorded.

r. The following statement shall appear on the final plat: "Notice—There may be additional restrictions that are not recorded in this plat but may be found in the public records of Taylor County."

s. There shall be a statement on all deeds that "this property is subject to a special municipal service benefit unit for the maintenance of roads within the subdivision."

(LDC §§ 12.03.01, 12.03.02)

Sec. 42-127. Dedication.

Approval of subdivision plans and plats by the planning director or the planning board shall not constitute or effect an acceptance of the dedication of any street or any other ground shown upon the plat. The authority to accept dedications of land for any purpose shall be exercised exclusively by the board of county commissioners.

(LDC § 12.04.01)

Sec. 42-128. Lot splits.

(a) *Review by the planning department.*

(1) *Generally.* The planning department may approve a lot split (a replat of one lot into two lots) that conforms to the requirements of this section. Division of land among family members shall be excluded from the submittal and recordation requirements of this section.

(2) *Submittals.* The planning department shall consider a proposed lot split replat upon the submittal of the following materials:

a. An application form provided by the planning department;

b. Three paper copies of the proposed lot split replat;

c. A statement indicating whether water and/or sanitary sewer service is available to the property; and

d. Land descriptions and acreage or square footage of the original and proposed lots and a scaled drawing showing the intended division shall be prepared by a professional land surveyor registered in the state. If a lot contains any principal or accessory structure, a survey showing the structure on the lot shall accompany the application.

(3) *Review procedure.*

a. The planning department shall transmit a copy of the proposed lot split replat to any other appropriate departments of the county for review and comment.

b. If the proposed lot split replat meets the conditions of this section and otherwise complies with all applicable laws and ordinances, the planning director shall approve the lot split replat by signing the application form.

(4) *Recordation.* Upon approval of the lot split replat, the planning department shall record the replat on the appropriate maps and documents, and shall, at the developer's expense, record the replat in the official records of the county.

(b) *Standards and restrictions.* All lot split replats shall conform to the following:

(1) Each proposed lot must conform to the requirements of this chapter.

(2) Each lot shall abut a public or private street, except as otherwise provided in this chapter, for the required minimum lot dimensions for the land use district where the lots are located.

(3) If any lot abuts a street right-of-way that does not conform to the design specifications provided in, or adopted by reference in this division, the owner may be required to dedicate one-half the required right-of-way width necessary to meet the minimum design standards.

(c) *Restriction.* No further division of an approved lot split replat is permitted under this section, unless a development plan is prepared and submitted in accordance with this division.

(LDC §§ 12.05.01, 12.05.02)

Sec. 42-129. Right-of-way abandonment; plat vacation.

(a) *Authority and applicability.*

(1) Any dedication or conveyance of real property for the purpose of streets, rights-of-way, access, ingress and egress, utilities and drainage which has been made on or by a plat, easement, deed or other instrument of any kind which instruments have been approved by the board of county commissioners for filing of record in the official records of the county, or which instruments convey any interest in real property to the board of county commissioners, is deemed to be under the jurisdiction and control of the board of county commissioners for the purposes of the vacation, annulment and/or abandonment of plats, or portions thereof, rights-of-way and easements for utility and drainage purposes.

(2) The provisions of this section shall apply to all plats, rights-of-way and easements under the jurisdiction and control of the board of county commissioners.

(3) The procedures set forth in this section shall apply to applications pursuant to F.S. § 177.101(1), (2), and to all applications for vacating plats, or any portions thereof, including public easements, pursuant to F.S. § 177.101(3). Any petition to vacate a plat or portion thereof, which plat or portion thereof, contains private rights-of-way shall not require a public hearing; provided, however, that a public hearing shall be required if the petition site includes a county right-of-way or public easement for drainage purposes which services a county right-of-way.

(b) *Petitioners.*

(1) *Petitioners for abandonment of plats.* Any person, governmental entity or business entity desiring to abandon a plat or any portion thereof, including public easements, shall be required to make application to the county pursuant to F.S. § 177.101, and the provisions of this section. The application shall be on a petition form prescribed by the planning department and the information contained in such petition shall be verified by the petitioner under oath. Unless initiated by the county, the petition shall be signed by all owners of any portion of the petition site.

(2) *Petitions for abandonment of rights-of-way.* Any person, governmental entity or business entity desiring to abandon the public's interest in and to any right-of-way shall be required to make application to the county pursuant to this section. The application shall be on the petition form prescribed by the planning department and the information contained in such application shall be verified by the petitioner under oath. Unless initiated by the county, any petition for abandonment of rights-of-way shall be signed by all owners of abutting property.

(3) *Application fee.* The application fee shall be determined in accordance with section 42-56.

(c) *Access to water.* No right-of-way, road, street or public accessway giving access to any publicly accessible waters in the county shall be closed, vacated or abandoned, except in those instances wherein the:

(1) Right-of-way does not benefit the public and/or there is no adequate parking to facilitate the use of the right-of-way and it is not a burden upon the county; or

(2) Petitioner offers to trade or give to the county comparable land for a right-of-way, road, street or public accessway to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the direction of the board of county commissioners.

(d) *Notice of intent to file petition to vacate a plat.* Immediately prior to filing the petition with the planning department to vacate a plat, the petitioner shall cause to be published a notice of intent in a newspaper of general circulation in the county once weekly for two consecutive weeks. Such notice of intent shall state the intent of the petitioner to file a petition pursuant to this section and F.S. ch. 177.

(e) *Petition application procedures.* In addition to any other information, the petition shall contain the following:

(1) A complete and accurate legal description of the petition site.

(2) A statement identifying the type of petition, the source of the county's or public's interest, together with a reference to the recording information for the petition site. The type of petition may be for abandonment of:

a. A plat;

b. A portion of a plat;

c. A county right-of-way;

d. The public's interest in a private right-of-way; or

e. A public easement.

(3) A drawing measuring not less than eight inches by 14 inches and not larger than 11 inches by 17 inches, which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way, excluding the petition site, and all affected properties. The location map may be located on the survey in a separate block.

(4) The petition shall contain a statement that to the best of the petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

(5) The petitioner shall certify that the petition site or any portion thereof is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes.

(6) The petition shall state the source of petitioner's ownership or interest in and to the petition site, and a reference to the recording information for such evidence of title. A copy of the source instrument shall be certified by the clerk of the circuit court and attached to the petition.

(7) The petition shall state that all state, municipal and county taxes on the petition site have been paid. The certificate of the tax collector's office showing payment of such taxes (as payment is defined in F.S. § 177.101(4) shall be attached to the petition. If the petition site or any portion thereof is tax-exempt, the petition shall so state and a copy of the tax roll from the tax collector's office which shows such exemption shall be attached to the petition.

(8) The petition shall state whether the petition site lies within the corporate limits of a municipality, within the unincorporated area, or both. If any portion of the petition site lies within the corporate limits of a municipality, the municipality shall first abandon its interest in the petition site by appropriate resolution, and a certified copy of the municipal resolution shall be attached to the petition.

(9) The petition shall state whether the petition site is subject to the application fee set forth in section 42-56, the amount of the fee, and that the fee is submitted with such petition.

(10) The petition shall detail the relevant reasons in support of the request and granting of the petition.

(f) *Review of petition.*

(1) *Review and notification.* Each petition shall be reviewed by the planning director and any governmental agency or affected county department. Upon receipt of the petition, the planning director shall distribute the petition to the reviewing departments and agencies. Within 20 days of receipt of the petition, the reviewing departments and agencies shall submit a written report containing its findings and recommendations to the planning director. Upon receipt of all written reports, the planning director shall review the petition and reports and shall notify the petitioner, in writing, of any reasonable conditions to be performed prior to forwarding the petition and reports pursuant to subsection (f)(2) of this section. Within 60 days of receipt of the planning director's notification, the petitioner shall either comply with, agree and commit, in writing, to the conditions, or disagree, in writing, to the conditions. Failure to respond to the planning director's notification may result in a recommendation to deny the petition by the planning director.

(2) *Review by the board of county commissioners.* After expiration of the 60-day period set forth in subsection (f)(1) of this section, or sooner if conditions are not imposed, or, if conditions are imposed, are responded to by the petitioner in the manner set forth in subsection (f)(1) of this section, the planning director shall forward the petition together with his findings and recommendations to the board of county commissioners for their review in accordance with this section. The planning director shall set the petition for public hearing in accordance with section 42-154 unless the petition is not subject to a public hearing. If a public hearing is not required, upon its review, the board of county commissioners shall adopt a resolution either approving or denying the petition. The board of county commissioners may reject a petition if a petition covering the same lands had been considered at any time within six months of the date the later petition is submitted.

(g) *Public hearing of petitions for abandonment of county rights-of-way and public easements for drainage of county rights-of-way.*

(1) *Generally.* Pursuant to F.S. § 336.10, a public hearing shall be held for any petition for abandonment which affects a county right-of-way and public easements for drainage which services a county right-of-way.

(2) *Time and place of hearing.* The board of county commissioners exercises their authority, as set forth in F.S. § 336.09, by authorizing and directing the county engineer to establish a definite time and place to hold the public hearing required by F.S. § 336.10 and this section, and to publish the notice of the hearing.

(3) *Publication of notice of public hearing.* Advertisement of such public hearing shall be as set forth in section 42-153.

(4) *Posting of notice of public hearing.* The county engineer shall notify the petitioner of the date and time of the public hearing and shall direct the petitioner to post the property with a notice of petition to vacate such property. The petitioner shall place the notice in a conspicuous and easily visible location, abutting a public thoroughfare when possible, on such property at least ten days prior to the public hearing.

(5) *Mailing of notice of public hearing.* The county engineer shall mail a copy of the notice of public hearing to all affected property owners as set forth in section 42-153.

(6) *Notice of adoption of resolution.* If the board of county commissioners shall, by resolution, grant the petition, notice thereof shall be published one time within 30 days following the date of adoption of such resolution in a newspaper of general circulation published in the county. The proof of publication of the notice of public hearing, and the proof of publication of the notice of the adoption of the resolution, and a copy of the resolution shall be recorded in the public/official records.

(h) *Recordation of resolution.* Upon adoption of a resolution approving a petition, a certified copy of such resolution shall be filed in the public records in accordance with F.S. § 177.101 or F.S. § 336.10, whichever is applicable.

(i) *Effect of recording resolution of abandonment.* For county rights-of-way, upon the recordation of the proof of publication of notice of public hearing, proof of publication of the notice of adoption of the resolution and a copy of the resolution in the public records, the interest of the right-of-way so closed shall be vested in accordance with provisions of F.S. § 336.12. For plats or portions thereof, recordation in the public records of resolutions approving abandonment of a plat or a portion thereof shall have the effect of vacating all streets and alleys in accordance with F.S. § 177.101(5), and shall either return the vacated property to the status of unplatted acreage or shall vacate the first plat in accordance with F.S. § 177.101(1) or F.S. § 177.101(2), as applicable.

(LDC §§ 12.06.01—12.06.09)

Secs. 42-130—42-145. Reserved.

Subdivision III. Site Development Plan Review

Sec. 42-146. Preapplication conference.

Prior to filing for development plan review, the developer shall meet with the planning director to discuss the development review process. With the consent of the applicant, the planning director may waive the preapplication conference requirement if, in the planning director's opinion, the conference is unnecessary. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the preapplication conference, as a representation or implication that the proposal will be ultimately approved or rejected in any form.

(LDC § 12.02.01)

Sec. 42-147. Designation of plans as major or minor developments.

(a) *Generally.* For purposes of this subdivision, all development plans shall be designated by the planning director as either minor or major developments as set in this section, except notwithstanding this subsection and subsection (b) of this section, any division of land into three or more parcels of 15 acres or greater, each of which has at least 60 feet of frontage on an existing county maintained road, any division of land deeded

to the present landowner on or before October 17, 2006, into three or more parcels of 15 acres or greater, each of which has at least 60 feet of frontage on an existing private easement or private roadway, servicing not more than 8 parcels, and any division of land into three or more parcels of 40 acres or greater, each of which has at least 60 feet of frontage on an existing private easement or private roadway, servicing not more than 24 parcels, is exempt from this subdivision.

(b) *Minor development.* A plan shall be designated as a minor development if it is:

(1) Any division of land into more than two parcels but less than 25 parcels.

(2) Any multifamily residential development of less than 25 units that does not involve platting.

(3) Any nonresidential use, including additions to existing structures of less than 25,000 square feet, excluding those minor deviations within the limits described in section 42-107.

(c) *Major development.* A plan shall be designated as a major development if it is:

(1) Any division of land into 25 or more parcels.

(2) Any multifamily residential development of 25 or more dwelling units.

(3) Twenty-five thousand square feet or more of nonresidential floor space.

(4) Any development that, in the estimation of the planning director, should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.

(LDC § 12.02.02; Ord. No. 2006-13, § 1, 10-17-2006; Ord. No. 2011-14, § 1, 10-18-2011)

Sec. 42-148. Application and submittal.

(a) *Application.* Applications for development review shall be available at the planning department. A completed application shall be signed by all owners or their agents of the property subject to the proposal. Signatures by other parties will be accepted only with notarized proof of authorization by the owners.

(b) *Submittal requirements based on development plan designation.* A tiered approach shall be used in determining the information which must be submitted at the time of application for development review. The greater the intensity of a project, based upon its designation as either minor or major, pursuant to section 42-147, the greater the amount of information required. Development projects not qualifying as a minor or major development shall meet the submittal requirements described in the applicable permit application form provided by the county or as outlined in other administrative procedures adopted by the county. The applicable submittal requirements for specific development plans are as follows:

(1) *General plan requirements.* These shall be mandatory for all development plans.

(2) *Minor review requirements.* These shall be mandatory for major and minor development plans.

(3) *Major review requirements.* These shall be mandatory only for major development plans.

(4) *Optional review requirements.* These may be required for the review of any development plan on a case-by-case basis at the discretion of the planning board when additional data is needed.

(5) *Significant natural area/environmentally sensitive area requirements.* These shall be required for all developments within significant natural areas or environmentally sensitive areas as set forth in article VII of this chapter.

(c) *General plan requirements.* Unless specifically waived by the planning director, county engineer or building official, as appropriate, all development plans shall include the following submittal requirements:

(1) Plans shall be drawn to a scale of one inch equals 100 feet unless the planning director determines that a different scale is sufficient or necessary for proper review of the proposal.

(2) Plans shall be 24 inches by 36 inches in size. A three-quarter-inch margin shall be provided on all sides except for the left binding side where a two-inch margin shall be provided, unless the planning director determines that a different size is sufficient or necessary for proper review of the proposal.

(3) If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each sheet.

(4) The front cover sheet of each plan shall include:

a. A general vicinity or location map drawn to scale, both stated and graphic, showing the position of the proposed development in the section, township and range, together with the principal roads, city limits and/or other pertinent orientation information.

b. A complete legal description of the property.

c. The name, address and telephone number of the owner of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.

d. Name, business address and telephone number of those individuals responsible for the preparation of the drawing.

e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow and the date.

f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot numbers.

g. The area of the property shown in square feet or acres.

(5) Unless a format is specifically called for in this section, the information required may be presented textually, graphically or on a map, plan, aerial photograph or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information on a form provided by the county that allows ready determination of whether the requirements of this division have been met.

(6) The total number and type of residential units. The total number of residential units per acre (gross density) and also impervious surface ratio (ISR) calculations shall be given, where applicable.

(7) Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the final development plan for recordation.

(8) Documentation pursuant to article III, division 2, of this chapter related to the review for concurrency.

(9) Other documentation necessary to permit satisfactory review under the requirements of this division and other applicable law as required by special circumstances in the determination of the planning director with approval of the planning board.

(d) *Minor review requirements.*

(1) Location, names and widths of existing and proposed streets, highways, easements, building lines, alleys, parks and other public spaces, and similar facts regarding adjacent property.

(2) Contour lines at not greater than five-foot intervals.

(3) Proposed development activities and design.

a. *Generally.*

1. Area and percentage of total site area to be covered by an impervious surface.

2. Grading plans specifically including perimeter grading.

3. Construction phase lines.

b. *Buildings and other structures.*

1. Building plan showing the location, dimensions, gross floor area and proposed use of buildings.

2. Architectural or engineering elevations of all sides of all buildings larger than a one- or two-family dwelling unit.

3. Building setback distances from property lines, abutting right-of-way centerlines and all adjacent buildings and structures.

4. Minimum flood elevations of buildings within any 100-year floodplain.

c. *Water supply and wastewater disposal system.* Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.

d. *Streets, parking and loading.*

1. The layout of all proposed lots, blocks and streets with approximate dimensions and proposed street names, bike paths and driveways.

2. The location and specifications of any proposed garbage dumpsters.

3. Cross sections and/or specifications of all proposed pavement in conformance with section 42-888.

e. *Tree removal and protection.*

1. All protected trees to be removed and a statement of why they are to be removed.

2. A statement of the measures to be taken to protect the trees to be retained.

f. *Landscaping.*

1. Location and dimensions of proposed buffer zones and landscaped areas.

2. Description of plant materials existing and/or to be planted in buffer zones and landscaped areas.

(4) Signs.

a. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly the location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.

b. For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:

1. The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.

2. The number, size, type and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.

3. A building elevation or other documentation indicating the building dimensions.

4. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, etc.

5. Location of on-site wells, and wells within 200 feet of any property line, exceeding 100,000 gallons per day.

6. Total acreage in each phase and gross intensity (nonresidential) and gross density (residential) of each phase.

7. Number, height and type of residential units.

8. Floor area, height and type of office, commercial, industrial and other proposed uses.

(e) *Major review requirements.*

(1) Every development shall be given a name by which it shall be legally known. The name shall not be the same as any other name appearing on any recorded plat except when the proposed development includes a subdivision that is subdivided as an additional unit or section by the same developer or his successors in title. Every subdivision name shall have legible lettering of the same size and type including the words "section," "unit," "replat," "amended," etc. The name of the development shall be indicated on every page.

(2) A master plan is required for a major development which is to be developed in phases. A master plan shall provide the following information for the entire development:

a. A development plan for the first phase or phases for which approval is sought.

b. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of public recreation and common open space areas and facilities.

c. Total land area and approximate location and amount of open space included in each residential, office, commercial and industrial area.

d. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.

e. Approximate location and acreage of any proposed public use such as parks, school sites and similar public or semipublic uses.

f. A vicinity map of the area within 300 feet surrounding the site showing:

1. Land use designations and boundaries.

2. Traffic circulation systems.

3. Major public facilities.

4. Municipal boundary lines.

g. Base flood elevations for all lots located within any A or V zone as shown on a Federal Emergency Management Agency map.

(f) *Optional review requirements (see subsection (b)4. of this section).*

(1) A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).

(2) A topographic map of the site clearly showing the location, identification and elevation of benchmarks.

(3) Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water table elevations and attendant drainage areas for each.

(4) A map showing the location of any soil borings or percolation tests.

(5) A depiction of the site, and all land within 400 feet of any property line of the site, showing the location of environmentally sensitive areas and any significant natural areas.

(6) The location of any underground or overhead utilities, culverts and drains on the property and within 100 feet of the proposed development boundary.

(7) The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year floodplain for all parts of the proposed development.

(8) The entity or agency responsible for the operation and maintenance of the stormwater management system.

(9) The location of off-site water resource facilities such as works, surface water management systems, wells or well fields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.

(10) Runoff calculations.

(11) Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

(g) *Significant natural area/environmentally sensitive area requirements.* A detailed statement or other material showing the following:

(1) The distances between development activities and the boundaries of any significant natural area or environmentally sensitive area.

(2) The manner in which habitats of endangered and threatened species are to be protected.

(LDC § 12.02.03)

Sec. 42-149. Review of major developments.

(a) *Procedure.*

(1) The applicant shall submit the major development plan and supporting documentation, pursuant to section 42-148, to the planning department.

(2) After receipt of the major development plan and the supporting documentation, the planning department shall have five days to:

a. Determine that the application is complete and proceed with the review; or

b. Determine that the application is incomplete and inform the applicant by certified mail, return receipt requested, of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within 45 days of receipt of the letter of incompleteness, in order to proceed with the review.

(3) The planning department shall, within five days, then route the application to members of the technical review committee (TRC) and any applicable agencies and review the major development plan for compliance with this division and other applicable rules and regulations.

(4) Within three days of the completion of the review, the planning director shall convene a meeting of the technical review committee to review the application. The results of the technical review committee's meeting shall be transmitted to the applicant, in writing, certified mail, return receipt requested, within five days after the technical review committee's meeting. The applicant shall have 45 days from the receipt of the technical review committee's comments to respond to them.

(5) Within five days of the receipt of any revisions to the application pursuant to the technical review committee's comments, the planning director shall have an additional five days to review the revised application and issue a recommendation approving, approving with conditions or denying the application based upon the requirements of this division.

(6) The planning board shall consider the application at a regularly scheduled public hearing which has been noticed pursuant to section 42-153. In reviewing the application, the planning board shall consider the recommendation of the planning director and the technical review committee and shall determine whether the proposed development specified in the application meets the provisions of this division. The planning board shall approve, approve with conditions (conditions may include provisions that a surface water permit must be issued prior to receiving a county construction permit) or deny the application.

(7) Notification of the planning board's decision shall be mailed to the applicant and filed with the planning department.

(b) *Expiration.* A development permit for a major development shall be valid for a period of one year and may be renewed for a cumulative period not to exceed one year subject to the provisions of section 42-224(b).

(LDC § 12.02.04)

Sec. 42-150. Review of minor developments.

(a) *Procedure.*

(1) The applicant shall submit the minor development plan and supporting documentation, pursuant to section 42-148, to the planning department.

(2) After receipt of the minor development plan and supporting documentation, the planning department shall have five days to:

a. Determine that the application is complete and proceed with the review; or

b. Determine that the application is incomplete and inform the applicant by certified mail, return receipt requested, of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within 45 days of receipt of the letter of incompleteness, in order to proceed with the review.

(3) The planning department shall then route the application to members of the technical review committee and any outside review agencies within five days, and review the minor development plan for compliance with this division within five days.

(4) Within three days of the completion of the review, the planning director shall convene a meeting of the technical review committee to review the application. The results of the technical review committee's meeting shall be transmitted to the applicant, in writing, certified mail, return receipt requested. The applicant shall have 45 days from the receipt of the technical review committee's comments to respond to them.

(5) Within three days of the technical review committee's meeting, the planning director shall issue a finding approving, approving with conditions or denying the application based upon the comments of the technical review committee and the requirements of this division.

(6) Notification of the planning director's decision shall be mailed to the applicant and filed with the planning department.

(7) For any division of land into ten through 24 parcels, or any multifamily residential development of ten through 24 units that does not involve platting, or any nonresidential use, including additions to existing structures, of at least 10,000 square feet, but less than 25,000 square feet, excluding those minor deviations within the limits described in section 42-107, the procedures set forth in subsection 42-149(a)(6) shall be followed, except that the decision of the planning board shall be the final action subject to the appeal provisions of this chapter.

(8) Notification of the planning board's decision shall be mailed to the applicant and filed with the planning department.

(b) *Expiration.* A development permit for a minor development shall be valid for a period of one year and may be renewed for a period not to exceed one year subject to the provisions of section 42-224(b).

(LDC § 12.02.05)

Sec. 42-151. Intergovernmental review.

Should a proposed development impact adjacent jurisdictions, as determined by the planning director, the impacted jurisdictions will be notified, in writing, of the proposed development and given an opportunity to identify specific issues of concern. Such correspondence shall be submitted, along with the planning director's recommendation, to the appropriate board approving such development action. Review by the planning director shall include the relationship of the proposed development to the existing comprehensive plans of adjacent local governments.

(LDC § 12.02.06)

Sec. 42-152. Project phasing.

A master plan for the entire development site must be approved for a major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the site development plan for the first phase of the development and must be approved prior to approval of the site development plan for the first phase. A site development plan must be approved for each phase of the development under the procedures for development review prescribed in this subdivision. Each phase shall include a proportionate share of the proposed recreational and open space and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

(LDC § 12.02.07)

Sec. 42-153. Notice requirements.

Notice of all public hearings which are required by a provision of this division shall be given as follows, unless expressly stated otherwise:

(1) *Content of notice.* Every required notice shall include the date, time and place of the hearing, a description of the substance of the subject matter that will be discussed at the hearing; a legal

description of the properties directly affected, including the street address, when available; a statement of the body conducting the hearing; a brief statement of what action the body conducting the hearing may be authorized to take; and a statement that the hearing may be continued from time to time as may be necessary. Notices for public hearings before the planning board or board of county commissioners on amendments to the future land use map shall also contain a geographic location map which clearly indicates the area covered by the proposed amendment. The map shall include major street names as a means of identification of the area. The applicant is responsible for verbatim recording of proceedings.

(2) *Publication.* Notice of all public hearings and appeals from a decision, order, requirement or determination of an administrative officer or board of the county shall be properly advertised in a newspaper of general circulation not more than 30 days nor less than ten days before the date of the hearing.

a. *Public inspection.* A copy of the notice of public hearing shall be available in the planning department during regular business hours.

b. *Mail.* Mailing of such notice shall be made to specific real property owners within 500 feet of the property directly affected by the proposed action and whose address is known by reference to the latest approved ad valorem tax roll.

c. *Posting of notice.* After an application has been filed, the planning director shall cause a sign to be posted on the property concerned. The sign shall be located where, in the judgment of the planning director, the sign would be in the most conspicuous place to the passing public. Each sign shall contain the following information:

1. Present land use classification;

2. Date, time and place of the scheduled hearing;

3. Proposed action and board which will hear the application; and

4. Any other pertinent information.

(LDC § 12.02.08; Ord. No. 2010-05, § 1, 6-22-2010)

Sec. 42-154. Public hearings.

(a) *Setting the hearing.* When the planning director determines that a public hearing is required pursuant to this division, he shall notify the appropriate decision-making body so a public hearing may be set and notice given in accordance with the provisions of section 42-153.

(b) *Examination and copying of application and other documents.* Any time after the provision of notice as required by section 42-153, any person may examine the application or petition in question and the material submitted in support or opposition to the application or petition in the planning department during regular business hours. Any person shall be entitled to obtain copies of the application or petition and other materials upon reasonable request and payment of a fee to cover the actual costs of providing such copies.

(c) *Conduct of the hearing.* Public hearings shall be conducted in the following manner:

(1) Any person may appear at a public hearing or may be represented by counsel or agent, and may submit documents, materials and other written or oral testimony either individually or as a representative of an organization. Each person who appears at a public hearing shall identify himself, his address and state the name and mailing address of any organization he represents. The body conducting the public hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.

(2) The body conducting the hearing may continue the hearing to a fixed date, time and place.

(d) *Record of the hearing.*

(1) The transcript of testimony of the hearing, when and if available, the minutes of the secretary, all applications, exhibits, documents, materials and papers submitted in any proceeding before the decision-making body, the report of the planning director and the decision and report of the decision-making body shall constitute the record.

(2) The body conducting the hearing shall record the proceedings by any appropriate means, upon request of any person to the planning director and payment of a fee to cover the cost of transcription, the record may be transcribed and a copy provided to that person. If a sound recording is made, any person shall be entitled to listen to the recording at any reasonable time, or make copies at his own expense, at the planning department.

(3) Any person shall be entitled to examine the record of such hearing at a reasonable time, or make copies at his own expense, at the planning department.

(e) *Action by decision-making body.* The decision-making body may render its decision at the public meeting immediately following the public hearing; however, it shall render its decision at its next public meeting or within 45 days, unless stated otherwise in this chapter, or the applicant agrees, in writing, to further continuance of the decision.

(f) *Notification.* Notification of the final decision on an application shall be mailed to all parties. A copy of the final decision shall be filed in the planning department.

(LDC § 12.02.09)

Sec. 42-155. Required contents of development orders.

(a) *Preliminary development order.* If a preliminary development order is required, it shall contain the following:

(1) An approved preliminary development order, which may be subject to conditions and modifications, with findings and conclusions.

(2) A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.

(3) A listing of federal, state and regional permits that must be obtained in order for a final development order to be issued.

(4) With regard to the concurrency management requirements in article III of this chapter:

a. The determination of concurrency; and

b. The time period for which the preliminary development order is valid.

A construction permit may be issued subject to the satisfaction of the preliminary development order.

(b) *Final development order.* A final development order (DO) shall contain the following:

(1) A determination that, where one was required, a valid preliminary development order exists for the requested development.

(2) An approved final development plan with findings and conclusions.

(3) A determination that all conditions of the preliminary development order, if previously issued, have been met.

(4) If modifications must be made to the development plan before a final development order may be issued, a listing of those modifications, and the time limit for submitting a modified plan.

(5) A specific time period during which the development order is valid and during which time development shall commence. A final development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.

(LDC § 12.02.10)

Sec. 42-156. Guarantees and sureties.

(a) *Applicability.*

(1) The provisions of this section apply to all proposed developments in the county, including private road subdivisions.

(2) Nothing in this section shall be construed as relieving a developer of any requirement relating to concurrency in article III of this chapter.

(3) This section does not modify existing agreements between a developer and the county for subdivisions platted and final development orders granted prior to adoption of this chapter, providing such agreements are current as to all conditions and terms thereof.

(b) *Improvement agreements required.* The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to, storm drainage facilities, streets and highways, water and sewer lines and replacement trees shall be satisfactorily constructed according to the approved development plan. The following information shall be provided:

(1) Agreement that all improvements, whether required by this chapter or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this chapter.

(2) The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five years from the recording of the plat or 30 percent occupancy of the development, whichever comes first.

(3) Specification of the public improvements to be made and dedicated together with the timetable for making improvements.

(4) A statement that all construction shall be completed pursuant to the final development order before final plat approval or a certificate of occupancy is issued.

(c) *Final plat approval without construction improvement.* Where the applicant wishes to have final plat approval prior to construction and acceptance of improvements, all of the information set forth in subsection (b) of this section, plus the following, shall be provided:

(1) The projected total cost for each improvement. Cost for construction shall be determined by either of the following:

a. An estimate prepared and provided by the applicant's engineer; or

b. A copy of the executed construction contract provided.

(2) Agreement that upon failure of the applicant to make the required improvements, or to cause them to be made, according to the schedule for making those improvements, the county shall utilize the security (see subsection (d) of this section) provided in connection with the agreement.

(3) Provision that the amount of the security may be reduced periodically, but not more than two times during each year, subsequent to the completion, inspection and acceptance of improvements by the county (see subsection (e) of this section).

(d) *Amount and type of security.*

(1) Security requirements may be met by, but are not limited to, the following:

a. Cashier's check.

b. Certified check.

c. Developer/lender/county agreement.

d. Interest bearing certificate of deposit.

e. Irrevocable letter of credit.

f. Surety bond.

(2) The amount of security shall be 110 percent of the total construction costs for the required developer installed improvements. The amount of security may be reduced by the county engineer commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than 110 percent of the cost of completing the remaining required improvements.

(3) Standard forms are available from the building official's office and approved by the board of county commissioners.

(e) *Completion of improvements.*

(1) When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance is recommended by the planning director. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one copy of all test results.

(2) As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirements of subsection (b) of this section.

(f) *Maintenance of improvements.*

(1) A maintenance agreement and security shall be provided to assure the county that all required improvements shall be maintained by the developer according to the following requirements:

a. The period of maintenance shall be a minimum of one year.

b. The maintenance period shall begin with the acceptance by the county of the construction of the improvements.

c. The security shall be in the amount of ten percent of the construction cost of the improvements or the improvements shall be maintained by the developer and inspected by the county.

d. The original agreement shall be maintained by the planning director.

(2) Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the county a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.

a. When the proposed development is to be organized as a condominium under the provisions of F.S. ch. 718, common facilities and property shall be conveyed to the condominium's association pursuant to that law.

b. When no condominium is so organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.

c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the county attorney.

(3) An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to the county shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate them to the county.

(LDC § 12.02.11)

Secs. 42-157—42-180. Reserved.

Subdivision IV. Development Permits

Sec. 42-181. Generally.

(a) No regulated development may be undertaken unless the activity is authorized by a development permit.

(b) Except as provided in subsection (c) of this section, a development permit may not be issued unless the proposed development activity is authorized by a final development order issued pursuant to this division.

(c) A development permit may be issued for the following development activities in the absence of a final development order issued pursuant to this division. Unless otherwise specifically provided, the development activity shall conform to this division.

(1) Development activity necessary to implement a valid development plan on which the start of construction took place prior to the adoption of this chapter and has continued in good faith. Compliance with the development standards in this division is not required if it is in conflict with the previously approved plan.

(2) The construction or alteration of a one-family or two-family dwelling on an existing lot or parcel of public record. Compliance with the development standards in this division is not required if such development standards are in conflict with the previously approved plat.

(3) The alteration of an existing building or structure so long as no change is made to its gross floor area, its use or the amount of impervious surface on the site.

(4) The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site.

(5) The resurfacing of a vehicle use area that conforms to all requirements of this division.

(6) A minor replat granted pursuant to the procedures set forth in section 42-128.

(7) Temporary uses or structures except as set forth in section 42-185.

(8) Right-of-way use permits.

(9) Hazardous waste generator's permits, except as set forth in section 42-187.

(d) After a preliminary development order or final development order has been issued, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of the preliminary or final development order without first obtaining a modification of the preliminary or final development order. A modification may be applied for in the same manner as the original preliminary or final development order. A written record of the modification shall be entered upon the original preliminary or final development order and maintained in the files of the planning department.

(LDC §§ 12.01.01—12.01.04)

Sec. 42-182. Application.

Application for a development permit shall be made to the planning department on a form provided by the planning department and may be acted upon by the planning department without public hearing or notice. No portion of the permit fees will be refunded if the permit becomes void.

(LDC § 12.07.01)

Sec. 42-183. Building and sign permits.

(a) *Generally.* The erection, alteration or reconstruction of any building or structure, including signs, shall not be commenced without obtaining a building permit from the building official. No building permit shall be issued for development without written certification that plans submitted conform to applicable regulations. The erection, alteration, reconstruction or conversion of any sign shall not be commenced without obtaining a sign permit, where applicable.

(b) *Time limitation of building and site clearing permits.*

(1) A building permit shall expire and become null and void if work authorized by such permit is not commenced, having called for and received a satisfactory inspection within six months from the date of issuance of the permit. Active permits shall remain active as long as inspections are being conducted and the permit is not inactive for a period of six months. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official provided the extension is requested, in writing, and justifiable cause is demonstrated.

(2) In order to continue construction once a building permit becomes null and void or expires, the permittee shall reapply and obtain a new building permit covering the proposed construction before proceeding with construction. The permittee shall comply with all regulations in existence at the time application is made for a new building permit.

(3) Any building permit issued prior to the effective date of this chapter that is an active permit shall remain active as long as inspections are being conducted and the permit is not inactive for a period of six months. One or more extensions of time for periods of not more than 90 days each may be allowed by the building official provided the extension is requested in writing, and justifiable cause is demonstrated.

(4) Signs must be placed within six months of obtaining the permit or the permit shall be voided and a new permit must be issued unless the permit is extended by the building official. Final inspection must be called for by the applicant within the six-month time period, or the permit is voided. Identification numbers issued with sign permits must be displayed on the sign itself. Sign permits need not be renewed as long as the sign exists in its approved form in the same location.

(5) Licensed real estate brokers or contractors may obtain multiple permits for signs with each sign requiring a permit.

(LDC § 12.07.02)

Sec. 42-184. Driveway permits.

(a) *Generally.* Any person seeking to construct or reconstruct any curb cut or driveway on any county maintained public road in the unincorporated areas of the county shall submit a permit application to the planning department.

(b) *Contents.* The original and two copies of the driveway permit application shall be submitted to the planning department and shall include the following information:

(1) Name and address of the owner of the property on which the driveway is proposed to be located.

(2) Except for one-family and two-family residences, a set of detailed plans for the proposed driveway or curb cut, including the site development plan, if applicable.

(3) Except for one-family and two-family residences, estimated cost of the alteration.

(4) Approval from the state department of transportation, if applicable.

(5) Payment of the applicable fee.

(6) All other information deemed necessary by the county road director for the reasonable review of the proposed driveway connection.

(c) *Procedure for review of driveway permit applications.* Within three days after the application for a driveway permit has been submitted, the county road director shall review the application and determine if it is complete. If the county road director determines that the application is incomplete, the planning director shall send the applicant a written statement specifying the deficiencies, and shall take no further action unless the deficiencies have been remedied. Within three days after the county road director has determined an application complete with the concurrence of the planning director, the county road director shall approve, approve with conditions or deny the application based upon the standards in section 42-892. Notification of the decision shall be mailed to the applicant and filed in the office of the county planning department.

(LDC § 12.07.03)

Sec. 42-185. Temporary use permits.

(a) *Generally.* Temporary uses and structures are permitted subject to the standards established in this section, provided that a permit for such use or structure is obtained from the planning department. Temporary real estate sales offices and construction trailers located on the same parcel as the development may be approved as part of a building permit application. Temporary sales offices in new subdivisions must comply with the Standard Building Code and the parking area must comply with the landscaping regulations set forth in article VIII, division 3 of this chapter. One or more construction trailers may only be permitted for a specified period of time provided they are located off the public right-of-way. Construction trailers are not required to comply with building code requirements; however, the building must provide reasonable safety for the intended use and additional permits for electrical or plumbing shall be obtained as necessary to serve the temporary building.

(b) *Permissible temporary uses and structures.* Permissible temporary uses and structures not requiring a temporary use permit include the following:

(1) Indoor and outdoor art and craft shows, bazaars, carnivals, revivals, circuses, sports events and exhibits, provided that no more than six events for a maximum of five days each are conducted on the same property during any calendar year.

(2) Christmas tree sales, provided that no such use shall exceed 60 days.

(3) Other temporary uses and structures which are, in the opinion of the planning director, consistent with the comprehensive plan and the provisions of this chapter.

(LDC § 12.07.04)

Sec. 42-186. Right-of-way use permits.

(a) *Generally.* County right-of-way use permits are required for the use of county rights-of-way or easements for the construction, installation or maintenance of any public or private utility, roadway or any other facility, structure, driveway, culvert, drainage system, pavement, easement or object in the right-of-way approved by the board of county commissioners other than those constructed or maintained by the county.

(b) *Exemptions.* No permit shall be required for the following:

(1) Construction of water, sewer, power, telephone or gas utilities in subdivisions in accordance with engineering drawings approved by the county where such construction will be completed prior to acceptance of the road right-of-way by the county.

(2) Repairs of previously permitted utilities in the right-of-way; provided, however, such repairs do not require cutting of any pavement, including curbs and driveways, or excavation requiring restoration involving seeding or mulching and/or sodding.

(c) *Prohibitions.* The following shall be prohibited within county rights-of-way:

(1) Construction of masonry or other substantial structures other than for permitted utilities.

(2) Private signs.

(d) *Application procedures.* Application for a right-of-way use permit, accompanied by the appropriate fee, shall be submitted to the county road director. The application shall be on a form approved and designated by the county road director and in accordance with the procedure established by the county road director. The county road director or his designee shall, upon request for a permit application, provide to the applicant a copy of the current right-of-way utilization application procedures. All right-of-way use permits shall meet the specifications and guidelines set forth in this chapter.

(e) *Approving authority.* The county road director shall have the authority to approve, approve with conditions or deny right-of-way use permits.

