

UNION COUNTY

LAND DEVELOPMENT REGULATIONS

Adopted

Ordinance No. 95-04 on July 31, 1995

Amended

September 18, 1995 by Ordinance No. 95-05
October 16, 1995 by Ordinance No. 95-06
December 18, 1995 by Ordinance No. 95-09
April 18, 1996 by Ordinances Nos. 96-5, 96-6, and 96-7
August 19, 1996 by Ordinance No. 96-15
May 19, 1997 by Ordinance No. 97-3
July 7, 1997 by Ordinance No. 97-6
April 6, 1998 by Ordinances Nos. 98-4, 98-5 and 98-6
September 21, 1998 by Ordinances Nos. 98-10, 98-11, 98-12, 98-13
February 15, 1999 by Ordinance No. 99-4
July 16, 2001 by Ordinance No. 01-003
November 20, 2006 by Ordinance No. 06-4
July 30, 2012 by Ordinance No. 12-02
August 20, 2012 by Ordinance Nos. 12-02 and 12-03
May 21, 2018 by Ordinance No. 18-03
June 18, 2018 by Ordinance No. 18-05
December 17, 2018 by Ordinance No. 18-07
June 15, 2020 by Ordinance No. 20-04

UNION COUNTY

LAND DEVELOPMENT REGULATIONS

Prepared for
Board of County Commissioners

Prepared by
Local Planning Agency

With Assistance from
North Central Florida Regional Planning Council
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ARTICLE ONE

GENERAL PROVISIONS

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ARTICLE ONE. GENERAL PROVISIONS

SECTION 1.1 SHORT TITLE

The rules and regulations hereby adopted shall be known and cited as the "Land Development Regulations for Union County, Florida."

SECTION 1.2 AUTHORITY

These land development regulations are adopted pursuant to the authority contained in Chapter 166, Florida Statutes, as amended, and Chapter 163.3161 through 163.3248, Florida Statutes, as amended.

Unless otherwise specifically provided, where a provision of these land development regulations refer to or cite a section of Florida Statutes or Florida Administrative Code and that section is later amended or superseded, these land development regulations shall be deemed amended to refer to the section in effect or of the date of adoption of these land development regulations.

SECTION 1.3 JURISDICTION

These land development regulations shall apply to the entire unincorporated area of the County.

SECTION 1.4 RELATIONSHIP TO EXISTING LAND DEVELOPMENT ORDINANCES

To the extent that the provisions of these land development regulations are the same in substance as the previously adopted provisions that they replace in the various ordinances of the County, they shall be considered as continuations thereof and not as new enactments unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under the previously adopted land development regulations does not achieve lawful nonconforming status under these regulations merely by the repeal of the previous land development ordinances.

SECTION 1.5 RELATIONSHIP TO THE COMPREHENSIVE PLAN

In order to accomplish the goals objectives and policies listed within the County's Comprehensive Plan, these land development regulations and accompanying Official Zoning Atlas are guided by, based on, related to, and a means of implementation for the Comprehensive Plan as required by the Community Planning Act" (Chapter 163.3161 through 163.3248, Florida Statutes, as amended). All regulations, districts, and the accompanying Official Zoning Atlas are consistent with the Comprehensive Plan and any amendments thereto shall be consistent with the Comprehensive Plan. The phrase "consistent with the Comprehensive Plan" means in a manner which the land development regulations are compatible with and further the Comprehensive Plan. The term "compatible with" means that the land development regulations are not in conflict with the Comprehensive Plan; and the term "further" means to take action in the direction of the Comprehensive Plan.

SECTION 1.6 CONFORMITY WITH LAND DEVELOPMENT REGULATION PROVISIONS

1.6.1 Subject to Article 2.3 of these land development regulations (nonconforming situations), no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his or her control except in accordance with all of the applicable provisions of these land development regulations.

1.6.2 For purposes of this Article, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

SECTION 1.7 FEES

1.7.1 Reasonable fees sufficient to cover the costs of administration, inspection, publication of notice and similar matters may be charged to applicants for zoning permits, sign permits, special exceptions applications, subdivision plat approval, zoning amendments, variances and other administrative relief. The amount of the fees charged shall be as established by resolution of the Board of County Commissioners filed in the office of the Clerk of the Circuit Court of the County.

1.7.2 Fees established in accordance with Section 1.7.1 shall be paid upon submission of a signed application or notice of appeal.

SECTION 1.8 SEVERABILITY

In the event any court of competent jurisdiction should hold that any section or provision of these land development regulations to be unconstitutional or invalid, the same shall not affect the validity of these land development regulations as a whole or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 1.9 COMPUTATION OF TIME

1.9.1 Unless otherwise specifically provided, the time within which an act is to be done shall be computed by excluding the first and including the last day. If the last day is a Saturday, Sunday, or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded.

1.9.2 Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him or her and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

SECTION 1.10 REPEAL OF CONFLICTING ORDINANCES

All ordinances and regulations or parts of ordinances and regulations in conflict with these land development regulations, or inconsistent with the provisions of these land development regulations, are hereby repealed to the extent necessary to give these land development regulations full force and effect.

ARTICLE TWO

DEFINITIONS,
LOTS DIVIDED BY DISTRICT LINES,
AND
NONCONFORMING SITUATIONS

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ARTICLE TWO. DEFINITIONS, LOTS DIVIDED BY DISTRICT LINES, AND
NONCONFORMING SITUATIONS

SECTION 2.1 DEFINITIONS, GENERAL

For the purpose of these land development regulations, certain terms or words used herein shall be interpreted as follows:

The word *person* includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.

The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

The word *shall* is mandatory, the word *may* is permissive.

The words *used* or *occupied* include the words *intended*, *designed*, or *arranged to be used or occupied*.

The word *lot* includes the words *plot*, *parcel*, *tract*, or *site*.

The word *structure* includes the word *building* as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. Among other things, structures include walls, buildings, fences, signs, and swimming pools.

The word *land* includes the words *water*, *marsh*, or *swamp*.

The word *abut* shall not include directly across from.

The words *Board of County Commissioners* means the Board of County Commissioners of Union County, Florida.

The word *County* means Union County, Florida.

Abandoned Motor Vehicle. Abandoned motor vehicle means one (1) that is in a state of disrepair and incapable of being moved under its own power.

Abutting or Adjacent Property. Abutting or adjacent property means property that is immediately adjacent to the property being considered under these land development regulations.

Access. Access means the primary means of ingress and egress to abutting property from a dedicated right-of-way.

Accessory Use or Structure. An accessory use or structure means a use or structure of a nature customarily incidental and subordinate to the principal use or structure and, unless otherwise provided, on the same premises. On the same premises with respect to accessory uses and structures shall be construed as meaning on the same lot or on a contiguous lot in the same ownership. Where a building is attached to the principal building, it shall be considered a part thereof, and not an accessory building.

Addition. Addition means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load bearing wall is new construction.

Administrator. Administrator means the Land Development Regulation Administrator designated by the Board of County Commissioners for the administration and enforcement of these land development regulations (see Land Development Regulation Administrator).

Alter or Alteration of a Stormwater Management System. Alter or alteration of a stormwater management system work done other than that necessary to maintain the system's original design and function.

Alteration. Alteration means any change in size, shape, occupancy, character, or use of a building or structure.

Alley or Service Drive. Alley or service drive means a public or private right-of-way which affords only a secondary means of access to property abutting thereon.

Aquifer or Aquifer System. Aquifer or aquifer system means a geologic formation, group of formations, or part of a formation that contains sufficient saturated permeable material to yield significant quantities of water to wells and springs.

Arterial Streets. Arterial streets means streets which conduct large volumes of traffic over long distances and are functionally classified as such on the Future Traffic Circulation Map of the Comprehensive Plan.

Automobile Wrecking or Automobile Wrecking Yard. Automobile wrecking or automobile wrecking yard means the dismantling or disassembling of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

Automotive Service Station. An automotive service station means an establishment whose principal business is the dispensing at retail of motor fuel and oil primarily for automobiles and where grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail. In addition, an automotive service station may provide accessory facilities for car washing and polishing and may render minor repair services. However, major mechanical and body work, straightening of frames or body parts, steam cleaning, painting, tire recapping or re-grooving, storage of automobiles not in operating condition, or other work involving undue noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in such stations are prohibited. An automotive service station is not a repair garage, a body shop, truck stop, or a car wash.

Automotive Self-Service Station. Automotive self-service station means an establishment where motor fuel pumps are erected for the purpose of dispensing motor fuel at retail primarily for automobiles, but does not include minor automotive repair or the outside display of batteries tires and automobile accessories nor additional services which are customarily associated with an automotive service station.

Where such motor fuel pumps are erected in conjunction with a use which is herein described as an automotive self-service station, each use shall be considered as a separate principal use and as such, each must meet all applicable requirements of these land development regulations (see Article 4 for special design standards for automotive service and self-service stations).

Basement. Basement means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from the grade to the floor below is less than the vertical distance from the grade to the ceiling provided, however, that the distance from the grade to the ceiling shall be at least four (4) feet six (6) inches. (See Cellar).

Bar, Cocktail Lounge, or Tavern. Bar, cocktail lounge, or tavern means an establishment devoted primarily to the retailing and on premises drinking of malt, vinous, or other alcoholic beverages, and which is licensed by the State of Florida to dispense or sell alcoholic beverages.

Bicycle and Pedestrian Ways. Bicycle and pedestrian ways means a road, path or way which is open to bicycle travel and traffic afoot and from which motor vehicles are excluded.

Block. Block means a tier or a group of lots existing with well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter, or other name through which it may be identified.

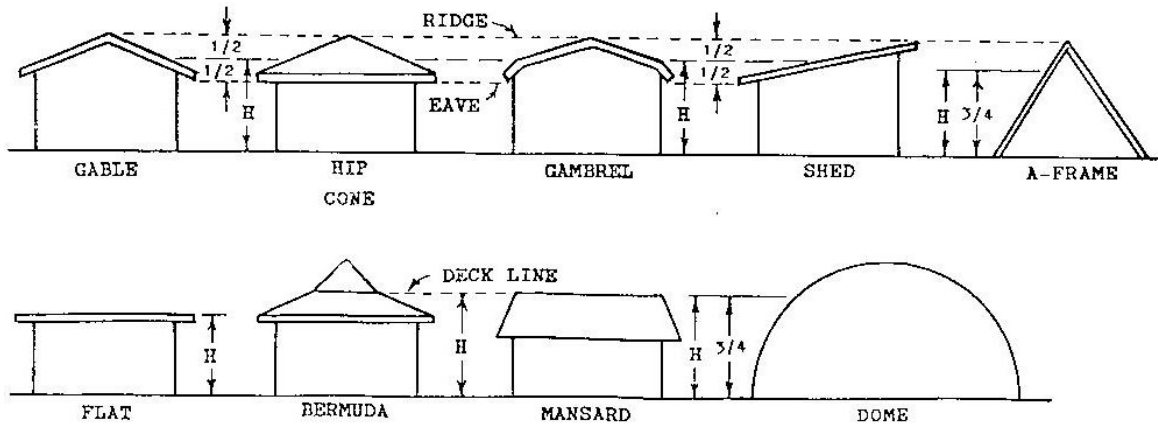
Board of Adjustment. Board of Adjustment means the Board of Adjustment, as herein provided for within these land development regulations.

Buildable Area. Buildable area means that portion of a lot remaining after the required yards have been provided.

Building. Building means any structure, either temporary or permanent, having a roof impervious to weather, and used or built for the enclosure or shelter of persons, animals, vehicles, goods, merchandise, equipment, materials, or property of any kind. This definition shall include tents, dining cars, trailers, mobile homes, sheds, garages, carports, animal kennels, storerooms, or vehicles serving in any way the function of a building as described herein. This definition of a building does not include screened enclosures not having a roof impervious to weather.

Building Front Yard Setback Line. Building front yard setback line means the rear edge of any required front yard as specified within these land development regulations.

Building, Height of. Height of building means the vertical distance measured from the established grade at the corner of a front of a building to the highest point of the roof surface of a flat roof to the deck line of a mansard roof or Bermuda roof, to the mean height level between eaves and ridge of gable, hip, cone, gambrel, and shed roofs, and to a height three-fourths (3/4) the distance from the ground to the apex of A-frame and dome roofs, as depicted in the diagram below (See Article 4, Exclusions from Height Limitations).



Building Line. Building line means the rear edge of any required front yard or the rear edge of any required setback line. Except as specifically provided by these land development regulations, no building or structure may be erected or extended to occupy any portion of a lot street ward or otherwise beyond the building line.

Capital Budget. Capital budget means the portion of an annual budget which reflects capital improvements scheduled for a fiscal year.

Capital Improvements. Capital improvements means physical assets constructed or purchased to provide, improve or replace a public facility and which are large scale and high in cost. The cost of a capital improvement is generally nonrecurring and may require multiple year financing. Physical assets which have been identified as existing or projected needs in the Comprehensive Plan shall be considered capital improvements.

Cellar. Cellar means that portion of a building, the ceiling of which is entirely below grade or less than four (4) feet six (6) inches above grade (see Basement).

Child Care Center. Child care center means an establishment where six (6) or more children, other than members of the family occupying the premises, are cared for during the day. The term includes day nurseries, kindergartens, day care services, nursery school, or play school.

Child Care Center, Overnight. Overnight child care center means an establishment where six (6) or more children, other than members of the family occupying the premises, are cared for not only during the day but overnight. An overnight child care center provides full overnight sleeping facilities for such children.

Church or House of Worship. Church or houses of worship means an established place of religious assembly.

Clinics, Medical or Dental. Medical or dental clinic means an establishment where patients, who are not lodged overnight, are admitted for examination and treatment by one (1) person or a group of persons practicing any form of the healing arts, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists, or any such profession, the practice of which is regulated by the State of Florida.

Clubs, Private. Private clubs mean those associations and organizations of a civic, fraternal, recreational, or social character, not operated or maintained for profit. The term "private club" shall not include casinos, nightclubs, bottle clubs, or other establishments operated or maintained for profit.

Collector Streets. Collector streets mean streets which serve as the connecting link for local streets and arterials. The traffic characteristics generally consist of relatively short trip lengths with moderate speeds and volumes. In addition, collectors are so functionally classified as such on the Future Traffic Circulation Map of the Comprehensive Plan.

Communication Antenna. Communication antenna means an antenna designed to transit or receive communications as authorized by the Federal Communications Commission.

Communication Tower. Communication tower means a tower greater than seventy-five (75) feet in height (including antenna) which supports communication equipment for either transmission or receiving. The term communication tower shall not include amateur radio operators equipment, including citizens band, Very High Frequency and Ultra High Frequency Aircraft/Marine, and other similar operators. Design examples of communication towers are described, as follows:

1. Self-supporting lattice;
2. Guyed; and
3. Monopole.

Community Residential Home. Community residential home means a dwelling unit licensed to serve clients of the Florida Department of Health and Rehabilitative Services and which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet physical emotional, and social needs of the residents (see also Article 4).

Completely Enclosed Building. Completely enclosed building means a building separated on all sides from adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance and exit doors.

Comprehensive Plan. Comprehensive Plan means the Comprehensive Plan adopted by the Board of County Commissioners pursuant to the "Local Government Comprehensive Planning and Land Development Regulation Act" (Chapter 163.3161 through 163.3248, Florida Statutes, as amended).

Cone of Influence. Cone of influence means an area around one or more major waterwells the boundary of which is based on groundwater travel or drawdown depth.

Construction, Actual. Actual construction means the placing of substantial construction materials in permanent position and fastened in a permanent manner; except that where demolition, excavation, or removal of an existing structure has been substantially begun preparatory to new construction, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be continuously carried on until the completion of the new construction involved. Actual construction shall include only work begun under a valid building permit.

County Health Department. County Health Department means the Health Department of the County.

Cul-de-sac. Cul-de-sac means a local street of relatively short length with one end open and the other end terminating in a vehicular turnaround.

Curb Break. Curb break means a driveway or any other point of access or opening for vehicles onto a public street.

Day Care Center or Nursery. See Child Care Center.

Density, Gross Residential. Gross residential density refers to the number of residential dwelling units permitted per gross acre of land and is determined by dividing the number of units by the total area of land within the boundaries of a lot or parcel including dedicated right-of-ways and except as otherwise provided for in these land development regulations. In the determination of the number of residential units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

Developer. Developer means any person, including a governmental agency, undertaking any development as defined in Chapter 163.3164(4), and Chapter 380.04, Florida Statutes, as amended.

Development. Development has the meaning as defined in Chapter 163.3164(5), and Chapter 380.04, Florida Statutes, as amended.

Development Order. Development order means any order granting, denying, or granting with conditions an application for a development permit, which includes any building permit, subdivision approval, rezoning, certification or designation, special exception, variance, special or temporary permit, or any other official action of the appropriate County approval body or Land Development Regulation Administrator having the effect of permitting the development of land.

Display Publicly. Display publicly means the act of exposing, placing, posting, exhibiting, or in any fashion displaying in any location, whether public or private, an item in such a manner that it may be readily seen and its content or character distinguished by normal unaided vision viewing it from a street, highway, or public sidewalk, or from any portion of the premises where items and material other than sexually oriented media are on display to the public.

Dormitory. Dormitory means a space in a unit where group sleeping accommodations are provided with or without meals for persons not members of the same family group, in one (1) room, or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, and military barracks.

Drive-in Restaurant or Refreshment Stand. Drive-in restaurant or refreshment stand means any place or premises where provision is made on the premises for the selling, dispensing, or serving of food, refreshments, or beverage to persons in automobiles and/or in other than a completely enclosed building on the premises, including those establishments where customers may serve themselves and may eat or drink the food, refreshments, or beverages in automobiles on the premises. A restaurant which provides drive-in facilities of any kind shall be deemed a drive-in restaurant. A barbecue stand or pit having the characteristics noted in this definition shall be deemed a drive-in restaurant.

Drainage Basin. Drainage basin means the area defined by topographic boundaries which contributes stormwater to a drainage system, estuarine waters, or oceanic waters, including all areas artificially added to the basin.

Drainage Detention Structure. Drainage detention structure means a structure which collects and temporarily stores stormwater for the purpose of treatment through physical, chemical, or biological processes with subsequent gradual release of the stormwater.

Drainage Facilities. Drainage facilities mean a system of man-made structures designed to collect, convey, hold, divert or discharge stormwater, and includes stormwater sewers, canals, detention structures, and retention structures.

Drainage Retention Structure. Drainage retention structure means a structure designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.

Drive-In Theater. Drive-in theater means a place of outdoor assembly used for the showing of plays, operas, motion pictures, and similar forms of entertainment which is designed to permit the audience to view the performance from vehicles parked within the theater (see also Article 4).

Dwelling, Mobile Home or Mobile Home. Mobile home dwelling or mobile home means a detached one (1) family dwelling unit with all the following characteristics:

1. Designed for long term occupancy, and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities, with plumbing and electrical connections provided for attachment to outside systems;
2. Designed for transportation after fabrication on streets or highways on its own wheels or on a flatbed or other trailers;
3. Arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connection to utilities, and the like; and
4. Manufactured homes defined by these land development regulations as Standard Design Manufactured Homes and do not meet the installation criteria prescribed in Section 4.2 of these land development regulations shall be considered a mobile home.

A travel trailer is not to be considered a mobile home.

Dwelling, Multiple Dwelling Use. For purposes of determining whether a lot is in multiple dwelling use, the following considerations shall apply:

1. Multiple dwelling uses may involve dwelling units intended to be rented and maintained under central ownership and management or cooperative apartments, condominiums, and the like.
2. Where an undivided lot contains more than one (1) building and the buildings are not so located that lots and yards conforming to requirements for single or two (2) family dwellings in the district could be provided, the lot shall be considered to be in multiple dwelling use if there are three (3) or more dwelling units on the lot, even though the individual buildings may each contain less than three (3) dwelling units.
3. Guest houses and servant's quarters in connection with single family residences shall not be considered as dwelling units in the computation of (b) above.
4. Any multiple dwelling in which dwelling units are available for rental for periods of less than one (1) week shall be considered a tourist home, a motel, motor hotel, or hotel as the case may be.

Dwelling, Multiple-Family. Multiple-family dwelling means one (1) building under one (1) roof containing three (3) or more dwelling units. Housing for the aged, which does not provide for routine nursing and/or medical care, shall be construed to be a multiple family dwelling.

Dwelling, One Family. One (1) family dwelling is one (1) building under one (1) roof containing only one (1) dwelling unit. A one (1) family dwelling may be either a single family dwelling or a mobile home dwelling.

Dwelling, Residential Design Manufactured Home. Residential design manufactured home means a manufactured home built on or after June 15, 1976 and certified to be in compliance with the manufactured housing construction safety standards (42 United States Code 5401, et seq) promulgated by the United States Department of Housing and Urban Development, and such manufactured home shall:

1. Have house-type siding and roofing materials with treatment of a type generally acceptable for site-built housing;
2. Measure at least twenty (20) feet in width (requiring at least a double section home);
3. Have a minimum roof pitch of two and one-half (2 1/2) rise for each twelve (12) feet of horizontal run; and
4. Have a minimum roof-overhang on all sides of six (6) inches.

Dwelling, Single Family. A single family dwelling is a building containing only one (1) dwelling unit and structurally connected to no other dwelling unit. The term single family dwelling also includes dwelling units which meet the State of Florida certification requirements for a "Manufactured Building". Manufactured homes defined by these land development regulations as a Residential Design Manufactured Home and meet the installation criteria prescribed in Section 4.2 of these land development regulations shall be considered a single family dwelling unit. For regulatory purposes, the term is not to be construed as including mobile homes, travel trailers, housing mounted on self-propelled or drawn vehicles, tents, house boats, or other forms of temporary or portable housing.

Dwelling, Standard Design Manufactured Home. Standard design manufactured home means a manufactured home built on or after June 15, 1976 and certified to be in compliance with the manufactured housing construction safety standards (42 United States Code 5401, et seq) promulgated by the United States Department of Housing and Urban Development, which does not meet the definition of a Residential Design Manufactured Home.

Dwelling, Two Family or Duplex. Two (2) family or duplex dwelling means one (1) building under one (1) roof containing only two (2) dwelling units.

Dwelling Unit (D.U.). Dwelling unit means a room or rooms connected together, constituting a separate, independent housekeeping establishment for one (1) family, for owner occupancy or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing sleeping facilities and one (1) kitchen.

Easement. Easement means a strip of land for public or private utilities, drainage, sanitation, or other specified uses having limitations, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Engineer. Engineer means a Professional Engineer registered to practice engineering by the State of Florida who is in good standing with the Florida Board of Engineer and Land Surveyors Examiners.

Elevation. Elevation means height in feet above mean sea level as established by the National Geodetic Vertical Datum (NGVD) of 1929.

Essential Services. See Article 14.

Excavation. Excavation means the removal and transport of earth materials, sometimes referred to as borrow activities. This definition excludes commercial mining operations such as limerock, phosphate, and sand mining operations, excavation associated with construction of stormwater management facilities, excavation activities governed by County subdivision regulations, and excavation associated with sod farming and removal activities, and tree farming activities.

Excavation and Fill Operation. Excavation and fill operation means an operation that involves the removal of surface and subsurface materials, including but not limited to earth, gravel, materials, minerals, peat, sand and soil, and replacing such material with clean debris.

Exotic Animals. Exotic animals mean all animals excepting house cats (*Felis catus domestica*), dogs (*canis familiares*) and feathered vertebrates other than poultry, as well as, livestock and poultry as defined in this section of these land development regulations.

Extermination. Extermination means the control and extermination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods.

Facility. Facility means a building or buildings, appurtenant structures and surrounding land area used by a single business private entity or governmental unit or sub-unit at a single location or site.

Family. Family means one (1) or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, marriage, or foster care, no family shall contain over three (3) persons, but further provided that domestic servants employed on the premises may be housed on the premises without being counted as a separate or additional family or families and not more than two (2) roomers or boarders may occupy the dwelling unit (for three (3) or more roomers or boarders, see Group Living Facility). Family shall not be construed to mean a fraternity, sorority, club, monastery or convent, or institutional group.

Fill. Fill means any materials deposited for the purpose of raising the level of natural land surface.

Floor Area. Floor area means, except as may be otherwise indicated in relation to particular districts and uses, the sum of the gross horizontal areas of the several floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings, excluding attic areas with a headroom of less than seven (7) feet, unenclosed stairs or fire escapes, elevator structures, cooling towers, areas devoted to air conditioning, ventilating or heating or other building machinery and equipment, parking structures and basement space where the ceiling is not more than forty-eight (48) inches above the general finished and graded level of the adjacent part of the lot.

Floor Area Ratio. Floor area ratio means the ratio of floor areas to the size of the lot.

Floridan Aquifer System. Floridan Aquifer system means the thick carbonate sequence which includes all or part of the Paleocene to early Miocene Series and functions regionally as a water-yielding hydraulic unit. Where overlaid by either the intermediate aquifer system or the intermediate confining unit, the Floridan contains water under confined conditions. Where overlaid directly by the surficial aquifer system, the Floridan may or may not contain water under confined conditions, depending on the extent of low permeability materials in the surficial aquifer system. Where the carbonate rocks crop out, the Floridan generally contains water under unconfined conditions near the top of the aquifer system, but, because of vertical variations in permeability, deeper zones may contain water under confined conditions. The Floridan Aquifer is the deepest part of the active ground water flow system. The top of the aquifer system generally coincides with the absence of significant thicknesses of clastics from the section and with the top of the vertically persistent

permeable carbonate section. For the most part, the top of the aquifer system coincides with the top of the Suwannee Limestone, where present, or the top of the Ocala Group. Where these are missing, the Avon Park Limestone or permeable carbonate beds of the Hawthorn Formation form the top of the aquifer system. The base of the aquifer system coincides with the appearance of the regionally persistent sequence of anhydride beds that lie near the top of the Cedar Keys Limestone.

Frontage of a Lot. See Lot Frontage.

Garage, Parking. Parking garage means a building or portion thereof designed or used for temporary parking of motor vehicles.

Garage, Private. Private garage means a structure designed or used for inside private parking of private passenger vehicles by the occupants of the main building. A private garage attached to or a part of the main structure is to be considered part of the main building. An unattached private garage is to be considered as an accessory building.

Garage, Repair. Repair garage means a building or portion thereof, other than a private, storage, or parking garage or automotive service station, designed or used for repairing, equipping, or servicing of motor vehicles. Such garages may also be used for hiring, renting, storing, or selling of motor vehicles.

Garage, Storage. Storage garage means a building or portion thereof designed and used exclusively for the storage of motor vehicles, and within which temporary parking may also be permitted.

Garbage. Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food.

General Media Store. General media store means a general term for the retail sale or rental of books and other media, including stores that may have some sexually oriented media, but excludes those that are classified as sexually oriented media stores.

Geologic Features. Geologic features means a prominent or conspicuous characteristic of earth materials in the landscape.

Grade. Grade means the level of the finished ground surface immediately adjacent to the exterior walls of the building.

Gross Public Floor Area. Gross public floor area means total area of the building accessible or visible to the public, including showrooms, motion picture theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways and entryways serving such areas.

Ground Water. Ground water means water in saturated zones or stratum beneath the surface of land or water, whether or not it is flowing through known and definite channels.

Group Living Facility. Group living facility means an establishment where lodging is provided

1. For four (4) or more persons who are not a family or for three (3) or more roomers or boarders,
2. For residents rather than transients,
3. On a weekly or longer basis, and
4. In which residents may share common sleeping or kitchen facilities.

Group living facility includes dormitories, fraternities, sororities, rooming or boarding houses, convents or monasteries, orphanages, and housing for other institutional groups. One (1), two (2), or multiple family dwellings which constitute separate, individual housekeeping establishments for one (1) family shall not be considered to be group living facilities.

Guest House or Guest Cottage. Guest house or guest cottage means a dwelling unit in a building separate from and in addition to the main residential building on a lot, intended for intermittent or temporary occupancy by a non-paying guest, provided, however, that such quarters shall have no cooking facilities, shall not be rented, and shall not have separate utility meters.

Habitable Room. Habitable room means a space in a structure for living, sleeping, eating or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space and similar areas are not considered habitable space.

Habitable Story. Habitable story means any story used or to be used for living purposes, which includes working, sleeping, eating cooking, recreation, or a combination thereof. A story used only for storage purposes having only nonloadbearing walls, e.g., breakaway lattice-work, wall, or screen, is not a "habitable story".

Hard-Core Material. Hard-core material means media characterized by sexual activity that includes one or more of the following: erect male organ; contact of the mouth of one person with the genitals of another; penetration with a finger or male organ into any orifice in another person; open female labia; penetration of a sex toy into an orifice; male ejaculation; or the aftermath of male ejaculation.

Hazardous Waste. Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

Height of a Building. See Building Height.

Home Occupation. Unless otherwise provided herein, home occupation means an occupation conducted entirely in a dwelling unit, in accordance with the home occupation criteria in section 4.2 of these land development regulations.

Hotel, Motel, Motor Hotel, Motor Lodge, Tourist Court. Hotel, motel, motor hotel, motor lodge, and tourist court are to be considered synonymous terms and to mean a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple family dwellings and group living facilities, where rentals are for periods of a week or longer and occupancy is generally by residents rather than transients.

Improvements. Improvements mean street pavements, curbs and gutters, sidewalks, alley pavements, walkway pavements, water mains, sanitary sewers, storm sewers or drains, road and street signs, landscaping, permanent reference monuments ("PRMs"), permanent control points ("PCPs"), or any other improvements required by these subdivision regulations.

Infestation. Infestation means the presence within or around a dwelling, of any insects, rodents, or other pests.

Intensive Agriculture. Intensive agriculture means those agricultural uses which require an industrial waste permit from the Florida Department of Environmental Protection.

Junk Yard. Junk yard means a place, structure, or lot where junk, waste, discarded, salvaged, or similar materials such as old metals, wood, slush, lumber, glass, paper, rags, cloth, bagging, cordage, barrels, containers, etc., are brought, bought, sold, exchanged, baled, packed, disassembled, stored, or handled, including used lumber and building material yards, housewrecking yards, heavy equipment wrecking yards, and yards or places for the storage, sale, or handling of salvaged house wrecking or structural steel materials. This definition shall not include automobile wrecking or automobile wrecking yards and establishments for the sale, purchase, or storage of second-hand cars, clothing, salvaged machinery, furniture, radios, stoves, refrigerators, or similar household goods and appliances, all of which shall be usable, nor shall it apply to the processing of used, discarded, or salvaged materials incident to manufacturing activity on the same site where such processing occurs.

Land. Land means the earth, water and air, above, below, or on the surface, and includes any improvements or structures customarily regarded as land.

Land Development Regulations. Land development regulations means regulations which address the use of land and water, subdivision of land, drainage and stormwater management, protection of environmentally sensitive areas, sign control, standards for public facilities and services, on-site traffic flow and parking and any other regulation so deemed appropriate by the Board of County Commissioners.

Land Development Regulations Administrator. Land Development Regulations Administrator means the official designated by the Board of County Commissioners for the administration and enforcement of these land development regulations.

Landmark. Landmark means a building or structure which has been designated as such within the Comprehensive Plan.

Landmark Site. Landmark site means the land on which a landmark and related buildings and structures are located and the land that provides the grounds, the premises or the setting for the landmark.

Level of Service. Level of service means an indicator of the extent or degree of service provided by, or proposed to be provided by a facility based on and related to the operational characteristics of the facility. Level of service indicates the capacity per unit of demand for each public facility.

Lien. Lien means a claim on the property of another as security against the payment of a just debt.

Livestock. Livestock means all domesticated animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle and poultry.

Loading Space, Offstreet. Offstreet loading space means a space logically and conveniently located for pickups and/or deliveries or for loading and/or unloading, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required offstreet parking spaces are filled.

Local Planning Agency. Local Planning Agency means the agency designated by the Board of County Commissioners, under the provisions of Chapter 163.3161 through 163.3215, Florida Statutes, as amended.

Local Streets. Local streets mean streets whose primary function is to provide the initial access to the collector and arterial roadways. These facilities are characterized by short trips, low speeds, and small traffic volumes.

Lot. Lot means a portion of a subdivision or any parcel of land intended as a unit for building development or for transfer of ownership or both.

"Lot" includes the words "plot", "parcel", "tract", or "site" and may consist of:

1. Single lot of record;
2. Portion of a lot of record;
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record; or
4. A parcel of land described by metes and bounds; provided, that in no case of division or combination shall any residual lot or parcel be created which does not meet the requirements of these land development regulations.

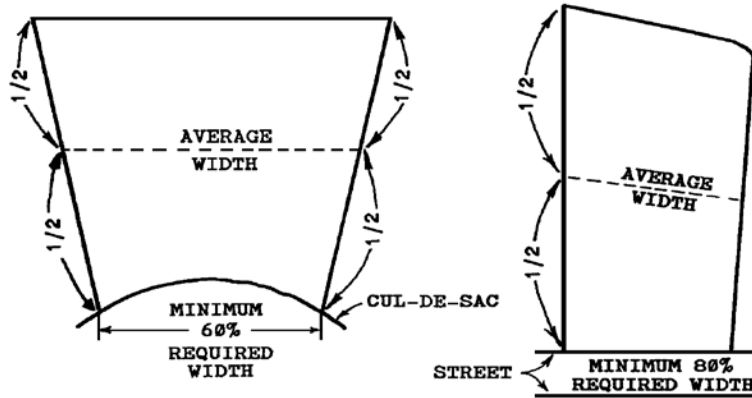
Lot Area. Lot area means the total horizontal area included within lot lines.

Lot Coverage. Lot coverage means the percentage of lot area covered or occupied by buildings, including accessory buildings.

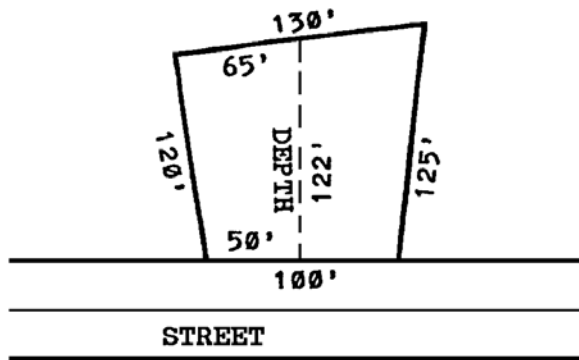
Lot Frontage. Lot frontage means the portion of a lot along a street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as set out in these land development regulations.

Lot Line. Lot line means the lines bounding a lot as established by ownership.

Lot Measurement, Depth. Lot measurement, depth, means the distance between the midpoints of straight lines connection the foremost points on the side lot lines in front and the rearmost points of the side lot lines in the rear.



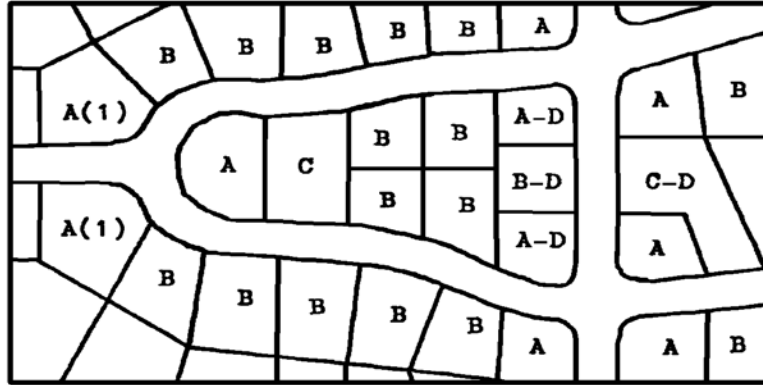
Lot Measurement, Width. Lot measurement, width, means the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) and the rear most points of the side lot lines in the rear, provided however that the width between the side lot lines at their foremost points in the front shall not be less than eighty (80) percent of the required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than sixty (60) percent of the required lot width.



Lot of Record. Lot of record means

1. A lot which is part of a subdivision recorded in the office of the County Clerk, or
2. A lot or parcel described by metes and bounds, the description of which has been so recorded on or before the date of adoption of the Comprehensive Plan.

Lot Types. Lot types means corner lots, interior lots, reversed frontage lots, and through lots:



In the diagram,

A = Corner Lot, defined as a lot located at the intersection of two (2) or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one-hundred thirty-five (135) degrees. See lot marked A(1) in the diagram.

B = Interior Lot, defined as a lot other than a corner lot with only one (1) frontage on a street.

C = Through Lot, defined as a lot other than a corner lot with frontage on more than one (1) street. Through lots abutting two streets may be referred to as double frontage lots.

D = Reversed Frontage Lot, defined as a lot on which the frontage is at right angles or approximately right angles (interior angle less than one-hundred thirty-five (135) degrees) to the general pattern in the area. A reversed frontage lot may also be a corner lot (A-D in the diagram), an interior lot (B-D), or a through lot (C-D).

Marginal Access Street. Marginal access street means a street, parallel and adjacent to an existing street, providing access to abutting lots.

Massage. Massage means touching, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, and causing movement of soft tissues and applying manual touch and pressure to the body, not administered by a Doctor of Chiropractic Medicine or other appropriately licensed medical professional.

Massage Therapy. Massage therapy means the profession licensed in accordance with Chapter 480, Florida Statutes, as amended.

Mean Sea Level. Mean sea level means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. The term is synonymous with National Geodetic Vertical Datum (NGVD).

Media. Media means anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication; including, but not limited to, books, newspapers, magazines, movies, videos, sound recordings, cd-roms, other magnetic media and undeveloped pictures.

Mining. Mining means the extraction of natural deposits from the earth which are regulated by the State of Florida under Chapter 211, Florida Statutes, Part II and Chapter 378, Florida Statutes, and by County Land Development Regulations.

Mining Operation. Mining operation means a collective term referring to all aspects of the proposed mining scheme, including the plant, processing areas and total land area for which the applicant is applying for a permit.

Mining Permit. Mining permit means a valid operating permit for the conduct of mining operations.

Mining Unit. Mining unit means specified areas of land from which minerals are extracted in a specified period of time.

Mobile Home. See Dwelling, Mobile Home.

Mobile Home Park. Mobile home park means a parcel of land under single ownership or management which is operated as a business engaged in providing for the parking of mobile homes to be used for non-transient living or sleeping purposes, and where lots are offered only for rent or lease, and including customary accessory uses such as owners' and managers' living quarters, laundry facilities, and facilities for parks and recreation.

Mobile Home Stand. Mobile home stand means a lot or parcel of ground designated for the accommodation of not more than one mobile home.

Mobile Home Subdivision. Mobile home subdivision means a residential subdivision where lots are offered for sale for use exclusively by mobile homes.

Motel, Motor Hotel, or Motor Lodge. See Hotel.

Motion Picture Arcade Booth. Motion picture arcade booth means any booth, cubical, stall or compartment which is designed, constructed, or used to hold or seat customers and is used for presenting sexually explicit material, motion pictures or viewing publications by any photographic, electronic, magnetic, digital, or other means or medium for observation by customers therein. Also known as, booth, arcade booth, preview booth, video arcade booth, video viewing booth and peep show booth.

Natural Drainage Features. Natural drainage features mean the naturally occurring features of an area which accommodates the flow of stormwater, such as streams, rivers, lakes, and wetlands.

Newspaper of General Circulation. Newspaper of general circulation means a newspaper published at least on a weekly basis and printed in the language most commonly spoken in the area within which it circulates, but does not include a newspaper intended primarily for members of a particular professional or occupational group, a newspaper whose primary function is to carry legal notices, or a newspaper that is given away primarily to distribute advertising.

Nonconforming Lot, Use of Land Structure, Characteristics of Use, and Use of Structures and Premises. See Section 2.3.

Nuisance. Nuisance shall mean the following:

1. Any public nuisance known in common law or in equity jurisprudence.
2. Any attractive nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes any abandoned wells, shafts, basements, or excavations; abandoned refrigerators and motor vehicles; or any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove a hazard for inquisitive minors.
3. Whatever is dangerous to human life or is detrimental to health, as determined by the County health officer.
4. Overcrowding a room with occupants.
5. Insufficient ventilation or illumination.

6. Inadequate or unsanitary sewerage or plumbing facilities.
7. Uncleanliness, as determined by the County health officer.
8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the County health officer.

Nursery School. See Child Care Center.

Nursing Home. Nursing home means a private home, institution, building, residence, or other place, whether operated for profit or not, including those places operated by units of government, which undertakes through its ownership or management to provide for a period exceeding twenty-four (24) hours, maintenance, personal care, or nursing for three (3) or more persons not related by lineal consanguinity or marriage to the operator, who by reason of illness, physical infirmity, or advanced age are unable to care for themselves; provided, that this definition shall include homes offering services for less than three (3) persons where the homes are held out to the public to be establishments which regularly provide nursing, extended care, and custodial services. (See also, Residential Home for the Aged.)

Office, Business. Business office means an office for such operations as real estate agencies, advertising agencies (but not sign shop), insurance agencies, travel agencies and ticket sales, chamber of commerce, credit bureau (but not finance company), abstract and title agencies, insurance companies, stockbroker, employment agencies, billing office, and the like. It is characteristic of a business office that retail or wholesale goods are not shown on or delivered from the premises to a customer.

Office, Professional. Professional office means an office for the use of a person or persons generally classified as professional such as architects, engineers, attorneys, accountants, doctors, lawyers, dentists, veterinarians (but not including boarding of animals on the premises, except as part of treatment and then only in soundproof buildings), psychiatrists, psychologists, and the like. It is characteristic of professional offices that the use is devoted principally to an offering of consultive services.

Openable Area. Openable area (window) means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Open Spaces. Open spaces means undeveloped lands suitable for passive recreation or conservation uses.

Operator. Operator means any person who has charge, care or control of a building, or part thereof, in which dwelling units or rooming units are let.

Owner. Owner means the holder of the title in fee simple and any person, group of persons, company, association or corporation in whose name tax bills on the property are submitted. Owner, also means any person who, alone or jointly or severally with others:

1. Has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof; or
2. Has charge, care or control of any dwelling or dwelling unit, as owner, executor, executrix, administrator, trustee, guardian of the estate of the owner, mortgagee or vendee in possessions, or assignee of rents, lessee, or other person firm, or corporation in control of a building; of their duly authorized agents. Any such person thus representing the actual owner is considered to be bound by these land development regulations to the same extent as if he or she were the owner. It is his or her responsibility to notify the actual owner of the reported infractions of these land development regulations pertaining to the property which apply to the owner.

Package Liquor Store. Package liquor store means a place where alcoholic beverages are dispersed or sold in containers for consumption off the premises.

Parcel of Land. Parcel of land means any quantity of land capable of being described so that its location and boundary may be established, which is designated by its owner or developer as land to be used, or developed as, a unit or which has been used or developed as a unit.

Parking Space, Handicapped. Handicapped parking space means an offstreet parking space which is reserved for persons who are physically disabled or handicapped.

Parking Space, Offstreet. Offstreet parking space means a space adequate for parking a standard size automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room.

Performance Bond. See Surety Device.

Permanent Control Point (PCP). A permanent control point (PCP) is a secondary horizontal control monument as defined in Chapter 177.031(13), Florida Statutes, as amended.

Permanent Reference Monument (PRM). Permanent reference monument (PRM) means a control monument as defined in Chapter 177.031(15), Florida Statutes, as amended.

Person. Person means an individual, association, partnership, joint venture, corporation, or any other type of organization, whether conducted for profit or not for profit, or a director, executive, officer or manager of an associated, partnership, joint venture, corporation or other organization.

Planning and Zoning Board. Planning and Zoning Board means the Planning and Zoning Board as herein provided for within these land development regulations.

Plat. Plat means a map or drawing depicting the division of land into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated, and other information required by these land development regulations. The word plat includes the terms replat or revised plat.

Plat, Final. Final plat means a finished drawing of a subdivision showing completely and accurately all legal and engineering information and certification necessary for recording.

Plot. See Lot.

Plumbing. Plumbing means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage or storm drainage facilities, the venting system and the public or private water supply systems, within or adjacent to any building structure, or conveyance; also the practice and materials used in the installation, maintenance, extension, or alteration of storm-water, liquid waste, or sewerage, and water supply systems of any premises to their connection with any point of public disposal or other acceptable terminal.

Poultry. Poultry means all domesticated birds that serve as a source of eggs or meat, including chickens, turkeys, ducks, ostriches, quail, pheasants and geese.

Premises. Premises means a lot, plot or parcel of land including the buildings of structures thereon.

Primary Live Entertainment. Primary live entertainment means entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

Product Tight. Product tight means impervious to the hazardous material which is or could be contained so as to prevent the seepage of the hazardous material from the containment system. To be product tight, the containment system shall be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

Public Areas. Public areas mean unoccupied open spaces adjoining a building and on the same property, that is permanently maintained accessible to the Fire Department and free of all encumbrances that might interfere with its use by the Fire Department.

Public Buildings and Facilities. Public buildings and facilities means the use of land or structures by a municipal, county, State, or Federal governmental entity for a public service purpose. More specifically public facility means major capital improvements including but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreation, and health systems and facilities. Essential services shall not be considered public buildings and facilities.

Recreational Facility. Recreational facility means a component of a recreation site used by the public such as a trail, court, athletic field or swimming pool.

Recreational Uses. Recreational uses means activities within areas where recreation occurs.

Regulated materials. Regulated materials means the following:

1. Petroleum products, which include fuels (gasoline, diesel fuel, kerosene and mixtures of these products, lubricating oils, motor oils, hydraulic fluids and other similar products. This term does not include liquefied petroleum gas, American Society for Testing and Materials grade number 5 and number 6 residual oils, bunker C residual oils, intermediate fuel oils used for marine bunkering with a viscosity of 30 and higher and asphalt oils.
2. Substances listed by the Secretary of the Florida Department of Labor and Employment Security pursuant to Chapter 442, Florida Statutes, as amended (Occupational Health and Safety). This list, known as the Florida Substances List, is provided in Chapter 38F-41, Florida Administrative Code.
3. Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Section 102 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended. This list is provided in Title 40 (Protection of the Environment) of the Code of Federal Regulations, Part 302, Designation, Reportable Quantities and Notification.
4. Substances listed by the Administrator of the United States Environmental Protection Agency pursuant to Title III of the Superfund Amendments and Reauthorization Act of 1986, as amended. The list is provided in Title 40 of the Code of Federal Regulations, Part 355, Emergency Planning and Notification.
5. Materials listed by the Secretary of the United States Department of Transportation pursuant to the Hazardous Materials Transport Act. This list is provided in Title 49 (Transportation) of the Code of Federal Regulations, Part 172, Hazardous Materials Tables and Communications Regulations.
6. The following elemental metals, if they are stored in a easily crumbled, powdered, or finely divided state: aluminum, beryllium, cadmium, chromium, copper, lead, manganese, mercury, molybdenum, nickel, rhodium, silver, tellurium, tin and zinc.
7. Mixtures containing the above materials if they contain one (1) per cent or more by volume or if they are wastes.
8. Any material not included above which may present similar or more severe risks to human health or the environment as determined by the Land Development Regulation Administrator. Such determinations must be based upon competent testing or other objective means with conclusions which indicate that the material may pose a significant potential or actual hazard.

Repair. Repair means the replacement of existing work with the same kind of material used in the existing work, not including additional work that would change the structural safety of the building, or that would affect or change required existing facilities, a vital element of an elevator, plumbing, gas piping, wiring or heating installations, or that would be in violation of a provisions of law or ordinance. Repair or repairs shall not apply to any change of construction.

Residential Buildings. Residential buildings mean buildings in which families or households live or in which sleeping accommodations are provided and all dormitories, shall be classified as residential occupancy. Such buildings include, among others, the following: dwellings, multiple dwellings and rooming houses (see also Dwelling Unit).

Residential Home for the Aged. Residential home for the aged (also known as Adult Congregate Living Facility) means a health care facility containing characteristics of multiple family housing, providing a maximum in independent living conditions for individuals or couples and a minimum of custodial services which would include daily observation of the individual residents by designated staff personnel. As accessory uses, residential homes for the aged may include dining rooms and infirmary facilities for intermediate or skilled nursing care solely for the use of the occupants residing in the principal facility.

Restaurant. Restaurant means an establishment where meals or prepared food, including beverages and confections, are served to customers for consumption on or off the premises. Restaurant includes cafes, coffee shops, donut shops, delicatessens, cafeterias, and other establishments of a similar nature.

Retention. Retention means the collection and storage of runoff without subsequent discharge to surface waters.

Right-of-Way. Right-of-Way means land dedicated, deeded, used, or to be used for a street, alley, pedestrian way, crosswalk, bikeway, drainage facility, or other public uses, wherein the owner gives up his or her rights to the property so long as it is being or will be used for the dedicated purpose. Right-of-Way also is a land measurement term, meaning the distance between lot property lines which generally contains not only the street pavement, but also the sidewalk, grass area, and underground or aboveground utilities.

Riverbank Setback Line. Riverbank setback line means a line running parallel to a river and at a distance as specified within these land development regulations.

Roadway Functional Classification. Roadway functional classification means the assignment of roads into categories according to the character of service they provide in relation to the total road network. Basic functional categories include limited access facilities, arterial roads, and collector roads, which may be subcategorized into principal, major or minor levels. Those levels may be further grouped into urban and rural categories.

Rooming House. Rooming house means any dwelling, or that part of any dwelling containing one (1) or more rooming units, in which space is let by the owner or operator to three (3) or more persons which are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

Rooming Unit. Rooming unit means any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

Rubbish. Rubbish means combustible and noncombustible waste materials, except garbage; and the term shall include the residue from the burning of wood, coal, coke, or other combustible materials, paper, rags, cartons, boxes, wood, excelsior, rubber leather, tree branches, yard trimmings, tin cans, metal, mineral matter, and glass crockery.

Sadomasochistic Practices. Sadomasochistic practices means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed or naked.

Sanitary Sewer Facilities. Sanitary sewer facilities means structures or systems designed for the collection, transmission, treatment, or disposal of sewage and includes trunk mains, interceptors, treatment plants, and disposal systems.

School. School means any public, private or charter educational facility for elementary, middle and secondary education.

Sediment. Sediment means the mineral or organic particulate material that is in suspension or has settled in surface or ground waters.

Servants' Quarters. Servants' quarters mean accommodations, without cooking facilities or separate utility meters, for domestic servants employed on the premises. Such units may be in either a principal or an accessory building but no such living quarters shall be rented, leased, or otherwise be made available for compensation of any kind except in the form of housing for servants.

Service Station. See Automotive Service and Self-Service Station.

Sex Shop. Sex shop means an establishment offering goods for sale or rent and that meets any of the following tests.

1. It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its floor area; or,
2. More than five percent (5%) of its stock in trade consists of sexually oriented toys or novelties; or,
3. More than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

Sexual Conduct. Sexual conduct means the engaging in or the commission of an act of sexual intercourse, oral-genital contact, or the touching of the sexual organs, pubic region, buttock or female breast of a person for the purpose of arousing or gratifying the sexual desire of another person.

Sexually Explicit Media. Sexually explicit media means magazines, books, videotapes, movies, slides, cd-roms, or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified anatomical areas.

Sexual Gratification. Sexual gratification means sexual conduct as defined herein.

Sexually Oriented Acts. Sexually oriented acts means sexual contact as defined herein.

Sexually Oriented Business. Sexually oriented business means an inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theater; motion picture arcade; bathhouse; massage parlor or shop; and/or sex shop.

Sexually Oriented Cabaret or Sex Oriented Cabaret. Sexually oriented cabaret or sex oriented cabaret means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibiting of specific sexual activities or specified anatomical areas for observation by customer therein.

Sexually Oriented Cinema, Sexually Oriented Motion Picture Theater, or Sex Oriented Cinema. Sexually oriented cinema, sexually oriented motion picture theater, or sex oriented cinema means a cinema or motion picture theater that shows hard-core features on more than half the days that it is open, or that is marketed as or offers features described as “adult”, “XXX”, or sexually oriented.

Sexually Oriented Media Store. Sexually oriented media Store means an establishment that rents and/or sells media, and that meets any of the following tests.

1. Thirty percent (30%) or more of the gross public floor area is devoted to the sexually explicit media;
2. Thirty percent (30%) or more of the stock in trade consists of sexually explicit media; or
3. It advertises or holds itself out in any forum as “XXX”, “adult”, “sex”, or otherwise as a sexually oriented business other than a sexually oriented movie theater or sexually oriented cabaret.

Sexually Oriented Toys or Novelties. Sexually oriented toys or novelties means instruments, devices or paraphernalia either designed as representations of human genital organs or female breasts, or designed or marketed primarily for use to stimulate human genital organs.

Sidewalk. Sidewalk means that portion of the street right-of-way outside the roadway, which is improved for the use of pedestrian or bike traffic.

Sign. Sign means any device designed to inform or attract the attention of persons not on the premises on which the sign is located. Unless otherwise specified, a sign may have one (1) or two (2) faces. (See Article 4 for general regulations governing signs.)

Sign, Animated. Animated sign 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. Attached sign means a sign painted on the exterior face of a building or attached to a building. Attached signs include 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. Flashing sign 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. Freestanding sign means a sign which is not attached to a building. Freestanding signs include ground signs, pole signs, and portable signs.

Sign, Identification. Identification sign means a sign which depicts the name and/or address or a building or establishment on the premises where the sign is located as a means of identifying said building or establishment. An identification sign shall not contain promotional or sales material.

Sign, Non-Flashing. Nonflashing sign 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. Off-site sign means a sign other than an on-site sign.

Sign, On-site. On-site sign 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 the outdoor advertising business.

Sign, Surface Area. Surface area of a sign 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.

Significant Geologic Features. Significant geologic features means geologic features such as sinkholes, springs, caves, stream bluffs, escarpments, outcroppings and other karst features.

Simulated Gambling Device. Simulated gambling device means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, and which may deliver or entitle the person or persons playing or operating the device to a payoff. The following rules of construction apply to this definition of “simulated gambling device”:

1. Device means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term “device” also includes any associated equipment necessary to conduct the operation of the device.
2. Upon connection with means insertion, swiping, passing in range or any other technical means of physically or electromagnetically connecting an object to a device.
3. Object means a coin, bill, ticket, token, card or similar object, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.
4. Play or operate or play or operation means the use of skill, the application of the element of chance, or both.
5. Computer Simulation means simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.
6. Game means slot machines, poker, bingo, craps, keno, any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling, or which could be associated with gambling, but the term game does not necessarily imply gambling as that term may be defined elsewhere.
7. Payoff means cash, monetary or other credit, billets, tickets, tokens or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.
8. The use of the word gambling in the term simulated gambling device is for convenience of reference only. Simulated gambling device as used herein does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

Site. See Lot.

Slot Machine. Slot machine means any electrical, mechanical or electromechanical device which is adapted for use such that by the insertion of coin(s), token(s) or other method of payment the device will allow an operator to play or operate the machine such that the device displays pictures, icons or other images which may, depending upon the displayed combination of said pictures, icons or other images, allow the operator to obtain an item or items of value, including but not limited to money, objects or coupons. Such devices shall be deemed slot machines regardless of whether the operation of the device is affected by chance, by the application of skill or by any combination thereof.

Examples of slot machines include, but are not limited to, the games known as, Fruit Paradise, New Cherry, Fruit Bonus, Triple Jack, Magical Odds, Mystery J&B, Klondike, and Reel of Fortune. Games such as pinball, mechanical grab machines, shooting games and other similar games are not slot machines.

Soil Survey. Soil survey means the United States Department of Agriculture, Soil Conservation Service Soil Survey for the County.

Solid Waste. Solid waste means sludge from a waste treatment works, water supply treatment plant, or air pollution control facility or garbage, rubbish, refuse, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

Solid Waste Facilities. Solid waste facilities means structures or systems designed for the collection, processing or disposal of solid wastes, including hazardous wastes, and includes transfer stations, processing plants, recycling plants, and disposal systems.

Solid Waste Processing Plant. Solid waste processing plant means a facility for incineration, resource recovery, or recycling of solid waste prior to its final disposal.

Solid Waste Transfer Station. Solid waste transfer station means a facility for temporary collection of solid waste prior to transport to a processing plant or to final disposal.

Special Exception. Special exception means a use that would not be appropriate generally or without restriction throughout a zoning district but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, welfare, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such uses may be permissible in a zoning district as a special exception if specific provision for such a special exception is made in these land development regulations. (For the procedure in securing special exceptions, see Articles 12 and 13.)

Specified Anatomical Areas. Specified anatomical areas means and includes:

1. Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and,
2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Specified Sexual Activities. Specified sexual activities means and includes human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual intercourse or sodomy.

Stairway. Stairway means one (1) or more flights of stairs and the necessary landings and platforms connecting them, to form a continuous and uninterrupted passage from one (1) story to another in a building or structure.

Stormwater. Stormwater means the flow of water which results from and that occurs immediately following a rainfall.

Stormwater Runoff. Stormwater runoff means that portion of the stormwater that flows from the land surface of a site either naturally, in manmade ditches, or in a closed conduit system.

Stormwater Management System. Stormwater management system means a system designed to treat stormwater or collect, convey, channel, hold, inhibit, or divert the movement of stormwater on, through and from a site.

Story. Story means that portion of a building included between the surface of any floor and the surface of the next floor above it (including basement), or if there is no floor above it, then the space between such floor and the ceiling next above it. (See also Habitable Story).

Street. Street means a public or private roadway which affords the principal means of access to abutting property. Street includes lanes, ways, places, drives, boulevards, roads, avenues, or other means of ingress or egress regardless of the descriptive term used.

Street Line. The street line is the line between the street and abutting property. A street line is also referred to as the right-of-way line.

Structure. See Definitions, General.

Subdivider. Subdivider means any person, firm, corporation, partnership, association, estate, or trust or any other group or combination acting as a unit, dividing or proposing to divide land so as to constitute a subdivision as herein defined, including a developer or an agent of a developer.

Subdivision. Subdivision is the division of a parcel of land, whether improved or unimproved, into three (3) or more lots or parcels of land, for the purpose whether immediate or future, of transfer of ownership, whether by deed, metes and bounds description, devise, lease, map, plat or other recorded instrument or if the establishment of a new street is involved, any division of such parcel. The term shall not mean the division of land into parcels of more than ten (10) acres not involving any change in street lines; the transfer of property by sale or gift or testate succession by the property owner to his or her spouse or lineal descendants; the transfer of property between tenants in common for the purpose of dissolving the tenancy in common among those tenants. The term includes a resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land subdivided.

Supplied. Supplied means paid for, furnished, or provided by or under control of, the owner or operator.

Surface Water. Surface water means water above the surface of the ground whether or not flowing through definite channels, including the following:

1. Any natural or artificial pond, lake, reservoir, or other area which ordinarily or intermittently contains water and which has a discernible shoreline; or
2. Any natural or artificial stream, river, creek, channel, ditch, canal, conduit culvert, drain, waterway, gully, ravine, street, roadway, swale or wash in which water flows in a definite direction, either continuously or intermittently and which has a definite channel, bed or banks; or
3. Any wetland.

Surficial Aquifer System. Surficial aquifer system means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits. It also includes well-indurated carbonate rocks, other than those of the Floridan Aquifer System where the Floridan is at or near land surface. Rocks making up the surficial aquifer system belong to all or part of the upper Miocene to Holocene Series. It contains the water table and water within it is under mainly unconfined conditions. However, beds of low permeability may cause semi-confined or locally confined conditions to prevail in its deeper parts. The lower limit of the surficial aquifer system coincides with the top of laterally extensive and vertically persistent beds of much lower permeability. Within the surficial aquifer system, one (1) or more aquifers may be designated based on lateral or vertical variations on water bearing properties.

Surety Device. Surety device means an agreement by a subdivider for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the agreement.

Surveyor, Land. Land surveyor means a land surveyor registered under Chapter 472, Florida Statutes, as amended, who is in good standing with the Florida State Board of Engineer Examiners and Land Surveyors.

To Plat. To plat means to divide or subdivide land into lots, blocks, parcels, tracts, sites, or other divisions, however the same may be designated, and the recording of the plat in the office of the County Clerk in the manner provided for in these land development regulations.

Tower Site. Tower site means a parcel on which a communication tower and accessory structures are located which may be smaller than the minimum lot size required for a particular zoning district.

Travel Trailer. Travel trailer means a vehicular, portable structure built on a chassis, designed to be a temporary dwelling for travel, recreational, and vacation purposes, which:

1. Is identified on the unit by the manufacturer as a travel trailer;
2. Is not more than eight (8) feet in body width; and
3. Is of any weight provided its body length does not exceed thirty-five (35) feet.

Truck Stop. Truck stop means an establishment where the principal use is primarily the refueling and servicing of trucks and tractor trailer rigs. Such establishments may have restaurants or snack bars and sleeping accommodations for the drivers of such over-the-road equipment and may provide facilities for the repair and maintenance of such equipment.

Unsafe Building. Unsafe building means any structure that has any of the following conditions, such that the life, health, property, or safety of the general public is endangered:

1. Whenever the stress in any material, member or portion thereof, due to all imposed loads including dead load exceeds the working stresses allowed in the County Building Code for new buildings.
2. Whenever a building, structure or portion thereof has been damaged by fire, flood, earthquake, wind or other cause to the extent that the structural integrity of the buildings or structures is less than it was prior to the damage and is less than the minimum requirement established by the County Building Code for new buildings.
3. Whenever for any reason a building, structure or portion thereof is manifestly unsafe or unsanitary for the purpose for which it is designed.
4. Whenever any building, structure or portion thereof as a result of decay, deterioration or dilapidation is likely to fully or partially collapse.
5. Whenever any building, structure or portion thereof has been constructed or maintained in violation of a specific requirement of County regulations.
6. Whenever any building, structure or portion thereof is unsafe, unsanitary or not provided with adequate egress, or which constitutes a fire hazard, or is otherwise dangerous to human life, or, which in relation to existing use, constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment.

Use. Use means the purpose for which land or water or a structure thereon is designed, arranged, or intended to be occupied or utilized or for which it is occupied or maintained. The use of land or water in the various zoning districts is governed by these land development regulations.

Use of Land. Use of land means use of land, water surface, and land under water to the extent covered by these land development regulations.

Utilities. Utilities mean, but is not necessarily limited to, water systems, electrical power, sanitary sewer systems, storm water management systems, and telephone or television cable systems; or portions, elements, or components thereof.

Valuation or Value. Valuation or value means the estimated cost to replace a building in kind.

Variance. Variance means a relaxation of the terms of these land development regulations where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship. Establishment or expansion of a use otherwise prohibited or not permitted shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning classification or district or adjoining zoning classifications or districts. (For the procedure in securing variances, see Article 12).

Ventilation. Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Water-Dependent Uses. Water-dependent uses mean activities which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for: waterborne transportation including ports or marinas; recreation; electrical generating facilities; or water supply.

Water-Related Uses. Water-related uses mean activities which are not directly dependent upon access to a water body, but which provide goods and services that are directly associated with water-dependent or waterway uses.

Water Wells. Water wells means wells excavated, drilled, dug, or driven for the supply of industrial, agricultural, or potable water for general public consumption.

Well. Well means any excavation that is drilled, cored, bored, washed, driven, dug, jetted, or otherwise constructed when intended use of such excavation is to conduct ground water from an aquifer or aquifer system to the surface by pumping or natural flow, to conduct waters or other liquids from the surface into any area beneath the surface of land or water by pumping or natural flow, or to monitor the characteristics of ground water within an aquifer system(s). Geotechnical borings greater than twenty (20) feet in depth are included in the definition of "well".

Wellfield Management Zone. Wellfield management zone means a wellfield protection area around the wellheads of a community water well system.

Wetlands. Wetlands means land that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient of support, and that under normal circumstances do or would support, a prevalence of vegetation typically adapted for life in saturated soil conditions. The term includes, but is not limited to, swamp hammocks, hardwood swamps, riverine cypress stands, cypress ponds, bayheads and bogs, wet prairies, freshwater marshes, tidal flats, salt marshes and marine meadows.

Yard. Yard means a required open space unoccupied and unobstructed from the ground upward, provided however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

For explanation of how to measure the various types of yards, on rectangular and non-rectangular lots, as defined in the following definitions, see accompanying diagrams.

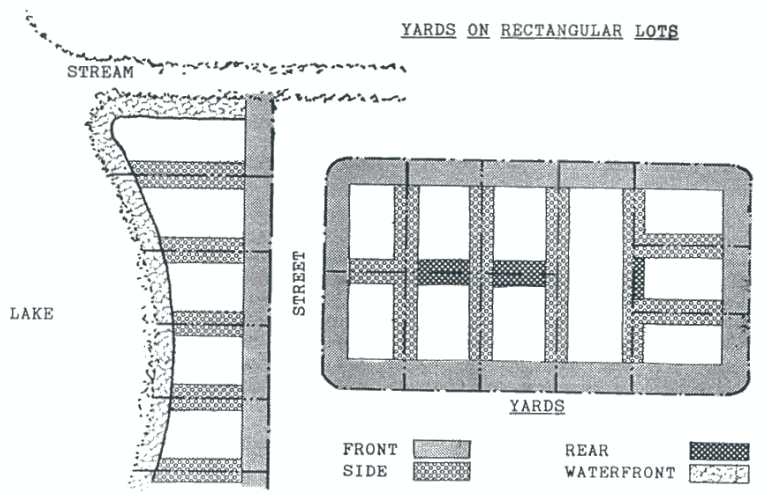
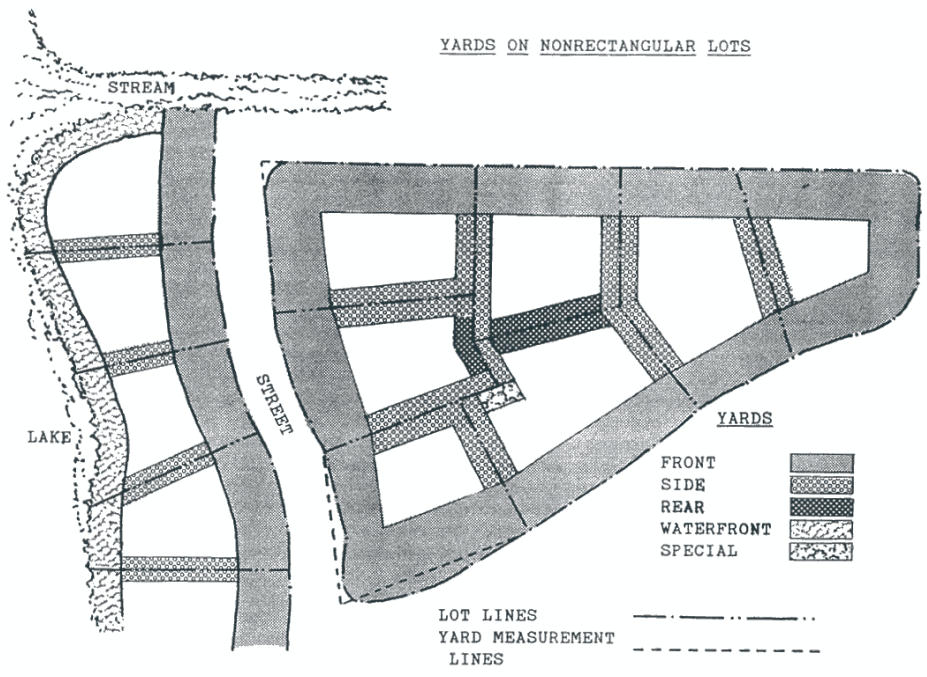
Yard, Front. Front yard means a yard extending between side lot lines across the front of a lot adjoining a street. In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one (1) of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the Land Development Regulation Administrator may waive the requirement for the normal front yard and substitute therefore a special yard requirement which shall not exceed the average of the yards provided on adjacent lots.

In the case of corner lots and reverse frontage lots, a front yard of the required depth shall be provided on both frontages.

Yard, Front: Depth Required. Front yard, depth required, means an area measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot line, in the case of rounded property corners at street intersections, shall be assumed to be the point at which the side and front lot lines would have met without such rounding.

Yard, Rear. Rear yard means a yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards.

Yard, Rear; Depth Required. Rear yard, depth required, means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.



Yard, Side. Side yard means a yard extending from the rear line of the required front yard to the rear lot line, or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the street. In the case of through lots, side yards shall extend from the rear lines of front yards required. In the case of corner lots, yards remaining after front yards have been established on both frontages shall be considered side yards.

Yard, Side; Depth Required. Side yard, depth required, means an area measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Special. Special yard means a yard behind any required yard adjacent to a street required to perform the same functions as a side or rear yard, but adjacent to a lot line and so placed or oriented that neither the term "side yard" nor the term "rear yard" clearly applies. In such cases, the Land Development Regulation Administrator shall require a yard with minimum dimensions as generally required for a side yard or a rear yard in the district, determining which shall apply by the relation of the portion of the lot on which the yard is to be located to the adjoining lot or lots, with due regard to the orientation and location of structures and buildable area thereon.

Yard, Waterfront. Waterfront yard means a yard measured from and parallel to the mean high water mark of the lake, stream, or other watercourse on which the lot is located.

SECTION 2.2 LOTS DIVIDED BY DISTRICT LINES

Where a single lot is located within two (2) or more zoning districts, each portion of that lot shall be subject to all regulations applicable to the district in which it is located.

SECTION 2.3. NONCONFORMING LOTS, NONCONFORMING USES OF LAND, NONCONFORMING STRUCTURES, NONCONFORMING CHARACTERISTICS OF USE, NONCONFORMING USE OF STRUCTURES AND PREMISES

Within the districts established by these land development regulations or amendments that may later be adopted there may exist:

1. Lots,
2. Uses of land,
3. Structures,
4. Characteristics of use, and
5. Use of structures and premises which were lawful before the adoption or amendment of the County's Comprehensive Plan, but which would be prohibited, regulated, or restricted under the terms of these land development regulations or future amendments.

It is the intent of these land development regulations to permit these nonconformities to continue until they are voluntarily removed or removed as required by these land development regulations, but not to encourage their survival. It is further the intent of these land development regulations that nonconformities shall not be enlarged upon, expanded, intensified, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Nonconforming uses are declared by these land development regulations to be incompatible with permitted uses in the districts involved. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after the adoption or amendment of the County's Comprehensive Plan by attachment on a structure or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be prohibited generally in the district involved.

To avoid undue hardship, nothing in these land development regulations shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the adoption or amendment of the County's Comprehensive Plan and upon which actual building construction has been carried on diligently (see Section 2.1 for definition of actual construction). Where excavation or demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such excavation, demolition, or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

- 2.3.1 Nonconforming Lots of Record. In any district in which one (1) family dwellings are permitted, a one (1) family dwelling and customary accessory buildings may be erected, expanded, or altered on any single lot of record on the date of adoption or amendment of the County's Comprehensive Plan notwithstanding limitations imposed by other provisions of these land development regulations. Such lots must be in separated ownership and not of continuous frontage with other lots in the same ownership. The provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to areas width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Adjustment.
- 2.3.2 Nonconforming Uses of Land. Where, on the date of adoption or amendment of the County's Comprehensive Plan, lawful use of land existed which would not be permitted by the Comprehensive Plan and regulations imposed by these land development or regulations, such use may be continued, so long as it remains otherwise lawful, subject to the following provisions:
1. Enlargement, increase, intensification, alteration. No such nonconforming use shall be enlarged, increased, intensified, or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of the County's Comprehensive Plan.
 2. Movement. No such nonconforming use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use on the date of adoption or amendment of the County's Comprehensive Plan.
 3. Discontinuance. If any such nonconforming use ceases for any reason (except when governmental action impedes access to the premises) for a period of more than two (2) consecutive years, any subsequent use of such land shall conform to the regulations specified by these land development regulations for the district in which such land is located.
 4. Structure additions. No structures shall be added on such land, except for the purposes and in a manner conforming to the regulations for the district in which such land is located.
- 2.3.3 Nonconforming Structures. Where a structure existed lawfully under these land development regulations, the date of adoption or amendment of the County's Comprehensive Plan, that could not be built under the Comprehensive Plan or these land development regulations by reason of restrictions on area, lot coverage, height, yards, location on the lot, or requirements other than use concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. Enlargement or alteration. No such nonconforming structure may be enlarged or altered in a way which increases its structural square footage, which existed on the date of adoption or amendment of the County's Comprehensive Plan, although any structure or portion thereof may be altered to decrease its non-conformity;
 2. Destruction. Should such nonconforming structure or nonconforming portion of structure, located in a non-floodprone area, be destroyed by any means to an extent of up to one-hundred (100) percent of its assessed value, such nonconforming structure may rebuild to its per-damage footprint and conditions, provided that rebuilding is commenced within six (6) months of the date of damage. Where such nonconforming structure is located in a flood prone area as identified on the Federal Emergency Management Agency, Flood Insurance Rate Map for the County, and such structure has suffered more than fifty (50) percent of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these land development regulations.
 3. Movement. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

- 2.3.4 Nonconforming Characteristics of Use. If characteristics of use, such as residential densities which lawfully existed on the date of adoption or amendment of the County's Comprehensive Plan or, signs, off-street parking or off-street loading, or other matters pertaining to the use of land, structures, and premises which lawfully existed on the date of adoption or amendment of these land development regulations are made nonconforming by the Comprehensive Plan or these land development regulations as adopted or amended, no change shall thereafter be made in such characteristics of use which increases nonconformity with the County's Comprehensive Plan or these land development regulations; provided, however, that changes may be made which do not increase, or which decrease, such nonconformity.
- 2.3.5 Nonconforming Use of Structures and Premises. Where a lawful use of a structure, or of a structure and premises in combination, existed on the date of adoption or amendment of the County's Comprehensive Plan, that would not be allowed in the district under the terms of the Comprehensive Plan and these land development regulations, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:
1. Enlargement, extension, alteration, etc. No existing structure devoted to a use not permitted by these land development regulations in the district in which such use is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered in a way which increases the structural square footage of the structure, which existed on the date of adoption or amendment of the County's Comprehensive Plan, except in changing the use of the structure to a use permitted in the district in which it is located.
 2. Extension of use. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use and existed on the date of adoption or amendment of the County's Comprehensive Plan. Any nonconforming use which occupied a portion of a building not originally designed or intended for such use shall not be extended to any other part of the building. No nonconforming use shall be extended to occupy any land outside the building, nor any additional building on the same lot or parcel, not used for such nonconforming use on the date of adoption or amendment of the County's Comprehensive Plan.
 3. Change in tenancy or ownership. There may be a change in tenancy, ownership, or management of a nonconforming use provided there is no change in the nature or character of such nonconforming use.
 4. Change in use. Any nonconforming use of a structure, or of a structure and premises in combination, may be changed to another nonconforming use of the same character, or to a more restricted but nonconforming use, provided that the Board of Adjustment shall find after due public notice and hearing that the proposed use is equally or more appropriate to the district than the existing nonconforming use and that the relation of the structure to surrounding properties is such that adverse effects on occupants and neighboring properties will not be greater than if the existing nonconforming use is continued. In permitting such change, the Board of Adjustment may require appropriate conditions and safeguards in accordance with the intent and purpose of these land development regulations.
 5. Change to conforming use requires future conformity with district regulations. Any structure, or structure and premises in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district in which such structure is located, and the nonconforming use shall not thereafter be resumed nor shall any other nonconforming use be permitted.

6. Discontinuance. If any nonconforming use of a structure, or structure and premises in combination, ceases for any reason (except where governmental action impedes access to the premises) for a period of more than two (2) consecutive years, any subsequent use shall conform to the regulations for the district in which the use is located.
 7. Structure additions. No structures shall be added on such premises, except for purposes and in a manner conforming to the regulations for the district in which such premises are located.
 8. Destruction. Should a structure containing a nonconforming use, located in a non-floodprone area, be destroyed by any means to an extent of up to one-hundred (100) percent of its assessed value, such nonconforming structure may rebuild to its per-damage footprint and conditions, provided that rebuilding is commenced within six (6) months of the date of damage. Where such structure containing a nonconforming use is located in a flood prone area as identified on the Federal Emergency Management Agency, Flood Insurance Rate Map for the County, and such structure has suffered more than fifty (50) percent of its assessed value at time of destruction, it shall not be reconstructed except in conformity with the provisions of these land development regulations.
- 2.3.6 Casual, Temporary, or Illegal Use. The casual, temporary, or illegal use of land or structures, or land and structures in combination, shall not be sufficient to establish the existence of a nonconforming use or to create rights in the continuance of such use.
- 2.3.7 Uses Under Special Exception Provisions not Nonconforming Uses. Where on the date of the adoption of these land development regulations the lawful use of land existed, which would be permitted as a special exception in a district under the terms of these land development regulations such use shall not be deemed a nonconforming use in such district, but shall without further action be deemed a conforming use in such district. However any enlargement or expansion of any such uses shall be subject to the procedures for securing special exceptions (see Section 12.2).

SECTION 2.4 VESTED RIGHTS

Certain land development rights of property owners may be vested with respect to the County's Comprehensive Plan. For instance, development specifically approved in a Development of Regional Impact development order is vested in accordance with Section 163.3167(8), Florida Statutes, as amended, and is exempt from the provisions of this section. This section sets forth the procedure for determining those vested rights. A person claiming vested rights to develop property may make application for a Vested Rights Certificate pursuant to this section, notwithstanding the preceding sections.

2.4.1 Determination of Vested Rights.

- 2.4.1.1 An application for a Vested Rights Certificate may be approved and a Vested Rights Certificate issued if an applicant demonstrates rights that are vested under the standards of this section, subject to the limitation set forth in this section and subject to compliance with such laws and regulations against which the development is not vested. Possession of a vested Rights Certificate enables a permittee to complete the development approved under such certificate up to and through issuance of appropriate certificates of occupancy.
- 2.4.1.2 An application for a Vested Rights Certificate may be filed within one (1) year of the adoption of these land development regulations for the subject property. Except as provided in the section, below, failure to file an application within the required period constitutes an abandonment of any claim to vested rights. Judicial relief is not available until administrative remedies set forth in the section are exhausted.

- 2.4.1.3 If a property owner is absent from the State of Florida during the entire filing period and does not have an agent present in the state during such period, such property owner may, with documentation sufficient to indicate a probable lack of notice, be granted leave by the Board of County Commissioners to file an application within one (1) year after the individual's return to the state of Florida.
 - 2.4.1.4 Notwithstanding the provisions of this section, the Board of County Commissioners may, in extraordinary circumstances, allow a property owner to submit an application after the one (1) year deadline where such extension avoids undue hardship to the property owner.
- 2.4.2 Standards for Vested Rights.
- 2.4.2.1 An application for vested rights determination shall be approved if the applicant demonstrates:
 - 1. The applicant:
 - a. Owned the property proposed for development on the date of adoption or amendment of the County's Comprehensive Plan;
 - b. Entered into a contract or option to purchase the property on or before such date; or
 - c. Presents facts such that it would be inequitable, unjust or fundamentally unfair to deny an application for vested rights where the applicant acquired ownership after such date; and
 - 2. There was a valid, unexpired act of an agency or authority of government upon which the applicant reasonably relied in good faith; and
 - 3. The applicant, in reliance upon the valid unexpired act of government, made a change in position or incurred extensive obligations or expenses; and
 - 4. It would be inequitable, unjust or fundamentally unfair to destroy the rights acquired by the applicant. In making this determination, the Board of County Commissioners may consider a number of factors including, but not limited to:
 - a. Whether construction or other development activity has commenced and is continuing in good faith; and
 - b. Whether or not the expense or obligation incurred can be substantially used for a development permitted by the County's Comprehensive Plan and these land development regulations.
 - 2.4.2.2 The following are not considered development expenditures or obligations in and of themselves without more evidence of actions in reliance unless the applicants were unable to obtain further approvals because of extraordinary delays, beyond the control of the applicant:
 - 1. Costs for legal and other professional services that are not related to the design or construction of improvements.
 - 2. Taxes.
 - 3. Costs for acquisition of the land.

2.4.3 Presumptive Vesting. Notwithstanding the criteria set forth in this section, presumptive vesting for consistency and concurrency is applied to any structure on which construction has been completed pursuant to a valid building permit such presumptive vesting for the purposes of consistency and concurrency means there is no requirement to file an application to preserve vested rights status.

1. Presumptive vesting for density only - the following categories of properties are presumptively vested for purpose of density only and shall not be required to file an application to preserve vested rights in this regard:
 - a. Lots of record as of the adoption of the County's Comprehensive Plan, whether located within a subdivision or without, but only to the extent of one single family residence per lot; however, such lots shall not be contiguous on the same frontage as of the adoption of the County's Comprehensive Plan to any other lot(s) owned by or under contract for deed to the person(s) applying for the single family residence building permit; and
 - b. Contiguous lots of record as of the adoption of the County's Comprehensive Plan, whether located within a subdivision or without, where such lots are treated as one lot for one single family residence.

2.4.4 Section 380.06 Vested Rights. Developments of regional impact authorized under Chapter 380.06, Florida Statutes, as amended (1987), pursuant to a valid, unexpired Binding Letter of Vested Rights issued by the state land planning agency, including approved modifications to such Binding Letter of Vested Rights (the "Binding Letter"), shall automatically qualify for a Vested Rights Certificate to be issued upon completion of the procedure set forth in this paragraph. Such permit shall recognize the vesting of the development as set forth in the Binding Letter for purposes of the Comprehensive Plan, from these land development regulations adopted to implement the Comprehensive Plan and from Concurrency. In lieu of subsection 2.4.7, below, such vesting shall continue until development approved in the Binding Letter is complete or until the expiration or invalidation of the Binding Letter, whichever occurs first. Notwithstanding subsection 2.4.7, a proposed change to a development vested hereunder shall be reviewed pursuant to the substantial deviation or change criteria provided for in Chapter 380.06, Florida Statutes, as amended. A substantial deviation after the date of adoption or amendment of the County's Comprehensive Plan shall cause those development rights that are the subject of such deviation to become subject to the Comprehensive Plan, these land development regulations and concurrency requirements. The request for issuance of the Vested Rights Certificate shall consist of the Binding Letter along with a master plan of development or similar document previously approved by the Board of County Commissioners and submitted to the Land Development Regulation Administrator for verification of authenticity. The Land Development Regulation Administrator may require additional documents or materials necessary for the County to determine the extent of development vested and to estimate the capital improvements required by the development.

Submission of the Binding Letter along with the appropriate master plan or similar document and additional materials required by the Land Development Regulation Administrator shall entitle the applicant to a Vested Rights Certificate which shall be issued by the Board of County Commissioners upon receipt of verification of authenticity by the Land Development Regulation Administrator. Development of Regional Impact development is vested under Section 380.06 and for which a Binding Letter has not been issued shall qualify for a Vested Rights Certificate in accordance with the procedures set forth in these land development regulations, upon establishment, that prior to July 1, 1973, the County issued a building

permit or other authorization to commence development and that in reliance on such permit or other authorization there has been a change of position as required under the provisions of Section 380.06(20) Vested Rights; provided however, in lieu of the limitation set forth in subsection 2.4.7, such vesting shall continue until such development is complete or until the state land planning agency determines that such development is not entitled to be vested under Section 380.06, whichever occurs first.

2.4.5 Statutory Vesting. The right to develop or continue the development of property shall exist if:

1. A valid and unexpired final development order was issued by the County prior to adoption of this Comprehensive Plan,
2. Substantial development has occurred on a significant portion of the development authorized in the final development order or is completed or
3. Development is continuing in good faith as of the adoption of the County's Comprehensive Plan.

A "final development order" is a development order which approved the development of land for a particular use of uses at a specified density of use and which allowed development activity to commence on the land for which the development order was issued. "Substantial development" means all required permits necessary to commence and continue the development have been obtained; permitted clearing and grading has commenced on a significant portion of the development; and the actual construction of roads and the stormwater management system on that portion of the development is complete or is progressing in a manner that significantly moves the entire development toward completion.

2.4.6 Common Law Vesting. A right to develop or continue the development of property notwithstanding this Comprehensive Plan may be found to exist if the applicant proves by a preponderance of evidence that the owner or developer, acting in good faith and reasonable reliance upon some act or omission of the County, has made a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right to develop or to continue the development of the property.

2.4.7 Limitation on Determination of Vested Rights:

2.4.7.1 Development subject to a Vested Rights Certificate shall be consistent with the terms of the development approval(s) upon which the Certificate was based. Substantial deviation from a prior approval, except as required by governmental action, shall cause the development to be subject to policies and implementing decisions and regulations of the County's Comprehensive Plan. The Board of County Commissioners shall determine if a proposed or actual deviation change is a substantial deviation based upon:

1. A change in use or intensity of use that would increase the development's impacts on those public facilities subject to Concurrency by more than five (5) percent.
2. A change in access to the project that would increase the development's transportation impacts by more than five (5) percent on any road subject to Concurrency unless the access change would result in an overall improvement to the transportation network.

2.4.7.2 A Vested Rights Certificate applies to the land and is therefore transferrable from owner to owner of the land subject to the Permit.

- 2.4.7.3 Notwithstanding anything in this section to the contrary, a vested rights determination may be revoked upon a showing by the County of a peril to public health, safety or general welfare of the residents of the County unknown at the time of approval.
- 2.4.8 Vested Rights Applications. Applications for a determination of vested rights shall be submitted to the Land Development Regulation Administrator on forms provided by the County. The County shall review the application for sufficiency and an insufficient application shall be returned to the applicant for additional information. Upon acceptance by the County, the application shall be assigned a hearing date. The County establishes the schedule of hearing dates and an application deadline for each hearing.
- 2.4.9 Application Forms. The application for determination of vested rights shall contain information sufficient to permit a determination by the County pursuant to the criteria set forth in this section.

ARTICLE THREE

ADMINISTRATIVE MECHANISMS

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ARTICLE THREE. ADMINISTRATIVE MECHANISMS

SECTION 3.1 PLANNING AND ZONING BOARD

3.1.1 Planning and Zoning Board: Organization

3.1.1.1 Establishment. A Planning and Zoning Board is hereby established for the County.

3.1.1.2 Appointment. The Planning and Zoning Board shall consist of five (5) residents of the County who shall be appointed by the Board of County Commissioners.

The Board of County Commissioners may by resolution designate the Board of County Commissioners to perform the functions of the Planning and Zoning Board.

The Board of County Commissioners may by resolution designate the Planning and Zoning Board to perform the functions of the Board of Adjustment.

3.1.1.3 Term of office. The term of office shall be for three (3) years; provided, however, that of the five (5) members first appointed to the Planning and Zoning Board at the effective date or amendment of these land development regulations one (1) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and two (2) shall be appointed for three (3) years, and that all appointments thereafter shall be for three (3) years.

If the Board of County Commissioners designates the Board of County Commissioners to perform the functions of the Planning and Zoning Board, the terms of office of the members of the Planning and Zoning Board shall run concurrently with said members term of office on the Board of County Commissioners.

If the Board of County Commissioners designates the Planning and Zoning Board to perform the functions of the Board of Adjustment, the terms of office of members of the Planning and Zoning Board shall run concurrently with said members term of office on the Board of Adjustment.

3.1.1.4 Removal for cause. If the Board of County Commissioners elects to appoint a Planning and Zoning Board comprised of membership other than the members of the Board of County Commissioners, such members of the Planning and Zoning Board may be removed for cause by the Board of County Commissioners after filing of written charges, a public hearing, and a majority vote of the Board of County Commissioners.

3.1.1.5 Removal for absenteeism. If the Board of county Commissioners elects to appoint a Planning and Zoning Board comprised of membership other than the Board of County Commissioners, the term of office of any such member of the Planning and Zoning Board who is absent from three (3) consecutive, regularly scheduled meetings of the Planning and Zoning Board may be declared vacant by the Board of County Commissioners.

3.1.1.6 Appointments to fill vacancies. Vacancies in Planning and Zoning Board membership shall be filled by appointment by the Board of County Commissioners for the unexpired term of the member affected. It shall be the duty of the Chairman of the Planning and Zoning Board to notify the Board of County Commissioners within ten (10) days after a vacancy occurs among members of the Planning and Zoning Board.

3.1.2 Planning and Zoning Board: Procedure

- 3.1.2.1 Rules. The Planning and Zoning Board shall establish rules for its own operation not inconsistent with the provisions of applicable State statutes or of these land development regulations. Such rules of procedure shall be available in a written form to persons appearing before the Planning and Zoning Board and to the public.
- 3.1.2.2 Officers. The Planning and Zoning Board shall elect from within the Board a Chairman, who shall be the presiding member; a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The Land Development Regulation Administrator shall serve as the Secretary for the Planning and Zoning Board. Terms of all elected officers shall be for one (1) year. Elected officers shall serve no more than two (2) consecutive terms in the same position.
- 3.1.2.3 Meetings and quorum. The Planning and Zoning Board shall meet at regular intervals at the call of the Chairman, at the written request of three (3) or more regular members, or within thirty (30) days after receipt of a matter to be acted upon by the Planning and Zoning Board, provided that the Planning and Zoning Board shall hold a least one (1) regularly scheduled meeting each month, on a day to be scheduled by the Planning and Zoning Board. Three (3) members of the Planning and Zoning Board shall constitute a quorum. All meetings of the Planning and Zoning Board shall be public. A record of all its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the Land Development Regulation Administrator.
- 3.1.2.4 Disqualification of members. If any member of the Planning and Zoning Board shall find that his or her private or personal interests are involved in a matter coming before the Planning and Zoning Board, he or she shall disqualify himself or herself from all participation in that case. No member of the Planning and Zoning Board shall appear before the Planning and Zoning Board as agent or attorney for any person.
- 3.1.2.5 Decisions. The concurring vote of a majority of the members of the Planning and Zoning Board, who are present and voting, shall be necessary to pass any motion which is considered by the Planning and Zoning Board.
- 3.1.2.6 Appropriations, fees, and other income. The Board of County Commissioners shall make available to the Planning and Zoning Board such appropriations as it may see fit for expenses necessary in the conduct of Planning and Zoning Board work.

3.1.3 Planning and Zoning Board: Functions, Powers, and Duties: Generally. The functions, powers, and duties of the Planning and Zoning Board in general shall be:

1. To 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 material may include maps and photographs of man-made and natural physical features of the County, 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 County.
2. To prepare and recommend to the Board of County Commissioners for adoption, and from time to time amend and revise a comprehensive and coordinated general plan (the Comprehensive Plan) for meeting present requirements and such future requirements as may be foreseen.

3. To recommend principles and policies for guiding action affecting development in the County.
 4. To prepare and recommend to the Board of County Commissioners ordinances, regulations, and other proposals promoting orderly development along the lines indicated as desirable by the Comprehensive Plan.
 5. To determine whether specific proposed developments conform to the principles and requirements of the Comprehensive Plan, especially relating to the management of concurrency requirements as stated within the Comprehensive Plan and these land development regulations.
 6. To serve as the County's Historic Preservation Agency to meet the requirements and carry out the policies and responsibilities of the Comprehensive Plan and Article 11 of these land development regulations.
 7. To review preliminary plats to determine conformity with the Comprehensive Plan and these land development regulations and make recommendations to the Board of County Commissioners.
 8. To conduct an annual review of the County's Capital Improvement Element of the Comprehensive Plan, in conformance with the Procedure for Monitoring and Evaluation of the Capital Improvements Element (see Chapter VIII of the Comprehensive Plan). This review is conducted to ensure that the fiscal resources are available to provide the public facilities needed to support the established level of service standards.
 9. To 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.
 10. To make any necessary special studies on the location, adequacy, and conditions of specific facilities in the County. 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, and the like.
 11. To keep the Board of County Commissioners informed and advised on these matters.
 12. To perform such other duties as may be lawfully assigned to it, or which may have bearing on the preparation or implementation of the Comprehensive Plan. All employees of the County shall, upon request and within a reasonable time, furnish to the Planning and Zoning Board such available records or information as may be required in its work. The Planning and Zoning Board may in the performance of official duties enter upon lands and make examinations or surveys in the same 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 of the purposes of the Planning and Zoning Board.
- 3.1.4 Planning and Zoning Board: Powers and Duties: Special Exceptions. It is the intent of these land development regulations that all proposed special exceptions shall be heard in the first instance by the Planning and Zoning Board as set out in Articles 12 and 13 of these land development regulations.
- 3.1.5 Planning and Zoning Board: Powers and Duties: Amendments. It is the intent of these land development regulations that all proposed amendments shall be heard in the first instance by the Planning and Zoning Board as set out in Articles 13 and 16 of these land development regulations.

- 3.1.6 Planning and Zoning Board: Powers and Duties: Land and Water Fills, Dredging, Excavation, and Mining. It is the intent of these land development regulations that all proposals for land and water fills, dredging, excavation, and mining shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations.
- 3.1.7 Planning and Zoning Board: Powers and Duties: Bulkheads, Docks, Piers, Wharves, and Similar Structures. It is the intent of these land development regulations that all proposals to erect or enlarge bulkheads, docks, piers, wharves, and similar structures shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations.
- 3.1.8 Planning and Zoning Board: Powers and Duties: Temporary Use Permits. It is the intent of these land development regulations that temporary use permits which are issued by the Board of County Commissioners shall be heard in the first instance by the Planning and Zoning Board as set out in Article 14 of these land development regulations
- 3.1.9 Planning and Zoning Board: Powers and Duties: Site and Development Plans. It is the intent of these land development regulations that all applications for site and development plan approval shall be heard by the Planning and Zoning Board as set out in Article 14 of these land development regulations.

SECTION 3.2 BOARD OF ADJUSTMENT

3.2.1 Board of Adjustment: Organization

3.2.1.1 Establishment. A Board of Adjustment is hereby established for the County.

3.2.1.2 Appointment. The Board of Adjustment shall consist of five (5) residents of the County who shall be appointed by the Board of County Commissioners.

The Board of County Commissioners may by resolution designate the Board of County Commissioners to perform the functions of the Board of Adjustment.

The Board of County Commissioners may by resolution designate the Board of Adjustment to perform the functions of the Planning and Zoning Board.

3.2.1.3 Term of office. The term of office shall be for three (3) years; provided, however, that of the five (5) members first appointed to the Board of Adjustment at the effective date or amendment of these land development regulations one (1) shall be appointed for one (1) year, two (2) shall be appointed for two (2) years, and two (2) shall be appointed for three (3) years, and that all appointments thereafter shall be for three (3) years.

If the Board of County Commissioners designates the Board of County Commissioners to perform the functions of the Board of Adjustment, the terms of office of the members of the Board of Adjustment shall run concurrently with said members term of office on the Board of County Commissioners.

If the Board of County Commissioners designates the Board of Adjustment to perform the functions of the Planning and Zoning Board, the terms of office of members of the Board of Adjustment shall run concurrently with said members term of office on the Planning and Zoning Board.

- 3.2.1.4 Removal for cause. If the Board of County Commissioners elects to appoint a Board of Adjustment comprised of membership other than the Board of County Commissioners, such members of the Planning and Zoning Board may be removed for cause by the Board of County Commissioners after filing of written charges, a public hearing, and a majority vote of the Board of County Commissioners.
- 3.2.1.5 Removal for absenteeism. If the Board of county Commissioners elects to appoint a Board of Adjustment Comprised of membership other than the members of the Board of County Commissioners, the term of office of any such member of the Planning and Zoning Board who is absent from three (3) consecutive, regularly scheduled meetings of the Planning and Zoning Board may be declared vacant by the Board of County Commissioners.
- 3.2.1.6 Appointments to fill vacancies. Vacancies in Board of Adjustment membership shall be filled by appointment by the Board of County Commissioners for the unexpired term of the member affected. It shall be the duty of the Chairman of the Board of Adjustment to notify the Board of County Commissioners within ten (10) days after a vacancy occurs among members of the Board of Adjustment.
- 3.2.2 Board of Adjustment: Procedure
 - 3.2.2.1 Rules. The Board of Adjustment shall establish rules for its own operation not inconsistent with the provisions of applicable State statutes or of these land development regulations. Such rules of procedure shall be available in a written form to persons appearing before the Board of Adjustment and to the public.
 - 3.2.2.2 Officers. The Board of Adjustment shall elect from within the Board a Chairman, who shall be the presiding member; a Vice Chairman, who shall preside in the Chairman's absence or disqualification. The Land Development Regulation Administrator shall serve as the Secretary for the Board of Adjustment. Terms of all elected officers shall be for one (1) year. Elected officers shall serve no more than two (2) consecutive terms in the same position.
 - 3.2.2.3 Meetings and quorum. The Board of Adjustment shall meet at regular intervals at the call of the Chairman, at the written request of three (3) or more regular members, or within thirty (30) days after receipt of a matter to be acted upon by the Board of Adjustment, provided that the Board shall hold at least one (1) regularly scheduled meeting each month, on a day to be scheduled by the Board of Adjustment. Three (3) members of the Board of Adjustment shall constitute a quorum.

All meetings of the Board of Adjustment shall be public. A record of all its resolutions, transactions, findings, and determinations shall be made, which record shall be a public record on file in the office of the Land Development Regulation Administrator.
 - 3.2.2.4 Disqualification of members. If any member of the Board of Adjustment shall find that his or her private or personal interests are involved in a matter coming before the Board, he or she shall disqualify himself or herself from all participation in that case. No member of the Board of Adjustment shall appear before the Board of Adjustment as agent or attorney for any person.

- 3.2.3 Board of Adjustment: Powers and Duties: Administrative Review. The Board of Adjustment shall have the power to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the Land Development Regulation Administrator in the enforcement of these land development regulations as set out in Article 12 of these land development regulations.
- 3.2.4 Board of Adjustment: Powers and Duties: Special Exceptions. The Board of Adjustment shall have the power to hear and decide upon appeal in specific cases such special exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of these land development regulations; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when they would not promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or general welfare as set out in Articles 12 and 13 of these land development regulations.
- 3.2.5 Board of Adjustment: Powers and Duties: Variances. The Board of Adjustment shall have power to authorize upon appeal such variance from the terms of these land development regulations as will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the provisions of these land development regulations would result in unnecessary and undue hardship as set out in Article 12 of these land development regulations.

ARTICLE FOUR

ZONING REGULATIONS

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ARTICLE FOUR. ZONING REGULATIONS

SECTION 4.1 ZONING DISTRICTS

4.1.1 ESTABLISHMENT OF DISTRICTS

In order to classify, regulate, and restrict the use of land, buildings, and structures; to regulate the area of yards and open spaces about buildings; to regulate the intensity of land use, and to promote orderly growth within areas subject to these land development regulations, the following zoning districts are established:

CSV	Conservation
ESA-1, 2, 3	Environmentally Sensitive Areas
A-1, 2, 3, 4	Agricultural
RR	Rural Residential
RSF-1, 2, 3	Residential, Single Family
RSF/MH-1, 2, 3	Residential, (Mixed) Single Family/Mobile Home
RMH-1, 2, 3	Residential, Mobile Home
RMH-P	Residential, Mobile Home Park
RMF-1, 2	Residential, Multiple Family
CN	Commercial, Neighborhood
CG	Commercial, General
CI	Commercial, Intensive
ILW	Industrial, Light and Warehousing
I	Industrial
PRD	Planned Residential Development
PRRD	Planned Rural Residential Development

4.1.2 OFFICIAL ZONING ATLAS

The land areas subject to these land development regulations are hereby divided into zoning districts as set out in this Article above and as shown on the Official Zoning Atlas of the County. The Official Zoning Atlas, which may consist of one (1) or more maps, together with all explanatory material shown therein is hereby adopted by reference and declared to be part of these land development regulations. The Official Zoning Atlas is and shall remain on file in the office of the Land Development Regulation Administrator. The Official Zoning Atlas shall be identified by the signature of the Chairman of the Board of County Commissioners and attested by the Clerk of the Circuit Court of the County.

If, in accordance with the provisions of these land development regulations, changes are made in district boundaries or other subject matter portrayed on the Official Zoning Atlas by the Land Development Regulation Administrator, such changes shall be made on the Official Zoning Atlas promptly after the amendment has been adopted.

All changes made on the Official Zoning Atlas or matter shown thereon shall be in conformity with the procedures set forth in these land development regulations.

The Official Zoning Atlas, which shall be located in a designated place easily accessible to the public, shall be the final authority as to the current zoning status of land and water areas, as well as, buildings and other structures in areas subject to these land development regulations.

Prior zoning atlases or remaining portions thereof, which have had the force and effect of official zoning maps or atlases for areas subject to these land development regulations, shall be retained as a public record and as a guide to the historical zoning of land and water areas.

4.1.3 RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES

4.1.3.1 District regulations extend to all portions of districts surrounded by boundaries. Except as otherwise specifically provided, district symbols or names shown within district boundaries on the Official Zoning Atlas indicate that district regulations pertaining to the district extend throughout the entire area surrounded by the boundary line.

4.1.3.2 Rules where uncertainty exists. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Atlas, the following rules shall apply:

1. Centerlines. Boundaries shown as approximately following the centerlines of dedicated streets, highways, alleys, or rights-of-way shall be construed as following such center lines as they exist on the ground, except where variation of actual location from mapped location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such a manner as to avoid changing the zoning status of any lot or parcel. In case of a street vacation, the boundary shall be construed as remaining in its location except where ownership of the vacated street is divided other than at its center, in which case the boundary shall be construed as moving with the ownership.
2. Lot lines. Boundaries shown as approximately following lot lines or public property lines shall be construed as following such lines; provided, however, that where such boundaries are adjacent to a dedicated street, alley, highway, or right-of-way and the zoning status of the street, highway, alley, or right-of-way is not indicated, the boundaries shall be construed as running to the middle of the street, highway, alley, or right-of-way. In the event of street vacation, interpretation shall be as provided in (1) above.
3. City or Town limits. Boundaries shown as approximately following city or town limits shall be construed to follow such city or town limits.
4. Railroad tracks. Boundaries shown as following railroad tracks shall be construed to be midway between the main tracks.
5. Mean high water lines; centerlines of streams, canals, lakes, or other bodies of water. Boundaries indicated as following mean high water lines or centerlines of streams, canals, lakes, or other bodies of water shall be construed as following such mean high water lines or centerlines. In case of a change in mean high water line, or of the course or extent of bodies of water, the boundaries shall be construed to move with the change, except where such move would change the zoning status of a lot or parcel. In such case, the boundary shall be interpreted in a manner as to avoid changing the zoning status of any lot or parcel.

6. Body of water. Boundaries shown as entering any body of water but not continuing to intersection with other zoning boundaries or with the limits of jurisdiction of Board of County Commissioners shall be construed to continue in the direction in which they enter the body of water and intersection with another zoning boundary or with the limits of jurisdiction of the Board of County Commissioners.
7. Boundaries parallel. Boundaries shown as parallel to or extensions of features indicated in (1) through (6) above shall be construed to be parallel to or extensions of such features.
8. Measurement of district boundaries. Distances not specifically shown on the Official Zoning Atlas shall be determined by the scale of the map showing the property in question.

4.1.3.3 Cases not covered by Section 4.1.3.2. In cases not covered by Section 4.1.3.2 above, the Land Development Regulation Administrator shall interpret the Official Zoning Atlas in accord with the intent and purpose of these land development regulations. Appeal from the interpretation of the Land Development Regulation Administrator shall be only to the Board of Adjustment in conformity with Article 12 of these land development regulations.

4.1.4 SCHEDULE OF DISTRICT REGULATIONS

The restrictions and controls intended to regulate development in each zoning district are set forth in the Schedule of District Regulations within this Article and are supplemented by Section 4.2, Supplementary District Regulations and Section 2.3, Nonconformities.

4.1.5 APPLICATION OF DISTRICT REGULATIONS

The regulations, set by these land development regulations, within each district shall be minimum or maximum limitations, as appropriate to the use, and shall apply uniformly to each class or kind of structure, use, land, or water. Except as hereinafter provided:

- 4.1.5.1 Zoning affects use or occupancy. No structure, land, or water shall hereafter be used or occupied, and no structure or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations specified in these land development regulations for the district in which it is located.
- 4.1.5.2 Zoning affects height of structures, population density, lot coverage, yards, and open spaces. No structure shall hereafter be erected or altered:
 1. To exceed height, bulk, or floor area;
 2. To provide a greater number of dwelling units per acre;
 3. To provide less lot area per dwelling unit or to occupy a smaller lot; or
 4. To occupy a greater percentage of lot area; or to provide narrower or smaller yards, courts, or open spaces; or lesser separation between buildings or structures or portions of buildings or structures, than herein required; or in any other manner contrary to the provisions of these land development regulations.

- 4.1.5.3 Multiple use of required space prohibited. No part of a required yard or other required open space, or off-street parking or off-street loading space, provided in connection with one (1) structure or use shall be included as meeting the requirements for any other structure or use, except where specific provision is made in these land development regulations.
- 4.1.5.4 Reduction of lot area prohibited. No lot or yard existing at the effective date of these land development regulations shall thereafter be reduced in dimension or area below the minimum requirements set forth herein, except by reason of a portion being acquired for public use in any manner such as dedication, condemnation or purchase. Lots or yards created after the effective date of these land development regulations shall meet at least the minimum requirements established by these land development regulations.

4.1.6 DEFINITIONS OF GROUPINGS OF VARIOUS DISTRICTS

Where the phrases "all conservation districts", "conservation districts", "zoned conservation", "conservation zone", or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following district:

CSV Conservation

Where the phrases "environmentally sensitive area districts", "zoned environmentally sensitive", "environmentally sensitive zone", or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

ESA-1, 2, 3 Environmentally Sensitive Areas

Where the phrases "all agricultural districts", "agricultural districts", "zoned agriculturally", "agricultural zone", "agriculturally zoned", or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

A-1, 2, 3, 4, 5 Agricultural

Where the phrases "one (1) family residential districts", "one (1) family residential district", "zoned for one (1) family residential purposes", or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

RR Residential, Rural
 RSF-1, 2, 3 Residential, Single Family
 RSF/MH-1, 2, 3 Residential, (Mixed) Single Family/Mobile Home
 RMH-1, 2, 3 Residential, Mobile Home

Where the phrases "all residential districts", "residential district", "zoned residentially", "residentially zoned", "zoned for residential purposes" or phraseology of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

RR Residential, Rural
 RSF-1, 2, 3 Residential, Single Family
 RSF/MH-1, 2, 3 Residential, (Mixed) Single Family/Mobile Home

RMH-1, 2, 3	Residential, Mobile Home
RMH-P	Residential, Mobile Home Park
RMF-1, 2	Residential, Multiple Family

Where the phrases "commercial districts", "zoned commercially", "commercially zoned", "commercial zoning", or phrases of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

CN	Commercial, Neighborhood
CG	Commercial, General
CI	Commercial, Intensive

Where the phrases "industrial districts", "zoned industrially", "industrially zoned", "industrial zoned", or phraseology of similar intent, are used in these land development regulations, the phrases shall be construed to include the following districts:

ILW	Industrial, Light and Warehousing
I	Industrial

Where the phrases "planned residential development" and "planned rural residential development" "zoned for planned residential development" and "zoned for planned rural residential development" or phrases of similar intent are used in these land development regulations, the phrases shall be construed to include the following districts:

PRD	Planned Residential Development
PRRD	Planned Rural Residential Development

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SECTION 4.2. SUPPLEMENTARY DISTRICT REGULATIONS

4.2.1 SCOPE

Provisions set forth in this Section apply to all areas subject to these land development regulations, and all zoning districts therein, unless exceptions are specifically provided relating to one (1) or more zoning districts, or except as otherwise provided in these land development regulations.

4.2.2 ACCESSIBILITY FOR THE PHYSICALLY DISABLED OR HANDICAPPED

The public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be accessible to the physically disabled and handicapped.

4.2.2.1 Application. The requirements of Section 4.2 shall apply to all levels and areas of buildings and uses, and to all types of uses, with the exceptions that one (1) family and two (2) family (duplex) dwellings are exempted from these requirements.