(f) *Time limit.* The right-of-way use permit shall be considered valid for 60 days beginning on the date of issuance of such permit. If work does not commence by the 60th day, the permit shall be considered void and reapplication will be necessary. Work must be completed by the completion date indicated on the application. Work not completed by the completion date will be subject to a stop work order, reapplication, additional fee or other remedy as may be required by the board of county commissioners.

(g) *Restoration.* No person shall use a county right-of-way or easement for any purpose for which a permit is required by this section without first obtaining a permit therefor. If county rights-of-way or easements are used and/or construction takes place without a permit, upon written notice by the approving authority, the person shall remove any constructed facility, restore the area to its original condition and cease any nonpermitted use.

(LDC § 12.07.05)

Sec. 42-187. Hazardous waste generator's permit.

(a) *Generally.* The purpose of this section is to establish a system for licensing business activities which produce hazardous waste, and to provide for the collection of fees necessary to pay the county's expenses of issuing such permits and verifying the management practices of small quantity generators of hazardous waste.

(b) *Registration and permit required.* No person shall be a small quantity hazardous waste generator without possessing a current hazardous waste generator's permit issued pursuant to this section.

(c) *Application for and issuance of permits.* An application for a hazardous waste generator's permit must be submitted to the emergency management director in the form and manner prescribed by the emergency management director. The emergency management director shall issue the permit upon receipt of a complete application and payment of the applicable fee.

(d) *Term and scope of permit.* Subject to the provisions of subsection (c) of this section, a hazardous waste generator's permit shall be valid for a period of one year. All small quantity hazardous waste generators within the county must apply for and receive a valid hazardous waste generator's permit prior to November 1 of each year. The permit document shall identify the specific activity or facility permitted, the specific location at which such activity or facility is to be conducted or operated and the person to whom the permit is issued. The permit shall be valid only for the identified activities or facilities conducted or operated at the identified locations by the identified persons and shall only be valid until the next November 1 at which time a renewal application shall be submitted.

(e) *Generation of hazardous waste without a valid permit.* The general of hazardous waste by any person not holding a valid unrevoked permit for purposes or in positions specified in this section is unlawful.

(f) *Revocation of permit.* The hazardous waste generator's permit may be revoked by the board of county commissioners upon a finding that the identified activities or facilities or the identified location on the application for the permit are substantially different than the actual activities or facilities of the permit holder.

(LDC § 12.07.06)

Sec. 42-188. Tree removal permits.

(a) *Generally.* Unless otherwise provided in this chapter, no person shall remove any protected tree from any lot or parcel of land or portion thereof in the unincorporated area of the county without first obtaining a tree removal permit from the planning director unless exempt pursuant to section 42-746(e).

(b) *Permit application and other administrative requirements.* Any person desiring a tree removal permit shall make written application to the planning director upon forms provided by the planning director.

(1) Each application for a tree removal permit shall be accompanied by a generalized tree inventory which shall consist of a survey based upon the most current available information. The survey shall show the approximate location, extent and type of protected trees upon the site, including common or scientific names of the major groups of trees. The survey shall indicate which protected trees are intended for removal and/or grubbing and which will be left undisturbed. For nonresidential and multifamily developments, the survey may be in the form of an aerial or a field survey, and shall be accompanied by photographs illustrating areas of trees. For individual single-family or duplex developments, the survey may be in the form of hand-drawn sketches accompanied by photographs of existing conditions. If site development plans have been prepared, the survey shall be prepared to the same scale or in some other manner which clearly illustrates the relationships between areas of protected trees and proposed site improvements. If site development plans are available, the survey shall be prepared to a

convenient scale which clearly reveals the extent of protected trees upon the site. The requirements of subsection 42-148(d)(3)e shall be met for those applications not requiring a site development plan.

(2) The planning director may require that the application include such additional information which is reasonable and necessary for adequate administration of this section.

(3) The completed application shall be accompanied by an application fee.

(4) The filing of an application shall be deemed to extend permission to the planning director to inspect the subject site, if necessary, for the purpose of evaluating the application.

(5) For those applications which are not being processed concurrently with a site development plan, the planning director shall review each complete application and shall render a decision within 30 days of acceptance. If no decision is made within the 30-day time period, the permit shall be deemed to have been granted in accordance with the information on the application. If the permit is not issued, the planning director shall state, in writing, the reasons for denial and advise the applicant of any appeal remedies available. For good cause, the planning department may request one extension from the applicant of an additional 30 days in which to make a determination, provided the extension is requested prior to expiration of the initial 30-day period.

(6) Any permit issued under this section shall remain valid for a term of six months and may be renewable for a second six-month period upon request to the planning director, provided such request occurs prior to the expiration date of the initial permit. The planning director may require reapplication and full review in those renewal cases where site conditions have changed significantly from the date of issuance of the initial permit as a result of natural growth of trees and vegetation or high winds, hurricane, tornado, flooding, fire or other act of nature. If a permit required by this section has been issued concurrently with a bona fide site development plan, then such permit shall run concurrently with the bona fide site development plan and they shall be renewed together.

(7) Tree removal permits shall automatically expire and become void if the work authorized by such permit is not commenced within six months after the date of the permit.

(8) Tree removal permits shall expire and become void if authorized removal work, once commenced, is suspended, discontinued or abandoned for a period equal to or greater than six months.

(9) If a tree removal permit expires or becomes void after work has commenced, a new permit shall be obtained before work is resumed.

(10) A tree removal permit shall be prominently displayed upon the site of such tree removal.

(c) *Enforcement and penalties.* Enforcement, penalties, appeals and remedy of matters related to this section shall be the responsibility of the county code enforcement board.

(LDC § 12.07.07)

Sec. 42-189. Mining permits.

(a) Except as provided in this section, no mining or excavation operation shall be conducted in the unincorporated areas of the county without a permit from the board of county commissioners and compliance with state and/or federal permitting requirements and regulations. As used in this section, the terms "mining" and "excavation operation" include any operation that entails the excavation or removal of earth in excess of 100 cubic yards, from one parcel of property to another parcel of property, or from one area of a parcel of property to another area on the same parcel if a public road is used.

(b) No mining permit shall be required under this section for the following activities:

(1) Installing utilities;

(2) Installing foundations for any building or other structure or undertaking any development authorized by site plan approval, conditional use permit, planned unit development approval or building permit;

(3) Digging drainage or mosquito control ditches and canals by authorized units and agencies of government;

(4) Digging drainage or mosquito control ditches and canals by private persons when construction is permitted by all authorizing agencies, if any, and when the excavated material is not removed from the involved tract of land;

(5) Excavating for accessory uses of land, such as parking lots, septic tanks, graves, etc., that are designed to be filled and graded upon completion of excavation; and

(6) Excavating for a swimming pool when construction is permitted by all authorizing agencies.

(LDC § 12.07.08)

State law reference(s)—Hazardous waste, F.S. § 403.72 et seq.

Secs. 42-190—42-220. Reserved.

ARTICLE III. CONCURRENCY

DIVISION 1. GENERALLY[5]

Sec. 42-221. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Availability means the necessary public facilities and services will be provided in accordance with the standards set forth in F.A.C. 9J-5.0055(2).

Certificate of occupancy means certification by the county planning director or other designated official that all permits required by the county have been obtained, that compliance inspections have been completed, that the work has been approved by the appropriate county official and that the facility is ready for occupancy or use.

Concurrency means the necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur. Level of service standards have been adopted for:

(1) Roads;

(2) Sanitary sewer;

(3) Solid waste;

(4) Drainage;

(5) Potable water; and

(6) Parks and recreation.

[5]State law reference(s)—Concurrency, F.S. §§ 163.3180, 163.3202(2)(g).

Concurrency management system means the procedures and/or process that the county uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.

Development means the carrying out of any significant building activity or commercial mining operation, the making of any substantial (as defined in Black's Law Dictionary) change in the use of land, or the platting of land when subject to the provisions of F.S. ch. 177.

Development order means an order granting, denying or granting with conditions an application for approval of a development project or activity. A distinction is made between development order, which encompasses all orders and permits, and three distinct types of development orders:

(1) Preliminary development order;

(2) Final development order; and

(3) Development permit.

a. *Preliminary development order* means any preliminary approval which does not authorize actual construction, mining, alterations to land and/or structures or similar activities. A preliminary development order may authorize a change in the allowable use of land or a building, and may include conceptual and conditional approvals where a series of sequential approvals are required before final action which authorizes commencement of construction or land alteration. For purposes of this article, preliminary development orders include, but are not limited to, future land use map amendments, comprehensive plan amendments which affect land use or development standards, preliminary development plan approval, master plan approval and preliminary plats.

b. *Final development order* means the final authorization of a development project which authorization must be granted prior to issuance of a development permit as defined for purposes of this article. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project such as building construction, parking lot installation, landscaping, etc.). For purposes of this article, final development plan approval is the final development order. A final development order should not be issued until a determination of concurrency has been made, giving due consideration to the provisions of section 42-225. A final development order may be issued subject to the completion of minimum requirements for concurrency set forth in section 42-252.

c. *Development permit* means the official document which authorizes the commencement of construction or land alteration without need for further application and approval. Development permits include all types of construction permits, including plumbing, electrical, foundation, mechanical, etc., in addition to the building permit itself, grading and clearing permits, septic tank permits, sign permits and all other permits required by this chapter.

Public facilities and services mean those items covered by the county comprehensive plan, required by F.S. § 163.3177, and for which level of service standards must be adopted under F.A.C. ch. 9J-5. These include:

(1) Roads;

(2) Sanitary sewer;

(3) Solid waste;

(4) Drainage;

(5) Potable water; and

(6) Parks and recreation.

(LDC § 3.00.02)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-222. Purpose.

The purpose of this article is to describe the requirements and procedures necessary to implement the concurrency provisions of the county comprehensive plan.

(LDC § 3.00.01)

Sec. 42-223. Appeals.

Appeals from decisions of this article may be appealed in accordance with section 42-55.

(LDC § 3.06.00)

Sec. 42-224. Certificate of concurrency.

(a) A certificate of concurrency shall be required prior to the issuance of any development permit. If a development will require more than one development permit, the issuance of a certificate of concurrency shall occur prior to the issuance of the initial development permit. Permits necessary to the achievement of concurrency, however, such as septic tank permits, may be issued prior to the issuance of a general certificate of concurrency. In all cases, a test for concurrency will occur prior to the approval of an application for a development order or permit which contains a specific plan for development, including densities and intensities of use. The test for concurrency should be sufficient to indicate any problem areas that must be resolved before a certificate of concurrency can be issued.

(b) A certificate of concurrency shall automatically expire simultaneously with the expiration of the development permit to which it applies. If the development permit does not have a specific expiration date, the certificate of concurrency shall expire one year from the date of the issuance of the development permit. If a time extension is granted prior to the expiration of the development permit, then the accompanying certificate of concurrency shall be automatically renewed for the duration of the extension given to the development permit. Should the extension equal or exceed one year from the date of the issuance of the initial development permit, a new concurrency review shall be performed for which a reasonable fee may be assessed to defray the cost.

(LDC §§ 3.01.01, 3.01.02)

Sec. 42-225. Exemptions.

(a) Applicants for development permits for small projects such as the construction of a single-family residence, or the placement of a mobile home on a single lot or parcel of land for residential use, or the repair or remodeling of an existing building, or construction of small accessory buildings or facilities, or any similar construction or development activity, none of which significantly increases the demand for public services and/or facilities, shall be exempt from a detailed concurrency review if, in the judgment of the designated county planning official, the prima facie evidence described in section 42-229 indicates capacity and levels of service for public facilities are sufficient to accommodate the proposed development. Having made this determination, the county planning official shall be authorized to certify concurrency.

(b) Applicants for development permits for residential subdivisions which are limited to single-family dwellings shall be presumed to be concurrent for potable water where the service provider is to be an on-site well system.

(LDC §§ 3.02.01, 3.02.02)

Sec. 42-226. Burden of proof.

The burden of showing compliance with the adopted levels of service and meeting the concurrency requirements shall be upon the applicant; however, the planning director or his designee will direct the applicant to the appropriate staff person who shall provide any information which is available from county files, subject to section 42-229, that is necessary to satisfy the concurrency test.

(LDC § 3.01.03)

Sec. 42-227. Development not meeting concurrency.

Should a development not pass the concurrency test, one or more of the following strategies shall be used to rectify this:

(1) A plan amendment which lowers the adopted level of service standard for the affected facilities and/or services.

(2) A renegotiated binding contract between the county and the developer.

(3) A renegotiated enforceable development agreement, which may include, but is not limited to, development agreements pursuant to F.S. § 163.3220.

(4) A change in the funding source.

(5) A reduction in the scale or impact of the proposed development.

(6) Phasing of the proposed development.

(7) Denial of the permit.

(LDC § 3.03.05)

Sec. 42-228. Adopted levels of service.

The adopted levels of service (LOS) standards for public facilities and services as contained in the county comprehensive plan are adopted by reference.

(LDC § 3.04.00)

Sec. 42-229. Monitoring.

(a) *Annual report.* The purpose of the annual report is to provide monitoring of public facilities and services to ensure maintenance of the adopted levels of service in a format which is accessible to the public. Demand and capacity information will, however, be tracked on a project-by-project basis as each development or building permit is submitted. The annual report shall be presented to the board of county commissioners at a public hearing no later than March 1 of each year.

(b) *Contents.* The county shall prepare an annual report as part of the concurrency management system that includes:

(1) A summary of actual development activity, including a summary of certificates of occupancy.

(2) A summary of development permit activity, indicating those that:

a. Expired without commencing construction; and

b. Are active at the time of the report.

(3) A summary of development orders issued, indicating those that:

a. Expire without subsequent development permits; and

b. Are valid at the time of the report.

(4) An evaluation of each facility and service indicating:

a. The capacity available for each at the beginning of the reporting period and the end of the reporting period;

b. The portion of the available capacity held for valid preliminary and other development orders;

c. A comparison of the actual capacity to calculated capacity resulting from approved development orders and development permits which would upgrade the facilities;

d. A comparison of actual capacity and levels of service to adopted levels of service from the county comprehensive plan; and

e. A forecast of the capacity of each based upon the most recently updated schedule of capital improvements in the capital improvements element of the comprehensive plan.

(c) *Prima facie evidence.* The concurrency management system annual report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing development permits during the 12 months following completion of the annual report unless more recent data is available from official sources, such as department of transportation traffic counts, data compiled by the county planner, data collected and certified by licensed professionals which is compatible with the existing data base, properly documented and acceptable to the county, etc. The annual report shall be presented to the board of county commissioners at a public hearing no later than March 1 of each year.

(LDC §§ 3.05.01—3.05.03)

Secs. 42-230—42-250. Reserved.

DIVISION 2. REVIEW PROCEDURE

Sec. 42-251. Generally.

The county shall use the procedures listed in this division to determine compliance of an application for a development permit with the concurrency management system. At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to meet the requirements of concurrency. Except for information available from county files as set forth in section 42-226, the applicant for a development permit shall provide the county with all information required so as to enable the concurrency evaluation to be made. Upon receipt of a complete concurrency review application, the planning director or his designee shall perform the concurrency evaluation for each of the required public facilities

and services. A concurrency review application shall not be deemed complete until all applicable permits, verification letters or other items of profit have been submitted subject to section 42-255. Due consideration shall be given to the provisions of section 42-225.

(LDC § 3.03.01)

Sec. 42-252. Minimum requirements for concurrency.

Prior to the issuance of a building permit, the county shall verify that all public facilities are available to serve developments for which development orders were issued prior to the date of adoption of the county comprehensive plan. Development orders for future development shall not be issued unless the county has demonstrated the following:

(1) Compliance with the adopted level of service standards in the comprehensive plan; and

(2) One or a combination of the following conditions exist:

a. Necessary public facilities and services are in place at the time the development order or permit, consistent with F.A.C. 9J-5.055(2)(e), is issued;

b. A development order or permit is issued subject to the condition that a certificate of occupancy shall not be issued unless necessary facilities and services are in place;

c. Necessary facilities are under construction at the time a development order or permit is issued;

d. For recreation or transportation facilities only, necessary facilities are the subject of a binding executed contract for the construction of the facilities at the time a development order or permit is issued, which contract provides for the commencement of construction within one year of the issuance of the development order or permit; and/or

e. Necessary facilities and services are guaranteed in an enforceable development agreement, including, but not limited to, development agreements pursuant to F.S. § 163.3220 or F.S. ch. 380, which guarantees that the necessary facilities and services will be in place when the impacts of the development occur.

(LDC § 3.03.03)

Sec. 42-253. Prioritization of competing projects.

In such cases where there are competing applications for public facility capacity, the following order of priority shall apply:

(1) Issuance of a building permit based upon previously approved development orders permitting development;

(2) Issuance of a building permit based upon previously approved development orders permitting new development;

(3) Issuance of new development orders permitting redevelopment; or

(4) Issuance of new development orders permitting new development.

(LDC § 3.03.04)

Sec. 42-254. Additional conditions related to capital improvements element.

In addition to the minimum requirements set forth in section 42-252, the following conditions apply in general:

(1) Amendments to the comprehensive plan can be made twice each year or as otherwise permitted by F.S. § 163.3187. In addition, changes can be made to the capital improvements element by ordinance if the changes are limited to the technical matters listed in F.S. ch. 163, pt. II (F.S. § 163.3161 et seq.).

(2) No development order shall be issued which would require the board of county commissioners to delay or suspend construction of any of the capital improvements on the five-year schedule of the capital improvements element, subject to exceptions permitted by F.S. § 163.3187.

(3) If by issuance of a development order, a substitution of a comparable project on the five-year schedule is proposed, the applicant may request the county to consider an amendment to the five-year schedule in one of the twice annual amendment reviews.

(4) The result of any development not meeting the adopted level of service standards for public facilities shall be cessation of the affected development or one of the strategies set forth in section 42-227.

(LDC § 3.03.06)

Sec. 42-255. Roads.

(a) *Generally.* The evaluation of roads shall compare the existing level of service to the adopted level of service standards established by the county comprehensive plan for all roads. The level of service shall be based upon the existing roads, including any proposed improvements to those roads, meeting the minimum requirements for concurrency as set forth in section 42-252.

(b) *Submittals.* Unless the applicant qualifies for exemption under section 42-225, the applicant for a development permit shall submit to the county, along with the application for a development permit, the following information:

(1) The capacity (C) of the road segments at the adopted level of service, using the most recent state department of transportation generalized level of service tables.

(2) A determination of the number of trips (D) generated by the proposed project during the p.m. peak hour, using the most recent edition, beginning with the fourth edition, of the ITE Trip Generation Report.

(3) The existing traffic volume (V) of road segments affected by the proposed project or development, as given in the county comprehensive plan, traffic circulation element or based on the most recently available traffic counts, provided they are approved by the planning director.

(4) The summation of subsections (2) and (3) of this section (i.e., D + V). This sum shall be known as N, for new volume upon the road segments.

(5) The ratio, as a percentage, of subsection (4) to subsection (1) of this section (i.e., N/C).

(c) *Evaluation.* For developments where subsection (5) of this section exceeds 100 percent, concurrency will not be met unless one of the minimum requirements listed in section 42-252 is met.

(LDC § 3.03.02(A))

Sec. 42-256. Potable water.

The following applies to review for potable water.

(1) *Submittals.* Unless the applicant qualifies for exemption under section 42-225, the applicant for a development permit shall submit, along with the application, proof that sufficient capacity exists as demonstrated by one or more of the following:

a. If the service provider is other than an on-site potable water well, including, but not limited to, the City of Perry, Keaton Beach, Steinhatchee or Taylor Beaches Community Potable Water Systems, assurance will be required from the service provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service standard. If the ability of a service provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the county, the applicant may be required to provide evidence of a contract with the service provider, indicating the provider's commitment and ability to serve the proposed project.

b. If the service provider is an on-site well system:

1. Permits issued by Suwannee River Water Management District (SRWMD), pursuant to F.A.C. ch. 40B-4 and F.A.C. ch. 17-2 for a water well to serve the development; and/or

2. Permits issued by the county public health unit.

(2) *Presumption of available capacity.* A presumption of available capacity shall be rendered by the planning director upon receipt of evidence as required by this section.

(LDC § 3.03.02(B))

Sec. 42-257. Wastewater.

The following applies to wastewater review:

(1) *Submittals.* The applicant for a development permit shall submit, along with the application, proof that sufficient capacity exists as demonstrated by one or more of the following:

a. If the proposed service provider is other than an on-site septic system, including, but not limited to, package plants and/or the City of Perry, assurance will be provided from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service standard. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the county, the applicant may be required to provide evidence of a contract with the service provider indicating the provider's commitment and ability to serve the proposed project;

b. If the service provider is an on-site system:

1. All applicable state permits for an on-site disposal system are obtained; and/or

2. All applicable department of environmental protection permits for wastewater facilities are obtained.

(2) *Presumption of available capacity.* A presumption of available capacity shall be rendered by the planning director upon receipt of one or more pieces of evidence as set forth in this section.

(LDC § 3.03.02)

Sec. 42-258. Drainage.

The following applies to drainage review:

(1) *Submittals.* The applicant for a development permit shall submit, along with the application, proof that sufficient capacity exists as demonstrated by one or more of the following which are applicable to the development:

a. All applicable department of environmental protection permits for stormwater management systems are obtained; and

b. All applicable department of transportation permits for drainage connections and all applicable permits issued by the Suwannee River Water Management District pursuant to F.S. §§ 373.451—373.4595 and F.A.C. ch. 40B-4 are obtained.

(2) *Presumption of available capacity.* Capacity for single-family dwellings shall be presumed to be available. For all other development, a presumption of available capacity shall be rendered by the planning director upon receipt of the applicable department of environmental protection, department of transportation and Suwannee River Water Management District permits.

(LDC § 3.03.02(D))

Sec. 42-259. Solid waste.

The following applies to solid waste review:

(1) Based on the data and analysis contained in the county comprehensive plan, adequate capacity exists for estimated demand for solid waste services through 1991, by which time a regional landfill will be on-line. This regional landfill is being developed pursuant to a department of environmental protection order for a regional landfill for Taylor, Jefferson, Madison and Dixie Counties, as well as county Ordinance No. 90-8.

(2) Therefore a presumption of available capacity shall be rendered by the planning director to all developments for the period beginning September 21, 1990, until the submission of the first concurrency management system annual report or the commencement of operations at the regional landfill, whichever comes first.

(3) At such time, the available capacity for solid waste shall be reassessed, and a determination made as to whether the presumption of available capacity is to be continued.

(LDC § 3.03.02)

Cross reference(s)—Solid waste, ch. 62.

Sec. 42-260. Recreation and open space.

The following applies to recreation and open space review:

(1) *Submittals.* Except in the case of plan amendments, no submittals shall be required.

(2) *Countywide presumption of available capacity.* Based on the data and analysis which supports the county comprehensive plan, adequate capacity exists for estimated demand for park and open space facilities, including those for activity and resource-based activities, through the planning period

(1990—1995). Therefore, a presumption of available capacity shall be rendered by the planning director for all development for the period beginning October 1, 1990 through the submission of the first concurrency management system annual report. At such time, the available capacity for park and open space facilities shall be reassessed and a determination made as to whether the presumption of available capacity is to be continued.

(LDC § 3.03.02(F))

Cross reference(s)—Parks and recreation, ch. 54.

Secs. 42-261—42-270. Reserved.

DIVISION 3. PROPORTIONATE FAIR-SHARE TRANSPORTATION PROGRAM[6]

Sec. 42-271. Purpose and intent.

The purpose of this section is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the proportionate fair-Share transportation program, as required by and in a manner consistent with F.S. § 163.3180(16).

(Ord. No. 2006-20, § 1, 11-28-2006)

Sec. 42-272. Applicability.

The proportionate fair-share transportation program shall apply to all developments in the county that have been notified of a lack of capacity to satisfy transportation concurrency on a transportation facility in the county concurrency management system, including transportation facilities maintained by Florida Department of Transportation or another jurisdiction that are relied upon for concurrency determinations, pursuant to the concurrency requirements of this article of the land development code. The proportionate fair-Share transportation program does not apply to developments of regional impact using proportionate fair-share under F.S. § 163.3180(12), or to developments exempted from concurrency as provided in the comprehensive plan and this article of the land development code, and/or F.S. § 163.3180, regarding exceptions and de minimis impacts.

(Ord. No. 2006-20, § 1, 11-28-2006)

Sec. 42-273. General requirements.

(a) An applicant may choose to satisfy the transportation concurrency requirements of the county by making a proportionate fair-share contribution, pursuant to the following requirements:

(1) The proposed development is consistent with the comprehensive plan and applicable land development regulations; and

(2) The five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term concurrency management system includes a transportation improvement(s) that, upon completion,

[6]Cross reference(s)—Road concurrency, § 42-255.

will satisfy the requirements of the concurrency management system. The provisions of paragraph (b) of this general requirements subsection herein may apply if a project or projects needed to satisfy concurrency are not presently contained within the capital improvements element of the comprehensive plan or an adopted long-term schedule of capital improvements for an adopted long-term concurrency management system.

(b) The county may choose to allow an applicant to satisfy transportation concurrency through the proportionate fair-share transportation program by contributing to an improvement that, upon completion, will satisfy the requirements of the concurrency management system, but is not contained in the five-year schedule of capital improvements in the capital improvements element or a long-term schedule of capital improvements for an adopted long-term concurrency management system, where the following apply:

(1) The county adopts, by resolution, a commitment to add the improvement to the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or long-term schedule of capital improvements for an adopted long-term concurrency management system no later than the next regularly scheduled annual capital improvements element update. To qualify for consideration under this section, the proposed improvement must be reviewed by the local planning agency, and determined to be financially feasible pursuant to F.S. § 163.3180(16)(b)1., consistent with the comprehensive plan, and in compliance with the provisions of this section. Financial feasibility for this section means that additional contributions, payments or funding sources are reasonably anticipated during a period not to exceed ten (10) years to fully mitigate impacts on the transportation facilities.

(2) If the funds allocated for the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan are insufficient to fully fund construction of a transportation improvement required by the concurrency management system, the county may still enter into a binding proportionate fair-share agreement with the applicant authorizing construction of that amount of development on which the proportionate fair-share is calculated if the proportionate fair-share amount in such agreement is sufficient to pay for one (1) or more improvements which will, in the opinion of the governmental entity or entities maintaining the transportation facilities, significantly benefit the impacted transportation system.

The improvement or improvements funded by the proportionate fair-share component must be adopted into the five-year schedule of capital improvements in the capital improvements element of the comprehensive plan or the long-term schedule of capital improvements for an adopted long-term schedule of capital improvements for an adopted long-term concurrency management system at the next regularly scheduled annual capital improvements element of the comprehensive plan update.

(c) Any improvement project proposed to meet the applicant's fair-share obligation must meet design standards of the county for locally maintained roadways and those of the Florida Department of Transportation for the state highway system.

(Ord. No. 2006-20, § 1, 11-28-2006)

Sec. 42-274. Intergovernmental coordination.

Pursuant to policies in the intergovernmental coordination element of the comprehensive plan and applicable policies in the north central florida strategic regional policy plan, the county shall coordinate with affected jurisdictions, including Florida Department of Transportation, regarding mitigation to impacted facilities not under the jurisdiction of the county. An interlocal agreement may be established with other affected jurisdictions for this purpose.

(Ord. No. 2006-20, § 1, 11-28-2006)

Sec. 42-275. Application process.

(a) Upon notification of a lack of capacity to satisfy transportation concurrency, the applicant shall also be notified in writing of the opportunity to satisfy transportation concurrency through the proportionate fair-share transportation program pursuant to the requirements of this section.

(b) Prior to submitting an application for a proportionate fair-share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted facility is on the strategic intermodal system, then the Florida Department of Transportation will be notified and invited to participate in the pre-application meeting.

(c) Eligible applicants shall submit an application to the county that includes an application fee, as established by a fee resolution, as amended, by the county, and the following:

(1) Name, address and telephone number of owner(s), developer and agent;

(2) Property location, including parcel identification numbers;

(3) Legal description and survey of property;

(4) Project description, including type, intensity and amount of development;

(5) Phasing schedule, if applicable; and

(6) Description of requested proportionate fair-share mitigation method(s).

(d) The county shall review the application and certify that the application is sufficient and complete within thirty (30) calendar days. If an application is determined to be insufficient, incomplete or inconsistent with the general requirements of the proportionate fair-share transportation program as described in this section, then the applicant will be notified in writing of the reasons for such deficiencies within 30 calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within 30 calendar days of receipt of the written notification, then the application will be deemed abandoned. The board of county commissioners may, in its discretion, grant an extension of time not to exceed 60 calendar days to cure such deficiencies, provided that the applicant has shown good cause for the extension and has taken reasonable steps to effect a cure.

(e) Pursuant to F.S. § 163.3180(16)(e), proposed proportionate fair-share mitigation for development impacts to facilities on the strategic intermodal system requires the concurrence of the Florida Department of Transportation. The applicant shall submit evidence of an agreement between the applicant and the Florida Department of Transportation for inclusion in the proportionate fair-share transportation agreement.

(f) When an application is deemed sufficient, complete and eligible, the applicant shall be advised in writing and a proposed proportionate fair-share obligation and binding agreement will be prepared by the County and delivered to the appropriate parties for review, including a copy to the Florida Department of Transportation for any proposed proportionate fair-share mitigation on a strategic intermodal system facility, no later than 60 calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than 15 calendar days prior to the board of county commissioners meeting when the agreement will be considered.

(g) The county shall notify the applicant regarding the date of the board of county commissioners meeting when the agreement will be considered for final approval. No proportionate fair-share agreement will be effective until approved by the board of county commissioners.

(Ord. No. 2006-20, § 1, 11-28-2006)

Sec. 42-276. Determining proportionate fair-share obligation.

(a) Proportionate fair-share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contributions of land, and construction and contribution of facilities.

(b) A development shall not be required to pay more than its proportionate fair-share. The fair market value of the proportionate fair-share mitigation for the impacted facilities shall not differ regardless of the method of mitigation.

(c) The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in F.S. § 163.3180(12), as follows:

The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out of a stage or phase being approved, divided by the change in the peak hour maximum service volume (MSV) of roadways resulting from construction of an improvement necessary to maintain the adopted level of service (LOS), multiplied by the construction cost, at the time of developer payment, of the improvement necessary to maintain the adopted LOS.

OR

Proportionate Fair-Share = Σ[[(Development Trips;sub\sub;)/(SV Increase;sub\sub;)] × Cost;sub\sub;]

Where:

Development Trips;sub\sub; =	hose trips from the stage or phase of development under review that are assigned to roadway segment "T" and have triggered a deficiency per the concurrency management system;
SV Increase;sub\sub; =	Service volume increase provided by the eligible improvement to roadway segment "i" per section E;
Cost;sub\sub; =	Adjusted cost of the improvement to segment "i". Cost shall include all improvements and associated costs, such as design, right-of-way acquisition, planning, engineering, inspection, and physical development costs directly associated with construction at the anticipated cost in the year it will be incurred.

(d) For the purposes of determining proportionate fair-share obligations, the county shall determine improvement costs based upon the actual cost of the improvement as obtained from the capital improvements element of the comprehensive plan, or the Florida Department of Transportation Work Program. Where such information is not available, improvement cost shall be determined using one of the following methods.

(1) An analysis by the county of costs by cross section type that incorporates data from recent projects and is updated annually and approved by the board of county commissioners. In order to accommodate increases in construction material costs, project costs shall be adjusted by the following inflation factor:

$$Cost_n = Cost_0 \times (1 + Cost\_growth_{3yr})^n$$

Where:

$Cost_n$ =	The cost of the improvements in year n;

$Cost_0$ =	The cost of the improvement in the current year;
$Cost\_growth_{3yr}$ =	The growth rate of costs over the last three years;
n =	The number of years until the improvement is constructed.

The three-year growth rate is determined by the following formula:

$Cost\_growth_{3yr} = [Cost\_growth_{-1} + Cost\_growth_{-2} + Cost\_growth_{-3}]/3$

Where:

$Cost\_growth_{3yr}$ =	The growth rate of costs over the last three years;
$Cost\_growth_{-1}$ =	The growth rate of costs in the previous year;
$Cost\_growth_{-2}$ =	The growth rate of costs two years prior;
$Cost\_growth_{-3}$ =	The growth rate of costs three years prior.

(2) The most recent Florida Department of Transportation *Transportation Costs* report, as adjusted based upon the type of cross-section (urban or rural); locally available data from recent projects on acquisition, drainage and utility costs; and significant changes in the cost of materials due to unforeseeable events. Cost estimates for state road improvements not included in the adopted Florida Department of Transportation Work Program shall be determined using this method in coordination with the Florida Department of Transportation.

(e) If the county has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one of the methods provided in this section.

(f) If the county has accepted right-of-way dedication for the proportionate fair-share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at 120 percent of the most recent assessed value by the county property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the county and at no expense to the county. The applicant shall supply a drawing and legal description of the land and a certificate of title or title search of the land to the county at no expense to the county. If the estimated value of the right-of-way dedication proposed by the applicant is less than the county estimated total proportionate fair-share obligation for that development, then the applicant must also pay the difference. Prior to purchase or acquisition of any real estate or acceptance of donations of real estate intended to be used for the proportionate fair-share, public or private partners should contact the Florida Department of Transportation for essential information about compliance with federal law and regulations.

(Ord. No. 2006-20, § 1, 11-28-2006)

Sec. 42-277. Proportionate fair-share agreements.

(a) Upon execution of a proportionate fair-share agreement the applicant shall receive county concurrency approval. Should the applicant fail to apply for a development permit within 12 months of the execution of

the proportionate fair-share agreement, then the proportionate fair-share agreement shall be considered null and void, and the applicant shall be required to reapply.

(b) Payment of the proportionate fair-share contribution is due in full prior to issuance of the final development order or recording of the final plat and shall be non-refundable. If the payment is submitted more than 12 months after the date of execution of the Agreement, then the proportionate fair-share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment, pursuant to the determining proportionate fair-share obligation subsection herein and adjusted accordingly.

(c) All developer improvements authorized under this section must be completed prior to issuance of a development permit, or as otherwise established in a binding agreement that is accompanied by a security instrument that is sufficient to ensure the completion of all required improvements. Any required improvements shall be completed before issuance of building permits.

(d) Dedication of necessary right-of-way for facility improvements pursuant to a proportionate fair-share agreement must be completed prior to issuance of the final development order or recording of the final plat.

(e) Any requested change to a development project subsequent to a development order may be subject to additional proportionate fair-share contributions to the extent the change would generate additional traffic that would require mitigation.

(f) Applicants may submit a letter to withdraw from the proportionate fair-share agreement at any time prior to the execution of the proportionate fair-share agreement. The application fee and any associated advertising costs to the county are non-refundable.

(Ord. No. 2006-20, § 1, 11-28-2006)

Sec. 42-278. Appropriation of fair-share revenues.

(a) Proportionate fair-share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the capital improvements element of the comprehensive plan, or as otherwise established in the terms of the proportionate fair-share agreement. At the discretion of the board of county commissioners, proportionate fair-share revenues may be used for operational improvements prior to construction of the capacity project from which the proportionate fair-share revenues were derived. Proportionate fair-share revenues may also be used as the 50 percent local match for funding under the Florida Department of Transportation's Transportation Regional Incentive Program.

(b) In the event a scheduled facility improvement is removed from the capital improvements element of the comprehensive plan, then the revenues collected for its construction may be applied toward the construction of another improvement within that same corridor or sector that would mitigate the impacts of development pursuant to the requirements of this section.

Where an impacted regional facility has been designated as a regionally significant transportation facility in an adopted regional transportation plan as provided in F.S. § 339.155, and then the county may coordinate with other impacted jurisdictions and agencies to apply proportionate fair-share contributions and public contributions to seek funding for improving the impacted regional facility under the Florida Department of Transportation's Transportation Regional Incentive Program. Such coordination shall be ratified by the board of county commissioners through an interlocal agreement that establishes a procedure for earmarking of the developer contributions for this purpose.

(Ord. No. 2006-20, § 1, 11-28-2006)

Secs. 42-279—42-290. Reserved.

ARTICLE IV. TECHNICAL CODES

DIVISION 1. GENERALLY

Sec. 42-291. Adoption.

The following subsections are incorporated into this chapter by reference:

The Standard Housing Code, 1997 edition.

(LDC § 1.07.03(A)—(F), (K), (L); Ord. No. 93-10, § 1, 6-7-1993)

State law reference(s)—Authority to adopt building and other technical codes by reference, F.S. § 125.01(1)(i); adoption of building code, F.S. § 125.56; state mandated technical codes, F.S. §§ 553.19, 553.73.

Sec. 42-292. Manufactured buildings.

All manufactured buildings installed in the county must contain an insignia of approval issued by the department of community affairs. Any and all revisions to any or all codes contained in this division by the state department of community affairs, board of building codes and standards, shall become effective immediately upon revision notification from the department of community affairs.

(LDC § 1.07.03(G))

State law reference(s)—Factory built housing, F.S. § 553.35 et seq.

Sec. 42-293. Reserved.

Editor's note(s)—Ord. No. 2012-06, § 1, adopted April 17, 2012, repealed § 42-293 which pertained to wind speed requirements and derived from Ord. No. 2002-1, §§ 1, 2, adopted April 2, 2002.

Secs. 42-294—42-315. Reserved.

DIVISION 2. FIRE SAFETY STANDARDS[7]

Sec. 42-316. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Factory manufactured building means a closed structure, building assembly or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating or other service systems manufactured in

[7]Cross reference(s)—Fire prevention and protection, ch. 34.

manufacturing facilities for installation or erection, with or without other specified components, as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage and industrial structures. This definition excludes mobile homes as they are considered a residential dwelling unit. Manufactured building may also mean, at the option of the manufacturer, any building of open construction made or assembled in manufacturing facilities away from the building site for installation, or assembly and installation on the building site. Such factory manufactured buildings shall have been approved by the state department of community affairs.

Fire safety inspector means an individual officially assigned the duties of conducting fire safety inspections of buildings and facilities on a recurring or regular basis on behalf of the county.

(Ord. No. 87-9, § 4, 12-15-1987)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-317. Penalty.

The violation of any provision of this division shall be punished as provided in section 1-12.

(Ord. No. 87-9, § 10, 12-15-1987)

Sec. 42-318. Exemptions.

(a) The plan review procedure set forth in this division shall not apply to factory manufactured buildings as such buildings are regulated by the state department of community affairs.

(b) One-family or two-family detached residential dwelling units, including mobile homes, are not subject to plan review by the local fire safety inspector.

(Ord. No. 87-9, § 3, 12-15-1987)

Sec. 42-319. Issuance of permits.

No enforcing agency may issue any permit for construction, erection, alteration, repair or demolition until the local building code inspector, in conjunction with the county fire safety inspector, has reviewed the plans and specifications for such proposal and both officials have found the plans to be in compliance with the county building code and the applicable fire safety standards as adopted in this division. Any building or structure which is not subject to a fire safety code and any building or structure which is exempt from the local building permit process shall not be required to have its plans reviewed by the local officials. Industrial construction on sites where design, construction and fire safety are supervised by appropriate design and inspection professionals and which contain adequate in-house fire departments and rescue squads is exempt, subject to local government option, from review of plans and inspections, providing that owners certify that applicable codes and standards have been met and supply appropriate approved drawings to local building and fire safety inspectors. The enforcing agency shall issue a permit to construct, erect, alter, repair or demolish any building when the plans and specifications for such proposal comply with the provisions of the county building code and the applicable fire safety standards as determined in accordance with this division.

(Ord. No. 87-9, § 2, 12-15-1987)

Sec. 42-320. Minimum fire safety standards.

(a) The county adopts the following as minimum fire safety standards:

(1) The National Fire Protection Association (NFPA) Pamphlet 1, 1987 edition, and appendices A, B, D, E, F, G, J and K, or the most recent revision of such pamphlet and appendices thereto.

(2) The National Fire Protection Association (NFPA) 101, Life Safety Code, 1985 edition, and appendices A, B, C, D, F and G, or the most recent revision thereto.

(b) In addition to the minimum fire standards adopted in subsection (a) of this section, the county may establish alternative requirements to those requirements which are set forth under the minimum fire safety standards on a case-by-case basis, in order to meet special situations arising from historic, geographic or unusual conditions, if the alternative requirements result in a level of protection to life, safety or property equal to or greater than the applicable minimum fire safety standards. For the purpose of this subsection, the term "historic" means that the building or structure is listed on the National Register of Historic Places of the United States Department of the Interior.

(Ord. No. 87-9, § 5, 12-15-1987)

Sec. 42-321. Application of minimum standards.

(a) The new building or structure provisions enumerated within the fire safety codes adopted in section 42-320 shall apply only to buildings or structures for which the building permit is issued on or after January 1, 1988. The existing building or structure provisions enumerated within the fire safety codes adopted pursuant to section 42-320 shall apply to buildings or structures for which the building permit was issued or the building or structure was constructed prior to January 1, 1988.

(b) With regard to existing buildings, the state legislature recognized that it is not always practical to apply any or all of the provisions of the minimum fire safety codes and that physical limitations may require disproportionate effort or expense with little increase in life safety. Prior to applying the minimum fire safety codes to any existing building, the local fire safety inspector shall determine that a threat to life, safety and property exists. If a threat to life, safety or property exists, the fire safety inspector shall apply the applicable fire safety codes for existing buildings to the extent practical to assure a reasonable degree of life safety and safety of property, or the fire safety inspector shall fashion a reasonable alternative which affords an equivalent degree of life safety and safety of property. The decision of the local fire inspector may be appealed to the local code administrative board.

(Ord. No. 87-9, § 6, 12-15-1987)

Sec. 42-322. Employment of fire safety inspector; establishment of fees.

(a) The county shall employ or contract with a person who has met all of the requirements for employment as a fire safety inspector as promulgated by the state fire marshal. The fire safety inspector must conduct all fire safety inspections that are required by law. The county may establish a schedule of fees related to the inspections required by this division and for related administrative expenses.

(b) The county fire safety inspector shall, at any reasonable hour, inspect any and all buildings and structures subject to this division. The authority to inspect shall extend to all equipment, vehicles and chemicals which are located within the premises of any such building or structure.

(Ord. No. 87-9, § 7, 12-15-1987)

Sec. 42-323. Building and fire safety code administrative board.

There is established a county building and fire safety code administrative board to be made up of five members appointed by the board of county commissioners for terms of three years. The initial term of the county building and fire safety code administrative board shall be two members to serve two-year terms and three members to serve three-year terms. Members may be subject to reappointment. The county building and fire safety code administrative board shall be responsible for hearing and considering appeals from the decisions made by the local fire safety inspector or local building code official when such appeal relates to fire safety. The county building and fire safety code administrative board shall have the authority to fully adopt the decisions of the county building official and/or the county fire safety inspector, to reverse in full the decision of the county building authority and/or the county fire safety inspector or accept, in part, the decisions made by the county building authority and/or the county fire safety inspector.

(1) If the decision of the county fire safety inspector and the local building official is to apply the provisions of either the applicable minimum building code or the applicable minimum fire safety codes, the county building and fire safety code administrative board may not alter the decision unless the county building and fire safety code administrative board determines that the application of such code is not reasonable. If the decision of the local fire safety inspector and the local building official is to adopt an alternative to the codes, the local building and fire safety code administrative board shall give due regard to the decision rendered by the local officials and may modify that decision if the county building and fire safety code administrative board adopts a better alternative, taking into consideration all relevant circumstances. In any case in which the local building and fire safety code administrative board adopts alternatives to the decision rendered by the local fire safety inspector and the local building official, such alternatives shall provide an equivalent degree of life safety and an equivalent method of construction as to the decision rendered by the local officials.

(2) If the local building official and the local fire safety inspector are unable to agree on a resolution to the conflict between the building code and the fire safety codes, the local building and fire safety code administrative board shall resolve the conflict in favor of the code which offers the greatest degree of life safety alternatives which would provide an equivalent degree of life safety and equivalent method of construction.

(3) The local building and fire safety code administrative board shall, to the greatest extent possible, be composed of members with expertise in building construction and fire safety standards.

(4) All decisions of the local building official and local fire safety inspector and all decisions of the building and fire safety code administrative board shall be in writing, and shall be binding upon all persons, but shall not limit the authority of the state fire marshal pursuant to F.S. § 633.161.

(Ord. No. 87-9, § 8, 12-15-1987)

Cross reference(s)—Boards, commissions and authorities, § 2-126 et seq.

Sec. 42-324. Abatement of dangerous situation.

(a) The local fire safety inspector shall have the authority to summarily abate any condition that is in violation of any provision of this division and that presents an immediate fire hazard to life and property.

(b) Whenever the local fire safety inspector shall find violations of this division, a written notice shall be issued to confirm such findings. Every notice shall set forth a time limit for compliance. Such time limit shall be correlated to the degree of hazard created by the violation and availability of means of abatement.

(c) The local fire safety inspector shall issue a written notice whenever it is found that a certain provision of this division shall be applied to existing conditions.

(d) An order or notice issued pursuant to this division shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, mail or by delivering it to, and leaving it with, some person of responsibility upon the premises. For unattended or abandoned locations, a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner and/or occupant.

(e) The local fire safety inspector shall have the authority to revoke, suspend or deny the granting of any permit, approval or certificate required by this division for noncompliance with the provisions of such a permit, approval, certificate or failure to meet the provisions of this division for the issuance of such permit, certificate or approval.

(f) The fire safety inspector shall keep a record of all fire prevention inspections, including the date of such inspections, and a summary of any violations found to exist, the date of the service of notices and a memorandum of the final disposition of all violations.

(Ord. No. 87-9, § 9, 12-15-1987)

Secs. 42-325—42-355. Reserved.

ARTICLE V. LAND USE[8]

DIVISION 1. GENERALLY

Sec. 42-356. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abut means to physically touch or border upon, or to share a common property line.

Accessory use means a use of land or structure, or portion thereof, customary, incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.

Adult congregate living facility (ACLF) means a type of residential care facility defined in F.S. ch. 400, pt. II (F.S. § 400.011 et seq.).

Agricultural activity means any farming and forestry or silvicultural operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs and placement of bridges and culverts.

Density and *gross density* mean the total number of dwelling units divided by the total site area.

Duplex means a structure containing two separate dwelling units.

[8]State law reference(s)—Land use regulations required, F.S. § 163.3202(1)(b).

Dwelling unit means single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Junkyard means premises, or portions thereof, used for the storage for sale of used and discarded materials, including, but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment or parts thereof. The storage for a period of two or more months of more than two wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles or the sale of parts thereof, not reasonably capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this chapter, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

Lot means a designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

Manufactured housing has the following features or characteristics:

(1) Mass produced in a factory;

(2) Designed and constructed for transportation to a site for installation and use when connected to required utilities; and

(3) Either an independent, individual building or a module for combination with other elements to form a building on the site.

The term "manufactured housing" is not intended to apply to the use of the prefabricated panels, trusses, plumbing subsystems or other prefabricated subelements incorporated in the course of construction of buildings on the site, but only to major elements requiring minor and incidental on-site combination or installation.

Multifamily dwelling means any residential structure containing three or more separate dwelling units.

Parcel means a unit of land within legally established property lines.

Recreation vehicle means a vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as a temporary living accommodation for recreation, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes.

Single-family dwelling means a structure containing one dwelling unit, and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this chapter.

(LDC § 2.00.02; Ord. No. 2001-3, § 2(c), 3-20-2001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-357. Purpose.

The purpose of this article is to describe the specific uses and restrictions that apply to land use districts in the future land use element of the county comprehensive plan. These regulations are intended to allow development and use of property only in compliance with the goals, objectives and policies of the county as expressed in the county comprehensive plan.

(LDC § 2.00.01)

Secs. 42-358—42-380. Reserved.

DIVISION 2. DISTRICTS

Sec. 42-381. Generally.

Land use districts for the county are established in the future land use element of the comprehensive plan. The land use districts and classifications defined in the future land use element and delineated on the future land use map shall be the determinants of permissible activities on any parcel in the unincorporated area of the county. Notwithstanding any other provisions of this chapter to the contrary, dwelling unit density within the coastal high hazard area (seaward of the most landward Federal Emergency Management Agency velocity zone line) shall be limited to one unit per five acres in rural areas.

(LDC § 2.01.01)

Sec. 42-382. Enumerated; general character.

All land within the unincorporated area of the county has a designated land use district described in the county comprehensive plan. Refer to the future land use element of the county comprehensive plan for the definitions of each land use district. Allowable uses are shown in section 42-409 to correlate individual land uses with land use districts. The land use districts are:

(1) *Agricultural 1—AG1.* This category of land use is intended for areas now used and appropriate for continued use primarily in very large scale agricultural activities, primarily timber producing lands. Agricultural uses may include, but are not limited to, crop production, pasture lands, silviculture, orchards and groves, and forestry. Dwellings and associated accessory farm buildings are allowable. New residential development is allowable, not to exceed one unit per 20 acres; however, transfer of property to members of the principal owner's immediate family is allowable without regard to the density limitations, provided that all other applicable requirements are met during development. Density is calculated on a gross basis. In order to preserve the working landscape, residential units could be clustered on one portion of the property (minimum lot size of one acre), leaving the balance of the property to continue to operate as a working farm. Cluster development is allowed subject to the requirements set forth in the objectives and policies of the comprehensive plan and provided that the maximum gross density is not exceeded. The open space ratio shall be 75 percent. Public uses may be allowed, subject to appropriate land development regulations to ensure compatibility and harmony of scale and character. Intensity, as measured by land coverage, shall not exceed 25 percent.

(2) *Agricultural 2—AG2.* This category of land use is intended for areas now used and appropriate for continued use primarily in medium to large scale agricultural activities. This includes areas appropriate for a variety of agricultural uses, including, but not limited to, crop lands, pasture lands, silviculture, orchards and groves, and forestry. Dwellings and associated accessory farm buildings are allowable. Density for residential use shall not exceed one unit per ten acres, except that transfer of property to members of the principal owner's immediate family is allowable without regard to the density limitation, provided that all other applicable requirements are met. Density is calculated on a gross basis. In order to preserve the working landscape, residential units could be clustered on one portion of the property, leaving the balance of the property to continue to operate as a working farm. Cluster development is allowed subject to the requirements set forth in the objectives and policies of the comprehensive plan and provided that the maximum gross density is not exceeded. The open space ratio shall be 75 percent. Very limited neighborhood commercial and public use may be allowed, subject to appropriate land development regulations to ensure compatibility and harmony of scale and character. Intensity, as measured by land coverage, shall not exceed 25 percent. Rural neighborhoods are allowed to continue and infill within such areas is allowed. These neighborhoods are usually found at rural crossroads and typically include at least two of the following elements within a one-half-mile radius:

a. A cluster of ten or more homes;

b. A church;

c. A cemetery;

d. An old school house; and/or

e. A general store. The term "general store" is intended to include convenience stores and other similar businesses.

(3) *Agricultural/rural residential—AGR.* This category of land use is intended for areas now used and appropriate for continued use primarily in small to medium scale agricultural activities. This includes areas appropriate for a variety of agricultural uses, including, but not limited to, crop lands, pasture lands, silviculture, orchards and groves, and forestry. Dwellings and associated accessory farm buildings are allowable. Density for residential use shall not exceed one unit per five acres, except that transfer of property to members of the principal owner's immediate family is allowable without regard to the density limitation, provided that all other applicable requirements are met. Density is calculated on a gross basis. In order to preserve the working landscape, residential units could be clustered on one portion of the property, leaving the balance of the property to continue to operate as a working farm. Cluster development is allowed subject to the requirements set forth in the objectives and policies of the comprehensive plan and provided that the maximum gross density is not exceeded. The open space ratio shall be 60 percent. Very limited neighborhood commercial or public use may be allowed, subject to appropriate land development regulations to ensure compatibility and harmony of scale and character. Intensity, as measured by land coverage, shall not exceed 40 percent. Rural neighborhoods are allowed to continue and infill within such areas is allowed. These neighborhoods are usually found at a rural crossroads and typically include at least two of the following elements within a one-half-mile radius:

a. A cluster of ten or more homes;

b. A church;

c. A cemetery;

d. An old school house; and/or

e. A general store. The term "general store" is intended to include convenience stores and other similar businesses.

(4) *Mixed use rural residential—MUR.* The rural residential classification is intended for rural areas which are undergoing transition from primary agricultural to a mixed use and eventually will be predominantly residential; associated business activity is also appropriate. Residential uses will account for approximately 75 percent of the total land use in these areas, while the remaining use may consist of a mix of commercial, small scale industrial and public uses. To ensure a compatible mix of uses, landscaped buffer areas will be required between residential and nonresidential uses. This chapter will also have standards for building placement. Density ranges up to one unit per two acres. The intensity, as measured by land coverage, shall not exceed 50 percent of all uses.

(5) *Mixed use urban development—MUD.* This land use category is intended for a mix of residential and business uses generally adjacent to existing urbanizing areas. It is designed to accommodate the needs of residents in the unincorporated area of the county and the adjacent incorporated municipalities. This is a more intense mixed use category than the rural residential classification, allowing more business use and somewhat higher density residential development. To ensure the compatibility of land uses, the land development regulations will include standards for land coverage, building placement and landscaped buffers. Densities up to two units per acre are allowable. If either or both central water and sewer are provided, units may be clustered for greater density on a parcel, but shall

not exceed gross density as outlined in policy I.1.2.B—I.1.2.D. of the comprehensive plan. Public uses are also permissible. The intensity of development, as measured by land coverage, shall not exceed 60 percent of all uses.

(6) *Industrial—I.* This category of land use is intended for industry such as wood product processing, warehousing, storage, manufacturing and airport and aviation-related uses. Limited commercial uses are also permissible consistent with the industrial character of the area. One dwelling unit for use by either the owner, an employee, lessee, custodian or watchman, including immediate family, may be permitted as an accessory use as part of an approved site plan where such dwelling unit is located on the same lot or parcel. Public uses are also permissible. The intensity of nonresidential development, as measured by land coverage, shall not exceed 75 percent. Where an accessory use for a single residential unit has been approved pursuant to the limitations set forth in this subsection, the land coverage shall not exceed 80 percent. The floor area ratio (FAR) shall not exceed 1.0.

(7) *Aviation-related commercial—CAR.* Permissible uses in this land use category are limited to those uses which are characterized by the aviation industry or provide necessary services to aviation-related uses. Such uses may be of industrial, commercial, institutional or office character if related to aviation. Government uses, other public uses and essential services such as utilities and communications are also permissible.

(8) *Water-oriented commercial—CWO.* This land use category is primarily designed for commercial uses related to water-oriented activities, including, but not limited to, tourism-oriented hotels and motels, restaurants, recreational vehicle parks, boat ramps, bait and tackle shops, campgrounds and marine-related specialty retail shops. Docking space, accessory to a permitted use and limited to transient use except for the owner, employee, lessee, custodian or watchman living in a permitted accessory dwelling unit, may be permitted by special exception subject to approval of all applicable outside agency permits by all such agencies. One dwelling unit for use by either the owner, an employee, lessee, custodian or watchman, including immediate family, may be permitted as an accessory use as part of an approved site plan where such dwelling unit is located on the same lot or parcel. Public uses are also permissible. The intensity of nonresidential development, as measured by land coverage, shall not exceed 50 percent. Where an accessory use for a single residential unit has been approved pursuant to the limitations of this subsection, the land coverage shall not exceed 60 percent.

(9) *Public—P.* This land use category provides for educational uses, recreational uses, conservation and public facilities. Uses in this category include only institutional, recreational, conservation and public service/utility.

(10) *Conservation—CON.* This land use category includes areas with extremely limited development potential due to environmental sensitivity, publicly-owned natural reservations or other lands identified for such protective treatment. Limited use for passive recreation is appropriate only as may be consistent with protection of the area; existing silviculture is also allowable subject to best management practices. Residential use may be allowable not to exceed one unit per 40 acres.

(LDC § 2.01.02)

Sec. 42-383. Density and dwelling unit types for residential use.

(a) The following is a table of dwelling unit types:

	Gross Density[1]	Housing Types[2]	
Land Use/Districts		S-F/DUP	M-F
Agricultural 1	1 du/20 ac	A	P

Agricultural 2	1 du/10 ac	A	P
Agricultural/rural residential	1 du/5 ac	A	P
Mixed use rural residential	1 du/2 ac	A	A
Mixed use urban development	2 du/2 ac	A	A
Aviation-oriented commercial	[3]	A	P
Water-oriented commercial	[3]	A	P
Industrial	[3]	A	P

"A" means allowed. "P" means prohibited.

[1] This column indicates the gross density allowable subject to minimum requirements.

[2] This part of the table indicates where certain housing types are allowed. The abbreviations for and certain requirements relating to these housing types are as follows:

"S-F" means single-family.

"DUP" means duplex.

"M-F" means multifamily.

[3] One dwelling unit for use by owner, employee, lessee, custodian or watchman, including immediate family.

(b) *Manufactured housing.*

(1) Manufactured homes built in compliance with the department of housing and urban development mobile home construction and safety standards (HUD code) or built under the Florida Manufactured Building Act and certified by the state department of community affairs as complying with the structural requirements of the Standard Building Code shall be allowed to locate in all residential land use districts. All manufactured homes that are not located in a mobile home park designed exclusively for manufactured housing shall comply with section 42-797.

(2) Manufactured homes not meeting the standards of the Florida Manufactured Building Act or HUD code are allowed only if in a mobile home park designed exclusively for such houses.

(LDC § 2.02.04)

Sec. 42-384. Floor area ratio.

(a) *Generally.* A floor area ratio is a measurement of the intensity of development on a site. For purposes of this article, floor area ratios (FAR) are provided only for development in the industrial land use category.

(b) *Calculating floor area ratio.* The floor area ratio is the relationship between the total floor area on a site and the gross site area. The floor area ratio is calculated by adding together all floor areas of all floors and dividing this total by the gross site area. See the diagram in this section for a graphic illustration of this concept.

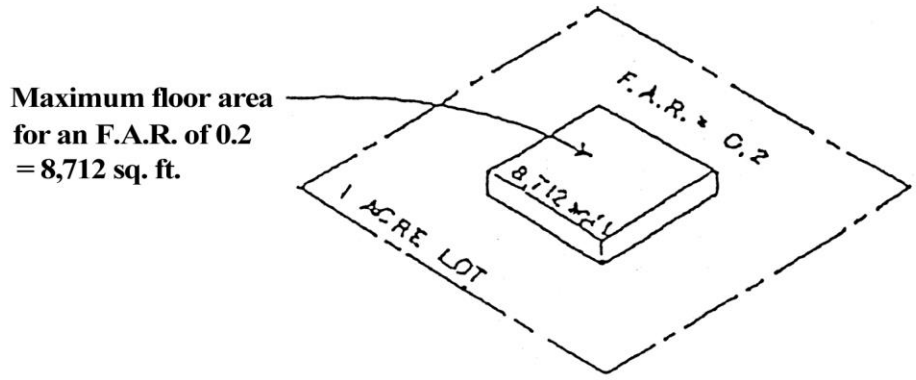
(c) *Table of floor area ratios.*

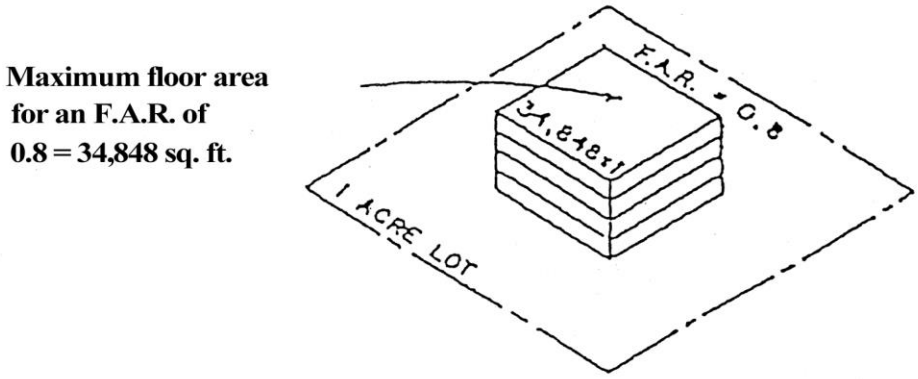
Land Use/Districts	Maximum FAR[1]
Industrial	1.0[2]

[1] Maximum floor area ratio subject to minimum requirements.

[2] Applies to all uses permitted within the industrial land use category. The combined floor areas of all permitted uses shall not result in a floor area ratio that exceeds 1.0.

(Ord. No. 87-9, § 2.02.05, 12-15-1987)





$$F.A.R. = \frac{\text{Total building floor area}}{\text{Total lot area}}$$

Total Building Floor Area

Secs. 42-385—42-405. Reserved.

DIVISION 3. USES ALLOWED

Sec. 42-406. Generally.

This division defines and prescribes the specific uses allowed within each land use district described in the comprehensive plan and section 42-382.

(LDC § 2.02.01(A))

Sec. 42-407. Accessory structures and uses.

Accessory structures and uses are allowed in any land use district in connection with any principal lawfully existing use, subject to the requirements of section 42-432. All accessory structures or uses shall meet the requirements for the land use district in which the structure or use is located, as provided in section 42-409.

(LDC § 2.02.01(B))

Sec. 42-408. Use groups.

Whenever a use is not specifically mentioned in this section, the planning director shall make a determination as to whether the proposed use is of the same general type as the uses specifically allowed in the land use district. In making such a determination, the planning director shall be guided by the goals, objectives and policies of the county comprehensive plan and this section, specifically including the intent to protect private property rights to the maximum extent possible consistent with F.S. ch. 163. Certain uses are allowed only if special supplemental site design standards are met. These supplemental standards are contained in article VIII of this chapter. For example, recreational vehicle parks are listed as a commercial use in this section. Because of their special characteristics, however, recreational vehicle parks are controlled by standards in addition to the minimum requirements for all commercial uses (see section 42-799). This provides for uses that have traditionally been handled as conditional uses or special exceptions. The advantage of the supplemental standard approach used here is that as long as the supplemental standards are adhered to, no additional administrative or governing body action is required.

(1) *Residential.*

a. The category of residential uses includes single-family dwellings, accessory apartments, multifamily dwellings in a variety of housing types, foster care facilities, group homes, modular and manufactured housing, mobile homes, but specifically excludes recreational vehicles as recreational vehicle parks are considered commercial uses.

b. While districts may be designated for residential use, it does not follow that any housing type (single-family, apartment, townhouse, etc.) is allowed. Certain areas are limited to one or more housing types in order to preserve the established character of the area. Refer to the table of density and dwelling unit types in section 42-383 for regulations on housing types.

(2) *Institutional.* This type of use includes public or private educational facilities, public or private preschool and day care facilities, churches, church cemeteries, other noncommercial cemeteries, residential care facilities, halfway housing, nursing home facilities and all other similar institutional uses.

(3) *Outdoor recreational.* These uses include areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, hiking, golf courses, playgrounds, ball fields, outdoor ball courts, stables, outdoor swimming pools and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreational uses, whether public or private. Specifically excluded from this group of uses are firing ranges, marinas, race tracks and similar recreational or quasi-

recreational activities inconsistent with the allowable outdoor recreational uses described in this subsection.

(4) *Professional services and offices.* This group of uses includes business and professional offices, medical offices or clinics, governmental offices, financial institutions without drive-up facilities and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal service businesses are barbershops, beauty shops or photography studios. This group of uses may include a dispatching/communications/office center of the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

(5) *Neighborhood commercial.* Uses in this category are limited to small retail, service and commercial recreational activities and similar uses located to serve within convenient traveling distances from one or several neighborhoods. Such uses do not include major or large scale commercial or service establishments, but may include neighborhood serving professional service and office uses. Compatibility with the neighborhood to be served is critical. Examples of neighborhood commercial uses include those professional and office uses listed in subsection (4) of this section with a neighborhood market orientation, as well as the following specific uses, and all substantially similar types of uses:

a. Neighborhood convenience stores.

b. Small limited item shops and stores restricted to retail sales of convenience items and services including barber, beauty care and other personal services.

c. Small scale drug stores.

d. Laundry and dry cleaning services.

e. Florist shops and other specialty shops.

f. Small scale tourist-oriented activities.

(6) *General commercial.* A wide variety of general commercial, commercial recreational, entertainment and related activities is included in this group of uses. Examples of general commercial uses include professional and office uses listed in subsection (4) of this section, as well as the following specific uses, and all substantially similar types of uses:

a. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers and gymnasiums/spas/health clubs.

b. Community centers and fraternal lodges.

c. Commercial or trade schools such as dance and martial arts studios.

d. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists and book stores.

e. Funeral homes, commercial cemeteries and mortuaries.

f. Farm and garden supply, building supply and vehicle parts and accessories, but specifically excluding vehicle sales/service/repair.

g. Grocery stores, supermarkets, excluding convenience stores, and specialty food stores such as meat markets and bakeries.

h. Hospitals.

i. Hotels and motels.

j. Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners and light mechanical repair stores such as camera, TV or bicycle repair shops.

k. Restaurants (standard sit-down and high-turnover sit-down, but excluding all restaurants with drive-up facilities), including open air cafes.

l. Shopping centers, but not regional malls or centers.

m. Theaters and auditoriums.

n. Marinas.

o. Plant nurseries.

p. Veterinary offices and animal hospitals, provided the facility has no outside kennels.

(7) *High intensity commercial.* The uses in this group include those activities which require outdoor storage, have higher trip generations than general commercial uses set forth in subsection (6) of this section, or have the potential for greater nuisance to adjacent properties due to noise, light and glare or typical hours of operation. This group of uses includes the following list of specific uses and all substantially similar activities based upon similarity of characteristics:

a. Vehicle sales, rental, service and repair, including truck stops, body shops, road services, car wash facilities and the sales, rental, repair and service of new or used automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles and mobile homes.

b. Gasoline sales and service, combination gasoline sales and food marts and similar facilities.

c. Recreational vehicle and travel trailer parks.

d. Taverns, bars, lounges, nightclubs and dancehalls.

e. Financial institutions with drive-up facilities.

f. Restaurants with drive-up facilities.

g. Outdoor arenas, rodeo grounds, livestock auction facilities, race tracks (auto, dog, go-kart, horse, motorcycle, shooting and firing ranges) and similar activities.

h. Veterinary offices and animal hospitals with outside kennels.

i. Storage yards for equipment, machinery and supplies for building and trade contractors and garbage haulers.

j. Flea markets or similar outdoor or indoor/outdoor sales complexes.

(8) *Aviation-related commercial.* Permissible uses in this land use category are limited to those uses which are characterized by the aviation industry or provide necessary services to aviation-related uses. Government uses, other public uses and essential services such as utilities and communications are also permissible. All uses shall be subject to Federal Aviation Administration restrictions. Such otherwise permissible uses shall include, but are not necessarily limited to:

a. Airport terminals.

b. Offices for aviation-related businesses.

c. Rental car agencies and fleet services.

d. Fixed base operators.

e. Fire/rescue services and operations.

f. Tourist and travel-related retail services.

g. Restaurants, lounges and snack bars.

h. Fuel service.

i. Aviation hangars and maintenance facilities.

j. Vending services.

k. Security services and offices.

l. Ground transportation-related uses and services.

m. Hotels or motels.

n. Automated teller machines.

o. Aviation schools.

p. Delivery services.

(9) *Public service/utility.* This group of activities includes those uses which provide essential or important public services, and which may have characteristics of outdoor storage, or potential nuisance to adjacent properties due to noise, light and glare or appearance. Government offices or government agency offices specifically are not included in this group of uses. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

a. Emergency service activities such as buildings, garages, parking and/or dispatch centers of ambulances, fire, police and rescue.

b. Broadcasting and transmission stations/towers, except in mixed use urban development, mixed use rural residential and agricultural/rural residential districts.

c. Utility facility such as water plants, wastewater treatment plants, railroad right-of-way and tracks, electricity substations and power lines.

d. Maintenance facilities and storage yards for schools, governmental agencies and telephone and cable companies.

e. LP gas storage and/or distribution facilities for up to 2,000 gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar prefilled containers.

f. Airports, air fields and truck or bus terminals.

A natural gas transmission pipeline or similar pipeline is industrial in use unless it provides public utilities to existing or future land use, as authorized by other plan elements.

(10) *Agricultural.* Agricultural uses include crop lands, pastures, forestry, aquaculture, feed lots, orchards and groves and any use qualifying for agricultural classification and assessment under F.S. § 193.461, and buildings which are an accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies. Residential uses are permissible (refer to section 42-383).

(11) *Small scale industrial.* Uses in this category include those wholesale and retail businesses for manufacturing, processing, storing or distributing goods. General commercial uses including commercial uses related to automotive and heavy equipment sales and repair are also permissible, but this category shall not be deemed commercial in character. Permissible uses shall include:

a. Wholesaling, warehousing, storage or distribution establishments and similar uses.

b. Light manufacturing, processing, including food processing, but not slaughterhouses, packaging or fabricating in completely enclosed buildings.

c. Printing, lithographing, publishing or similar establishments.

d. Outdoor storage yards and lots provided that this provision shall not permit wrecking yards, including automobile wrecking yards, junkyards or yards used in whole or in part for scrap or salvage operations or for processing, storage, display or sale of any scrap, salvage or secondhand automotive parts.

e. Retail and retail establishments for sale and repair of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, automotive vehicle parts and accessories, heavy machinery and equipment, farm supplies, lumber and building supplies, monuments, home furnishings and appliances, office equipment or furniture, hardware, dairy supplies, feed, fertilizer and similar uses.

f. Service establishments catering to commerce and industry.

g. Vocational, technical, trade or industrial schools and similar uses.

h. Medical clinics.

i. Miscellaneous uses such as express offices, telephone exchanges, commercial parking lots and parking garages, motor bus or truck, or other transportation terminals.

j. Radio and television transmitters.

k. Building trades contractors, but not manufacturing of concrete or asphalt.

l. Railroad sidings, yards, areas for car storage and switching facilities.

m. Off-site advertising signs.

n. Commercial recreational facilities.

o. Business, professional and governmental offices.

p. Urgent care centers.

(12) *Industrial.* This type of use includes those wholesale and retail businesses for manufacturing, processing, storing or distributing goods. Included in this category are uses which require primarily outdoor storage or the industrial activity itself if conducted outdoors. Such uses include, for example, LP gas storage and/or distribution exceeding 2,000 gallons, junkyards or salvage yards, recycling centers, landfills, hazardous or medical waste collection and handling centers and borrow pits, but not excavation which requires blasting. A natural gas pipeline or similar pipelines are industrial in use unless they provide public utilities to existing or future land uses, as are authorized by other plan elements.

(13) *Mining.* The types of uses in this group include surface mining, rock quarries, strip mining and any extraction activities. Buildings and businesses for the refinement, processing, packaging and transportation of extracted materials are included in this group of uses.

(14) *Conservation.* Uses permitted in this category include state and national parks, wildlife management areas, other publicly-owned natural reservations, existing and future silviculture subject to department of forestry best management practices, or other management practices consistent with conservation use, residential use not to exceed one unit per 40 acres, passive recreational uses, public boat ramps and similar uses.

(LDC §§ 2.02.01(C), 2.02.02; Ord. No. 2001-3, § 2(G), 3-20-2001; Ord. No. 2006-16, § 1, 10-17-2006)

Sec. 42-409. Allowable uses within each district.

(a) *Agricultural 1.* The following uses are allowed in the agricultural 1 land use district. All other uses are prohibited.

(1) Residential.

(2) Outdoor recreational.

(3) Public service/utility.

(4) Agricultural, including, but not limited to, crop production, pasture lands, silviculture, orchards and groves, and forestry.

(5) Mining.

(6) Conservation.

(b) *Agricultural 2.* The following uses are allowed in the agricultural 2 land use district. All other uses allowed in land classifications of lower intensity shall also be allowed.

(1) Residential.

(2) Outdoor recreational.

(3) Public service/utility.

(4) Agricultural, including, but not limited to, crop lands, pasture lands, silviculture, orchards and groves, and forestry.

(5) Neighborhood commercial (small scale convenience retail and service establishments, each not to exceed 5,000 square feet in floor space).

(6) Mining.

(7) Conservation.

(c) *Agricultural/rural residential.* The following uses are allowed in the agricultural/rural residential land use district. All other uses allowed in land classifications of lower intensity shall also be allowed, except mining.

(1) Residential.

(2) Outdoor recreational.

(3) Public service/utility.

(4) Agricultural, including, but not limited to, crop lands, pasture lands, silviculture, orchards and groves, or forestry.

(5) Neighborhood commercial (small scale convenience retail and service establishments, each not to exceed 5,000 square feet in floor space).

(6) Conservation.

(d) *Mixed use rural residential.* The following uses are allowed in the mixed use rural residential land use district. All other uses allowed in land classifications of lower intensity shall also be allowed, except mining.

(1) Residential.

(2) Outdoor recreational.

(3) Public service/utility.

(4) General commercial (each establishment not exceeding 10,000 square feet of floor space).

(5) Neighborhood commercial (small scale retail and service establishments, each not to exceed 5,000 square feet in floor space).

(6) Professional office and service.

(7) Small scale industrial.

(8) Agricultural, including, but not limited to, crop lands, pasture lands, silviculture, orchards and groves, or forestry.

(9) Conservation.

(e) *Mixed use urban development.* The following uses are allowed in the mixed use urban development land use district. All other uses allowed in land classifications of lower intensity shall also be allowed, except mining.

(1) Residential.

(2) Outdoor recreational.

(3) Public service/utility.

(4) High intensity commercial.

(5) General commercial.

(6) Neighborhood commercial (small scale retail and service establishments each not to exceed 5,000 square feet in floor space).

(7) Professional service and office.

(8) Small scale industrial.

(f) *Industrial.* The following uses are allowed in the industrial land use district. All other uses are prohibited, except that all other uses allowed in land classifications of lower intensity shall be allowed prior to development of the site for industrial use.

(1) Public service/utility.

(2) Industrial.

(3) Small scale industrial.

(4) High intensity commercial, consistent with the industrial character of the area.

(5) General commercial, consistent with the industrial character of the area.

(6) Aviation-related commercial.

(7) Residential (accessory use as part of an approved site plan where such dwelling unit is located on the same lot or parcel).

(g) *Aviation-related commercial.* The following uses are allowed in the aviation-related commercial land use district. All other uses are prohibited.

(1) Aviation-related commercial.

(2) Aviation-related professional service and office.

(3) Residential, limited to upper floors above ground floor commercial and office uses for occupancy by owner, lessee, custodian or watchman, including immediate family.

(4) Public service/utility.

(h) *Water-oriented commercial.* The following uses are allowed in the water-oriented commercial land use district. All other uses are prohibited.

(1) Marinas.

(2) Hotels and motels.

(3) Restaurants.

(4) Recreational vehicle parks.

(5) Boat ramps.

(6) Bait and tackle shops.

(7) Campgrounds.

(8) Fish camps.

(9) Marine-related specialty shops.

(10) Accessory residential dwellings occupied by the owner, lessee, custodian or watchman, including immediate family.

(11) Public service/utility.

(i) *Public.* The following uses are allowed in the public land use district. All other uses are prohibited.

(1) Institutional.

(2) Recreational.

(3) Public service/utility.

(j) *Conservation.* The following uses are allowed in the conservation land use district. All other uses are prohibited.

(1) Residential.

(2) Outdoor recreational (passive).

(3) Public service/utility.

(4) Agricultural (forestry or silviculture and native range land only subject to best management practices and consistent with the conservation purpose).

(LDC § 2.02.03)

Secs. 42-410—42-430. Reserved.

DIVISION 4. ACCESSORY STRUCTURES IN MIXED USE URBAN DEVELOPMENT LAND USE DISTRICT

Sec. 42-431. Purpose.

It is the purpose of this division to provide standards for the installation, configuration and use of accessory structures in the mixed use urban development land use district to ensure that they are not harmful either

aesthetically or physically to residents and surrounding areas. Accessory structure permits are not required in other land use districts.

(LDC § 8.00.00)

Sec. 42-432. General standards and requirements.

Any number of different accessory structures in the mixed use urban development land use district may be located on a parcel, provided that the following requirements are met:

(1) No person shall construct an accessory structure within any land use district without first having obtained a permit for such construction from the county building official.

(2) All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this chapter.

(3) Accessory structures shall not be located in a required buffer, landscape area or minimum building setback area unless exempted or superseded elsewhere in this chapter.

(4) Accessory structures shall be included in all calculations of impervious surface water and stormwater runoff.

(5) Accessory structures shall be shown on a development plan.

(LDC § 8.01.01; Ord. No. 2001-3, § 2(D), 3-20-2001)

Sec. 42-433. Storage buildings, private garages, carports, greenhouses, gazebos.

In the mixed use urban development land use district the following shall apply:

(1) No accessory buildings used for industrial storage of hazardous, incendiary, noxious or pernicious materials shall be located closer than 100 feet from any property line.

(2) Storage buildings, gazebos, greenhouses, utility buildings and the like shall be permitted only in compliance with standards for distance between buildings and setbacks, if any, from property lines.

(3) Storage and all other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback.

(4) Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio or any other site design requirements applying to the principal use of the lot.

(5) Vehicles and motor homes shall not be used for any facility authorized for an accessory use.

(LDC § 8.01.02)

Sec. 42-434. Swimming pools, hot tubs, screened pool enclosures and similar structures.

In the mixed use urban development land use district the following shall apply:

(1) Swimming pools shall be permitted in rear and side yards and shall not encroach into any required building setback except as otherwise set forth in this section.

(2) Screen enclosures shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements and other building location requirements

of this chapter, except that a swimming pool and its screened enclosure may be constructed to within eight feet of the rear property line.

(3) Swimming pools constructed on corner lots shall maintain rear yard setback (see subsection (2) of this section) standards along property boundaries not associated with street rights-of-way.

(4) No overhead electric power lines shall pass over any pool, nor shall any power line be nearer than ten feet horizontally from the pool's water edge.

(5) Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided and a shoring-up plan is submitted and approved by the building official. A steeper slope may be permitted upon certification of adequacy by a state-licensed professional engineer.

(LDC § 8.01.03)

Sec. 42-435. Fences.

In the mixed use urban development land use district the following shall apply:

(1) All fences shall comply with the Standard Building Code. Wooden posts must be pressure-treated for strength and endurance and be resistant to decay and termite infestation.

(2) Fences may be located in side and rear yard setback areas and shall not exceed the height of six feet, except as provided in subsection (4) of this section, exclusive of decorative supporting posts which may extend no more than nine inches above the maximum six-foot height of the fence.