4.2.2.2 Requirements for access to buildings and uses.

1. Accessibility to buildings and uses shall be provided from rights-of-way and parking areas by means of a pathway leading to at least one (1) entrance generally used by the public. Such pathway shall have been cleared of all obstructions related to construction activity, prior to the opening of the building to the general public. Where curbs exist along such pathway, as between a parking lot surface and a sidewalk surface, inclined curb approaches or curb cuts having a gradient of not more than one (1) foot in twelve (12) feet and a width of not less than four (4) feet shall be provided for access by wheelchairs.
2. Except as otherwise specified herein, required off-street parking areas shall have off-street parking space reserved for the physically handicapped. (See Section 4.2.17.5, Off-street Parking: Handicapped Parking Spaces, for the number, dimensions, and other requirements for handicapped parking spaces).

4.2.3 ACCESS CONTROL

In order to provide ease and convenience in ingress and egress to private property, but more importantly to provide the maximum safety with the least interference to the traffic flow on public streets, the number and location of curb breaks shall be regulated relative to the intensity or size of the property served and the amount of frontage which that property has on a given street.

Further, for roadways which are part of the State of Florida highway system the number and location of curb breaks shall be in conformance with Chapter 14-96 and 14-97, rules of the Florida Department of Transportation and the Departments Access Management Manual.

4.2.3.1 Number and location of curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number and location of curb breaks shall be regulated as follows:

1. One (1) curb break shall be permitted for ingress and egress purposes to a single property or development provided, however, that more than one (1) curb break may be permitted in accordance with paragraphs (2), (3) and (4) below.
2. Two (2) curb breaks entering on a particular street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum distance between the two curb breaks equals or exceeds twenty (20) feet.
3. Three (3) curb breaks entering on a particular street from a single property or development may be permitted if all other requirements of this Section are met and if the minimum distance between adjacent curb breaks equals or exceeds one hundred (100) feet.
4. More than three (3) curb breaks entering on a particular street may be permitted from a single property or development where the minimum distance between adjacent curb breaks equals or exceeds one thousand (1,000) feet.

4.2.3.2 Width of curb break.

1. The width of a curb break shall be within the minimum and maximum limits as specified below:

LOCATION	MINIMUM	MAXIMUM
Residential	12 feet	24 feet
Planned shopping centers, industrial developments, Multi-family developments (with parking for 300 or more vehicles)	24 feet	60 feet
All other uses:		
One-way	12 feet	24 feet
Two-way	24 feet	40 feet

2. All curb break widths shall be measured at the street right-of-way line.
3. In no case shall a curb break width be less than twelve (12) feet.

4.2.3.3 Areas of limited street improvements.

1. No curb break shall be constructed in the radius return (curved arc between intersecting street pavements) of an intersection.
2. No curb break shall be constructed nearer than ten (10) feet from the intersection of street right-of-way lines.
3. No curb break shall be constructed nearer than five (5) feet from any interior property line.
4. To prevent vehicle overhang on private property in the vicinity of curb breaks, off-street parking areas, and off-street loading areas, a six (6) inch raised curb and/or parking stops shall be constructed a minimum distance of three (3) feet inside the street right-of-way line or property line.

5. No curb break shall be permitted to include any public facility such as traffic signal standards, catch basins, fire hydrants, utility poles, fire alarm supports, or other similar type structures.

4.2.3.4 Curb break permit. No curb break shall be established or altered without a permit issued by the Land Development Regulation Administrator.

4.2.4 ACCESSORY USES AND STRUCTURES

In residential districts, unless otherwise provided in these land development regulations, in all districts accessory uses and structures shall not be located in required front, side, or waterfront yards but may be located in rear yards not less than ten (10) feet from the rear lot line; provided, however:

1. That accessory structures for the housing of persons, such as guest houses, shall not be located in any required yard, nor shall air conditioner compressor units be located in any required yard; and
2. Structures used for water related activities such as boat docks, boat houses, and similar uses may be located anywhere in a required waterfront yard.

No separate accessory building shall be located within five (5) feet of any building.

4.2.5 ALCOHOLIC BEVERAGES

Indications in the Schedule of District Regulations that the sale of alcoholic beverages is permitted in any zoning district shall not in any way be deemed to limit, qualify, or repeal any other local regulations or regulations of the State of Florida relating to the licensing, dispensing, or sale of such beverages or the location of alcoholic beverage establishments.

4.2.6 AUTOMOTIVE SERVICE AND SELF-SERVICE STATIONS

The following regulations shall apply to the location, design, construction, operation, and maintenance of automotive service and self-service stations (with the exception that for automobile self-service stations where self-service gasoline pumps in conjunction with retail and commercial outlets for sale of food, hardware and drugs, there shall be no outside sales of oil, grease, parts or accessories for automobiles and no service except for self-service water, air or carwash).

- 4.2.6.1 Lot dimensions and area. An automotive service station lot shall be of adequate width and depth to meet all setback requirements, but in no case shall a corner lot have less than one hundred fifty (150) feet of frontage on each street side, and an interior lot shall have a minimum width of at least one hundred fifty (150) feet. A corner lot shall have a minimum area of not less than twenty thousand (20,000) square feet and an interior lot a minimum area of not less than fifteen thousand (15,000) square feet.
- 4.2.6.2 Lighting. All lights and lighting for an automotive service station shall be so designed and arranged that no source of light shall be visible from any residential district.
- 4.2.6.3 Location of pumps and structures. No main or accessory building, no sign of any type, and no gasoline pump shall be located within twenty-five (25) feet of the lot line of any property that is zoned for residential purposes. No gasoline pump shall be located within fifteen (15) feet of any street right-of-way line; where a greater street setback line has been established, no gasoline pump shall be located within fifteen (15) feet of such setback line.

4.2.6.4 Curb breaks. A curb break is a driveway or any other point of access or opening for vehicles onto a public street. The number of curb breaks for each automotive service station shall not exceed two (2) for each one hundred fifty (150) feet of street frontage, each break having a width of no more than thirty (30) feet exclusive of transitions and located not closer than fifteen (15) feet of right-of-way lines of any intersection. Curb breaks shall not be closer than fifteen (15) feet to any other property line. There shall be a minimum distance of twenty (20) feet between curb breaks.

4.2.6.5 Trash storage. Adequate, enclosed trash storage facilities shall be provided on the site.

4.2.7 DRIVE-IN THEATERS

The following regulations apply to the construction and operation of drive-in theaters:

1. The screen must be so oriented that the picture is not visible from any existing or proposed major street.
2. Not more than two (2) exits shall be provided to each access highway but such exits may be suitably channelized to provide for right and left turns onto the highway, and not more than one (1) traffic lane shall be permitted for each traffic lane on the highway available to vehicles leaving the theater.
3. No entrance or exit shall be within five hundred (500) feet of the intersection of the right-of-way lines of any public street.
4. Sufficient area shall be provided between the highway and the viewing area to provide storage space for vehicles equal to not less than twenty-five (25) percent of theater capacity and of that storage space so provided not less than ten (10) percent of the theater capacity shall be provided between the highway and the ticket booths. In all cases, sufficient storage space shall be provided so that vehicles will not back onto the traveled way of the highway. Storage area shall be calculated on the basis of one (1) space per twenty-five (25) lineal feet of storage lane.
5. An individual speaker shall be provided for each vehicle. All speakers shall be equipped with sufficient cord to permit the speaker to be placed inside the vehicle. Speakers must not be audible beyond the boundaries of the theater property lines.

4.2.8 ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A PLATTED LOT

Whenever any land is subdivided, a building permit for the construction of a building or other principal structure (excluding commercial buildings under common ownership or unified control) shall not be issued for any such structure on less than a lot as platted within such subdivided land. This restriction shall not apply to portions of lots in individual ownership prior to the date of adoption or amendment of these land development regulations. Although, such portions shall be required to meet the required lot yard, building height, lot coverage, landscaped buffering, and offstreet parking requirements of these land development regulations.

4.2.9 FUTURE LAND USE PLAN AMENDMENT FOR PUBLIC BUILDINGS AND FACILITIES

Public buildings and facilities, including public schools, which do not meet the definition of "essential services" as stated in Article 14 of these land development regulations, shall require an amendment to the Future Land Use Plan Map of the County's Comprehensive Plan to "Public Land Use", prior to approval as a special exception.

4.2.10 EXCLUSIONS FROM HEIGHT LIMITATIONS

The height limitations contained in the Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, elevator shaft enclosures, airport control towers, observation towers or other appurtenances usually required to be placed above the roof level and, excepting airport control towers and observation towers, not intended for human occupancy; however, the heights of these structures or appurtenances thereto shall not exceed any height limitations prescribed by the Federal Aviation Agency or airport zoning regulations within the flight approach zone of airports.

4.2.11 FALLOUT SHELTERS

Fallout shelters are permitted in all zoning districts. Individual structures in residential districts shall be considered as accessory structures.

4.2.12 FENCES, WALLS, AND HEDGES

Notwithstanding other provisions of these land development regulations, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; provided that no solid fence, solid wall, or hedge located within the required front yard shall constitute an obstruction to visibility between two and one half (2 1/2) and six (6) feet above the centerline grade of the adjacent street.

4.2.13 LANDSCAPED BUFFER AREAS

The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between or among different uses of land in proximity to each other.

4.2.13.1 Requirements. Where these land development regulations require a landscaped buffer area, the following requirements shall be met:

1. The landscaped buffer area width shall be measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line or lines.
2. The area shall be so designed, planted, and maintained as to be eighty percent (80%) or more opaque between two (2) and six (6) feet above average ground level when viewed horizontally; provided, however, that plantings located in the required front yard shall not exceed two and one-half (2 1/2) feet in height.
3. Types and numbers of plantings for landscaped buffers shall be submitted with application for building permit. No building permit shall be issued without such data, where these land development regulations require a landscaped buffer area or areas.
4. Plantings shall be of a size and type which will insure the meeting of the eighty (80) percent opacity requirement within no longer than thirty (30) months of the date of first planting. Where questions may arise as to the suitability of proposed plant materials to meet this requirement, final determination of suitability shall be made by the Land Development Regulation Administrator.
5. The remainder of the required landscaped buffer area not covered by planting shall be landscaped with grass, ground cover, or other landscape treatment; except as otherwise provided herein, structures including buildings and offstreet parking and loading areas shall not be located in any required landscaped buffer area.

6. The landscaped buffer area shall be maintained by the property owner and successors and continued so long as the main use continues. Failure to maintain the landscaped buffer area as set out above shall be a violation of these land development regulations.

4.2.13.2 Substitution for landscaped buffer area. Except when otherwise specifically provided by these land development regulations, a six (6) foot high masonry or wood opaque structure may be substituted for the six (6) foot high, planted buffer within these supplementary regulations; provided, however, that where the masonry or wood opaque structure is located in the required front yard, it shall not exceed two and one-half (2 1/2) feet in height.

4.2.13.3 Waiver by Land Development Regulation Administrator. When the Land Development Regulation Administrator finds that the public safety requires, he or she may waive or modify the buffer requirements set out in Section 4.2 at street and alley frontages adjacent to any entrance; the finding of the Land Development Regulation Administrator shall be in writing and shall be filed with the approved building permit. The finding shall demonstrate that the buffer is not required for a certain number of feet back from the street or alley entrance in order to afford protection to pedestrian or vehicular traffic entering or leaving the lot on which the landscaped buffer area is required by these land development regulations.

4.2.13.4 Waiver by Board of Adjustment. Where by the terms of these land development regulations a non-residential use is required to provide a landscaped buffer along a property line which is contiguous to another non-residential use, the Board of Adjustment may waive the landscaped buffer requirements if evidence is presented to the Board that the buffer will serve no useful purpose. Such evidence shall be heard in the same manner as a request for other variances, and adjoining property owners must be notified in writing of the Board of Adjustment meeting when the request will be heard.

4.2.13.5 Application where these land development regulations set out different requirements. In those instances where these land development regulations set out a different buffering requirement (e.g., greater height of landscaped buffer, or a different type of buffer), then the specific provisions of these land development regulations applicable to the particular type of use shall govern.

4.2.14 MINIMUM LIVING AREA

Minimum living area requirements are specified in Article 9 of these land development regulations.

4.2.15 MOBILE HOME - REPLACEMENT OF EXISTING MOBILE HOMES

For the purposes of these land development regulations, the phrase existing mobile homes shall mean mobile homes which existed as of the effective date of adoption or amendment of these land development regulations. In those districts which do not permit the erection of new mobile homes but do permit existing mobile homes as a principal use, such existing mobile homes may be removed and replaced by another mobile home, provided:

1. That a period of not greater than six (6) consecutive months elapses between the removal of one (1) mobile home and the erection of another mobile home; and

2. Where a mobile home is removed and is not replaced for a period greater than six (6) consecutive months for any reason (except where governmental action impedes access to the premises), such mobile home shall not be replaced and any subsequent use shall conform to the regulations for the district in which the use is located.

4.2.16 MOVING OF BUILDINGS AND STRUCTURES

No building or structure shall be moved from one (1) lot to another lot, or moved to another location on the same lot, unless such building or structure shall thereafter conform to all of the applicable provisions of these land development regulations and to all other regulations and ordinances of the County.

4.2.17 OFFSTREET PARKING AND LOADING

It is the intent of these land development regulations that the public interest, welfare, and safety requires that buildings and uses erected after the effective date of these land development regulations shall be provided with adequate offstreet parking facilities (including in certain specified cases, off-street parking facilities for the handicapped) for the use of occupants, employees, visitors, customers, or patrons. It is also the intent of these land development regulations that the public interest, welfare, and safety require that certain uses provide adequate offstreet loading facilities. Such offstreet parking and offstreet loading facilities shall be maintained and continued so long as the main use continues. (For definitions of "loading space, offstreet", "parking space, handicapped", and "parking space, offstreet", see Definitions, Section 2.1)

4.2.17.1 Offstreet parking and offstreet loading: General

1. Offstreet parking and loading facilities shall be provided as set out in these land development regulations. Conforming buildings and uses existing as of the effective date of these land development regulations may be modernized, altered, or repaired without providing additional offstreet parking or offstreet loading facilities, providing there is no increase in floor area or capacity.
2. Where a conforming building or use existed as of the effective date of these land development regulations and such building or use is enlarged in floor area, volume, capacity, or space occupied, offstreet parking and offstreet loading as specified in these land development regulations shall be provided for the additional floor area, volume, capacity, or space so created or used.
3. Change in use of a building or use existing as of the effective date of these land development regulations shall require additional offstreet parking and/or offstreet loading facilities to the extent that the use shall provide additional parking spaces and/or offstreet loading facilities amounting to the difference between the required number of parking spaces and/or offstreet loading facilities for the new use and the required number of parking spaces for the previous use.
4. The design, construction, and arrangement regulations herein set out for offstreet parking and offstreet loading facilities do not apply to one (1) and two (2) family (duplex) dwellings.
5. Required offstreet parking areas shall not be used for sales or display, dead storage, repair, dismantling, or servicing of any type or kind, nor shall areas devoted to such activities count as meeting offstreet parking requirements.

6. Unless otherwise specified and subject to meeting required landscaped buffer requirements, all required yards may be used for offstreet parking.
- 4.2.17.2 Offstreet parking and offstreet loading facilities: identification, surfacing, drainage, lighting, access. The required offstreet parking and offstreet loading facilities shall be:
- 4.2.17.3 Offstreet parking: location. The required offstreet 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 offstreet parking facilities within three hundred (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 said 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 the 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 offstreet facilities are provided in accord with these land development regulations.
- 4.2.17.4 Offstreet parking: dimensional standards. Each offstreet parking space, with the exception of handicapped parking spaces, shall be a minimum of ten (10) feet by twenty (20) feet in size. Minimum aisle width shall be as follows:

AISLE WIDTH		
Angle of Parking	One Way	Two Way
Parallel	12 feet	20 feet
30°	12 feet	22 feet
45°	12 feet	22 feet
60°	18 feet	24 feet
90°	22 feet	24 feet

For purposes of rough computation, an offstreet parking space and necessary access and maneuvering room may be estimated at three hundred (300) square feet. However, offstreet parking requirements will be considered to be met only where actual spaces meeting the requirements above are provided and maintained, improved in the manner required by these land development regulations, and in accordance with all ordinances and regulations of the Board of County Commissioners.

4.2.17.5 Offstreet parking: handicapped parking spaces. Except as otherwise specified herein, required offstreet parking areas shall have a number of level parking spaces, as set forth in the following table, identified by above grade signs as being reserved for physically handicapped persons. Each parking space so reserved shall be not less than twelve (12) feet in width and twenty (20) feet in length.

PARKING SPACES FOR HANDICAPPED	
Total Spaces in Lot	Required Number of Required Spaces
up to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1,000	2% of total
over 1,000	20 plus 1 for each 100 over 1,000

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. (See Section 4.2.2 for additional provisions regarding accessibility for physically handicapped persons.)

4.2.17.6 Offstreet parking: plans required. A plan shall be submitted with every application for a building permit for any building or use that is required to provide offstreet parking. The plan shall accurately designate the required parking spaces, access aisles, and driveways, and the relation of the offstreet parking facilities to the uses or structures such facilities are designed to serve.

4.2.17.7 Offstreet parking: combined offstreet parking. Two (2) or more owners or operators of buildings or uses requiring offstreet parking facilities may make collective provision for such facilities, provided that the total of such parking spaces when combined or used together shall not be less than the sum of the requirements computed separately. Any arrangement for combined offstreet parking shall be subject to the filing of a deed restriction satisfactory to the Attorney for the Board of County Commissioners insuring that such offstreet parking will be maintained in the future so long as a use or uses requiring such offstreet parking continue.

No part of an offstreet parking area required for any building or use shall be included as a part of an offstreet parking area similarly required for another building or use unless the Board of Adjustment shall find that the type of use indicates that the period of usage will not overlap or be concurrent with each other.

- 4.2.17.8 Offstreet parking: fractional measurements. When units or measurements determining number of required offstreet parking spaces result in requirement of a fractional space, then such fraction equal or greater than one half (1/2) shall require a full offstreet parking space.
- 4.2.17.9 Offstreet parking: minimum requirement. Irrespective of any other requirement of these land development regulations, each and every separate individual store, office, or other business shall be provided with at least one (1) offstreet parking space, unless specific provision to the contrary is made herein.
- 4.2.17.10 Offstreet parking: landscaping requirements. Wherever in any zoning district offstreet parking facilities are provided, such offstreet parking facilities shall conform to the minimum landscaping requirements set forth in this section, except that one (1) family and two (2) family (duplex) residential dwellings and multi-level parking structures shall be exempt from such requirements.
1. Except, as otherwise noted herein, a minimum of ten percent (10%) of any offstreet parking area shall be landscaped with grass, plants, shrubs, and/or trees. Required landscaping may, in part, be located around the periphery of the offstreet parking area; however, where possible a portion of the required landscaping shall also be located within the interior of the offstreet parking area and shall be located in such a manner as to divide and break up the expanse of paving and guide traffic flow and direction.
 2. Each separate landscaped area shall contain a minimum of fifty (50) square feet and shall have a minimum dimension of at least three (3) feet, and shall include at least one (1) tree, with the remaining area adequately landscaped with shrubs, ground cover, or other landscaping material.
 3. The total number of trees shall not be less than one (1) for each two hundred (200) square feet or fraction thereof of required landscaping. Trees shall be a minimum of four (4) feet overall height immediately after planting. Trees shall not be planted closer than six (6) feet to any public street or other public works, unless the tree root system is completely contained within a barrier for which the minimum interior dimensions shall be five (5) feet square and five (5) feet deep, and for which the construction requirements shall be four (4) inch thick concrete reinforced with #6 road mesh (6 x 6 x 6) or equivalent.
 4. Failure to maintain required landscaped area shall be a violation of these land development regulations.
 5. See also Section 4.2.3, Visibility at intersections and curb breaks.
- 4.2.17.11 Offstreet loading: specifications, amounts. Offstreet loading facilities are required by these land development regulations so that vehicles engaged in unloading will not encroach on or interfere with public use of streets and alleys. Offstreet loading facilities supplied to meet the needs of one (1) use may not be considered as meeting the needs of another use. Offstreet parking facilities may not be used or counted as meeting offstreet loading requirements.

When the use of a structure or land or any part thereof is changed to a use requiring offstreet loading facilities, the full amount of offstreet loading space required shall be supplied and maintained. When any structure is enlarged or any use extended so that the size of the resulting occupancy requires offstreet loading space, the full amount of such space shall be supplied and maintained for the structure or use in its enlarged or extended size.

Each offstreet loading space shall be directly accessible from a street or alley without crossing or entering any other required offstreet loading space. Such loading space shall be arranged for convenient and safe ingress and egress by motor truck and/or trailer combination.

- 4.2.17.12 Offstreet loading: dimensional standards. Each offstreet loading space shall have clear horizontal dimensions of twelve (12) feet by thirty (30) feet exclusive of platforms and piers and a clear vertical dimension of fourteen (14) feet.
- 4.2.17.13 Offstreet loading: plans required. A plan shall be submitted with every application for a building permit for any use or structure required to provide offstreet loading facilities. The plan shall accurately designate the required offstreet loading spaces, access thereto, dimensions, and clearance.
- 4.2.17.14 Offstreet loading: combined offstreet loading. Collective, joint, or combined provisions for offstreet loading facilities for two (2) or more buildings or uses may be made, provided that such offstreet loading facilities are equal in size and capacity to the combined requirements of the several buildings or uses and are designed, located, and arranged to be usable thereby.

Any arrangement for combined offstreet loading shall be subject to the filing of a deed restriction satisfactory to the Attorney for the Board of County Commissioners insuring that such offstreet loading will be maintained in the future so long as a use or uses requiring such offstreet loading continue.

- 4.2.17.15 Offstreet loading requirements. Offstreet loading spaces shall be provided and maintained as follows:

- 1. Each retail commercial store, service establishment, storage warehouse, wholesale establishment, research or industrial plant, factory, freight terminal, restaurant, dry cleaning and laundry package plant, funeral home, or similar use which has an aggregate floor area of:

Square Feet		Square Feet	Number of Spaces
Over 5,000	to	24,999	1
25,000	to	59,999	2
60,000	to	119,999	3
120,000	to	199,999	4
200,000	and over		5

Plus one (1) additional offstreet loading space for each additional ninety thousand (90,000) square feet over two hundred ninety thousand (290,000) square feet or major fraction thereof.

2. For each multiple dwelling unit having at least twenty (20) dwelling units but not over fifty (50) dwelling units: two (2) spaces. For each multiple dwelling unit having over fifty (50) dwelling units: two (2) spaces, plus two (2) spaces for each additional fifty (50) dwelling units, or major fraction thereof.
3. For each auditorium, convention hall, exhibition hall, museum, motel, hotel, bank or financial institution, office building, sports arena, stadium, hospital, or similar use which has an aggregate floor area of: Over ten thousand (10,000) square feet but not over 40,000 (40,000) square feet: one (1) space; plus for each additional sixty thousand (60,000) square feet over 40,000 square feet or major fraction thereof: one (1) space.
4. For any use not specifically mentioned, the requirements for offstreet loading facilities for a use which is so mentioned and to which the unmentioned use is similar shall apply.

4.2.18 PARKING AND STORAGE OF CERTAIN VEHICLES

On all lots within residential districts and on lots five (5) acres in size or less within agricultural districts, automotive vehicles of any type without current license plates shall not be parked or stored other than in completely enclosed buildings.

4.2.19 PERFORMANCE STANDARDS

All uses and activities permitted in any district within these land development regulations shall conform to the standards of performance described below:

- 4.2.19.1 Fire and explosion hazards. In any zoning district, all uses shall comply with applicable standards set forth in the rules and regulations of the State Fire Marshal.
- 4.2.19.2 Smoke, dust, dirt, visible emissions, and open burning. Regulations controlling smoke, dust, dirt, or visible emissions shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended. Regulations controlling open burning shall be the same as those contained in Chapter 17-5, Florida Administrative Code, as amended.
- 4.2.19.3 Fumes, vapors, and 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 Chapter 17-2, Florida Administrative Code, as amended.
- 4.2.19.4 Heat, cold, dampness, or movement of air. Activities which may produce any adverse effect on the temperature, motion, or humidity of the atmosphere beyond the lot line shall not be permitted, with the exception that in the "I" Industrial district, this standard shall be applied at the boundaries of the "I" Industrial district and not at the lot lines of the individual properties located within the "I" Industrial district.
- 4.2.19.5 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 that in the Industrial district, this standard shall be applied at the boundaries of the "I" Industrial and not at the lot lines of the individual properties located within the "I" Industrial. The determination of noise level shall be measured with a sound level meter that conforms to specifications published by the American Standards Association.

- 4.2.19.6 Odor. Regulations controlling the emission of objectionable odorous gases or other odorous matter, except those associated with normal agricultural practices, shall be the same as those contained in Chapter 17-2, Florida Administrative Code, as amended.
- 4.2.19.7 Glare. There shall be no direct glare visible from any residential district caused by unshielded floodlights or other sources of high intensity lighting.

4.2.20 RAILROAD RIGHT-OF-WAY

Existing railroad right-of-way, but not including switching, freight, or storage yards and railroad buildings or maintenance structures, is a permitted use in all zone districts. Switching, freight, or storage yards and railroad buildings or maintenance structures are permitted only where expressly allowed by these land development regulations.

4.2.21 SIGNS

The provisions of these land development regulations shall govern the sizes, 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 these land development regulations.

- 4.2.21.1 Intent. Signs may unreasonably distract the attention of motorists and interfere with traffic safety. Indiscriminate erection and maintenance of signs seriously detract from the enjoyment and pleasure in the natural scenic beauty of the areas subject to these land development regulations and, in turn, injuriously affects the economic well-being of the citizenry. Thus, it is the intent of these regulations to prevent the uncontrolled erection of signs. The provisions of this section are intended to provide for the regulation of types, sizes, and locations of signs in relation to the identification of various uses and activities on premises, to provide for certain types and locations of off-site signs, and to supplement the regulations set out in the Schedule of District Regulations.
- 4.2.21.2 Applicability of other code 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.
- 4.2.21.3 Definitions. Definitions for the purposes of sign regulation under these land development regulations are set out in the definitions section of these land development regulations under Sign, etc. Sections 2.1.
- 4.2.21.4 Prohibited signs. It shall be a violation of these land development regulations punishable as provided by these land development regulations, to erect or maintain:
 - 1. Traffic or pedestrian hazard. 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 obstructing or detracting from the visibility of any official 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. Obscenities. Signs which are obscene, indecent, or immoral.
 3. Right-of-Way. Signs erected on the right-of-way of any street, road, or public way, except as specifically provided by these land development regulations.
 4. Public property. Signs erected on public property, other than signs erected by a public authority for public purposes, unless otherwise authorized by these land development regulations.
 5. Ingress or egress to buildings. Signs so located as to prevent free ingress or egress from any door, window, or fire escape.
 6. Yard areas. Signs in required yard areas except as specifically permitted by the terms of these land development regulations.
 7. Roof signs. Signs erected, constructed, and maintained wholly upon or over the roof structure.
 8. Height. Signs which are higher than eighteen (18) feet from established grade.
 9. Glare. Illuminated signs which result in glare or reflection of light on residential property in the surrounding area.
 10. Minimum clearance. Canopy, marquee, projecting, or hanging signs with less than a nine (9) feet minimum clearance between the bottom of the sign and the ground surface.
- 4.2.21.5 Sign permits. Within areas subject to these land development regulations, it shall be unlawful for any person to erect, maintain, or replace any sign not specifically exempted by these land development regulations, without first securing from the Land Development Regulation Administrator a building permit to do so.
- 4.2.21.6 Exemptions. Except as otherwise provided, the following signs may be erected without a permit, subject, however, to all remaining requirements of these land development regulations. All exempt signs may be located within the required front yard, but shall not be located within twenty (20) feet of any adjacent property line (except as provided in (3) below).
1. Signs not exceeding one (1) square feet in area and bearing only property numbers, mail box numbers, names of occupants of premises, or other identification of 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. Such signs may be located in or may overhang or infringe upon the right-of-way of streets, roads, or public ways.

4. Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights.
 5. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.
 6. Signs within buildings.
 7. One (1) "For Sale" or "For Rent" sign per parcel of property, unless such property fronts on more than one (1) street, in which case two (2) signs may be erected, one (1) on each frontage. The size of any such sign shall not be in excess of eight (8) square feet, and such sign shall be removed within one (1) month after the premises have been sold or rented.
 8. Occupational signs denoting only the name, street number, and business of an occupant, which do not exceed two (2) square feet in surface area.
- 4.2.21.7 On-site signs. Unless otherwise specified in these land development regulations, the following regulations shall govern on-site signs (see Section 2.1 for definition of on-site signs):
1. On-site signs may be erected in any zone district.
 2. On-site signs may be located in the required front yard; provided, however that any such sign shall not obstruct visibility at intersections and curb breaks (see Section 4.2.26).
 3. On-site signs shall not exceed a height above established grade of eighteen (18) feet.
- 4.2.21.8 Off-site signs. Unless otherwise specified in these land development regulations, the following regulations shall govern off-site signs (see Section 2.1 for definition of off-site signs):
1. Off-site signs are prohibited, except where specifically permitted by these land development regulations.
 2. Off-site signs may be erected in the required front yard, provided:
 - a. Off-site signs shall be no nearer the street right-of-way line than fifteen (15) feet.
 - b. No off-site sign shall be erected so as to obstruct visibility at intersections and curb breaks (see Section 4.2.26).
 3. Off-site signs may not be erected within one hundred (100) feet of any church, school, cemetery, public park, public reservation, public playground, State or National forest, or railroad intersection.
 4. Off-site signs shall not exceed a height above established grade of eighteen (18) feet.

4.2.22 TRANSITIONAL USE AREA REQUIREMENTS

It is the intent of these requirements to ease the frictions between residential and nonresidential uses by creating a transition area in which certain intensive nonresidential uses are prohibited.

Where a commercial or industrial district adjoins a residential district, along the same frontage and without an intervening street, the following uses shall not be located within one hundred (100) feet of the residential district:

1. Drive-in restaurants or refreshment stands.
2. Bars, taverns, and cocktail lounges.
3. Car washes.
4. Outdoor storage yards, wrecking yards, automobile wrecking yards, junk yards, yards used in whole or in part for scrap or salvage operations, or for processing, storage, display, or sales of any scrap, salvage, or secondhand building materials, junk automotive vehicles, or secondhand automotive parts.
5. Bulk storage of flammable liquids or explosives.

4.2.23 TRAVEL TRAILER PARKS AND CAMPGROUNDS

The following regulations apply to the construction and operation of travel trailer parks and campgrounds.

1. Sites in travel trailer parks and campgrounds shall be occupied primarily by travel trailers, pickup coaches, tents, camping trailers, and other vehicular accommodations.
2. Each site in a travel trailer park or campground shall be at least twelve hundred (1,200) square feet in area. No part of a travel trailer or other unit placed on a travel trailer or campground site shall be closer than twenty-five (25) feet to any lot line.

4.2.24 USE OF LAND IN A RESIDENTIAL DISTRICT FOR ACCESS

No land in a residential or residential/office district shall be used for driveway, walkway, or access purposes to any land which is in a commercial or industrial district, or used for any purpose not permitted in a residential district except for ingress and egress to an existing use which does not abut on a street.

4.2.25 VISIBILITY AT INTERSECTIONS AND CURB BREAKS

- 4.2.25.1 Visibility at intersections. On a corner lot in all zoning districts, no fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 1/2) feet and six (6) feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of such intersection.
- 4.2.25.2 Visibility at curb breaks. In all zone districts, where a curb break intersects a public right-of-way, no fence, wall, hedge, landscaping, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct cross visibility between a height of two and one-half (2 1/2) and six (6) feet within the areas of property on both sides of the curb break formed by the intersection of each side of the curb break and public right-of-way lines with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third being a line connecting the end of the two (2) other sides.
- 4.2.25.3 Retaining walls. The requirements of this Section shall not be deemed to prohibit any necessary retaining wall.

4.2.25.4 Trees. Trees shall be permitted in the clear space provided that foliage is cut away within the prescribed heights.

4.2.26 WATERFRONT YARDS - MINIMUM REQUIREMENT

No structure shall be located closer than fifty (50) feet to the mean high water line (see Section 4.2.4 for exceptions for certain accessory structures).

4.2.27 YARD ENCROACHMENTS

Every part of every required yard shall be open and unobstructed from the ground to the sky except as hereinafter provided or as otherwise permitted in these land development regulations:

1. Sills and belt courses may project not over twelve (12) inches into a required yard.
2. Movable awnings may project not over three (3) feet into a required yard, provided that where the yard is less than five (5) feet in width the projection shall not exceed one-half (1/2) the width of the yard.
3. Chimneys, fireplaces, bay windows, or pilasters may project not over two (2) feet into a required yard.
4. Fire escapes, stairways, and balconies which are unroofed and unenclosed may project not over five (5) feet into a required rear yard, or not over three (3) feet into a required side yard of a multiple dwelling, hotel, or motel.
5. Hoods, canopies, roof overhangs, or marquees may project not over three (3) feet into a required yard, but shall not come closer than one (1) foot to the lot line.
6. Fences, walls, and hedges are permitted in required yards, subject to the provisions of this Section.
7. Cornices, eaves, or gutters may project not over three (3) feet into a required yard, provided that where the required yard is less than six (6) feet in width, such projection shall not exceed one-half (1/2) of the width of the yard.
8. Except as provided herein, nothing in these land development regulations shall be so construed as to prohibit any type of landscaping or private, nonprofit, gardening on any lot.

4.2.28 AIRPORT LAND USE RESTRICTIONS

1. Use Restrictions. Notwithstanding any other provisions of these land development regulations, no use may be made of land or water adjacent to any airport which will interfere with the operation of an airborne aircraft. The following special requirements shall apply to each permitted use.
 - a. All lights or illumination used in conjunction with street, 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 operating from the airport or in vicinity thereof.
 - b. No operations from any land use type shall produce smoke, glare, or other visual hazards within three (3) statute miles of any usable runway of the airport.

- c. No operations from any land use type shall produce electronic interference with navigation signals or radio communication between the airport and aircraft.
- d. Use of land for residential uses, schools, hospitals, storage of explosive material, assemblage of large groups of people, or any other use that could produce a significant loss of life or property as a result of an aircraft crash, shall be prohibited within five-thousand (5,000) feet of the approach or departure end of a runway.
- e. No structure exceeding one-hundred fifty (150) feet in height above the established airport elevation shall be permitted within five-thousand (5,000) feet of the approach or departure end of a runway.

4.2.29 SPECIAL RIGHT-OF-WAY REQUIREMENTS

- 4.2.29.1 For all new arterial and collector roadways extra right-of-way, as provided within the Florida Department of Transportation Bicycle Facilities Planning and Design Manual, Official Standards, Revised Edition, 1982, shall be provided for integrated or parallel bicycle ways or lanes.
- 4.2.29.2 All new structures shall provide a minimum setback of seventy-five (75) feet as measured from the center line of the right-of-way for new or realigned collector or arterial roads.

4.2.30 HOME OCCUPATION REQUIREMENTS

- 1. Only one (1) additional person other than members of the family residing on the premises shall be engaged in such occupation;
- 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and shall under no circumstances change the residential character thereof;
- 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one (1) sign, not exceeding two (2) square feet in area, non-illuminated, mounted flat against the wall of the principal building at a position not more than two (2) feet distance from the main entrance to the residence;
- 4. In all zone districts except agricultural districts, no home occupation shall be conducted in an accessory building. In agriculture districts, home occupations may be conducted in an accessory building, provided that the floor area devoted to the home occupation does not exceed 1,000 square feet.
- 5. No home occupation shall occupy more than twenty percent (20%) of the first floor area of the residence, exclusive of the area of any open porch or attached garage or similar space not suited or intended for occupancy as living quarters. No rooms which have been constructed as an addition to the residence, nor any attached porch or garage which has been converted into living quarters shall be considered as floor area for the purpose of this definition until two (2) years after the date of completion thereof.
- 6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in the required front yard.

7. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
8. For purposes of illustration, the following uses shall not be considered home occupations:
 - a. Studio for group instruction,
 - b. Dining facility or restaurant,
 - c. Antique or gift shop,
 - d. Photographic studio,
 - e. Outdoor repair,
 - f. Food processing,
 - g. Retail sales, and
 - h. Child care center.
9. For purposes of illustration, the following uses may be considered home occupations, provided they meet all the requirements listed in subparagraphs 1-8 above and all other provisions of these land development regulations:
 - a. The giving of individual instruction to one (1) person at a time such as art or music teacher;
 - b. Fabrication of articles such as are commonly classified under the terms arts and handicrafts, providing no retail sales are made in the home;
 - c. Custom dressmaking, seamstress, milliner;
 - d. Tutoring for not more than one (1) student at a time;
 - e. Answering telephone;
 - f. Barber or beauty shop; and
 - g. Professional offices.
10. At home occupation shall be subject to all applicable occupational licenses and other business taxes.

4.2.31 SPECIAL SEPTIC TANK REQUIREMENTS

Existing septic tanks shall be allowed to remain in service until such time as a centralized sanitary sewer service is accessible, conditioned on the following requirements:

1. A building permit shall not be issued for construction of a building or facility where sanitary sewage is proposed to be disposed using an onsite sewage disposal system in an area zoned industrial on the County's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, where the County's centralized sanitary sewer system is available within 1/4 mile of the area used or zoned industrial or manufacturing, or where a likelihood exists that the onsite sewage disposal system may receive toxic, hazardous or industrial waste;

2. An occupational license shall not be issued to the owner or tenant of a building located in an area zoned industrial on the County's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, when such site is served by an onsite sewage disposal system without first obtaining an annual operating permit from the County Health Department; and
3. A certificate of land development regulation compliance shall not be issued to a new owner or tenant of a building located in an area zoned industrial on the County's official zoning atlas, or used for industrial or manufacturing purposes, or its equivalent, or who operates a business which has the potential to generate toxic, hazardous or industrial wastewater, when such site is served by an onsite sewage disposal system without first obtaining an annual operating permit for an onsite sewage disposal system from the County Health Department.

4.2.32 PROVISIONS FOR RESIDENTIAL DESIGN MANUFACTURED HOUSING.

Residential Design Manufactured Homes as defined in Section 2.1 shall be installed in accordance with the following:

1. A permanent foundation and anchoring according to Chapter 15c - 1.10 of the Florida Administrative Code;
2. Underfloor area of the home shall be permanently enclosed (e.g. masonry block stem wall);
3. All transportation equipment shall be removed.

4.2.33 SPECIAL COMMUNITY RESIDENTIAL HOME REQUIREMENTS

The County shall facilitate the provision of group homes or foster care facilities as licensed or funded by the Florida Department of Health and Rehabilitative Services within residential areas or areas of residential character.

- 4.2.33.1 The County shall permit group homes with six or fewer residents which otherwise meet the definition of a community residential home to be located within a radius of one thousand (1,000) feet of existing homes of six (6) or fewer residents which otherwise meets the definition of a community residential home.
- 4.2.33.2 The County shall permit the siting of a community residential home, unless the County determines that the site selected meets the following criteria:
 1. The site selected does not meet applicable licensing criteria established and determined by the Florida Department of Health and Rehabilitative Services, including requirements that the home be located to assure the safe care and supervision of all clients in the home.
 2. The site selected would result in such a concentration of community residential homes in the area in proximity to the site selected, or would result in a combination of such homes with other residences in the community, such that the nature and character of the area would be substantially altered. (A home that would be located within a radius of one thousand two hundred (1,200) feet of another existing community residential home shall be considered to be an over concentration of such homes that substantially alters the nature and character of the area. A home that would be located within a radius of five hundred (500) feet of a residential district shall be considered to substantially alter the nature and character of the area).

4.2.34 WETLAND PRESERVATION REGULATIONS

Where the alternative of clustering all structures on the non-wetland portion of the site exists, the County shall provide for the conservation of wetlands by prohibiting development which alters the natural function of wetlands and regulating mining operations as provided for in Section 14 of these Land Development Regulations. Mitigation efforts shall be required for activities which alter the natural function of wetlands in accordance with Chapter 17-312, Florida Administrative Code in effect upon the adoption or amendment of this section. Such mitigation efforts shall result in no net loss of wetland functions and all restored or created wetlands shall be of the same ecological type, nature and function.

Where the alternative of clustering all structures on the non-wetland portion of a site does not exist, the County shall allow only minimal residential development activity in those areas defined as wetlands within these Land Development Regulations and such development activity shall conform to the density requirement for the zoning district applicable to the location of the wetland. However, in no case shall residential dwelling unit density be greater than 1 dwelling unit per 5 acres. In addition, such development activity shall comply with the following densities and performance standards:

1. Residences and any support buildings shall be elevated no lower than 1 foot above the highest recorded flood level in the wetland. If flooding data is not available, residences and any support buildings shall be built at least 2 feet above the highest seasonal water level.
2. Clearing or removal of native vegetation shall not exceed 1/2 acre per 5 acres. Exotic vegetation may be removed without regard to this limitation provided that, if the area cleared of exotic vegetation exceeds the applicable 1/2 acre limitation, it is replanted with native wetland vegetation.
3. Walking paths and driveways to the residence shall use permeable fill and shall be constructed with a sufficient number and size of culverts to allow the natural flow of water to continue.

For the purposes of these Land Development Regulations, wetlands shall be generally located as shown on Illustration A-VI of the County's Comprehensive Plan, entitled Wetlands, and more specifically described as defined in Section 2.1 of these Land Development Regulations.

4.2.35 SEXUALLY ORIENTED BUSINESSES

Sexually Oriented Businesses

In order to provide clear and consistent, content neutral regulations, for sexually oriented businesses, the following regulations govern the placement and design of sexually oriented businesses. These regulations are based on the secondary effects associated with sexually oriented businesses, while recognizing the rights of citizens to obtain constitutionally protected speech guaranteed under the First Amendment of the U.S. Constitution.

4.2.35.1 General Media Store

1. A store that sells or rents media in which less than ten percent (10 %) of the numbers of items in inventory are sexually explicit media and in which less than ten percent (10%) of the retail floor area is devoted to sexually explicit media shall be considered a general media store unless it is a sex shop as defined in Section 2.1. A general media store meeting these inventory and floor area limits shall not be considered a sexually oriented business.

2. A general media store which devotes more than ten percent (10%) of its floor area or ten percent (10%) of the number of items in inventory to sexually explicit media, but devotes less than thirty percent (30%) of its floor area or less than thirty percent (30%) of the number of items in inventory to sexually explicit media shall be treated for zoning purposes as a general media store and not as a sexually oriented media store or other sexually oriented business, provided that it continuously meets the following conditions.
 - a. All sexually explicit media shall be maintained in a room that is separated from other media by an opaque wall that extends to the ceiling or eight (8) feet above the floor, whichever is less;
 - b. Access to the room containing the sexually explicit media shall be through an opaque, solid door;
 - c. The room containing sexually explicit media shall be posted with a notice indicating that only persons eighteen (18) years of age or older are allowed in the room;
 - d. Access to the room will be physically limited to adults through control of access by an employee of the store, through the use of an access release located at least sixty-six (66) inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.

If either the thirty percent (30%) threshold of either gross floor area or number of items in inventory is exceeded, then the use shall be classified as a sexually oriented media store and considered a sexually oriented business.

4.2.35.2 Sexually Oriented Media Store

1. Sexually oriented media stores shall be considered sexually oriented businesses.
2. Sexually oriented media stores shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, and residentially zoned districts. Sexually oriented media stores shall not be located within five hundred (500) feet of any other sexually oriented business.
3. Sexually explicit media shall not be displayed publicly.
4. Window glazing shall be frosted or opaque.
5. A sign shall be placed on the front door of the store prohibiting persons under eighteen (18) years of age from entering the store.
6. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie modeling or nude photography studios.

4.2.35.3 Sex Shops

1. Sex shops shall be considered sexually oriented businesses. Sex shops shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, and residentially zoned districts. Sex shops shall not be located within five hundred (500) feet of any other sexually oriented business.
2. Window glazing shall be frosted or opaque.
3. A sign shall be placed on the front door of the store prohibiting persons under eighteen (18) years of age from entering the store.
4. Sexually explicit media and sexually oriented toys or novelties shall not be displayed publicly.
5. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie Modeling or nude photography studios.

4.2.35.4 Sexually Oriented Cabarets

1. Sexually oriented cabarets shall be considered sexually oriented businesses. Sexually oriented cabarets shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, residentially zoned districts, or within five hundred (500) feet of businesses that sell alcohol for on-premises consumption. Sexually oriented cabarets shall not be located within five hundred (500) feet of any other sexually oriented business.
2. Security lighting shall be installed on the building and in the parking lot.
3. Window glazing shall be frosted or opaque.
4. A sign shall be placed on the front door of the cabaret prohibiting persons under eighteen (18) years of age from entering the cabaret.
5. There shall be a minimum separation of two (2) feet between any stage feature and the customer seating or standing area. Stages shall be a minimum of two (2) feet high.
6. Alcohol sales in sexually oriented cabarets shall be prohibited.
7. Private booths or private dancing rooms shall be prohibited.
8. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie Modeling or nude photography studios.

4.2.35.5 Sexually Oriented Motion Picture Theaters

1. Sexually oriented motion picture theaters shall be considered sexually oriented businesses. Sexually oriented motion picture theaters shall not be located within five hundred (500) feet of churches and houses of worship, public parks and playgrounds, day care centers, existing residences, residentially zoned districts, and five hundred (500) feet of businesses that sell alcohol for on-premises consumption. Sexually oriented motion picture theaters shall not be located within five hundred (500) feet of any other sexually oriented business.

2. A sign shall be placed on the front door of the theater prohibiting persons under eighteen (18) years of age from entering the theater.
 3. Security lighting shall be installed on the building and in the parking lot.
 4. Theaters shall remain lit at a minimum five-tenths (.5) foot candle at all times, and constant monitoring of the theaters by an employee on duty shall be achieved through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.
 5. Alcohol sales in sexually oriented movie theaters are prohibited.
 6. Seating in sexually oriented movie theaters shall be individual seating with chair arms that do not rise. Bench seating or sofa seating is prohibited.
 7. Theaters shall be a minimum of six hundred (600) square feet in size.
 8. None of the following may be co-located as an accessory use; motion picture arcade booths, massage parlors, lingerie modeling or nude photography studios.
- 4.2.35.6 Sexually Oriented Businesses Generally: Separation from Schools, Churches and Houses of Worship, and Day Care Centers
1. All sexually oriented businesses, as defined and described herein, shall comply with the provisions of Section 847.0134, Florida Statutes, as amended, which prohibits the location of sexually oriented businesses displaying, selling, or distributing materials harmful to minors within two thousand five hundred (2,500) feet from a public or private elementary, middle or secondary school, unless the Board of County Commissioners approves the location under proceedings as provided in Section 125.66(4)(b), Florida Statutes, as amended.
 2. The separation requirement from a school will apply only if one (1) or more of the following applies:
 - a. If it is a public school; or
 - b. If the school has been in operation at the same location for one year or more; or
 - c. If the location at which the school is now operating is owned by the organization operating the school.
 3. The separation requirement from a church or house of worship will apply only if one (1) or more of the following applies:
 - a. If the church or house of worship has been in operation at the same location for one (1) year or more; or
 - b. If the location at which the church or house of worship is now operating is owned by the organization operating the house of worship.
 4. The separation requirement from a day care center will apply only if one (1) or more of the following applies:
 - a. If the day care center has been in operation at the same location for one (1) year or more; or

- b. If the location at which the day care center is now operation is owned by the organization operating the day care center.

4.2.35.7 Measurement of Separation Distances

For purposes of the distance limitations, the measurement shall be made by extending a straight line from the main entrance of the building of the regulated use to the front door of the main building occupied by any other regulated use or any established church or house of worship or to the nearest property line of any existing residential use, residentially zoned district, public park and playground, school or day care center.

4.2.35.8 Sexually Oriented Businesses Generally: Restrictions on Co-Location

1. No more than one (1) sexually oriented business may be located in a single building or on a single lot;
2. No sexually oriented business may be established as an accessory use to another business;
3. No sexually oriented business may offer any of the following products or services to customers, whether or not for a fee:
 - a. Gasoline or other fuels;
 - b. Showers or baths;
 - c. Alcoholic beverages for off-premises consumption.

4.2.35.9 Motion Picture Arcade Booths Prohibited

Motion picture arcade booths either as an accessory use to any permitted sexually oriented businesses, as defined herein, or as a principal use are prohibited.

4.2.35.10 Massage Parlors, Lingerie Modeling and Nude Photography Studios Prohibited

Massage parlors, lingerie modeling establishments and nude photography studios are prohibited. This provision shall not apply to massage therapists licensed and certified by the State of Florida.

4.2.36 SIMULATED GAMBLING DEVICE ESTABLISHMENTS

It is unlawful for any person to design, develop, manage, supervise, maintain, provide, produce, possess or use one (1) or multiple simulated gambling devices, as defined in these Land Development Regulations in any zoning district. Each individual act to design, develop, manage, supervise, maintain, provide, produce, possess or use a simulated gambling device constitutes a separate violation of these Land Development Regulations.

1. This section does not prohibit an individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device which could be construed to be a simulated gambling device.
2. This section does not prohibit the ownership, possession, play, operation or use of any device expressly permitted by Florida Statutes, as amended, and not otherwise prohibited by the Florida Constitution, except that devices permitted by Article X, Section 23 of the Florida Constitution and Chapter 551, Florida Statutes, as amended, in Broward and Miami-Dade County only are not permitted by these Land Development Regulations.

3. This section does not prohibit a religious or charitable organization from conducting a fund raising activity involving gaming, provided the religious or charitable organization does not conduct the activity more than twice in one (1) calendar year, the organization provides advance written notice to the County Sheriff of the date, time, place, and nature of such activity and who will be conducting it, and the activity is not otherwise unlawful.
4. Nothing in this section is intended to conflict with the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as amended, concerning gambling. In the event of a direct and express conflict between this section and either the Florida Constitution or Chapter 849, Florida Statutes, as amended, then the provisions of the Florida Constitution or Chapter 849, Florida Statutes, as amended, as applicable, shall control.

4.2.37 SLOT MACHINE ESTABLISHMENTS

It is unlawful for any person to play, operate, use, or enter into any agreement for use of any slot machine, as defined in these Land Development Regulations, in any zoning district. Nothing herein shall be construed to prohibit personal, recreational, non-commercial ownership, play, operation or use of slot machines not otherwise prohibited by Florida Statutes, as amended.

4.2.38 SOLAR FARMS

4.2.38.1 Solar farms shall be considered a use permitted by special exception within the “A” Agricultural, (Agricultural-1, Agricultural-2, Agricultural-3, and Agricultural-4) and “I” Industrial zoning districts.

4.2.38.2 Except for security fencing, project signs and access paths, no solar farm structure, equipment or building shall be located within the setbacks of the zoning district.

4.2.38.3 Solar Farms are not incompatible to adjacent residential development and therefore will not be required to establish any type of landscape buffer.

4.2.38.4 The following maximum height provisions shall apply:

1. Security fencing: 8 feet
2. Project signs: 9 feet
3. Solar panels or modules: 15 feet
4. Buildings: 25 feet

4.2.38.5 The maximum height provisions do not apply to transmission lines or substations.

4.2.38.6 Solar panels, transmission lines, wetlands, wetland setbacks, access paths and maintenance roads shall be considered open space and therefore will not count toward lot coverage.

4.2.38.7 A minimum twenty (20) foot wide, clear access way with a twelve (12) foot wide, stabilized access path shall be permitted for access, maintenance and operation of solar facilities and transmission lines.

4.2.38.8 A minimum twenty (20) foot wide, stabilized access path shall be permitted for access, maintenance and operation of administration buildings, accessory buildings and substations.

SECTION 4.3. "CSV" CONSERVATION

4.3.1 DISTRICTS AND INTENT

The "CSV" Conservation category includes one (1) zone district: CSV. Lands within this district are devoted to the conservation of the unique natural functions. To conserve these lands, no use other than forestry conducted in accordance with the Comprehensive Plan and non-intensive resource-based recreation activities shall be permitted.

4.3.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Non-intensive resource-based recreation activities.
2. Forestry conducted in accordance with the Comprehensive Plan.

4.3.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to non-intensive resource-based recreation activities.
2. Examples of permitted accessory uses and structures include:
 - a. Forestry stations and scientific stations for the study of the natural resources within the conservation district.
 - b. Residential facilities for caretakers.
 - c. Boat docks and boat ramps.

4.3.4 PROHIBITED USES AND STRUCTURES

1. Residential uses (except forestry stations or scientific stations for the study of the natural resources within the conservation district and residential facilities for caretakers).
2. Any use or structure not specifically, provisionally or by reasonable implication permitted herein or permissible as a special exception.
3. Simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations).
4. Slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations).

4.3.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Recreational activities, such as campsites and similar uses.

4.3.6 MINIMUM LOT REQUIREMENTS

None, except to meet other requirements as set out herein.

4.3.7 MINIMUM YARD REQUIREMENTS

(See Section 4.2 for right-of-way setback requirements)

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (Olostee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

- 4.3.8 MAXIMUM HEIGHT OF STRUCTURES SHALL EXCEED:
35 feet. (See Section 4.2 for exclusions from height limitation)
- 4.3.9 MINIMUM LOT COVERAGE
None
- 4.3.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
None
- 4.3.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
None

SECTION 4.4. "ESA" ENVIRONMENTALLY SENSITIVE AREAS

4.4.1 DISTRICTS AND INTENT

The "ESA" Environmentally Sensitive Area category includes three (3) zone districts: ESA-1, 2, 3. Lands in these districts are considered in need of special planning and treatment regarding land development regulation. These are not preservation districts, but land uses permitted within these districts are to provide mitigating measures to protect the natural functions of the County's environmentally sensitive areas as designated within the Comprehensive Plan, with a special emphasis on the planning and treatment of land development within the one-hundred (100) year floodplain of Olustee Creek and the Santa Fe River. These regulations prohibit intensive residential, recreational and agricultural uses and prohibit industrial and non-water-dependent commercial development within the 100 year floodplain of the areas designated as Environmentally Sensitive Areas.