(3) In areas where the property faces two roadways or is located in any other area construed to be a corner lot, no fence shall be constructed which obstructs the view in the vision triangle. (See section 42-888(c).)

(4) No fence shall be constructed or installed in such a manner as to adversely affect drainage on or adjacent to the site. To provide adequate drainage or to prevent the obstruction of drainage on or adjacent to the site a fence or fence wall may be constructed so as to allow the bottom of the fence or fence wall to begin no more than two inches above the ground without being in violation of the maximum height restrictions set forth in subsection (2) of this section.

(5) Electrically charged and barbed wire fences are prohibited in residential areas.

(LDC § 8.01.04)

Sec. 42-436. Docks and piers.

In the mixed use urban development land use district the following shall apply:

(1) All docks and piers shall comply with the Standard Building Code and shall have a permit from the county and/or the Suwannee River Water Management District, department of natural resources, department of environmental regulation and the Corps of Engineers, whichever is applicable.

(2) Live aboard facilities shall not be permitted.

(3) All docks must be consistent in use with the adjacent upland riparian property.

(4) A hurricane plan for any commercial dock shall be established by the applicant.

(5) No dock, boardwalk or pier shall be permitted to be constructed parallel to the shoreline or seawall within the littoral zone between the mean high water line and mean low water line.

(6) Docks and piers may be located in side or rear yard setbacks and buffer areas.

(7) No boat dock, covered boat dock or pier, together with the watercraft being moored at the structure, shall project into a manmade waterway more than 20 percent of the width of the waterway or 30 feet, whichever is less, including pilings.

(8) The deck of the dock, pier, boat lift or covered dock, including the platform and any walkways attached to the dock, pier, boat lift or covered dock which extend over the water, shall not exceed 400 square feet in size. When a covered boat dock or covered boat lift is constructed, the area under roof shall not exceed 500 square feet, and in no case shall the area defined by the deck, together with the roofed area, exceed 600 square feet.

(9) A boat dock, covered boat dock or pier, including pilings, shall extend no closer than 7.5 feet to the side property line, as projected in a straight line into the waterway.

(LDC § 8.01.05)

Sec. 42-437. Seawalls, riprap.

In the mixed use urban development land use district the following shall apply:

(1) All seawalls shall have a permit from the county and/or the Suwannee River Water Management District, state department of environmental regulation, department of natural resources and the Corps of Engineers, whichever is applicable.

(2) Replacement seawalls can be placed no further than one foot in front of the seaward face of an existing seawall as a repair or replacement of the existing seawall.

(3) Seawalls shall not be placed upon a shoreline which generally supports wetland vegetation.

(4) Riprap shall be encouraged instead of seawalls, where possible, as a protection to existing upland properties.

(5) The use of seawalls or riprap to increase the usable upland area of properties shall not be allowed.

(6) Seawalls and riprap may be located in side and rear yard setbacks and buffer areas.

(7) Stabilization by the use of vegetation shall be required in lieu of shoreline hardening wherever possible.

(LDC § 8.01.06)

Sec. 42-438. Hard court recreational facilities.

In the mixed use urban development land use district the following shall apply:

(1) Hard court recreational facilities shall be permitted only in side and rear yards and shall not encroach into required building setbacks.

(2) Backstops, side stops and enclosures for hard court recreational facilities shall not exceed 14 feet in height.

(LDC § 8.01.07)

Secs. 42-439—42-460. Reserved.

DIVISION 5. SIGNS[9]

Sec. 42-461. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Sign means any writing, pictorial presentation, number, illustration or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known. The term "sign" shall not be deemed to include the term "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.

Sign, animated, means a sign with externally moving parts or messages, or so operating as to give a viewer the illusion of moving parts or messages.

Sign, attached, means a sign painted on the exterior face of a building or attached to a building. Attached signs, including canopy signs, marquee signs, wall signs, roof signs and projecting or hanging signs supported or attached to a canopy, awning, marquee or building.

Sign, flashing, means a sign designed to attract attention by the inclusion of a flashing, changing, revolving or flickering light source or a change of light intensity.

Sign, freestanding, means a sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where not part of the sign is attached to any part of the building. Free standing signs include ground signs, pole signs and portable signs.

Sign, identification, means a sign which depicts the name and/or address of a building or establishment on the premises where the sign is located as a means of identifying the building or establishment.

Sign, nonflashing, means a sign which does not have a flashing, changing, revolving or flickering light source or which does not change light intensity.

Sign, off-site, means a sign other than an on-site sign.

Sign, on-site, means a sign relating in its subject matter to the premises on which it is located or to products, accommodations, services or activities on the premises. On-site signs do not include signs erected by the outdoor advertising industry in the conduct of outdoor advertising business.

Sign, pole, means a permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least 20 feet above the ground and which is at least 200 square feet in size.

Sign, surface area, means the entire area within the periphery of a regular geometric form, or combinations of regular geometric forms, comprising all of the display area of the sign, and including all of the elements of the matter displayed, but not including blank masking, frames or structural elements of the sign and bearing no advertising matter. In the case of double-face signs, each sign face shall be measured as surface area and the combined surface area of both faces shall not exceed the maximum permitted for the building or use.

[9]State law reference(s)—Provisions regulating signage, F.S. § 163.3202(2)(f); local sign ordinances, F.S. § 125.0102; outdoor advertising, F.S. ch. 479.

(LDC § 9.03.00; Ord. No. 2006-15, § 1, 10-17-2006)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-462. Scope.

The provisions of this division shall govern the size, location and character of signs which may be permitted as a principal or accessory use. No signs shall be permitted in any location except in conformity with this division.

(LDC § 9.00.00)

Sec. 42-463. Intent.

The provisions of this division are intended to provide for the regulation of types, sizes and locations of signs in relation to the various uses and activities on premises, and to provide for certain types and locations of off-site signs.

(LDC § 9.01.00)

Sec. 42-464. Applicability of other codes or regulatory requirements.

Signs or other advertising structures shall be constructed and maintained in accordance with the building and electrical codes of the county, and all other applicable ordinances and regulations of the county, as well as other state and federal rules and regulations regarding signs.

(LDC § 9.02.00)

Sec. 42-465. Permit; exemptions.

(a) Within areas subject to this chapter, it shall be unlawful for any person to erect, maintain or replace any off-site sign not specifically exempted by this chapter without first securing a permit to do so.

(b) Except as otherwise provided in this section, the following signs may be erected without a permit, subject, however, to all remaining requirements of this chapter. Signs set forth in subsection (b)(3) of this section may be located on or may overhang or infringe upon the right-of-way of streets, roads or public ways.

(1) Signs not exceeding one square foot in area and bearing only property numbers, mailbox numbers, names of occupants of the premises or other identification of the premises not having commercial connotations.

(2) Flags and insignia of any government except when displayed in connection with commercial promotion.

(3) Traffic or other municipal, county, state or federal signs, legal notices, railroad crossing signs, danger signs and such temporary, emergency or non-advertising signs as may be approved by the board of county commissioners. Small portable signs are allowed on the non-mowed portion of the county right-of-ways provided that the sign has relevance to the adjoining property.

(4) Integral decorative or architectural features of buildings, except moving parts, flashing or moving lights.

(5) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

(6) Signs within buildings.

(7) Occupation signs denoting only the name, street number and business of an occupant, which do not exceed two square feet in surface area.

(8) All signs which require a state or federal permit.

(LDC §§ 9.04.00, 9.05.00; Ord. No. 2006-15, § 4, 10-17-2006)

Sec. 42-466. Prohibited signs.

It shall be unlawful to erect or maintain:

(1) Any sign which constitutes a traffic hazard or a detriment to traffic safety by reason of its size, location, movement, content, coloring or method of illumination, or by obstructing the vision of drivers, or by distracting from the visibility of any traffic control device by diverting or tending to divert the attention of moving vehicles from the traffic movement on streets, roads or access facilities; nor shall any sign be erected in such a manner as to obstruct the vision of pedestrians. The use of flashing or revolving red, green, blue or amber lights is prohibited in any sign as constituting a hazard to traffic. Any sign which by glare or method of illumination constitutes a hazard to traffic is prohibited. No sign may use the words "stop," "look," "drive-in," "danger," or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

(2) Signs which are declared to be obscene, indecent or immoral by county ordinance or law.

(3) Signs erected on the right-of-way of any street, road or public way, except as specifically provided by this chapter.

(4) Signs erected on public property, other than signs erected or approved by a public authority for public purposes.

(5) Signs so located as to prevent free ingress or egress from any door, window or fire escape.

(6) Illuminated signs which result in glare or reflection of light on residential property in the surrounding area.

(7) Canopy, marquee, projecting or hanging signs with less than a nine-foot minimum clearance between the bottom of the sign and the ground surface.

(LDC § 9.03.00; Ord. No. 2006-15, § 2, 10-17-2006)

Sec. 42-467. On-site signs.

Unless otherwise specified in this chapter, the following regulations shall govern on-site signs:

(1) May be erected in any zone district.

(2) May be located in the required front yard; provided, however, that any such sign shall not obstruct visibility at intersections and curb breaks.

(LDC § 9.06.00)

Sec. 42-468. Off-site signs.

Unless otherwise specified in this chapter, the following regulations shall govern off-site signs:

(1) Off-site signs are prohibited, except where specifically permitted by this chapter.

(2) Off-site signs may be erected in the required front yard, provided they:

a. Shall not be nearer the street right-of-way line than 12 feet.

b. Shall not be erected so as to obstruct visibility at intersections and curb breaks.

c. Shall not exceed 32 square feet in size.

d. Shall be limited to one (1) sign per parcel or lot.

(3) Off-site signs may not be erected within 100 feet of any church, school, cemetery, public park, public reservation, public playground, state or national forest or railroad intersection.

(LDC § 9.07.00; Ord. No. 2006-15, § 3, 10-17-2006)

Secs. 42-469—42-500. Reserved.

ARTICLE VI. OPERATIONAL PERFORMANCE STANDARDS

Sec. 42-501. Applicability.

This article shall apply to all lands within the unincorporated parts of the county.

(LDC § 10.00.02)

Sec. 42-502. Noise.

The permitted level of noise or sound emission at the property line of the lot on which the principal use is located shall not at any time exceed the average noise level prevailing for the same hour, as generated by street and traffic activity, with the exception of land located within an industrial land use. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standard Association.

(LDC § 10.01.01)

Sec. 42-503. Air quality.

To protect and enhance the air quality of the county, all sources of air pollution shall comply with the rules set forth by the applicable rules of the state department of environmental protection (F.A.C. chs. 62-2, 62-210, 62-252, 62-256, 62-296, 62-297). No person shall operate a regulated source of air pollution without a valid permit issued by the department of environmental protection. Air pollution emissions shall be tested and the results reported in accordance with techniques and methods adopted by the state department of environmental protection and submitted to the state. These tests shall be carried out without opportunity for supervision of the state and at the expense of the person responsible for the source of the pollution.

(LDC § 10.02.01)

Sec. 42-504. Odor.

Regulations controlling the emission of objectionable odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in F.A.C. ch. 62-296.

(LDC § 10.03.01)

Sec. 42-505. Smoke, dust, dirt, visible emissions, open burning.

Regulations controlling smoke, dust, dirt or visible emissions shall be the same as those contained in F.A.C. ch. 62-256. Regulations controlling open burning shall be the same as those contained in F.A.C. ch. 62-256.

(LDC § 10.03.02)

Cross reference(s)—Environment, ch. 30; fire prevention and protection, ch. 34.

Sec. 42-506. Fumes, vapors, gases.

Regulations controlling the emission of any fumes, vapors or gases of a noxious, toxic or corrosive nature shall be the same as those contained in F.A.C. ch. 62-252.

(LDC § 10.03.03)

Cross reference(s)—Environment, ch. 30.

Sec. 42-507. Fire, explosive hazards.

In any land use district, all uses shall comply with applicable standards set forth in the rules and regulations of the state fire marshal.

(LDC § 10.04.00)

Cross reference(s)—Environment, ch. 30; fire prevention and protection, ch. 34.

Sec. 42-508. Electromagnetic interference.

In all land use districts, no use, activity or process shall be conducted which produces electric and/or magnetic fields which adversely affect public health, safety and welfare, including, but not limited to, interference with normal radio, telephone or television reception from off the premises where the activity is conducted.

(LDC § 10.05.00)

State law reference(s)—Fire prevention and protection, F.S. ch. 633.

Secs. 42-509—42-540. Reserved.

ARTICLE VII. RESOURCE PROTECTION

DIVISION 1. GENERALLY

Sec. 42-541. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Beach means the zone of unconsolidated material that extends landward from the mean low water line to the place where there is a marked change in material or physiographic form, or to the line of permanent vegetation, usually the effective limit of storm waves. The term "beach" is alternatively termed "shore."

Breakaway wall and *frangible wall* means a partition independent of supporting structural members that will withstand design wind forces, but will fail under hydrodynamic, wave and run-up forces associated with the design storm surge. Under such conditions, the wall shall fail in a manner such that it breaks up into components that will minimize the potential for damage to life or adjacent property. It shall be characteristic of a breakaway or frangible wall that it shall have a horizontal design loading resistance of no less than ten nor more than 20 pounds per square foot.

Building support structure means any structure which supports floor, wall or column loads and transmits them to the foundation. The term shall include beams, grade beams or joists and includes the lowest horizontal structural member exclusive of piles, columns or footings.

Coastal barrier islands means geological surface features above mean high water which are completely surrounded by marine waters that front upon the open waters of the Gulf of Mexico and are composed of quartz sand, clay, limestone, oolite, rock, coral, coquina, sediment or other material, including soil disposal. Mainland areas which were separated from the mainland by artificial channelization for the purpose of assisting marine commerce shall not be considered coastal barrier islands.

Coastal high hazard area means the land area seaward of the most landward velocity zone (V zone) boundary line established by the Federal Emergency Management Agency and shown on the flood insurance rate maps.

Coastal construction control line means a line which establishes or defines the landward extent of that portion of the beach dune system which is subject to severe fluctuations based upon a 100-year storm surge, storm waves or other predictable weather conditions as such line may be established in accordance with F.S. § 161.053.

Construction means the building of or substantial improvement to any structure or the clearing, filling or excavation of any land. It shall also mean any alterations in the size or use of any existing structure or the appearance of any land. When appropriate to the context, the term "construction" refers to the act of construction or the result of construction.

DEP means the state department of environmental protection.

Development means as defined in F.S. § 380.04.

Dune means a mound or ridge of loose sediment, usually sand-sized, deposited by natural or artificial means, which lies landward of the beach.

FEMA means the Federal Emergency Management Agency.

FIRM means flood insurance rate maps or Federal Emergency Management Agency maps.

Major structure means and includes, but is not limited to, residential buildings, including mobile homes, commercial, institutional and other construction having the potential for substantial impact on coastal zones.

Mean high water line means the intersection of the tidal plane of mean high water with the shore. Mean high water is the average height of high waters of a 19-year period. (See also *NGVD*.)

Minor structure means and includes, but is not limited to, pile-supported, elevated dune and beach walk-over structures, beach access ramps and walkways, stairways, pile-supported elevated viewing platforms, gazebos and boardwalks, lifeguard support stands, public and private bathhouses, sidewalks, driveways, parking areas, shuffleboard courts, tennis courts, handball courts, racquetball courts and other uncovered paved areas, retaining walls, sand fences, privacy fences, ornamental walls, ornamental garden structures, aviaries and other ornamental

construction. It shall be a characteristic of minor structures that they are considered to be expendable under design wind, wave and storm forces.

Mobile home means manufactured housing which conforms to the Federal Manufactured Housing Construction and Safety Standards or the Uniform Standards Code ANSI 119.1 pursuant to F.S. § 320.823.

Nonhabitable major structure means and includes, but is not limited to, swimming pools, parking garages, pipelines, piers, canals, lakes, ditches, drainage structures and other water retention structures, water and sewage treatment plants, electrical power plants, transmission and distribution lines, transformer pads, vaults and substations, roads, bridges, streets and highways, and underground storage tanks.

NGVD means National Geodetic Vertical Datum, a geodetic datum established by the National Ocean Service and frequently referred to as the 1929 mean sea level datum.

One-hundred-year storm and *100-year storm* means a shore incident hurricane or any other storm with accompanying wind, wave and storm surge intensity having a one percent chance of being equaled or exceeded in any given year, during any 100-year interval.

SRWMD means the Suwannee River Water Management District.

Seasonal high water line means the line formed by the intersection of the rising shore and the elevation of 150 percent of the local mean tidal range above mean high water.

State minimum building code means the building code adopted by a municipality or county pursuant to the requirements of F.S. § 553.73.

Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds a cumulative total of 50 percent of the market value of the structure either:

(1) Before the repair or improvement is started; or

(2) If the structure has been damaged and is being restored, before the damage occurred.

For the purpose of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, or any alteration of a structure listed on the National Register of Historic Places or the state master site file.

Wetland means as defined in Section 40B-4.1020(54) Rules of the Suwannee River Water Management District, or amendments thereof. The current definition of "wetland" means those areas that are inundated by surface water or groundwater with a frequency to support and do support a prevalence of vegetative or aquatic life that requires saturated or seasonally saturated soil conditions for growth and reproduction such as swamps, marshes, bayheads, cypress ponds, sloughs, wet prairies, wet meadows, river overflows, mud flats and natural ponds.

(LDC § 4.00.04)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-542. Purpose and intent.

(a) The purpose of this article is to establish those resources that must be protected from harmful effects of development. It is the intent of this article that all new development maintain the natural functions of environmentally sensitive areas consistent with the provisions of the county comprehensive plan and other provisions of this chapter so that the longterm environmental integrity and economic and recreational value

of these areas is maintained. It is also the intent of this article that its provisions be interpreted to provide protection of private property rights to the maximum extent possible consistent with F.S. ch. 163 and other applicable law.

(b) The purpose and intent of this article shall also be accomplished through compliance with the applicable statutes, rules and regulations of the state and federal governments, and agencies thereof having jurisdiction, as well as the provisions of this chapter. In instances where this chapter relies upon or adopts as its standard the statutes, rules and/or regulations of the state or federal governments, the county shall cooperate in the administration and enforcement of the applicable statutes, rules or regulations, but shall not assume a primary role unless required by the statute, rule or regulation.

(c) Mitigation measures, where permitted, must be acceptable to the department of environmental protection or other governmental agency having mitigation permit jurisdiction.

(d) A developer should apply the provisions of this article before any other development design work is done. Application of the provisions of this article may divide a proposed development site into areas that may be developed and areas that must be generally left free of development activity. The proposed development must then be designed to fit within the area that may be developed.

(e) This article also incorporates regulations regarding the following:

(1) Mining.

(2) Hazardous wastes.

(3) Air quality.

(LDC § 4.00.01)

Sec. 42-543. Scope.

This article incorporates regulations which are designed to protect the following environmentally sensitive areas:

(1) Wetlands.

(2) Coastal areas.

(3) Groundwater recharge areas and wellheads.

(4) Surface waters.

(5) Significant natural areas.

(6) Floodplains.

(7) Wildlife habitat.

(LDC § 4.00.02)

State law reference(s)—Provisions for protection of environmentally sensitive land required, F.S. § 163.3202(2)(e).

Sec. 42-544. Consideration of appropriate multiple use of natural resources during development.

The appropriate multiple use of natural resources to provide for timber production, recreation, wildlife habitat, watershed protection, erosion control and maintenance of water quality shall be considered by the county during the development review process.

(LDC § 4.00.03)

Sec. 42-545. Wetlands.

(a) *Buffer.* A 35-foot natural buffer of native vegetation, subject to site plan approval, shall be required and maintained around and along all coastal and inland wetlands, unless impacts are mitigated. The location of residential, commercial and industrial land uses within the buffer areas is prohibited. Mitigation measures must be acceptable to the department of environmental protection or other governmental agency having mitigation permit jurisdiction. The property owner may clear up to 25 percent of the vegetation within the buffer area for visual or physical access to the wetland, but clear cutting shall be prohibited. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed subject to best management practices (BMPs) as adopted by the state department of agriculture or state division of forestry, as appropriate, and also subject to the current regulatory requirements of F.S. chs. 373 and 403, and the rules, regulations and permitting requirements of the Suwannee River Water Management District (SRWMD) and other state or federal governmental agencies having jurisdiction. Unless further restricted by this chapter, normal hardwood silvicultural activities shall be allowed subject to BMPs and other regulatory requirements as cited for pine silviculture.

(b) *Prohibition against use as sediment traps during development and construction.* Sediment traps shall be construed on-site to prevent escape of sediments to water bodies. Wetlands shall not be used as primary sediment traps during development and construction.

(c) *Dredge and fill.* In addition to the requirements of F.S. ch. 403, dredge and fill activities shall not be allowed which are inconsistent with the Big Bend Sea Grasses Management Plan. Dredging and filling which would significantly alter the natural functions of wetlands shall be prohibited unless impacts are mitigated. The construction of structures or landscape alterations which would significantly impact or interrupt natural drainage flows, including sheet flow and flow to isolated wetland systems shall be permitted in accordance with the applicable regulations of the department of environmental protection and the Suwannee River Water Management District. Normal agricultural and silvicultural activities shall be exempt from this provision subject to BMPs as adopted by the state department of agriculture or state division of forestry, as appropriate, and also the current regulatory requirements of F.S. chs. 373 and 403. Mitigating measures shall be required of new development or redevelopment which may cause natural functions of wetlands shall be maintained so that the longterm environmental integrity and economic and recreational value of these areas is maintained. In this regard, rules and regulations of state and federal agencies having jurisdiction shall be complied with. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed subject to applicable BMPs as adopted by the state department of agriculture or state division of forestry, current regulatory requirements of F.S. chs. 373 and 403, and the rules, regulations and permitting requirements of the SRWMD and other state or federal governmental agencies having jurisdiction. Unless further restricted by these land development regulations, normal hardwood silvicultural activities shall be allowed subject to BMPs and other regulatory requirements as cited for pine silviculture.

(d) *Septic tanks.* The installation of septic tanks within wetland areas, or other areas with unsuitable soils, shall be subject to state rules and regulations. Septic tanks are prohibited in areas where they are not permitted under state rules and regulations. Septic tank installations existing on October 1, 1990, shall be allowed to continue in operation subject to the provisions of section 42-51. Permits for replacement, maintenance or repair shall be issued subject to applicable state regulations at the time the permit is issued. All septic tank permits shall be issued by the county health officer subject to applicable state regulatory authority.

(LDC §§ 4.01.01—4.01.04)

Sec. 42-546. Groundwater and wellheads.

(a) *Generally.* The purpose of groundwater protection standards is to safeguard the health, safety and welfare of the citizens of the county. This is accomplished through ensuring the protection of all sources of water for domestic, agricultural and industrial use. The availability of adequate and dependable supplies of good quality water is of primary importance to the future of the county. Therefore, standards are set forth in this section with the intent of protecting both the quantity and quality of the groundwater supply. It is further the intent of this section to control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

(b) *Restrict development in high recharge areas.*

(1) *Wellfield protection area (radius).* All future potable water wellfields with a design capacity of 100,000 gallons per day (gpd) or greater shall incorporate a minimum 200-foot prohibited development zone around the perimeter of the well. The owner of the well must have complete control of development rights within the prohibited development zone for as long as the well remains in service.

(2) *Prohibited activities.* The following activities shall be prohibited within this development zone:

a. Landfills;

b. Facilities for the bulk storage, handling or processing of materials on the state substance list (F.S. ch. 442);

c. Activities that require the storage, use, handling, production or transportation of restricted substances including agricultural chemicals, petroleum or industrial chemicals, hazardous/toxic or medical wastes;

d. Feedlots or other concentrated animal facilities;

e. Wastewater treatment plants, percolation ponds and similar facilities;

f. Mines; or

g. Excavation of waterways or drainage facilities which intersect the water table.

(3) *Development limitations.*

a. Development and associated impervious surfaces in prime groundwater recharge areas designated by the Suwannee River Water Management District within the scope of their delegated authority shall be limited as prescribed in article V, division 3 of this chapter and in section 42-712 to protect the functions of the recharge area.

b. Stormwater management practices shall not include drainage wells and sinkholes for stormwater disposal where recharge is into potable water aquifers.

c. The installation of septic tanks shall be prohibited subject to the provisions of section 42-545(d) where the state agency having jurisdiction can clearly demonstrate that soil conditions at the location will diminish water quality.

(c) *Restricted use of chemical substances in high recharge areas.* Within areas of high recharge potential, land uses that may discharge substances that could infiltrate and degrade the groundwater shall be regulated to require treatment of such discharges to meet current regulatory water quality classifications as established by the department of environmental protection.

(LDC §§ 4.03.01—4.03.03)

State law reference(s)—Provisions to protect potable water wellfields required, F.S. § 163.3202(2)(c).

Sec. 42-547. Surface water.

(a) *Public uses which would degrade water quality classification.* Land uses within or adjacent to the surface waters of the county which would degrade the present water quality classification as established by the rules of the department of environmental protection shall be prohibited unless treatment systems are available and are installed to meet current regulatory water quality classifications as established by the department of environmental protection.

(b) *Stormwater management.* Postdevelopment runoff rates and pollutant loads shall not exceed predevelopment conditions. (See section 42-861.)

(c) *Protect the functions of natural drainage features.* All developments shall be designed to protect the functions of natural drainage features. The quantity and quality of surface water runoff within fresh water streams to sink watersheds shall be maintained by the installation of structures or other devices designed to prevent the degradation of the quality and quantity of surface water runoff within the county. All construction activity undertaken shall incorporate erosion and sediment controls during construction. (See section 42-861.) However, the construction of structures or landscape alterations which would significantly impact or interrupt natural drainage flows, including sheet flow and flow to isolated wetland systems, shall be prohibited without mitigation. The requirements of section 42-576 shall also be met.

(d) *Regulated natural buffers adjacent to rivers, streams, creeks and their estuaries.*

(1) *Setback requirement—Generally.* Except as provided for significant natural areas in subsection (d)(2) of this section, a 35-foot regulated natural buffer shall be required adjacent to all perennial rivers, streams and creeks and their estuaries, or those which are intermittent in nature and their estuaries, but which have a distinct, identifiable stream bed or creek run. The location of residential, commercial and industrial land uses, including mining, shall be prohibited within the buffer areas. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed within the buffer areas subject to best management practices as adopted by the state department of agriculture or state division of forestry, as appropriate, which are applicable to the management of these buffer areas, and also subject to the current regulatory requirements of F.S. chs. 373 and 403, as well as the rules and regulations and permitting requirements of the Suwannee River Water Management District and other federal or state governmental agencies having jurisdiction. Unless further restricted by other provisions of this chapter, normal hardwood silvicultural activities shall be allowed subject to BMPs and other regulatory requirements as cited for pine silviculture.

(2) *Setback requirement—Significant natural areas.* A 75-foot regulated natural buffer shall be required adjacent to all perennial rivers, streams and creeks and their estuaries located within the significant natural areas as defined in section 42-548. The location of residential, commercial and industrial land uses, including mining, shall be prohibited within the buffer areas. Resource-based recreation activities such as hunting and fishing shall be allowed. Normal agricultural and pine silvicultural activities shall be allowed outside the 75-foot regulated natural buffer subject to BMPs as adopted by the state department of agriculture or state division of forestry, as appropriate, and also subject to all other applicable existing regulations. Agricultural and silvicultural activities are also subject to the current regulatory rules, regulations and permitting requirements of the Suwannee River Water Management District and other federal or state governmental agencies having jurisdiction. Unless further restricted by other provisions of this chapter, normal hardwood silvicultural activities shall be allowed outside the 75-foot regulated natural buffer subject to BMPs and other regulatory requirements as cited for pine silviculture.

(3) *Exclusions.* The setback requirements imposed in this section shall not be applicable to piers, docks, fencing or landscaping not involving substantial excavation or alteration of the natural terrain, providing all other permits legally required have been obtained.

(4) *Variances.* A waiver or variance of the setback requirements imposed in subsection (1) of this section may be authorized pursuant to section 42-52.

(LDC §§ 4.04.01—4.04.04)

Sec. 42-548. Significant natural areas.

(a) *Designated.*

(1) Significant natural areas include the following along with their associated estuaries:

a. Aucilla River corridor which includes Aucilla sinks.

b. Econfina River corridor.

c. Spring Warrior Creek corridor.

d. Steinhatchee River corridor.

e. St. Marks National Wildlife Refuge.

f. Coastal marsh and tidal swamp conservation areas.

g. Aucilla Suwannee River Water Management District conservation area.

(2) The generalized location of these significant natural areas is as shown on the future land use map series of the county comprehensive plan. The boundaries of the significant natural areas are further described in the case of the:

a. River corridors, the corridors shall include the river itself and extend to an outer boundary established at a nominal distance of 150 feet from the natural bank of the river. The Aucilla River corridor shall extend from the Gulf of Mexico to the county line. The Econfina River corridor shall extend from the Gulf of Mexico to the east boundary of the rural community established at Shady Grove. The Steinhatchee River corridor shall extend from the Gulf of Mexico to the county line.

b. Spring Warrior Creek corridor, the corridor shall include the creek itself and extend to an outer boundary established at a nominal distance of 150 feet from the natural bank of the creek. The corridor shall extend from the Gulf of Mexico to C.R. 361 (Beach Road).

c. St. Marks National Wildlife Refuge, the coastal marsh and tidal swamp conservation area and the Aucilla Suwannee River Water Management District conservation area, the boundary shall be the boundary of the lands owned by the governmental entity.

(b) *Mitigation.* Possible adverse impacts of proposed development activity on the natural functions of significant natural areas and their estuaries shall be minimized and the natural functions shall not be significantly altered. Mitigation measures must be acceptable to the department of environmental protection or other governmental agency having mitigation permit jurisdiction.

(c) *Recreation location standard.* Resource-based low intensity recreation activities and facilities shall be allowed along rivers with any new facility being located at least five miles from an existing facility.

(d) *Setbacks.* Residential, commercial and industrial uses shall be allowed, subject to a setback of at least 75 feet from the natural bank along the rivers and Spring Warrior Creek, subject to all other permitting

requirements. Beyond 75 feet, residential, commercial and industrial use is allowed, subject to all other permitting requirements.

(e) *Management plan consistency.* The densities and intensities of use, as well as the permitted uses allowed on the St. Marks National Wildlife Refuge, the coastal marsh and tidal swamp conservation area and the Aucilla Suwannee River Water Management District conservation area, shall be consistent with the management plans for these areas in fulfillment of their conservation purpose. Residential densities shall not be greater than one unit per 40 acres as shown on the future land use map.

(LDC §§ 4.05.01, 4.05.02)

Sec. 42-549. Wildlife habitat for rare and endangered species.

(a) *Generally.* Rare and endangered species and their habitats shall be protected from the impacts of development when their presence is confirmed by qualified professionals, such as ecologists or biologists, with experience in identification of the species in question or other persons who can provide satisfactory evidence of their qualifications, and documented in the files or records maintained in the county planning office. The confirmed sitings of rare and/or endangered species and other pertinent information, such as range, preferred habitat, etc., shall be used in evaluating future development proposals by the county planning staff. Sources of species include state or federal agencies in the performance of their official duties and the state natural areas inventory. In the event of a dispute regarding the existence or location of a rare or endangered species within the county, or the extent of the area to be protected, the board of county commissioners shall, upon receiving a recommendation from the county planning board, review the evidence and following a public hearing, render a decision which will guide the county planning office in the issuance or denial of development permits.

(b) *Inventory and assessment.* Inventory and assessment of the impact of a proposed development on rare and/or endangered species shall be required for the following:

(1) All development within the 35-foot regulated natural buffer adjacent to all perennial rivers, streams and creeks, and those which are intermittent in nature but which have a distinct identifiable stream bed or creek run.

(2) All development within the 75-foot regulated natural buffer adjacent to all perennial rivers, streams and creeks located within the significant natural areas identified in the county comprehensive plan.

(3) All development within 35 feet of a wetland or water body other than as described in subsections (b)(1) and (2) of this section.

(4) Plan amendments which relate to specific development proposals which would increase density or intensity of development in the agricultural 1, agricultural 2, agricultural/rural residential and mixed use rural residential districts.

(5) Exemptions shall include:

a. All residential developments which adhere to the density guidelines as set forth in Policies I.3.2 and I.8.6 of the county comprehensive plan, up to the point where such development becomes a development of regional impact.

b. Limited clearing of the buffer areas described in subsections (b)(1) and (2) of this section in compliance with Policy IX.12.5 of the county comprehensive plan shall be allowed. The limitations are described as follows:

1. Clearing of the native vegetation shall be limited to up to 25 percent of the buffer.

2. Clearing may only be allowed for purposes of providing physical or visual access.

3. Clear cutting shall be prohibited within the buffer area.

(c) *Management plan.* When one or more rare or endangered species are found on a development site, development activities which may cause harm to the species shall not be allowed until a management plan has been prepared which avoids or mitigates the adverse effect of the project on the species. Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop and comply with a mitigation plan which will allow no net loss of individuals or designated species in coordination with the Florida Game and Fresh Water Fish Commission.

(d) *Prohibit development causing loss of viability.* Areas containing a rare or endangered species habitat shall not be developed for any use that would cause loss of viability of the community or habitat.

(LDC §§ 4.06.01—4.06.04)

Sec. 42-550. Hazardous wastes.

(a) *Purpose.* The purpose of this section is to ensure that all hazardous waste generators properly manage their own wastes and comply with current statutes or other applicable federal and state governmental regulations and permitting requirements.

(b) *Registration and permits required.* All hazardous waste generators which are required to have a state or federal generator number or permit shall register their number or permit with the county public safety department together with a description of the hazardous wastes being generated and shall advise the county of all changes in their status. In addition, all hazardous waste generators shall properly manage and dispose of their own wastes in compliance with current statutes or other governmental regulations, and shall comply with all applicable federal and state permitting requirements prior to approval of any development plans. The county shall cooperate with state and federal agencies having jurisdiction over the regulation of hazardous wastes, but shall not assume a primary role.

(LDC § 4.09.00)

Cross reference(s)—Environment, ch. 30.

Sec. 42-551. Air quality.

Evidence of compliance from all appropriate state and/or federal air quality agencies shall be provided to the county prior to issuance of a certificate of occupancy, so that minimum air quality levels established by the department of environmental protection are maintained in the county. In addition, all new industrial land uses and associated public facilities and all such uses for which a site plan amendment is approved shall provide landscaping pursuant to article VIII of this chapter and in a manner which promotes air quality and reduces noise and view impacts by the development upon adjacent property.

(LDC § 4.10.00)

Sec. 42-552. Mining.

This section is intended to regulate mines for the purpose of protection of adjacent natural resources and reducing adverse impacts to the environment.

(1) *Notice of intent.* Prior to the commencement of mining operations which are subject to regulation under F.S. ch. 378, mine operators shall be required to file a notice of intent to mine with the planning department. Such notice of intent shall include the mine location, mine size and type of material to be mined.

(2) *Compliance with state, regional and county rules and regulations.* Proposed mining activities shall comply with the provisions of F.S. ch. 378 and F.A.C. 16C-36, and revisions thereof.

(3) The county shall cooperate with the department of environmental protection or other state agency having jurisdiction over mining activities, but shall not assume a primary role in the regulation of mining except as to the siting of mining operations within appropriate land use districts consistent with the county comprehensive plan.

(LDC §§ 4.08.01, 4.08.02)

State law reference(s)—Hazardous wastes, F.S. § 403.72 et seq.

Secs. 42-553—42-575. Reserved.

DIVISION 2. COASTAL AREAS[10]

Sec. 42-576. Generally.

(a) *Purpose.* The purpose of this division is to provide minimum standards for the design and construction of buildings and structures, and to reduce the harmful effects of hurricanes and other severe storms occurring along the Gulf of Mexico coastal areas of the county. These standards are intended to specifically address design features which affect the structural stability of the beach, dunes and topography of adjacent properties. This division is site-specific to the coastal high hazard area and coastal barrier islands and is not applicable to other locations. In the event of a conflict between the provisions of this section the requirements resulting in the more restrictive design shall apply. No provisions in this division shall be construed to permit any construction in any area prohibited by city, county, state or federal regulation. This article applies to coastal areas.

(b) *Applicability.* The requirements of this division shall apply to the following types of construction in the coastal high hazard area and on coastal barrier islands of the county:

(1) The new construction of, or substantial improvement to, major structures, nonhabitable major structures and minor structures when subject to the requirements of subsections 42-577(b)(8) and 42-577(b)(9).

(2) Construction which would change or otherwise have the potential for substantial impact on coastal zones (i.e., excavation, grading or paving).

(3) Construction on lands located partially within the coastal high hazard area shall apply only to those lands which are located within the costal high hazard area.

(4) Reconstruction, redevelopment or repair of a damaged structure from any cause which meets the definition of substantial improvement set forth in section 42-541.

(c) *Exceptions.* The requirements of this division shall not apply to the following:

(1) Minor work in the nature of normal beach cleaning and debris removal.

[10]Cross reference(s)—Waterways, ch. 78.

State law reference(s)—Coastal zone protection, F.S. § 161.52 et seq.; local enforcement of coastal zone restrictions, F.S. § 161.56.

(2) Structures in existence prior to the effective date of this chapter, except for substantial improvements.

(3) Construction for which a valid and unexpired building permit was issued prior to the effective date of this chapter.

(4) Construction extending seaward of the mean high water line which is regulated by the provisions of F.S. § 161.041 (i.e., groins, jetties, moles, breakwaters, sea walls, piers, revetments, beach nourishment, inlet dredging, etc.).

(5) Construction of nonhabitable major structures, except for the requirements of subsection 42-577(b)(8).

(6) Construction of minor structures, except for the requirements of subsection 42-577(b)(9).

(7) Construction for improvement of a major structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to ensure safe living conditions.

(d) *Application for permits.* Applications for building permits for construction in the coastal high hazard area and on coastal barrier islands, if not of normal or usual design, may be required by the county building official to be certified by an architect or professional engineer registered in the state. Such certifications shall state that the design plans and specifications for the construction are in compliance with the criteria established by this chapter.

(LDC § 4.02.02)

Sec. 42-577. Coastal high hazard area.

(a) *Scope and jurisdiction.* This section applies to the coastal high hazard area. The county's coastal high hazard area shall be that area which is designated by and is coincident with the Federal Emergency Management Agency velocity (V) zone. The landward boundary of the coastal high hazard area shall be the most landward Federal Emergency Management Agency V zone line designated on the flood insurance rate maps for the county.

(b) *Coastal construction requirements.*

(1) *Generally.* The purpose of this section is to control construction within the coastal high hazard area and on coastal barrier islands, and to protect private property rights to the maximum extent possible consistent with F.S. ch. 161. Construction within the coastal high hazard area and on coastal barrier islands shall meet the requirements of F.S. ch. 161. All structures shall be designated so as to minimize damage to life, property and the natural environment. Assistance in determining the design parameters to minimize such damage may be found in the reference documents listed in section 42-583.

(2) *Structural requirements for major structures.*

a. *Design and construction.* Major structures, except for mobile homes, shall be designed and constructed in accordance with the Florida Building Code.

b. *Mobile homes.* Mobile homes shall conform to the Federal Mobile Home Construction and Safety Standards or the Uniform Standards Code, ANSI A119.1, pursuant to F.S. § 320.823, as well as the requirements of subsection (b)(2) of this section.

c. *Elevation, floodproofing and siting.* All major structures shall be designed, constructed and located in compliance with the National Flood Insurance Regulations as found in 44 CFR 59 and 60.