4.4.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Non-intensive agricultural (see definition of intensive agriculture in Section 2.1) and forestry operations conducted in accordance with the Comprehensive Plan.
2. Single family dwellings.
3. Mobile homes.
4. Homes of six (6) or fewer residents which otherwise meet the definition of a "community residential facility" (see section 4.2).
5. Public resource-based recreation facilities.

4.4.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted or permissible uses and structures;
 - b. Are located on the same lot as the permitted or permissible principal use or structure, or on a contiguous lot in the same ownership; and
 - c. Do not involve operations or structures not in keeping with the intent of these land development districts.
2. Examples of permitted accessory uses and structures include:
 - a. Private garages.
 - b. Docks, ramps, piers and walkways for residential and water-dependent commercial uses (see Article 14).
 - c. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

4.4.4 PROHIBITED USES AND STRUCTURES

Industrial and commercial uses, intensive agricultural uses (see section 2.1 for definition of intensive agriculture), private recreational uses, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally, or by reasonable implication permitted herein or permissible as a special exception.

4.4.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Home occupations.
2. Campgrounds of less than two-hundred (200) campsites.

4.4.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings and mobile homes:

ESA-1 Minimum lot area 40 acres

Minimum lot width 775 feet

ESA-2 Minimum lot area 10 acres

Minimum lot width 400 feet (5 acres if developed as a Planned Rural Residential Development in conformance with Policies I.1.6 and I.2.2 of the County's Comprehensive Plan and an overall density of one (1) dwelling unit per ten (10) acres is maintained on site)

ESA-3 Minimum lot area 5 acres

Minimum lot width 275 feet

Note: Minimum lot areas for any portions of the area designated as environmentally sensitive which is outside of the 100-year floodplain as designated by the Federal Emergency Management Agency, Flood Insurance Rate Map, shall conform with the minimum lot requirements of the district in which the portion is located.

2. All other permitted or permissible uses and structures (unless otherwise specified):

Minimum lot area 10 acres

Minimum lot width 400 feet

4.4.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard)
(See Section 4.2 for right-of-way setback requirements.)

1. All permitted or permissible uses and structures (unless otherwise specified):

Front 30 feet

Side 25 feet

Rear 25 feet

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (Olstee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

4.4.8 **MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED:**

35 feet as measured from the base flood elevation. (See section 4.2 for exclusions from height limitation)

4.4.9 **MAXIMUM LOT COVERAGE BY ALL BUILDINGS**

20%

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.4.10 **MINIMUM LANDSCAPED BUFFERING REQUIREMENTS**

1. All permitted or permissible uses and structures (unless otherwise specified):
None, except as necessary to meet other requirements as set out herein.

4.4.11 **MINIMUM OFFSTREET PARKING REQUIREMENTS**

1. Each residential dwelling unit: two (2) spaces for each dwelling unit.

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SECTION 4.5. "A" AGRICULTURAL

4.5.1 DISTRICTS AND INTENT

The "A" Agricultural category includes four (4) zone districts: A-1, A-2, A-3, and A-4. Lands in the Agricultural-1 through Agricultural-3 districts are intended to provide for areas primarily consisting of agricultural and residential uses consistent with the areas as designated Rural within the County's Comprehensive Plan.

4.5.2 PERMITTED PRINCIPAL USES AND STRUCTURES

In A-1 through A-4 districts:

1. All agricultural activities (but not including livestock or poultry slaughterhouses), including the raising of livestock and poultry, the production of dairy and poultry products, the cultivation of field crops and fruits and berries, forestry, in accordance with the Comprehensive Plan, apiculture, and similar uses; provided, that no structure used for housing of animals or any commercial feed lot operation shall be located within three hundred (300) feet of any lot line, and no structure used for housing domestic animals shall be located within fifty (50) feet of any lot line.
2. The processing, storage, and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughterhouses); provided, that no building used for these activities shall be located within three hundred (300) feet of any side or rear lot line.
3. Single family dwellings.
4. Mobile homes.
5. Plant nurseries and greenhouses.
6. Homes of six (6) or fewer residents which otherwise meet the definition of a "community residential facility" (see section 4.2).

4.5.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures in all Agricultural-1 through Agricultural-4 zoning districts which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure or on a contiguous lot in the same ownership.
 - c. Do not involve operations not in keeping with the character of a rural area.
2. Examples of permitted accessory uses and structures include:
 - a. Barns and stables.
 - b. Private garages.
 - c. Private swimming pools.
 - d. On-site signs (see Section 4.2)
 - e. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

4.5.4 PROHIBITED USES AND STRUCTURES

In Agricultural-1 through Agricultural-4 zoning districts: Junk yard or automobile wrecking yard, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally or by reasonable implication permitted herein as a special exception.

4.5.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

In Agricultural-1 thorough Agricultural-4 districts:

1. The processing, storage, and sale of agricultural products and commodities which are not raised on the premises; provided, that no building used for these activities shall be located within three hundred (300) feet of any side or rear lot line.
2. Livestock auction arenas.
3. Livestock or poultry slaughterhouses; provided, that no building used for these activities shall be located within three hundred (300) feet of any lot line.
4. Sawmills and planing mills; provided, that no building used for these activities shall be located within three hundred (300) feet of any side or rear lot line.
5. Agricultural equipment and related machinery sales.
6. Agricultural feed and grain packaging, blending, storage, and sales.
7. Agricultural fertilizer storage and sales.
8. Agricultural fairs and fairground activities.
9. Recreational activities such as racetracks and speedways; golf courses; country clubs; tennis and racquet clubs; golf and archery ranges; rifle, shotgun, and pistol ranges; travel trailer parks or campgrounds, including day camps; hunting or fishing camps; and similar uses.
10. Riding or boarding stables; provided that no building used for housing of animals shall be located within three hundred (300) feet of any lot line.
11. Drive-in theaters (See Section 4.2 for special design standards).
12. Hospitals, sanitariums, nursing homes, and residential homes for the aged.
13. Commercial kennels, veterinary clinics, and animal shelters; provided, that no open runs or buildings used for housing of animals shall be located within three hundred (300) feet of any lot line.
14. Group living facilities.
15. Crematories.
16. Airplane landing fields.
17. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.

18. Home occupations (see Section 4.2).
19. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
20. Public buildings and facilities, unless otherwise specified (see section 4.2).
21. Private clubs and lodges.
22. Off-site signs (see also Section 4.2).
23. Solid waste facilities.
24. Group home care facilities.
25. Explosives, manufacturing or storage.
26. Flea markets.
27. Paper and pulp manufacturing
28. Cemeteries and mausoleums.
29. Conference centers.
30. Small engine repair (not to exceed two thousand (2,000) square feet).
31. Automotive repair and repair of agricultural equipment (not to exceed two thousand five hundred (2,500) square feet).
32. Welding shop (not to exceed two thousand five hundred (2,500) square feet).
33. Intensive agriculture.
34. The keeping of exotic animals.
35. Churches and other houses of worship.
36. Solar farms. (See also Section 4.2.38)

4.5.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings, mobile homes, and group living facilities:
Rural Areas as designated by the County's Comprehensive Plan;

A-1	Minimum lot area	40 acres
	Minimum lots width	775 feet
A-2	Minimum lot area	20 acres
	Minimum lot width	550 feet
A-3	Minimum lot area	10 acres
	Minimum lot width	400 feet
A-4	Minimum lot area	5 acres (1 acre where the lot is in accordance with the provisions of Policy I.2.2 of the County's Comprehensive Plan and maintains a minimum lot width of 125 feet.
2. All other permitted uses and structures (unless otherwise specified):
None, except as necessary to meet other requirements as set out herein.

4.5.7 **MINIMUM YARD REQUIREMENTS** (depth of front and rear yard, width of side yard)
(See Section 4.2 for right-of-way setback requirements.)

1. All permitted uses and structures (unless otherwise specified):

Front 30 feet

Side 15 feet

Rear 25 feet

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (Olostee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

4.5.8 **MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED:**

35 feet (See Section 4.2 for exclusions from height limitations)

4.5.9 **MAXIMUM LOT COVERAGE BY ALL BUILDINGS**

20%

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.5.10 **MINIMUM LANDSCAPED BUFFERING REQUIREMENTS**
(See also Section 4.2)

1. All permitted uses and structures (unless otherwise specified):
None, except as necessary to meet other requirements as set out herein.
2. All non-agricultural uses approved by special exceptions shall maintain a landscaped buffer between any agricultural use and the special exception, which shall be not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.

4.5.11 MINIMUM OFFSTREET PARKING REQUIREMENTS

(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high school: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
7. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
8. Group living facilities: one (1) space for each bedroom.
9. Hospitals: one (1) space for each bed.
10. Sanitariums and nursing homes: one (1) space for each two (2) beds.
11. Residential home for the aged: one (1) space for each dwelling unit.
12. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
13. Livestock or poultry slaughterhouse; saw mills and planing mills; crematories; agricultural feed and grain packaging, blending, storage and sales; agricultural fertilizer storage and sales: one (1) space for each five hundred (500) square feet of floor area.
14. 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 (1) space for each three hundred fifty (350) square feet of floor area, plus, where applicable, one (1) space for each one thousand (1,000) square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
15. For other special exceptions as specified herein: to be determined by findings in the particular case.

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SECTION 4.6. "RR" RURAL RESIDENTIAL

4.6.1 DISTRICTS AND INTENT

The "RR" Rural Residential category includes one (1) zone district: RR. Lands in this district is intended to provide for areas primarily consisting of low density residential uses and limited agricultural uses within the designated urban development area as defined within the County's Comprehensive Plan.

4.6.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single family dwellings.
2. Mobile homes.
3. Agricultural activities (except intensive agricultural uses as defined in Section 2.1 herein), including the raising of livestock and poultry, the cultivation of field crops and fruits and berries, forestry, in accordance with the Comprehensive Plan, apiculture, and similar uses; provided, that no structure used for housing of livestock shall be located within one-hundred fifty (150) feet of any lot line.
4. The processing, storage, and sale of agricultural products and commodities which are raised on the premises (but not including livestock or poultry slaughterhouses); provided, that no building used for these activities shall be located within one hundred fifty (150) feet of any side or rear lot line.
5. Plant nurseries and greenhouses.
6. Churches and other houses of worship.
7. Homes of six (6) or fewer residents which otherwise meet the definition of "community residential facility" (see section 4.2).

4.6.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - c. Do not involve operations or structures not in keeping with the character of a rural area.
2. Examples of permitted accessory uses and structures include:
 - a. Barns and stables.
 - b. Private garages.
 - c. Private swimming pools.
 - d. On-site signs (see Section 4.2)
 - e. Residential facilities for caretakers whose work requires residence on the premises or for employees who will be quartered on the premises.

4.6.4 PROHIBITED USES AND STRUCTURES

Junk yard or automobile wrecking yard, exotic animals as defined in Section 2.1, livestock or poultry slaughterhouse, saw mills and planing mills, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.6.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Riding or boarding stables; provided that no building used for housing of animals shall be located within one hundred fifty (150) feet of any lot line.
2. Hospitals, sanitariums, nursing homes, and residential homes for the aged.
3. Commercial kennels, veterinary clinics, and animal shelters; provided, that no open runs or buildings used for housing of animals shall be located within one hundred fifty (150) feet of any lot line.
4. Group living facilities.
5. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
6. Home occupations (see also Section 4.2).
7. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
8. Public buildings and facilities, unless otherwise specified (see section 4.2).
9. Private clubs and lodges.
10. Offsite signs (see also Section 4.2).
11. Cemeteries and mausoleums.
12. Crematories.

4.6.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings, mobile homes, and group living facilities:

RR	Minimum lot area	1 acre
	Minimum lots width	125 feet
2. All other permitted uses and structures (unless otherwise specified):

None, except as necessary to meet other requirements as set out herein.

4.6.7 **MINIMUM YARD REQUIREMENTS** (depth of front and rear yard, width of side yard)
(See Section 4.2 for right-of-way setback requirements.)

1. All permitted uses and structures (unless otherwise specified):

Front 30 feet

Side 25 feet

Rear 25 feet

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (Olstee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

4.6.8 **MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED:**
(See also Section 4.2 for exceptions)

35 feet

4.6.9 **MAXIMUM LOT COVERAGE BY ALL BUILDINGS**

20%

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.6.10 **MINIMUM LANDSCAPED BUFFERING REQUIREMENTS**
(See also Section 4.2)

1. All permitted uses and structures (unless otherwise specified):

None, except as necessary to meet other requirements as set out herein.

4.6.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high school: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
7. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
8. Group living facilities: one (1) space for each bedroom.
9. Hospitals: one (1) space for each bed.
10. Sanitariums and nursing homes: one (1) space for each 2 beds.
11. Residential home for the aged: one (1) space for each dwelling unit.
12. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.7 "RSF" RESIDENTIAL, SINGLE FAMILY

4.7.1 DISTRICTS AND INTENT

The "RSF" Residential, Single Family category includes three (3) zone districts: RSF-1, RSF-2, and RSF-3. It is the intent of these districts to provide for single family areas of low to medium density together with public and semipublic buildings and facilities and accessory structures as may be desirable and compatible with such development, as well as surrounding development within the designated urban development area as defined within the County's Comprehensive Plan. Nonresidential uses in these districts may be subject to restrictions and requirements necessary to preserve and protect the single family residential character of these districts. Variation among the RSF-1, RSF-2, and RSF-3 districts is in requirements for lot area, width, and certain yards.

4.7.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single family dwellings.
2. Public parks and recreational areas.
3. Homes of six (6) or fewer residents which otherwise meet the definition of "community residential facility" (see section 4.2).

4.7.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
 - d. Do not involve operations or structures not in keeping with the character of single family residential development.
2. Examples of permitted accessory uses and structures include:
 - a. Private garages.
 - b. Private swimming pools.
 - c. Noncommercial greenhouses and plant nurseries.
 - d. On-site signs (see Section 4.2).

4.7.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), new mobile homes except as permitted in Section 4.2 and Article 14, signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.7.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified.
8. Home occupations (see Section 4.2).
9. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
10. Commercial greenhouses and plant nurseries.

4.7.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings:

RSF-1: Minimum lot area 20,000 square feet

Minimum lot width 100 feet

RSF-2: Minimum lot area 10,000 square feet

Minimum lot width 85 feet

Note: RSF-2 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

RSF-3: Minimum lot area 7,500 square feet

Minimum lot width 50 feet

Note: RSF-3 districts shall only be permitted where community water systems and centralized sanitary sewer systems are available and accessible.

2. Other permitted uses and structures:

None, except as needed to meet all other requirements herein set out.

4.7.7 MINIMUM YARD REQUIREMENTS (depth of front and back yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Single family dwellings:

RSF-1: Front 30 feet
Side 15 feet for each side yard.

Rear 15 feet

RSF-2: Front 25 feet
Side 10 feet for each side yard.

Rear 15 feet

RSF-3: Front 20 feet
Side 10 feet for each side yard.

Rear 15 feet

2. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and other all permitted uses unless otherwise specified:

Front 35 feet

Side 25 feet for each side yard.

Rear 35 feet

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

4.7.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED:
(See also Section 4.2 for exceptions)

35 feet

4.7.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Single family dwellings and duplexes, including their accessory buildings: 40%

2. Other permitted buildings in connection with permitted uses, including their accessory buildings: 35%

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.7.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. Churches, other houses of worship, private clubs and lodges, child care centers, commercial greenhouses and plant nurseries, public buildings (but not public schools): Where a use listed under (1) above is erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, then the proposed use shall provide a landscaped buffer which shall not be less than ten (10) feet in width along the affected rear and/or side yards as the case may be.
2. All other permitted uses (unless otherwise specified):
None, except as necessary to meet other requirements set out herein.

4.7.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Each residential dwelling unit: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high school: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
7. Childcare centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
8. Commercial greenhouses and plant nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
9. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.8 "RSF/MH" RESIDENTIAL, (MIXED) SINGLE FAMILY/MOBILE HOME

4.8.1 DISTRICTS AND INTENT

The "RSF/MH" Residential, (Mixed) Single Family/Mobile Home category includes three (3) zone districts: RSF/MH-1, RSF/MH-2, and RSF/MH-3. It is the intent of these districts to provide for single family residential areas of low to medium density for single family dwellings and individual mobile homes within designated urban areas as defined within the County's Comprehensive Plan. In addition to providing for mixed single family/mobile home areas, this district also provides for public and semipublic buildings and facilities and accessory structures as may be desirable and compatible with mixed single family/mobile home residential development. In these districts, permitted nonresidential uses and special exceptions may be subject to restrictions and requirements necessary to preserve and protect the single family residential character of these districts.

4.8.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single family dwellings.
2. Mobile home dwellings.
3. Public parks and recreational areas.
4. Homes of six (6) or fewer residents which otherwise meet the definition of "community residential facility" (see section 4.2).

4.8.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
 - d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
 - a. Private garages.
 - b. Private swimming pools.
 - c. Noncommercial greenhouses and plant nurseries.
 - d. On-site signs (see Section 4.2).

4.8.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), mobile home parks, signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.8.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

RSF/MH-1, RSF/MH-2 and RSF/MH-3 districts.

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
2. Churches and other houses of worship.
3. Golf courses, country clubs, racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see Section 4.2).
8. Home occupations (see Section 4.2).
9. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
10. Commercial greenhouses and plant nurseries.

RSF/MH-1 district.

1. Airplane landing fields with a minimum lot size of twenty (20) acres.

4.8.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Single family dwellings and mobile homes:

Minimum area for single family/mobile home district; 10 acres.

RSF/MH-1: Minimum lot area 20,000 square feet

Minimum lot width 100 feet

RSF/MH-2: Minimum lot area 10,000 square feet

Minimum lot width 85 feet

Note: RSF/MH-2 districts shall only be permitted where community water systems and centralized sanitary sewer systems are available and accessible.

RSF/MH-3: Minimum lot area 7,500 square feet

Minimum lot width 50 feet

Note: RSF/MH-3 districts shall only be permitted where community water systems and sanitary sewer systems are available and accessible.

2. Other permitted uses and structures:

None, except as needed to meet all other requirements herein set out.

4.8.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side of yards) (See Section 4.2 for right-of-way setback requirements.)

1. Single family dwellings and mobile homes:

RSF/MH-1: Front 30 feet
Side 15 feet for each side yard
Rear 15 feet

2. Single family dwellings and mobile homes:

RSF/MH-2: Front 25 feet
Side 10 feet for each side yard
Rear 15 feet

RSF/MH-3: Front 20 feet
Side 10 feet for each side yard.
Rear 15 feet

3. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and all other permissible uses unless otherwise specified:

Front 35 feet
Side 25 feet for each side yard.
Rear 35 feet

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

4.8.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED (See also Section 4.2 for exceptions)

35 feet

4.8.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. One family dwellings and duplexes, including their accessory buildings: 40%
2. Other permitted buildings in connection with permitted uses, including their accessory buildings: 35%.

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.8.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. Churches, other houses of worship, private clubs and lodges, child care centers, commercial greenhouses and plant nurseries, public buildings (but not public schools):

Where a use listed under (1) above is erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, then the proposed use shall provide a landscaped buffer which shall not be less than 10 feet in width along the affected rear and/or side yards as the case may be.

2. All other permitted uses (unless otherwise specified):
None, except as necessary to meet other requirements set out herein.

4.8.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high schools: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Childcare centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
7. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
8. Commercial greenhouses and plant nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
9. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.8.12 ADDITIONAL REQUIREMENTS FOR MOBILE HOMES

1. Anchoring. Each mobile home shall be located on a stand permitting each unit to be sufficiently supported and anchored as in compliance with the State Standards for Anchoring Mobile Homes. In addition, each mobile home shall have the wheels and axles removed, shall be placed as close to the ground as can be practically accomplished and shall have the tongue or hitch portion of the mobile home removed unless permanently attached in such a manner that it cannot be readily removed.
2. Skirting. A skirt or apron which is continually and properly maintained by the owner of the mobile home shall surround each mobile home between the bottom of the unit and the ground.

SECTION 4.9 "RMH" RESIDENTIAL, MOBILE HOME

4.9.1 DISTRICTS AND INTENT

The "RMH" Residential, Mobile Home category includes three (3) zone districts: RMH-1, RMH-2, and RMH-3. It is the intent of these districts to provide for low to medium density mobile home subdivision development together with public and semipublic buildings and facilities and accessory structures as may be desirable and compatible with such development as well as surrounding development within the designated urban development area, as defined within the County's Comprehensive Plan. Nonresidential uses in these districts may be subject to restrictions and requirements necessary to protect the residential character of these districts.

4.9.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Mobile homes.
2. Public parks and recreational areas.

4.9.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - c. Are not of a nature likely to attract visitors in larger numbers would normally be expected in a residential neighborhood.
 - d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
 - a. Private garages.
 - b. Private swimming pools.
 - c. Noncommercial greenhouses and plant nurseries.
 - d. On-site signs (see Section 4.2).

4.9.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), new single family dwelling units, mobile home parks, signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.9.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries and mausoleums.
5. Private clubs and lodges.
6. Parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see Section 4.2).
8. Home occupations (see Section 4.2).
9. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
10. Commercial greenhouses and plant nurseries.

4.9.6 MINIMUM LOT REQUIREMENTS (areas, width)

1. Mobile homes:

RMH-1: Minimum lot area 20,000 square feet

Minimum lot width 100 feet

RMH-2: Minimum lot area 10,000 square feet

Minimum lot width 85 feet

Note: RMH-2 districts shall only be permitted where a community water system and sanitary sewer system is available and accessible.

RMH-3: Minimum lot area 7,500 square feet

Minimum lot width 50 feet

Note: RMH-3 districts shall only be permitted where a community water system and sanitary sewer system is available and accessible.

2. Other permitted uses and structures:

None, except as needed to meet all other requirements herein set out.

4.9.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards)

(See Section 4.2 for right-of-way setback requirements.)

1. Mobile homes:

RMH-1: Front 30 feet

Side 15 feet for each side yard.

Rear 15 feet

- RMH-2: Front 25 feet
Side 15 feet for each side yard.
Rear 15 feet
- RMH-3: Front 20 feet
Side 10 feet for each side yard
Rear 15 feet

2. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, and all other permitted uses unless otherwise specified:
 - Front 35 feet
 - Side 25 feet for each side yard.
 - Rear 35 feet

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses. All other permitted land uses shall conform to the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

4.9.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2 for exceptions)

35 feet

4.9.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Mobile home dwellings including their accessory buildings: 40%.
2. Other permitted building in connection with permitted uses, including their accessory buildings: 35%.

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.9.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. Churches, other houses of worship, private clubs and lodges, child care centers, commercial greenhouses and plant nurseries, public buildings (but not public schools):

Where a use listed under (1) above is erected or expanded on land abutting either (a) a residential district or (b) property used for residential purposes in a residential/office district, then the proposed use shall provide a landscaped buffer which shall be not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.

2. All other permitted uses (unless otherwise specified):
None, except as necessary to meet other requirements set out herein.

4.9.11 **MINIMUM OFFSTREET PARKING REQUIREMENTS**
(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high schools: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
7. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
8. Commercial greenhouses and plant nurseries: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
9. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.9.12 **ADDITIONAL REQUIREMENTS FOR MOBILE HOMES**

1. **Anchoring.** Each mobile home shall be located on a stand permitting each unit to be sufficiently supported and anchored as in compliance with the State Standards for Anchoring Mobile Homes. In addition, each mobile home shall have the wheels and axles removed, shall be placed as close to the ground as can be practically accomplished and shall have the tongue or hitch portion of the mobile home removed unless permanently attached in such a manner that it cannot be readily removed.
2. **Skirting.** A skirt or apron which is continually and properly maintained by the owner of the mobile home shall surround each mobile home between the bottom of the unit and the ground.

SECTION 4.10. "RMH-P" RESIDENTIAL, MOBILE HOME PARK

4.10.1 DISTRICTS AND INTENT

The "RMH-P" Residential, Mobile Home Park category includes one (1) zone district: RMH-P. It is the intent of this district to provide for mobile homes in approved parks, occupied as one family dwellings within designated urban development areas, as defined within the County's Comprehensive Plan. This is a high density district designed to create an environment of residential character and permitting only those uses, activities, and services which are compatible with the residential environment. The RMH-P district is a residential district, not a commercial district. The minimum size for a mobile home park shall be ten (10) acres in order to avoid spotty development and to provide enough area for adequate site design.

4.10.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Mobile home parks.

For uses under (1) above: Site and development plan approval is required (see Article 14).

4.10.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
 - d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
 - a. Private garages.
 - b. Private swimming pools.
 - c. Non-commercial greenhouses and plant nurseries.
 - d. Storage rooms.
 - e. Mobile home park administrative/management offices and recreational and laundry facilities intended for use solely by the residents of the mobile home park and their guests.
 - f. On-site signs (see Section 4.2).

4.10.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, retail commercial outlets for sale of new and used mobile homes, storage or overnight parking of commercial or industrial vehicles in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.10.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Public or private schools offering curricula comparable to that of public schools (see Section 4.2).
2. Churches and other houses of worship.
3. Golf courses, country clubs, and racquet and tennis clubs.
4. Cemeteries or mausoleums.
5. Private clubs and lodges.
6. Public parks; parks maintained by any private association of persons residing in the district.
7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see Section 4.2).
8. Home occupations (see Section 4.2).
9. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
10. Conference centers

4.10.6 MINIMUM LOT REQUIREMENTS (area, width)

1. Mobile home parks:

Site requirements:

Minimum site area	10 acres.
Minimum site width	400 feet
Minimum land area per dwelling unit	5,445 square feet (Density; 8 dwelling units per acre).

Mobile home stand requirements:

Minimum mobile home stand size 3,500 square feet

Minimum average width of
mobile home stand 40 feet

2. Other permitted uses and structures:

None, except as needed to meet all other requirements herein set out.

4.10.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Mobile home parks: (to be applied at site perimeter)

Front 35 feet

Side 25 feet for each side yard

Rear 25 feet

Special Provisions:

1. In a mobile home park, no mobile home shall be located closer than twenty (20) feet to
 - a. Another mobile home, or
 - b. A mobile home park access or circulation drive; and
2. A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses. All other permitted land uses shall conform to the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

2. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, conference centers and all other permitted uses unless otherwise specified:

Front 35 feet

Side 25 feet for each side yard

Rear 35 feet

4.10.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2 for exceptions)

35 feet

4.10.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Mobile home parks, including all accessory buildings: 30%.
2. Other permitted buildings in connection with permitted uses, including their accessory buildings: 35%.

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.10.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS

(See also Section 4.2)

1. Mobile home parks:

Where a use under (1) above is erected or expanded on land abutting a one (1) family residential district, then the proposed use shall provide a landscaped buffer which shall be not less than fifteen (15) feet in width along the affected rear and/or side yards as the case may be.

2. Churches, other houses of worship, private clubs and lodges, conference centers, child care centers, public buildings (but not public schools):

Where a use listed under (2) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.

3. All other permitted uses (unless otherwise specified):

None, except as necessary to meet other requirements set out herein.

4.10.11 MINIMUM OFFSTREET PARKING REQUIREMENTS

(See also Section 4.2)

1. Residential dwelling units: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high schools: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
7. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
8. For other special exceptions as specified herein: to be determined by findings in the particular case.

4.10.12 ADDITIONAL REQUIREMENTS FOR MOBILE HOME PARKS

1. Mobile home stands. The following requirements shall apply:
 - a. Each mobile home shall be located on a stand that will permit each unit to be sufficiently supported and anchored as in compliance with the State Standards for Anchoring Mobile Homes.
 - b. Each approved mobile home stand shall be clearly defined by stakes or other markers which physically delineate the location of each stand within the mobile home park.
 - c. A skirt or apron shall surround each mobile home between the bottom of the unit and the ground. This skirt or apron shall be continually and properly maintained by the owner of the mobile home.
2. Street or Driveway Improvements. All streets and drives shall be constructed using generally accepted engineering practices so as to allow proper drainage of the entire area, and to provide access to each mobile home site.
 - a. Pavement base. Six (6) inches of compacted limerock.
 - b. Wearing surface. One (1) inch of Type II asphalt or concrete surface course or the equivalent as approved as meeting standards established by the Board of County Commissioners.
 - c. Pavement width. All two (2) way streets shall have a minimum pavement width of twenty (20) feet. All one way streets shall have a minimum pavement width of twelve (12) feet, with a twenty (20) foot easement.
3. Street lighting. All streets or driveways within the park shall be lighted at night with electric lights providing a minimum illumination of 0.2 foot candles.
4. Usable open space. A minimum of fifteen (15) percent of the gross land area within the mobile home park shall be designed for recreational purposes.
5. Parking. No parking shall be allowed on any mobile home park access or circulation drive.
6. State regulations. In addition to the requirements listed above, the mobile home park shall comply with all applicable rules and regulations of the State of Florida including Chapter 10D-26 of the Florida Administrative Code, as amended.

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SECTION 4.11. "RMF" RESIDENTIAL, MULTIPLE FAMILY

4.11.1 DISTRICTS AND INTENT

The "RMF" Residential, Multiple Family category includes two (2) zone districts: RMF-1, and RMF-2. It is the intent of these districts to provide for residential areas of medium to high density within designated urban development areas as defined within the County's Comprehensive Plan and only when community potable water systems and centralized sanitary sewer systems are available and accessible. These zoning districts allow for a desirable variety of housing types together with public and semipublic buildings and facilities and accessory structures as may be compatible with residential development. Non-residential uses in these districts may be subject to restrictions and requirements necessary to preserve and protect the residential character of these districts. Variation between the RMF-1 and RMF-2 districts is in requirements for density (land area per dwelling unit).

4.11.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Single family dwellings.
2. Duplex dwellings.
3. Multiple family dwellings.
4. Public parks and recreational areas.
5. Homes of six (6) or fewer residents which otherwise meet the definition of "community residential facility" (see section 4.2).
6. Community residential facilities (see Section 2.1)

For uses under (3) above: Site and development plan approval is required for multiple family developments consisting of five (5) or more dwellings or two (2) or more separate buildings (see Article 14).

4.11.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted principal use or structure, or on a contiguous lot in the same ownership.
 - c. Are not of a nature likely to attract visitors in larger numbers than would normally be expected in a residential neighborhood.
 - d. Do not involve operations or structures not in keeping with the character of residential development.
2. Examples of permitted accessory uses and structures include:
 - a. Private garages.
 - b. Private swimming pools.
 - c. Non-commercial greenhouses and plant nurseries.

- d. For multiple family dwellings: administrative/management offices for the multiple family complex and recreational and laundry facilities intended for use solely by the residents of the multiple family complex and their guests.
- e. On-site signs (see Section 4.2).

4.11.4 PROHIBITED USES AND STRUCTURES

Trade or service establishments or storage in connection with such establishments, storage or overnight parking of commercial or industrial vehicles, in excess of one (1) ton capacity, storage of building materials (except in connection with active construction activities on the premises), signs except as specifically permitted, the keeping of horses, cows, swine, sheep, goats, or poultry, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations) and any use or structure not specifically, provisionally, or by reasonable implication permitted herein as a special exception.

4.11.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

- 1. Public or private schools offering curricula comparable to that of public schools.
- 2. Churches and other houses of worship.
- 3. Golf courses, country clubs, and racquet and tennis clubs.
- 4. Cemeteries and mausoleums.
- 5. Private clubs and lodges.
- 6. Parks maintained by any private association of persons residing in the district.
- 7. Public buildings and facilities in keeping with the character and requirements of the district, except those otherwise specified (see Section 4.2).
- 8. Home occupations (see Section 4.2).
- 9. Child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8:00 a.m. or after 8:00 p.m.
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
- 10. Group living facilities.
- 11. Nursing homes and residential homes for the aged.
- 12. Conference centers.

4.11.6 MINIMUM LOT REQUIREMENTS (area, width)

- 1. Single family dwellings:
 - Minimum lot area 7,500 square feet
 - Minimum lot width 75 feet
- 2. Duplexes:
 - Minimum lot area 10,000 square feet
 - Minimum lot width 85 feet
- 3. Multiple family development:
 - Minimum site area 16,335 square feet
 - Minimum site width 80 feet

Minimum land area per dwelling unit;

RMF-1: 5,445 square feet (Density; 8 dwelling units per acre).

RMF-2: 2,178 square feet (Density; 20 dwelling units per acre).

4. Other permitted uses and structures:

None, except as needed to meet all other requirements herein set out.

4.11.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yards, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Single family dwellings, mobile homes and duplexes:

Front 20 feet

Side 10 feet for each side yard.

Rear 15 feet

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

2. Multiple family dwellings: (to be applied to site perimeter)

Front 30 feet

Side 15 feet for each side yard.

Rear 20 feet

Special Provisions; Where two (2) or more multiple family structures are located together on one (1) site, no detached residential structure shall be closer than twenty (20) feet to another.

3. Public and private schools, child care centers, churches, other houses of worship, private clubs and lodges, nursing homes, residential homes for the aged, group living facilities, and all other permitted uses unless otherwise specified:

Front 35 feet

Side 25 feet for each side yard.

Rear 35 feet

4.11.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2 for exceptions)

45 feet

4.11.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

1. Single family dwellings, including their accessory buildings: 40%

2. Duplexes and multiple family development, including their accessory buildings: 40%
3. Other permitted buildings in connection with permitted uses, including their accessory buildings: 35%

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.11.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS (See also Section 4.2)

1. In the RMF-2 district only, multiple family dwellings:
Where a use listed under (1) above is erected or expanded on land abutting a one family residential district, then the proposed use shall provide a landscaped buffer which shall not be less than fifteen (15) feet in width along the affected rear and/or side yards as the case may be.
2. Churches, other houses of worship, private clubs and lodges, and conference centers, child care centers, public buildings (but not public schools):
Where a use listed under (2) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.
3. All other permitted uses (unless otherwise specified):
None, except as necessary to meet other requirements set out herein.

4.11.11 MINIMUM OFFSTREET PARKING REQUIREMENTS (See also Section 4.2)

1. Each residential dwelling unit: two (2) spaces for each dwelling unit.
2. Elementary and junior high schools: two (2) spaces for each classroom or office room, plus one (1) space for each three (3) seats in any auditorium or gymnasium.
3. Senior high schools: four (4) spaces for each classroom or office room, plus two (2) spaces for each three (3) seats in any auditorium or gymnasium.
4. Churches or other houses of worship: one (1) space for each six (6) permanent seats in the main auditorium.
5. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
6. Child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
7. Private clubs and lodges and conference centers: one (1) space for each three hundred (300) square feet of floor area.
8. Group living facilities: one (1) space for each bedroom.
9. Nursing homes: one (1) space for each two (2) beds.
10. Residential homes for the aged: one (1) space for each dwelling unit.
11. For other special exceptions as specified herein: to be determined by findings in the particular case.

SECTION 4.12. "CN" COMMERCIAL, NEIGHBORHOOD

4.12.1 DISTRICTS AND INTENT

The "CN" Commercial, Neighborhood category includes one (1) zone district: CN. It is the intent of this district to provide for small scale retail and service developments which serve the convenience needs of a limited population and/or geographic area (i.e., a neighborhood) within both rural and designated urban development areas as defined within the County's Comprehensive Plan. In accordance with the Comprehensive Plan, this district is not intended to accommodate major or large scale commercial or service activities. The CN district is intended to be oriented to and compatible with the neighborhood to be served, and shall be located on a collector or arterial road.

4.12.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Retail commercial outlets for sale of food, hardware and drugs.
2. Service establishments such as a barber or beauty shop, shoe repair shop, self-service laundry or dry cleaner, laundry or dry cleaning pick-up station.

The above uses are subject to the following limitations: (1) floor area of each individual outlet or establishment shall not exceed five thousand (5,000) square feet; (2) sale, display, preparation, and storage to be conducted within a completely enclosed building, and no more than twenty (20) percent of floor area to be devoted to storage; (3) products to be sold only at retail; and (4) site and development plan approval is required for all developments (see Article 14).

3. Single family dwellings which existed within this district on the date of adoption or amendment of these land development regulations.

4.12.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On the same premises and in connection with permitted principal uses and structures, dwelling units only for occupancy by owners or employees thereof.
2. On-site signs (see Section 4.2)
3. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
 - c. Do not involve operations or structures not in keeping with the character of the district.

4.12.4 PROHIBITED USES AND STRUCTURES

1. Any use or structure not specifically, provisionally, or by reasonable implication permitted herein.
2. Residential uses, except as specified under CN accessory uses.
3. Simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations).
4. Slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations).

4.12.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Automotive service and self service stations (see Section 4.2 for special design standards for automotive service and self service stations).
2. Child care centers and overnight child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
3. Financial institutions
4. Public Buildings and Facilities

4.12.6 MINIMUM LOT REQUIREMENTS (area, width)

None, except as necessary to meet other requirements as set out herein.

4.12.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. Commercial and service establishments (unless otherwise specified):

Front	25 feet
Side	10 feet for each side yard.
Rear	15 feet

2. Child care centers and overnight child care centers:

Front	20 feet
Side	10 feet for each side yard.
Rear	15 feet

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

4.12.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2 for exceptions)

35 feet

4.12.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

40%

Note: In addition to meeting the required lot yard, building height, lot coverage, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.12.10 **MINIMUM LANDSCAPED BUFFERING REQUIREMENTS**
(See also Section 4.2)

1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than twenty (20) feet in width along the affected rear and/or side yards as the case may be.

4.12.11 **MINIMUM OFFSTREET PARKING REQUIREMENTS**
(See also Section 4.2)

1. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
2. Childcare centers and overnight child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
3. Each residential dwelling unit: two (2) spaces for each dwelling unit.

Note: Offstreet loading required (see Section 4.2)

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SECTION 4.13. "CG" COMMERCIAL, GENERAL

4.13.1 DISTRICTS AND INTENT

The "CG" Commercial, General category includes one (1) zone district: CG. This district is intended for general retail commercial, office and service activities which serve a market area larger than a neighborhood. While some of the same types of uses are found in CN areas, the CG areas are generally greater in scale and intensity. Businesses in this category require locations convenient to automotive traffic and ample offstreet parking is required, however; pedestrian traffic may also be found in this district. This district is not suitable for highly automotive-oriented uses and shall be located within designated urban development areas as defined by the County's Comprehensive Plan.

4.13.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Retail commercial outlets for sale of food, wearing apparel, fabric, toys, sundries and notions, books and stationery, leather goods and luggage, paint, glass, wallpaper, jewelry (including repair) art, cameras or photographic supplies (including camera repair), sporting goods, hobby shops and pet shops (but not animal kennel), musical instruments, optical goods, television and radio (including repair incidental to sales), florist or gift shop, delicatessen, bake shop (but not wholesale bakery), drugs, plants and garden supplies (including outside storage of plants and materials), automotive vehicle parts and accessories (but not junk yards or automotive wrecking yards), and similar uses.
2. Retail commercial outlets for sale of home furnishings (furniture, floor coverings, draperies, upholstery) and appliances (including repair incidental to sales), office equipment or furniture, hardware, second-hand merchandise in completely enclosed buildings, and similar uses.
3. Service establishments such as barber or beauty shop, shoe repair shop, restaurant, interior decorator, photographic studio, art or dance or music studio, reducing salon or gymnasium, animal grooming, self-service laundry or dry cleaner, tailor or dressmaker, laundry or dry cleaning pickup station, and similar uses.
4. Service establishments such as radio or television station (but not television or radio towers or antennae); funeral home, radio and television repair shop, appliance repair shop, letter shops and printing establishments, pest control, and similar uses.
5. Medical or dental offices, clinics, and laboratories.
6. Business and professional offices.
7. Newspaper offices.
8. Banks and financial institutions.
9. Professional, business, and technical schools.
10. Commercial recreational facilities in completely enclosed, soundproof buildings, such as indoor motion picture theater, community or little theater, billiard parlor, bowling alley, and similar uses.
11. Hotels and motels.
12. Dry cleaning and laundry package plants in completely enclosed buildings using non-flammable liquids such as perchlorethylene and with no odor, fumes, or steam detectable to normal senses from off the premises.
13. Residential dwelling units, which existed within this district on the date of adoption or amendment of these land development regulations.

14. Churches and other houses of worship.
15. Art galleries.
16. Miscellaneous uses such as telephone exchange and commercial parking lots and parking garages.
17. Recovery homes.
18. Residential treatment facilities.
19. Automotive self service station. (see Section 4.2 for special design standards for automotive self-service stations)
20. General media stores (see Section 2.1 for definition; See Section 4.2 for special design standards for certain general media stores).

Unless otherwise specified, the above uses are subject to the following limitations: (1) sale, display, preparation, and storage to be conducted within a completely enclosed building, and no more than thirty (30) percent of floor space to be devoted to storage; (2) products to be sold only at retail; and (3) site and development plan approval (see Article 14) is required for the following uses:

1. All commercial developments.

4.13.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
 - c. Do not involve operations or structures not in keeping with the character of the district.
2. On-site signs (see Section 4.2).

4.13.4 PROHIBITED USES AND STRUCTURES

1. Manufacturing activities, except as specifically permitted.
2. Warehousing or storage, except in connection with a permitted use.
3. Off-site signs.
4. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, lumber and building supplies, and monuments.
5. Motor vehicle body shop.
6. Any other uses or structures not specifically, provisionally or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation, or likely for other reasons to be incompatible with the character of the district. Performance standards apply (see Section 4.2).

7. Simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations).
8. Slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations).

4.13.5 SPECIAL EXCEPTIONS
(See also Articles 12 and 13)

1. Automotive service stations (see Section 4.2 for special design standards for automotive service stations).
2. Rental of automotive vehicles, trailers and trucks.
3. Package store for sale of alcoholic beverages, bar, tavern or cocktail lounge.
4. Hospitals and nursing homes.
5. Motor bus or other transportation terminals.
6. Child care centers and overnight child care centers, provided:
 - a. No outdoor play activities shall be conducted before 8 a.m. or after 8 p.m.; and
 - b. Provision is made for areas for offstreet pick-up and drop-off of children.
7. Public buildings and facilities.
8. Private clubs and lodges.

4.13.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted uses and structures (unless otherwise specified):

Minimum lot area	None
Minimum lot width	None

4.13.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

1. All permitted uses and structures (unless otherwise specified):

Front	20 feet
Side	None, except where a side yard is provided, then a side yard of at least 10 feet must be provided.
Rear	15 feet
2. Child care centers and overnight child care centers:

Front	20 feet
Side	10 feet for each side yards
Rear	15 feet

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

4.13.8 **MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED**
(See also Section 4.2 for exceptions)

35 feet

4.13.9 **MAXIMUM LOT COVERAGE BY ALL BUILDINGS**

In addition to meeting the required lot yard, building height, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.13.10 **MINIMUM LANDSCAPED BUFFERING REQUIREMENTS**
(See also Section 4.2)

1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than ten (10) feet in width along the affected rear and/or side yards as the case may be.

2. Existing single-family dwellings and mobile homes:

None, except as necessary to meet other requirements set out herein.

4.13.11 **MINIMUM OFFSTREET PARKING REQUIREMENTS**
(See also Section 4.2)

1. Commercial and service establishments (unless otherwise specified): one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
2. Commercial establishments selling home furnishings and major appliances, and office equipment and furniture: one (1) space for each five hundred (500) square feet of non-storage floor area.
3. Restaurants, cocktail lounges, bars, and taverns: one (1) space for each three (3) seats in public rooms.
4. Funeral homes: one (1) space for each three (3) seats in the chapel.
5. Medical or dental offices, clinics, or laboratories: one (1) space for each one hundred fifty (150) square feet of floor area.
6. Business and professional offices: one (1) space for each two hundred (200) square feet of floor area.
7. Newspaper office: one (1) space for each three hundred fifty (350) square feet of floor area.
8. Public buildings and facilities (unless otherwise specified): one (1) space for each two hundred (200) square feet of floor area.
9. Banks and financial institutions: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.

10. Professional, business, and technical schools: one (1) space for each two hundred (200) square feet of floor area.
11. Community and little theaters, indoor motion picture theaters: one (1) space for each four (4) seats.
12. Hotels and motels: one (1) space for each sleeping room, plus two (2) spaces for the owner or manager, plus required number of spaces for each accessory use such as restaurant, bar, etc. as specified.
13. Dry cleaning and laundry package plants: one (1) space for each one hundred fifty (150) square feet of non-storage floor area.
14. Each residential dwelling unit: two (2) spaces for each dwelling unit.
15. Churches and houses of worship: one (1) space for each six (6) permanent seats in main auditorium.
16. Art galleries: one (1) space for each three hundred (300) square feet of floor area.
17. Dance, art, and music studios: one (1) space for each three hundred fifty (350) square feet of floor area.
18. Private clubs and lodges: one (1) space for each three hundred (300) square feet of floor area.
19. Hospitals: one (1) space for each bed.
20. Nursing homes: one (1) space for each three (3) beds.
21. Telephone exchange, motor bus or other transportation terminals: one (1) space for each three hundred fifty (350) square feet of floor area.
22. Childcare centers and overnight child care centers: one (1) space for each three hundred (300) square feet of floor area devoted to child care activities.
23. For other special exceptions as specified herein: to be determined by findings in the particular case.

Note: Offstreet loading required (see Section 4.2).

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SECTION 4.14. "CI" COMMERCIAL, INTENSIVE

4.14.1 DISTRICTS AND INTENT

The "CI" Commercial, Intensive category includes one (1) zone district: CI. This district is intended for intensive, highly automotive-oriented uses that require a conspicuous and accessible location convenient to streets carrying large volumes of traffic and shall be located within designated urban development areas as defined within the County's Comprehensive Plan. Such activities generally require large land areas, do not cater directly in appreciable degree to pedestrians, and require ample offstreet parking and offstreet loading space. This district permits certain uses not of a neighborhood or general commercial type and serves the entire County.

4.14.2 PERMITTED PRINCIPAL USES AND STRUCTURES

As for CG, and in addition:

1. Retail commercial outlets for sale of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, dairy supplies, feed, fertilizer, lumber and building supplies, monuments, and outdoor retail commercial display areas associated with sale of said items.
2. Service establishments such as repair and service garage, motor vehicle body shop, car wash, auction house (but not including livestock auction arena), laundry or dry cleaning establishment, animal boarding kennels in soundproof buildings, plant nursery or landscape contractor, carpenter or cabinet shop, home equipment rental, ice delivery station, upholstery shop, marina and boat sales, commercial water softening establishment, rental of automotive vehicles, trailers, and trucks.
3. Commercial recreation facilities such as drive-in theater (see Section 4.2), golf driving range, miniature golf course, skating rink, skateboard arena, go-cart track, and similar uses.
4. Palmist, astrologist, psychics, clairvoyants, and phrenologists.
5. Miscellaneous uses such as express or parcel delivery office, motor bus or other transportation terminal.
6. Wholesaling from sample stocks only, providing no manufacturing or storage for distribution is permitted on the premises.

Site and development plan approval (see Article 14) is required for the following uses:

1. All commercial developments.

4.14.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures.
 - b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership.
 - c. Do not involve operations or structures not in keeping with the character of the district.
2. On-site signs (see also Section 4.2).

3. Outdoor storage yard in connection with permitted use only; provided, this provision shall not permit wrecking yards (including automobile wrecking yard), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts.

4.14.4 PROHIBITED USES AND STRUCTURES

1. Manufacturing activities, except as specifically permitted.
2. Any other uses or structures not specifically, provisionally or by reasonable implication permitted herein. Any use which is potentially dangerous, noxious or offensive to neighboring uses in the district or to those who pass on public ways by reason of smoke, odor, noise, glare, fumes, gas, vibration, threat of fire or explosion, emission of particulate matter, interference with radio or television reception, radiation or likely for other reasons to be incompatible with the character of the district. Performance standards apply (see Section 4.2)
3. Simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations).
4. Slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations).

4.14.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Wholesale, warehouse or storage use in completely enclosed buildings. However, bulk storage of flammable liquids is not permitted.
2. Package store for sale of alcoholic beverages, bar, tavern or cocktail lounge.
3. Off-site signs (see also Section 4.2).
4. Truck stops and automotive service stations (see Section 4.2 for special design standards for automotive service stations).
5. Service establishments such as crematory.
6. Agricultural fairs and fairground activities, livestock auction arenas.
7. Commercial tourist attractions.
8. Building trades contractor with on premises storage yard for materials and equipment.
9. Public buildings and facilities.

4.14.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted uses and structures (unless otherwise specified):

Minimum lot area None

Minimum lot width None

4.14.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard)
(See Section 4.2 for right-of-way setback requirements.)

1. All permitted uses and structures (unless otherwise specified):

Front 20 feet

Side None, except where a side yard is provided, then side yard of at least ten (10) feet must be provided.

Rear 15 feet

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

4.14.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2 for exceptions)

35 feet

4.14.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

In addition to meeting the required lot yard, building height, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.14.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than 10 feet in width along the affected rear and/ or side yards as the case may be.

4.14.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. For uses specifically listed under CG: As for CG OFFSTREET PARKING REQUIREMENTS.
2. Commercial or service establishments (unless otherwise specified); agricultural fairs and fairgrounds; livestock auction arena: one (1) space for each three hundred fifty (350) square feet of floor area, plus, where applicable, one (1) space for each one thousand (1,000) square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
3. Express or parcel delivery office, motor bus or other transportation terminal: one (1) space for each three hundred fifty (350) square feet of floor area.
4. Palmist, astrologist, psychics, clairvoyants, and phrenologist: one (1) space for each two hundred (200) square feet of floor area.
5. Wholesale establishments: one (1) space for each five hundred (500) square feet of floor area.

6. Warehouse or storage use only: one (1) space for each one thousand five hundred (1,500) square feet of floor area.
 7. Each existing residential dwelling unit: two (2) spaces for each dwelling unit.
- Note: Offstreet loading required (see Section 4.2).

SECTION 4.15. "ILW" INDUSTRIAL, LIGHT AND WAREHOUSING

4.15.1 DISTRICTS AND INTENT

The "ILW" Industrial, Light and Warehousing category includes one (1) zone district: ILW. This district is intended for light manufacturing, processing, storage and warehousing, wholesaling, and distribution within the designated urban development areas defined within the County's Comprehensive Plan. Service and commercial activities relating to the character of the district and supporting its activities are permitted. Certain commercial uses relating to automotive and heavy equipment sales and repair are permitted, but this district shall not be deemed commercial in character. Regulations for this district are intended to prevent or reduce adverse impacts between the uses in this district, and also to protect nearby residential and commercial districts. Performance standards are applied at lot lines (see Article 14).

4.15.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Wholesaling, warehousing, storage or distribution establishments and similar uses.
2. Research laboratories and activities in completely enclosed buildings.
3. Light manufacturing, assembling, processing (including food processing, but not slaughter houses), packaging or fabricating in completely enclosed building.
4. Printing, lithographing, publishing, photographic processing, blue printing or similar establishments.
5. Outdoor storage yards and lots, provided, this provision shall not permit wrecking yards (including automobile wrecking yards), junk yards, or yards used in whole or in part for scrap or salvage operations or for processing, storage, display, or sales of any scrap, salvage, or second-hand building materials, junk automotive vehicles, or second-hand automotive parts.
6. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shop; establishments for sale of farm supplies, lumber and building supplies, monuments, automotive vehicle parts and accessories (but not junk yards or automotive vehicle wrecking yards), and similar uses.
7. Service establishments catering to commerce and industry including linen supply, freight movers, communications services, business machine services, canteen service, restaurant, employment agency, sign company, pest control, water softening establishment and similar uses.
8. Service establishments such as crematory.
9. Vocational, technical, trade, or industrial schools and similar uses.
10. Medical clinic in connection only with industrial activity.
11. Miscellaneous uses such as express or parcel delivery office, telephone exchange, commercial parking lots and garages, motor bus or truck or other transportation terminal.
12. Radio and television stations.

13. Building trades contractor including on premises storage yard for materials and equipment, but no manufacturing of concrete or asphalt is permitted.
14. Railroad switching, freight, and storage yards; railroad buildings and maintenance structures.

Site and development plan approval (see Section Article 14) is required for the following uses:

1. All commercial or industrial developments.

4.15.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
2. On-site signs (see Section 4.2).

4.15.4 PROHIBITED USES AND STRUCTURES

Any uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including the following, which are listed for purposes of emphasis:

1. Petroleum bulk storage and sales.
2. Yards or lots for scrap or salvage operations or for processing, storage, display, or sale of any scrap, salvage, or second-hand building materials and automotive vehicle parts.
3. Wrecking yards (including automotive vehicle wrecking yards) and junk yards.
4. Manufacturing activities not in completely enclosed buildings.
5. Any use not conforming to performance standards of Article 14.
6. Simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations).
7. Slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations).

4.15.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Off-site signs (see also Section 4.2).
2. Truck stops and automotive service and self-service stations (see Section 4.2 for special design standards for automotive service stations).
3. Public buildings and facilities.

4.15.6 MINIMUM LOT REQUIREMENTS (area, width)

1. All permitted and structures (unless otherwise specified):

Minimum lot area	None
Minimum lot width	None

4.15.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yard)
(See Section 4.2 for right-of-way setback requirements.)

1. All permitted or permissible uses and structures (unless otherwise specified):

Front 20 feet, of which no less than 1/2 the depth 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 and contiguous to the designated property line or lines. This landscaped area may be penetrated at right angles by driveways.

Side and Rear 15 feet except where railroad spur abuts side or rear property line, in which case no yard is required.

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

4.15.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2 for exceptions)

35 feet

4.15.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

In addition to meeting the required lot yard, building height, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.15.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than twenty-five (25) feet in width along the affected rear and/or side yards as the case may be.

4.15.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Warehousing and storage only: one (1) space for each one thousand five hundred (1,500) square feet of floor area.
2. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shops; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and automotive vehicle parts and accessories; crematories; and similar uses: one (1) space for each three hundred fifty (350) square feet of floor area, plus, where applicable, one (1) space for each one thousand (1,000) square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
3. Restaurants: one (1) space for each three (3) seats in public rooms.

4. Miscellaneous uses such as express or parcel delivery office, telephone exchange, motor bus or truck or other transportation terminal: one (1) space for each three hundred fifty (350) square feet of floor area.
 5. For uses specifically listed under CI: As for CI OFFSTREET PARKING REQUIREMENTS.
 6. Other permitted uses (unless otherwise specified): one (1) space for each five hundred (500) square feet of floor area.
- Note: Offstreet loading required (see Section 4.2).

SECTION 4.16. "I" INDUSTRIAL

4.16.1 DISTRICTS AND INTENT

The "I" Industrial category includes one (1) zone district: "I". This district is intended primarily for manufacturing and closely related uses within designated urban development areas as defined by the County's Comprehensive Plan. It is intended to preserve such lands for the functions of industrial activity, wholesaling, warehousing and distribution. To allow maximum latitude for operations, performance standards are applied at district boundaries, so that uses which might not otherwise be permitted are allowable in the portions of the district not adjacent to the district boundary lines.

4.16.2 PERMITTED PRINCIPAL USES AND STRUCTURES

As for ILW, and in addition:

1. Any industrial use which is otherwise lawful (except those uses requiring special controls and permissible as special exceptions) and which conforms to performance standards as set out in Article 14.
2. Sexually oriented media stores (See Section 2.1 for definition; See Section 4.2 for special design and separation requirements for sexually oriented media stores).
3. Sex shops (See Section 2.1 for definition; See Section 4.2. for special design and separation requirements for sex shops).
4. Sexually oriented cabarets (See Section 2.1 for definition; See Section 4.2. for special design and separation requirements for sexually oriented cabarets). Live entertainment shall occur only inside an enclosed, sound-proofed building, and there shall be no projection of sound outside the building.
5. Sexually oriented motion picture theaters (See Section 2.1 for definition; See Section 4.2 for special design and separation requirements for sexually oriented motion picture theaters). There shall be no projection of sound outside the enclosed building.

Site and development plan approval (see Article 14) is required for the following uses:

1. All industrial developments.

4.16.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. Uses and structures which are customarily accessory and clearly incidental and subordinate to permitted principal uses and structures.
2. On-site signs (see Section 4.2).

4.16.4 PROHIBITED USES AND STRUCTURES

Incinerators for disposal of solid, bio-medical or hazardous waste, simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations), slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations). Any uses or structures not specifically, provisionally, or by reasonable implication permitted herein, including any use not conforming to performance standards of Article 14.

4.16.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13)

1. Wrecking yards (including automobile wrecking yard); junk yards; or yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts; provided any such yard shall be completely enclosed by an opaque fence or wall not less than six (6) feet high; provided that this fence or wall shall not be built of tin or galvanized metal sheets. Where a landscape buffer is provided to meet this requirement, such landscape buffer shall be at least eighty percent (80%) opaque between two (2) and six (6) feet above average ground level which viewed horizontally and shall be of plant material which maintains such opaque quality throughout the year. Further, such fence, wall or landscape buffer shall be maintained and continued so long as the main use continues. Failure to maintain such fence, wall or landscape buffer shall be a violation of these land development regulations.

Note: By July 31, 1996, any wrecking yard in existence on the date of adoption or amendment of these Land Development Regulations (including automobile wrecking yards); junk yards; or yards used for scrap, salvage, second-hand building materials, junk automotive vehicles, or second-hand automotive parts, whether any such use is a conforming use or nonconforming use; shall be completely enclosed, where adjacent to or visible from a public or private street, by an opaque fence, wall or landscape buffer not less than six (6) feet high; provided that this fence or wall shall not be built of tin or galvanized metal sheets. Where a landscape buffer is provided to meet this requirement, such landscape buffer shall be at least eighty percent (80%) opaque between two (2) and six (6) feet above average ground level which viewed horizontally and shall be of plant material which maintains such opaque quality throughout the year. Further, such fence, wall or landscape buffer shall be maintained and continued so long as the main use continues. Failure to maintain such fence, wall or landscape buffer shall be a violation of these land development regulations.

2. Bulk storage yards including bulk storage of flammable liquids, subject to provisions of local and State Fire Codes.
3. Chemical and fertilizer manufacture.
4. Paint, oil (including linseed), shellac, turpentine, lacquer or varnish manufacture.
5. Paper and pulp manufacture.
6. Petroleum refining.
7. Rendering plant.
8. Storage, sorting, collecting or baling of rags, iron or junk.
9. Off-site signs (see Section 4.2).
10. Truck stops and automotive service and self-service stations (see Section 4.2 for special design standards for automotive service stations).
11. Electric or gas generating plants.

- 12. Asphalt or concrete batching plants.
- 13. Uses similar to those listed above.
- 14. Public buildings and facilities.
- 15. Solar farms. (See also Section 4.2.38)

4.16.6 MINIMUM LOT REQUIREMENTS (area, width)

- 1. All permitted uses and structures (unless otherwise specified):

Minimum lot area	None
Minimum lot width	None

4.16.7 MINIMUM YARD REQUIREMENTS (depth of front and rear yard, width of side yards)
(See Section 4.2 for right-of-way setback requirements.)

- 1. All permitted uses and structures (unless otherwise specified):

Front	20 feet
Side and Rear	15 feet except where railroad spur abuts side or rear property line, in which case no yard is required.

Special Provisions: A minimum undisturbed, vegetated buffer of fifty (50) feet measured from the generally recognized river bank of all perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

4.16.8 MAXIMUM HEIGHT OF STRUCTURES: NO PORTION SHALL EXCEED
(See also Section 4.2)

35 feet

4.16.9 MAXIMUM LOT COVERAGE BY ALL BUILDINGS

In addition to meeting the required lot yard, building height, landscaped buffering, and off-street parking requirements of this section, no structure shall exceed a 1.0 floor area ratio.

4.16.10 MINIMUM LANDSCAPED BUFFERING REQUIREMENTS
(See also Section 4.2)

- 1. All permitted uses (unless otherwise specified):

Where a use listed under (1) above is erected or expanded on land abutting a residential district, then the proposed use shall provide a landscaped buffer which shall be not less than twenty-five (25) feet in width along the affected rear and/or side yards as the case may be.

4.16.11 MINIMUM OFFSTREET PARKING REQUIREMENTS
(See also Section 4.2)

1. Warehousing and storage only: one (1) space for each one thousand five hundred (1,500) square feet of floor area.
2. Retail commercial establishments for sale, repair, and service of new and used automobiles, motorcycles, trucks and tractors, mobile homes, boats, heavy machinery and equipment, and farm equipment; motor vehicle body shops; retail establishments for sale of farm supplies, lumber and building supplies, monuments, and automotive vehicle parts and accessories; wrecking yards; and similar uses: one (1) space for each three hundred fifty (350) square feet of floor area, plus where applicable, one (1) space for each one thousand (1,000) square feet of lot or ground area outside buildings used for any type of sales, display, or activity.
3. Restaurants: one (1) space for each three (3) seats in public rooms.
4. Miscellaneous uses such as express or parcel delivery office, telephone exchange, motor bus or truck or other transportation terminal: one (1) space for each three hundred fifty (350) square feet of floor area.
5. For uses specifically listed under ILW: As for ILW OFFSTREET PARKING REQUIREMENTS.
6. Other permitted uses (unless otherwise specified): one (1) space for each five hundred (500) square feet of floor area.

Note: Offstreet loading required (see Section 4.2).

SECTION 4.17. "PRD" PLANNED RESIDENTIAL DEVELOPMENT

4.17.1 DISTRICTS AND INTENT

The "PRD" Planned Residential Development category includes one (1) zone district: "PRD". The purpose of this district is to permit Planned Residential Developments within designated urban development areas as defined within the County's Comprehensive Plan, which are intended to:

1. Encourage the development of planned residential development of land;
2. Encourage flexible and creative concepts of site planning;
3. Preserve the natural amenities of the land by encouraging scenic and functional open areas;
4. Accomplish a more desirable environment than would be possible through strict application of the minimum requirements of these land development regulations;
5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
6. Provide a stable environmental character compatible with surrounding areas.

4.17.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Residential dwellings including conventional single family dwellings, duplex dwellings, and multiple family dwellings.
2. Public or private schools offering curricula comparable to that of public schools.
3. Churches and other houses of worship.
4. Golf courses, county clubs, and racquet and tennis clubs.
5. Public buildings and facilities.
6. Homes of six (6) or fewer residents which otherwise meet the definition of a "community residential home" (see Section 4.2).
7. Community residential homes within multiple dwelling unit areas of Planned Residential Development (see Section 4.2).

4.17.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On-site signs (see also Section 4.2).
2. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership; and
 - c. Do not involve operations or structures not in keeping with the character of the district.

4.17.4 PROHIBITED USES AND STRUCTURES

1. Simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations).
2. Slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations).

4.17.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13).

1. Home occupations (see Article 2.1).

4.17.6 DEFINITIONS

In addition to the definitions contained in Article Two, the following terms, phrases, words, and derivations shall have the following meaning:

1. Applicant. Applicant is a landowner or the landowner's agent who files a petition for a zoning amendment to a Planned Residential Development District.
2. Development Plan. Development plan is the proposal for development of a Planned Residential Development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of building, density of development, common open space, and public facilities.
3. Common Open Space. Common Open Space is an area of land, or an area of water, or a combination of land and water within the area of a Planned Residential Development in common. Common open space may contain such recreational structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the Planned Residential Development.
4. Gross Density. Gross Density is the total number of dwelling units divided by the total number of acres within the perimeter boundaries of a Planned Residential Development.
5. Net Residential Acreage. Net Residential Acreage is the total number of acres within the perimeter boundaries of a Planned Residential Development excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, recreation, and other permitted non-residential uses.
6. Planned Residential Development. Planned Residential Development (PRD),
 - a. Is a concept which required land to be under unified control, planned and developed as a whole in a single development or approved, programmed series of developments for dwelling units and related uses and facilities;
 - b. Is a plan which, when adopted, becomes the land development regulations for the land to which it is applied;
 - c. Includes principal and accessory structures substantially related to the character of the development itself and the surrounding area of which it is a part; and
 - d. Is a concept which, when implemented, allows for development according to comprehensive and detailed plans which include not only streets, utilities, building sites, and the like, but also site plans and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses, and improvements on the land as related to the buildings.

4.17.7 PROCEDURE FOR APPROVAL OF A PLANNED RESIDENTIAL DEVELOPMENT

The procedure for obtaining a change in zoning for the purpose of undertaking a Planned Residential Development shall be as follows:

1. Planned Residential Development Zoning and Preliminary Development Plan Approval. The applicant shall submit to the Land Development Regulation Administrator a request for change to a Planned Residential Development zoning district containing the following exhibits:

- a. A statement of objectives describing:
 - (1) The general purpose of the proposed development; and
 - (2) The general character of the proposed development.
- b. A Vicinity Map showing the location of the proposed Planned Residential Development in relation to:
 - (1) Surrounding streets and thoroughfares;
 - (2) Existing zoning on the site and surrounding areas; and
 - (3) Existing land use on the site and surrounding areas.

The Vicinity Map shall be drawn at a scale to show an area of no less than one thousand (1,000) feet surrounding the property. A greater area may be required if the Planning and Zoning Board determines information on a larger vicinity is needed.

- c. A Boundary Survey and legal description of the property.
- d. A Topographic Survey. The most recent United States Geological Service topographic survey may be used if better topographic information is not available.
- e. A Site Analysis Map at the same scale as the Preliminary Development Plan described below shall be submitted indicating flood prone areas, areas with slopes greater than five (5) percent, areas of soils which are marginally suited for development purposes and tree cover.
- f. A Preliminary Development Plan drawn at a scale suitable for presentation, showing:
 - (1) Proposed land uses;
 - (2) Lot sizes indicated either by lot lines drawn in their proposed location or a statement on the face of the Preliminary Development Plan concerning proposed lot sizes, including minimum lot sizes; and
 - (3) Building setbacks defining the distance buildings will be set back from:
 - (a) Surrounding property lines;
 - (b) Proposed and existing streets;
 - (c) Other proposed buildings;
 - (d) The center line of rivers, streams, and canals;
 - (e) The high water line of lakes; and
 - (f) Other man-made or natural features which would be affected by building encroachment.

- (4) Maximum height of buildings;
- (5) Common open spaces;
- (6) Arterial and collector streets and thoroughfares;
Local access streets and interior circulation should be shown on the Preliminary Development Plan for Planned Residential Developments which have no planned arterial or collector streets within the projects.
- (7) Common outside storage areas; and
- (8) Screening, buffering, and landscaped buffer areas.

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (Olostee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

- g. A table showing acreage for each category of land use.
 - h. A statement concerning gross density and net residential acreage (see Section 4.17.5 for definition of gross density and net residential acreage).
 - i. A statement concerning proposed floor area ratios (percent of lot in relation to building floor area) and the maximum building coverage expressed as a percent of the total site area.
 - j. A Preliminary Utility Service Plan including sanitary sewers, storm drainage, and potable water supply, showing general locations of major water and sewer lines, plant location, lift stations, and indicating whether gravity or forced systems are planned. Size of lines, specific locations, and detailed calculations are not required at this stage.
 - k. A statement indicating the type of legal instruments that will be created to provide for the management of common areas and any private roads.
2. Processing the Planned Residential Development Zoning Application and Preliminary Development Plan Submittals. When the Land Development Regulation Administrator has received the application and submittals, and is satisfied that the application and submittals are complete, the application shall be processed as any other zoning application in accordance with the provisions of these land development regulations.

The Planning and Zoning Board shall make a recommendation to the Board of County Commissioners. The Board of County Commissioners' actions shall be one (1) of the following:

- a. Approval as submitted.
 - b. Conditional approval.
 - c. Disapproval.
3. Final Development Plan. If the Preliminary Development Plan for the Planned Residential Development is approved, the applicant shall submit a Final Development Plan covering all or part of the approved Preliminary Development Plan within twelve (12) months to the Land Development Regulation Administrator. Thirty (30) days prior to any lapse date, the Land Development Regulation Administrator shall notify the Board of County Commissioners and the applicant of such date. Such notice to the applicant shall be mailed via Certified Mail Return Receipt Requested. If a Final Development Plan is not submitted within this twelve (12) month period or an additional twelve (12) month period granted by the Board of County Commissioners, the Land Development Regulation Administrator shall cause the Planned Residential Development district to be removed from the Official Zoning Atlas and reinstate the zoning district in effect prior to approval of the Planned Residential Development. The Board of County Commissioners may extend this lapse date for a period not to exceed an additional twelve (12) months, provided the request for extension is made by the applicant prior to the expiration of the initial approval period.

The Final Development Plan shall include the following exhibits:

- a. A statement of objectives:
 - (1) The general purpose of the proposed development.
 - (2) The general character of the proposed development.
- b. A Topographic Map drawn at a scale of one hundred (100) feet to one (1) inch by a surveyor or engineer registered in the state of Florida showing:
 - (1) The location of existing private and public property rights-of-way, streets, buildings, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, and any public utility easements;
 - (2) Wooded areas, streams, lakes, marshes, and any other physical conditions affecting the site; and
 - (3) Existing contours at intervals of one (1) foot.
- c. A Final Development Plan drawn at a scale of one hundred (100) feet to one (1) inch and showing:
 - (1) The boundaries of the site, topography, and proposed grading plan;
 - (2) Width, location, and names of surrounding streets;
 - (3) Surrounding land use;
 - (4) Proposed streets and street names and other vehicular and pedestrian circulation systems including off-street parking;
 - (5) The use, size, and location of all proposed building sites; and

- (6) Location and size of common open spaces and public or semi-public areas.
- d. A Utility Service Plan showing:
 - (1) Existing drainage and sewer lines;
 - (2) The disposition of sanitary waste and storm water;
 - (3) The source of potable water;
 - (4) Location and width of all utility easements or rights-of-way; and
 - (5) Plans for the special disposition of stormwater drainage when it appears that said drainage could substantially harm a body of surface water.
- e. A Landscaping Plan showing:
 - (1) Landscaped areas;
 - (2) Location, height, and material for walks, fences, walkways, and other man-made landscape features; and
 - (3) Any special landscape features such as, but not limited to, man-made lakes, land sculpture, and waterfalls.
- f. Statistical information:
 - (1) Total acreage of the site;
 - (2) Maximum building coverage expressed as a percent of the area;
 - (3) Area of land devoted to landscaping and/or common open space usable for recreation purposes expressed as a percent of the total site area; and
 - (4) Calculated gross density and net residential acreage for the proposed development (see Section 4.17.5 for definition of gross density and net residential acreage).
- g. The substance of covenants, grants, easements, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities. All such legal documents, including homeowners associations and deed restrictions, shall be approved by the County Attorney before final approval of the plan.

4.17.8 ISSUANCE OF BUILDING PERMITS

No building permit shall be issued for any portion of a proposed Planned Residential Development until the Final Development Plan has been approved.

4.17.9 REVISION OF A PLANNED RESIDENTIAL DEVELOPMENT

A proposed substantial change in the approved Preliminary Development Plan which affects the intent and character of the development, the density or land use patterns, proposed buffers, the location or dimensions of arterial or collector streets, or similar substantial changes, shall be reviewed by the Planning and Zoning Board and the Board of County Commissioners in the same manner as the initial application. A request for a revision of the Preliminary Development Plan shall be supported by a written statement and by revised plans demonstrating the reasons the revisions are necessary or desirable. All revisions to the approved Preliminary Development Plan shall only be approved if they are consistent with the original purpose, intent, overall design, and integrity of the approved Preliminary Development Plan.

Minor changes, and/or deviations from the Preliminary Development Plan which do not affect the intent or character of the development shall be reviewed by the Land Development Regulation Administrator and shall be approved only if they are consistent with the original purpose, intent and overall design and integrity of the approved preliminary development plan. Upon approval of the revision, the applicant shall make revisions to the plans and submittals and file the revised plans with the Land Development Regulation Administrator within thirty (30) days.

Examples of substantial and minor changes are:

Substantial Changes:

1. Perimeter changes.
2. Major street relocation.
3. Change in building height, density, land use patterns, or buffers.

Minor Changes:

1. Change in alignment, location, or length of local street.
2. Adjustments or minor shifts in dwelling unit mixes, not resulting in increased overall density.
3. Reorientation or slight shifts in building locations.

4.17.10 PLANNED RESIDENTIAL DEVELOPMENT TIME LIMITATIONS

If substantial construction, as determined by the Land Development Regulation Administrator, has not begun within two (2) years after approval of the Final Development Plan, the approval of the Planned Residential Development will lapse. Thirty (30) days prior to any lapse date, the Land Development Regulation Administrator shall notify the Board of County Commissioners and the applicant of such date. Such notice to the applicant shall be mailed via certified mail return receipt requested. The Board of County Commissioners may extend the period for beginning construction, at the request of the applicant for a period not to exceed an additional two (2) years, provided the request for extension is made prior to the expiration of the initial approval period. If the Planned Residential Development lapses under this provision, the Land Development Regulation Administrator shall cause the Planned Residential Development district to be removed from the Official Zoning Atlas and reinstate the zoning district which was in effect prior to the approval of the Planned Residential Development.

4.17.11 DEVIATION FROM THE FINAL DEVELOPMENT PLAN

Any unapproved deviation from the accepted Final Development Plan shall constitute a breach of agreement between the applicant and the Board of County Commissioners. Such deviation may cause the County to immediately revoke the Final Development Plan until such time as the deviations are corrected or become a part of the accepted Final Development Plan.

4.17.12 PHASING

The Board of County Commissioners may permit or require the phasing of a Planned Residential Development. When provisions for phasing are included in the final Development Plan, each phase of development shall be so planned and so related to previous development, surrounding properties, and available public facilities and services so that a failure to proceed with subsequent phases of development will have no adverse impact on the Planned Residential Development or surrounding properties.

4.17.13 DEVELOPMENT STANDARDS FOR PLANNED RESIDENTIAL DEVELOPMENTS

1. The minimum size parcel for Planned Residential Development shall be five (5) acres.
2. Conformance with the Comprehensive Plan. Densities for Planned Residential Developments shall be based upon and be consistent with the Comprehensive Plan. No Final Development Plan may be approved unless it is in conformance with the Comprehensive Plan.
3. Relationship to Zoning District. An approved Planned Residential Development is a separate zoning district in which the Final Development Plan, as approved, establishes the restrictions and regulations according to which the development shall occur. Upon approval, the Official Zoning Atlas shall be changed to indicate the area as a Planned Residential Development.
4. Residential Density and Housing Types. Any combination of residential density and housing types is permitted for a Planned Residential Development, as long as the overall gross density does not exceed the prescribed total number of dwelling units of the Comprehensive Plan land use classifications contained on the project site.
5. Dimensional and Bulk Restriction. The location of all proposed building sites shall be shown on the Final Development Plan subject to minimum lot sizes, setback lines, lot coverage and floor area specified by the Preliminary Development Plan as approved by the Board of County Commissioners.
6. Internal Compatibility. All land uses proposed within a Planned Residential Development shall be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility by a Planned Residential Development shall be based on the following factors:
 - a. The existence or absence of and the location of common open spaces and recreational areas;
 - b. The use of existing and proposed landscaping;
 - c. The treatment of pedestrian ways;
 - d. The use of topography, physical environment, and other natural features;
 - e. The traffic and pedestrian circulation pattern;
 - f. The use and variety of building setback lines, separations and buffering;
 - g. The use and variety of building groupings;
 - h. The use and variety of building sizes;
 - i. The separation and buffering of parking areas and sections of parking area;
 - j. The variety and design of dwelling types;
 - k. The proposed land uses and the conditions and limitations thereon;
 - l. The form of ownership proposed for various uses; and
 - m. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of any proposed use within the Planned Residential Development.
7. External Compatibility. All land uses proposed within a Planned Residential Development shall be compatible with existing and planned uses of properties surrounding the Planned Residential Development; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use,

nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a Planned Residential Development should be based on the following factors:

- a. All of these factors listed in this Section, with particular attention to those areas of the Planned Residential Development located on or near its perimeter;
 - b. The uses proposed near the Planned Residential Development perimeter and the conditions and limitations thereon;
 - c. The type, number, and location of surrounding external uses;
 - d. The Comprehensive Plan designation and zoning on surrounding lands; and
 - e. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of lands surrounding the Planned Residential Development and any existing or planned use of such lands.
8. Intensity of Development. The residential density and intensity of use of a Planned Residential Development shall be compatible with, and shall have no undue adverse impact upon, the physical and environmental characteristics of the site and surrounding lands, and they shall comply with the policies and density limitations set forth in the Comprehensive Plan. Specific densities and intensity of uses within a Planned Residential Development shall be determined based on the following factors:
- a. The locations of various proposed uses within the Planned Residential Development and the degree of compatibility of such uses with each other and with surrounding uses;
 - b. The amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the Planned Residential Development;
 - c. The existing residential density and intensity of use of surrounding lands;
 - d. The availability and location of utility services and public facilities and services;
 - e. The amount and size of common open spaces and recreation areas;
 - f. The existence and treatment of any environmentally sensitive areas on the Planned Residential Development property or surrounding lands;
 - g. The access to and suitability of transportation arteries proposed within the Planned Residential Development and existing external transportation systems and arteries; and
 - h. Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare, and safety.
9. Common Open Space. At least fifteen (15) percent of the area covered by a Final Development Plan shall be usable, common open space owned and operated by the applicant or dedicated to a homeowner association or similar group, provided that in establishing the density per gross acre the Board of County Commissioners may increase the percentage of common open space in order to carry out the intent and purpose set forth in this Article; and provided that any Planned Residential Development which only consists of one family dwellings with individually deeded lots shall only be required to have five (5) percent usable, common open space. Not more than one-half (1/2) of the total common open space area may be in a flood plain, buffer area, and/or water bodies.

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (Olustee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

10. Access and Parking. All streets, thoroughfares, and access ways shall be designed to relate to the traffic circulation plans of the area. Adequate off-street parking shall meet the requirements specified for the uses found in the District Regulations and Section 4.2 of these land development regulations.
11. External Transportation Access. A Planned Residential Development shall provide direct access to, a major street (arterial or collector) unless, due to the size of the Planned Residential Development and the type of uses proposed, it will not adversely affect the traffic on adjoining minor (local) streets.
12. Internal Transportation Access. Every dwelling unit or other use permitted in a Planned Residential Development shall have access to a public street either directly or by way of a private road. Permitted uses are not required to front on a dedicated public road. Private roads shall be constructed according to County specifications as found in the County's Subdivision Regulations (see Article 5). If the Planned Residential Development contains private roads, such private roads shall be owned and maintained by the applicant or dedicated to a homeowners association or similar group.
13. Perimeter Requirements. Structures, buildings and streets located at the perimeter of the development shall be permanently screened by a landscaped buffer area (see Section 4.2).
14. Control of Area Following Completion. After completion of a Planned Residential Development, the use of the land and/or modification or alteration of any buildings or structures within the area covered by the Final Development Plan shall continue to be regulated in accordance with the approved Final Development Plan except as otherwise provided for herein.
 - a. Minor extensions, alterations or modifications of existing buildings or structures may be permitted after review and approval by the Land Development Regulation Administrator provided they are substantially consistent with the original purpose, intent, overall design, and integrity of the Final Development Plan.
 - b. Substantial change in permitted uses, location of buildings, or other specifications of the Final Development Plan may be permitted following public hearing and approval by the Board of County Commissioners upon receipt of the recommendation of the Planning and Zoning Board, as long as such changes are consistent with the original purpose, intent, overall design, and integrity of the Final Development Plan.

SECTION 4.18. "PRRD" PLANNED RURAL RESIDENTIAL DEVELOPMENT

4.18.1 DISTRICTS AND INTENT

The "PRRD" Planned Rural Residential Development category includes one (1) zone district: "PRRD". The purpose of this district is to permit Planned Rural Residential Developments within the County's rural areas as identified within the County's Comprehensive Plan, which are intended to:

1. Encourage the development planned residential development of land;
2. Encourage flexible and creative concepts of site planning;
3. Provide for rural residential development and agricultural and silviculture uses;
4. Accomplish a more desirable environment than would be possible through strict application of the minimum requirements of these land development regulations;
5. Provide for an efficient use of land resulting in smaller networks of utilities and streets and thereby lowering development and housing costs; and
6. Provide a stable environmental character compatible with surrounding areas.

4.18.2 PERMITTED PRINCIPAL USES AND STRUCTURES

1. Residential dwellings including single family dwellings, duplex dwellings, and multiple family dwellings.
2. Public or private schools offering curricula comparable to that of public schools.
3. Churches and other houses of worship.
4. Golf courses, county clubs, and racquet and tennis clubs.
5. Public buildings and facilities.
6. Homes of six (6) or fewer residents which otherwise meet the definition of a "community residential home" (see Section 4.2).

4.18.3 PERMITTED ACCESSORY USES AND STRUCTURES

1. On-site signs (see also Section 4.2).
2. Uses and structures which:
 - a. Are customarily accessory and clearly incidental and subordinate to permitted uses and structures;
 - b. Are located on the same lot as the permitted use or structure, or on a contiguous lot in the same ownership; and
 - c. Do not involve operations or structures not in keeping with the character of the district.

4.18.4 PROHIBITED USES AND STRUCTURES

1. Simulated gambling device establishments (see Section 2.1 for definition of simulated gambling device and Section 4.2 for supplementary regulations).
2. Slot machine establishments (see Section 2.1 for definition of slot machines and Section 4.2 for supplementary regulations).

4.18.5 SPECIAL EXCEPTIONS

(See also Articles 12 and 13).

1. Home occupations (see Article 2.1).

4.18.6 DEFINITIONS

In addition to the definitions contained in Article Two, the following terms, phrases, words, and derivations shall have the following meaning:

1. Applicant. Applicant is a landowner or the landowner's agent who files a petition for a zoning amendment to a Planned Rural Residential Development District.
2. Development Plan. Development Plan is the proposal for development of a Planned Rural Residential Development, including a plat of subdivision, all covenants, grants of easement and other conditions relating to use, location and bulk of building, density of development, undeveloped area, and public facilities.
3. Gross Density. Gross Density is the total number of dwelling units divided by the total number of acres within the perimeter boundaries of a Planned Rural Residential Development.
4. Net Residential Acreage. Net Residential Acreage is the total number of acres within the perimeter boundaries of a Planned Rural Residential Development excluding areas devoted to streets, rights-of-way, easements, lakes, public and private open space, recreation, and other permitted uses.
5. Planned Rural Residential Development. Planned Rural Residential Development (PRRD),
 - a. Is a concept which requires land to be under unified control, planned and developed as a whole in a single development or approved, programmed series of developments for dwelling units and related uses and facilities;
 - b. Is a plan which, when adopted, becomes the land development regulations for the land to which it is applied;
 - c. Includes principal and accessory structures substantially related to the character of the development itself and the surrounding area of which it is a part; and
 - d. Is a concept which, when implemented, allows for development according to comprehensive and detailed plans which include not only streets, utilities, building sites, and the like, but also site plans and elevations for all buildings as intended to be located, constructed, used, and related to each other, and detailed plans for other uses, and improvements on the land as related to the buildings.
6. Undeveloped area. Undeveloped area within a Planned Rural Residential Development, as required by these land development regulations is an area designed and intended for agricultural uses, (not to include intensive agricultural uses); silvicultural uses and conservation uses. It is not the intent that such undeveloped area be established perpetually. Therefore, at some future time, these land development regulations may be amended to allow other uses to occur within the undeveloped area.

4.18.7 PROCEDURE FOR APPROVAL OF A PLANNED RURAL RESIDENTIAL DEVELOPMENT

The procedure for obtaining a change in zoning for the purpose of undertaking a Planned Rural Residential Development shall be as follows:

1. Planned Rural Residential Development Zoning and Preliminary Development Plan Approval. The applicant shall submit to the Land Development Regulation Administrator his or her request for change to a Planned Rural Residential Development zoning district containing the following exhibits:

- a. A statement of objectives describing:
 - (1) The general purpose of the proposed development; and
 - (2) The general character of the proposed development.
- b. A Vicinity Map showing the location of the proposed Planned Rural Residential Development in relation to:
 - (1) Surrounding streets and thoroughfares;
 - (2) Existing zoning on the site and surrounding areas; and
 - (3) Existing land use on the site and surrounding areas.

The Vicinity Map shall be drawn at a scale to show an area of no less than one thousand (1,000) feet surrounding the property. A greater area may be required if the Planning and Zoning Board determines information on a larger vicinity is needed.

- c. A Boundary Survey and legal description of the property.
- d. A Topographic Survey. The most recent United States Geological Service topographic survey may be used if better topographic information is not available.
- e. A Site Analysis Map at the same scale as the Preliminary Development Plan described below shall be submitted indicating flood prone areas, areas with slopes greater than five (5) percent, areas of soils which are marginally suited for development purposes and tree cover.
- f. A Preliminary Development Plan drawn at a scale suitable for presentation, showing the following:
 - (1) Proposed land uses;
 - (2) Lot sizes; the lot sizes should be indicated either by lot lines drawn in their proposed location or a statement on the face of the Preliminary Development Plan concerning proposed lot sizes;
 - (3) Building setbacks; building setbacks should be noted and shall define the distance buildings will be set back from:
 - (a) Surrounding property lines.
 - (b) Proposed and existing streets.
 - (c) Other proposed buildings.
 - (d) The center line of rivers, streams, and canals.
 - (e) The high water line of lakes.
 - (f) Other man-made or natural features which would be affected by building encroachment.
 - (4) Maximum height of buildings;
 - (5) Undeveloped areas;

- (6) Arterial and collector streets and thoroughfares; local access streets and interior circulation should be shown on the Preliminary Development Plan for Planned Rural Residential Developments which have no planned arterial or collector streets within the projects;
- (7) Common outside storage areas; and
- (8) Screening, buffering, and landscaped buffer areas.

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (Olostee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

- g. A table showing acreage for each category of land use.
 - h. A statement concerning gross density and net residential acreage (see Section 2.1 for definition of gross density and net residential acreage).
 - i. A statement concerning proposed floor area ratios (percent of lot in relation to building floor area) and the maximum building coverage expressed as a percent of the total site area.
 - j. A Preliminary Utility Service Plan including sanitary sewers, storm drainage, and potable water supply, showing general locations of major water and sewer lines, plant location, lift stations, and indicating whether gravity or forced systems are planned. Size of lines, specific locations, and detailed calculations are not required at this stage.
 - k. A statement indicating the type of legal instruments that will be created to provide for the management of common areas and any private roads.
2. Processing the Planned Rural Residential Development Zoning Application and Preliminary Development Plan Submittals. When the Land Development Regulation Administrator has received the application and submittals, and is satisfied that the application and submittals are complete, the application shall be processed as any other zoning application in accordance with the provisions of these land development regulations.

The Planning and Zoning Board shall make a recommendation to the Board of County Commissioners. The Board of County Commissioners' actions shall be one (1) of the following:

- a. Approval as submitted.
 - b. Conditional approval.
 - c. Disapproval.
3. Final Development Plan. If the Preliminary Development Plan for the Planned Rural Residential Development is approved, the applicant shall submit a Final Development Plan covering all or part of the approved Preliminary Development Plan within twelve (12) months to the Land Development Regulation Administrator. Thirty (30) days prior to any lapse date, the Land Development Regulation Administrator shall notify the Board of County Commissioners and the applicant of such date. Such notice to the applicant shall be mailed via Certified Mail Return Receipt Requested. If a Final Development Plan is not submitted within this twelve (12) month period or an additional twelve (12) month period granted by the Board of County Commissioners, the Land Development Regulation Administrator shall cause the Planned Rural Residential Development district to be removed from the Official Zoning Atlas and reinstate the zoning district in effect prior to approval of the Planned Rural Residential Development. The Board of County Commissioners may extend this lapse date for a period not to exceed an additional twelve (12) months, provided the request for extension is made by the applicant prior to the expiration of the initial approval period.

The Final Development Plan shall include the following exhibits:

- a. A statement of objectives:
 - (1) The general purpose of the proposed development.
 - (2) The general character of the proposed development.
- b. A Topographic Map drawn at scale of one hundred (100) feet to one (1) inch by a surveyor or engineer registered in the State of Florida showing:
 - (1) The location of existing private and public property rights-of-way, streets, buildings, water courses, transmission lines, sewers, bridges, culverts, and drain pipes, water mains, and any public utility easements.
 - (2) Wooded areas, streams, lakes, marshes, and any other physical conditions affecting the site.
 - (3) Existing contours at intervals of one (1) foot.
- c. A Final Development Plan drawn at a scale of one hundred (100) feet to one (1) inch and showing:
 - (1) The boundaries of the site, topography, and proposed grading plan.
 - (2) Width, location, and names of surrounding streets.
 - (3) Surrounding land use.
 - (4) Proposed streets and street names and other vehicular and pedestrian circulation systems including off-street parking.
 - (5) The use, size, and location of all proposed building sites.
 - (6) Location and size of undeveloped areas and public or semi-public areas.
- d. A Utility Service Plan showing:
 - (1) Existing drainage and sewer lines.
 - (2) The disposition of sanitary waste and stormwater.
 - (3) The source of potable water.

- (4) Location and width of all utility easements or rights-of-way.
- (5) Plans for the special disposition of storm water drainage when it appears that said drainage could substantially harm a body of surface water.
- e. A Landscaping Plan showing:
 - (1) Landscaped areas.
 - (2) Location, height, and material for walks, fences, walkways, and other man-made landscape features.
 - (3) Any special landscape features such as, but not limited to, man-made lakes, land sculpture, and waterfalls.
- f. Statistical information:
 - (1) Total acreage of the site.
 - (2) Maximum building coverage expressed as a percent of the area.
 - (3) Area of land devoted to landscaping and/or undeveloped area usable for recreation purposes expressed as a percent of the total site area.
 - (4) Calculated gross density and net residential acreage for the proposed development (see Section 2.1 for definition of gross density and net residential acreage).
- g. The substance of covenants, grants, easements, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities. All such legal documents, including homeowners associations and deed restrictions, shall be approved by the County Attorney before final approval of the plan.

4.18.8 ISSUANCE OF BUILDING PERMITS

No building permit shall be issued for any portion of a proposed Planned Rural Residential Development until the Final Development Plan has been approved.

4.18.9 REVISION OF A PLANNED RURAL RESIDENTIAL DEVELOPMENT

A proposed substantial change in the approved Preliminary Development Plan which affects the intent and character of the development, the density or land use patterns, proposed buffers, the location or dimensions of arterial or collector streets, or similar substantial changes, shall be reviewed by the Planning and Zoning Board and the Board of County Commissioners in the same manner as the initial application. A request for a revision of the Preliminary Development Plan shall be supported by a written statement and by revised plans demonstrating the reasons the revisions are necessary or desirable. All revisions to the approved Preliminary Development Plan shall only be approved if they are consistent with the original purpose, intent, overall design, and integrity of the approved Preliminary Development Plan.

Minor changes, and/or deviations from the Preliminary Development Plan which do not affect the intent or character of the development shall be reviewed and approved by the Land Development Regulation Administrator and shall only be approved if they are consistent with the original purpose, intent, overall design, and integrity of the approved Preliminary Development Plan. Upon approval of the revision, the applicant shall make revisions to the plans and submittals and file the revised plans with the Land Development Regulation Administrator within thirty (30) days.

Examples of substantial and minor changes are:

Substantial Changes:

1. Perimeter changes.
2. Major street relocation.
3. Change in building height, density, land use patterns, or buffers.

Minor Changes:

1. Change in alignment, location, or length of local street.
2. Adjustments or minor shifts in dwelling unit mixes, not resulting in increased overall density.
3. Reorientation or slight shifts in building locations.

4.18.10 PLANNED RURAL RESIDENTIAL DEVELOPMENT TIME LIMITATIONS

If substantial construction, as determined by the Land Development Regulation Administrator, has not begun within two (2) years after approval of the Final Development Plan, the approval of the Planned Rural Residential Development will lapse. Thirty (30) days prior to any lapse date, the Land Development Regulation Administrator shall notify the Board of County Commissioners and the applicant of such date. Such notice to the applicant shall be mailed via certified mail return receipt requested. The Board of County Commissioners may extend the period for beginning construction, at the request of the applicant for a period not to exceed an additional two (2) years, provided the request for extension is made prior to the expiration of the initial approval period. If the Planned Rural Residential Development lapses under this provision, the Land Development Regulation Administrator shall cause the Planned Rural Residential Development district to be removed from the Official Zoning Atlas and reinstate the zoning district which was in effect prior to the approval of the Planned Rural Residential Development.

4.18.11 DEVIATION FROM THE FINAL DEVELOPMENT PLAN

Any unapproved deviation from the accepted Final Development Plan shall constitute a breach of agreement between the applicant and the Board of County Commissioners. Such deviation may cause the County to immediately revoke the Final Development Plan until such time as the deviations are corrected or become a part of the accepted Final Development Plan.

4.18.12 PHASING

The Board of County Commissioners may permit or require the phasing of a Planned Rural Residential Development. When provisions for phasing are included in the final Development Plan, each phase of development shall be so planned and so related to previous development, surrounding properties, and available public facilities and services so that a failure to proceed with subsequent phases of development will have no adverse impact on the Planned Rural Residential Development or surrounding properties.

4.18.13 DEVELOPMENT STANDARDS FOR PLANNED RURAL RESIDENTIAL DEVELOPMENTS

1. The minimum size parcel for Planned Rural Residential Development shall be ten (10) acres.
2. Conformance with the Comprehensive Plan. Densities for Planned Rural Residential Developments shall be based upon and be consistent with the Comprehensive Plan. No Final Development Plan may be approved unless it is in conformance with the Comprehensive Plan.

3. Relationship to Zoning District. An approved Planned Rural Residential Development is a separate zoning district in which the Final Development Plan, as approved, establishes the restrictions and regulations according to which the development shall occur. Upon approval, the Official Zoning Atlas shall be changed to indicate the area as a Planned Rural Residential Development.
4. Residential Density and Housing Types. Any combination of residential density and housing types is permitted for a Planned Rural Residential Development, as long as the overall gross density does not exceed the prescribed total number of dwelling units of the Comprehensive Plan land use classifications contained on the project site.
5. Dimensional and Bulk Restriction. The location of all proposed building sites shall be shown on the Final Development Plan subject to minimum lot sizes, setback lines, lot coverage and floor area, specified by the Preliminary Development Plan as approved by the Board of County Commissioners.
6. Internal Compatibility. All land uses proposed within a Planned Rural Residential Development shall be compatible with other proposed uses; that is, no use may have any undue adverse impact on any neighboring use. An evaluation of the internal compatibility by a Planned Rural Residential Development shall be based on the following factors:
 - a. The existence or absence of and the location of undeveloped areas and recreational areas;
 - b. The use of existing and proposed landscaping;
 - c. The treatment of pedestrian ways;
 - d. The use of topography, physical environment, and other natural features;
 - e. The traffic and pedestrian circulation pattern;
 - f. The use and variety of building setback lines, separations and buffering;
 - g. The use and variety of building groupings;
 - h. The use and variety of building sizes;
 - i. The separation and buffering of parking areas and sections of parking area;
 - j. The variety and design of dwelling types;
 - k. The proposed land uses and the conditions and limitations thereon;
 - l. The form of ownership proposed for various uses; and
 - m. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of any proposed use within the Planned Rural Residential Development.
7. External Compatibility. All land uses proposed within a Planned Rural Residential Development shall be compatible with existing and planned uses of properties surrounding the Planned Rural Residential Development; that is, no internal use may have any avoidable or undue adverse impact on any existing or planned surrounding use, nor shall any internal use be subject to undue adverse impact from existing or planned surrounding uses. An evaluation of the external compatibility of a Planned Rural Residential Development should be based on the following factors:
 - a. All of these factors listed in this Section, with particular attention to those areas of the Planned Rural Residential Development located on or near its perimeter;
 - b. The uses proposed near the Planned Rural Residential Development perimeter and the conditions and limitations thereon;
 - c. The type, number, and location of surrounding external uses;

- d. The Comprehensive Plan designation and zoning on surrounding lands; and
 - e. Any other factor deemed relevant to the privacy, safety, preservation, protection, or welfare of lands surrounding the Planned Rural Residential Development and any existing or planned use of such lands.
8. Intensity of Development. The residential density and intensity of use of a Planned Rural Residential Development shall be compatible with, and shall have no undue adverse impact upon, the physical and environmental characteristics of the site and surrounding lands, and they shall comply with the policies and density limitations set forth in the Comprehensive Plan. Specific densities and intensity of uses within a Planned Rural Residential Development shall be determined based on the following factors:
- a. The locations of various proposed uses within the Planned Rural Residential Development and the degree of compatibility of such uses with each other and with surrounding uses;
 - b. The amount and type of protection provided for the safety, habitability, and privacy of land uses both internal and external to the Planned Rural Residential Development;
 - c. The existing residential density and intensity of use of surrounding lands;
 - d. The availability and location of utility services and public facilities and services;
 - e. The amount and size of undeveloped areas and recreation areas;
 - f. The existence and treatment of any environmentally sensitive areas on the Planned Rural Residential Development property or surrounding lands;
 - g. The access to and suitability of transportation arteries proposed within the Planned Rural Residential Development and existing external transportation systems and arteries; and
 - h. Any other factor deemed relevant to the limitation of the intensity of development for the benefit of the public health, welfare, and safety.
9. Undeveloped area. A percentage of the development shall be designated as undeveloped area on the Final Development Plan. Said percentage shall be as specified in the County's Comprehensive Plan. The undeveloped area shall be configured in such a manner as to permit agriculture or silviculture uses.

Special Provisions: A minimum undisturbed, vegetated buffer of seventy-five (75) feet measured from the generally recognized river bank of any Outstanding Florida Water (OluStee Creek and Santa Fe River), as classified by the Florida Department of Environmental Protection and fifty (50) feet measured from the generally recognized river bank of all other perennial rivers shall be required. In addition, a minimum undisturbed, vegetated buffer of thirty-five (35) feet from all wetlands shall be maintained.

These buffers shall be maintained for all single-family residential uses and agricultural uses and silviculture activities. All other permitted land uses shall conform with the variable buffer requirements contained in Chapter 40B-4.3030(4), Florida Administrative Code, as administered by the Water Management District. Exception shall be made for the provision of reasonable access to the river and resource-based recreational activities within buffer areas. Reasonable access shall mean the minimum amount of clearing necessary for access not to exceed twenty-five (25) feet in width.

10. Access and Parking. All streets, thoroughfares, and access ways shall be designed to relate to the traffic circulation plans of the area. Adequate off-street parking shall meet the requirements specified for the uses found in the District Regulations and Section 4.2 of these land development regulations.
11. External Transportation Access. A Planned Rural Residential Development shall provide direct access to a major street (arterial or collector) unless, due to the size of the Planned Rural Residential Development and the type of uses proposed, it will not adversely affect the traffic on adjoining minor (local) streets.
12. Internal Transportation Access. Every dwelling unit or other use permitted in a Planned Rural Residential Development shall have access to a public street either directly or by way of a private road. Permitted uses are not required to front on a dedicated public road. Public and private roads shall be constructed according to County specifications found in the County's Subdivision Regulations (see Article 5). If the Planned Rural Residential Development contains private roads, such private roads shall be owned and maintained by the applicant or dedicated to a homeowners association or similar group. All internal roads shall be so located to minimize the number of access points to external roadways.
13. Perimeter Requirements. Structures, buildings and streets located at the perimeter of the development shall be permanently screened by providing a landscaped buffer area (see Section 4.2).
14. Control of Area Following Completion. After completion of a Planned Rural Residential Development, the use of the land and/or modification or alteration of any buildings or structures within the area covered by the Final Development Plan shall continue to be regulated in accordance with the approved Final Development Plan except as otherwise provided for herein.
 - a. Minor extensions, alterations, or modifications of existing buildings or structures may be permitted after review and approval by the Land Development Regulation Administrator provided they are substantially consistent with the original purpose, intent, overall design, and integrity of the Final Development Plan.
 - b. Substantial change in permitted uses, location of buildings, or other specifications of the Final Development Plan may be permitted at such time as the Future Land Use Plan Map of the County's Comprehensive Plan is amended to allow a residential land use category and corresponding densities within the area which includes the Planned Rural Residential Development. The applicant may request an amendment to the Final Development Plan of the Planned Rural Residential Development for substantial change from the Board of County Commissioners. Such change to the Planned Rural Residential Development may be approved by the Board of County Commissioners, after conducting a public hearing, subsequent to approval of the above stated amendment to the County's Future Land Use Plan Map and upon receipt of a recommendation of the Planning and Zoning Board.

ARTICLE FIVE

SUBDIVISION REGULATIONS

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ARTICLE FIVE. SUBDIVISION REGULATIONS

SECTION 5.1 APPENDICES

The appendices set forth in these land development regulations are made a part hereof and shall be used where required by these land development regulations.

SECTION 5.2 POLICY

5.2.1 It is hereby declared to be the policy of the Board of County Commissioners to consider the subdivision of land and the development of a subdivision plat as subject to the control of the Board of County Commissioners pursuant to the Comprehensive Plan for the orderly, planned, efficient, and economical development of the area.

5.2.2 Land to be subdivided shall:

1. Aid in the coordination of land development in accordance with orderly physical patterns.
2. Discourage haphazard, premature, uneconomic, or scattered land development.
3. Ensure safe and convenient traffic control.
4. Encourage development of an economically stable and healthful community.
5. Ensure adequate utilities.
6. Prevent periodic and seasonal flooding by providing adequate protective flood control and drainage facilities.
7. Assure land subdivision with installation of adequate and necessary physical improvements.
8. Assure that citizens and taxpayers will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the subdivider of adequate and necessary physical improvements.
9. Assure to the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed.
10. Serve as one (1) of the several instruments of implementation for the Comprehensive Plan.

SECTION 5.3 PURPOSE

It is the intent of these land development regulations to encourage and promote, in accordance with present and future needs, the safety, morals, health, order, convenience, prosperity and general welfare of the residents of the County.

SECTION 5.4 CONDITIONS

Regulations of the subdivision of land and the attachment of reasonable conditions to land subdivision is an exercise of valid police power delegated by the State to the County. The subdivider has the duty of compliance with reasonable conditions established by the Board of County Commissioners for design, dedication, improvement, and restrictive use of the land so as to conform to the physical and economical development of the area and to the safety and general welfare of future property owners in the subdivision and of the community at large.

SECTION 5.5 CHARACTER OF THE LAND

Land which the Board of County Commissioners finds to be unsuitable for subdivision of development due to flooding, improper drainage, steep slopes, rock formations, adverse earth formations or topography, utility easements, or other features which will reasonably be harmful to the health, safety, and general welfare of the present or future inhabitants of the subdivision and/or its surrounding areas, shall not be subdivided or developed unless adequate methods are formulated by the subdivider and approved by the Board of County Commissioners to solve the problems created by the unsuitable land conditions.

SECTION 5.6 JURISDICTION

- 5.6.1 These land development regulations shall apply to all subdivisions of land, as defined herein, located within the unincorporated area of the County.
- 5.6.2 No land shall be subdivided within any area subject to these land development regulations until:
1. The subdivider or his agent has obtained approval of the final plat by the Board of County Commissioners; and
 2. The approved final plat is filed with Property Appraiser and the Clerk of the Circuit Court of the County.
- 5.6.3 No building permit shall be issued for any parcel or plat of land which was created by subdivision after the effective date, of and not in conformity with, the provisions of these land development regulations. No excavation of land or construction of any public or private improvements shall take place or be commenced except in conformity with these land development regulations.

SECTION 5.7 MAINTENANCE

Nothing in these land development regulations shall be construed as meaning that the Board of County Commissioners shall take over for maintenance any road, street, utilities, public parking or other public area, or drainage facility related thereto, except those designed and built in accordance with the Board of County Commissioners requirements and accepted for maintenance by specific action by the Board of County Commissioners.

SECTION 5.8 PLATS STRADDLING LOCAL GOVERNMENT BOUNDARIES

Whenever access to the subdivision is required across land in another government's jurisdiction, the Board of County Commissioners may request assurance from that government's attorney that access is legally established, and that the access road is adequately improved or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the access road.

SECTION 5.9 RESUBDIVISION OF LAND

- 5.9.1 Procedure for Resubdivision. For any change in a map of an approved or recorded subdivision plat including a "parent tract" as defined in Section 2.1, if such change affects any street layout shown on such map or area reserved thereon for public use, or any lot line, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions, such parcel shall be approved by the Board of County Commissioners by the same procedure, rules, and regulations as for a subdivision.

5.9.2 Procedure for Subdivisions Where Future Resubdivision is Indicated. Whenever a parcel of land is subdivided and the subdivision plat shows one (1) or more lots containing a minimum of one (1) acre of land within urban development areas and a minimum of two (2) acres of land within rural areas, as identified within the County's Comprehensive Plan and where such lots could eventually be re-subdivided into smaller building sites, the Board of County Commissioners may require that such parcel of land allow for the future opening of streets and the ultimate extension of adjacent streets and utilities. Easements providing for the future opening and extension of such streets may be made a requirement of the plat.

SECTION 5.10 SELF-IMPOSED RESTRICTIONS

If the subdivider places restrictions on any of the land contained in the subdivision greater than those required by these land development regulations, such restriction or reference thereto shall be indicated on the subdivision plat and/or recorded with the Clerk of the Circuit Court of the County.

SECTION 5.11 SUBDIVISION BY METES AND BOUNDS

The subdivision of any lot or parcel of land, by the use of metes and bounds description for the purpose of sale, transfer, or lease, shall be subject to all of the requirements of these land development regulations. Such subdivision of a parcel of land by the use of metes and bounds description for the purpose of sale, transfer or lease shall be subject to these subdivision regulations where two (2) or more developments which separately do not meet the literal definition of a subdivision but which collectively demonstrate at least one (1) of the following characteristics:

1. The same person has retained or shared control of the parcels within the developments,
2. The same person has ownership or a significant legal or equitable interest in the parcels within the developments,
3. There is common management of the development controlling the form of physical development or disposition of parcels of the development,
4. There is a voluntary sharing of infrastructure that is indicative of common development, or
5. There is a common advertising theme or promotional plan for the parcels within the developments.

SECTION 5.12 SUBDIVISION NAME

Every subdivision shall be given a name by which it shall be legally known. Such name shall not be the same or similar to a subdivision name appearing on another recorded plat within the County so as to confuse the records or to mislead the public as to the identity of the subdivision, except when the subdivision is subdivided as an additional unit or section by the same subdivider or his or her successors in title. The name of the subdivision shall be shown in the dedication and shall coincide exactly with the subdivision name. The Board of County Commissioners shall have final authority to approve the names of subdivisions.

SECTION 5.13 VACATION AND ANNULMENT OF PLATS

The vacation and annulment of plats shall be according to Chapter 177, Florida Statutes, as amended. In addition, the Board of County Commissioners may, on its own motion, order the vacation and revision to acreage of all or any part of a subdivision within its jurisdiction including the vacation of streets or other parcels of land dedicated for public purposes or any of such streets or other parcels, when:

1. The plat of which subdivision was recorded as provided by law not less than five (5) years before the date of such action, and

2. In which subdivision or part thereof not more than ten (10) percent of the total subdivision area has been sold as lots by the original subdivider or his or her successor in title.

Such action shall be based on a finding by the Board of County Commissioners that the proposed vacation and reversion to acreage of subdivided land conforms with the Comprehensive Plan and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and reversion of subdivided land to acreage, the Board of County Commissioners shall hold a public hearing thereon with due public notice.