(3) *Design conditions; velocity pressure.* Major structures, except mobile homes, shall be designed in accordance with the requirements of Section 1606, Standard Building Code, 1997 edition, or the

Standard for Hurricane Resistant Residential Construction, 1997 edition, as may be further revised, using a minimum fastest-mile wind velocity of 110.

(4) *Foundations.* The elevation of the soil surface to be used in the design of foundations, calculation of pile reactions and bearing capacities shall not be greater than that which would result from the erosion reasonably anticipated as a result of design storm conditions. Foundation design and construction of a major structure shall consider all anticipated loads acting simultaneously with live and dead loads. Erosion computations for foundation design shall account for all vertical and lateral erosion and scour production forces, including localized scour due to the presence of structural components. Foundation design and construction shall provide for adequate bearing capacity taking into consideration the type of soil present and the anticipated loss of soil above the design grade as a result of localized scour. Erosion computations are not required landward of coastal construction control lines established or updated since June 30, 1980.

(5) *Wave forces.* Calculations for wave forces resulting from design storm conditions on building foundations and superstructures may be based upon the minimum criteria and methods prescribed in the Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of Navy; Shore Protection Manual, U.S. Department of the Army Corps of Engineers; U.S. Department of the Army Coastal Engineering Research Center Technical Papers and Reports; the Technical and Design Memoranda of the Division of Beaches and Shores, state department of environmental protection; or other professionally recognized methodologies which produce equivalent design criteria. Breaking, broken and nonbreaking waves shall be considered as applicable. Design wave loading and analysis shall consider vertical uplift pressures and all lateral pressures to include impact as well as dynamic loading and the harmonic intensification resulting from repetitive waves.

(6) *Hydrostatic loads.* Calculations for hydrostatic loads shall consider the maximum water pressure resulting from a fully peaked, breaking wave superimposed upon the design storm surge with dynamic wave setup. Both free and hydrostatic loads shall be considered. Hydrostatic loads which are confined shall be determined by using the maximum elevation to which the confined water would freely rise if unconfined. Vertical hydrostatic loads shall be considered both upward and downward on horizontal or inclined surfaces of major structures (i.e., floors, slabs, roofs, walls). Lateral hydrostatic loads shall be considered as forces acting horizontally above and below grade on vertical or inclined surfaces. Hydrostatic loads on irregular or curved geometric surfaces shall be determined by considering the separate vertical and horizontal components acting simultaneously under the distribution of the hydrostatic pressures.

(7) *Hydrodynamic loads.* Hydrodynamic loads shall consider the maximum water pressure resulting from the motion of the water mass associated with the design storm. Full intensity loading shall be applied to all structural surfaces above the design grade which would affect the flow velocities.

(8) *Structural requirements for nonhabitable major structures.* Nonhabitable major structures need not meet the specific structural requirements of subsection (b)(2) of this section except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code. All sewage treatment and public water supply systems shall be floodproofed to prevent infiltration of surface water anticipated under design storm conditions. Underground utilities, excluding pad transformers and vaults, shall be floodproofed to prevent infiltration of surface water expected under design storm conditions or shall otherwise be designed to function when submerged under such storm conditions.

(9) *Structural requirements for minor structures.* Minor structures need not meet the specific structural requirements of subsection (b)(2) of this section except that they shall be designed to produce the minimum adverse impact on the beach and dune system and shall comply with the applicable standards of construction found in the Standard Building Code.

(10) *Location of construction.* Construction, except for elevated walkways, lifeguard support standards, piers, beach access ramps, gazebos and coastal or shore protection structures, shall be located a sufficient distance landward of the beach to permit natural shoreline fluctuations and to preserve dune stability. Construction, including excavation, may occur to the extent that the natural storm buffering and protection capability of the dune is not diminished.

(11) *Public access.* Where the public has established an accessway through private lands to lands seaward of mean high tide or water line by prescription, prescriptive easement or other legal means, development or construction shall not interfere with such right of access unless a comparable alternative accessway is provided. The developer shall have the right to improve, consolidate or relocate such public accessways so long as they are:

a. Of substantially similar quality and convenience to the public;

b. Approved by the local government and approved by the department of environmental protection whenever improvements are involved seaward of the coastal construction control line; and

c. Consistent with the coastal management element of the county comprehensive plan.

(12) *Public facilities.* Public facilities shall not be located or improved in the coastal high hazard area unless the following requirements are met:

a. The use is necessary to protect public safety;

b. The use is necessary to restore and/or enhance natural resources; or

c. The use is otherwise compatible with the provisions of the coastal element of the county comprehensive plan.

(13) *Other new construction.* The issuance of development permits in the coastal high hazard area shall be conditioned on the receipt of all commonly required department of environmental protection permits including those required by F.S. ch. 161 and the following siting requirements:

a. Placement of required open space shall be in the most vulnerable area of the site;

b. Access to structures shall be from the landward side;

c. Structures are located landward of the front dune structure or landward of the coastal setback line, as established by F.S. ch. 161, to the extent reasonably possible, giving consideration to the size of the parcel, topography and the existence of sufficient land on the landward side of the coastal setback line.

(14) *Redevelopment in the coastal high hazard area.* The repair or rebuilding of buildings or structures located within the coastal high hazard area that are damaged by a storm, fire or other event shall be subject to the following requirements:

a. *Repair.* A building or structure located in the coastal high hazard area may be repaired as long as the building or structure is not enlarged and is restored to its original design configuration or an equivalent structural standard. Repair of a structure means that a significant portion of the structure or building, including its foundation, remain intact. Applicable Federal Emergency Management Agency regulations shall apply.

b. *Rebuilding.* Rebuilding means any construction activity that includes alteration of an existing foundation. A building or structure located in the coastal high hazard area may be rebuilt provided that:

1. The development complies with the requirements of division 3 of this article.

2. The development is rebuilt at the most suitable location on the lot under current regulations.

3. The applicant provides evidence that the development cannot be moved to a more suitable location on the lot.

4. In areas of repeated damage, structures which suffer repeated damage rebuild landward of their current location or modify the structure to delete the areas most prone to damage.

5. Applicable Federal Emergency Management Agency regulations shall apply.

(c) *Restriction of hazardous materials.* Nonwater-dependent land uses in the coastal high hazard area that use, store or treat hazardous materials injurious to fish and wildlife shall be prohibited except that all permitted uses within the coastal high hazard area shall be allowed to store and use nominal quantities of hazardous materials commonly associated with that use in order to maintain clean, safe and healthy premises and otherwise fully enjoy the permitted use. Examples shall include household cleaning materials, insect sprays and gasoline for lawn mowers and boats. Bulk storage of hazardous materials beyond normal inventory quantities for permitted uses shall not be allowed in the coastal high hazard area.

(LDC § 4.02.02; Ord. No. 2001-3, § 2(A), 3-20-2001)

Sec. 42-578. Buffers.

Buffers in coastal areas shall be required pursuant to section 42-545.

(LDC § 4.02.03)

Sec. 42-579. Septic tanks.

Septic tanks in coastal areas shall be regulated pursuant to section 42-545(d).

(LDC § 4.02.04)

Sec. 42-580. Siting of shoreline uses.

(a) *Siting water dependent uses.* Water dependent uses shall be allowed as follows:

(1) Public use marinas;

(2) Other water-oriented recreation;

(3) Commercial fishing;

(4) Water-related uses;

(5) Water-dependent industries or utilities; and

(6) All other permitted uses.

(b) *Criteria for siting.* All new or developed water-dependent uses shall:

(1) Be located on existing upland areas;

(2) Be constructed to conform to coastal construction building codes;

(3) Be constructed landward of the coastal setback line or otherwise be consistent with the standards of F.S. § 161.052;

(4) Demonstrate that existing public utilities, infrastructures and services are in place to support the proposed use;

(5) Not be in conflict with existing, conforming adjacent land uses;

(6) Provide equivalent public access where traditional public access points are directly affected by the development;

(7) Encourage the use of native plant species for landscaping;

(8) Provide for the treatment of all discharge, including stormwater runoff, from land uses into bodies of water to incorporate standards for treatment adequate to meet the requirements of F.A.C. 62-4.240.

(9) Restrict impervious surface coverage consistent with the standards set forth in article VIII of this chapter.

(c) *Criteria for siting marinas.* All new, expanded or redeveloped marinas shall:

(1) Demonstrate the presence of upland areas which are large enough to accommodate all required utility and support facilities as well as enough parking to satisfy the projected demand based upon professionally accepted standards such as those of the Institute of Traffic Engineers;

(2) Provide public access;

(3) Be located lying outside areas identified as inappropriate for marina development unless mitigating actions are taken recreating disturbed wetlands, sea grass beds, oyster reefs, other marine nursery areas or other habitats on at least a one-to-one basis;

(4) Demonstrate oil spill cleanup capability within the boundaries of the leased area;

(5) Provide a hurricane mitigation and evacuation plan;

(6) Designate future upland spoil sites for maintenance dredging activities;

(7) Be located in proximity to natural channels so that minimum or no dredging shall be required for provision of docking facilities;

(8) Have available sewage treatment facilities to serve the anticipated volume of waste at the level of service standard consistent with the county comprehensive plan. Marinas with fueling facilities will provide sewerage pump-out facilities at each fuel dock. Commercial marinas and those with live-aboard overnight transient traffic shall provide upland sewage facilities;

(9) Maintain water quality standards as provided by F.S. ch. 403;

(10) Be located in areas having adequate water depth to accommodate the proposed boat use without disturbance of bottom habitats unless a permit to dredge a channel and/or turn basin is obtained from appropriate state and/or federal authorities;

(11) Delineate immediate access points with channel markers that indicate speed limits and any other applicable regulations;

(12) Be sited in areas designated for general commercial or water-oriented uses in the county comprehensive plan;

(13) Be located in areas away from sea grass beds, oyster reefs and other important fish and shellfish spawning and nursery areas; and

(14) Demonstrate that it meets a public need thereby demonstrating economic viability/feasibility.

(LDC § 4.02.05)

Sec. 42-581. Estuaries.

No new development shall be permitted which discharges untreated stormwater or other effluents into adjacent sea grass beds, oyster reefs or other important fish and shellfish spawning and nursery areas in violation of F.A.C. 62-4.240. For development or redevelopment proposals that may disturb or degrade estuaries located within the jurisdiction of the county and of adjacent local governments, such development proposals shall be reviewed by such jurisdictions through a coordinated review and comment process to ensure restoration or enhancement of disturbed or degraded natural resources, including estuaries, coastal wetlands and drainage systems, subject to the provisions of article IX of this chapter. New development and redevelopment which may cause disruptions or degradations to wetlands or aquatic preserves shall include mitigating measures pursuant to section 42-545(c).

(LDC § 4.02.06)

Sec. 42-582. Compliance with adopted resource planning and management plans.

All new development and redevelopment shall comply with appropriate provisions of any existing or future resource planning and management plans, aquatic preserve management plans and estuarine sanctuary plans or any future resource planning and management plans adopted by agencies of the state acting within their jurisdictional authority which are in effect at the time a new development permit is issued. All future land use in the coastal area shall be evaluated for consistency with the department of environmental protection management plans for the Big Bend sea grasses designation through the comprehensive plan amendment process.

(LDC § 4.02.07)

Sec. 42-583. References for determination of design parameters and methodologies.

Assistance in determining the design parameters and methodologies necessary to comply with the requirements of this chapter may be obtained from the:

(1) Shore Protection Manual, U.S. Army Corps of Engineers, 4th edition, 1984, U.S. Department of the Army, Coastal Engineering Research Center's Technical Papers and Reports.

(2) Florida Department of Natural Resources, Division of Beaches and Shores Technical and Design Memoranda.

(3) Naval Facilities Engineering Command Design Manual, NAVFAC DM-26, U.S. Department of the Navy.

(4) Coastal Construction Manual, Federal Emergency Management Agency, February 1986, or the most recent edition.

(5) F.S. § 161.55, requirements for activities or construction within the coastal building zone.

(LDC § 4.02.08)

Secs. 42-584—42-605. Reserved.

DIVISION 3. FLOODPLAINS[11]

Subdivision I. In General

Sec. 42-606. Purpose and objectives.

(a) *Purpose.* It is the purpose of this division to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

(4) Control filling, grading, dredging and other development which may increase erosion or flood damage; and

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.

(b) *Objectives.* The objectives of this division are to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and streets and bridges located in floodplains;

(6) Help maintain a stable tax base by providing for the sound use and development of floodprone areas in such a manner as to minimize future flood blight areas; and

(7) Ensure that potential home buyers are notified that property is in a flood area.

(LDC § 4.07.01)

[11]State law reference(s)—Provisions to regulate areas subject to flooding, F.S. § 163.3202(2)(d).

Sec. 42-607. Applicability.

This division shall apply to all areas of special flood hazard within the unincorporated areas of the county.

(LDC § 4.07.02(A))

Sec. 42-608. Establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency and its flood insurance rate map (FIRM) No. 120302-0025-0580, effective November 16, 1983, and any revisions thereto, are adopted by reference and declared to be a part of this section. Flood elevations shown on the flood insurance rate maps may be established by field survey where a greater degree of precision is desired, in accordance with applicable Federal Emergency Management Agency procedures.

(LDC § 4.07.02(B))

Sec. 42-609. Conditions precedent to granting building permit.

All conditions and provisions of this division must be fulfilled before a building permit pursuant to county code can be issued.

(LDC § 4.07.02(C))

Sec. 42-610. Compliance.

No structure or land shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations.

(LDC § 4.07.02(D))

Sec. 42-611. Abrogation, greater restrictions.

This division is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this division and another section in this chapter conflict or overlap, a determination of the most appropriate section shall be made by the planning board.

(LDC § 4.07.02(E))

Sec. 42-612. Interpretation.

In the interpretation and application of this division, all provisions shall be:

(1) Considered as minimum requirements; and

(2) Deemed neither to limit nor repeal any other powers granted under state statutes.

(LDC § 4.07.02(F))

Sec. 42-613. Warning and disclaimer of liability.

The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This division does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This division shall not create liability on the part of the county or by any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made under this division.

(LDC § 4.07.02(G))

Secs. 42-614—42-630. Reserved.

Subdivision II. Administration and Enforcement[12]

Sec. 42-631. Building official.

(a) The building official is appointed to administer and implement the provisions of this division.

(b) Duties of the building official, in addition to all duties imposed by existing county codes, shall include, but not be limited to:

(1) Review all building permits to ensure that the permit requirements of this division have been satisfied.

(2) Advise permittee that additional federal or state permits may be required and, if specific federal or state permits are known, require that copies of such permits be provided and maintained on file with the development permit.

(3) Notify adjacent communities and the department of community affairs prior to any alteration or relocation of a watercourse which the building official would have knowledge of within the course of his work, and submit evidence of such notification to the Federal Insurance Administration.

(4) Ensure that maintenance is provided within the altered or relocated portion of a watercourse which the building official has knowledge of in the course of his work so that the flood-carrying capacity is not diminished.

(5) Determine whether the following requirements have been satisfied or, at his discretion, require that a certification be obtained from a professional engineer, licensed surveyor or architect registered in the state for:

a. Verification and recordation of the actual elevation, in relation to mean sea level, of the lowest floor, including basement, of all new or substantially improved structures.

b. Verification and recordation of the actual elevation, in relation to mean sea level, to which the new or substantially improved structures have been floodproofed.

c. That the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters and hurricane wave wash in coastal high hazard areas.

[12]Cross reference(s)—Administration, ch. 2.

(6) In coastal high hazard areas, the building official shall review plans for the adequacy of breakaway walls.

(7) When floodproofing is utilized for a particular structure, the building official shall obtain certification from a registered professional engineer or architect in accordance with section 42-632(2).

(8) Where interpretation is needed as to the exact location of the boundaries of the areas of special flood hazard, for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the building official shall make the necessary interpretation. Flood elevations shown on the flood insurance rate maps may be established by field survey where a greater degree of precision is desired, in accordance with applicable Federal Emergency Management Agency procedures.

(9) When base flood elevation data has been provided in accordance with section 42-608, then the building official shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other resource, in order to administer the provisions of article VII of this chapter.

(10) All records pertaining to the provisions of this division shall be maintained in the office of the building official and shall be open for public inspection.

(LDC § 4.07.08(A), (B))

Sec. 42-632. Permit procedures.

Application for a building permit shall be made to the building official pursuant to county code on forms furnished by him prior to any development activities, and may include, but shall not be limited to the following plans, in duplicate, drawn to scale, showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. The following information is specifically required:

(1) *Application stage.*

a. Elevation in relation to mean sea level of the proposed lowest floor, including the basement, of all structures;

b. Elevation in relation to mean sea level to which any nonresidential structure will be floodproofed;

c. Certificate from a registered professional engineer or architect that the nonresidential floodproofed structure will meet the floodproofing criteria in section 42-652(2);

d. Description of the extent to which any watercourse will be altered or relocated as a result of a proposed development.

(2) *Construction stage.* Provide a flood elevation or floodproofing certification after the lowest floor is completed, or in instances where the structure is subject to the regulations applicable to coastal high hazard areas, after placement of the horizontal structure members of the lowest floor. Upon placement of the lowest floor or floodproofing by whatever construction means, or upon placement of the horizontal structural members of the lowest floor, whichever is applicable, it shall be the duty of the permit holder to submit to the building official a certification of the elevation of the lowest floor, floodproofed elevation or the elevation of the lowest portion of the horizontal structural member of the lowest floor, whichever is applicable, as-built, in relation to mean sea level. The certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by him. When floodproofing is utilized for a particular building, the certification shall be prepared by or under the direct supervision of a professional engineer or architect and certified by him. Any work undertaken prior to submission of the certification shall be at the permit holder's risk.

The building official shall review the floor elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make the required corrections shall be cause for the county to issue a stop work order or other legal action available to remedy the failure for the project.

(3) *Certificate.* Provide a certificate from a professional engineer or architect registered in the state that the nonresidential floodproofed structure meets the floodproofing criteria in section 42-652(2).

(4) *Description of alteration or relocation of watercourse.* Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(LDC § 4.07.08(C))

Secs. 42-633—42-650. Reserved.

Subdivision III. Flood Hazard Reduction

Sec. 42-651. General standards.

In all areas of special flood hazard the provisions of the most recent edition of The National Flood Insurance Program and Related Regulations published by the Federal Emergency Management Agency are adopted by reference.

(LDC § 4.07.03)

Sec. 42-652. Specific standards.

In all areas of special flood hazard and where base flood elevation data has been provided as set forth in section 42-608 or section 42-609(2), the following provisions are required:

(1) *Residential construction.* New construction or substantial improvement of any restructure shall have the lowest floor, including basement, elevated to or above base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, an opening sufficient to facilitate the unimpeded movements of floodwater shall be provided in accordance with standards set forth in subsection (3) of this section.

(2) *Nonresidential construction.* New construction or substantial improvement of any commercial, industrial or other nonresidential structure shall have the lowest floor, including basement, elevated no lower than the base flood elevation. Buildings located in all A zones may be floodproofed in lieu of being elevated, provided that all areas of the building below the required elevation are watertight with walls substantially impermeable to the passage of water and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A professional engineer or architect registered in the state shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the building official as set forth in section 42-631.

(3) *Elevated buildings.* New construction or substantial improvements of elevated buildings that include fully enclosed areas formed by foundations and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

a. Designs for complying with the requirement of this subsection must meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above grade; and

3. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.

b. Access to the enclosed area shall, at a minimum, allow for entry through a standard three-foot by six-foot-eight-inch exterior door, but may be larger to allow for the parking of vehicles or limited storage of maintenance equipment used in connection with the premises.

c. The interior portion of such enclosed area shall not be partitioned or finished into separate rooms, but a stairway or elevator may be installed within the enclosed area to provide access to the living area.

(4) *Manufactured homes and recreational vehicles.*

a. All manufactured homes placed or substantially improved on individual lots or parcels in expansions to existing manufactured home parks or subdivisions or in substantially improved manufactured home parks or subdivisions, must meet all the requirements for new construction, including elevation and anchoring.

b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that:

1. The lowest floor of the manufactured home is elevated to above base flood elevation; or

2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, and shall be no less than 36 inches in height above grade;

3. The manufactured home must be securely anchored to the adequately anchored foundation system to resist flotation, collapse and lateral movement;

4. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood, any manufactured home placed or substantially improved must be elevated to the base flood elevation.

c. All recreational vehicles placed on sites must have on-site a public or private sewer permitted pursuant to section 42-860 or present proof of a waste disposal contract. In addition they must meet the following specific standard.

1. Be fully licensed and ready for highway use at all times.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached structures and has a current tag.

d. In all land use categories, recreational vehicles not sited within an approved recreational vehicle park shall not exceed a maximum of four units per lot or parcel. The siting of recreational vehicles shall be prohibited on non-conforming lots or parcels as to size for residential use created after June 29, 1990. More than four recreational vehicles sited on a lot or parcel constitutes as recreational vehicle park as defined in F.S. § 513.01(10) and requires conformance with section 42-799 of the land development code and approval by the county planning board.

Exception. Lots or parcels which are non-conforming as to size for residential use, and which can be individually identified and described from documents recorded in the public records of the county on June 29, 1990, the date of adoption of the comprehensive plan, shall continue to be eligible for a maximum density of less than or equal to four recreational vehicles per one-half acre.

e. In the Water Oriented Commercial (CWO) land use classification and all land use categories allowing residential densities greater than one unit per two acres, recreational vehicles conforming to subsection (c) and not sited within an approved recreational vehicle park shall not exceed one unit per 5,000 square feet.

Exceptions:

1. A recreational vehicle may be stored adjacent to a single-family dwelling inhabited by the owners of the recreational vehicle.
2. One additional recreational vehicle may be sited on any lot or parcel for the duration of scallop season each year.
3. As of January 18, 2011, any lot or parcel which presently contains a number of recreational vehicles which exceed the maximum density allowed by this section will be allowed to retain its present recreational vehicle density. Any lot of parcel currently permitted for an RV power pole will be allowed two RV's per lot or parcel.

f. In the Industrial (I), Aviation-Related Commercial (CAR) and Public (P) land use categories, recreational vehicles shall be permitted only as an accessory use by the owner, lessee, custodian or watchman.

(5) *Floodways.* Located within areas of special flood hazard established in section 42-608 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions shall apply:

a. Prohibit encroachments, including fill, new construction, substantial improvements and other developments unless certification by a professional engineer or architect registered in the state is provided demonstrating that encroachments shall not result in any increase in flood levels during occurrence of the base flood discharge.

b. If the requirements of this section are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of sections 42-651—42-654.

(6) *Coastal high hazard areas (V zones).* In coastal high hazard areas (V zones) the following shall apply:

a. All buildings or structures shall be located in compliance with F.S. ch 161 and current applicable Federal Emergency Management Agency regulations.

b. All buildings or structures shall be elevated so that the lowest supporting member is located no lower than the base flood elevation level, with all space below the lowest supporting member open so as not to impede the flow of water. Open latticework or decorative screening may be permitted for aesthetic purposes only and must be designed to wash away in the event of abnormal wave action and in accordance with subsection (6)h of this section.

c. All buildings or structures shall be securely anchored on pilings or columns.

d. All pilings and columns in the attached structures shall be anchored to resist floatation, collapse and lateral movement due to the effect of wind and water loads acting simultaneously on all building components. The anchoring and support system shall be designed with wind and water

loading values which equal or exceed the 100-year mean recurrence interval (one percent annual chance flood).

e. Compliance with provisions contained in subsection (6)b—d of this section shall be certified to by a professional engineer or architect registered in the state.

f. There shall be no fill used as structural support.

g. There shall be no alteration of sand dunes which would increase potential flood damage.

h. Latticework or decorative screening shall be allowed below the base flood elevation provided they are not part of the structural support of the building and are designed so as to breakaway under abnormally high tides or wave action without damage to the structural integrity of the building on which they are to be used and provided the following design specifications are met:

1. No solid walls shall be allowed; and

2. Material shall consist of lattice or mesh screening only.

i. If aesthetic latticework or screening is utilized, such enclosed space shall not be designed to be used for human habitation, but shall be designed to be used only for parking of vehicles, building access or limited storage of maintenance equipment used in connection with the premises.

j. Prior to construction, plans for any structures that will have latticework or decorative screening must be submitted to the building official for approval.

k. Any alteration, repair, reconstruction or improvement to a structure shall not enclose the space below the lowest floor except with latticework or decorative screening as provided for in subsections (6)h—i of this section.

(LDC § 4.07.04; Ord. No. 2010-06, 7-20-2010; Ord. No. 2011-02, § 1, 1-18-2011)

Sec. 42-653. Areas of shallow flooding (AO zones).

Located within the areas of special flood hazard established in section 42-608 are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of one to three feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate; therefore, the following provisions apply:

(1) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade.

(2) All new construction and substantial improvements of nonresidential structures shall:

a. Have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no depth number is specified, the lowest floor, including basement, shall be elevated at least two feet above the highest adjacent grade; or

b. Together with attendant utility and sanitary facilities, be completely floodproofed to rise above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(LDC § 4.07.05)

Sec. 42-654. Subdivision proposals.

In addition to the requirements in section 42-126, the following regulations shall be met by applicants for subdivision approval:

(1) All subdivision proposals shall be consistent with the need to minimize flood damage.

(2) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.

(4) Base flood elevation data shall be provided for all subdivision proposals and other proposed development including manufactured home parks and subdivisions.

(LDC § 4.07.06)

Sec. 42-655. Streams without established base flood elevations and/or floodways.

Located within the areas of special flood hazard established in section 42-608, where small streams exist but where no base flood data have been provided, or where no floodways have been provided, the following provisions apply:

(1) No encroachments, including fill material or structures, shall be located within the distance of the stream bank equal to three times the width of the stream at the top of the bank or 20 feet each side from the top of the bank, whichever is greater, unless certification by a registered professional engineer is provided demonstrating that such encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) New construction or substantial improvement of structures shall be elevated or floodproofed to elevations established in accordance with section 42-653(2).

(LDC § 4.07.07)

Secs. 42-656—42-685. Reserved.

ARTICLE VIII. SITE DEVELOPMENT STANDARDS

DIVISION 1. GENERALLY

Sec. 42-686. Purpose and intent.

The purpose of this article is to provide site development standards applicable to all development activity in the county. The provisions of this article are intended to ensure functional and attractive development and allow for flexibility in site design, while ensuring compatibility of neighboring uses through design features such as landscaped buffers. All development shall be designed to encourage unnecessary impervious surface coverage and adverse effects of traffic, noise and drainage.

(LDC § 5.00.01)

Secs. 42-687—42-710. Reserved.

DIVISION 2. PERFORMANCE STANDARDS

Sec. 42-711. Generally.

This division contains basic standards applicable to the land use districts established in article V, division 2 of this chapter. These standards regulate the impervious surface ratio and open space ratio of both residential and nonresidential development. Other standards, including density standards and floor area ratios are set forth in article V of this chapter. These development standards are designed to encourage innovative design such as zero lot line and cluster housing. The standards also allow for flexibility in determining lot sizes and building placement.

(LDC § 5.01.01)

Sec. 42-712. Surface and open space ratios.

(a) *Generally.*

(1) *Impervious surface ratio.* An impervious surface ratio is a measurement of the amount of the site that is covered by any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. Impervious surfaces include, but are not limited to, roofs and streets, sidewalks and parking lots paved with asphalt, concrete, compacted sand, limerock or clay. The impervious surface ratios (ISR) set forth in section 42-714 are applicable to both residential and nonresidential developments.

(2) *Open space ratios.* An open space ratio is a measurement of the amount of the site that is devoted to recreation, resource protection, amenity and/or landscaped buffers. Open space may include, but is not limited to, lawns, decorative planting, walkways, active and passive recreation areas, playgrounds, fountains, swimming pools, wooded areas and watercourses. Open space does not include driveways, parking lots or other surfaces designed or intended for vehicular travel. The open space ratios (OSR) set forth in section 42-714 are applicable to both residential and nonresidential developments.

(b) *Calculating impervious surface and open space ratios.*

(1) Open space is calculated by adding up all impervious surfaces and subtracting them from the gross site area.

(2) The ISR is calculated by adding together all the square footage of all impervious surfaces and dividing this total by the gross site area.

(3) The OSR is calculated by adding together all the square footage of all open space and dividing this total by the gross site area.

(LDC § 5.01.02)

Sec. 42-713. Trip generation standards.

(a) *Generally.* In order to encourage pedestrian-oriented neighborhoods where people can live, shop and work, this article allows limited office, institutional and commercial development within residential neighborhoods. Nonresidential land uses are generally considered more intensive than residential land uses. They often generate a much greater volume of traffic than do typical residential uses. The trip generation standards

included in this division are intended to prevent incompatible land uses based on traffic impacts in residential neighborhoods by ensuring that all land uses within the neighborhood have similar trip generation characteristics. The standards in this section apply to all nonresidential uses allowed in residential land use districts.

(b) *Performance standards.*

a. The proposed use shall be located on a major collector, minor or major arterial roadway only.

b. Any fraction of an acre shall be apportioned its pro data share of the allowable number of new trips per acre.

c. Average trip generation based on data from the report entitled "Trip Generation," 4th edition, 1987, by the Institute of Traffic Engineers (ITE) shall be used, and shall be based on the average daily new trips of the proposed development. Passerby trips shall not be considered new trips.

d. Actual traffic count data may be substituted for ITE data, provided that the following provisions are met:

1. Actual counts are made by a recording traffic counter. Personal observance shall not be accepted.

2. Counts shall be made at comparable developments based on scale, bulk, area, functional class of abutting streets or other measures of comparison. All sites shall be within the county.

3. Counts shall be made for seven consecutive days or longer at each location.

4. At least two locations of comparable data shall be chosen for actual count data. Additional sites may be required by the planning director. A professional traffic engineer shall verify, in writing, the anticipated trip generation of the proposed development.

(LDC § 5.01.03)

Sec. 42-714. Development standards.

The maximum impervious surface ratio and minimum open space ratio for residential and nonresidential developments shall be as follows:

Land Use/Districts	Maximum Impervious Surface Ratio (ISR) (percent)	Minimum Open Space Ratio (OSR) (percent)
Agricultural 1	25	75
Agricultural 2	25	75
Agricultural/rural residential	40	60
Mixed use rural residential	50	
Mixed use urban development	60	
Water-oriented commercial	50[1] (60)	
Industrial	75[1] (80)	

[1] An accessory use for a single-family residential unit may be approved for use by either the owner, an employee, lessee, custodian or watchman, including immediate family, as part of an approved site plan where such dwelling unit is located on the same lot or parcel. Where an accessory use for a single residential unit has been approved pursuant to the limitations set forth in this table, the impervious surface ratio listed in parenthesis shall be required. This shall apply to the entire site.

(LDC § 5.01.04)

Sec. 42-715. Minimum setback guidelines.

A minimum 35-foot natural buffer shall be required from all wetlands and a 75-foot natural buffer shall be required from perennial rivers, streams and creeks identified as regionally significant areas within the comprehensive plan. The location of any dwelling structure shall be prohibited within these buffer areas, although nonintensive resource-based recreation activities shall be permitted within these buffer areas. For all uses other than single-family residential, agricultural and silvicultural adjacent to a work of the district as established in F.A.C. ch. 40B-4, a minimum buffer setback shall be required for rivers, streams and creeks, and their floodways, as required within such rule.

(LDC § 5.01.05)

Sec. 42-716. Clustering.

(a) The density or intensity of a use that would have been allowed on a site designated as a significant natural area in the absence of the application of this article may be used by clustering the development within nonsensitive areas within the project site or off-site through the transfer of development rights. The term "significant natural areas" is defined in Policy V.4.11 of the comprehensive plan.

(b) Development on parcels containing significant natural areas may be clustered on nonsensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those nonenvironmentally sensitive portions of the site. The clustered development shall meet all applicable provisions of this article including those in the environmentally sensitive land regulations relating to development activities adjacent to environmentally sensitive areas. A covenant and plat which runs with the land shall also be recorded to define the cluster development and transfer area to be preserved in open space to the area of the plat to be developed.

(LDC § 5.01.06)

Sec. 42-716.5. Measurement of setbacks in subdivisions.

Henceforth from the effective date of Ord. No. 2006-12, [adopted Aug. 7, 2006], all setbacks in subdivisions in the county, shall be measured from the edge of the right-of-way or easement, as established by the county engineer.

(Ord. No. 2006-12, § 1, 8-7-06)

Sec. 42-717. Setbacks.

(a) *Mixed use urban development setback.*

(1) Conventional single-family dwellings and duplexes:

a. Front: 30 feet.

b. Side: Ten feet for each side yard.

c. Rear: 15 feet.

(2) Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and all other permitted or permissible uses, unless otherwise specified:

a. Front: 35 feet.

b. Side: 25 feet for each side yard.

c. Rear: 35 feet.

(3) Mobile home parks (to be applied at site perimeter):

a. Front: 35 feet.

b. Side: 25 feet for each side yard.

c. Rear: 25 feet.

Special provisions. In a mobile home park no mobile home shall be located closer than 20 feet to another mobile home or a mobile home park access or circulation drive.

(4) Multiple-family dwellings (to be applied to site perimeter):

a. Front: 30 feet.

b. Side: 15 feet for each side yard.

c. Rear: 20 feet.

Special provisions. Where two or more multiple-family structures are located together on one site no detached residential structure shall be closer than 20 feet to another.

(5) Medical and dental offices, clinics and laboratories; hospitals; business and professional offices; banks and financial institutions; and all other permitted or permissible uses, unless otherwise specified:

a. Front: 30 feet.

b. Side: 20 feet for each side yard.

c. Rear: 20 feet.

Special provisions. As a minimum, no less than one-half the depth of any required front yard shall be maintained as a landscaped area, the remainder may be used for off-street parking, but not for buildings. The depth of this landscaped area shall be measured at right angles to property lines and shall be established along the entire length of an area contiguous to the designated property lines. This landscaped area may be penetrated at right angles by driveways.

(6) All permitted or permissible commercial uses and structures, unless otherwise specified:

a. Front: 20 feet.

b. Side: None, except where a side yard is provided, then a side yard of at least ten feet must be provided.

c. Rear: 15 feet.

(7) Recreational vehicles shall maintain a minimum setback distance from property lines consistent with conventional single-family dwelling requirements.

Exception: Existing lots or parcels with insufficient usable land area.

(b) *Industrial setbacks.* All permitted or permissible uses and structures, unless otherwise specified:

(1) Front: 20 feet.

(2) Side and rear: 15 feet except where a railroad spur abuts a side or rear property line, in which case no yard is required.

(c) *Agricultural 1, agricultural 2 and agricultural/rural residential setbacks.*

(1) Conventional single-family dwellings:

a. Front: 50 feet.

b. Side: 35 feet.

c. Rear: 50 feet.

(2) Conventional single-family dwellings on vested nonconforming lots of record (lots or parcels which are nonconforming as to size for residential use, and which can individually be identified and described from documents recorded in the public records of the county on June 29, 1990, the date of adoption of the comprehensive plan) less than two acres in size:

a. Front: 30 feet.

b. Side: Ten feet.

c. Rear: 15 feet.

(3) Conventional single-family dwelling on vested nonconforming lots of record greater than or equal to two acres in size:

a. Front: 50 feet.

b. Side: 20 feet.

c. Rear: 30 feet.

(4) All permitted agricultural structures, from any lot line, 50 feet. All structures for agricultural activities, including the raising of livestock and poultry, the production of dairy and poultry products, the cultivation of field crops and fruit and berries, forestry, apiculture and similar uses are permitted provided that no intensive animal husbandry activities such as, but not limited to, dairy or other animal feed lots, poultry farms, hog farms or dog kennels (these are intense when due to size and intensity of the activity, are likely to have adverse impacts on the use of adjoining property due to odor, noise or water pollution) shall be subject to the major development review procedure set forth in section 42-149. The planning board may attach conditions to the approval of intensive activities to mitigate the potential adverse impacts. Such conditions may include, but are not limited to:

a. Minimum land area;

b. Minimum setbacks of buildings or activity from adjoining property, but not less than 500 feet from the property line and not less than 1,320 feet from a residential structure;

c. Additional buffering;

d. Enclosure of specific activities; and

e. Disposal of waste productions.

Structures for the processing, storage and sale of agricultural products and commodities which are raised or stored on the premises, but are not permitted livestock or poultry slaughterhouse activities,

provided that any building used for slaughterhouse activities shall be located pursuant to standards for intensive animal husbandry activities set forth in this subsection.

(d) Mixed use rural residential setbacks.

(1) Conventional single-family dwellings:

a. Front: 50 feet.

b. Side: 20 feet.

c. Rear: 30 feet.

(2) Conventional single-family dwelling on vested nonconforming lots of record less than two acres in size:

a. Front: 30 feet.

b. Side: Ten feet.

c. Rear: 15 feet.

(3) All permitted agricultural structures, from any lot line: 50 feet.

Setback standards for intensive animal husbandry activities shall be in accordance with the requirements of subsection (c) of this section.

(LDC §§ 5.01.07—5.01.10; Ord. No. 2011-03, § 1, 1-18-2011; Ord. No. 2019-02, § 1, 5-21-2019)

Sec. 42-718. Water conservation.

(a) Development projects for which a central water system is being developed shall, when feasible, utilize a reclaimed water system for uses not requiring potable water. The lowest acceptable water quality shall be utilized for the purpose intended.

(b) All new construction and all remodeling activities shall utilize fixtures conforming to the following schedule of maximum water usage, consistent with F.S. § 553.14:

Maximum Water Usage of Fixtures

Water closets, tank type	3.5 gallons/flush
Water closets, flushometer, flush valve	3.5 gallons/flush
Urinals, tank type	3.5 gallons/flush
Urinals, flushometer or flush valve	3.5 gallons/flush
Showerheads	3.5 gallons/minute
Lavatory and sink faucets	2.5 gallons/minute

(LDC § 5.04.00)

Sec. 42-719. Height restrictions in Steinhatchee.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Height, building, means the vertical distance from grade to the highest finished roof surface in the case of flat roofs or to a point at the average height of the highest roof having a pitch. Height of a building in stories includes basements, except as specifically provided for in the building code set forth in article IV, division 1, of this chapter.

Steinhatchee area means the unincorporated area of the county which is subject to this section and described as follows:

Commence at the point of intersection of the north boundary line of McCain Tower Road and the west boundary line of State Road 51, located in Section 18, Township 9 South, Range 10 East, Taylor County, Florida; thence run east to the west boundary line of the Steinhatchee River for a point of beginning; thence run west to the point of intersection of the west boundary line of State Road 51 and the north boundary line of McCain Tower Road, continue west along said north boundary line of McCain Tower Road through Section 18 T9S R10E and Sections 13, 14 and 15, T9S R9E to the intersection of County Road 361 (Beach Road); continue west across County Road 361 and through Sections 15 and 16 T9S R9E to the half-section line of Section 16 T9S R9E; thence run south through Sections 16 and 21 T9S R9E to the Gulf of Mexico; thence run southerly, easterly and northerly along the shoreline of the Gulf of Mexico and the northwesterly boundary of the Steinhatchee River back to the point of beginning.