No owner of any parcel of land in a subdivision shall be deprived by the reversion to acreage of all or any part of the subdivision of reasonable access to existing facilities to which such parcel has theretofore had access, provided that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

If land in a subdivision or part thereof is proposed for reversion to acreage, the Board of County Commissioners shall conduct proceedings for amending the zoning district designation of such acreage as may be deemed advisable in view of the conditions that will exist subsequent to such reversion to acreage.

SECTION 5.14 GENERAL PROCEDURE

- 5.14.1 Preparation of Plats. All preliminary and final plats shall be prepared by a registered surveyor and construction plans and specifications for required improvements shall be prepared by a registered engineer. The subdivider shall present a letter to the Board of County Commissioners certifying that he or she has employed a registered surveyor to prepare the plats and if construction plans are required, a registered engineer.
- 5.14.2 General Procedure. Whenever any subdivision of land is proposed, before any contract is made for the sale of any part thereof, and before any permit for the erection of a structure in such proposed subdivision shall be granted, the subdividing owner, or his or her authorized agent, shall apply for and secure approval of such proposed subdivision in accordance with the following procedure:
 1. Pre-application Conference
 2. Preliminary Plat
 3. Construction Plans
 4. Final Subdivision Plat

SECTION 5.15 PRE-APPLICATION CONFERENCE

The subdivider or his or her representative shall have a pre-application conference with the Board of County Commissioners and other departments or agencies as the case may require, in order that the subdivider may become familiar with the requirements of these land development regulations, and any provisions of the Comprehensive Plan affecting the land in which the proposed subdivision is located. The pre-application conference shall be scheduled as an agenda item as part of a regularly scheduled meeting of the Board of County Commissioners and does not require public notice.

SECTION 5.16 PRELIMINARY PLAT PROCEDURE

- 5.16.1 Step 1 - The subdivider shall submit twelve (12) copies of the preliminary plat materials which have been prepared in accordance with these land development regulations to the Land Development Regulation Administrator.

- 5.16.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the preliminary plat materials to other County officials, departments and agencies as appropriate. The subdivider shall transmit copies to the Water Management District and other non-County departments or agencies as may require review and comment.
- 5.16.3 Step 3 - Following review of the materials by the Land Development Regulation Administrator, County Attorney, County Road Superintendent, County Health Department, Water Management District and other County and non-County agencies which received copies of the preliminary plat materials, the Planning and Zoning Board shall review the preliminary plat materials at a scheduled meeting as part of a previously prepared agenda to determine conformity with the Comprehensive Plan and these land development regulations. At the meeting, any person may appear in person or by agent. The Planning and Zoning Board shall recommend approval, approval subject to conditions, or disapproval of the preliminary plat to the Board of County Commissioners. In approving subject to conditions or in disapproving, the reasons for such action shall be stated in writing to the subdivider and the Board of County Commissioners. Reference shall be made to the specific sections of these land development regulations, the Comprehensive Plan, or other ordinances or regulations with which the preliminary plat does not comply.
- 5.16.4 Step 4 - After review and recommendation of the Planning and Zoning Board, the Board of County Commissioners shall consider approval, approval with conditions, or disapproval of the preliminary plat at its next regularly scheduled meeting as part of a previously prepared agenda. At the meeting, any person may appear in person or by agent. The reasons for approving the preliminary plat subject to conditions or disapproving shall be stated in writing to the subdivider. Reference should be made to the specific sections of these land development regulations, the Comprehensive Plan, or other ordinances or regulations of the County with which the preliminary plat does not comply.
- 5.16.5 The action of the Board of County Commissioners shall be noted on two (2) copies of the preliminary plat. One (1) copy shall be returned to the subdivider and the other retained in the office of the Land Development Regulation Administrator.
- 5.16.6 Approval of the preliminary plat shall not constitute approval of the final plat. Approval of the preliminary plat shall be deemed an expression of approval of the layout submitted as a guide to the preparation of the final plat. Any change in the number and configuration of lots and/or the addition of a new street subsequent to preliminary plat approval shall require the subdivider to re-submit the preliminary plat and follow the procedures for approval of the preliminary plat. Approval of the preliminary plat shall be valid for a period of twenty-four (24) months, but may be extended by a request from the subdivider and approval of the Board of County Commissioners for a period not to exceed an additional twelve (12) months, provided the request for extension is made prior to the expiration of the initial approval period. After the expiration date, the subdivider must re-submit the preliminary plat and follow the procedures for approval of the preliminary plat.
- 5.16.7 A development order shall not be issued by the Board of County Commissioners prior to the review and approval of construction plans as provided in Section 5.17 of these land development regulations.
- 5.16.8 Preliminary Plat Specifications. The preliminary plat shall be drawn clearly and legibly at a scale of at least one (1) inch equals one hundred (100) feet using a sheet size of twenty-four (24) inches by thirty-six (36) inches, reserving a three (3) inch binding margin on the left side and one half (1/2) inch margin on the other three sides (see Appendix A). If more than one (1) sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

Twelve (12) sets of the preliminary plat and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.16 of these land development regulations.

5.16.9 Required Information on Preliminary Plat. The preliminary plat shall contain the following information.

1. Proposed name of subdivision, and existing name if resubdivision is proposed.
2. Name, address, and telephone number of the subdivider and agent of the subdivider.
3. Name, address, telephone number, and registration number of surveyor and engineer.
4. Date of boundary survey, north arrow, graphic scale, date of plat drawing, and space for revision dates.
5. Existing contours at five (5) foot intervals based on U.S. Coastal and Geodetic Datum for the tract to be subdivided and extending twenty-five (25) feet beyond the tract boundary.
6. Vicinity map showing location with respect to existing roads, landmarks, section lines and quarter section lines, etc., and total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required, but not less than one (1) inch to two thousand (2,000) feet. U.S. Geological Survey Maps may be used as a reference guide for the vicinity map.
7. Boundary line of the tract, by bearing and distance, drawn by a heavy line.
8. Legal description of the tract to be subdivided.
9. Preliminary layout including streets and easements with dimensions and street names, lot lines with appropriate dimensions, land to be reserved or dedicated for public or common uses, and any land to be used for purposes other than single-family dwellings.
10. Block letters and lot numbers, lot lines, and scaled dimensions.
11. Proposed method of water supply, sewage disposal, drainage, and street lighting.
12. Minimum building front yard setback lines as required by these land development regulations.
13. Typical street cross-sections for each street type and the location of all road and street signs and street name signs as required within these land development regulations shall also be noted on a separate sheet.
14. Natural features, including lakes, marshes or swamps, water courses, wooded areas, and land subject to the 100-year flood as defined by the Federal Emergency Management Agency, official flood maps.
15. Surface drainage and direction of flow and method of disposition and retention indicated.
16. Soil survey map.
17. Inscription stating "NOT FOR FINAL RECORDING".
18. Any other information that may be considered necessary by either the subdivider, the Planning and Zoning Board or the Board of County Commissioners for full and proper consideration of the proposed subdivision.

SECTION 5.17 CONSTRUCTION PLANS PROCEDURES

- 5.17.1 Step 1 - Either at the time of submission of preliminary plat materials or following preliminary plat approval by the Board of County Commissioners, the subdivider shall submit twelve (12) copies of the construction plan materials as specified herein to the Land Development Regulation Administrator.
- 5.17.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the construction plan materials to other County officials, departments and agencies as appropriate. The subdivider shall transmit copies to the Water Management District and other non-County departments or agencies as may require review and comment. The Land Development Regulation Administrator shall evaluate the comments from the appropriate departments or agencies and notify the subdivider of the status of the construction plans.
- 5.17.3 Step 3 - Following review by these agencies, the Board of County Commissioners shall consider approval, approval with conditions, or disapproval of the construction plans at its next regularly scheduled meeting as part of a previously prepared agenda. The reasons for approving with conditions or disapproving shall be stated in writing to the subdivider. Reference should be made to the specific sections of these or other applicable ordinances or regulations with which the construction plans do not comply.
- 5.17.4 At this stage, if the proposed subdivision is extensive and the Board of County Commissioners finds that development in stages is consistent with the intent and purpose of these land development regulations, the Board of County Commissioners, with the aid of the Land Development Regulation Administrator and appropriate departments shall, if approval of the preliminary plat and construction plans has been given, work out an agreement (or agreements) with the subdivider. This agreement (or agreements) shall include, but not to be limited to, provisions for carrying out the required construction and improvements to completion and the developing of the subdivision in stages,

This agreement (called the Subdivider's Agreement) shall constitute a covenant between the Board of County Commissioners and the subdivider of the subdivision. The terms and conditions of the agreement shall run with the land and be binding upon all successors in interest to the subdivider.
- 5.17.5 Approval of the preliminary plat and construction plans by the Board of County Commissioners is authorization for the subdivider to proceed with site development and the installation of improvements in accordance with the approved construction plans, subject to the approval of other agencies having authority. In the event minor changes or deviations from the approved construction plans are necessary due to requirements caused by actual construction or other necessary causes, the Board of County Commissioners shall authorize such minor changes or deviations. If minor changes or deviations are authorized, the subdivider shall submit new construction plan materials as specified herein.
- 5.17.6 Construction Plan Specifications. Plans for the required improvements shall be prepared for the approval of the Board of County Commissioners prior to construction and either at the time of submission of the preliminary plat or after approval of the preliminary plat. Construction plans shall show the proposed locations, sizes, grades, and general design features of each facility.
- 5.17.7 Required Materials for Submission. Twelve (12) sets of construction plans and necessary supporting material shall be submitted.
- 5.17.8 Plans Specifications. Construction plans shall be drawn to a scale of one (1) inch represents one hundred (100) feet or larger and shall consist of the following:

1. A topographic map of the subdivision with a maximum contour interval of one (1) foot where overall slopes are zero (0) percent to two (2) percent, two (2) feet where slopes are over two (2) percent, based on U.S. Coastal and Geodetic Datum. This topographic map shall be prepared by a land surveyor.
2. A contour drainage map of the basins within the proposed subdivision, with the size of each basin shown in acres. The outlines and sizes, in acres, of all existing and proposed drainage areas shall be shown and related to corresponding points of flow concentration. Each drainage area shall be clearly delineated. Flow paths shall be indicated throughout. Existing and proposed structures affecting the drainage shall be shown.
3. Plans showing proposed design features and typical sections of swales and all drainage structures, and other proposed subdivision improvements.
4. Plans and profiles for all proposed streets are required. Where proposed streets intersect existing streets, elevations and other pertinent details shall be shown for existing streets for a minimum distance of three hundred (300) feet from point of intersection.
5. Plans of any proposed water distribution system and sanitary sewer collection system showing pipe sizes and location of valves, pumping stations and fire hydrants, where the installation of such facilities are required by these land development regulations.
6. Plans for all road and street signs and street name signs showing the location of such signage and any other traffic safety control devices which is required or proposed. In addition, the specifications for such signage shall be provided as part of this plan, which shall detail in diagram form as necessary the size, material, color, and specifications for installation of such signage.
7. Other information on the construction plans as may be required by the Board of County Commissioners.

SECTION 5.18 FINAL PLAT PROCEDURE

- 5.18.1 Step 1 - No less than thirty (30) calendar days following approval of the preliminary plat and construction plans and while the preliminary plat approval is in effect, the subdivider shall submit twelve (12) copies of the final plat for approval to the Land Development Regulation Administrator. The final plat shall include the information required in Section 5.37 of these land development regulations. The final plat shall also be accompanied by the materials required in Section 5.37 of these land development regulations, as well as a copy of any conditions imposed at the time of conditional approval of the preliminary plat or of the construction plans. Also, the final plat shall conform to all applicable provisions of Chapter 177, Florida Statutes, as amended.
- 5.18.2 Step 2 - The Land Development Regulation Administrator shall transmit copies of the final plat and materials to other County officials, departments and agencies as appropriate. The subdivider shall transmit copies to the Water Management District and other appropriate departments or agencies as may require review and comment. The Land Development Regulation Administrator shall evaluate the comments from the appropriate departments and agencies and notify the subdivider of the status of the final plat.
- 5.18.3 Step 3 - Following review by these agencies, the Board of County Commissioners shall consider and take action on the final plat at its next regularly scheduled meeting as part of a previously prepared agenda. The final plat shall conform with the preliminary plat as

approved and, at the option of the subdivider, shall constitute only that portion of the approved preliminary plat which he or she proposes to record provided, however, that such portion conforms with these land development regulations. Approval by the Board of County Commissioners shall not be shown on the final plat until all requirements of these land development regulations have been met and the following conditions have been complied with:

1. Upon completion of the improvements, the Board of County Commissioners or its authorized representative has inspected the construction work to determine that the work has been completed in a satisfactory manner and complies with the requirements of these land development regulations or a surety device has been posed which meets the requirements of Section 5.39;
2. Upon completion of improvements in the subdivision, the subdivider has submitted three (3) blue line sets and one (1) reproducible set of blue prints showing "as-built" improvements;
3. Subdivider's Agreement as required in Section 5.17.4 of these land development regulations has been entered into by the subdivider and the Board of County Commissioners;
4. Certificate of the Surveyor has been executed (see Section 5.38 and Appendix A);
5. Certificate of the Subdivider's Engineer has been executed (see Section 5.38 and Appendix A) or a Certificate of Estimated Cost (see Appendix A) has been completed and a surety device has been provided by the subdivider to satisfy the requirements of Section 5.39);
6. Certificate of Approval of the County Health Department has been executed (see Section 5.38 and Appendix A); and
7. Certificate of Approval by the County Attorney has been executed (see Section 5.38 and Appendix A).
8. Certificate of Approval by the County Property Appraiser as to street names.
9. Certificate of Approval by the County Engineer that the surveying is in conformance with Chapter 177.

5.18.4 Step 4 - Upon final plat approval by the Board of County Commissioners, the subdivider shall submit the original and three (3) copies of the approved final plat for execution to the Land Development Regulation Administrator. Upon execution, the subdivider shall, within sixty (60) days, take the signed original and one (1) signed copy of the approved final plat to the Clerk of the Circuit Court of the County for recording. The subdivider shall pay all recording costs. Two (2) signed copies of the final plat shall be filed in the office of the Land Development Regulation Administrator. Failure of the subdivider to meet the sixty (60) day requirement mentioned above shall have the effect of canceling the Board of County Commissioner's approval of the final plat.

5.18.5 Final Plat Specifications. The final plat shall be drawn clearly and legibly in ink at a scale of at least one (1) inch equals one hundred (100) feet using a sheet size of twenty-four (24) inches by thirty-six (36) inches. Each sheet shall be drawn with a marginal line completely around the sheet and placed so as to leave a three (3) inch binding margin on the left side and a one-half (1/2) inch margin on the other three (3) sides (see Appendix A). If more than one (1) sheet is required, an index map relating each sheet to the entire subdivision shall be shown on the first sheet.

Twelve (12) sets of the final plat and necessary supporting material shall be submitted in accordance with the procedure outlined in Section 5.18 of these land development regulations.

5.18.6 Required Information on Final Plat.

1. Name of subdivision shall be shown in bold legible letters, as stated in Chapter 177, Florida Statutes, as amended. The name of the subdivision shall be shown on each sheet included and shall have legible lettering of the same size and type including the words "section," "unit," "replat," "amended," etc.
2. Name and address of subdivider.
3. North arrow, graphic scale, and date of plat drawing.
4. Vicinity map showing location with respect to existing streets, landmarks, etc., and total acreage of the subdivision and total number of lots. The vicinity map shall be drawn to show clearly the information required, but not less than one (1) inch to two thousand (2,000) feet. U.S. Geological Survey Maps may be used as a reference guide for the vicinity map.
5. Exact boundary line of the tract, determined by a field survey, giving distances to the nearest one-hundredth (1/100) foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed one (1) in five thousand (5,000).
6. Legal description of the tract.
7. Location of streams, lakes and swamps, and land subject to the 100-year flood as defined by the Federal Emergency Management Agency, official flood maps.
8. Bearing and distance to permanent points on the nearest existing street lines of bench marks or other permanent monuments (not less than one (1)) shall be accurately described on the plat.
9. Municipal and County lines shall be accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
10. The closest land lot corner shall be accurately tied to the lines of the subdivision by distance and angles.
11. Location, dimensions, and purposes of any land reserved or dedicated for public use.
12. Exact locations, width, and names of all streets within the new subdivision.
13. Street right-of-way lines shall show deflection angles of intersection, radii, and lines of tangents.
14. Lot lines shall be shown with dimensions to the nearest one hundredth (1/100) foot and bearings.
15. Lots shall be numbered in numerical order and blocks lettered alphabetically.
16. Accurate location and description of monuments and markers.
17. Minimum building front yard setback lines as required by these land development regulations.
18. Covenants and restrictions notice in accordance with Chapter 177.091 (28), Florida Statutes, as amended.

SECTION 5.19 GENERAL IMPROVEMENTS

Where required by these land development regulations, the subdivider shall grade and improve streets; install sidewalks, street name signs, street lights, fire hydrants, and curbs and gutters, place monuments and corner stakes and install sanitary sewer and water mains and storm water facilities in accordance with the specifications of these land development regulations and any other specifications established by the Board of County Commissioners. The Board of County Commissioners may, if conditions warrant such action, require that improvements be designed and constructed to higher standards than are incorporated herein. Required improvements shall be paid for by the subdivider.

In addition to the requirements established herein, all subdivision plats shall comply with the following laws, rules, and regulations:

1. Applicable statutory provisions.
2. The Building Code, and other applicable land development regulations of the County.
3. The Comprehensive Plan in effect at the time of submission.
4. Rules and regulations of the Florida Department of Health and Rehabilitative Services, Florida Department of Environmental Regulation, the appropriate Water Management District and other appropriate regional, State and Federal agencies.
5. Rules and regulations of the Florida Department of Transportation if the subdivision or any lot contained therein abuts a State highway or connecting street.

SECTION 5.20 MAINTENANCE AND REPAIR OF REQUIRED IMPROVEMENTS

The subdivider shall maintain and repair all improvements which these land development regulations require the subdivider to construct in the subdivision for a period of one (1) year after the completion of the same and such bond shall remain in full force and effect until the County Road Superintendent inspects the improvements for conformity with the standards of the County's Land Development Regulations and the improvements are accepted for maintenance by the Board of County Commissioners. A final plat shall neither be approved by the Board of County Commissioners nor accepted for filing until the subdivider posts a maintenance bond to cover at least ten (10) percent of the estimated costs of all required improvements for a period of one (1) year (See Appendix A). All defects which occur within one (1) year after completion of all required improvements shall be remedied and corrected at the subdivider's expense. At the end of the one (1) year period, the subdivider shall apply to transfer such improvement maintenance to the County. Before said improvements are accepted for maintenance, the County Road Superintendent shall certify that said improvements are in good repair.

SECTION 5.21 SUBDIVISIONS LOCATED OUTSIDE THE CORPORATE LIMITS OF MUNICIPALITIES BUT CONNECTED TO MUNICIPAL UTILITIES

Subdivisions which are located outside the corporate limits of any municipality but are to be connected to and serviced by municipal utilities such as water, sewage, and/or natural gas shall meet all the requirements of the applicable sections of these land development regulations, as well as municipal regulations governing the design, construction, and connection of such utilities.

SECTION 5.22 MONUMENTS

The subdivider shall adhere to the requirements of Chapter 177, Florida Statutes, as amended, regarding the placement of all monuments.

SECTION 5.23 LOT IMPROVEMENTS

- 5.23.1 Arrangement. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits to build on all lots in compliance with these land development regulations of the County and other applicable regulations and in providing driveway access to buildings on such lots from an approved street.
- 5.23.2 Dimensions and Design. Lot dimensions, shall comply with any minimum standards as established within any land development regulations of the County and provided, that the lot length shall not exceed three (3) times the width of lots. In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless variation from this rule will provide a better street or lot plan. The entrance of automobiles from the lot to the street shall be approximately at right angles or radial to street lines. Corner lots shall be sufficiently wider and larger to permit additional yard area. Lots shall be laid out so as to provide positive drainage away from all buildings and individual lot drainage shall be coordinated with the general storm water drainage pattern for the area in accordance with approved construction plans (see Article 7 of these land development regulations).
- 5.23.3 Double Frontage. Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of residential development from existing streets or to overcome specific disadvantages of topography and orientation.
- 5.23.4 Access. Lots within subdivisions with more than eight (8) lots shall be limited to one(1) access point to a state or County maintained road for every two (2) lots. Lots within any subdivisions with eight (8) lots or less shall not derive access from an existing state or County maintained road. Such subdivisions with eight (8) lots or less shall be limited to one (1) access point to a state or County maintained road. The ends of any culverts installed at any such access points shall be stabilized with concrete in accordance with Florida Department of Transportation standards.
- 5.23.5 Corner Stakes. The subdivider shall adhere to the requirements of Chapter 21HH-6, Florida Administrative Code, regarding the placement of corner stakes.

SECTION 5.24 USE OF SUBDIVIDED LOTS

The proposed use of lots within any subdivision shall comply with those uses permitted by the Comprehensive Plan and these land development regulations. Further, whenever any land in the unincorporated area of the County is subdivided, a building permit for the construction of a principal structure shall not be issued for any such structure on less than a lot as platted within such subdivided land.

SECTION 5.25 PUBLIC PURPOSE SITES

The Board of County Commissioners may require the dedication to the public of public purpose sites (school sites, parks, playground, or other public areas) as are attributable by the Board of County Commissioners to the demand created by the subdivision. At the discretion of the Board of County Commissioners, the subdivider may be required to pay in cash an amount equal to the fair market value of such public purpose sites, said fair market value to be estimated on the basis of platted land without improvements.

SECTION 5.26 STREETS

- 5.26.1 General Requirements.

1. The arrangements, character, extent, width, grade, and location of all streets shall conform with the Comprehensive Plan, where applicable, and shall be considered in their relations to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed uses of land to be served by such streets. Streets within a subdivision shall be dedicated to the perpetual use of the public and shall be designed and constructed in accordance with the standards established in these land development regulations. However, the Board of County Commissioners may approve private streets when constructed to the specifications of these land development regulations and when adequate provision for initial installation and future private maintenance is made for such streets.
2. Work performed under these land development regulations concerning road right-of-way clearing and grubbing, earthwork, stabilizing, and construction of a base and surface course shall meet the minimum requirements of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, latest edition and amendments, where applicable, unless stated otherwise herein. These specifications are intended to govern the equipment, materials, construction methods, and quality control of the work, unless otherwise provided herein. The provisions of those specifications pertaining to basis of payment are not applicable to these land development regulations.

5.26.2 Street Improvement Schedule. Street improvements shall be provided as required by the following schedule. Improvements shall conform with:

1. STANDARD A, for commercial and industrial subdivisions.
2. STANDARD B, for residential subdivisions, where any lot is less than or equal to ten (10) acres in size.
3. STANDARD C, for residential subdivisions, where all lots are greater than ten (10) acres in size.
4. STANDARD D, for resubdivision of lots within a residential subdivision, where the re-subdivided lots are less than or equal to ten (10) acres in size.

Where the proposed subdivision includes an existing street and the expected additional traffic load impacts traffic to the extent that level of service standards are affected, said street shall also be improved as required to conform with this schedule. This requirement shall not apply to any abutting street which is not connected with the proposed subdivision's street system.

STANDARD IMPROVEMENT

5.26.2.1 Grading and Centerline Gradients

Standards A and B: Grading and centerline gradients shall be a maximum of eight (8) percent and a minimum of three-tenths (.3) of a percent.

5.26.2.2 Streets

Standards A, B C and D: Streets shall be improved as follows: Two (2) twenty-four (24) foot wearing surfaces with twenty (20) foot median. The subdivider shall be required to install the second twenty-four (24) foot wearing surface only in large subdivisions where projected average daily traffic generated on the arterial by the subdivision exceeds seven thousand (7,000) vehicles. Minimum right-of-way shall be one hundred (100) feet.

- 5.26.2.3 Arterial and Collector Streets shall be improved as follows:
1. Standards A and B: Thirty-six (36) foot wearing surface and minimum right-of-way of eighty (80) feet.
 2. Standard C: Minimum right-of-way of eighty (80) feet.
 3. Standard D: Thirty-six (36) foot wearing surface within existing right-of-way to extend from in front of the resubdivided lots to the entrance of the subdivision.
- 5.26.2.4 Local Streets shall be improved as follows:
1. Standard A: Twenty-four (24) foot wearing surface and minimum right-of-way of sixty (60) feet.
 2. Standard B: Twenty (20) foot wearing surface and minimum right-of-way of sixty (60) feet.
 3. Standard C: Minimum right-of-way of sixty (60) feet.
 4. Standard D: Twenty-four (24) foot wearing surface within existing right-of-way to extend from in front of the resubdivided lots to the entrance of the subdivision.
- 5.26.2.5 Stabilized Shoulders
- Standards A, B, C and D: Stabilize shoulders shall be required on both sides of all streets. Stabilized shoulders shall be six (6) feet in width and constructed as specified for the subgrade [see Section 5.26.2.9] except that they shall be constructed to a compacted thickness of four (4) inches and have a minimum Florida Bearing Value (FBV) of fifty (50).
- 5.26.2.6 Roadside Swales
- Standards A, B, C and D: Roadside swales shall have side slopes and back slopes no steeper than four (4) to one (1). Run-off may be accumulated and carried in the swales in the right-of-way up to but not above the point where flooding of the shoulders or roadside property would occur. Water in excess of this quantity shall be diverted from the roadside swales and carried away by storm sewers or other approved means.
- 5.26.2.7 Subgrade
- Standards A, B and D: Subgrade shall have a compacted thickness of eight (8) inches, stabilized to a minimum Florida Bearing Value (FBV) of seventy-five (75) and compacted to ninety-eight (98) percent of Standard Proctor Density (American Society for Testing Materials D1557). Also where soil classified as AASHO (American Association of State Highway Officials) soil groups A-6 or A-7 are encountered in the subgrade, such materials shall be removed to a minimum depth of eighteen (18) inches below the pavement base and replaced with acceptable material and where soil classified as AASHO (American Association of State Highway Officials) soil group A-8 is encountered, in the subgrade, all such materials shall be removed.
- 5.26.2.8 Pavement Base shall be improved as follows:
1. Standard A: Eight (8) inches of compacted limerock.

2. Standards B and D: Six (6) inches of compacted limerock, shall be mixed in place with existing soils and placed above the subgrade and stabilized to have a minimum Florida Bearing Value (FBV) of seventy-five (75) and compacted to ninety-eight (98) percent of Standard Proctor Density (American Society for Testing Materials (D1557)).
3. Standard C: A base shall be mixed in place with existing soils and placed above the subgrade and stabilized to have a minimum Florida Bearing Value (FBV) of seventy-five (75) and compacted to ninety-eight (98) percent of Standard Proctor Density (American Society for Testing Materials (D1557)).

5.26.2.9 Wearing Surface shall be improved as follows:

1. Standards A, B and D: One and one-half (1 ½) inches of Type S1 or S2 in asphaltic concrete surface course.
2. Standard C: Wearing surface is not required.

5.26.2.10 Grassing shall be provided as follows:

1. Standards A, B, C and D: Seeding and mulching shall be performed on all areas within the right-of-way, except for that part of the right-of-way covered by a wearing surface or, where these land development regulations do not require a wearing surface, that part covered by the pavement base.
2. Standards A, B, C and D: Sodding may be required in areas of high erosion potential.

5.26.2.11 Culverts

Standards A, B, C and D: Culverts for access to lots shall be installed and stabilized with concrete in accordance with Florida Department of Transportation standards.

5.26.2.12 Concrete Sidewalks are not required unless, in the opinion of the Board of County Commissioners, pedestrian traffic will justify the installation of sidewalks as a safety precaution.

If sidewalks are required, they shall be installed by the subdivider, provide curb cuts for bicycles and handicapped access, and constructed at least five (5) feet wide and four (4) inches thick.

5.26.2.13 Quality Control. The subdivider shall be required to have a qualified soils and materials testing laboratory certify to the Board of County Commissioners that all materials and improvements entering into the completed work are in compliance with these land development regulations. All costs shall be borne by the subdivider and copies of the test results shall be submitted to the Board of County Commissioners with the final plat. There shall be a minimum of one (1) density test on subgrade and base for every one thousand (1,000) square yards each. In addition, there shall be a minimum of one (1) Florida Bearing Value Test (FBV) for every one thousand (1,000) square yards of the subgrade. Florida Bearing Value Test (FBV) for every one thousand (1,000) square yards of the subgrade.

5.26.3 Design Standards.

5.26.3.1 Topography and Arrangement.

1. Streets shall be related appropriately to the topography. All streets shall be arranged so as to place as many building sites as possible at or above, the grades of the streets. Grades of streets shall conform as closely as possible with the original topography. A combination of steep grades and curves shall be avoided.
2. Local streets shall be laid out to discourage use by through traffic, to permit efficient drainage and utility systems and to require the minimum number of streets necessary to provide convenient and safe access to property.
3. The rigid rectangular gridiron street pattern need not necessarily be adhered to, and the use of curvilinear streets, cul-de-sacs, or U-shaped streets shall be encouraged where such configuration will result in a more desirable layout.
4. Proposed streets shall be extended to the boundary lines of the tract to be subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Board of County Commissioners, such extension is neither necessary nor desirable for the coordination of the layout or the most advantageous future development of adjacent tracts.
5. In commercial and industrial development, the streets and other accessway shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian traffic.

5.26.3.2 Blocks.

1. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to existing streets, railroads, or waterways.
2. The Board of County Commissioners may require the reservation of an easement through the block to accommodate utilities, drainage facilities, or pedestrian traffic. Pedestrian ways or crosswalks, not less than ten (10) feet wide, may be required by the Board of County Commissioners through the center of blocks more than one thousand two hundred (1,200) feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, or other community facilities.

5.26.3.3 Access to Existing Streets. Where a subdivision borders on or contains an existing street, the Board of County Commissioners shall require that access to such streets be limited by one (1) of the following means.

1. The subdivision of lots so as to back onto the existing street; no access shall be provided from the existing street and screening shall be provided in a strip of land along the rear property line of such lots.
2. A marginal access street separated from the existing street by a grass strip and having access thereto at suitable points.
3. A series of cul-de-sacs, or U-shaped streets, entered from and designed generally at right angles to the existing street. Each proposed roadway or street shall be located no less than four hundred (400) feet apart where such streets connect with the existing street.

5.26.3.4 Street Names. The following standards shall be followed in establishing street names:

1. No two (2) streets shall have the same name.
2. Streets in a proposed subdivision which are extensions of existing streets shall have the same name as the existing street.
3. No street name shall be used which duplicates or will be confused with the name of another existing or proposed street.
4. Street names shall conform with the County's street naming and addressing system.
5. The Board of County Commissioners retains final authority to approve the names of streets.

5.26.3.5 Road and Street Signs.

1. Road and Street Signs are traffic control signs such as stop signs, speed limit signs, etc. for all subdivisions, all road and street signs shall be designed in number and location to meet Florida Department of Transportation standards and shall be shown on the preliminary plat. Within Standard B residential subdivisions the subdivider shall install twenty-five (25) mile per hour speed limit signs on both sides of each street within the subdivision. Prior to approval of the final plat, the subdivider shall install such road and street signage as approved by the Board of County Commissioners and shall maintain and repair such signage as provided in Section 5.20 herein. In lieu of installation of such signage prior to the approval of the final plat, the posting of a surety device in accordance with Section 5.39 herein shall be filed, approved and accepted by the Board of County Commissioners.
2. Street name signs are signs within a subdivision which identify street names. Street name signs shall be placed by the subdivider at all intersections within or abutting the subdivision. The type and location of the sign shall be approved by the Board of County Commissioners, shall be submitted as part of the preliminary plat and shall conform with the County's street naming and addressing system.

5.26.3.6 Street Lights. Installation of street lights is not required unless the Board of County Commissioners determines the public's safety justifies installation of street lights. If street lights are required, they shall be installed by the subdivider and constructed in accordance with the standards of the Board of County Commissioners.

5.26.3.7 Reserve Strips. The creation of reserve strips shall not be permitted adjacent to a proposed street in such a manner as to deny access to such street from property adjacent to the proposed subdivision.

5.26.3.8 Construction of Roads and Dead-End Streets.

1. Construction of Roads. The arrangement of streets shall provide for the continuation of arterial and/or collector streets between the proposed subdivision and adjacent properties where such continuation is necessary to convenient movement of traffic, effective fire protection, efficient provision of utilities, or where such continuation is in accordance with the Comprehensive Plan.

If property adjacent to the proposed subdivision is undeveloped and the street must temporarily be a stub street (a street planned for future continuation), the street right-of-way shall be extended to the property line of the proposed subdivision. All stub streets which are two hundred fifty (250) feet or less shall have a temporary T- or L-shaped turnabout, while stub streets which are greater than two hundred fifty (250) feet shall have a temporary cul-de-sac turnabout.

There shall be a notation on the final plat that land used for a temporary T- or L-shaped cul-de-sac or turnabout which is outside the normal street right-of-way shall revert to abutting land owners whenever the street is continued. The subdivider of the adjoining area shall pay the cost of restoring any stub street to its original design cross-section and extending the street. The Board of County Commissioners may limit the length of temporary stub streets in accordance with the design standards of these land development regulations.

2. Dead-End Streets. Dead-end streets are not permitted in any proposed subdivision under these land development regulations. For purposes of these land development regulations, stub streets (streets planned for future continuation) are not to be considered dead-end streets.

5.26.3.9 Cul-de-sac Streets. Cul-de-sacs shall be provided with a turnaround having an outside roadway radius of at least seventy-five (75) feet, and a street property line radius of at least eighty-five (85) feet (see Appendix A). Cul-de-sacs shall have a maximum length of two-thousand six hundred forty (2,640) feet including the turnaround.

5.26.3.10 Intersections.

1. Streets shall be laid out so as to intersect as nearly as possible at right angles (see Appendix A). A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be acceptable. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one-hundred (100) feet therefrom. No more than two (2) streets shall intersect at any one (1) point unless specifically approved by the Board of County Commissioners.
2. Proposed new intersections along one (1) side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with center-line offsets of less than one hundred twenty-five (125) feet shall not be permitted (see Appendix A). Where proposed streets intersect major streets, their alignment shall be continuous.
3. Minimum curb radii at the intersection of two (2) local streets shall be at least twenty (20) feet, and a minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practice to permit safe vehicular movement.

5.26.3.11 Widening and Realignment of Existing Roads. Where a subdivision borders on an existing street or when the Comprehensive Plan or these land development regulations or other local, regional or State agency plan or program indicates plans for realignment or widening a road that would require use of some of the land in the subdivision, the applicant shall be required to dedicate at his or her expense such areas for widening or realignment of such roads. Such frontage roads and streets shall be dedicated by the subdivider at his or her own expense to the full width as required by these land development regulations.

SECTION 5.27 STORMWATER MANAGEMENT AND FLOOD PROTECTION REQUIREMENTS (Refer to Articles 7 and 8 of these land development regulations.)

SECTION 5.28 SANITARY SEWER

- 5.28.1 Where a publicly-owned sanitary sewer system is available and reasonably accessible as determined by the Board of County Commissioners, the subdivider shall provide sanitary sewer services to each lot within the subdivision. All sewer lines serving lots within the subdivision shall be designed to operate on a gravity flow basis wherever possible. If a wearing surface [see Section 5.26.2.11] and sanitary sewer lines are required, all sewer lines shall be installed by the subdivider prior to the paving of the street.
- 5.28.2 Where lots cannot be served by the extension of an existing publicly-owned sanitary sewer, an alternate method of sewage disposal for each lot may be used in compliance with all applicable standards of the County Health Department, the Florida Department of Health and Rehabilitative Services, the Florida Department of Environmental Regulation and any other regional, State or Federal agency, as applicable. Alternative methods of sewage disposal shall be so installed as to simplify later connections to a publicly-owned sanitary sewer system as service becomes available.
- 5.28.3 The subdivider shall furnish written proof to the Board of County Commissioners which shows that provisions for sanitary sewage disposal of the entire subdivision meet with the approval of the County Health Department. Preliminary plat and construction plan approval shall not be given until this condition has been met.

SECTION 5.29 WATER SUPPLY

- 5.29.1 Where a publicly-owned water supply is available and within a reasonable distance as determined by the Board of County Commissioners, the subdivider shall provide a system of water mains and shall connect the system to such supply. If a wearing surface [see Section 5.26.2.11] and water mains are required, all water lines shall be installed by the subdivider prior to the paving of the street.
- 5.29.2 Where no publicly-owned water supply is available within a reasonable distance, an alternate supply may be used when in compliance with all applicable standards of the County Health Department, the Florida Department of Health and Rehabilitative Services, the Water Management District and the Florida Department of Environmental Regulation.
- 5.29.3 The subdivider shall furnish written proof to the Board of County Commissioners which shows that provisions for water supply of the entire subdivision meet with the approval of the County Health Department. Preliminary plat and construction plan approval shall not be given until this condition has been met.

- 5.29.4 Fire protection improvements shall be provided when the subdivision is connected to a publicly-owned water system and shall include the installation of fire hydrants to water mains with a minimum pipe size of six (6) inches in diameter.

If fire protection improvements are required, then fire hydrants shall be located no more than one-thousand (1,000) feet apart and within five hundred (500) feet of each lot. Also, the distribution system shall be capable of delivering, in addition to domestic requirements of residual pressures of not less than twenty (20) pounds per square inch and fire flows of at least five hundred (500) gallons per minute.

SECTION 5.30 WATER AND SANITARY SEWER SYSTEMS

New central water and sanitary sewer systems where required by the County's Comprehensive Plan shall be designed by a Florida registered engineer in accordance with all applicable regulations of the County Health Department, the Florida Department of Environmental Regulation, the Water Management District, and the Florida Department of Health and Rehabilitative Services.

SECTION 5.31 UTILITIES

- 5.31.1 Location. Utility location within the road right-of-way shall be as shown in Appendix A.
- 5.31.2 Easements. Normally, utility easements across lots or centered on rear or side lot lines will not be permitted. Where, due to topography or other circumstances beyond the control of the subdivider, such easements are deemed by the Board of County Commissioners to be necessary to the reasonable development of the property, such easements shall be at least fifteen (15) feet wide and centered as near as practical between the lots.

SECTION 5.32 SUBDIVIDER'S AGREEMENT

The Subdivider's Agreement, required in Section 5.17.4 shall specify the following:

1. The work to be done, and the time specified therefore, by the subdivider.
2. The variances, if any, approved by the Board of County Commissioners to standard requirements (see Article 12 of these land development regulations).
3. The conveyance by the subdivider to the County of all required water, sanitary sewer, and storm sewer lines installed within dedicated public right-of-way.
4. The agreement of the subdivider to maintain and repair all improvements which these land development regulations require the subdivider to install in the subdivision for a period of one (1) year after completion of the same

SECTION 5.33 SIGNED CERTIFICATES

The following certificates shall appear on the final plat. Certificates listed within this section shall be properly signed before the final plat is submitted to the Board of County Commissioners and the Certificate of Approval by the Board of County Commissioners shall be properly signed after the final plat is approved by the Board of County Commissioners. (See Appendix A).

1. Certificate of Surveyor.
2. Certificate of the Subdivider's Engineer.
3. Certificate of Approval by County Health Department.
4. Certificate of Approval by the Attorney for the County.
5. Certificate of Approval by the Board of County Commissioners.

SECTION 5.34 BONDING IN LIEU OF COMPLETED IMPROVEMENTS

A final plat shall neither be approved by the Board of County Commissioners nor accepted for filing until the improvements required by these land development regulations have been constructed in a satisfactory manner or, in lieu of such construction, the posting of a surety device. Such surety, in the form of a surety bond, performance bond, escrow agreement, or other collateral (the form of which to be approved by the attorney for the County) shall be filed with the Board of County Commissioners. If the subdivider posts a surety device in accordance with this section, the final plat may be approved and recorded and lots may be sold by the subdivider. Such surety shall:

- 5.34.1 Cover at least one hundred and ten (110) percent of the estimated cost of all required improvements such as streets, drainage, fill, and other public improvements with estimated costs provided by the subdivider's engineer. A certificate of the estimated cost shall appear on the final plat (see Appendix A). This certificate shall be properly signed before the final plat is submitted to the Board of County Commissioners. This estimated cost shall represent the total estimated cost of installing all required improvements. Such estimate shall be prepared by a registered engineer. As an alternative to the above, bids of two (2) licensed contractors or a copy of all executed contracts for the installation of the above mentioned improvements may be submitted.
- 5.34.2 Be conditioned upon the faithful performance by the subdivider of all work required to complete all improvements and installations for the subdivision or unit division thereof, in compliance with these land development regulations and within a specified time as determined between the subdivider and the Board of County Commissioners.
- 5.34.3 Be payable to, and for the indemnification of, the Board of County Commissioners.

SECTION 5.35 OTHER DOCUMENTS REQUIRED ON THE FINAL PLAT

- 5.35.1 Dedication. A dedication to the public by the owners of the land involved of all streets, drainage easements, and other rights-of-way however designated and shown on the plat for perpetual use for public purposes, including vehicular access rights where required. If the property is encumbered by a mortgage, the owner of the mortgage shall join in the dedication or in some other manner subordinate the mortgagee's interest to the dedication of public right-of-way.
- 5.35.2 Certificate of Payment of Taxes. Certification that all payable taxes have been paid and all tax sales against the land redeemed.
- 5.35.3 Certificate of Title and Encumbrances. Title certification as required by Chapter 177, Florida Statutes, as amended.

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ARTICLE SIX

PRIME NATURAL GROUNDWATER
AQUIFER RECHARGE
AND
POTABLE WATER WELLFIELD
REGULATIONS

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ARTICLE SIX. PRIME NATURAL GROUNDWATER AQUIFER RECHARGE
AND POTABLE WATER WELLFIELD REGULATIONS

SECTION 6.1 PRIME NATURAL GROUNDWATER AQUIFER RECHARGE PROTECTION

- 6.1.1 Prime Natural Groundwater Aquifer Recharge Areas. For the purposes of these land development regulations, such recharge areas shall be as identified in the Comprehensive Plan.
- 6.1.2 Prime Natural Groundwater Aquifer Recharge Area Requirements. Within the areas designated as Prime Natural Groundwater Aquifer Recharge Areas. All proposed development shall comply with the following:
1. Storm water management purposes shall not include drainage wells and sinkholes for storm water disposal where recharge is into potable water aquifers. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter 17-28, Florida Administrative Code. The site and development plan shall clearly indicate that the proposed storm water disposal methods meet requirements established in Article 7 herein;
 2. Well construction, modification, or closure shall be regulated in accordance with the criteria established by the Water Management District and the Florida Department of Health and Rehabilitative Services;
 3. Abandoned wells shall be closed in accordance with the criteria established by Chapter 17-28, Florida Administrative Code;
 4. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Section 2.1 of these land development regulations (or as listed in Chapter 442, Florida Statutes) to the soils, groundwater, or surfacewater of any Prime Natural Groundwater Aquifer Recharge Area;
 5. No person shall tamper or bypass or cause or permit tampering with or bypassing of the containment of a regulated material storage system, within any prime natural groundwater recharge area, except as necessary for maintenance or testing of those components; and
 6. Landfill and storage facilities for hazardous/toxic wastes shall also require approval as a special exception by the Board of Adjustment as required in Article 12 of these land development regulations.
- 6.1.3 Notification upon Sale or Transfer. Owners of real property located either partly or entirely within a Prime Natural Groundwater Aquifer Recharge Area shall, at the time of any transfer of interest in such property, create in the deed, lease, or other document conveying such interest a notation that the property is subject to the provisions for prime natural groundwater aquifer recharge area protection of these land development regulations.

SECTION 6.2 POTABLE WATER WELLFIELD PROTECTION

- 6.2.1 Wellfield Management Zone. A wellfield protection area shall be established as a minimum of three hundred (300) feet around community water facility wellheads as identified in the Comprehensive Plan. The following standards shall apply for the issuance of development orders for structures or uses within the Wellfield Management Zone:

- 6.2.1.1 New Uses. No new uses of land shall be permitted which require or involve storage, use or manufacture of regulated materials as defined in Section 2.1 herein.
- 6.2.1.2 Limitation for Construction on New Wells. No new wells shall be permitted for construction in a surficial, intermediate, or Floridan Aquifer System. Exemptions as approved by the Board of County Commissioners, after a recommendation has been provided to the Board of County Commissioners by the Planning and Zoning Board, may be granted on a case by case basis and shall be limited to:
1. Wells constructed by the County, a Community Water Association or their contractor as part of a monitoring system surrounding the well field. New construction or repair of the wellfield production wells or other well construction or modification required in the operations of a County or Community Water Association water treatment plant.
 2. Wells constructed as part of a Florida Department of Environmental Regulation approved contaminant assessment/remediation plan where groundwater contamination has been identified or is suspected.
 3. Geotechnical borings constructed in the surficial aquifer system.
- 6.2.1.3 Discharge Prohibited. No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Section 2.1 of these land development regulations, or within Chapter 442, Florida Statutes, to the soils, groundwater, or surface water of any Wellfield Management Zone.
- 6.2.1.4 Landfills Prohibited. New sanitary landfills, as defined by Chapter 17-7, Florida Administrative Code, shall be prohibited within Wellfield Management Zones.
- 6.2.1.5 Limitation of Septic Tanks. New septic tank waste water treatment systems shall be prohibited within Wellfield Management Zones, except where the cost of connection of a public waste water utility would exceed the cost of the proposed septic tank and installation by a factor of two and one-half (2 1/2) times or where no public sanitary sewer system is available.
- 6.2.1.6 Sanitary Sewer Plants Prohibited. New domestic and/or industrial waste water treatment facilities shall be prohibited within Wellfield Management Zones.
- 6.2.1.7 Transportation of Regulated Materials. Transportation of regulated materials is prohibited within the Wellfield Management Zone except local traffic serving facilities within the Wellfield Management Zone.
- 6.2.1.8. Activities Requiring Storage. Except as provided in subsection 6.2.1.10, no activity which requires storage or use of agricultural chemicals, hazardous or special waste, petroleum products or biohazardous waste shall be permitted within the Wellfield Management Zone.
- 6.2.1.9 Material Exemptions. The Board of County Commissioners, after the request has been heard and a recommendation provided to the Board of County Commissioners by the Planning and Zoning Board, may exempt any material from the requirements of these land development regulations if, in the opinion of the Board of County Commissioners, it has been demonstrated that the material, in the quantity and/or solution handled or the conditions under which it is stored, does not present a significant actual or potential hazard to the contamination of ground- water in case of a discharge.

- 6.2.1.10 Temporary Storage Permit. A temporary permit approval shall be required for the temporary storage of regulated materials in containers or tanks exceeding fifty (50) gallons aggregate volume for use in normal agricultural or forestry practices and in construction activities within the Wellfield Management Zone. The temporary permit procedure shall consist of application to the Planning and Zoning Board for the proposed activity requiring temporary hazardous material storage. The application shall be made on County forms and shall include details of the proposed activity, a schedule of activity, types and quantities of regulated materials to be stored and a plan for monitoring and remedial action, where necessary, as determined by the Board of County Commissioners. Following a recommendation of the Planning and Zoning Board on the application for temporary permit, the Board of County Commissioners shall approve, approve with conditions or deny the application.
- 6.2.1.11 Additional Activities Prohibited. Feedlots or other commercial animal activities, percolation ponds, mines and excavation of waterways or drainage facilities which intersect the water table shall be prohibited within the Wellfield Management Zone.
- 6.2.2 Notification upon Sale or Transfer. Owners of real property located either partly or entirely within a Wellfield Management Zone shall, at the time of any transfer of interest in such property, create in any deed, lease, or other document conveying such interest a notation that the property is subject to the provisions for potable water wellfield protection of these land development regulations.

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ARTICLE SEVEN

STORMWATER MANAGEMENT
REGULATIONS

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ARTICLE SEVEN. STORMWATER MANAGEMENT REGULATIONS

SECTION 7.1 RELATIONSHIP TO OTHER STORMWATER MANAGEMENT REQUIREMENTS

7.1.1 General. In addition to meeting the requirements of these land development regulations, the design and performance of stormwater management systems shall comply with applicable state and water management district regulations (Chapters 17-25, Rules of the Florida Department of Environmental Regulation and 40B-4, Rules of the Water Management District, Florida Administrative Code), as enforced by the appropriate state agencies. In all cases, the strictest of the applicable standards shall apply.

SECTION 7.2 EXEMPTIONS

7.2.1 General Exemptions. The following development activities are exempt from these land development regulations except that steps to control erosion and sedimentation shall be taken for all development.

1. The clearing of land which is to be used solely for agriculture, silviculture, floriculture, or horticulture provided no obstruction or impoundment of surface water will take place. Also, the construction, maintenance, and operation of self-contained agricultural drainage systems provided adjacent properties will not be impacted and sound engineering practices are followed.
2. The construction, alteration, or maintenance of a private residence or agricultural building provided the total impervious area is less than ten thousand (10,000) square feet (i.e., house, barn, driveways) and provided further that the residence or agricultural building is not adjacent to an Outstanding Florida Water or adjacent to or drains into a surface water, canal, or stream, or which empties into a sinkhole.
3. The connection of a system to an existing permitted system provided the existing system has been designed to accommodate the proposed system.
4. The placement of culverts whose sole purpose is to convey sheet flow when an existing facility is being repaired or maintained provided the culvert is not placed in a stream or wetland.
5. Existing systems that are operated and maintained properly and pose no threat to public health and safety.
6. Connections to existing surfacewater management systems that are owned, operated, and maintained by a public entity provided, under ordinance, the proposed connections comply with a surfacewater management plan compatible with the Water Management District's requirements.
7. Any development within a subdivision if each of the following conditions have been met:
 - a. Stormwater management provisions for the subdivision were previously approved and remain valid as part of a final plat or development plan; and
 - b. The development is conducted in accordance with the stormwater management provisions submitted with the construction plan.
8. Action taken under emergency conditions to prevent imminent harm or danger to persons, or to protect property from imminent fire, violent storms, hurricanes, or other hazards. A report of the emergency action shall be made to the Board of County Commissioners and Water Management District as soon as practicable.

SECTION 7.3 STORMWATER MANAGEMENT REQUIREMENTS

The following are intended as examples of desirable requirements for stormwater management. The actual requirements are those established by and enforced by the appropriate state agencies and water management district.

- 7.3.1 Natural Drainage System Utilized to Extent Feasible. To the extent practicable, all development shall conform with the natural contours of the land and natural and preexisting man-made drainage ways shall remain undisturbed.
- 7.3.2 Lot Boundaries. To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.
- 7.3.3 Developments to Drain Properly. All developments shall be provided with a drainage system that is adequate to prevent the undue retention of stormwater on the development site. Stormwater shall not be regarded as unduly retained if:
1. The retention results from a technique, practice or device deliberately installed as part of a sedimentation or stormwater runoff control plan approved by the Water Management District; or
 2. The retention is not substantially different in location or degree than that experienced by the development site in its pre-development stage, unless such retention presents a danger to health or safety.
- 7.3.4 Stormwater Management General. All developments shall be constructed and maintained so that post-development runoff rates and pollutant loads do not exceed pre-development conditions. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one-half (1/2) inch of stormwater runoff shall be treated in an off line retention system or according to other best management practices as described in the Water Management District's Surfacewater Management Permitting Manual, as amended. More specifically:
1. No development may be constructed or maintained so that such development impedes the natural flow of water from higher adjacent properties across such development, thereby causing substantial damage to such higher adjacent properties; and
 2. No development may be constructed or maintained so that stormwaters from such development are collected and channeled onto lower adjacent properties.
- 7.3.5 Sedimentation and Erosion Control. Final plat approval for subdivisions may not be given with respect to any development that would cause land disturbing activity subject to the jurisdiction of the Water Management District, unless the Water Management District has certified to the County, either that:
1. The proposed construction plans are approved for permitting by the Water Management District; or
 2. The Water Management District has examined the preliminary plat for the subdivision and it reasonably appears that permits for such subdivision improvements can be approved, upon submission of the subdivider of construction plans. However in this case, construction of the development may not begin until the Water Management District issues its permit.

For the purposes of this section, land disturbing activity means:

1. Use of the land in residential, industrial, educational, institutional, or commercial development; or
2. Street construction and maintenance that results in a change in the natural cover or topography and that may cause or contribute to sedimentation.

7.3.6 Water Quality. The proposed development and development activity shall not violate the water quality standards as set forth in Chapter 17-3, Florida Administrative Code.

7.3.7 Design Standards. To comply with the foregoing standards the proposed stormwater management system shall conform with the following:

1. Detention and retention systems shall be designed in conformance with the Water Management District's Surfacewater Management Permitting Manual, as amended.
2. Natural systems shall be used to accommodate stormwater, to the maximum extent practicable.
3. The proposed stormwater management system shall be designed to accommodate the stormwater that both originate within the development and stormwater that flows onto or across the development from adjacent lands.
4. The proposed stormwater management system shall be designed to function properly for a minimum twenty (20) year life.
5. Design and construction of the proposed stormwater management system shall be certified as meeting the requirements of these land development regulations and the Water Management District's Surfacewater Permitting Manual, as amended, by a professional engineer, architect, or landscape architect, registered in the State of Florida.
6. No stormwater may be channeled or directed into a sanitary sewer.
7. The proposed stormwater management system shall coordinate with and connect to the drainage systems or drainage ways on surrounding properties or roads, whenever practicable.
8. Use of drainage swales rather than curb and gutter and storm sewers in subdivision is provided for in Article 5 of these land development regulations. Private roads and access ways within un-subdivided developments shall utilize curb and gutter and storm drains to provide adequate drainage if the grade of such roads or access ways is too steep to provide drainage in another manner or if other sufficient reasons exist to require such construction.
9. Stormwater management systems shall be designed and constructed to provide retention of run-off volumes such that the peak discharge from the developed site shall not exceed the equivalent peak discharge from the natural or undeveloped site.
10. The Board of County Commissioners may require any water retention areas to be fenced and screened by trees or shrubbery.
11. In areas where high groundwater and other conditions exist and it is deemed necessary by the Board of County Commissioners, subsurface drainage facilities shall be installed. If a wearing surface (see Article 5 of these land development regulations) and subsurface drainage facilities are required, all subsurface drainage facilities shall be installed by the subdivider prior to the paving of the street.