(b) *Intent.* It is the intention of this section to set height restrictions for a specific unincorporated area of the county.

(c) *Restrictions.* In the Steinhatchee area described in subsection (a) of this section the height limitation is as follows:

(1) *Generally.* Maximum structure height is limited to 32 feet. Building height shall be measured from the highest point of the natural or existing ground elevation immediately adjacent to the subject building or structure, except that in those areas of Steinhatchee located in whole or in part within the Coastal High Hazard Area (FEMA V Zone and A Zone) as delineated on the Flood Insurance Rate Map (FIRM) the building height shall be measured from the base flood elevation (BFE) as established on the FIRM.

(2) *Exceptions.* Church spires, chimneys, water towers, transmitter towers, smokestacks, flagpoles, television antennas, and similar structures and their necessary mechanical appurtenances, may, where specifically permitted by the commission, be erected above the height limits established in subsection (c)(1) of this section.

(Ord. No. 2000-13, §§ 1—3, 11-21-2000)

Sec. 42-720. Lot standards and restrictions.

(a) Length/width ratio, in all land use categories, the length of residential lots which are less than ten acres shall not exceed three times the width.

(b) Roadway frontage, lots which are less than ten acres shall abut a public or private street for the required current minimum lot dimensions for the land use district where the lots are located.

(c) Flag lot means an interior lot which is ten acres or more in size and located to the rear of another lot, but with a narrower portion of the lot extending to the street. The narrow portion of the lot that extends to the

street shall be suitable for ingress and egress, and shall not be included in the calculation of the minimum lot area. No part of the narrow portion of the lot shall be less than 60 feet in width.

MINIMUM LOT DIMENSIONS

Classification	Density	Minimum Frontage in Feet
MUDD	4/1	60
MUDD	2/1	85
MURR	1/2	170
AGRR	1/5	269
AG 2	1/10	60
AG 1	1/20	60

(Ord. No. 2006-14, § 1, 10-17-2006)

Secs. 42-721—42-740. Reserved.

DIVISION 3. LANDSCAPING

Subdivision I. In General

Sec. 42-741. Purpose.

The purpose of this division is to protect the quality of water resources from future degradation by maintaining vegetative cover and encouraging control of disturbances to vegetation, to encourage the selection of native plant species for vegetation, to reduce the impact of urban and suburban development on remaining stands of natural vegetation, to provide shade, to reduce heat and glare, to abate noise pollution, to provide habitat for living things and to buffer incompatible uses.

(LDC § 5.02.01(A))

Sec. 42-742. Exemptions.

Lots or parcels of land on which a single-family house is used as a residence shall be exempt from the provisions of this division, except that champion, heritage, historic and specimen trees on such parcels shall be protected according to the tree protection regulations. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

(LDC § 5.02.01(B))

Sec. 42-743. Landscape materials.

Diversity of plantings should be strived for in all required landscape plantings, and in no case should one species constitute more than 50 percent of a planting.

(LDC § 5.02.01(C))

Sec. 42-744. Prohibited plants.

The following plants shall not be installed as landscape material:

(1) Kudzu (Pueraria lobata).

(2) Popcorn or Chinese Tallow Tree (Supium Sebiferum).

(3) Florida Holly or Brazilian Pepper (Schinus terebinthifolius).

(LDC § 5.02.01(D))

Sec. 42-745. Vehicular use areas.

(a) *Applicability.* The requirements of this section shall apply to off-street parking facilities and other vehicular use areas that:

(1) Have ten or more parking spaces; or

(2) Are designed to accommodate vehicles that are larger or smaller than automobiles and are over 3,500 square feet in area.

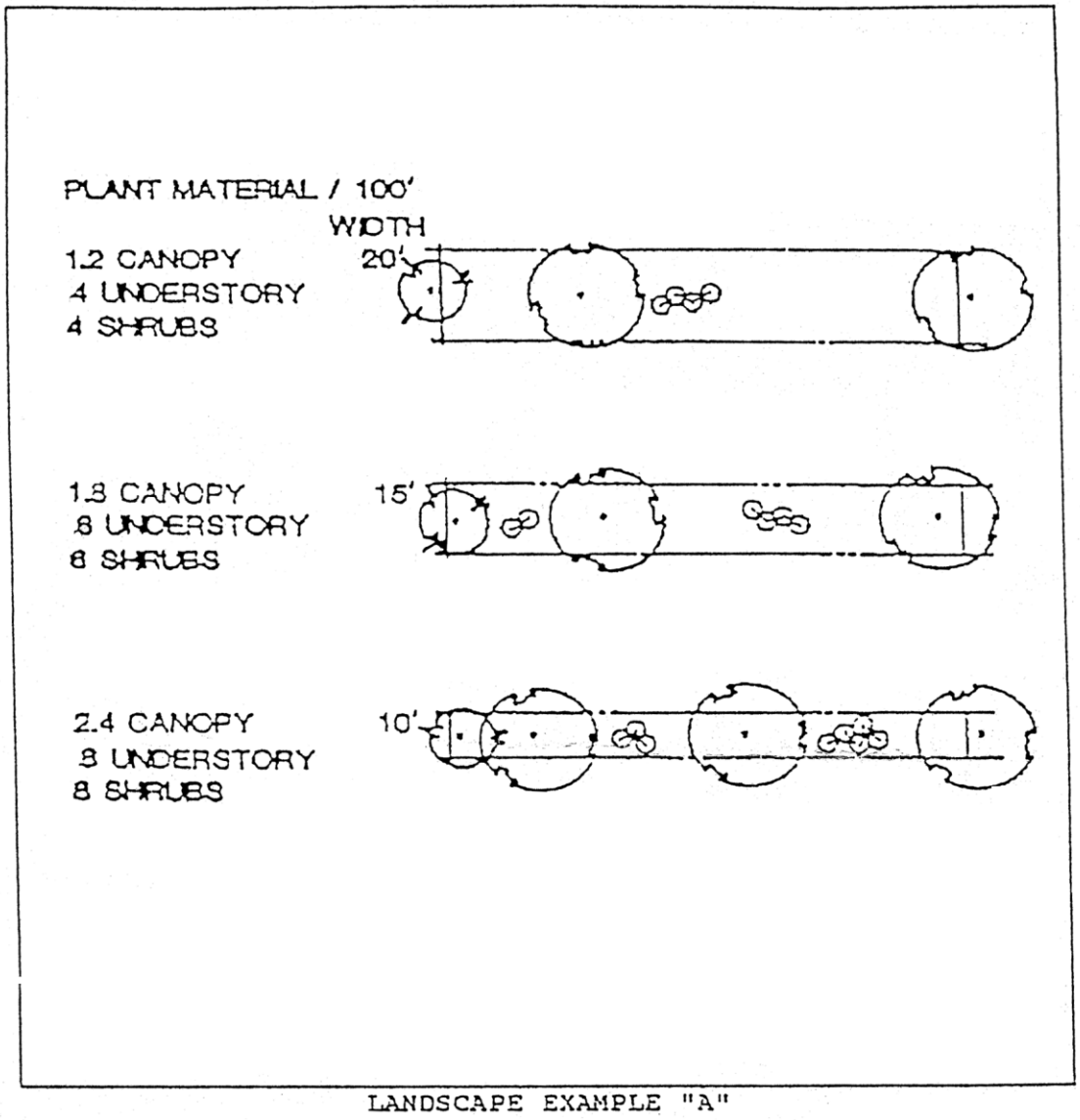
(b) *Perimeter requirements.* A ten-foot-wide strip of land located along the front property line adjacent to the street right-of-way shall be landscaped. In no case shall this strip be less than ten feet wide. Landscaped material requirements in perimeter areas shall include:

(1) One tree for each 50 feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three inches in diameter at breast height. The remaining area within the perimeter strip shall be landscaped with other landscape materials.

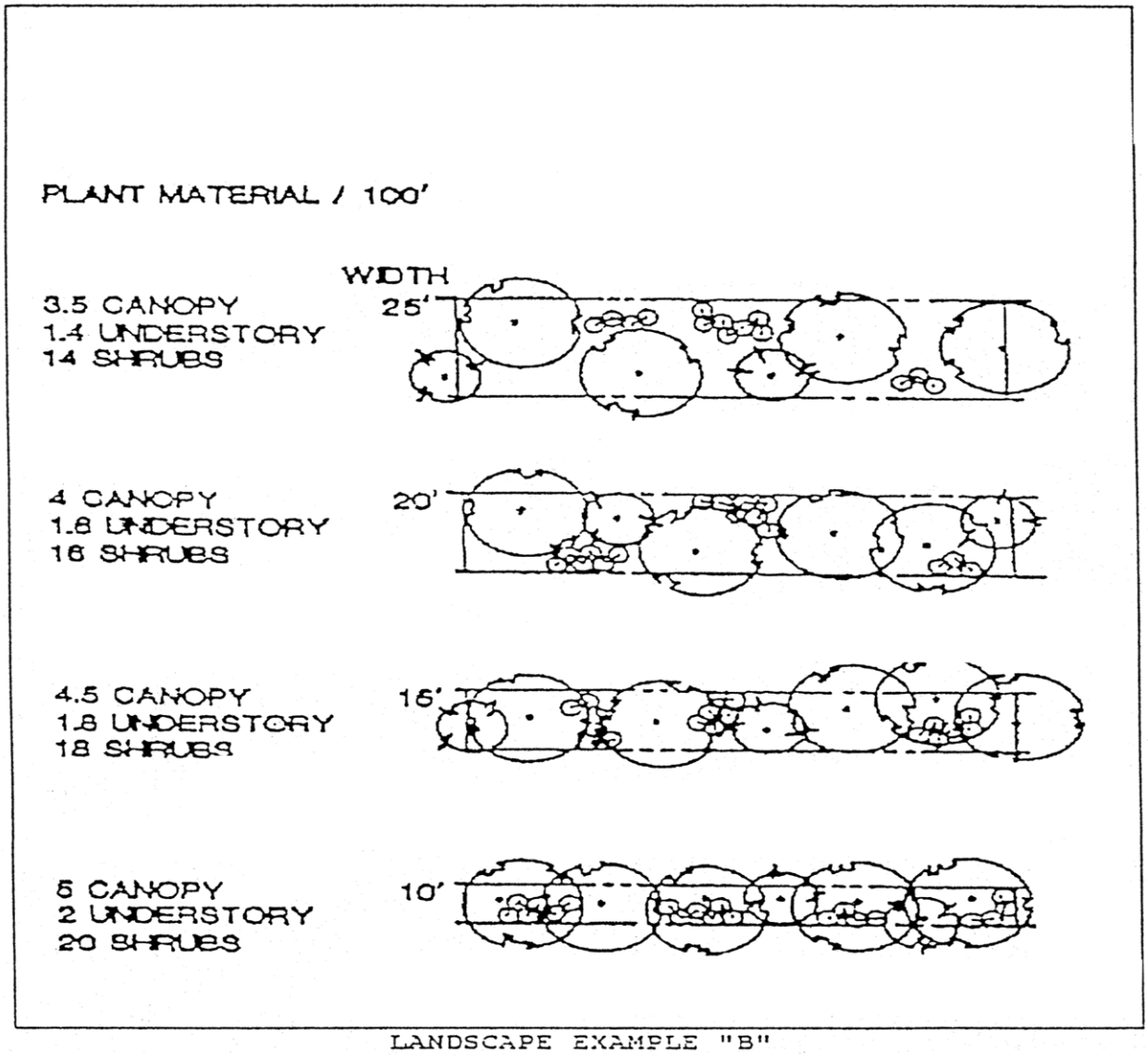
(2) Trees and other landscaping required in the perimeter strip shall be maintained to ensure unobstructed visibility between three and nine feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

(LDC § 5.02.03)

Cross reference(s)—Traffic and vehicles, ch. 74.



Landscape Example A



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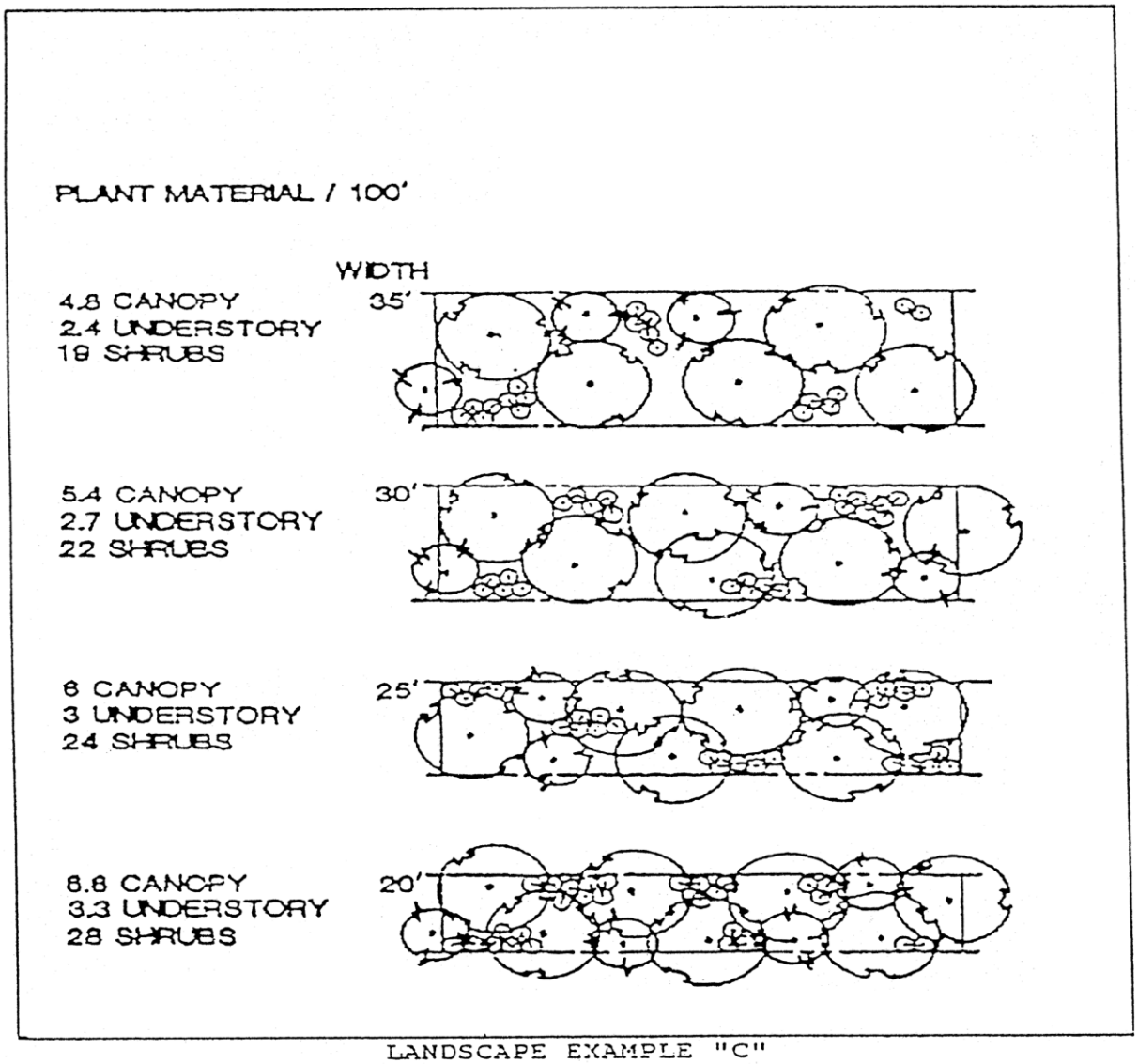

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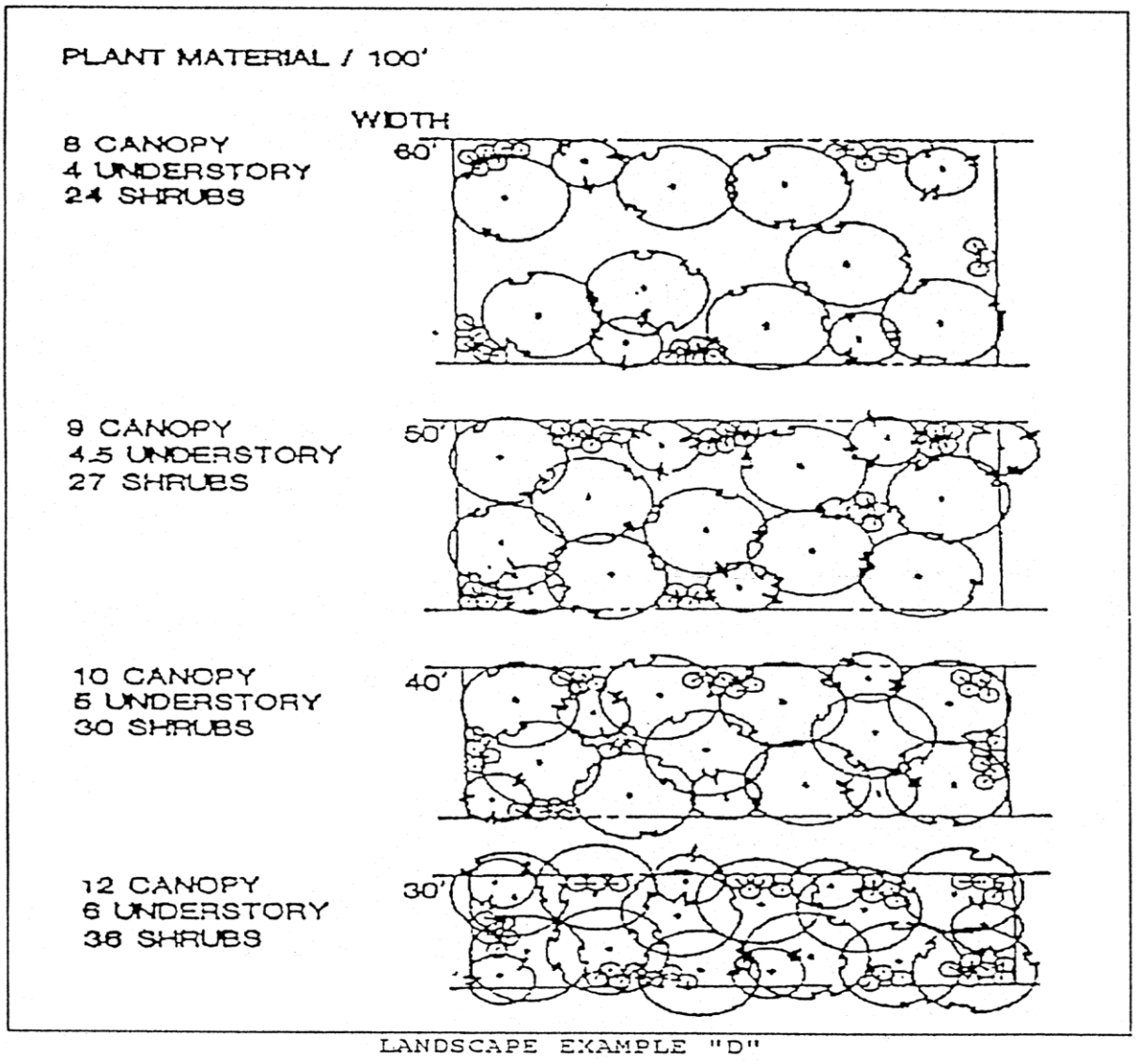

Landscape Example D

Sec. 42-746. Removal of trees and native vegetation.

(a) *Permit required to remove protected trees.* Plans for removing protected trees will be part of the site design. Unless exempt from the provisions of this section or provided for in this site design, no person shall remove or in any way damage any protected tree.

(b) *Protected trees.*

(1) *Small trees.* The following trees with a diameter at breast height of five inches or greater are considered protected trees for the purposes of this division:

a. Dogwood (Cornus Florida).

b. Redbud (Cercis canadensis).

(2) *Medium and large trees.* The following trees with a diameter at breast height of 18 inches or greater are considered protected trees for the purposes of this division:

a. Southern Magnolia (Magnolia grandiflora)***

b. Southern Red Cedar (Juniperus silicicola)***

c. Live Oak (Quercus virginiana)***

d. Myrtle Oak (Quercus myrtifolia)***

e. Sweet Gum (Liquidambar styraciflua)*

f. Sycamore (Platanus occidentalis)*

g. Pecan (Carga illinoensis)*

h. Florida elm (Ulmus americana floridana)

i. Red Maple (Acer rubrum)*

j. Tupelo, Water (Nyssa aquatica)

k. Walnut, Black (Juglans nigra)*

l. Hickory (Carya spp.)*

* Shade trees

**Salt tolerant trees

(c) *Exemptions.* The following uses shall be exempt from this section:

(1) *Single-family dwelling units.* Lots or parcels of land on which a single-family home is used as a residence shall be exempt for all trees where the removal of the tree is necessary for the construction of structural or built improvements and for all trees with a diameter at breast height of less than 18 inches, except that champion, heritage, historic and specimen trees, as described in subsection (d) of this section, on such parcels shall be protected according to the tree protection regulations. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require site plan approval.

(2) *Utility operations.* Excavation, tree pruning and removals by duly constituted communication, water, sewer, electrical or other utility companies, or federal, state or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt from this section, provided the activity is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes, as necessary, to achieve safe electrical clearances. All pruning and trimming shall be done in accordance with National Arborist Association Standards. Written notice of the areas where authorized work is anticipated shall be provided to the department at least five days prior to the work, except that when the work is needed to restore interrupted service under emergency conditions, no prior notice is required. Excavations affecting historic, specimen, champion or heritage trees shall be limited to maintenance work only. In addition, no notice is required to extend service to a new service connection.

(3) *Rights-of-way.* The clearing of a path for existing or new roadway rights-of-way, provided that the rights-of-way are for existing roadways that are built in conformance with county standards or for new roadways that will be built in conformance with county standards. To qualify for the exemption for new roadways, the developer must post a bond, letter of credit, cash or other security guaranteeing

the repair or replacement of the roadways in accordance with section 42-156. The width of the path shall not exceed the right-of-way width standards for each type of roadway established in the county transportation standards.

(4) *Commercial growers.* All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this section, but only as to those trees and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.

(5) *Emergencies.* During emergencies caused by a hurricane or other disaster, the county administrator/coordinator may suspend these tree protection regulations.

(d) *Historic, specimen and champion trees.*

(1) A historic tree is one that has been designated by the board of county commissioners as one of notable historical interest and value to the county because of its location or historical association with the community. A public hearing shall be held by the board of county commissioners on the designation with due notice to the owner of the tree.

(2) A specimen tree is one that has been officially designated by the board of county commissioners to be of high value because of its type, size, age or other relevant criteria. A public hearing on the designation shall be held by the board of county commissioners with due notice to the owner of the tree.

(3) A champion tree is one that has been identified by the state division of forestry as being the largest of their species within the state or by the American Forestry Association as being the largest of their species in the United States. Any tree in the county selected and duly designated a state champion, United States champion or world champion by the American Forestry Association, shall be protected.

(4) No historic, specimen or champion tree shall be removed without a finding by the planning director that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree.

(e) *Protection of historic specimen and champion trees during development activities.*

(1) *Generally.* To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

a. Mechanical injuries to roots, trunk and branches;

b. Injuries by chemical poisoning;

c. Injuries by grade changes;

d. Injuries by excavations; and

e. Injuries by paving.

(2) *Tree projection zone.* A circular tree protection zone shall be established around each protected tree as follows:

a. If the drip line is less than six feet from the trunk of the tree, the zone shall be that area within a radius of six feet around the tree.

b. If the drip line is more than six feet from the trunk of the tree but less than 20 feet, the zone shall be that area within a radius of the full drip line around the tree.

c. If the drip line is 20 feet or more from the trunk of the tree, the zone shall be that area within a radius of 20 feet around the tree.

(3) *Development prohibited within the tree protection zone.* All development activities, except those specifically permitted by this section, shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces and stormwater retention/detention ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, storage of construction material and parking of construction vehicles.

(4) *Fencing of tree protection zone.* Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier as follows:

a. Wooden or similar posts at least 1.5 by 3.5 inches shall be implanted in the ground deep enough to be stable and with at least three feet visible above ground.

b. The protective posts shall be placed not more than six feet apart, and shall be linked together by a rope or chain.

(LDC §§ 5.02.04, 5.02.05)

Secs. 42-747—42-765. Reserved.

Subdivision II. Landscaped Buffers

Sec. 42-766. Purpose and intent.

(a) This subdivision requires landscaped buffers to be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use.

(b) Landscaped buffers are also required to conserve the values of land and buildings and to provide adequate light and air. The width of the buffer and the required plantings within the buffer vary depending upon the relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible; the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy this requirement.

(LDC § 5.02.02(A))

Sec. 42-767. Requirements.

Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The following procedure shall be followed to determine the type of landscaped buffer required:

(1) Identify the land use category of the proposed use by referring to article V of this chapter. Identify the land use category of the adjacent or adjoining uses by an on-site survey.

(2) Identify whether the proposed and adjacent or adjoining uses are high, medium or low impact by referring to section 42-770.

(3) Determine the landscaped buffer required on each building site boundary, or portion thereof, by referring to section 42-771.

(4) Select the desired landscaped buffer option from those set forth in section 42-772. Any of the listed options shall satisfy the requirement of buffering between adjacent or adjoining land uses.

(LDC § 5.02.02(B))

Sec. 42-768. Design and materials.

(a) *Existing native plant material.* The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer.

(b) *Mixed use development.* Where a building site is used for a single mixed use development, landscaped buffers shall be required between any residential and nonresidential uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the adjacent property.

(c) *Parking lot landscaping.* Perimeter plantings required for parking lot landscaping may be counted toward satisfying buffer requirements.

(LDC § 5.02.02(C))

Sec. 42-769. Use.

(a) *Open space.* Landscaped buffers may be counted toward satisfying open space requirements, and may be used for passive recreation. They may contain pedestrian or bike trails, provided that the total width of the buffer yard is maintained. In no event, however, shall the following uses be permitted in landscaped buffers:

(1) Play fields;

(2) Stables;

(3) Swimming pools;

(4) Tennis courts;

(5) Parking lots and vehicular use areas;

(6) Dumpsters;

(7) Equipment storage and other open storage, buildings or overhangs.

(b) *Stormwater retention/detention facilities.* The planning director shall be authorized to allow stormwater retention/detention facilities to encroach into landscaped buffers a maximum of 40 percent of buffer width where it is found that all planning requirements of this division are met and the visual screen provided by the landscaped buffer will be fully achieved.

(LDC § 5.02.02(D))

Sec. 42-770. Classification of uses.

(a) *Nonresidential uses.* For the purposes of determining landscaped buffer requirements, nonresidential land uses are classified as either high, medium or low impact uses as follows:

(1) *High impact uses.* High impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a strong effect on abutting or adjacent uses. High impact uses include the following uses, as defined in article V of this chapter:

a. Industrial uses, except small scale;

b. Mining uses;

c. Water and wastewater treatment plants;

d. High intensity commercial;

e. Aviation commercial; and

f. Major utility uses, i.e., high voltage lines or gas lines.

(2) *Medium impact uses.* Medium impact uses are particular uses of land that, because of their operational and physical characteristics, are expected to have a moderate effect on adjoining or adjacent uses. Medium impact uses include the following uses as defined in article V of this chapter:

a. General commercial uses, except for neighborhood commercial uses;

b. Public service/utility, except those specifically designated high impact;

c. Feedlots;

d. Small scale industrial; and

e. All accessory uses associated with the uses set forth in this subsection.

(3) *Low impact uses.* Low impact uses are particular uses of land that because of their operational and physical characteristics are expected to have a limited effect on abutting or adjacent uses. Low impact uses include the following uses as defined in article V of this chapter:

a. Institutional uses;

b. Outdoor recreation uses;

c. Professional service and office uses;

d. Agricultural uses;

e. Silvicultural uses;

f. Conservation uses;

g. Residential uses; and

h. All accessory uses associated with the uses set forth in this subsection.

(LDC § 5.02.02(E))

Sec. 42-771. Table of requirements.

The following table sets forth landscaped buffer requirements:

Proposed Use	High Impact	Medium Impact	Low Impact	Residential
Abutting or adjacent use				
High Impact	A	B	C	D
Medium Impact	B	A	B	C
Low Impact	C	B	A	B

(LDC § 5.02.02(F))

Sec. 42-772. Options.

(a) The specifications set forth in this section shall be used to select the desired landscaped buffer option for the building site. These buffer requirements are stated in terms of the width of the linear feet of the buffer. The landscaped buffer is normally calculated as parallel to the property line; however, design variations, especially when used to incorporate native vegetation into the buffer area, are allowed. The edges of the landscaped buffer may meander, provided that the:

(1) Total area of the buffer is equal to or greater than the total area of the required landscaped buffer; and

(2) Landscaped buffer measures at least five feet in width at all points along the perimeter of the property line of the site requiring a buffer.

(b) When the requirements of this section result in a fractional number of plantings, the fraction shall be eliminated.

(LDC § 5.02.02(G))

Sec. 42-773. Maintenance.

The maintenance of all landscaped buffers shall be the responsibility of the property owner. Failure to maintain such landscaped buffers in an attractive and healthy state shall be considered a violation of this article subject to enforcement upon receipt of a complaint from an adjoining property owner in accordance with article II of this chapter.

(LDC § 5.02.02(H))

Secs. 42-774—42-795. Reserved.

DIVISION 4. REQUIREMENTS FOR SPECIFIC USES

Sec. 42-796. Supplemental standards generally.

Certain uses have unique characteristics that require the imposition of development standards in addition to those minimum standards set forth in other sections of this chapter. These uses are listed in this division together with the specific standards that apply to the specified use or activity. These standards shall be met in addition to all other standards of this chapter, unless specifically exempted.

(LDC § 5.05.01)

Sec. 42-797. Manufactured housing.

Any person desiring to site a manufactured housing unit in a land use district which allows single-family or multifamily residential shall comply with the following standards:

(1) *Standards for siting manufactured housing units.* Manufactured housing units shall meet the requirements of the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or the Florida Manufactured Building Act.

(2) *Exemptions.* Manufactured housing units located within a mobile home park designed exclusively for manufactured housing are exempt from the requirements of this section.

(3) *Application contents.*

a. Any person proposing to site a manufactured housing unit in a residential land use district, unless exempted by subsection (2) of this section, shall submit the following application information to the planning director:

1. The applicant's name and address;

2. Legal description, street address, lot number and subdivision name, if any, of the property upon which the manufactured housing unit is to be located;

3. Statement of ownership;

4. Size of subject property in square feet and acres;

5. Proof that the manufactured housing unit has met the requirements of either the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards or the Florida Manufactured Building Act;

6. Statement describing the type and dimensions of the manufactured housing unit proposed to be located on the property.

b. In addition to the application requirements set forth in subsection (3)a of this section, applicants proposing to site a manufactured housing unit in neighborhoods designated by the board of county commissioners, unless located in a mobile home park designed exclusively for manufactured housing, shall submit the following to the planning director:

1. Elevations and photographs of all sides of the manufactured housing unit proposed to be located on the property;

2. A statement describing the exterior dimensions and roof slope of the manufactured housing unit proposed to be located on the property;

3. A description of the exterior finish of the manufactured housing unit, including exterior walls and roof;

4. A description of the skirting materials to be used;

5. A schematic design of the manufactured housing unit showing the roof, skirting and other improvements.

(4) *Procedure for review of applications.*

a. Within five days after an application has been submitted, the planning director shall determine whether the application is complete. If the planning director determines the application is not complete, he shall send a written statement specifying the application's deficiencies to the applicant by mail. The planning director shall take no further action on the application unless the deficiencies are remedied.

b. When the planning director determines the application is complete, he shall review the application, and shall decide whether the proposal complies with the standards for manufactured housing unit sites in residential districts. Notification of the decision shall be filed with the office of development and planning and shall be mailed to the applicant.

(LDC § 5.05.02)

Sec. 42-798. Institutional residential homes.

(a) Institutional residential homes shall be allowed in residential districts subject to the following conditions:

(1) When a site for an institutional residential home has been selected by a sponsoring agency in a residential land use district, the agency shall notify the county administrator/coordinator and planning director, in writing, and include in the notice the specific address of the site, the residential licensing category, the number of residents and the community support requirements of the program. Such notice shall also contain a statement from the district administrator of the state department having jurisdiction indicating the need for and the licensing status of the proposed institutional residential home and specifying how the home meets applicable licensing criteria for the safe care and supervision of clients in the home. The district administrator shall also provide to the county administrator/coordinator the most recently published data compiled that identifies all institutional residential homes in the district in which the proposed site is to be located. The planning director shall review the notification of the sponsoring agency in accordance with applicable requirements of this chapter.

(2) Pursuant to such review, the planning director may:

a. Determine that the siting of the institutional residential home is in accordance with applicable requirements and approve the siting. If the siting is approved, the sponsoring agency may establish the home at the site selected.

b. If the planning director fails to respond within 60 days, the sponsoring agency may establish the home at the site selected.

c. Deny the siting of the home.

(3) The planning director shall not deny the siting of an institutional residential home unless the planning director establishes that the siting of the home at the site selected:

a. Does not otherwise conform to existing regulations applicable to other or institutional uses in the area.

b. Does not meet applicable licensing criteria established by the state department having jurisdiction, including requirements that the home be located to assure the safe care and supervision of all clients in the home.

c. Would result in such a concentration of institutional residential homes in the area in proximity to the site selected such that the nature and character of the area would be substantially altered. A home that is located within a radius of 1,200 feet of another existing institutional residential home shall be an overconcentration of such homes that substantially alters the nature and character of the area.

(4) All distance requirements shall be measured from the nearest point of the existing home to the nearest point of the proposed home via the path of travel.

(b) Upon receipt of the written notice from the sponsoring agency provided for in subsection (a)(1) of this section, the county administrator/coordinator shall notify the board of county commissioners of the pending application. The planning director shall, within 20 days of the receipt of the application, review the application and provide the board of county commissioners and the applicant with a written decision outlining reasons for the decision. The applicant may appeal the decision of the planning director by notifying the county administrator/coordinator within ten days from the date of the planning director's decision. Appeals of the decision of the planning director shall be in accordance with section 42-55.

(LDC § 5.05.03)

Sec. 42-799. Recreational vehicle parks.

(a) *General requirements.* A recreational vehicle park shall meet the following general requirements:

(1) It shall be primarily for recreational use by persons with transportable recreational housing with appropriate accessory uses and structures.

(2) The land on which such recreational vehicle park is developed shall be under unified control and shall be planned and developed as a whole in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities. Subsequent subdivision of lots or conveyance of sites to individual owners by any means is prohibited.

(3) The principal and accessory uses and structures shall be substantially related to the character of the development in the context of the district of which it is a part.

(4) The recreational vehicle park shall be developed according to comprehensive and detailed plans that include streets, utilities, lots and building sites.

(5) The recreational vehicle park shall have a program for provision, maintenance and operation of all areas, improvements and facilities for the common use of all or some of the occupants of the park, but will not be provided, operated or maintained at the general public's expense.

(6) Show evidence of conformance with F.S. ch. 513.

(b) *Allowable uses.* The allowable uses in a recreational vehicle park include the following:

(1) Recreational vehicles as defined by F.S. ch. 320 and park trailers (park models) as defined by F.S. ch. 320, provided they are placed in an area designated exclusively for that use on an approved final site plan. Park models are not to be set up for more than 90 consecutive days or for more than 45 consecutive days in areas of special flood hazard unless elevated and anchored to comply with the floodplain protection standards of this chapter.

(2) Convenience establishments for the sale or rental of supplies or for provision of services for the satisfaction of daily or frequent needs of campers within the park may be permitted. These establishments may provide groceries, ice, sundries, bait, fishing equipment, self-service laundry equipment, bottled gas and other similar items needed by users of the park. These establishments shall be designed to serve only the needs of the campers within the park and shall not, including their parking areas, occupy more than five percent of the area of the park, and shall not be so located as to attract patronage from outside the grounds, nor have adverse effects on surrounding land uses.

(c) *Site design requirements.* The following site design requirements shall be met:

(1) The minimum land area for a recreational vehicle park shall be eight acres.

(2) The maximum density for a recreational vehicle park shall be 18 spaces per gross acre. Storage spaces shall be included in the density calculation.

(3) Individual spaces shall take access to internal streets and shall not take direct access to adjoining public rights-of-way.

(4) Access to the recreational vehicle park shall be from a collector or arterial roadway.

(5) Internal streets shall provide safe and convenient access to spaces and appropriate park facilities. Alignment and gradient shall be properly adapted to topography. Construction and maintenance shall provide a well drained and dustfree surface that is of adequate width to accommodate anticipated traffic.

(6) Camping spaces shall be so located in relation to internal streets as to provide for convenient vehicular ingress and egress if the space is intended for use by wheeled units. Where back-in or back-out spaces are used, appropriate maneuvering room shall be provided in the adjacent internal street and within the space.

(7) Where spaces are to be used exclusively for erection of tents on the ground, provision for vehicular access onto such spaces shall not be required, but parking areas shall be located within 100 feet, except in circumstances in which providing such vehicular accessibility would result in excessive destruction of trees or other vegetation or where it would be impractical to provide such parking areas within such distances for particularly desirable campsites.

(8) Spaces shall be so related to pedestrian ways and principal destinations within the park as to provide for convenient pedestrian access to such destinations by the pedestrian systems.

(9) No minimum dimensions are specified for spaces but each shall provide the clearances specified in this section, and the boundaries of each space shall be clearly indicated.

(10) Spaces for dependent units shall be located within 200 feet by normal pedestrian routes of toilet, washroom and bath facilities.

(11) Spaces for self-contained units, operating as such, may not be located more than 400 feet by normal pedestrian routes from toilet, washroom and bath facilities.

(12) Stands shall be so located that when used, clearance from units, including attached awnings, etc., shall be as follows:

a. From units on adjoining stands, ten feet.

b. From internal streets of common parking area, ten feet.

c. From portions of a building not containing uses likely to disturb stand occupants or constructed or oriented so that noise and lights will not be disturbing to occupants of space, 25 feet.

d. From any other use or fueling facility, 50 feet.

(13) Where fireplaces, cooking shelters or similar facilities for open fires or outdoor cooking are provided within spaces or elsewhere, they shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance within the park and in adjoining areas.

(LDC § 5.05.04)

Cross reference(s)—Parks and recreation, ch. 54.

Sec. 42-800. Junkyards; restrictions.

(a) No junkyard, junk or automobile graveyard shall be kept, operated or maintained in the unincorporated areas of the county within 300 feet of the right-of-way of any collector road or highway, except the following:

(1) Junkyards which are entirely enclosed by a solid wall, except tin, or solid wood fence at least six feet in height, but in no case lower than the material contained in the junkyard. The fence or wall enclosing the junkyard shall not be used for bill postings or other advertising purposes, except that a space not larger than six feet by 12 feet may be used for the advertisement of the business of the owner thereof. The fence or wall shall have no more than one opening for each 300 feet of street frontage. The opening shall not exceed 20 feet in width and shall be provided with a solid gate or door which must be kept closed except for the passage of vehicles.

(2) Junkyards or scrap metal processing facilities which are located in areas which are within industrial land use districts designated on the county future land use map.

(3) Two or fewer unlicensed motor vehicles which are located on the private property of the owner of such unlicensed motor vehicles.

(b) No junkyard shall be located on any local residential street.

(c) All existing junkyards, junk or automobile graveyards shall be brought into compliance with this section within 12 months after the adoption of this chapter.

(LDC § 5.05.05)

Sec. 42-801. Trash dumpsters.

All trash dumpsters, except those located on construction sites, not stored within a building, shall be stored in an enclosure designed to fully screen the dumpster from view. The trash dumpster enclosure shall:

(1) Be enclosed by a fence, wall or landscaping of sufficient height to fully screen the dumpster from view, but not to exceed six feet; and

(2) Have a concrete slab floor not to exceed 15 feet by 15 feet.

(LDC § 5.05.06)

Cross reference(s)—Solid waste, ch. 62.

Secs. 42-802—42-820. Reserved.

DIVISION 5. OFF-STREET PARKING[13]

Sec. 42-821. Requirements.

Off-street parking shall be provided in accordance with the following:

Type of Facility	Number of Spaces
Each residential dwelling unit	Two spaces for each dwelling unit
Elementary and junior high schools	Two spaces for each classroom or office room, plus one space for each three seats in any auditorium or gymnasium
Senior high school	Four spaces for each classroom or office room, plus two spaces for each three seats in any auditorium or gymnasium
Churches or other houses of worship	One space for each six permanent seats in the main auditorium

[13]Cross reference(s)—Traffic and vehicles, ch. 74.

State law reference(s)—Provisions for off-street parking required, F.S. § 163.3202(1)(h).

Public buildings and facilities, unless otherwise specified	One space for each 200 square feet of floor area
Private clubs and lodges	One space for each 300 square feet of floor area devoted to child care activities
Group living facilities	One space for each bedroom
Hospitals	One space for each bed
Sanitariums and nursing homes	One space for each two beds
Residential homes for the aged	One space for each dwelling unit
Commercial and service establishments, unless otherwise specified	One space for each 150 square feet of nonstorage floor area
Livestock or poultry slaughterhouses; sawmills and planing mills; crematories; agricultural feed and grain packaging; blending, storage and sales; agricultural fertilizer storage and sales	One space for each 500 square feet of floor space
Livestock auction arenas; agricultural equipment and related machinery sales; agricultural fairs and fairground activities; drive-in theaters; racetracks and speedways; golf and archery ranges; rifle, shotgun and pistol ranges; commercial kennels; veterinary clinics; and animal shelters	One space for each 350 square feet of floor area, plus where applicable, one space for each 1,000 square feet of lot or ground area outside buildings used for any type of sales, display or activity
Foster care facilities	Two spaces for each dwelling unit
Commercial marinas	One parking space for each slip or berth, plus one parking space for each 300 square feet of gross floor area of any building located on the premises
For other special exceptions as specified in this division	To be determined by findings in each particular case

(LDC § 5.06.01)

Sec. 42-822. Location.

The required off-street parking facilities shall be located on the same lot or parcel of land they are intended to serve; provided, however, that the board of adjustment may allow the establishment of such off-street parking facilities within 300 feet of the premises they are intended to serve when:

(1) Practical difficulties prevent the placing of the facilities on the same lot as the premises they are designed to serve;

(2) The owner of the parking area shall enter into a written agreement with the board of county commissioners with enforcement running to the board of county commissioners providing that the land comprising the parking area shall never be disposed of except in conjunction with sale of the building which the parking area serves so long as the facilities are required; and

(3) The owner agrees to bear the expense of recording the agreement and agrees that the agreement shall be voided by the board of county commissioners if other off-street facilities are provided in accordance with this chapter.

(LDC § 5.06.02(A))

Sec. 42-823. Dimensional standards.

Each off-street parking space, with the exception of handicapped parking spaces, shall be a minimum of ten feet by 20 feet in size. Minimum aisle width shall be as follows:

	Aisle Width	
Angle of Parking	One-way (feet)	Two-way (feet)
Parallel	12	20
30°	12	22
45°	12	22
60°	18	24
90°	22	24

For the purpose of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only where actual spaces meeting the requirements set forth in the table in this section are provided and maintained, improved in the manner required by this chapter and in accordance with all ordinances and regulations of the board of county commissioners.

(LDC § 5.06.02(B))

Sec. 42-824. Handicapped parking spaces.

(a) Except as otherwise specified in this division, required off-street parking areas shall have a number of level parking spaces as set forth in the following table, identified by abovegrade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than 12 feet in width and 20 feet in length.

Parking Spaces for Handicapped

Total Spaces in Lot	Required Number of Spaces
up to 25	1
26—50	2
51—75	3
76—100	4
101—150	5
151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

(b) Parking spaces for the physically handicapped shall be located as close as possible to elevators, ramps, walkways and entrances. These parking spaces should be located so that physically handicapped persons are not compelled to wheel or walk behind parked cars to reach entrances, ramps, walkways and elevators.

(LDC § 5.06.02(C))

Secs. 42-825—42-855. Reserved.

ARTICLE IX. IMPROVEMENT STANDARDS

DIVISION 1. GENERALLY

Sec. 42-856. Purpose.

The purpose of this article is to establish standards for required development improvements. These standards are applicable to all development activity within the unincorporated areas of the county.

(LDC § 6.00.01)

Sec. 42-857. Responsibility for improvements.

(a) All improvements required by this article shall be designed, installed and paid for by the developer (example: public/private partnerships, municipal services benefit unit (MSBU), private corporation or individual, etc.).

(b) In the case of the subdivision of land, all improvements shall be completed by the developer or guaranteed through bonding prior to final plat approval.

(LDC § 6.00.02)

Sec. 42-858. Continuing maintenance and upgrading of subdivision improvements.

(a) *Purpose.* Because of the financial impact required of the county to maintain and upgrade subdivision improvements throughout the county and within proposed subdivisions, a fair and equitable method for assigning costs and collecting funds is required.

(b) *Special taxing unit.*

(1) Within any proposed subdivision that requires the construction or placement of public facilities there shall be created a special taxing unit and the boundaries of such special taxing unit shall be the defined and platted boundaries of the proposed subdivision.

(2) The special taxing unit created under this subsection shall be created solely and specifically for establishing an assessment on a per-lot basis to provide the funds necessary to maintain and upgrade the public improvements within the subdivisions that are dedicated to the county for future maintenance.

(3) There shall be assessed annually against each lot within a subdivision which is subject to a special taxing district an amount of money necessary to pay for the annual maintenance and/or construction costs of the public facilities within the subdivisions which are dedicated to the county. The amount of such assessment for the first year shall be determined by the board of county commissioners at the time of plat approval for new subdivisions or the establishment of a special taxing unit for existing subdivisions and shall be based upon the recommendation of the county engineer or the county road department director.

(4) The amount assessed annually against each lot shall be reflected on the ad valorem tax bill received by each owner of each lot at the time the ad valorem tax bills are prepared by the county tax collector. The board of county commissioners shall prepare an annual budget for each special taxing unit created pursuant to this subsection and such budget shall be prepared at the same time as the annual county budget.

(5) Upon final approval and recording of the final plat and/or the establishment of a special taxing unit, the improvements within the subdivision shall be accepted and maintained by the county.

(LDC § 6.00.03)

Sec. 42-859. Utilities.

(a) *Requirements for all developments.* The following basic utilities are required for all developments subject to the criteria listed in this section.

(1) *Electricity.* Every principal use and every lot within a subdivision shall have available to it a source of electrical power adequate to accommodate the reasonable needs of such use or an agreement from the applicable utility provider to make available electricity as the need arises.

(2) *Telephone.* Every principal use and every lot within a subdivision shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use or an agreement from the applicable service provider to make available the services as the need arises.

(3) *Water and sewer.* Every principal use and every lot within a subdivision shall have central potable water and wastewater hookup whenever required by the county comprehensive plan and where the topography permits the connection to a city or county water or sewer line by running a connecting line no more than 200 feet from the lot to such line.

(b) *Utility easements.* When a developer installs or causes the installation of water, sewer, electrical power, telephone or cable television facilities, and intends that such facilities shall be owned, operated or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities.

(LDC §§ 6.02.01, 6.02.02)

Sec. 42-860. Public and private sewers.

Except as otherwise provided, it shall be unlawful to construct or maintain a septic tank, private sewer system utility or other facility intended or used for the disposal of sewage without a valid state department of environmental protection or department of health permit, and evidence that the operation of the private sewer system utility is in compliance with all state department of environmental protection or department of health standards, shall be prima facie evidence that such private sewer system is operating in a manner that does not endanger the public health, safety and welfare. Any person who owns or operates a private sewer system utility shall allow the county to inspect such utility at reasonable times and in a reasonable manner and shall furnish such information as may be requested by the county sufficient to show such utility is operating in a manner so as not to endanger the public health, safety and welfare.

(LDC § 6.02.03)

Sec. 42-861. Stormwater management.

(a) *Purpose.* The purpose of this section is to protect the surface water, groundwater and other natural resources by ensuring that the stormwater runoff peak discharge rates, volumes and pollutant loadings are managed to minimize the adverse impacts of erosion, sedimentation, flooding and water pollution.

(b) *Stormwater management requirements.* The design and performance of all stormwater management systems shall comply with applicable state regulations and requirements of the Suwannee River Water Management District. The construction of structures or landscape alterations that would significantly impact or interrupt mature drainage flows, including sheet flow and flow to isolated wetland systems, is prohibited without a mitigation plan certified by a professional engineer. Normal agricultural and pine silvicultural activities shall be exempt from these requirements, subject to best management practices as adopted by the state department of agriculture or state division of forestry, as appropriate, and also subject to all other existing regulations.

(c) *Dedication.* If a stormwater management system approved under this chapter will function as an integral part of the county maintained system, as determined by the county engineer, the facilities shall be dedicated to the county.

(d) *Maintenance by an acceptable entity.* If the stormwater management system is not dedicated to the county, the property owner shall submit:

(1) A written statement describing the actions, including periodic inspections, to be taken to maintain the facility; and

(2) Bond or other assurance of continued financial capacity to operate and maintain the facility.

(e) *Drainage easements.* All necessary drainage easements and rights-of-way shall be furnished at no expense to the board of county commissioners. Such easements shall have a width of not less than the surface width required of the drainage ditch plus a 15-foot berm to lie wholly along one side of the ditch, and in the case of storm sewer, a minimum width of 20 feet.

(LDC §§ 6.03.01—6.03.04)

Sec. 42-862. Fill material.

The use of organic material that is in a stage of decay as fill material on building lots shall be prohibited.

(LDC § 6.04.01)

Secs. 42-863—42-885. Reserved.

DIVISION 2. TRANSPORTATION SYSTEMS

Sec. 42-886. Purpose; scope.

This division establishes minimum requirements applicable to the development transportation system, including public and private streets, bikeways, pedestrian ways and access control to and from public streets. The standards in this division are intended to minimize the traffic impacts of development, to ensure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good

engineering and development design practices. Private rural roads constructed on private agricultural and silvicultural lands shall be excluded from the provisions of this division.

(LDC § 6.01.01)

Sec. 42-887. Street classification system.

(a) *Generally.*

(1) Streets in the county are classified and mapped according to function served in order to allow for regulation of access, road and right-of-way widths, circulation patterns and design speed.

(2) Private streets and streets that are to be dedicated to the county are classified in a street hierarchy system, with design tailored to function. The street hierarchy system shall be defined by road function and design speed.

(3) When a street continues an existing street that previously terminated outside the subdivision, or is a street that will be continued beyond the subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision or development.

(4) The street hierarchy shall be local, collector, arterial and freeway. All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this section.

(b) *Local streets.* Local streets are primarily suited to providing direct access to residential development, but may give access to limited nonresidential uses. All local streets should be designed to minimize unnecessary and/or speeding traffic. Alleys, which provide a secondary means of access to lots, are normally on the same level in the hierarchy as a residential street. Each local street shall be classified and designed for its entire length to meet the minimum standards. Local streets shall be designed to have a minimum posted speed of not less than 15 miles per hour.

(c) *Collector roads.* Collector roads provide access to nonresidential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets. Collector roads shall be designed to have a minimum posted speed of not less than 30 miles per hour. Design speed may increase depending on conditions and expected traffic volume.

(d) *Arterial roads.* Arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses and shall be designed for posted speeds up to 55 miles per hour.

(1) *Minor arterial.* Minor arterial roads link community districts to regional or state highways. They may also give direct access to regionally significant land uses. These roads may take access from other arterials or freeways and may give access to any lower order nonresidential street type. Minor arterials shall be designed for posted speeds of not less than 45 miles per hour.

(2) *Principal arterials.* Principal arterials are major regional highways providing links between communities. These roads may take access from other arterials or freeways and may give access to any lower order nonresidential street type. These roads shall be designed for posted speeds of 55 miles per hour.

(e) *Freeways.* Freeways provide links between lower order roads or with other freeways. Access to individual land uses is not permitted. These roads may take access from other arterials or freeways and may give access to other arterials or freeways. Freeways shall have a minimum design speed of 60 miles per hour.

(f) *Local street standards.* The following table specifies the road surface widths and minimum curb radii for local streets:

Minimum Road Surface Width

Roadway Type and Design Speed (miles per hour)		No Parking (inches)	Parallel Parking		Minimum Curb Radii (feet)
			One Side (feet)	Two Sides (feet)	
Local					
15		18	26	34	8
20		18	26	34	10
25		18	26	34	10
30		18	26	34	15
35		18	26	34	15

(LDC § 6.01.02)

Sec. 42-888. Street design.

(a) *General design standards.*

(1) The street system of a proposed development shall be a network with variations as needed for topographic and environmental design considerations. Particular effort should be directed toward securing the flattest possible grade near intersections.

(2) In order to reduce traffic congestion on arterial and collector roads surrounding the development and to promote a pedestrian environment within the development, streets shall be laid out to:

a. Avoid environmentally sensitive areas;

b. Secure the view to prominent natural vistas;

c. Minimize the area devoted to motor vehicle traffic;

d. Promote pedestrian movement so that it is generally more convenient and pleasant to walk short distances than to drive; and

e. Promote the creation of vista terminations.

(3) The street layout in all new developments shall be coordinated with and interconnected to the street system of the surrounding area.

(4) Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper interneighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.

(5) Streets shall intersect as nearly as possible at right angles and in no case shall the angle of intersection be less than 75 degrees.

(6) New intersections along one side of an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between curblines of the intersecting streets shall be no less than 150 feet.

(7) No two streets may intersect with any other street on the same side at a distance of less than 400 feet, measured from centerline to centerline, of the intersection street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.

(8) Subject to the limitations set forth in subsection (e)(4) of this section, private streets may be allowed within developments that will remain under common ownership, provided that they are designed and constructed pursuant to the county's minimum standards specified in subsection (e)(3) of this section.

(9) The terminus of every cul-de-sac shall have an unobstructed 15-foot wide moving lane with a minimum outside turning radius of 30 feet as shown in figure 6.01.03-A, on file in the county offices.

(b) *Stub streets.*

(1) Residential access and subcollector stub streets may be permitted only within subsections of a phased development for which the proposed street, in its entirety, has received final site plan approval.

(2) Residential collector and higher order stub streets may be permitted or required by the county provided that the future extension of the street is deemed desirable by the county or conforms to the traffic circulation element of the county comprehensive plan.

(3) Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

(c) *Clear visibility triangle.* In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

(1) Nothing shall be erected, placed, parked, planted or allowed to grow in such a manner as to materially impede vision between a height of two feet and ten feet above the grade, measured at the centerline of the intersection.

(2) The clear visibility triangle shall be formed by connecting a point on each street centerline to be located at the distance from the intersection of the street centerlines indicated in the following diagram, and a third line connecting the two points.

Clear Visibility Triangle

(3) The distances from the intersection of the street centerlines for the various road classifications shall be as follows:

Road Classification	Distance From Street Centerline Intersection (feet)
Driveway or local street (any street other than a collector or arterial)	100
Collector	160
Arterial	200

(d) *Blocks.*

(1) Where a tract of land is bounded by residential streets, excluding alleys, forming a block, such block shall have sufficient width to provide for two tiers of lots of appropriate depths.

(2) The lengths, widths and shapes of blocks shall be compatible with adjacent areas. In no case shall block lengths in residential areas exceed 2,000 feet or the width of ten lots, whichever is greater, nor be less

than 350 feet. If topographic considerations make conformance with this standard impracticable, a variance may be considered by the county planning board.

(e) *Construction standards.* Street construction shall be in accordance with the following standards based on land use category, density of development or number of parcels requiring access over the street:

(1) When located in the mixed use urban and/or rural residential, aviation related commercial, water-oriented commercial, industrial and/or public land use districts, or clustered at a net density of one unit per two acres or greater, streets shall be constructed as a paved roadway and constructed in accordance with the Florida Department of Transportation's Standard Specifications for Road and Bridge Construction and Manual of Uniform Minimum Standards for Design, Construction and Maintenance for Streets and Highways, latest editions, and county specifications as contained in figure 6.01.03-E-2 on file in the county offices.

(2) When located in any land use other than mixed use urban and/or rural residential, aviation related commercial, water-oriented commercial, industrial and/or public land use districts, and developed at a density of greater than one (1) unit per fifteen (15) acres and less than one per two acres, and consisting of division of land into not more than eight parcels, the standards contained in figure 6.01.03-E-3, on file in the county offices, shall apply and a surface course shall not be required.

(3) When located in any land use other than mixed use urban and/or rural residential, aviation related commercial, water-oriented commercial, industrial and/or public land use districts, and developed at a density of one unit per 15 acres or less, and greater than one unit per 40 acres, the standards contained in figure 6.01.03-E-3, on file in the county offices, shall apply and a surface course shall not be required.

(4) When located in any land use other than mixed use urban and/or rural residential, aviation related commercial, water-oriented commercial, industrial and/or public land use districts, and developed at a density of one unit per 40 acres or less, the graded road standards contained in figure 6.01.03-E-4, on file in the County offices, shall apply and a surface course shall not be required.

(5) Private roads on private agricultural and silvicultural lands shall be excluded from the provisions of this section.

(LDC § 6.01.03; Ord. No. 2001-3, § 2(E), (F), 3-20-2001; Ord. No. 2003-16, 11-18-2003; Ord. No. 2006-21, § 1, 12-12-2006)

Sec. 42-889. Rights-of-way.

(a) *Purpose.* The purpose of this section is to ensure a safe and efficient traffic circulation system in the county by establishing right-of-way widths for future transportation facilities and by prohibiting encroachment of structures into existing rights-of-way.

(b) *Permit.* Except as provided in subsection (g) of this section, no person shall construct or maintain any structure or facility, including utilities, or make any other use of a public road or future road right-of-way unless and until a permit has been issued by the board of county commissioners approving and authorizing such construction, maintenance or use. All applications for the use of public rights-of-way must describe the space to be used and the length of time of such use. Permits may be granted for a period of time not exceeding six months, but may be renewed from time to time for periods not to exceed six months if the encroachment does not unreasonably restrict the public use of the right-of-way and the encroachment is necessary to accomplish the objective for which it is requested in a reasonable manner.

(c) *Minimum right-of-way requirements.*

(1) No person shall willfully obstruct any portion of the right-of-way for a new roadway which is identified in the future traffic circulation map of the county comprehensive plan and is public ownership, as is under public ownership or is under option to purchase as a public road right-of-way, or is subject to eminent domain proceedings which have already been initiated. No person shall construct any structure or facility, including utilities, or make any other use of the right-of-way for a new roadway which is identified on the future traffic circulation map of the county comprehensive plan.

(2) The following minimum right-of-way widths for new roadways are established:

RIGHT-OF-WAY
BY FACILITY TYPE AND AREA TYPE

	Urban (feet)	Transitional (feet)	Rural (feet)
Local and collector	60	60	60
Four-lane undivided arterial	96	96	125
Four-lane divided arterial	112	112	200
Six-lane divided arterial	112	112	245
Four-lane freeway	N/A	300	300
Six-lane freeway	N/A	350	350

(d) *Presumption.* Any person who obstructs a public road or future road right-of-way which is identified in the future land correlation map of the county comprehensive plan and is public ownership, as is under public ownership or is under option to purchase as a public road right-of-way, as is subject to eminent domain proceedings which have already been initiated shall be presumed to have done so willfully if the obstruction is allowed to remain on the right-of-way for a period of 24 hours after such person has been notified to remove the obstruction by the board of county commissioners or its authorized representative.

(e) *No parking areas.*

(1) *Authority.* The county administrator/coordinator, acting on behalf of the board of county commissioners, may regulate parking on rights-of-way and such regulations may include the time and place of parking. No person shall park on any portion of the right-of-way of any public road in the county after the board of county commissioners has prohibited the parking thereon in the manner provided in this section.

(2) *Public roads with speed limit of 35 miles per hour or less.* The parking of vehicles on that portion of the right-of-way of public roads not used as a traffic lane and on which the speed limit is 35 miles per hour or less shall be authorized and permitted unless the county administrator/coordinator, after considering factors such as the condition and width of the right-of-way, volume of traffic, safety of traveling and parking vehicles and frequency of parking, determines that parking should be prohibited on such right-of-way of a public road and causes signs to be erected on such portion of the right-of-way where parking is prohibited stating "No Parking Between Signs" or "No Parking."

(3) *Public roads with speed limit of over 35 miles per hour.* The parking of vehicles on any portion of the right-of-way of public roads on which the speed limit is in excess of 35 miles per hour shall be prohibited unless the county administrator/coordinator, after considering factors such as the condition and width of the right-of-way, volume of traffic, safety of traveling and parking vehicles and frequency of parking, determines that parking may be permitted and causes signs to be erected in such portion of

the right-of-way where parking is permitted stating "Parking Permitted Between Signs" or "Parking Permitted."

(4) *Long-term parking.* No person shall site a vehicle or recreational vehicle on a county right-of-way in excess of 24-hours unless and until a permit has been issued by the board of county commissioners, or their designee, authorizing such use. The following criteria shall be utilized for consideration of approval for such use:

a. Whether the property abutting the request site is owned by the applicant.

b. Whether the abutting property exhibits an existing nonconformity due to flood induced erosion that prohibits onsite parking.

c. Whether such use will negatively impact safe traffic circulation.

d. Whether clear zones adjacent to travel lanes will be maintained.

(5) *Issuance of permit.* Any permit issued by the county pursuant to subsection (e)(4) of this section 42-889 shall define the following:

a. Duration of the permit, if any.

b. Easily identifiable physical description (no legal description necessary) of the geographical bounds to which the permit applies.

c. Vehicle(s) or recreational vehicle(s) for which the permit applies.

(6) Any person or entity wishing to appeal the county administrator's decision regarding permitting may appeal to the board of county commissioners. Appeals shall be made by filing a notice of appeal with the planning department within 30 days of the county administrator's decision. The board of county commissioners may, on its own initiative, at any time, review, amend, or revoke, any permit issued pursuant to subsection (e)(4) of this section 42-889.

(7) *Temporary suspension of permit during evacuations.* Any permit issued pursuant to subsection (e)(4) of this section 42-889 shall be deemed temporarily suspended during any period in which any rule, regulation, statute, executive order, or other governmental directive is in effect causing voluntary or mandatory evacuations of an area in which such a permit is issued for, and shall not under any circumstance be used to interfere with governmental operations during such voluntary or mandatory evacuations.

(f) *Roadside stands prohibited.* It shall be unlawful for any person to operate or cause to be operated any roadside stand within or on any portion of the right-of-way of any public road.

(g) *Exceptions.* The following shall be exceptions from the requirements of subsection (b) of this section:

(1) Improvement of a public road by a property owner of such public road adjacent to his property with landscaping, shrubbery or grass which is not inconsistent with the use of the public road for road purposes;

(2) The parking of motor vehicles on that portion of the public road not used as traffic lanes if not otherwise prohibited in subsection (e) of this section;

(3) Use of the public road for road and traffic purposes other than such purposes involving vehicles of such weight or of such characteristics (for example, metal tires or treads) as may, in the opinion of the county engineer, damage the road surface;

(4) The replacement or maintenance of existing utility facilities, such as telephone poles.

(h) *Nonpermitted structures or facilities.* Any structure or facility, including utilities, constructed or maintained on public roads in violation of this section, shall be removed from such right-of-way and such right-of-way

shall be restored to the condition which existed immediately prior to the construction or maintenance of such structure or facility at the expense of the person constructing, maintaining or owning such structure or facility. If such structure or facility has not been removed and the right-of-way restored as required by this section within ten days of demand by the board of county commissioners to do so, then such structure or facility may be removed by the board of county commissioners at the expense of the person constructing, maintaining or owning such structure or facility. If such person does not pay to the board of county commissioners the cost of removing such structure and facility and restoring the right-of-way as required by this section within ten days of demand, such cost shall be and constitute a lien against all property owned by such person in the county to be foreclosed in the manner provided by law.

(LDC § 6.01.04; Ord. No. 2013-02, §§ 1—4, 4-16-2013)

Sec. 42-890. Setbacks from arterial roads.

No building or structure shall be erected within the setbacks from arterial roadways as set forth in the following table. The setback shall be measured from the centerline of the arterial right-of-way as established by the county engineer. The centerline setbacks apply to both sides of the roadway.

CENTERLINE SETBACK REQUIREMENTS

	Urban (feet)	Transitional (feet)	Rural (feet)
Four-lane undivided arterial	73	73	88
Four-lane divided arterial	81	81	125
Six-lane divided arterial	81	81	148

(LDC § 6.01.05)

Sec. 42-891. Access management.

All proposed development shall meet the following standards for vehicular access and circulation:

(1) *General standards.*

a. Access points must be able to accommodate all vehicles having occasion to enter the site, including delivery vehicles.

b. Access point design must be such that an entering standard passenger vehicle will not encroach upon the exit lane of a two-way driveway. A right-turning exiting vehicle will be able to use only the first through traffic lane available without encroaching into the adjacent through lane.

c. There must be reasonable on-site storage to accommodate queued vehicles waiting to park or exit without using any portion of the street right-of-way or in any other way interfering with street traffic.

(2) *Number of access points.*

a. A maximum of one access point shall be permitted to a particular site from each of one or two abutting streets.

b. When it is in the interest of good traffic circulation, the county engineer, in concurrence with the planning director, may permit one additional access point along a continuous site with frontage

in excess of 300 feet, or two additional access points along a continuous site with frontage in excess of 600 feet.

c. For the purposes of this section, dual one-way access drives will be considered to be one access point.

(3) *Separation of access points.*

a. The separation between access points on state-maintained roads shall be in accordance with Florida Department of Transportation Rules, chs. 14-96—14-97.

b. On roads that are not maintained by the state, the separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector road with another road, shall be as shown in the following table:

Functional Class of Roadway	Distance Between Access Points (feet)
Major arterial	300
Minor arterial	245
Collector	140

c. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

d. The county engineer may permit a single access point for a property that cannot be permitted access consistent with the standards set forth in this subsection and which has no reasonable alternative access as determined by the county engineer in concurrence with the planning director.

(4) *Access management.*

a. *Joint access and parking.* Any nonresidential use or other development requiring site plan review shall be encouraged to be designed to provide for mutually coordinated or joint parking, access and circulation with adjacent properties.

b. *Design of joint access and vehicular use areas.* If a shared driveway is provided, the shared driveway and vehicular use areas shall be of sufficient width to accommodate two-way aisles, joint access and other design features which make it visually obvious that a future abutting vehicular use area may be connected to provide joint access and parking.

1. *Development prior to abutting property.* If a building site is developed for a nonresidential or multifamily development before the abutting property is developed or redeveloped, the site design shall ensure that its parking, access and circulation may be modified to create a joint driveway and interconnected parking with the abutting property at a later date.

2. *Development after abutting property.* When a building site abuts an existing nonresidential or multifamily use that has been developed using the guidelines for shared access, it shall be designed to connect to the abutting parking, access and circulation areas.

c. *Easements required to be dedicated.* When the joint access provisions are used by the owner, the site plan shall not be approved unless the property owner grants an easement for cross access to and from abutting properties. Such easement shall be recorded by the property owner in the public records of the county and constitute a covenant running with the land.

(LDC § 6.01.06)

Sec. 42-892. Private driveway and roadway regulations.

(a) *Purpose.* The regulation and control of private driveway and roadway connections to rights-of-way owned or maintained by the county is necessary to provide for the efficient and safe operation of such roads or highways as may now or hereafter be constructed on such rights-of-way to develop the full potential of the county's investment in roads and rights-of-way, and for the protection of the recognized access right of owners of property fronting on county-owned or county-maintained rights-of-way. The purpose of the regulations set forth in this section are to regulate and control the location, construction, design, operation and method of financing of access driveways and roadways and thereby correlate the rights of the road user and the abutting owner and satisfy the needs of each to the fullest extent possible.

(b) *Permit required.* All driveways connecting to any county-owned or county-maintained right-of-way will be constructed by or under the supervision of the board of county commissioners or its designee, who shall initially be the planning department. Where constructed or altered by others, proper permits must be obtained from the board of county commissioners. No one shall enter upon any county-owned or county-maintained right-of-way to construct a driveway or roadway, alter an existing driveway or existing roadway or connect any driveway or roadway except in accordance with section 42-186.

(c) *County road construction projects.* On road construction projects of the county, driveways or roadways shall be provided as replacements for turnouts, driveways or roadways existing at the beginning of construction, if desired by the owner.

(d) *Responsibility for construction or alteration.* Where driveways or roadways are constructed or altered on any section of county-owned or county-maintained rights-of-way, the entire cost of the construction shall be the expense of the property owner.

(e) *Approval of construction.* Unless otherwise specifically provided on a permit issued by the county, all construction on county-owned or county-maintained rights-of-way shall be performed by a contractor previously approved by the board of county commissioners.

(f) *Permit procedures.* Permits for the construction or alteration of driveways or roadways on county-owned or county-maintained rights-of-way will be issued in conformity with the procedures set forth in article II of this chapter.

(LDC § 6.01.07)

Sec. 42-893. Sidewalks and bikeways.

Any development that is adjacent to or within 500 feet of any activity center comprised of commercial, office, service, school or recreational activities shall provide pedestrian and bicycle access in the form of a sidewalk along the roadway frontage of the property. If the adjacent property has a sidewalk, the new sidewalk shall connect with the sidewalk of the adjacent property to form a continuous pathway. The distance from the development to the activity center shall be measured from the property line of the development to the property line of the activity center, along a path of travel.

(LDC § 6.01.08)

Sec. 42-894. Standards for drive-up facilities.

(a) *Generally.*

(1) Facilities providing drive-up or drive-through service shall not be allowed in residential areas.

(2) All facilities providing drive-up or drive-through service shall provide on-site stacking lanes in accordance with the standards set forth in subsection (b) of this section.

(b) *Standards.*

(1) The facilities and stacking lanes shall be located and designed to minimize turning movements in relation to the driveway access to streets and intersections.

(2) The facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks or other pedestrian accessways.

(3) A bypass lane shall be provided.

(4) Stacking lane distance shall be measured from the service window to the property line bordering the furthest street providing access to the facility.

(5) Minimum stacking lane distance shall be as follows:

a. Financial institutions shall have a minimum distance of 200 feet. Two or more stacking lanes may be provided which together total 200 feet.

b. All other uses shall have a minimum distance of 120 feet.

(6) Alleys or driveways in or abutting areas designed, approved or developed for residential use shall not be used for circulation of traffic for drive-up facilities.

(7) Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be 34 feet. The minimum inside turning radius shall be 25 feet.

(LDC § 6.01.09)

Secs. 42-895—42-925. Reserved.

ARTICLE X. PERRY/TAYLOR COUNTY AIRPORT ZONING

Sec. 42-926. Short title.

This article shall be known and may be cited as the "Perry/Taylor County Airport Zoning Ordinance."

(Ord. No. 80-1, § 1, 2-5-1980)

Sec. 42-927. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Accident potential hazard area means an area encompassing the approach zone of each runway extending out for a horizontal distance of 5,000 feet from the end of a runway in which aircraft may maneuver after takeoff or before landing and are subject to the greatest potential to crash into a structure on the ground.

Airport means the Perry-Foley Airport.

Airport elevation means the highest point of an airport's usable landing area measured in feet above mean sea level.

Airport obstruction means any structure or object of natural growth or use of land which would exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25 and 77.28, or which obstruct the airspace required for flight of aircraft in landing and takeoff at an airport or is otherwise hazardous to such landing or takeoff of aircraft.

Airspace height means that to determine the height limits in all zones set forth in this article, the datum shall be mean sea level elevation (AMSL), unless otherwise specified.

Board of adjustment means the county airport zoning board of adjustment which shall be the board of county commissioners.

Minimum descent altitude means the lowest altitude, expressed in feet above mean sea level, to which descent is authorized on final approach or during circling-to-land maneuvering in execution of a standard instrument approach procedure where no electronic glide slope is provided.

Minimum enroute altitude means the altitude in effect between radio fixes which ensures acceptable navigational signal coverage and meets obstruction clearance requirements between those fixes.

Minimum obstruction clearance altitude means the specified altitude in effect between radio fixes on VOR airways, off-airway routes or route segments which meet obstruction clearance requirements for the entire route segment and which assures acceptable navigational signal coverage only within 22 miles of a VOR.

Nonconforming use means any preexisting structure, object of natural growth or use of land which is inconsistent with the provisions of this article or amendments thereto.

Nonprecision instrument runway means a runway having a nonprecision instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment for which a straight-in nonprecision instrument approach procedure has been approved or planned, and for which no precision approach facilities are planned or indicated on a Federal Aviation Administration planning document or military service's military airport planning document.

Runway means a defined area on an airport prepared for landing and takeoff of aircraft along its length.

Structure means any object constructed or installed by man, including, but not limited to, buildings, towers, smoke stacks, utility poles and overhead transmission lines.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures with no straight-in instrument approach procedure and no instrument designation indicated on a Federal Aviation Administration approved airport layout plan, a military services approved military airport layout plan or by any planning document submitted to the Federal Aviation Administration by competent authority.

Zoning administrator means the county projects coordinator who shall be responsible for administering this article within the county and the city clerk will be responsible for administering this article within the City of Perry.

(Ord. No. 80-1, § II, 2-5-1980)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-928. Violation; penalties.

Each violation of this article, or of any regulation, order or ruling promulgated in this article, shall be punishable by a fine of not more than $500.00 and/or imprisonment for not more than 60 days. Each day a violation continues to exist shall constitute a separate offense.

(Ord. No. 80-1, § IX, 2-5-1980)

Sec. 42-929. Administration and enforcement.

It shall be the duty of the zoning administrator to administer and enforce the regulations prescribed in this article within the territorial limits over which the political subdivision has zoning authority. The zoning administrator for the county shall be the county projects coordinator. In the event of any violation of the regulations contained in this article, the person responsible for such violation shall be given notice, in writing, by the zoning administrator. Such notice shall indicate the nature of the violation and the necessary action to correct or abate the violation. A copy of such notice shall be sent to the appropriate board of adjustment. An administrative official shall order discontinuance of use of land or building; removal of trees to conform with height limitations set forth in this article; removal of buildings, additions, alterations or structures; discontinuance of any work being done; or shall take any or all other action necessary to correct violations and obtain compliance with all the provisions of this article.

(Ord. No. 80-1, § V, 2-5-1980)

Cross reference(s)—Administration, ch. 2.

Sec. 42-930. Board of adjustment.

(a) The county airport zoning board of adjustment shall have and will exercise the following powers on matters relating to areas within the territorial limit of authority:

(1) To hear and decide appeals from any order, requirement, decision or determination made by the zoning administrator in the enforcement of this article;

(2) To hear and decide special exceptions to the terms of this article upon which such board of adjustment may be required to pass; and

(3) To hear and decide specific variances.

The county airport zoning board of adjustment shall be the board of county commissioners.

(b) The board of adjustment shall adopt rules for its governance in harmony with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the board of adjustment shall be public. The board of adjustment shall keep minutes of its proceedings showing the vote of each member upon each question; or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the appropriate county or city clerk.

(c) The board of adjustment shall make written findings of facts and conclusions of law giving the facts upon which it acted and its legal conclusions from such facts in reversing, affirming or modifying any order, requirement, decision or determination which comes before it under the provisions of this article.

(d) The concurring vote of a majority of the members of the board of adjustment shall be sufficient to reverse any order, requirement, decision or determination of the zoning administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this article or to effect variation of this article.

(Ord. No. 80-1, § VI, 2-5-1980)

Cross reference(s)—Boards, commissions and authorities, § 2-126 et seq.

Sec. 42-931. Appeals.

(a) Any person aggrieved or any taxpayer affected by any decision of the zoning administrator made in the administration of this article may appeal to the board of adjustment.

(b) All appeals under this article must be made within a reasonable time as provided by the rules of the board of adjustment, by filing with the zoning administrator a notice of appeal specifying the grounds thereof. The zoning administrator shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed was taken.

(c) An appeal shall stay all proceedings in furtherance of the action appealed unless the zoning administrator certifies to the board of adjustment, after the notice of appeal has been filed, that by reason of the facts stated in the certificate, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the board of adjustment on notice to the zoning administrator and after due cause is shown.

(d) The board of adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the interested parties and render a decision within a reasonable time. During the hearing, any party may appear in person, by agent or by attorney.

(e) The board of adjustment may, in conformity with the provisions of this article, reverse or affirm, in whole or in part, or modify the order, requirement, decision or determination, as may be appropriate.

(Ord. No. 80-1, § VII, 2-5-1980)

Sec. 42-932. Judicial review.

Any person aggrieved or any taxpayer affected by any decision of the board of adjustment, may appeal to the circuit court as provided in F.S. § 333.11.

(Ord. No. 80-1, § VIII, 2-5-1980)

Sec. 42-933. Variances.

(a) Any person desiring to erect or increase the height of any structure, or use his property not in accordance with the regulations prescribed in this article, may apply to the board of adjustment for a variance from such regulations. No application for variance to the requirements of this article may be considered by the board of adjustment unless a copy of the application has been furnished to the county zoning administrator.

(b) A variance is required for the erection, alteration or modification of any structure which would cause the structure to exceed the federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 and 77.29.

(c) No variance shall be granted unless the person applying for the variance submits documentation showing compliance with the federal requirement for notification of proposed construction and a valid aeronautical evaluation submitted by each person applying for a variance.

(d) In determining whether to issue or deny a variance, the board of adjustment shall consider the following:

(1) The nature of the terrain and height of existing structures.

(2) Public and private interests and investments.

(3) The character of flying operations and planned development of airports.

(4) Federal airways as designated by the Federal Aviation Administration.

(5) Whether the construction of the proposed structure would cause an increase in the minimum descent altitude or the decision height at the affected airport.

(6) Technological advances.

(7) The safety of persons on the ground and in the air.

(8) Land use density.

(9) The safe and efficient use of navigable airspace.

(10) The cumulative effects on navigable airspace of all existing structures, proposed structures identified in the applicable jurisdictions' comprehensive plans, and all other known proposed structures in the area.

(e) No variance shall be approved solely on the basis that such proposed structure will not exceed federal obstruction standards as contained in 14 CFR 77.21, 77.23, 77.25, 77.28 or 77.29, or any other federal aviation regulation.

(Ord. No. 80-1, § IV(2), 2-5-1980)

State law reference(s)—Variances, F.S. §§ 333.03(1)(c), 333.07(2).

Sec. 42-934. Zones and airspace height limitations.