12. All required improvements shall be installed so as to maintain natural watercourses.
13. Construction specifications for drainage swales, curbs and gutters are contained in Article 5 and Appendix A of these land development regulations.
14. The banks of detention and retention areas shall be sloped to accommodate, and shall be planted with vegetation which will maintain the integrity of the bank.
15. Dredging, clearing of vegetation, deepening, widening, straightening, stabilizing, or otherwise altering natural surface waters shall be minimized.
16. Natural surface water shall not be used as sediment traps during or after development.
17. For aesthetic reasons and to increase shoreline habitat, the shorelines of detention and retention areas shall be curving rather than straight.
18. Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development, if any.
19. Vegetated buffers of sufficient width to prevent erosion shall be retained or created along the shores, banks, or edges of all natural or man-made surface waters.
20. In phased developments, the stormwater management system for each integrated stage of completion shall be capable of functioning independently as required by these land development regulations.
21. All detention and retention basins, except natural water bodies used for this purpose, shall be accessible for maintenance from streets or public rights-of-way.

SECTION 7.4 DEDICATION OR MAINTENANCE OF STORMWATER MANAGEMENT SYSTEMS

- 7.4.1 Dedication. If a stormwater management system approved under these land development regulations will function as an integral part of the County's system, as determined by the Board of County Commissioners, the facilities shall be dedicated to the County.
- 7.4.2 Maintenance by an Acceptable Entity. All stormwater management systems that are not dedicated to the County shall be operated and maintained by one (1) of the following entities:
 1. A local governmental unit including a school board, special district or other governmental unit.
 2. A regional water management agency or an active water control district created pursuant to Chapter 298, Florida Statutes, or drainage district created by special act, or special assessment district created pursuant to Chapter 170, Florida Statutes.
 3. A state or federal agency.
 4. An officially franchised, licensed, or approved communication, water, sewer, electrical or other public utility.
 5. The property owner or developer if:

- a. Written proof is submitted in the appropriate form by either letter or resolution that a governmental entity, as set forth in paragraphs 1-3 above, will accept the operation and maintenance of the stormwater management and discharge facility at a time certain in the future.
 - b. A surety bond or other assurance of continued financial capacity to operate and maintain the system is submitted to the Board of County Commissioners. The developer shall maintain and repair all improvements which these stormwater management regulations require the developer to construct. The developer shall post a maintenance bond to cover at least ten (10) percent of the estimated costs of all required stormwater improvements (See Appendix A).
6. For-profit or nonprofit corporations, including home-owners associations, property owners associations, condominium owners associations or master associations if:
- a. The owner or developer submits documents constituting legal capacity and a binding legal obligation between the entity and the County, whereby the entity affirmatively takes responsibility for the operation and maintenance of the stormwater management facility.
 - b. The association has sufficient powers reflected in its organizational or operational documents to:
 - (1) Operate and maintain the stormwater management system as permitted by the Water Management District;
 - (2) Establish rules and regulations;
 - (3) Assess members;
 - (4) Contract for services; and
 - (5) Exist perpetually, with the Articles of Incorporation providing that if the association is dissolved, the stormwater management system will be maintained by an acceptable entity as described above.

7.4.3 Phased Projects. If a project is to be constructed in phases and subsequent phases will use the same stormwater management systems as the initial phase or phases, the operation/maintenance entity shall have the ability to accept responsibility for the operation and maintenance of the stormwater management systems of future phases of the project.

In phased developments that have an integrated stormwater management system, but employ independent operation/maintenance entities for different phases, the operation/maintenance entities, either separately or collectively, shall have the responsibility and authority to operate and maintain the stormwater management system for the entire project. That authority shall include cross easements for stormwater management and the authority and ability of each entity to enter and maintain all facilities should any entity fail to maintain a portion of the stormwater management system within the project.

7.4.4 Applicant as Acceptable Entity. The applicant shall be an acceptable entity and shall be responsible for the operation and maintenance of the stormwater management system from the time construction begins until the stormwater management system is dedicated to and accepted by another acceptable entity.

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ARTICLE EIGHT

FLOOD DAMAGE PREVENTION REGULATIONS

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ARTICLE EIGHT. FLOOD DAMAGE PREVENTION REGULATIONS

SECTION 8.1 ADMINISTRATION, GENERAL

- 8.1.1 Title. These regulations shall be known as the Flood Damage Prevention Regulations of the County, hereinafter referred to as “this Article.”
- 8.1.2 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.
- 8.1.3 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:
1. Minimize unnecessary disruption of commerce, access and public service during times of flooding;
 2. Require the use of appropriate construction practices in order to prevent or minimize future flood damage;
 3. 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;
 4. 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;
 5. Minimize damage to public and private facilities and utilities;
 6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;
 7. Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and
 8. Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.
- 8.1.4 Coordination with the *Florida Building Code*. This Article is intended to be administered and enforced in conjunction with the *Florida Building Code*. Where cited, American Society of Civil Engineers 24 refers to the edition of the standard that is referenced by the *Florida Building Code*.
- 8.1.5 Warning. The degree of flood protection required by this Article and the *Florida Building Code*, as amended by the Board of County Commissioners, 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 man-made 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 the Board of County Commissioners 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.

- 8.1.6 Disclaimer of Liability. This Article shall not create liability on the part of the County Commissioners of the 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 there under.

SECTION 8.2 APPLICABILITY

- 8.2.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.
- 8.2.2 Areas to Which this Article Applies. This Article shall apply to all flood hazard areas within the County, as established in Section 8.2.3 of this Article.
- 8.2.3 Basis for Establishing Flood Hazard Areas. The Flood Insurance Study for the Union County, Florida and Incorporated Areas dated February 4, 2009 and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps, 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 County Department of Emergency Management at 55 West Main Street, Lake Butler, Florida.
- 8.2.4 Submission of Additional Data to Establish Flood Hazard Areas. To establish flood hazard areas and base flood elevations, pursuant to Section 8.5 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:
1. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a Flood Insurance Rate Map, 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*.
 2. 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.
- 8.2.5 Other Laws. The provisions of this Article shall not be deemed to nullify any provisions of local, state or federal law.
- 8.2.6 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 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.
- 8.2.7 Interpretation. In the interpretation and application of this Article, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and
 3. Deemed neither to limit nor repeal any other powers granted under state statutes.

SECTION 8.3 DUTIES AND POWERS OF THE FLOODPLAIN ADMINISTRATOR

- 8.3.1 Designation. The County Building Inspector is designated as the Floodplain Administrator. The Floodplain Administrator may delegate performance of certain duties to other employees.
- 8.3.2 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 8.7 of this Article.
- 8.3.3 Applications and Permits. The Floodplain Administrator, in coordination with other pertinent offices of the community, shall:
1. Review applications and plans to determine whether proposed new development will be located in flood hazard areas;
 2. Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this Article;
 3. 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;
 4. Provide available flood elevation and flood hazard information;
 5. Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;
 6. Review applications to determine whether proposed development will be reasonably safe from flooding;
 7. 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
 8. 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.
- 8.3.4 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:
1. 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;
 2. 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;

3. Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and
 4. 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.
- 8.3.5 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 8.7 of this Article.
- 8.3.6 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.
- 8.3.7 Inspections. The Floodplain Administrator shall make the required inspections as specified in Section 8.6 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.
- 8.3.8 Other Duties of the Floodplain Administrator. The Floodplain Administrator shall have other duties, including but not limited to:
1. Establish, in coordination with the Building Official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to Section 8.3.4 of this Article;
 2. 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;
 3. Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to Federal Emergency Management Agency 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 (6) months of such data becoming available;
 4. 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; and
 5. Notify the Federal Emergency Management Agency when the corporate boundaries of the County are modified.
- 8.3.9 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, Federal Emergency Management

Agency, 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 the office of the County Building Inspector.

SECTION 8.4 PERMITS

- 8.4.1 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.
- 8.4.2 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.
- 8.4.3 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 Code of Federal Regulations 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:
1. Railroads and ancillary facilities associated with the railroad.
 2. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes, as amended.
 3. Temporary buildings or sheds used exclusively for construction purposes.
 4. Mobile or modular structures used as temporary offices.
 5. Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, as amended, which are directly involved in the generation, transmission, or distribution of electricity.
 6. 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.
 7. Family mausoleums not exceeding two hundred and fifty (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.
 8. Temporary housing provided by the Florida Department of Corrections to any prisoner in the state correctional system.
 9. Structures identified in Section 553.73(10)(k), Florida Statutes, as amended, are not exempt from the *Florida Building Code* if such structures are located in flood hazard areas established on Flood Insurance Rate Maps

- 8.4.4 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:
1. Identify and describe the development to be covered by the permit or approval.
 2. 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.
 3. Indicate the use and occupancy for which the proposed development is intended.
 4. Be accompanied by a site plan or construction documents as specified in Section 8.5 of this Article.
 5. State the valuation of the proposed work.
 6. Be signed by the applicant or the applicant's authorized agent.
 7. Give such other data and information as required by the Floodplain Administrator.
- 8.4.5 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.
- 8.4.6 Expiration. A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred and eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred and eighty (180) days after the work commences. Extensions for periods of not more than one hundred and eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.
- 8.4.7 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.
- 8.4.8 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:
1. The Suwannee River Water Management District; Section 373.036, Florida Statutes, as amended.
 2. Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes, as amended, and Chapter 64E-6, Florida Administration Code.
 3. Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; Section 161.055, Florida Statutes, as amended.
 4. 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.
 5. Federal permits and approvals.

SECTION 8.5 SITE PLANS AND CONSTRUCTION DOCUMENTS

8.5.1 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:

1. 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.
2. Where base flood elevations, or floodway data are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, they shall be established in accordance with Section 8.5.2.2 or 8.5.2.3 of this Article.
3. Where the parcel on which the proposed development will take place will have more than fifty (50) lots or is larger than five (5) acres and the base flood elevations are not included on the Flood Insurance Rate Map or in the Flood Insurance Study, such elevations shall be established in accordance with Section 8.5.2.1 of this Article.
4. Location of the proposed activity and proposed structures, and locations of existing buildings and structures.
5. Location, extent, amount, and proposed final grades of any filling, grading, or excavation.
6. 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.
7. 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.

8.5.2 Information in Flood Hazard Areas Without Base Flood Elevations (approximate Zone A). Where flood hazard areas are delineated on the Flood Insurance Rate Map and base flood elevation data have not been provided, the Floodplain Administrator shall:

1. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.
2. 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.
3. 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:
 - a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or
 - b. Specify that the base flood elevation is two (2) feet above the highest adjacent graded road at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two (2) feet.

4. Where the base flood elevation data are to be used to support a Letter of Map Change from Federal Emergency Management Agency, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by Federal Emergency Management Agency, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

8.5.3 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:

1. 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 Federal Emergency Management Agency as specified in Section 8.5.4 of this Article and shall submit the Conditional Letter of Map Revision, if issued by Federal Emergency Management Agency, with the site plan and construction documents.
2. 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 Flood Insurance Rate Map 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 (1) 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.
3. 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 Federal Emergency Management Agency as specified in Section 8.5.4 of this Article.

8.5.4 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 Federal Emergency Management Agency to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on Flood Insurance Rate Maps, and to submit such data to Federal Emergency Management Agency for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by Federal Emergency Management Agency. Submittal requirements and processing fees shall be the responsibility of the applicant.

SECTION 8.6 INSPECTIONS

8.6.1 General. Development for which a floodplain development permit or approval is required shall be subject to inspection.

- 8.6.2 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.
- 8.6.3 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.
- 8.6.4 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:
1. 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
 2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Section 8.5.2.3(b) 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.
- 8.6.5 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 Section 8.6.4 of this Article.
- 8.6.6 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 Building Official.

SECTION 8.7 VARIANCES AND APPEALS

- 8.7.1 General. 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 Section 553.73(5), Florida Statutes, as amended, the Board of County Commissioners 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*.
- 8.7.2 Appeals. The Board of County Commissioners 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 of Board of County Commissioners may appeal such decision to the Circuit Court, as provided by Florida Statutes, as amended.
- 8.7.3 Limitations on Authority to Grant Variances. The Board of County Commissioners shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Section 8.7.7 of this Article, the conditions of issuance set forth in Section 8.7.8 of this Article, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Article.

- 8.7.4 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 Section 8.5.3 of this Article.
- 8.7.5 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*.
- 8.7.6 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 Section 8.7.4, 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.
- 8.7.7 Considerations for Issuance of Variances. In reviewing requests for variances, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, and all other applicable provisions of the *Florida Building Code*, this Article, and the following:
1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage;
 2. The danger to life and property due to flooding or erosion damage;
 3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;
 4. The importance of the services provided by the proposed development to the community;
 5. The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;
 6. The compatibility of the proposed development with existing and anticipated development;
 7. The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;
 8. The safety of access to the property in times of flooding for ordinary and emergency vehicles;
 9. 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
 10. 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.
- 8.7.8 Conditions for issuance of variances. Variances shall be issued only upon:
1. 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;

2. Determination by the Board of County Commissioners that:
 - a. 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;
 - b. 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
 - c. The variance is the minimum necessary, considering the flood hazard, to afford relief;
3. 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
4. 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 twenty-five dollars (\$25) for one hundred dollars (\$100) of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

SECTION 8.8 VIOLATIONS

- 8.8.1 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.
- 8.8.2 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.
- 8.8.3 Unlawful Continuance. 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.

SECTION 8.9 DEFINITIONS

- 8.9.1 Scope. Unless otherwise expressly stated, the following words and terms shall, for the purposes of this Article, have the meanings shown in this section.
- 8.9.2 Terms Defined in the *Florida Building Code*. Where terms are not defined in this Article and are defined in the *Florida Building Code*, such terms shall have the meanings ascribed to them in that code.

8.9.3 Terms Not Defined. 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.

8.9.4 Definitions:

Alteration of a Watercourse. 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. A request for a review of the Floodplain Administrator's interpretation of any provision of this Article.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the *Florida Building Code*. American Society of Civil Engineers 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base Flood. A flood having a one (1) percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "one (1) percent-annual chance flood."

Base Flood Elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum, North American Vertical Datum or other datum specified on the Flood Insurance Rate Map.

Basement. The portion of a building having its floor subgrade (below ground level) on all sides.

Design Flood. The flood associated with the greater of the following two areas:

1. Area with a floodplain subject to a one (1) 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. 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 (2) feet.

Development. Any man-made 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. 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. Any buildings and structures for which the "start of construction" commenced before February 4, 2009.

Existing Manufactured Home Park or Subdivision. 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 February 4, 2009.

Expansion to an Existing Manufactured Home Park or Subdivision. 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. The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land from:

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. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood Hazard Area. The greater of the following two areas:

1. The area within a floodplain subject to a one (1) 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. 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.

Flood Insurance Study. 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.

Floodplain Administrator. 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. 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. 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 (1) foot.

Floodway Encroachment Analysis. 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. 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. 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. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic Structure. 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. An official determination issued by Federal Emergency Management Agency that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

1. Letter of Map Amendment: An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A Letter of Map Amendment 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.
2. Letter of Map Revision: 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.
3. Letter of Map Revision Based on Fill: 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.
4. Conditional Letter of Map Revision: A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum National Flood Insurance Program requirements for such projects with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision 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 Federal Emergency Management Agency to revise the effective Flood Insurance Rate Map.

Light-Duty Truck. As defined in 40 Code of Federal Regulations 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (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 twelve (12) persons; or
3. Available with special features enabling off-street or off-highway operation and use.

Lowest Floor. 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 American Society of Civil Engineers 24.

Manufactured Home. A structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (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."

Manufactured Home Park or Subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market Value. 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. 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 February 4, 2009 and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. 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 February 4, 2009.

Park Trailer. A transportable unit which has a body width not exceeding fourteen (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.

Recreational Vehicle. A vehicle, including a park trailer, which is:

1. Built on a single chassis;
2. Four hundred (400) 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.

Special Flood Hazard Area. An area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on Flood Insurance Rate Maps as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

Start of Construction. 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, 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.

Substantial Damage. 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 fifty (50) percent of the market value of the building or structure before the damage occurred.

Substantial Improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (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:

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. 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. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

SECTION 8.10 FLOOD RESISTANT DEVELOPMENT: BUILDINGS AND STRUCTURES

8.10.1 Design and Construction of Buildings, Structures And Facilities Exempt from the *Florida Building Code*. Pursuant to Section 8.4.3 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 American Society of Civil Engineers 24. Structures exempt from the *Florida Building Code* that are not walled and roofed buildings shall comply with the requirements of Section 8.16 of this Article.

SECTION 8.11 SUBDIVISIONS

8.11.1 Minimum Requirements. Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

2. 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
 3. 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.
- 8.11.2 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:
1. Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;
 2. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and base flood elevations are not included on the Flood Insurance Rate Map, the base flood elevations determined in accordance with Section 8.5.2.1 of this Article; and
 3. Compliance with the site improvement and utilities requirements of Section 8.12 of this Article.

SECTION 8.12 SITE IMPROVEMENTS, UTILITIES AND LIMITATIONS

- 8.12.1 Minimum Requirements. All proposed new development shall be reviewed to determine that:
1. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;
 2. 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
 3. 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.
- 8.12.2 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, Florida Administrative Code and American Society of Civil Engineers 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.
- 8.12.3 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, Florida Administrative Code and American Society of Civil Engineers 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.
- 8.12.4 Limitations on Sites in Regulatory Floodways. No development, including but not limited to site improvements, and land disturbing activity involving fill or re-grading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Section 8.5.3.1 of this Article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.
- 8.12.5 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*.

SECTION 8.13 MANUFACTURED HOMES

- 8.13.1 General. All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Section 320.8249 Florida Statutes, as amended, and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code and the requirements of this Article.
- 8.13.2 Foundations. All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that 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 Section 8.13.6 of this Article are permitted to be reinforced piers or other foundation elements of at least equivalent strength.
- 8.13.3 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.
- 8.13.4 Elevation. Manufactured homes that are placed, replaced, or substantially improved shall comply with Section 8.13.5 or 8.13.6 of this Article, as applicable.
- 8.13.5 General Elevation Requirement. Unless subject to the requirements of Section 8.13.6 of this Article, all manufactured homes that are placed, replaced, or substantially improved on sites located:
1. Outside of a manufactured home park or subdivision;
 2. In a new manufactured home park or subdivision;
 3. In an expansion to an existing manufactured home park or subdivision; or
 4. 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 elevation required, as applicable to the flood hazard area, in the *Florida Building Code*, Residential Section R322.2 (Zone A).
- 8.13.6 Elevation Requirement for Certain Existing Manufactured Home Parks and Subdivisions. Manufactured homes that are not subject to Section 8.13.5 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:
1. Bottom of the frame of the manufactured home is at or above the elevation required in the *Florida Building Code*, Residential Section R322.2 (Zone A); or
 2. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.
- 8.13.7 Enclosures. Enclosed areas below elevated manufactured homes shall comply with the requirements of the *Florida Building Code*, Residential Section R322 for such enclosed areas.
- 8.13.8 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.

SECTION 8.14 RECREATIONAL VEHICLES AND PARK TRAILERS

8.14.1 Temporary placement. Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

1. Be on the site for fewer than one hundred eighty (180) consecutive days; or
2. Be fully licensed and ready for highway use, which means the recreational vehicle or park model 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.

8.14.2 Permanent Placement. Recreational vehicles and park trailers that do not meet the limitations in Section 8.14.1 of this Article for temporary placement shall meet the requirements of Section 8.13 of this Article for manufactured homes.

SECTION 8.15 TANKS

8.15.1 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.

8.15.2 Above-Ground Tanks, Not Elevated. Above-ground tanks that do not meet the elevation requirements of Section 8.15.3 of this Article shall be permitted in flood 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.

8.15.3 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.

8.15.4 Tank Inlets and Vents. Tank inlets, fill openings, outlets and vents shall be:

1. 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
2. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

SECTION 8.16 OTHER DEVELOPMENT

8.16.1 General Requirements for Other Development. All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Article or the *Florida Building Code*, shall:

1. Be located and constructed to minimize flood damage;
2. Meet the limitations of Section 8.12.4 of this Article if located in a regulated floodway;
3. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;
4. Be constructed of flood damage-resistant materials; and

5. Have mechanical, plumbing, and electrical systems above the design flood elevation, or meet the requirements of American Society of Civil Engineers 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.
- 8.16.2 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 Section 8.12.4 of this Article.
- 8.16.3 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 Section 8.12.4 of this Article.
- 8.16.4 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 Section 8.12.4 of this Article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 8.5.3.3 of this Article.

ARTICLE NINE

MINIMUM HOUSING
REGULATIONS

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ARTICLE NINE. MINIMUM HOUSING REGULATIONS

SECTION 9.1 ARTICLE REMEDIAL

This Article is hereby declared to be remedial and shall be construed to secure the beneficial interests and purposes thereof, which are public safety, health, and general welfare, through structure strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use, and occupancy of residential buildings.

SECTION 9.2 SCOPE

The provisions of this Article shall apply to all vacant buildings or portions thereof used, or designed or intended to be used, for human habitation, regardless of when such building may have been constructed.

This Article establishes minimum standards for occupancy of a vacant structure, and does not replace or modify standards otherwise established for construction, replacement or repair of buildings except such as are contrary to the provisions of this Article.

Buildings or structures moved into or within the County shall comply with the requirements in the County Building Code for new buildings.

SECTION 9.3 EXISTING BUILDINGS

- 9.3.1 Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of this Article provided that the alteration, repair or rehabilitation work conforms to the requirements of the County Building Code for new construction. The Land Development Regulation Administrator shall determine, subject to appeal to the Board of Adjustments, the extent, if any, to which the existing building shall be made to conform to the requirements of this Article for new construction.
- 9.3.2 Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 2.1 of these land development regulations.
- 9.3.3 If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of this Article for the new occupancy classification as established by the Land Development Regulation Administrator.
- 9.3.4 Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed; but not more than twenty-five (25) percent of the roof covering of a building shall be replaced in any period of twelve (12) months unless the entire roof covering is made to conform with the requirements of the County Building Code for new buildings.

SECTION 9.4 SPECIAL HISTORIC BUILDINGS AND DISTRICTS

The provisions of this Article relating to the construction alteration, repair, enlargement, restoration, relocation or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the Comprehensive Plan or these land development regulations as historic buildings when such buildings or structures are judged by the Land Development Regulation Administrator to be safe and in the public interest of health, safety and general welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings. The applicant shall submit complete architectural and engineering plans and specifications bearing the seal of a professional engineer or architect registered in the State of Florida.

SECTION 9.5 MAINTENANCE

All buildings or structures, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this Article in a building when erected, altered, or repaired, shall be maintained in good working order. The owner, or his or her designated agent, shall be responsible for the maintenance of buildings, structures and premises.

SECTION 9.6 APPLICATION OF LAND DEVELOPMENT REGULATIONS

Nothing in this Article shall be construed to cancel, modify, or set aside any other provision of these land development regulations.

SECTION 9.7 ENFORCEMENT OFFICER

The Land Development Regulation Administrator shall be the enforcement officer of the provisions of this Article.

SECTION 9.8 RESTRICTIONS ON EMPLOYEES

An officer or employee of the County, shall not be financially interested in the furnishing of labor, material, or appliances for the construction, alteration, or maintenance of a building, or in the making of plans or of specifications therefore, unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the County.

SECTION 9.9 RECORDS

The Land Development Regulation Administrator shall keep, or cause to be kept, a record of such actions related to this Article.

SECTION 9.10 RIGHT OF ENTRY

The Land Development Regulation Administrator shall enforce the provisions of this Article, and such Land Development Regulation Administrator, or their duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitations shall not apply.

SECTION 9.11 UNSAFE RESIDENTIAL BUILDINGS

All residential buildings or structures used as such which are unsafe, unsanitary, unfit for human habitation, or not provided with adequate egress; or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence, or abandonment, are severally in contemplation of this section, unsafe buildings. All such unsafe buildings are hereby declared illegal and shall be abated by repair and rehabilitation or by demolition in accordance with the following procedure:

9.11.1 Whenever the Land Development Regulation Administrator determines that there are reasonable grounds to believe that there has been a violation of any provision of this Article, he or she shall give notice of such alleged violation to the person or persons responsible therefor and such alleged violations shall constitute a nuisance. Such notice shall.

1. Be in writing;
2. Include a statement of the reasons why it is being issued;

3. Allow one hundred twenty (120) days time for the performance of any act it requires;
4. Further state that, if such repairs; reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Land Development Regulation Administrator shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this Article.
5. Include a statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing and in the form specified by the County and shall be filed with the Land Development Regulation Administrator within thirty (30) days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an appeal.

9.11.2 Service of notice shall be as follows:

1. By depositing the notice in the United States Post Office addressed to the owner at his or her last known address with postage prepaid thereon; or
2. By posting and keeping posted for twenty-four (24) hours a copy of the notice in a conspicuous place on the premises to be repaired.

9.11.3 When a residential building is to be demolished, it shall be done so in accordance with the provisions of Article 10 of these land development regulations.

SECTION 9.12 REQUIREMENTS NOT COVERED BY THIS ARTICLE

Any requirement, not specifically covered by this Article, found necessary for the safety, health, and general welfare of the occupants of any dwelling, shall be determined by the Land Development Regulation Administrator and is subject to appeal to the Board of Adjustment.

SECTION 9.13 LIABILITY

Any officer or employee charged with the enforcement of this Article, in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their duties. Any suit brought against any officer or employee because of this Article shall be defended by the County Attorney until the final termination of the proceedings.

SECTION 9.14 LETTER OF COMPLIANCE

A letter indicating compliance with the provisions of this Article may be issued by the Land Development Regulation Administrator.

SECTION 9.15 INSPECTIONS

The Land Development Regulation Administrator shall make or cause to be made inspections to determine the condition of residential buildings and premises in the interest of safeguarding the health and safety of the occupants of such buildings and of the general public. For the purpose of making such inspections, the Land Development Regulation Administrator, or their agent, is hereby authorized to enter, examine, and survey at all reasonable times all residential buildings and premises. The owner or occupant of every residential building or the person in charge thereof shall give the Land Development Regulation Administrator free access to such residential building and its premises, at all reasonable times for the purpose of such inspection, examination, and survey.

SECTION 9.16 HARDSHIPS (Refer to Section 12.3.4 of these land development regulations.)

SECTION 9.17 DECISIONS

All decisions of the Board of Adjustment to vary the application of any provision of this Article or to modify an order of the Land Development Regulation Administrator shall specify in what manner such variance or modification is made, the conditions upon which it is made, and the reasons therefor. Every decision shall be promptly filed in the office of the Land Development Regulation Administrator.

SECTION 9.18 APPEALS (Refer to Section 12.1.4 of these land development regulations.)

SECTION 9.19 MINIMUM STANDARDS FOR BASE EQUIPMENT AND FACILITIES

No person shall occupy as owner-occupant or let or sublet to another for occupancy any vacant dwelling or vacant dwelling unit designed or intended to be used for the purpose of living, sleeping, cooking, or eating therein without first obtaining a Certificate of Land Development Regulation Compliance from the County's Land Development Regulation Administrator, nor shall any vacant dwelling building be permitted to exist which does not comply with the following requirements.

- 9.19.1 Sanitary Facilities Required. Every dwelling unit shall contain not less than a kitchen sink, lavatory, tub or shower, and a water closet all in good working condition and properly connected to an approved water and sanitary sewer system. Every plumbing fixture and water and waste water pipe shall be properly installed and maintained in good sanitary working condition free from defects, leaks, and obstructions.
- 9.19.2 Location of Sanitary Facilities.
1. All required plumbing fixtures shall be located within the dwelling unit and be accessible to the occupants of same. The water closet, tub or shower and lavatory shall be located in a room affording privacy to the user and such room shall have a minimum floor space of thirty (30) square feet, with no dimension less than four (4) feet; and
 2. Bathrooms shall be accessible from habitable rooms, hallways, corridors or other protected or enclosed areas, not including kitchens or other food preparation areas.
- 9.19.3 Hot and Cold Water Supply. Every dwelling unit shall have connected to the kitchen sink, lavatory, and tub or shower an adequate supply of both cold water and hot water.
- 9.19.4 Water Heating Facilities. Every dwelling unit shall have water heating facilities which are properly installed and maintained in a safe and good working condition and are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit. Minimum storage capacity of the water heater shall be thirty (30) gallons unless a "Tankless" water heater is installed and operable. Such water heating facilities shall be capable of meeting the requirements of this sub-section when the dwelling or dwelling unit heating facilities required under the provisions of this Article are not in operation. Apartment houses may use a centralized water heating facility capable of heating an adequate amount of water as required by the Southern Standard Plumbing Code to not less than 120 degrees Fahrenheit.
- 9.19.5 Heating Facilities.
1. Every dwelling unit shall have heating facilities which are properly installed, are maintained in safe and good working conditions, and are capable of safely and adequately heating all habitable rooms, and bathrooms in every dwelling unit located therein to a temperature of at least 70 degrees Fahrenheit at a distance three (3) feet above floor level, under ordinary minimum winter conditions;

2. Where a central heating system is not provided, each dwelling unit shall be provided with facilities whereby heating appliances may be connected;
 3. Unvented fuel burning heaters shall be prohibited except for gas heaters listed for unvented use and the total input rating of the unvented heaters is less than thirty (30) British Thermal Units per hour per cubic feet of room content; and
 4. Unvented fuel burning heaters shall be prohibited in bedrooms.
- 9.19.6 Cooking and Heating Equipment. All cooking and heating equipment and facilities shall be installed in accordance with the building, mechanical, gas or electrical code and shall be maintained in a safe and good working condition. Portable cooking equipment employing flame is prohibited.
- 9.19.7 Garbage Disposal Facilities. Every dwelling unit shall have adequate garbage disposal facilities or garbage storage containers.
- 9.19.8 Fire Protection. A person shall not occupy as owner-occupant or shall let to another for occupancy, any building or structure which does not comply with the applicable provisions of the fire prevention code of the County.
- 9.19.9 Smoke Detector Systems. Every dwelling unit shall be provided with an approved listed smoke detector, installed in accordance with the manufacturer's recommendations and listing. When activated, the detector shall provide an audible alarm. The detector shall be tested in accordance with and meet the requirements of UL 217, Single and Multiple Station Smoke Detectors.

SECTION 9.20 MINIMUM REQUIREMENTS FOR LIGHT AND VENTILATION

- 9.20.1 Size. Every habitable room shall have at least one (1) window or skylight facing directly to the outdoors. The minimum total window area, measured between stops, for every habitable room shall be eight (8) percent of the floor area of such room. Whenever walls or other portions of structures face a window of any such room and such light-obstruction structures are located less than three (3) feet from the window and extend to a level above that of the ceiling of the room, such a window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the required minimum total window area. Whenever the only window in a room is a skylight-type window in the top of such room, the total window area of such skylight shall equal at least fifteen (15) percent of the total floor area of such room.
- 9.20.2 Habitable Rooms.
1. Every habitable room shall have at least one (1) window or skylight which can be easily opened, or such other device as will adequately ventilate the room. The total of openable window area in every habitable room shall be equal to at least forty-five (45) percent of the minimum window area size or minimum skylight-type window size, as required, or shall have other approved, equivalent ventilation; and
 2. Year round mechanically ventilating conditioned air systems may be substituted for windows, as required herein, in rooms other than rooms used for sleeping purposes. Window type air-conditioning units are not included in this exception.
- 9.20.3 Bathroom. Every bathroom shall comply with the light and ventilation requirements for habitable rooms except that no window or skylight shall be required in adequately ventilated bathrooms equipped with an approved ventilating system.

- 9.20.4 Electric Lights and Outlets Required. Where there is electric service available to the building structure, every habitable room or space shall contain at least two (2) separate and remote convenience outlets and bedrooms shall have, in addition, at least one (1) wall switch controlled ceiling or wall type light fixture. In kitchens, three (3) separate and remote convenience outlets shall be provided, and a wall or ceiling type light fixture controlled by a wall switch shall be required. Every hall, water closet compartment, bathroom, laundry room or furnace room shall contain at least one (1) electric fixture. In bathrooms, the electric light fixture shall be controlled by a wall switch. In addition to the electric light fixture in every bathroom and laundry room, there shall be provided at least one (1) convenience outlet. Any new bathroom outlet shall have ground-fault circuit interrupter protection. Every such outlet and fixture shall be properly installed, shall be maintained in good and safe working condition, and shall be connected to the source of electric power in a safe manner.
- 9.20.5 Light in Public Halls and Stairways. Every common hall and inside stairway in every building, other than one-family dwellings, shall be adequately lighted at all times with an illumination of at least one (1) foot candle intensity at the floor in the darkest portion of the normally traveled stairs and passageways.

SECTION 9.21 MINIMUM REQUIREMENTS FOR ELECTRICAL SYSTEMS

Every electrical outlet and fixture required by this Article shall be installed, maintained, and connected to a source of electric power in accordance with the provisions of the electrical code of the County.

SECTION 9.22 GENERAL REQUIREMENTS FOR THE EXTERIOR AND INTERIOR OF STRUCTURES

- 9.22.1 Foundation. The building foundation system shall be maintained in a safe manner and capable of supporting the load which normal use may cause to be placed thereon.
- 9.22.2 Exterior Walls. Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, and any other conditions which might admit rain, or dampness to the interior portions of the walls or to the occupied spaces of the building. All siding material shall be kept in repair.
- 9.22.3 Roofs. Roofs shall be structurally sound and maintained in a safe manner and have no defects which might admit rain or cause dampness in the walls or interior portion of the building.
- 9.22.4 Means of Egress. Every dwelling unit shall have safe, unobstructed means of egress with minimum ceiling height of seven (7) feet leading to a safe and open space at ground level. Stairs shall have a minimum head room of six (6) feet eight (8) inches.
- 9.22.5 Stairs, Porches and Appurtenance. Every inside and outside stair, porch and any appurtenance thereto shall be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in sound condition and good repair.
- 9.22.6 Protective Railings. Protective railings shall be required on any unenclosed structure over thirty (30) inches from the ground level or on any steps containing four (4) risers or more.
- 9.22.7 Windows and Doors. Every window, exterior door and basement or cellar door and hatchway shall be substantially weathertight, watertight, and rodent proof; and shall be kept in sound working condition and good repair.
- 9.22.8 Windows to be Glazed. Every window sash shall be fully supplied with glass window panes or an approved substitute which are without open cracks or holes.

- 9.22.9 Window Sash. Window sash shall be properly fitted and weathertight within the window frame.
- 9.22.10 Windows to be Openable. Every window required for light and ventilation for habitable rooms shall be capable of being easily opened and secured in position by window hardware.
- 9.22.11 Hardware. Every exterior door shall be provided with proper hardware and be maintained in good condition.
- 9.22.12 Door Frames. Every exterior door shall fit reasonably well within its frame so as to substantially exclude rain and wind from entering the dwelling building.
- 9.22.13 Screens. Dwelling units which do not have a central air conditioning system shall have screens on all exterior openable windows and shall have a screen door with a self-closing device on all exterior doors except for the one (1) main entrance door.
- 9.22.14 Protective Treatment. All exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. All siding shall be weather resistant and water tight. All masonry joints shall be sufficiently tuck pointed to insure water and air tightness.
- 9.22.15 Accessory Structures. Garages, storage buildings, and other accessory structures shall be maintained and kept in good repair and sound structural condition.
- 9.22.16 Interior Floor, Walls, and Ceilings. Every floor, interior wall, and ceiling shall be substantially rodent proof; shall be kept in sound condition and good repair; and shall be safe to use and capable of supporting the load which normal use may cause to be placed thereon.
- Every toilet, bathroom and kitchen floor surface shall be constructed and maintained so as to be substantially impervious to water and so as to permit such floor to be easily kept in a clean and sanitary condition.
- 9.22.17 Structural Supports. Every structural element of the dwelling shall be maintained structurally sound and show no evidence of deterioration which would render them incapable of carrying loads which normal use may cause to be placed thereon.
- 9.22.18 Protective Railings for Interior Stairs. Interior stairs and stairwells more than four (4) risers high shall have handrails located in accordance with the requirements of the building code. Handrails or protective railings shall be capable of bearing normally imposed loads and be maintained in good condition.
- 9.22.19 Firestopping and Draftstopping.
1. Firestopping shall be maintained to cut off all concealed draft openings both horizontal and vertical and to form a fire barrier between floors and between the upper floor and the roof space; and
 2. Draftstopping shall be maintained to cut off all concealed draft openings in floor/ceiling assemblies and in attics.

SECTION 9.23 MINIMUM DWELLING SPACE REQUIREMENTS

- 9.23.1 Required Space in Dwelling Unit. Prior to the issuance of a Certificate of Land Development Regulation Compliance the dwelling unit shall contain at least one hundred fifty (150) square feet of floor space for the first occupant thereof and at least one hundred (100) additional square feet of floor area per additional occupant. The floor area shall be calculated on the basis of the total area of all habitable rooms.

- 9.23.2 Required Space in Sleeping Rooms. Prior to the issuance of a Certificate of Land Development Regulation Compliance in every dwelling unit of two (2) or more rooms, every room occupied for sleeping purposes by one (1) occupant shall contain at least seventy (70) square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least fifty (50) square feet of floor space for each occupant thereof.
- 9.23.3 Minimum Ceiling Height. Prior to the issuance of a Certificate of Land Development Regulation Compliance all habitable rooms other than kitchen, storage rooms, and laundry rooms shall have a ceiling height of not less than seven (7) feet. Hallways, corridors, bathrooms, water closet rooms and kitchens shall have a ceiling height of not less than seven (7) feet measured to the lowest projection from the ceiling.
- If any room in a building has a sloping ceiling, the prescribed ceiling height for the room is required in only one-half (1/2) the area thereof. No portion of the room measuring less than five (5) feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.
- 9.23.4 Occupancy of Dwelling Unit Below Grade. No basement or cellar space shall be used as a habitable room or dwelling unit unless:
1. The floor and walls are impervious to leakage of underground and surface runoff water and are insulated against dampness;
 2. The total of window area in each room is equal to at least the minimum window area size as required in this Article;
 3. Such required minimum window area is located entirely above the grade of the ground adjoining such window area; and
 4. The total of openable window area in each room is equal to at least the minimum as required in this Article, except where there is supplied some other device affording adequate ventilation.

SECTION 9.24 SANITATION REQUIREMENTS

- 9.24.1 Sanitation. Every owner of a multiple dwelling shall be responsible for maintaining in a clean and sanitary condition the shared or common areas of the dwelling and premises thereof.
- 9.24.2 Cleanliness. Every tenant of a dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit and premises thereof which he or she occupies or which is provided for his or her particular use.
- 9.24.3 Garbage Disposal. Every tenant of a dwelling or dwelling unit shall dispose of all his or her garbage and any other organic waste which might provide food for rodents and all rubbish in a clean and sanitary manner by placing it in the garbage disposal facilities or garbage or rubbish storage containers.
- 9.24.4 Care of Premises. It shall be unlawful for the owner or occupant of a residential building, structure, or property to utilize the premises of such residential property for the open storage of any abandoned motor vehicle, ice box, refrigerator, stove, glass, building material, building rubbish or similar items. It shall be the duty and responsibility of every such owner or occupant to keep the premises of such residential property clean and to remove from the premises all such abandoned items as listed above, including but not limited to weeds, dead trees, trash, garbage, etc.

- 9.24.5 Extermination. Every occupant of a one (1) family dwelling building and every owner of a building containing two (2) or more dwelling units shall be responsible for the extermination of any insects, rodents, or other pests within the building or premises.
- 9.24.6 Use and Operation of Supplied Plumbing Fixtures. Every tenant of a dwelling unit shall keep all plumbing fixtures therein in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in the proper use and operation thereof.

SECTION 9.25 ROOMING HOUSES

No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of these land development regulations.

9.25.1 Water Closet, Lavatory and Bath Facilities.

1. At least one (1) flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sanitary sewer system and in good working condition, shall be supplied for each four (4) rooms within a rooming house wherever said facilities are shared; and
2. All such facilities shall be located on the floor they serve within the dwelling so as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities.

9.25.2 Water Heater Required. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times.

9.25.3 Minimum Floor Area for Sleeping Purposes. Every room occupied for sleeping purposes by one (1) person shall contain at least seventy (70) square feet of floor space and every room occupied for sleeping purposes by more than one (1) person shall contain at least fifty (50) square feet of floor space for each occupant thereof.

9.25.4 Exit Requirement. Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the building code of the County.

9.25.5 Sanitary Conditions. The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he or she shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.

SECTION 9.26 DESIGNATION OF UNFIT DWELLINGS AND LEGAL PROCEDURE OF CONDEMNATION

The designation of vacant dwellings or vacant dwelling units as unfit for human habitation and the procedure for the condemnation and posting of such unfit dwellings or dwelling units shall be carried out in compliance with the following requirements:

- 9.26.1 Dangerous Structures. Any vacant dwelling or vacant dwelling unit which shall be found to have any of the following defects shall be condemned as unfit for human habitation and declared to be a nuisance and shall be so designated and posted by the Land Development Regulation Administrator. A dangerous structure is:
1. One (1) which is so damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested that it creates a serious hazard to the health or safety of the occupants or the public.

2. One (1) which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public.

9.26.2 Form of Notice. Whenever the Land Development Regulation Administrator has declared a vacant one (1) family dwelling or multiple-family dwelling as unfit for human habitation and constituting a nuisance, he or she shall give notice to the owner of such declaration and posting of the one (1) family dwelling or multiple-family dwelling as unfit for human habitation. Such notice shall:

1. Be in writing;
2. Include a description of the real estate sufficient for identification;
3. Further state that, if such repairs, reconstruction, alterations, removal, or demolition are not voluntarily completed within the stated time as set forth in the notice, the Land Development Regulation Administrator shall institute such legal proceedings charging the person or persons, firm, corporation, or agent with a violation of this Article.

Include a statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing and in the form specified by the County and shall be filed with the Land Development Regulation Administrator within thirty (30) days from the date of the notice and that failure to appeal in the time specified constitutes a waiver of all rights to an appeal.

9.26.3 Service of Notice. Service of notice shall be as follows:

1. By depositing the notice in the United States Post Office addressed to the owner at his last known address with postage prepaid thereon; or
2. By posting and keeping posted for twenty-four (24) hours a copy of the notice in placard form in a conspicuous place on the premises.

9.26.4 Occupancy of Building. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until approval is secured from and such placard is removed by the Land Development Regulation Administrator. The Land Development Regulation Administrator shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

9.26.5 Removal of Placard or Notice. No person shall deface or remove the placard from any dwelling or dwelling unit which has been condemned as unfit for human habitation and placarded as such, except as provided herein.

ARTICLE TEN

HAZARDOUS BUILDINGS
REGULATIONS

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ARTICLE TEN. HAZARDOUS BUILDINGS REGULATIONS

SECTION 10.1 SCOPE

- 10.1.1 Article Remedial. This Article is hereby declared to be remedial and shall be constructed to secure the beneficial interests and purposes thereof, which are public safety, health and general welfare, through structural strength, stability, sanitation, adequate light and ventilation, and safety to life and property from fire and other hazards incident to the construction, alteration, repair, removal, demolition, use and occupancy of buildings, structures or premises.
- 10.1.2 Scope. The provisions of this Article shall apply to unoccupied and unsafe buildings or structures as herein defined, and shall apply equally to new and existing conditions.
- 10.1.3 Alterations, Repairs or Rehabilitation Work.
1. Alterations, repairs or rehabilitation work may be made to any existing building without requiring the building to comply with all the requirements of the County Building Code provided that the alteration, repair or rehabilitation work conforms to the requirements of the County Building Code for new construction. The Land Development Regulation Administrator shall determine, subject to appeal to the Board of Adjustment the extent, if any, to which the existing building shall be made to conform to the requirements of the County Building Code for new construction;
 2. Alterations, repairs or rehabilitation work shall not cause an existing building to become unsafe as defined in Section 2.1 of these land development regulations;
 3. If the occupancy classification of an existing building is changed, the building shall be made to conform to the intent of the County Building Code for the new occupancy classification as established by the Land Development Regulation Administrator; and
 4. Repairs and alterations, not covered by the preceding paragraphs of this section, restoring a building to its condition previous to damage or deterioration, or altering it in conformity with the provisions of this Article or in such manner as will not extend or increase an existing nonconformity or hazard, may be made with the same kind of materials as those of which the building is constructed.
- 10.1.4 Special Historic Buildings and Districts. The provisions of this Article relating to the construction alteration, repair, enlargement, restoration, relocation, or moving buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the County's Comprehensive Plan and these land development regulations as historic Buildings when such buildings or structures are judged by the Land Development Regulation Administrator to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation, or moving of buildings within fire districts. The applicant shall be required to submit complete architectural and engineering plans and specifications bearing the seal of a registered professional engineer or architect.

SECTION 10.2 ORGANIZATION

- 10.2.1 Enforcement Officer. The Land Development Regulation Administrator shall be the enforcement officer of the provisions of this Article.
- 10.2.2 Restrictions on Employees. An officer or employee connected with the County shall not have a financial interest in the furnishing of labor, material or appliances for the construction, alteration, demolition, repair or maintenance of a building, or in the making of plans or of specifications therefor, unless he or she is the owner of such building. Such officer or employee shall not engage in any work which is inconsistent with his or her duties or with the interests of the County.

10.2.3 Records. The Land Development Regulation Administrator shall keep, or cause to be kept, a record of the actions related to this Article.

SECTION 10.3 POWERS AND DUTIES OF THE LAND DEVELOPMENT REGULATION ADMINISTRATOR

10.3.1 Right of Entry. The Land Development Regulation Administrator shall enforce the provisions of this Article, and such Land Development Regulation Administrator, or their duly authorized representative upon presentation of proper identification to the owner, agent, or tenant in charge of such property, may enter any building, structure, dwelling, apartment, apartment house, or premises, during all reasonable hours, except in cases of emergency where extreme hazards are known to exist which may involve the potential loss of life or severe property damage, in which case the above limitation shall not apply.

10.3.2 Inspections. The Land Development Regulation Administrator, and other authorized representatives are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this Article.

10.3.3 Liability. Any officer or employee of the County charged with the enforcement of this Article, acting for the County in the discharge of their duties, shall not thereby render themselves liable personally, and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties. Any suit brought against any officer or employee because of such act performed in the enforcement of any provision of this Article shall be defended by the County Attorney until the final termination of the proceedings.

SECTION 10.4 APPEALS TO THE BOARD OF ADJUSTMENT (Refer to Section 12.1.5 of these land development regulations.)

SECTION 10.5 INSPECTIONS

10.5.1 General. The Land Development Regulation Administrator shall inspect or cause to be inspected any building, structure or portion thereof which is or may be unsafe.

10.5.2 Action Required. After the Land Development Regulation Administrator has inspected or caused to be inspected a building, structure or portion thereof and has determined that such building, structure or portion thereof is unsafe, he or she shall initiate proceedings to cause the abatement of the unsafe condition by repair or demolition.

SECTION 10.6 NOTICE

10.6.1 Form

1. The Land Development Regulation Administrator shall prepare and issue a notice of unsafe building directed to the owner of record of the building or structure. The notice shall contain, but not be limited to, the following:
 - a. The street address and/or legal description of the building, structure, or premise.
 - b. A statement indicating the building or structure has been declared unsafe by the Land Development Regulation Administrator, and a report adequately documenting the conditions determined to have rendered the building or structure unsafe under the provisions of this Article.
 - c. The action required to be taken as determined by the Land Development Regulation Administrator.

2. If the building or structure is to be repaired, the notice shall require that all necessary permits be secured and the work commenced within sixty (60) days and continued to completion within such time as the Land Development Regulation Administrator determines. The notice shall also indicate the degree to which the repairs must comply with the provisions of the County Building Code, in accordance with the provisions of this Article.
3. If the building or structure is to be demolished, the notice shall require that all required permits for demolition be secured and that the demolition be completed within ninety (90) days except as provided under "Extension of Time," found within this Article.
 - a. A statement advising that any person having any legal interest in the property may appeal the notice by the Land Development Regulation Administrator to the Board of Adjustment; and that such appeal shall be in writing in the form specified by the County and shall be filed with the Land Development Regulation Administrator within thirty (30) days from the date of the notice and that failure to appeal in the time specified will constitute a waiver of all rights to an appeal.
4. The notice and all attachments thereto shall be served upon the owner of record and posted on the property in a conspicuous location. A copy of the notice and all attachments thereto shall also be served on any person determined from official public records to have a legal interest in the property. Failure of the Land Development Regulation Administrator to serve any person herein required to be served other than the owner of record shall not invalidate any proceedings hereunder nor shall it relieve any other person served from any obligation imposed on him or her.
5. The notice shall be served by certified mail, postage prepaid, return receipt requested to the property owner, as it appears on the official public records. If addresses are not available on any person required to be served the notice, the notice addressed to such person shall be mailed to the address of the building or structure involved in the proceedings. The failure of any person to receive notice, other than the owner of record, shall not invalidate any proceedings under this section. Service by certified mail as herein described shall be effective on the date the notice was received as indicated on the return receipt, or returned refused or unclaimed.
6. Proof of service of the notice shall be by written declaration indicating the date, time and manner in which service was made and signed by the person served on by the return receipt.

SECTION 10.7 STANDARDS FOR COMPLIANCE

When ordering the repair or demolition of an unsafe building or structure, the Land Development Regulation Administrator shall order that such work be done in accordance with the County Building Code or demolished at the option of the owner.

SECTION 10.8 COMPLIANCE

- 10.8.1 Failure to Respond. Any person who, after the order of the Land Development Regulation Administrator or the decision of the Board of Adjustment becomes final, fails or refuses to respond to the direction of such order, shall be prosecuted to the extent provided for by Article 15 of these land development regulations.
- 10.8.2 Failure to Commence Work. Whenever the required repair or demolition is not commenced within sixty (60) days after the effective date of any order, the building, structure or premise shall be posted as follows:

**UNSAFE BUILDING
DO NOT OCCUPY**

It shall be punishable by law to occupy this
building or remove or deface this notice.

Land Development Regulation Administrator

10.8.3 Action Subsequent to Posting. Subsequent to posting the building, the Land Development Regulation Administrator may cause the building to be repaired to the extent required to render it safe or, if the notice required demolition, to cause the building or structure to be demolished and all debris removed from the premise.

The cost of repair or demolition shall constitute a lien on the property and shall be collected in a manner provided by law.

10.8.4 Disposition of Monies Received. Monies received from the sale of a building or from the demolition thereof, over and above the cost incurred, shall be paid to the owner of record or other persons lawfully entitled thereto.

SECTION 10.9 EXTENSION OF TIME

The Board of Adjustment may approve one (1) or more extensions of time as it may determine to be reasonable to initiate or complete the required repair or demolition. However, such extension or extensions shall not exceed a total of ninety (90) days. Such request for extensions shall be made in writing stating the reasons therefor.

SECTION 10.10 INTERFERENCE

No person shall obstruct or interfere with the implementation of any action required by the final notice of the Land Development Regulation Administrator. Any person found interfering or obstructing such actions shall be prosecuted to the extent provided for by Article 15 of these land development regulations.

SECTION 10.11 PERFORMANCE OF WORK

The repair or demolition of an unsafe building as required in the notice by the Land Development Regulation Administrator or the final decision by the Board of Adjustment shall be performed in an expeditious and workmanlike manner in accordance with the requirements of this Article and all other applicable provisions of these land development regulations and accepted engineering practice standards.

ARTICLE ELEVEN
HISTORIC SITES
AND
STRUCTURES PRESERVATION
REGULATIONS

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ARTICLE ELEVEN. HISTORIC SITES AND STRUCTURES PRESERVATION REGULATIONS

SECTION 11.1 PLANNING AND ZONING BOARD DESIGNATED AS THE HISTORIC PRESERVATION AGENCY

The County Planning and Zoning Board shall serve as the County Historic Preservation Agency (hereinafter referred to within this Article as the Agency) to meet the requirements and carry out the responsibilities of this Article.

SECTION 11.2 POWERS AND DUTIES OF THE AGENCY

In addition to the powers and duties stated within Article 3 of these land development regulations, the Agency shall take action necessary and appropriate to accomplish the purposes of this Article. These actions may include, but are not limited to:

1. Surveying and inventorying of historic buildings and areas and archeological sites and the plan for their preservation and historic designation;
2. Recommending the designation of historic districts and individual landmarks and landmark sites;
3. Regulating alterations, demolitions, relocations and new construction to designated property;
4. Adopting guidelines for changes to designated property;
5. Working with and advising the federal, state and other appropriate governmental agencies and other agencies or boards of local government;
6. Advising and assisting property owners and other persons and groups including neighborhood organizations who are interested in historic preservation; and
7. Undertaking educational programs which contribute to the awareness of the preservation of historic sites and structures.
8. Reviewing applications for historic designation.

SECTION 11.3 APPLICATION REQUIREMENTS FOR DESIGNATION

Consideration of the designation of a landmark and landmark site or a historic district shall be initiated by the filing of an application for designation by the Board of County Commissioners, Historic Preservation Agency or by the property owner. The County shall charge a fee for each application as provided for in Article 1 of these land development regulations. The applicant shall complete an application form provided by the Land Development Regulation Administrator which shall include

1. A written description of the architectural, historical, or archeological significance of the proposed historic site or district and specifically addressing and documenting those related points contained the criteria for designation of property within this Article;
2. Date of construction of the structures on the property and the names of the former owners;
3. Photographs of the property; and
4. Legal description and map of the property to be designated as a landmark, landmark site, or historic district.

On applications for the designation of historic districts, the applicant shall also submit

1. Evidence of the approval of the district from two-thirds (2/3) of the property owners; and
2. A written description of the boundaries of the district.