In order to carry out the provisions of this article, there are created and established certain zones which include all of the land lying beneath the approach, transitional, horizontal and conical surfaces as they apply to a particular airport. Such zones are shown on the Perry-Foley Airport Zoning Map which is attached to this article and made a part of this article. An area located in more than one of such zones is considered to be only in the zone with the more restrictive height limitation. The various zones are established and defined as follows:

(1) *Primary zone.* An area longitudinally centered on a runway extending 200 feet beyond each end of the runway with the width so specified for each runway for the most precise approach existing or planned for either end of the runway. No structure or obstruction will be permitted within the primary zone that is not part of the landing and takeoff area and is of greater height than the nearest point on the runway centerline. The width of the primary zone is as follows:

a. Runways 18 and 36, 500 feet.

b. Runways 12 and 30, 500 feet.

(2) *Approach zone.* An area longitudinally centered on the extended runway centerline and extending outward from each end of the primary surface. An approach zone is designated for each runway based upon the type of approach available or planned for that runway end.

a. The inner edge of the approach zone is the same width as the primary zone and it expands uniformly to a width of:

1. Runways 12 and 18, 1,500 feet.

2. Runways 30 and 36, 3,500 feet.

b. The approach surface extends for a horizontal distance of:

1. Runways 12 and 18, 5,000 feet.

2. Runways 30 and 36, 10,000 feet.

c. The outer width of an approach zone to an end of a runway will be that width prescribed in this subsection for the most precise approach existing or planned for that runway end.

d. Permitted height limitation within the approach zones is the same as the runway and height at the inner edge and increases with horizontal distance outward from the inner edge as follows:

1. Runways 12 and 18, permitted height increases one foot vertically for every 20 feet horizontal distance.

2. Runways 30 and 36, permitted height increases one foot vertically for every 34 feet horizontal distance.

(3) *Transitional zone.* The area extending outward from the sides of the primary zones and approach zones connecting them to the horizontal zone. Height limits within the transitional zone are the same as the primary zone or approach zone at the boundary line where it adjoins and increases at a rate of one foot vertically for every seven feet horizontally, with the horizontal distance measured at right angles to the runway centerline and extended centerline, until the height matches the height of the horizontal zone or conical zone or for a horizontal distance of 5,000 feet from the side of the part of the precision approach zone that extends beyond the conical zone.

(4) *Horizontal zone.* The area around each civil airport with an outer boundary the perimeter of which is constructed by swinging arcs of specified radii from the center of each end of the primary zone of each airport's runway and connecting the adjacent arcs by lines tangent to those arcs. The radius of each arc is:

a. Runways 12 and 18, 5,000 feet.

b. Runways 30 and 36, 10,000 feet.

The radius of the arc specified for each end of a runway will have the same arithmetical value. The value will be the highest composite value determined for either end of the runway. When a 5,000-foot arc is encompassed by tangents connecting two adjacent 1,000-foot arcs, the 5,000-foot arc shall be disregarded on the construction of the perimeter of the horizontal zone. No structure or obstruction will be permitted in the horizontal zone that has a height greater than 150 feet above the airport height.

(5) *Conical zone.* The area extending outward from the periphery of the horizontal zone for a distance of 4,000 feet. Height limitations for structures in the conical zone are 150 feet above airport height at the inner boundary with permitted height increasing one foot vertically for every 20 feet of horizontal distance measured outward from the inner boundary to a height of 350 feet above airport height at the outer boundary.

(6) *Other areas.* In addition to the height limitations imposed in subsections (1)—(5) of this section, no structure or obstruction will be permitted within the county that would cause a minimum obstruction clearance altitude, a minimum descent altitude or a decision height to be raised.

(Ord. No. 80-1, § III, 2-5-1980)

Sec. 42-935. Land use restrictions.

(a) Notwithstanding any other provisions of this article, no use may be made of land or water within any zones established by section 42-934 in such a manner as to interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use:

(1) All lights or illumination used in conjunction with streets, parking, signs or use of land and structures shall be arranged and operated in such a manner that it is not misleading or dangerous to aircraft operation from a public airport or in the vicinity thereof.

(2) No operations from any type shall produce smoke, glare or other visual interference within three statute miles of any usable runway of a public airport which causes a hazard to aircraft operating from the public airport or in the vicinity thereof.

(3) No operations from any type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.

(4) Use of land within the accident potential hazard area shall prohibit high density residential use of more than eight dwelling units per acre, schools, hospitals, storage of explosive material, assemblage of large groups of people or any other use that could produce a major catastrophe as a result of an aircraft crash.

(b) Notwithstanding the preceding provisions of this section, the owner of any structure over 200 feet above ground level shall install lighting in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto on such structure. High intensity white obstruction lights shall be installed on a high structure which exceeds 749 feet above mean sea level. The high intensity white obstruction lights must be in accordance with Federal Aviation Administration Advisory Circular 70-7460-1 and amendments thereto.

(c) In granting any permit or variance under this article, the administrative agency or board of adjustment shall require the owner of the structure or tree in question to install, operate and maintain thereon, at his own expense, such marking and lighting as may be necessary to indicate to aircraft pilots the presence of an obstruction. Such marking and lighting shall conform to the specific standards established by rule by the state department of transportation.

(Ord. No. 80-1, § IV(1), (2), (4), 2-5-1980)

State law reference(s)—Similar provisions, F.S. § 333.07(3).

Secs. 42-936—42-965. Reserved.

ARTICLE XI. FLOOD DAMAGE PREVENTION[14]

DIVISION 1. DEFINITIONS

Sec. 42-966. Definitions.

Unless otherwise expressly stated, the following words and terms shall, for the purposes of this article, have the meanings shown in this section. Where terms are not defined in this article and are defined in the Florida

[14]Cross reference(s)—Waterways, ch. 78.

State law reference(s)—Ord. No. 2018-06, adopted July 17, 2018, amended art. XI in its entirety to read as herein set out. Former art. XI pertained to the same subject matter, consisted of §§ 42-966—42-977, 42-1001—42-1004, 42-1026—42-1030, and derived from Ord. No. 87-4, adopted Apr. 21, 1987; Ord. No. 90-5, adopted July 3, 1990; Ord. No. 93-7, adopted Apr. 5, 1993; and Ord. No. 2009-09, adopted June 16, 2009.

Building Code, such terms shall have the meanings ascribed to them in that code. Where terms are not defined in this article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this article.

ASCE 24 means a standard titled Flood-Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "one-percent-annual chance flood."

Base flood elevation means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the Flood Insurance Rate Map (FIRM). [Also defined in FBC, B, Section 202.]

Basement means the portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Coastal high hazard area means a special flood hazard area extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. Coastal high hazard areas are also referred to as "high hazard areas subject to high velocity wave action" or "V zones" and are designated on flood insurance rate maps (FIRM) as Zone V1-V30, VE, or V.

Design flood means the flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation means the elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two feet. [Also defined in FBC, B, Section 202.]

Development means any manmade change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment means the placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure means any buildings and structures for which the "start of construction" commenced before November 16, 1983. [Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before November 16, 1983.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials means any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area means the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS) means the official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator means the office or position designated and charged with the administration and enforcement of this article (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this article.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis means an engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure means any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC) means an official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

Letter of map revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

Letter of map revision based on fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck means, as defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds gross vehicular weight rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle; or

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home means a structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this article, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value may be established by a qualified independent appraiser, actual cash value (replacement cost depreciated for age and quality of construction), or tax assessment value adjusted to approximate market value by a factor provided by the property appraiser.

New construction means, for the purposes of administration of this article and the flood-resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after November 16, 1983 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 16, 1983.

Park trailer means a transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in section 320.01, F.S.]

Recreational vehicle means a vehicle, including a park trailer, which is: [See F.S. § 320.01)

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Sand dunes means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Special flood hazard area means an area in the floodplain subject to a one-percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction means the date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement means any repair, reconstruction, rehabilitation, alteration, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial

damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Variance means a grant of relief from the requirements of this article, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this article or the Florida Building Code.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

(Ord. No. 2018-06, 7-17-2018)

Cross reference(s)—Definitions generally, § 1-2.

Secs. 42-967—42-980. Reserved.

DIVISION 2. SCOPE AND ADMINISTRATION

Sec. 42-981. Scope; general.

(1) *Title.* These regulations shall be known as the Flood Damage Prevention Ordinance of Taylor County, hereinafter referred to as "this article."

(2) *Scope.* The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including, but not limited to, the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(3) *Intent.* The purposes of this article and the flood load and flood-resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(a) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(b) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(c) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(d) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(e) Minimize damage to public and private facilities and utilities;

(f) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(g) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(h) Meet the requirements of the National Flood Insurance Program for community participation as set forth in Title 44 Code of Federal Regulations, Section 59.22.

(4) *Coordination with the Florida Building Code.* This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(5) *Warning.* The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by manmade or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

(6) *Disclaimer of liability.* This article shall not create liability on the part of Board of County Commissioners of Taylor County or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-982. Applicability.

(1) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(2) *Areas to which this article applies.* This article shall apply to all flood hazard areas within the Taylor County, as established in subsection (3) of this section.

(3) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Taylor County, Florida and Incorporated Areas dated May 4, 2009, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Department of Building and Planning, 201 East Green Street, Perry, FL.

(4) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 42-985 of this article the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida-licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

(a) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.

(b) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(5) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(6) *Abrogation and greater restrictions.* This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(7) *Interpretation.* In the interpretation and application of this article, all provisions shall be:

(a) Considered as minimum requirements;

(b) Liberally construed in favor of the governing body; and

(c) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-983. Duties and powers of the floodplain administrator.

(1) *Designation.* The building official is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(2) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to section 42-987 of this article.

(3) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

(a) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(b) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;

(c) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(d) Provide available flood elevation and flood hazard information;

(e) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(f) Review applications to determine whether proposed development will be reasonably safe from flooding;

(g) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and

(h) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(4) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

(a) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(b) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(c) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(d) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood-resistant construction requirements of the Florida Building Code and this article is required.

(5) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood-resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 42-987 of this article.

(6) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(7) *Inspections.* The floodplain administrator shall make the required inspections as specified in section 42-986 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(8) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

(a) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection 42-983(4) of this article;

(b) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(c) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(d) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code to determine that such certifications and documentations are complete;

(e) Notify the Federal Emergency Management Agency when the corporate boundaries of Taylor County are modified; and

(f) Advise applicants for new buildings and structures, including substantial improvements, that are located in any unit of the Coastal Barrier Resources System established by the Coastal Barrier Resources Act (Pub. L. 97-348) and the Coastal Barrier Improvement Act of 1990 (Pub. L. 101-591) that federal flood insurance is not available on such construction; areas subject to this limitation are identified on flood insurance rate maps as "Coastal Barrier Resource System Areas" and "Otherwise Protected Areas."

(9) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood-resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Department of Building and Planning, 201 East Green Street, Perry, FL.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-984. Permits.

(1) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(2) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(3) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and

facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

(a) Railroads and ancillary facilities associated with the railroad.

(b) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(c) Temporary buildings or sheds used exclusively for construction purposes.

(d) Mobile or modular structures used as temporary offices.

(e) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(f) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(g) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(h) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(i) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(4) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(a) Identify and describe the development to be covered by the permit or approval.

(b) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(c) Indicate the use and occupancy for which the proposed development is intended.

(d) Be accompanied by a site plan or construction documents as specified in section 42-985 of this article.

(e) State the valuation of the proposed work.

(f) Be signed by the applicant or the applicant's authorized agent.

(g) Give such other data and information as required by the floodplain administrator.

(5) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(6) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(7) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or

incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.

(8) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including, but not limited to, the following:

(a) The Suwannee River Water Management District; F.S. § 373.036.

(b) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065 and Chapter 64E-6, F.A.C.

(c) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

(d) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(e) Federal permits and approvals.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-985. Site plans and construction documents.

(1) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

(a) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(b) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsection 42-985(2) or (3) of this article.

(c) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection 42-985(1) of this article.

(d) Location of the proposed activity and proposed structures, and locations of existing buildings and structures; in coastal high hazard areas, new buildings shall be located landward of the reach of mean high tide.

(e) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(f) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(g) Extent of any proposed alteration of sand dunes or mangrove stands, provided such alteration is approved by the Florida Department of Environmental Protection.

(h) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

(2) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(a) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(b) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(c) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

(i) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

(ii) Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

(d) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(3) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida-licensed engineer for submission with the site plan and construction documents:

(a) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection 42-985(4) of this article and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

(b) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(c) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection 42-985(4) of this article.

(d) For activities that propose to alter sand dunes or mangrove stands in coastal high hazard areas (Zone V), an engineering analysis that demonstrates that the proposed alteration will not increase the potential for flood damage.

(4) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida-licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-986. Inspections.

(1) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(2) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(3) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(4) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

(a) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida-licensed professional surveyor; or

(b) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with subsection 42-985(2)(c)(ii) of this article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(5) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection 42-986(4) of this article.

(6) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-987. Variances and appeals.

(1) *General.* The appeal board, as established by the board of county commissioners shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to F.S. § 553.73(5), the appeal board shall hear and decide on requests for appeals and requests for variances from the strict application of the flood-resistant construction requirements of the Florida Building Code. This section does not apply to Section 3109 of the Florida Building Code, Building.

(2) *Appeals.* The appeal board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision may appeal such decision to the Circuit Court, as provided by Florida Statutes.

(3) *Limitations on authority to grant variances.* The appeal board shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection 42-987(7) of this article, the conditions of issuance set forth in subsection 42-987(8) of this article, and the comments and recommendations of the floodplain administrator and the building official. The appeal board has the right to attach such conditions as it deems necessary to further the purposes and objectives of this article.

(4) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in subsection 42-985(3) of this article.

(5) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(6) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this article, provided the variance meets the requirements of subsection 42-987(4), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(7) *Considerations for issuance of variances.* In reviewing requests for variances, the appeal board shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this article, and the following:

   (a) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

   (b) The danger to life and property due to flooding or erosion damage;

   (c) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

   (d) The importance of the services provided by the proposed development to the community;

   (e) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

   (f) The compatibility of the proposed development with existing and anticipated development;

(g) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(h) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(i) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(8) *Conditions for issuance of variances.* Variances shall be issued only upon:

(a) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this article or the required elevation standards;

(b) Determination by the appeal board that:

(i) Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

(ii) The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

(iii) The variance is the minimum necessary, considering the flood hazard, to afford relief;

(c) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(d) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-988. Violations.

(1) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(2) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(3) *Unlawful continuance; penalties.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2018-06, 7-17-2018)

Secs. 42-989—42-1000. Reserved.

ARTICLE 3. FLOOD-RESISTANT DEVELOPMENT

Sec. 42-1001. Buildings and structures.

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to subsection 42-984(3) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 42-1007 of this article.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-1002. Subdivisions.

(1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

   (a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

   (b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

   (c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

   (a) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

   (b) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with subsection 42-985(2)(a) of this article; and

   (c) Compliance with the site improvement and utilities requirements of section 42-1003 of this article.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-1003. Site improvements, utilities and limitations.

(1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

(a) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(b) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(c) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(3) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(4) *Limitations on sites in regulatory floodways.* No development, including, but not limited to, site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in subsection 42-985(3)(a) of this article demonstrates that the proposed development or land-disturbing activity will not result in any increase in the base flood elevation.

(5) *Limitations on encroachments in flood hazard areas without base flood elevations.* No encroachments, including fill material or structures, shall be located within a distance of the stream bank equal to one times the width of the stream at the top of the bank or 25 feet each side from the top of the bank, whichever is greater, unless an analysis equivalent to the analysis specified in subsection 42-985(3)(b) demonstrates that such encroachment does not increase the base flood elevation by more than one foot.

(6) *Limitations on placement of fill.* Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(7) *Limitations on sites in coastal high hazard areas (Zone V).* In coastal high hazard areas, alteration of sand dunes and mangrove stands shall be permitted only if such alteration is approved by the Florida Department of Environmental Protection and only if the engineering analysis required by subsection 42-985(3)(d) of this article demonstrates that the proposed alteration will not increase the potential for flood damage. Construction or restoration of dunes under or around elevated buildings and structures shall comply with subsection 42-1007(8)(c) of this article.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-1004. Manufactured homes.

(1) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249, and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

(2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that:

(a) In flood hazard areas (Zone A) other than coastal high hazard areas, are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2 and this article. Foundations for manufactured homes subject to subsection 42-1004(6) of this article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(b) In coastal high hazard areas (Zone V), are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.3 and this article.

(3) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(4) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection 42-1004(5) or (6) of this article, as applicable.

(5) *General elevation requirement.* Unless subject to the requirements of subsection 42-1004(6) of this article, all manufactured homes that are placed, replaced, or substantially improved on sites located:

(a) Outside of a manufactured home park or subdivision;

(b) In a new manufactured home park or subdivision;

(c) In an expansion to an existing manufactured home park or subdivision; or

(d) In an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the base flood elevation.

(6) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection 42-1004(5) of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the bottom of the frame is at or above the base flood elevation or the bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 36 inches in height above grade.

(7) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 or R322.3 for such enclosed areas, as applicable to the flood hazard area.

(8) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322, as applicable to the flood hazard area.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-1005. Recreational vehicles and park trailers.

(1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall be fully licensed and ready for highway use, which means the recreational vehicle or park model has a current license tag, is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(2) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection 42-1005(1) of this article for temporary placement shall meet the requirements of section 42-1004 of this article for manufactured homes.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-1006. Tanks.

(1) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection 42-1006(3) of this article shall:

(a) Be permitted in flood hazard areas (Zone A) other than coastal high hazard areas, provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(b) Not be permitted in coastal high hazard areas (Zone V).

(3) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

(a) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(b) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 2018-06, 7-17-2018)

Sec. 42-1007. Other development.

(1) *General requirements for other development.* All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

(a) Be located and constructed to minimize flood damage;

(b) Meet the limitations of subsection 42-1003(4) of this article if located in a regulated floodway;

(c) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(d) Be constructed of flood damage-resistant materials; and

(e) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(2) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of subsection 42-1003(4) of this article.

(3) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of subsection 42-1003(4) of this article.

(4) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of subsection 42-1003(4) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of subsection 42-985(3)(c) of this article.

(5) *Concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses in coastal high hazard areas (Zone V).* In coastal high hazard areas, concrete slabs used as parking pads, enclosure floors, landings, decks, walkways, patios and similar nonstructural uses are permitted beneath or adjacent to buildings and structures provided the concrete slabs are designed and constructed to be:

   (a) Structurally independent of the foundation system of the building or structure;

   (b) Frangible and not reinforced, so as to minimize debris during flooding that is capable of causing significant damage to any structure; and

   (c) Have a maximum slab thickness of not more than four inches.

(6) *Decks and patios in coastal high hazard areas (Zone V).* In addition to the requirements of the Florida Building Code, in coastal high hazard areas decks and patios shall be located, designed, and constructed in compliance with the following:

   (a) A deck that is structurally attached to a building or structure shall have the bottom of the lowest horizontal structural member at or above the design flood elevation and any supporting members that extend below the design flood elevation shall comply with the foundation requirements that apply to the building or structure, which shall be designed to accommodate any increased loads resulting from the attached deck.

   (b) A deck or patio that is located below the design flood elevation shall be structurally independent from buildings or structures and their foundation systems, and shall be designed and constructed either to remain intact and in place during design flood conditions or to break apart into small pieces to minimize debris during flooding that is capable of causing structural damage to the building or structure or to adjacent buildings and structures.

   (c) A deck or patio that has a vertical thickness of more than 12 inches or that is constructed with more than the minimum amount of fill necessary for site drainage shall not be approved unless an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to the building or structure or to adjacent buildings and structures.

   (d) A deck or patio that has a vertical thickness of 12 inches or less and that is at natural grade or on nonstructural fill material that is similar to and compatible with local soils and is the minimum amount necessary for site drainage may be approved without requiring analysis of the impact on diversion of floodwaters or wave runup and wave reflection.

(7) *Other development in coastal high hazard areas (Zone V).* In coastal high hazard areas, development activities other than buildings and structures shall be permitted only if also authorized by the appropriate federal, state or local authority; if located outside the footprint of, and not structurally attached to, buildings

and structures; and if analyses prepared by qualified registered design professionals demonstrate no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures. Such other development activities include but are not limited to:

(a) Bulkheads, seawalls, retaining walls, revetments, and similar erosion control structures;

(b) Solid fences and privacy walls, and fences prone to trapping debris, unless designed and constructed to fail under flood conditions less than the design flood or otherwise function to avoid obstruction of floodwaters; and

(c) On-site sewage treatment and disposal systems defined in 64E-6.002, F.A.C., as filled systems or mound systems.

(8) *Nonstructural fill in coastal high hazard areas (Zone V).* In coastal high hazard areas:

(a) Minor grading and the placement of minor quantities of nonstructural fill shall be permitted for landscaping and for drainage purposes under and around buildings.

(b) Nonstructural fill with finished slopes that are steeper than one unit vertical to five units horizontal shall be permitted only if an analysis prepared by a qualified registered design professional demonstrates no harmful diversion of floodwaters or wave runup and wave reflection that would increase damage to adjacent buildings and structures.

(c) Where authorized by the Florida Department of Environmental Protection or applicable local approval, sand dune construction and restoration of sand dunes under or around elevated buildings are permitted without additional engineering analysis or certification of the diversion of floodwater or wave runup and wave reflection if the scale and location of the dune work is consistent with local beach-dune morphology and the vertical clearance is maintained between the top of the sand dune and the lowest horizontal structural member of the building.

(Ord. No. 2018-06, 7-17-2018)

Secs. 42-1008—42-1060. Reserved.

ARTICLE XII. COMMUNICATION TOWERS AND ANTENNAS

Sec. 42-1061. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Communication antenna means an antenna, appurtenant to a structure, designed to transmit and/or receive communications authorized by the Federal Communications Commission (FCC). The term "communication antenna" shall not include antennas utilized by amateur operators licensed by the FCC, or residential receiving antennas.

Communication tower means a principal structure which is principally intended to support communication equipment for telephone, radio and similar communication purposes. The term "communication tower" shall not include towers not exceeding 75 feet in height. Communication towers are generally described as either monopole (freestanding), lattice (self-supporting), or guyed (anchored with guy wires or cables).

County manager refers to the county manager, the county manager's designee, or the designee of the board of county commissioners.

Essential service means the provision of fire safety; law enforcement; weather; provision of electric, natural gas, water, or sanitary sewer service; emergency medical; or stormwater services.

Height (of a building or structure) shall mean the vertical distance measured from the existing average grade elevation at the base of each side of the structure to the highest point of each side of a building or structure. When applied to a building, height shall be measured to the highest coping of a flat roof or the average height level between eaves and ridge for gable, hip, or gambrel roofs. Rooftop equipment shall be added to the measurement of the height of a building, as determined in this definition, if the equipment extends more than four feet above the highest portion of the roof, except that the height of communication antennas added to the roof of a building shall not be included in measuring the height of a building.

Residential lot means any parcel of land upon which one or more dwelling units are located; which is designated on the county's future land use map as allowing residential use; upon which a residential subdivision plat (preliminary or final) has been approved; or which has been designated for residential uses by any other unexpired development order.

Tower permit means a permit for the use and location of a communication tower subject to the requirements of this article.

Tower site means a parcel of land smaller than the minimum lot size required in the land use district completely contained within a lot meeting the requirements of the land use district for the purposes of locating a communications tower. The tower site does include property used to anchor guy wires.

(Ord. No. 2001-2, § 1(S), 3-20-2001)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 42-1062. Nonconforming communication towers.

To the extent set forth in this article, the restrictions on nonconforming uses and structures contained in this chapter are modified and supplemented by this article. An existing nonconforming communication tower may be repaired if the tower has received damage to no more than 50 percent of its structure. If an existing nonconforming communication tower receives damage to more than 50 percent of its structure, the tower may not be repaired or rebuilt unless it complies with the provisions of this article. Building permits to rebuild the tower shall comply with the applicable county codes and shall be obtained within 90 days from the date the tower is damaged or destroyed. If no permit is applied for, or obtained, or if such permit expires, the communication tower shall be deemed abandoned as specified in section 42-1072.

(Ord. No. 2001-2, § 1 (N), 3-20-2001)

Sec. 42-1063. Applicability; use of existing structures.

(a) All new communication antennas and communication towers in the county shall be subject to the regulations of this article and all other applicable building and construction codes. In the event of any conflict between other regulations of this chapter and the regulations contained in this article, the provisions of this article shall override and supersede such other regulations unless otherwise specifically set forth herein.

(b) All communication towers existing on March, 20, 2001, shall be allowed to continue to be used as they presently exist. Routine maintenance or minor modifications to accommodate the collocation of an additional user or users shall be permitted on such existing towers subject to the criteria in this subsection. New construction, other than routine maintenance and modifications to accommodate collocation on an existing communication tower, shall comply with the requirements of this article. For communication antennas, replacement of antennas on a structure with different antennas shall be considered routine

maintenance or a minor modification to accommodate the collocation of an additional user or users so long as the replacement antenna does not increase the height of any structure other than a communication tower on which it is placed by more than 25 feet.

(c) For purposes of this article, a communication tower that has received final approval in the form of a building permit for an approved site and development plan, or where substantial construction has been completed, shall be considered an existing tower so long as such approval is valid and unexpired as of the effective date of the ordinance from which this article is derived.

(d) No variance shall be required to locate a communication antenna on an existing nonresidential structure or multifamily residential structure; provided, however, that the communication antenna does not extend more than 50 feet above the existing structure. Such structures may include, but are not limited to, nonresidential buildings, water towers, existing communication towers, recreational light fixtures and essential service provider facilities.

(e) A communication antenna may be attached to an existing nonresidential structure, or multifamily residential structure 35 feet in height or greater as identified in subsection (d) of this section, upon approval of a building permit and written notice to the planning director or his designee, at least 30 days prior to the installation of the antenna, provided such notice certifies that any such collocation is accomplished in a manner consistent with the following:

(1) A communication tower which is modified or reconstructed to accommodate the collocation of an additional communication antenna shall be of the same tower type as the existing tower, unless reconstructed as a monopole.

(2) Height requirements are as follows:

a. An existing communication tower may be modified or rebuilt to a taller height not to exceed 40 feet over the communications tower's existing height to accommodate the collocation of an additional communication antenna, but in no case shall the height of the tower and proposed extension be greater than the distance to an existing residential structure.

b. In order to accommodate more than one additional collocation, an applicant may seek approval for a height increase in excess of the 40 feet allowed in subsection (e)(2)a of this section, but in no case shall the height of the tower and the proposed extension be greater than the distance to an existing residential structure.

c. Whenever modified in accordance with the provisions of this article, the new height of the modified or rebuilt communication tower shall not exceed the maximum height of 350 feet unless the height restriction is inconsistent with Federal law or the applicant demonstrates to the county that a tower height in excess of the maximum height is necessary to provide the proposed telecommunication service.

(3) Onsite location requirements are as follows:

a. A communication tower which is being rebuilt to accommodate the collocation of an additional communication antenna may be moved onsite within 50 feet of its original location, and shall be exempt from the setback requirements of this article.

b. A communication tower which is being rebuilt to accommodate the collocation of an additional communication antenna may be moved onsite in excess of 50 feet of its original location, if the new tower location meets the setback requirements of this article.

c. After the communication tower is rebuilt to accommodate collocation, the existing tower must be dismantled and removed within 60 days after the rebuilding so only one communication tower may remain on the tower site.

(f) All communication towers or antennas proposed shall comply with any airport regulations of this Code.

(g) The provisions of this section shall not apply to communications towers or antennas located on property owned by the United States, the state or the county, provided those towers are owned by those public entities and are used exclusively for the provision of fire safety, law enforcement, emergency management and/or emergency medical services telecommunications.

(Ord. No. 2001-2, § 1(A), 3-20-2001)

Sec. 42-1064. Multiple towers and antennas.

The county encourages the users of towers and antennas to submit a single application as provided in this article for approval of multiple towers and/or antenna sites, and to utilize existing public facilities owned by the county through lease situations as sites.

(Ord. No. 2001-2, § 1(M), 3-20-2001)

Sec. 42-1065. Location.

(a) A communication tower or communication antenna may be located in any land use classification allowed by section 42-408, so long as it meets the requirements of this article and conforms with any historic preservation elements of the county's comprehensive plan.

(b) A communication tower may be located on a lot used for other principal uses on a parcel smaller than the minimum lot size required in the land use district. This parcel shall be considered as the tower site. The tower site, but not the entire lot, shall be subject to all the requirements of this article, except as specifically provided herein.

(Ord. No. 2001-2, § 1(B), 3-20-2001)

Sec. 42-1066. Minimum distance of communication towers from other property.

(a) All towers permitted under this article shall be located at least 500 feet, but not less than the height of the proposed tower itself, from the nearest privately owned property line, unless a waiver is obtained from all property owners within 500 feet or the height of the tower, whichever is greater.

(b) All towers shall be located at least 1,000 feet from the nearest residential structure, unless a waiver is obtained from all residential structure owners within 1,000 feet.

(c) Distances shall be measured from the center or the base of the communication tower to the nearest residential lot line.

(d) Where a communication tower is being proposed on a site with an existing residential structure, the distance of the proposed tower from the structure shall not be less than the height of the tower itself and shall comply with the provisions of subsections (a) and (b) of this section.

(Ord. No. 2001-2, § 1(C), 3-20-2001)

Sec. 42-1067. Tower permitting.

(a) *Feasibility of collocation.* Collocation shall be deemed to be feasible for purposes of this article unless the applicant demonstrates that one or all of the following items cannot be met:

(1) The tower or person who otherwise controls the communication tower or other structure under consideration for collocation will undertake to charge fair and reasonable market rent or other fair and reasonable market compensation for collocation.

(2) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide sufficient structural support.

(3) The collocation being considered is technologically reasonable; e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure and antennas.

(4) The height of the structure necessary for collocation will not be increased beyond a point deemed to be permissible by the county manager or his designee, taking into consideration the several standards contained in this article.

(b) *New communication towers, antennas and other communication devices.*

(1) A tower permit must be obtained from the county before any communication tower can be constructed. A permit must also be obtained from the county before any antenna or other communication device is attached to or collocated on an existing tower. The applicant must submit a nonrefundable fee to the county when the application for a permit is submitted, in the amount set by resolution of the county.

(2) A tower permit for the location and use of a communication tower shall not be granted unless and until the applicant demonstrates that a feasible collocation, pursuant to subsection (a) of this section, is not available for the coverage area and capacity needs.

(3) All new communication towers shall be designed and constructed so as to accommodate collocation of at least six service providers. The county shall maintain a list of all communication towers, and shall make such list available to new communication tower applicants. No new communication tower shall be permitted unless the applicant demonstrates, in writing, that no existing communication tower or structure can accommodate the applicant's proposed antenna, consistent with the requirements of this article.

(4) No tower permit will be granted and no communication towers shall be constructed, unless the applicant has a carrier ready for immediate location/occupancy thereon, and presents evidence to the county of such.

(5) All applicants receiving a permit must in fact allow for collocation of antennas or other communication devices of at least six service providers, at a reasonable fee, and shall make or allow to be made minor modifications to the tower to accept such collocation.

(c) *Tower application and provisions governing the issuance of tower permits.*

(1) Prior to receiving a building permit for construction of the communication tower, the county shall require the posting of security or performance bond, in an amount to be determined by the county, not to exceed the cost of removal, to ensure removal of such communication tower if it becomes abandoned as described in section 42-1072.

(2) Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer, as otherwise required by law.

(3) An applicant for a tower permit shall submit the information described in this article and a nonrefundable fee as established by resolution of the county commissioners.

(4) In addition to any information required by this chapter in accordance with the development review requirements, applicants for a tower permit shall submit the following information:

a. A scaled site plan clearly indicating the location, type and height of the proposed communication tower, on-site land uses and land use classification, adjacent land uses and zoning (including when adjacent to other municipalities), adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed communication tower and any other structures, topography, parking, and other information deemed by the county to be necessary to assess compliance with this article.

b. Legal description of the parent tract and tower site or leased parcel, if applicable.

c. The setback distance between the proposed tower and the nearest residential unit, platted residential properties, and nonplatted residential properties.

d. The location of all communication towers and communication antennas within a one-mile radius of the location of the proposed communication tower.

e. A landscape plan showing specific landscape materials.

f. Method of fencing and finished color and, if applicable, the method of camouflage and illumination.

g. A description of compliance with the requirements of this article and all applicable federal, state, or local laws.

h. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

i. A description of the suitability of the use of existing communication towers or others structures to provide the services to be provided through the use of the proposed new tower.

j. The location of the proposed communication tower in digital format compatible with the county's GIS system.

k. A list of all property owners within 500 feet, or the height of the tower, whichever is greater.

(5) The county shall consider the following factors in determining whether to issue a tower permit:

a. Height of the proposed communication tower;

b. Proximity of the communication tower to residential structures and residential district boundaries;

c. Nature of uses on adjacent and nearby properties, within 1,000 feet of the tower site property line;

d. Surrounding topography;

e. Surrounding tree coverage and foliage;

f. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

g. Proposed ingress and egress; and

h. Availability of suitable existing towers or other structures.

(6) No new communication tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the county that no existing communication tower or structure can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the county related to the availability of suitable existing communication towers or other structures. The county may hire, at the expense of the applicant, an expert to evaluate this information and advise the county. Evidence

submitted to demonstrate that no existing communication tower or structure can accommodate the applicant's proposed communication antenna may consist of any of the following:

a. No existing communication towers or structures are located within the geographic area that meets the applicant's engineering requirements.

b. Existing communication towers or structures are not of sufficient height to meet applicant's engineering requirements, and may not be altered to meet such requirements.

c. Existing communication towers or structures do not have sufficient structural strength to support applicant's proposed communication antenna and related equipment.

d. The applicant's proposed communication antenna would cause electromagnetic interference with the communication antenna on the existing communication towers or structures, or the communication antenna on the existing communication towers or structures would cause interference with the applicant's proposed communication antenna.

e. The fees, costs, or contractual provisions required by the owner in order to share an existing communication tower or structure or to adapt an existing communication tower or structure for sharing renders collocation infeasible or unreasonable. Costs exceeding new communication tower development are presumed to be unreasonable.

f. The applicant demonstrates that there are other limiting factors that render existing communication towers and structures unsuitable.

(7) No new communication tower shall be permitted unless the applicant submits proof of compliance with Suwannee River Water Management District permitting requirements.

(Ord. No. 2001-2, § 1(D), 3-20-2001)

Sec. 42-1068. Tower and site requirements.

(a) *Maximum height.* No tower under this article shall be designed to a height greater than 350 feet unless the applicant demonstrates to the county that a tower height greater than 350 feet is necessary to provide the proposed telecommunications service or the maximum height restriction is inconsistent with Federal law.

(b) *Minimum yard requirements.* There are no minimum yard requirements for communication towers.

(c) *Illumination.* Communication towers shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA).

(d) *Finished color.* Communication towers not requiring FAA painting/marking shall be painted red and white.

(e) *Structural design.* Communication towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard, according to the latest EIA/TIA 222 Standards, to adjoining properties. Communication towers shall be constructed to the latest EIA/TIA 222 Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable county building codes. Further, any improvements and/or additions (e.g., antenna, satellite dishes, etc.) to existing communication towers shall require submission of site and structural plans sealed and verified by a professional engineer which demonstrate compliance with the latest EIA/TIA 222 Standards in effect at the time of said improvement or addition. Such plans shall be submitted to and reviewed and approved by the county in accordance with its site plan review process.

(f) *Fencing.* A minimum six-foot fence or six-foot masonry wall with not less than 85 percent opacity shall be required around all communication tower sites. Access to the tower shall be through a locked gate.

(g) *No advertising.* Neither the communication tower nor the tower site shall be used for advertising purposes and shall not contain any signs for the purpose of advertising.

(h) *Landscaping.* The visual impacts of residentially or commercially located communication towers shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures as follows:

(1) A row of shade trees a minimum of ten feet tall and a maximum of 20 feet apart shall be planted around the perimeter of the leased parcel;

(2) A continuous hedge at least 36 inches high at the time of planting, capable of growing to at least 48 inches in height within 18 months, shall be planted in the landscape buffer;

(3) All required landscaping shall be of the evergreen variety;

(4) All required landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and vitality;

(5) Required landscaping shall be installed outside the fence or wall; and

(6) Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward meeting landscaping requirements.

An applicant may request deviation to the standards in this article in accordance with applicable provisions of this Code.

(Ord. No. 2001-2, § 1 (E)—(L), 3-20-2001)

Sec. 42-1069. Certification of compliance with FCC standards.

Prior to receiving final inspection in accordance with this article, adequate proof shall be submitted to the county manager or his designee documenting that the communication tower complies with all current FCC regulations for non-ionizing electromagnetic radiation (NIER). The county manager or his designee shall indicate on the site plan approval that this certification has been received.

(Ord. No. 2001-2, § 1(P), 3-20-2001)

Sec. 42-1070. Ownership marking.

All communication towers under this article shall be marked with proper indicia of ownership, located at the entry gate.

(Ord. No. 2001-2, § 1(Q), 3-20-2001)

Sec. 42-1071. Certificate of occupancy.

All provisions of this article must be met prior to the issuance of a certificate of occupancy.

(Ord. No. 2001-2, § 1(R), 3-20-2001)

Sec. 42-1072. Abandonment.

(a) If the county manager or his designee suspects that the use of any communication tower has been discontinued for a period of 30 consecutive days, the county manager or his designee shall send written

notice to the address provided on the permit application so notifying the owner of the tower and the property owner. Such notices shall be sent by both regular and certified mail, return receipt requested. If no written response is received by the county within 30 days after mailing the notice, the tower shall be deemed abandoned as of the thirtieth day set out in this subsection.

(b) Upon timely receipt of written response, the board of county commissioners may summarily determine the tower in question is not abandoned or hold an evidentiary hearing and determine whether the tower is in fact abandoned and, if so, the date of abandonment.

(c) To find the tower has been abandoned, the board of county commission must determine by the greater weight of the evidence presented at such hearing that the tower had not been used for any communication purpose for 60 days or more prior to the date of mailing the notice set out in subsection (a) of this section. The party asserting the tower is not abandoned shall bear the burden of proof at such hearing.

(d) Upon the determination of such abandonment, the owner/operator of the tower shall have an additional 60 days within which to demonstrate to the county that the owner/operator has: (i) reactivated the use of the tower or transferred the tower to another owner/operator who makes actual use of the tower, or (ii) dismantled and removed the tower. At the earlier of 60 days from the date of abandonment without reactivation or upon completion of dismantling and removal, any exception and/or variance approval for the tower shall automatically expire.

(e) If the communications tower is not reactivated or removed as provided for in subsection (d) of this section, the county may dismantle and/or remove the communications tower, and the owner/operator or owner of real property upon which the tower is located agrees that the county may recover the expense of the removal from the owner/operator, or such owner of real property, or both.

    (1) Any abandoned communications tower dismantled and/or removed by the county shall immediately become the property of the county, along with all equipment or other personal property attached thereto, and the county may retain or dispose of such towers and other personal property as it deems is in the best interest of the county.

    (2) In no event shall the county be required to dismantle and/or remove any abandoned communication tower. In lieu of or in addition to dismantling and/or removing abandoned communication towers, the county may utilize its code enforcement powers as set out in F.S. ch. 162.

(Ord. No. 2001-2, § 1(O), 3-20-2001)