The Land Development Regulation Administrator or their designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete. Applications for such designation shall be considered as applications for amendment of the Historical Resources Map of the Comprehensive Plan and amendment to the Official Zoning Atlas.

SECTION 11.4 PUBLIC HEARINGS FOR DESIGNATIONS

Following the submission of a completed application the Agency shall conduct a public hearing on the proposed designation. Notice of the public hearing shall be given in accordance with Article 13 of these land development regulations.

SECTION 11.5 CRITERIA FOR DESIGNATION OF PROPERTY

The Agency shall recommend the designation of property as a landmark, landmark site, or historic district after the public hearing based upon one (1) or more of the following criteria:

1. Its value is a significant reminder of the cultural or archeological heritage of the County, state or nation;
2. Its location is a site of a significant local, state, or national event;
3. It is identified with a person or persons who significantly contributed to the development of the County, state, or nation.
4. It is identified as the work of a master builder, designer, or architect whose individual work has influenced the development of the County, state, or nation;
5. Its value as a building is recognized for the quality of its architecture, and it retains sufficient elements showing its architectural significance;
6. It has distinguishing characteristics of an architectural style value for the study of a period, method of construction, or use of indigenous materials;
7. Its character is a geographically definable area possessing a significant concentration, or continuity of sites, buildings, objects or structures united in past events or aesthetically by plan or physical development; or
8. Its character is an established and geographically definable neighborhood, united in culture, architectural style, or physical plan and development.

SECTION 11.6 AGENCY RECOMMENDATION

After evaluating the testimony, survey information and other material presented at the public hearing, the Agency shall make its recommendation to the Board of County Commissioners on the property or area under consideration. Applications for designation shall be recommended for approval or denial. If the Agency recommends a designation, it shall explain how the proposed landmark or historic district qualifies for designation under the criteria contained in this section.

SECTION 11.7 BOARD OF COUNTY COMMISSIONERS DECISION

The Board of County Commissioners shall approve, modify or disapprove the proposed designation as an amendment to the Official Zoning Atlas as provided within these land development regulations.

SECTION 11.8 SUCCESSIVE APPLICATIONS

Upon denial of the application for designation, there shall be a twelve (12) month waiting period before any applicant may resubmit the proposal unless the Agency waives said waiting period based upon consideration of the following factors:

1. There is presented with such new written petition new evidence bearing upon the subject matter of the written petition, which could not reasonably have been presented to the Agency at the time of the previous hearing on the written petition; or
2. Failure to waive said twelve (12) months waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

SECTION 11.9 AMENDMENTS AND RESCISSIONS

The designation of any landmark, landmark site, or historic district may be amended or rescinded through the same procedure used for the original designation.

SECTION 11.10 APPROVAL OF CHANGES TO LANDMARKS AND LANDMARK SITES

11.10.1 Certificate of Appropriateness. No person may undertake the following actions affecting a designated landmark or landmark site without first obtaining a Certificate of Appropriateness from the Agency:

1. Alteration of an archeological site or the exterior part or premises of a building or a structure;
2. New construction;
3. Demolition; or
4. Relocation.

11.10.2 Review of New Construction and Alterations. Review of new construction and alterations to designated buildings and structures shall be limited to exterior changes visible to the public. The Land Development Regulation Administrator is authorized to issue a Stop Work Order whenever any alteration, new construction, demolition or relocation is undertaken on a designated landmark or a designated landmark site, without a Certificate of Appropriateness.

A Certificate of Appropriateness shall be in addition to any other building permits required by law. The issuance of a Certificate of Appropriateness from the Agency shall not relieve the property owner of the duty to comply with other state and local laws and regulations.

Ordinary repairs and maintenance, that are otherwise permitted by law, may be undertaken without a Certificate of Appropriateness provided this work on a designated landmark or a designated landmark site does not alter the exterior appearance of the building, structure, or archeological site, or alter elements significant to its architectural or historic integrity.

No Certificate of Appropriateness for alteration, new construction, demolition, or relocation pursuant to the provisions of this Article shall be effective for a period of fifteen (15) days subsequent to the Agency's decision. If during that fifteen (15) day period an appeal is made to the Board of County Commissioners, the decision of the Agency shall automatically be stayed pending Board of County Commissioners review.

11.10.3 Application Procedure for Certificate of Appropriateness. Each application for a Certificate of Appropriateness shall be accompanied by the required fee. The Land Development Regulation Administrator shall forward to the Agency each application for a permit that would authorize an alteration, new construction, demolition or relocation affecting a designated landmark or a designated landmark site. The applicant shall complete an application form provided by the Land Development Regulation Administrator containing in part the following information:

1. Drawings of the proposed work;
2. Photographs of the existing building or structure and adjacent properties; and
3. Information about the building materials to be used.

The Land Development Regulation Administrator or his or her designee shall determine when an application is complete and may request additional information when such application is determined to be incomplete.

- 11.10.4 Public Hearings for Certificates of Appropriateness. The Agency shall hold a public hearing on each Certificate of Appropriateness on a completed application in accordance with the public hearing procedures set forth in Article 13 of these land development regulations. The Agency shall approve, approve with conditions, or disapprove each application, based on the criteria contained in this section.

In approving or denying applications for Certificates of Appropriateness for alterations, new construction, demolition, or relocation, the Agency shall use the following general guidelines:

1. The effect of the proposed work on the landmark or the property upon which such work is to be done;
2. The relationship between such work and other structures on the landmark site or other property in the historic district;
3. The extent to which the historic, architectural, or archeological significance, architectural style, design, arrangement, texture, materials, and color of the landmark or the property will be affected;
4. Whether the denial of a Certificate of Appropriateness would deprive the property owner of reasonable beneficial use of his or her property; and
5. Whether the plans may be reasonably carried out by the applicant.

No Certificate of Appropriateness for demolitions shall be issued by the Agency until the applicant has demonstrated that no other feasible alternative to demolition can be found. The Agency may ask interested individuals and organizations for assistance in seeking an alternative to demolition. On all demolition applications, the Agency shall study the question of economic hardship for the applicant and shall determine whether the landmark can be put to reasonable beneficial use without the approval of the demolition application. In the case of an income-producing building, the Agency shall also determine whether the applicant can obtain a reasonable return from his or her existing building. The Agency may ask applicants for additional information to be used in making these determinations including, but not limited to, evidence that the plans for a new building on the site will be implemented. If the applicant fails to establish the lack of a reasonable beneficial use or the lack of a reasonable return, the Agency shall deny the demolition application.

The Agency may grant a Certificate of Appropriateness for demolition even though the designated landmark or designated landmark site has reasonable beneficial use if:

1. The Agency determines that the property no longer contributes to a historic district or no longer has significance as a historic, architectural or archeological landmark; and
2. The Agency determines that the demolition of the designated property is required by a community redevelopment plan or the Comprehensive Plan.

ARTICLE TWELVE

APPEALS,
SPECIAL EXCEPTIONS,
VARIANCES
AND INTERPRETATIONS

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ARTICLE TWELVE. APPEALS, SPECIAL EXCEPTIONS, VARIANCES AND INTERPRETATIONS

SECTION 12.1 APPEALS

An appeal from any decision of an administrator or board may be taken as follows by any person aggrieved.

12.1.1 Zoning Regulation Appeals Provisions

1. Board of Adjustment: Appeals: How Taken

- a. Appeals; hearings; notice. Appeals to the Board of Adjustment concerning any order, requirement, decision or determination made by the Land Development Regulation Administrator may be taken by any person aggrieved or by any officer, agency or bureau of the County affected by any such action of the Land Development Regulation Administrator. Such appeals shall be taken by filing, within thirty (30) days after rendition of any such order, requirement, decision or determination, with the Land Development Regulation Administrator a written notice of appeal specifying the grounds thereof. In addition, appeals to the Board of Adjustment for land development regulations shall be taken by a property owner of the property subject to the appeal or his or her agent, or any officer, agency or bureau of the County by filing a written notice of appeal with the Land Development Regulation Administrator.

Before rendering a decision upon an appeal, the Board of Adjustment shall hold a public hearing. The Board of Adjustment shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. In addition, in the case of an appeal for special exception or variance, the Land Development Regulation Administrator shall erect a sign advertising the appeal on a prominent position on the land in question and clearly visible to the public. At the hearing, any party may appear in person or by agent or attorney. Appellants may be required to assume such reasonable costs as the Board of County Commissioners may determine through action in setting fees to be charged for appeals.

- b. Stay of proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Land Development Regulation Administrator from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal is filed that, by reason of facts stated in the certificate, a stay would, in the Land Development Regulation Administrator's opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Land Development Regulation Administrator from whom the appeal is taken and on due cause shown.
- c. Decisions. The concurring vote of a majority of the members of the Board of Adjustment who are present and voting shall be necessary to reverse any order, requirement, decision, or determination of the Land Development Regulation Administrator or to decide in favor of the appellant in respect to any matter upon which it is required to pass under the terms of Article 4 of these land development regulations or to affect any variance of Article 4 of these land development regulations.

2. Appeals from Decisions of Planning and Zoning Board. Wherever in Article 4 of these land development regulations the Planning and Zoning Board is required to make a final decision rather than an advisory recommendation, said decision shall be final provided that any person or persons, jointly or severally aggrieved by said decision of the Planning and Zoning Board, or any officer, department, board, commission, or bureau of the County aggrieved by said decision may, within thirty (30) days after said decision is rendered, appeal said decision to the Board of County Commissioners by filing a written notice of appeal specifying the grounds thereof with the Land Development Regulation Administrator.

12.1.2 Minimum Housing Regulation Appeals Provisions

1. Any person receiving written notice from the Land Development Regulation Administrator of deficiencies in his or her property under Article 9 of these land development regulations may within thirty (30) days following the date of such notice enter an appeal to the Board of Adjustment, and file the same in writing with the Land Development Regulation Administrator.

Such appeal shall state the location of the property, the date of the notice of violations, and the number of such notice. The appellant must state the modification requested, the reasons therefor, and the hardship or conditions upon which the appeal is made.
2. Where the literal application of the requirements of Article 9 of these land development regulations would appear to cause undue hardship on an owner or tenant, or when it is claimed that the true intent and meaning of Article 9 of these land development regulations have been misconstrued or wrongly interpreted, the owner of such building or structure, or their authorized agent, may appeal the decision of the Land Development Regulation Administrator.

12.1.3 Hazardous Building Regulations Appeal Provisions

1. Form of Appeal. Any person served notice in accordance with the provisions of Article 10 may appeal such action of the Land Development Regulation Administrator under this Article to the Board of Adjustment. Such appeal must be filed in writing with the Land Development Regulation Administrator within thirty (30) days from the date of service and must contain at least the following information:
 - a. Identification of the building or structure concerned by street address or legal description.
 - b. A statement identifying the legal interest of each appellant.
 - c. A statement identifying the specific order or section being appealed.
 - d. A statement detailing the issues on which the appellant desires to be heard.
 - e. The legal signatures of all appellants and their official mailing addresses.
2. Hearing Particulars. Upon the filing of an appeal, the Board of Adjustment shall as soon as practicable fix a date, time and location for the hearing of the appeal. Written notice of the time and location of the hearing shall be mailed to each appellant at the address on the appeal by certified mail, return receipt requested.
3. Failure to Appear. Failure of any person to appear at the hearing set forth in accordance with the provisions of this Article shall constitute a waiver of his or her right to an appeal on the notice.

4. Scope of Appeal. The hearing shall offer the appellant reasonable opportunity to be heard on only those specific matters or issues raised by the appellant in his or her appeal.
The appellant may appear at the hearing in person or through his or her attorney or other designated representative.
5. Staying of Notice Under Appeal. Enforcement of any notice issued by the Land Development Regulation Administrator under the provisions of this Article shall be held in abeyance during the course of an appeal to Article 10 herein.

12.1.4 Historic Preservation Regulation Appeals Provisions

Within fifteen (15) days of the Agency decision any person may appeal to the Board of County Commissioners any decision of the Agency on an application for a Certificate of Appropriateness. If during that fifteen (15) day period an appeal is made to the Board of County Commissioners, the decision of the Agency shall automatically be stayed pending the Board of County Commissioners review. The Board of County Commissioners shall approve, approve with modifications or disapprove the application.

12.1.5 Appeals General. For appeal procedures for all articles of these land development regulations not specifically described above, the following shall apply:

1. An appeal from any final order or decision of the Land Development Regulation Administrator may be taken to the Board of Adjustment by any person aggrieved. An appeal is taken by filing with the Land Development Regulation Administrator a written notice of appeal specifying the grounds therefor. A notice of appeal shall be considered filed with the Land Development Regulation Administrator when delivered to the Office of the Land Development Regulation Administrator. The date and time of filing shall be entered on the notice by County staff.
2. An appeal must be taken within thirty (30) days after the date of the decision or order appealed from.
3. Whenever an appeal is filed, the Land Development Regulation Administrator shall forthwith transmit to the Board of Adjustment all the papers constituting the record relating to the action appealed from.
4. An appeal stays all actions by the Land Development Regulation Administrator seeking enforcement of or compliance with the order or decision appealed from, unless the Land Development Regulation Administrator certifies to the Board of Adjustment that (because of the facts stated in the certificate) a stay would, in the Land Development Regulation Administrator's opinion, cause imminent peril to life or property. In that case, proceedings shall not be stayed except by order of the Board of Adjustment or a court of record on application, on notice to the Land Development Regulation Administrator from whom the appeal is taken and on due cause shown.
5. The Board of Adjustment may reverse or affirm (wholly or partly) or may modify the order, requirement or decision or determination appealed from and shall make any order, requirement, decision or determination that in its opinion ought to be made in the case before it. To this end, the Board of Adjustment shall have all the powers of the officer from whom the appeal is taken.

SECTION 12.2 SPECIAL EXCEPTIONS

12.2.1 Board of Adjustment: Powers and Duties: Special Exceptions. The Board of Adjustment shall have the power to hear and decide upon appeals in specific cases such special exceptions as the Board of Adjustment is specifically authorized to pass on under the terms of Article 4 of these land development regulations; to decide such questions as are involved in the determination of when special exceptions should be granted; and to grant special exceptions with appropriate conditions and safeguards or to deny special exceptions when they would not promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity or the general welfare.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which the special exception is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special exception is granted, shall be deemed a violation of these land development regulations and punishable as provided in these land development regulations.

If the Board of Adjustment shall deny a special exception, it shall state fully in its record its reasons for doing so. Such reasons shall take into account the factors stated in this Article, or such of them as may be applicable to the action of denial, and the particular regulations relating to the specific special exception requested, if any.

The procedure for taking an appeal for a special exception shall be as set forth in this Article, and in addition, a special exception shall not be granted by the Board of Adjustment unless and until:

1. Written Petition. A written petition for special exception is submitted by the applicant indicating the section of Article 4 of these land development regulations under which the special exception is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the Board of Adjustment must make under this Article below. The petition should include material necessary to demonstrate that granting the special exception would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Such material shall include, but is not limited to the following:
 - a. Site and development plans at an appropriate scale showing proposed placement of structures on the property; provisions for ingress and egress, offstreet parking and offstreet loading areas, and refuse and service areas; and required yards and other open spaces;
 - b. Plans showing proposed locations for utility hook-up;
 - c. Plans for screening and buffering with reference as to type, dimensions, and character;
 - d. Proposed landscaping; and signs and lighting, including type, dimensions, and character. Where these land development regulations place additional regulations on specific special exceptions, the petition should demonstrate that such requirements are met.
2. Planning and Zoning Board Report. It is the intent of these land development regulations that all proposed special exceptions shall be heard in the first instance by the Planning and Zoning Board and that the Planning and Zoning Board's report and recommendations in such matters be advisory only to the Board of Adjustment. Within a reasonable time after a proposed special exception is officially received by

the Planning and Zoning Board, the Planning and Zoning Board shall submit its report and recommendations concerning the proposed special exception to the Board of Adjustment. Before making a recommendation concerning the proposed special exception, the Planning and Zoning Board shall hold a public hearing to consider the proposed special exception. The Planning and Zoning Board shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. At the hearing, any party may appear in person or by agent.

Where the designated members of the Planning and Zoning Board perform the functions of the Board of Adjustment, the provisions of this Section shall not apply.

3. Findings. Before any special exception shall be granted, the Board of Adjustment shall make a specific finding that it is empowered under Article 4 of these land development regulations to grant the special exception described in the petition, and that the granting of the special exception would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or the general welfare. Before any special exception shall be granted, the Board of Adjustment shall further make a determination that the specific rules governing the individual special exception, if any, have been met by the petitioner and that, further, satisfactory provision and arrangement has been made concerning the following matters, where applicable:
 - a. Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.
 - b. Offstreet parking and loading areas, where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the special exception on adjoining properties and properties generally in the district.
 - c. Refuse and service areas, with particular reference to the items in (a) and (b) above.
 - d. Utilities, with reference to locations, availability, and compatibility.
 - e. Screening and buffering with reference to type, dimensions, and character.
 - f. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effects, and compatibility and harmony with properties in the district.
 - g. Required yards and other open space.
 - h. Considerations relating to general compatibility with adjacent properties and other property in the district including but not limited to:
 - (1) Conformity with the County's Comprehensive Plan and the effects upon the County's Comprehensive Plan;
 - (2) The existing land use pattern;
 - (3) The impact of the proposed use upon the load on public facilities such as schools, utilities, and streets;
 - (4) Changed or changing conditions which find the proposed use to be advantageous to the community and the neighborhood;
 - (5) The impact of the proposed use upon living conditions in the neighborhood;

- (6) The impact of the proposed use upon traffic congestion or other public safety matters;
 - (7) The impact of the proposed use upon drainage;
 - (8) The impact of the proposed use upon light and air to adjacent areas;
 - (9) The impact of the proposed use upon property values in the adjacent area;
 - (10) The impact of the proposed use upon the improvement or development of adjacent property in accordance with existing regulations; and
 - (11) The impact of the proposed use with regard to the scale of needs of the neighborhood or the County.
4. Limitations on subsequent written petition for a special exception. No written petition by an owner of real property for a special exception for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of twelve (12) calendar months from the date of denial of a written petition for a special exception for such property, or part thereof, unless the Board of Adjustment specifically waives said waiting period based upon a consideration of the following factors:
- a. The new written petition constitutes a proposed special exception different from the one (1) proposed in the denied written petition.
 - b. Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

SECTION 12.3 VARIANCES, GENERAL

The specific provisions of this Section apply to the following portions of these land development regulations. Not all portions of these land development regulations provide for variances to the requirements contained therein. This is due to the inappropriateness of granting variances to such specific regulations as, but not limited to, the use of land, hazardous building requirements, and historic site designation.

12.3.1 Board of Adjustment: Powers and Duties: Variances. The Board of Adjustment shall have power to authorize upon appeal such variance from the terms of these land development regulations as will not be contrary to the public interest and where, owing to special conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of these land development regulations would result in unnecessary and undue hardship.

In granting a variance to the provisions of Article 4 of these land development regulations, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with such regulations including, but not limited to, reasonable time limits within which the action for which variance is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of these land development regulations.

Under no circumstance shall the Board of Adjustment grant a variance to permit a use not permitted under the terms of these land development regulations in the zoning district involved, or any use expressly or by implication prohibited by the terms of these land development regulations in the zoning district.

No nonconforming use of neighboring lands, structures, or buildings in the same zoning district and no permitted use of lands, structures, or buildings in other zoning districts shall be considered grounds for the authorization of a variance.

The procedure for taking an appeal for a variance shall be as set forth in this Article, and in addition, a variance shall not be granted by the Board of Adjustment unless and until:

1. Written petition. A written petition for a variance from the terms of these land development regulations is submitted by the applicant indicating the section of these land development regulations from which the variance is sought and stating the grounds on which it is requested, with particular reference to the types of findings which the Board of Adjustment must make under Section 12.3.1.2 below.
2. Findings. In order to authorize any variance from the terms of these land development regulations, the Board of Adjustment must find:
 - a. Special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning district.
 - b. The special conditions and circumstances do not result from the actions of the applicant.
 - c. Granting the variance requested will not confer on the applicant any special privilege that is denied by these land development regulations to other lands, buildings, or structures in the same zoning district.
 - d. Literal interpretation of the provisions of these land development regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of these land development regulations and will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of these land development regulations would not result in unnecessary and undue hardship.
 - e. The variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure.
 - f. The grant of the variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of these land development regulations would not result in unnecessary and undue hardship.
3. Limitations on subsequent written petition for a variance. No written petition by an owner of real property for a variance for a particular parcel of property, or part thereof, shall be filed with the Land Development Regulation Administrator until the expiration of twelve (12) calendar months from the date of denial of a written petition for a variance for such property, or part thereof, unless the Board of Adjustment specially waives said waiting period based upon a consideration of the following factors:
 - a. The new written petition constitutes a proposed variance different from the one proposed in the denied written petition.
 - b. Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

12.3.2 Variances to the Subdivision Regulations. Where the Board of County Commissioners finds that compliance with the design standards for lot and street layout of the provisions of Article 5 of these land development regulations would cause unusual or extraordinary difficulties because of exceptional and unique conditions of topography, access, location, shape, size, drainage, or other physical features of the site, it may grant a variance from the subdivision regulations found herein so that substantial justice may be done and the public interest secured; provided, that the public interest is protected and the development is in keeping with the general spirit and intent of these land development regulations. No such variance shall be granted if it would have the effect of nullifying the intent and purpose of these land development regulations. No such variance shall be granted if the conditions or circumstances are the result of actions of the applicant. Furthermore, no variance shall be granted from the required improvements as specified within Article 5 of these land development regulations.

12.3.2.1 Conditions. In granting variances and/or modifications, the Board of County Commissioners may require such conditions as will, in the judgment of the Board of County Commissioners secure substantially the objectives of the standards for requirements so varied or modified.

12.3.2.2 Procedures. Variances may be granted upon written request of the subdivider setting forth the reasons for each variance. A petition for any such variance shall be submitted in writing by the subdivider to the Land Development Regulation Administrator for the consideration of the Planning and Zoning Board, in conjunction with the submission of the preliminary plat.

The Planning and Zoning Board shall handle such matter in a public session as part of a previously prepared agenda. The Planning and Zoning Board shall submit its report and recommendation to the Board of County Commissioners.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the Board of County Commissioners shall by majority vote either approve, approve with conditions, or deny the request. Such matters shall be handled in a public session as part of a previously prepared agenda.

ARTICLE THIRTEEN

HEARING PROCEDURES
FOR SPECIAL EXCEPTIONS,
VARIANCES,
CERTAIN SPECIAL PERMITS,
APPEALS AND
APPLICATIONS FOR AMENDMENT

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ARTICLE THIRTEEN HEARING PROCEDURES FOR SPECIAL EXCEPTIONS,
VARIANCES, CERTAIN SPECIAL PERMITS, APPEALS AND
APPLICATIONS FOR AMENDMENT

SECTION 13.1 GENERAL

Meetings of the Planning and Zoning Board and Board of Adjustment are required to be open to the public. There is a difference, as noted in the County's Citizen Participation Procedures in Conjunction with the Comprehensive Planning Program, between workshops, public hearings and public meetings, as well as a difference between meetings conducted by County staff and those conducted by the County advisory boards and Board of County Commissioners. This Article incorporates the County's Citizen Participation Procedures in Conjunction with the Comprehensive Planning Program by reference and provides more specific requirements for hearing procedures and public notification.

SECTION 13.2 HEARINGS BEFORE THE BOARD OF ADJUSTMENT

1. Before making a decision on an appeal or an application for a variance, or special exception, or a petition from a decision of the Land Development Regulation Administrator for a determination, the Board of Adjustment shall hold a public hearing on the appeal or application.
2. Subject to 13.2 (3), the public hearing shall be open to the public, and all persons interested in the outcome of the appeal or application shall be given an opportunity to present evidence and arguments and ask questions of persons who testify.
3. The Board of Adjustment may place reasonable and equitable limitation on the presentation of evidence and arguments and the cross-examination of witnesses so that the matter at issue may be heard and decided without undue delay.
4. The Board of Adjustment may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) calendar weeks or more elapses between hearing dates.

SECTION 13.3 HEARINGS BEFORE THE PLANNING AND ZONING BOARD AND BOARD
OF COUNTY COMMISSIONERS

1. Before making a recommendation or decision on an application for certain specified special use permits (see Article 14 of these land development regulations), amendment of the Official Zoning Atlas or an amendment to the text of these land development regulations, the Planning and Zoning Board or the Board of County Commissioners, as the case may require, shall hold a public hearing on the application.
2. Subject to 13.3 (3), the public hearing shall be open to the public, and all persons interested in the outcome of the application shall be given an opportunity to be heard.
3. The Planning and Zoning Board or Board of County Commissioners, as the case may be, may place reasonable and equitable limitation on any discussion or presentation so that the matter at issue may be heard and decided without undue delay.
4. The Planning and Zoning Board or the Board of County Commissioners, as the case requires, may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the point a final decision is made. No further notice of a continued hearing need be published unless a period of six (6) calendar weeks or more elapses between hearing dates.

SECTION 13.4 NOTICE OF HEARING

13.4.1 The Land Development Regulation Administrator shall give notice of any public hearing required by Section 13.2 and 13.3 as follows:

1. An application requiring a public hearing before the Planning and Zoning Board or Board of Adjustment shall be noticed once in a newspaper of general circulation in the area with the publication at least ten (10) days prior to the hearing.
2. A special permit requiring a public hearing before the Board of County Commissioners shall be noticed once in a newspaper of general circulation in the area with the first publication at least ten (10) days prior to the hearing.
3. An amendment to these land development regulations, including the Official Zoning Atlas, requiring a public hearing before the Board of County Commissioners shall be noticed in accordance with the requirements of Chapter 125.66, Florida Statutes.
4. In addition to the above stated notice requirements, all rezoning, special exception and variance public hearings before the Planning and Zoning Board and Board of Adjustment, as applicable, shall also be noticed by prominently posting a sign clearly visible to the public on the property that is the subject of the proposed action. Such sign shall be posted not less than ten (10) days prior to the public hearing.

The notices required by this Section shall:

- a. State the date, time and place of the public hearing;
- b. Reasonably identify the property that is the subject of the application or appeal;
- c. Give a brief description of the action requested or proposed;
- d. State the place where a copy of the proposed action may be inspected by the public, and
- e. Advise that interested parties may appear at the public hearing(s) and be heard regarding the proposed action.

ARTICLE FOURTEEN

PERMITTING AND CONCURRENCY
MANAGEMENT

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ARTICLE FOURTEEN. PERMITTING AND CONCURRENCY MANAGEMENT

SECTION 14.1 GENERAL

The Land Development Regulation Administrator shall be designated by resolution of the Board of County Commissioners and shall administer and enforce these land development regulations directly or through aides and assistants. In the performance of his or her duties, the Land Development Regulation Administrator may request the assistance of any officer or agency of the County.

The Land Development Regulation Administrator shall investigate promptly complaints of violations and report findings and actions to complainants, and shall use best endeavors to prevent violations or to detect and secure the correction of violations. If the Land Development Regulation Administrator finds that a provision of these land development regulations is being violated, the Land Development Regulation Administrator shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. The Land Development Regulation Administrator shall order the discontinuance of illegal use of land, buildings, or structures; removal of illegal buildings or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other lawful action authorized by these land development regulations necessary to ensure compliance with or to prevent violations of these land development regulations.

It is the intent of these land development regulations that questions of interpretation and enforcement shall first be presented to the Land Development Regulation Administrator, and that such questions shall be presented to the Board of Adjustment only on appeal from the decision of the Land Development Regulation Administrator.

The Land Development Regulation Administrator shall maintain written records of official actions regarding

1. Land development regulation administration;
2. Complaints and actions taken with regard to the land development regulations; and
3. Violations discovered by whatever means, with remedial action taken and disposition of all cases, all of which shall be public record.

SECTION 14.2 LAND DEVELOPMENT REGULATION ACTION ON BUILDING PERMITS

The Land Development Regulation Administrator shall determine whether applications for building permits required by the Building Code of the County are in accord with the requirements of these land development regulations, and no building permit shall be issued without written certification that plans submitted conform to applicable land development regulations. No building permit shall be issued by the Land Development Regulation Administrator except in conformity with the provisions of these land development regulations, unless the Land Development Regulation Administrator shall receive a written order in the form of an administrative review, interpretation, special exception, or variance as provided by these land development regulations, or unless he or she shall receive a written order from the Board of County Commissioners or a court of competent jurisdiction.

SECTION 14.3 APPLICATION FOR BUILDING PERMIT

- 14.3.1 Information necessary for application. Applications for building permits required by the Building Code of the County shall be accompanied by two (2) copies of the plot and construction plans drawn to scale showing the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of existing structures, if any; the exact size and location on the lot of the buildings or structures to be erected or altered; the existing use of buildings or structures on the lot, if any; the intended use of each building or structure or parts thereof; the number of families the building is designed to accommodate; the location and number of required offstreet parking and offstreet loading spaces; and such other information with regard to the lot and existing and proposed structures as may be necessary to determine and provide for the enforcement of these land development regulations. The application shall be accompanied by a survey of the lot, prepared by a land surveyor or engineer registered in Florida. All property stakes shall be in place and clearly identified at the time of application.
- 14.3.2 Public record. One (1) copy of the plot and construction plans shall be returned to the applicant by the Land Development Regulation Administrator, after marking such copy either as approved or disapproved, and attested by the Land Development Regulation Administrator's signature on the plans. The second copy of the plot and construction plans, similarly marked, shall be retained by the Land Development Regulation Administrator as part of the public record.
- 14.3.3 Display of permit. Building permits shall be issued in duplicate and one (1) copy shall be kept on the premises affected prominently displayed and protected from the weather when construction work is being performed thereon. No owner, contractor, workman or any other person shall perform any building operations of any kind unless a building permit covering such operation has been displayed as required by these land development regulations, nor shall they perform building operations of any kind after notification of the revocation of the building permit.
- 14.3.4 Expiration of building permit. Every permit issued shall become invalid unless the work authorized by such permit is commenced in the form of actual construction within six (6) months after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of six (6) months after the time the work is commenced; provided that one (1) or more extensions of time, for periods not exceeding ninety (90) days each, may be allowed, and such extensions shall be in writing by the Land Development Regulation Administrator.
- 14.3.5 Construction and use to be as provided in applications; status of permit issued in error. Building permits issued on the basis of plans and specifications approved by the Land Development Regulation Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of these land development regulations and punishable as set out in these land development regulations in Article 15.

Statements made by the applicant on the building permit application shall be deemed official statements. Approval of application by the Land Development Regulation Administrator shall in no way exempt the applicant from strict observance of applicable provisions of these land development regulations and all other applicable regulations, ordinances, codes, and laws.

A building permit issued in error shall not confer any rights or privileges to the applicant to proceed to construction, and the Board of County Commissioners shall have the power to revoke such permit if actual construction has not commenced.

SECTION 14.4 CERTIFICATE OF LAND DEVELOPMENT REGULATION COMPLIANCE

14.4.1 General. It shall be unlawful to use or occupy, or permit the use or occupancy, of any building or premises, or part of any building or premises created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a Certificate of Land Development Regulation Compliance shall have been issued by the Land Development Regulation Administrator stating that the proposed use of the structure or land conforms to the requirements of these land development regulations.

No permit for erection, alteration, moving, or repair of any building shall be issued until an application has been made for a Certificate of Land Development Regulation Compliance, and the certificate shall be issued in conformity with the provisions of these land development regulations upon completion of the work.

14.4.2 Temporary Certificate of Land Development Regulation Compliance. A temporary Certificate of Land Development Regulation Compliance may be issued by the Land Development Regulation Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion, provided that such temporary certificate may include such conditions and safeguards as are necessary in the circumstances to protect the safety of occupants and the general public.

14.4.3 Records, Violations. The Land Development Regulation Administrator shall maintain a record of all Certificates of Land Development Regulation Compliance, and a copy shall be furnished upon request to any person at a reasonable cost for duplication.

Failure to obtain a Certificate of Land Development Regulation Compliance as set out in these land development regulations shall be a violation of these land development regulations and punishable as provided by Article 15 of these land development regulations.

Certificates of Land Development Regulation Compliance issued on the basis of plans and specifications approved by the Land Development Regulation Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction different from that authorized shall be deemed a violation of these land development regulations and punishable as set out in Article 15 of these land development regulations.

SECTION 14.5 ASSURANCE OF COMPLETION OF PUBLIC IMPROVEMENTS

Where, by the terms of these land development regulations or other applicable regulations or ordinances of the Board of County Commissioners, provision is made for ensuring to the Board of County Commissioners that the public improvements required will be constructed as required, the following procedures and regulations shall govern. Before any building permit is issued in such situation, the Board of County Commissioners shall require the applicant to present satisfactory evidence that full provision has been made for public improvements including, but not limited to, utility lines, sanitary sewers, storm sewers, construction or reconstruction of streets or alleys, streets signs, and traffic devices or signals. Where such public improvements are to be constructed by the applicant in accordance with the applicant's permit, the Board of County Commissioners shall require security satisfactory to the Board of County Commissioners in the form of (1) a deposit in cash or cashier's check or (2) a performance and payment bond in the amount of one hundred ten (110) percent of the estimated cost of such improvements. The purpose of this requirement is to ensure to the Board of County Commissioners that the public improvements required will be properly and timely completed and paid by the applicant. The form of any such bond or sureties thereon shall be subject to the approval of the County Attorney for the Board of County Commissioners as to legal form and correctness prior to the issuance of any building permit.

SECTION 14.6 SPECIAL PERMITS FOR BULKHEADS, DOCKS, AND SIMILAR STRUCTURES

No bulkhead, dock, pier, wharf, or similar structure shall be erected or expanded without first obtaining a special permit from the Board of County Commissioners. Proposals to erect or expand such structures shall be submitted in writing to the Land Development Regulation Administrator together with the payment of reasonable fees as the Board of County Commissioners may determine through action in setting fees as set out in Article 1 of these land development regulations. The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda; however, no public notice and hearing is required. The Planning and Zoning Board report and recommendation shall be advisory only and not binding upon the Board of County Commissioners.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendations, the Board of County Commissioners shall take final action by either approving, approving with conditions, or denying the request. No public notice and hearing is required, but such matters shall be handled in a public session as part of a previously prepared agenda. Such matters shall be a public record, and approval, approval with conditions, or denial shall require formal action by the Board of County Commissioners.

If State or Federal permission is required for the erection of any such bulkhead, dock, pier, wharf, or similar structure, such permission shall be presented in writing to the Land Development Regulation Administrator prior to the issuance of any building permit for the bulkhead, dock, pier, wharf, or similar structure.

SECTION 14.7 SPECIAL PERMITS FOR MINING, LAND EXCAVATION, AND FILLING ACTIVITIES

14.7.1 Purpose. The purpose of this Section is to regulate mining and land excavation and filling activities with provisions for reclamation and reuse such that these activities do not adversely affect established residential areas, conservation or environmentally sensitive areas identified on the Future Land Use Map, or adversely affect transportation corridors, the quality of air, groundwater, surface water, land and wildlife in the County.

14.7.2 Applicability. The requirements of this Section shall apply to all new or expanded mining or excavation and fill operations, and shall not affect the validity of any special permit for mining operations approved prior to February 15, 2016. No existing operation shall be expanded or otherwise modified without first being authorized in accordance with this Section. In addition, any mining or excavation and fill operation shall be subject to the requirements of this Section as part of any annual report, as required by Section 14.7.12, or as a result of an application to expand or modify the facility.

14.7.3 Exemptions. The activities listed below are exempt from the requirements of this Section.

1. Approved Development. Grading, land clearing, land filling, site development and related activities undertaken in accordance with an approved site and development plan, building permit, or similar permit issued by the County.
2. Public Improvements. Onsite excavation or filling in connection with the construction, maintenance or repair of a public facility or improvement carried out under the supervision of the County or the Florida Department of Transportation, or off-site borrow pits constructed on private property in conjunction with a County or Florida Department of Transportation Construction Permit. Off-site borrow pits on private property shall be subject to review by the Board of County Commissioners prior to commencement of any development activity.

3. Minor Excavation or Filling. Minor excavation or filling shall be any filling or excavation activity which involves the removal or filling of less than five hundred (500) cubic yards of material. For the purposes of this Section, a single site is defined to be one (1) parcel or a group of contiguous parcels under common ownership.
 4. Emergencies. Filling or excavation activity undertaken in connection with the emergency filling of a newly formed or newly expanded sinkhole, or severe erosion problem, other subsidence or similar circumstances affecting the public health, safety, or welfare as determined by the County.
 5. Temporary Borrow Pit and Agriculture. Temporary borrow pit operations of less than one-half (1/2) acre in size, the creation of irrigation, agricultural and agricultural water conservation purpose ponds approved by the Florida Department of Agriculture and Consumer Services or the United States Department of Agriculture.
- 14.7.4 Limitation on Exemptions. The activities identified in Section 14.7.3 shall not be considered exempt and must comply with the provisions of this Section, if the activity requires permits from a water management district, the Florida Department of Environmental Protection, or U.S. Army Corps of Engineers, or the activity occurs within a floodplain or conservation or environmentally sensitive area.
- 14.7.5 Permitted Location of Mining, Excavation and Fill Operations. Mining or excavation and fill operations may be permitted, subject to the requirements of this Section and other applicable requirements in these Land Development Regulations.
- 14.7.6 Special Permit Approval Required. Activities related to a new or expanded mining or excavation and fill operation shall not commence until a special permit for land and water fills, dredging, excavation and mining has been issued by the Board of County Commissioners and a development plan, meeting the conditions of the special permit, has been approved by the Board of County Commissioners.
1. Pre-application Conference. Prior to the submittal of an application for a special permit, the applicant shall request and participate in a pre-application conference with the Board of County Commissioners and/or Board of County Commissioners designated representative or consultant.
 2. Neighborhood Workshop. An applicant shall hold a neighborhood workshop prior to submittal of a special permit application in accordance with the Neighborhood Workshop provisions of this Section, except for minor amendments to existing special permits.
 - a. Purpose. The purpose of a neighborhood workshop is to ensure early citizen participation in an informal forum in conjunction with a special permit application, and to provide an applicant the opportunity to understand and try to mitigate any impacts a special permit application may have on an affected community. These workshops ensure that citizens and property owners have an adequate opportunity to learn about special permit applications that may affect them and to work with the applicant to resolve any concerns at an early stage of the process. A neighborhood workshop is not intended to produce complete consensus on special permit applications, but to encourage applicants to be good neighbors and to allow for informed decision making. If a special permit applicant fails to hold a required neighborhood workshop, the County shall not accept that special permit application for review.

b. Public Notice. Public notice of a neighborhood workshop shall be provided as indicated below.

(1) Notice to County. An applicant holding a neighborhood workshop shall coordinate with the County prior to scheduling the workshop.

(2) Notice Required

(a) The applicant shall provide notification by mail. The County shall provide a mailing list to the applicant. The applicant shall mail these notices with proper postage a minimum of ten (10) days before the workshop. The mailed notice shall describe the proposal or request, the location, time and date of the workshop. A location map indicating the general boundaries of the property, with reference to the closest intersection of public streets, when possible. Notice shall be deemed mailed by its deposit in the mail, properly addressed and with postage paid.

The following information shall be submitted to the County for notice of neighborhood workshops. This information shall be submitted as part of the application packet for which the neighborhood workshop is required:

- (i) A notarized affidavit certifying that the notices were mailed in compliance with the standards of this Article;
- (ii) A copy of the mailed notice; and
- (iii) The name and address list of property owners and jurisdictions to which the mailed notices were provided.

Jurisdictions - All bodies of government, including other counties or municipalities, adjacent to land subject to the application shall be mailed a written notice of a workshop.

Notice for Neighborhood Workshops shall be mailed by the applicant to: Property Owners of the Subject Property - All property owners of the land subject to the application shall be mailed a written notice of a workshop.

Nearby Property Owners - The property owners listed below shall be mailed a written notice of a workshop. When land that is the subject of an application is contiguous to property under common ownership or control, the distance shall be measured from the boundaries of the entire ownership. When the distance measurement from a property boundary as required below ends in a roadway, the property directly across the roadway shall also be mailed a written notice. Requirements for notice to abutting property owners shall mean those identified using the most recent available tax rolls at the time of development application.

- (i) Abutting Property Owners. All property owners within two thousand-six hundred and forty (2,640) feet of the boundaries of the property for application shall receive notice.

- (ii) Neighborhood and Property Owners Associations. If any dwelling within the required notification area is part of a neighborhood association or property owners association, and that information is a matter of record with the County, the association shall receive notice.
 - (b) The applicant shall publish notice of the workshop in a newspaper of general circulation a minimum of ten (10) days before the workshop. The advertisement shall be a minimum of two (2) columns width and four (4) inches long. The advertisement shall be titled "Public Notice," with a description of the request and of the land involved by street address, if any, or by legal description or parcel number(s), the size of subject property rounded to the nearest one-ten of an acre, a location map of workshop, time and date of workshop, and contact information.
 - (3) Postponed Workshops. New public notice consistent with this Section shall be provided for any rescheduled workshop.
- c. Neighborhood Workshop General Requirements
 - (1) Workshop Time and Location. The workshop shall start between 6:00 p.m. and 8:00 p.m. on a weekday or between 9:00 a.m. and 5:00 p.m. on a weekend. The initial workshop shall be held within the general area of the subject property. Additional workshops may be held but are not required.
 - (2) Workshop Summary. The applicant shall submit to the County, as part of the application, a summary of the materials presented at the workshop, the issues raised by those in attendance, the suggestions and concerns of those in attendance, a copy of the sign-in sheet, a copy of the workshop advertisement and a copy of the mailed notices sent to property owners.
 - (3) Workshop Elements. At the workshop, the applicant shall present the following, as applicable:
 - (a) A general concept plan for the use of all included lands. Such plans shall indicate the general location of residential areas (including density and unit types), open space, active or resource-based recreation areas, natural areas (including wetlands and floodplains), and non-residential areas (including maximum square footage and maximum height).
 - (b) A plan of circulation showing the general locations and right-of-way widths of roads, and access points to the external and internal thoroughfare network.
3. Application Requirements. An application for a special permit shall be submitted in accordance with this Article of the Land Development Regulations.
4. Public Notice Requirements. Published notice and posted notice shall be required for any application for a special permit in accordance with the procedures in Section 13.4 of these Land Development Regulations.
5. Review by the Planning and Zoning Board.

- a. Planning and Zoning Board Public Hearing. All applications for special permits shall be considered by the Planning and Zoning Board at a public hearing, prior to a public hearing or action by the Board of County Commissioners.
 - b. Consideration of Special Permit Applications. The Planning and Zoning Board shall consider a proposed special permit utilizing the criteria for approval listed in this Section of these Land Development Regulations.
 - c. Planning and Zoning Board Recommendation. A recommendation shall be prepared and forwarded to the Board of County Commissioners. The recommendation shall indicate if the proposed special permits should be approved, approved with conditions or denied.
6. Action by the Board of County Commissioners
- a. Public Hearing. Upon receipt of the recommendation from the Planning and Zoning Board, the Board of County Commissioners shall hold a public hearing to consider a proposed special permit.
 - b. Action by the Board of County Commissioners. Following the public hearing, the Board of County Commissioners may take one of the following actions:
 - (1) Approve the special permit application;
 - (2) Approve the special permit application with conditions and limitations;
or
 - (3) Deny the special permit application.
7. Criteria for Approval. The Board of County Commissioners shall, as part of a decision to approve an application for a special permit, make a finding that an application complies with both the general criteria and the review factors listed below:
- a. The proposed use is consistent with the Comprehensive Plan and Land Development Regulations;
 - b. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;
 - c. The proposed use shall not adversely affect the health, safety, and welfare of the public, and
 - d. Satisfactory provision and arrangements have been made concerning the following matters, where applicable:
 - (1) Ingress and egress to the property and proposed structures thereon with particular reference to automotive safety and convenience, traffic flow and control and access in case of fire or catastrophe;
 - (2) Off-street parking and loading areas where required, with particular attention to item (1) above;
 - (3) The noise, glare or odor effect of the special permit on surrounding properties;
 - (4) Refuse and service areas, with particular reference to location, screening and items (1) and (2) above;

- (5) Utilities, with reference to location and availability;
 - (6) Screening and buffering with reference to type, dimensions and character;
 - (7) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding properties;
 - (8) Required yards and other open space;
 - (9) General compatibility with surrounding properties; and
 - (10) Any special requirements set forth in these Land Development Regulations for the particular use involved.
8. **Conditions and Safeguards.** In granting any special permit, the Board of County Commissioners may prescribe appropriate conditions and safeguards in order to protect public health, safety, and welfare, in conformity with these Land Development Regulations. Failure to comply with the conditions adopted as part of a special permit shall constitute a violation punishable by the penalties and remedies outlined in Section 15.4 of these Land Development Regulations.
 9. **Expiration of Special Permit.** Approval of a special permit for a mining or excavation and fill operation shall be valid for a maximum of five (5) years, except for excavation, clean debris and land clearing debris operations, which shall be valid for a period specified in the special permit necessary for the completion of all operations including necessary reclamation.
 10. **Amendment of Special Permit.** An extension of time for an approved special permit may be granted as an amendment to the existing approval. Any changes to the approved conditions will also require an amendment to an approved special permit.
 11. **Transfer of Special Permit.** A special permit for a mining or excavation and fill operation may be transferred subject to the standards listed below.
 - a. **Notification.** The permittee of a special permit shall file a notice of transfer with the County, in a form approved by the County.
 - b. **Evidence of Financial Responsibility.** The transferee shall provide, in a form acceptable to the County, proof of financial responsibility as required by Section 14.7.13.
- 14.7.7 **General Standards for Mining or Excavation and Fill Operations.** The standards listed below shall apply to all mining or excavation and fill operations.
1. **Prohibited Activities.** Unless permitted by a special permit, the activities listed below are prohibited in association with a mining or excavation and fill operation.
 - a. **Surface Waters and Wetlands.** Mining, excavation or filling shall not be permitted in surface waters or wetlands. Nor shall water be diverted from natural stream channels and drainage ways shall not be interrupted or relocated.
 - b. **Operations in Groundwater.** Mining, excavation or filling shall not be permitted in groundwater of the Floridan or intermediate aquifer systems, except as provided in the applicable requirements of the Florida Administrative Code. Groundwater withdrawals permitted as part of an approved mining or excavation and fill operation shall not result in a lowering of the potentiometric levels of the surficial shallow groundwater aquifer, intermediate groundwater aquifer, or Floridan Aquifer beyond the boundaries of the approved mining or excavation and fill operation.

- c. Vibration. Vibration resulting from any mining or excavation and fill operation sufficient to cause damage of any kind to persons or property not included within the approved area of operation.
 - d. Blasting. Where specifically permitted by the conditions of a special permit, blasting or other use of explosives shall comply with all applicable federal and state standards.
 - e. Degradation of Water Quality. All surface drainage from site runoff shall be directed away from open pit excavations to avoid groundwater contamination. Pollutants or substance of any kind which may be detrimental to water quality shall not be permitted to enter the surface drainage system or the groundwater system through sinkholes on or adjacent to the site.
2. Limited Disposal of Materials. In a mining or excavation and fill operation, disposal of materials as fill is limited to clean debris and land clearing debris, unless specified by the approved special permit for the site.
- Clean debris shall be limited to brick, glass, ceramic, and uncontaminated concrete including embedded pipe or steel. Land clearing debris shall be limited to uncontaminated soil and rock, tree remains, trees and other vegetative matter from land clearing for a construction project.
3. Hours of Operation. Mining or excavation and filling activities shall be limited from 6:00 a.m. to 8:00 p.m., Monday through Saturday. More limited hours of operation may be imposed at the time of approval of the special permit.
4. Access Routes. Mining or excavation and fill operations shall be permitted only at sites served by roads adequate to accommodate the projected truck traffic. Access shall not be permitted from an interior road through a platted subdivision unless the excavation and fill is specifically designed to facilitate the completion of the subdivision in which the haul route is located. Haul roads through platted subdivisions must be closed prior to the issuance of the first Certificate of Occupancy along the haul road. If access to a site is over an unpaved segment of public road, the operator shall be responsible for maintenance of the unpaved segment in a satisfactory operating condition.
5. Temporary Road Stabilization. On the site of mining or excavation and fill operations, the use of milled or crushed asphalt is permitted for road stabilization. Asphalt used for this purpose may be stored temporarily within an unexcavated area or a reclaimed area of the site. The material shall be removed from a roadway when it is no longer in use, and onsite disposal or burial of asphalt is prohibited. The special permit shall include an identification of all areas proposed as asphalt or material storage areas and procedures for the disposal of material utilized for temporary road stabilization.
6. Dust Controls. Mining or excavation and fill activities shall be operated in a manner that shall minimize fugitive dust emissions. Dirt roads within the site and unpaved public roads in the vicinity used for access to and circulation within the project may require dust retardant treatment at the expense of the operator. The use of suppressants as a dust retardant technique shall be evaluated by the Board of County Commissioners and receive approval before their use is permitted. Natural vegetation shall not be removed within any required setback or buffer areas, or from any area of the site prior to excavation of that area.

14.7.8 Site Development and Operational Standards. All mining or excavation and fill operations, activities and structures shall comply with the standards in this Section for site development and operations on site. Existing mining, excavation and fill sites or reclamation projects operating with current and valid special permits originally approved prior to February 15, 2016 shall be exempt from the operational standards found in this section unless otherwise required as a condition of the special permit.

1. Setbacks. Each operation shall comply with minimum setbacks, based on features on or adjacent to the site and the future land use classifications of properties adjacent to the site, as established in Table 14.7.7.1 below. An additional setback of five hundred (500) feet to the setback distances as established in Table 14.7.7.1 below shall be provided from all beneficiation facilities and associated infrastructure.

Table 14.7.7.1

Minimum Setbacks for Mining or Excavation and Fill Activities

Natural Features or Adjacent Future Land Use Designations	Minimum Required Setback from Property Line or feature (in feet)	
	Mining Activities ^{1,2}	Excavation and Fill Activities ³
Public right-of-way or public or private utility easement	200 feet	50 feet
100-year floodplain	200 feet	200 feet
Wetlands	500 feet	250 feet
Surface water	500 feet	250 feet
Significant geological features	500 feet	250 feet
Potable water wells	500 feet	500 feet
Inhabited residential structures	1,000 feet	150 feet
Schools	500 feet	250 feet
Conservation Future Land Use Classification	1,000 feet	250 feet
Residential Future Land Use Classification	1,000 feet	150 feet
Commercial Future Land Use Classification	250 feet	150 feet
Public Future Land Use Classification	500 feet	250 feet
Recreation Future Land Use Classification	500 feet	250 feet
Industrial Future Land Use Classification	200 feet	100 feet
Agriculture Future Land Use Classification	200 feet	100 feet
Designated Urban Development Area	1,000 feet	150 feet

¹Includes processing and material separating facilities, mechanical draglines, ponds or structures for settling, thickening, tailings and slime.

²Includes beneficiation facility and associated infrastructure.

³Includes mechanical draglines, spoil piles, stockpiles, or storage of materials.

2. Screening and Buffering
 - a. Visual Buffers. A vegetated landscaped buffer of at least fifty (50) feet in width shall be provided along the entire boundary of the mining or excavation and fill site. Where the site is adjacent to or within one thousand (1,000) feet of a residential land use or an inhabited residential structure or school, a vegetated landscaped buffer of at least one hundred (100) feet in width shall be provided. Points of access shall be given exception from these minimum buffer requirements. To the greatest extent possible, natural vegetation and foliage existing on the site shall be retained to establish buffers. If the natural vegetation and foliage does not provide adequate visual buffer or noise attenuation, additional plantings, fences, earth berms or similar materials may be required.
 - b. Buffer for Significant Geologic Features. Buffers to significant geological features that have a direct connection to the surficial shallow groundwater aquifer, intermediate groundwater aquifer or Floridan Aquifer shall be a minimum of one hundred (100) feet.
3. Setbacks Where Blasting Proposed. Where blasting is proposed as part of the mining operation, setbacks sufficient to protect significant geologic features, including subsurface conduits, are required.
4. Maximum Heights
 - a. Buildings and Structures. All buildings and structures shall comply with the height of the zoning district in which the mining or excavation and fill operation is located, and may be further limited by the conditions of the special permit.
 - b. Stockpiles, Spoil Piles, and Storage of Materials. Stockpiles, spoil piles or storage of excavated materials shall not exceed fifty (50) feet in height, and may be limited further by the conditions of the special permit.
5. Fencing and Security. Unless otherwise provided by the Board of County Commissioners, each mining or excavation and fill site shall be completely enclosed by a fence consisting of chain link, field wire, or other material not less than six (6) feet in height, with a heavy duty, locking, security gate at each access point. All gates shall be kept locked at all times unless an employee of the owner or operator is on site. All fences and gates shall prominently display permanent "No Trespassing" signs a minimum of every five-hundred (500) feet.
6. Test Borings. For proposed new or expanded mining or excavation and fill operations, test borings shall be required to delineate geologic conditions, and to determine the interface between the surficial, intermediate and Floridan aquifers and the location of groundwater tables on a site. In existing operations, new test borings shall be performed prior to development of new excavation or mining area. At a minimum, the test borings shall comply with the standards listed below.
 - a. Minimum Depth. All borings shall be conducted to a depth of not less than ten (10) feet below the deepest proposed mining or excavation.
 - b. Maximum Space. All boring shall be spaced at a maximum of five-hundred (500) foot interval in two (2) transverse directions.

- c. Log Content. The boring log shall indicate the location coordinates, surface grade elevation, geologic description and thickness of all strata encountered, including topsoil, overburden mineral deposit or material to be mined or excavated and material immediately underlying the mineral deposit or material, and the position of the groundwater in relating to individual borings.
7. Filling in Surficial Aquifer. Filling may be permitted in groundwater of the surficial aquifer system, in excavation and fill operations or in limestone pits or quarries, but shall be limited to clean soil or rock materials including sand, clay, or limestone. Exceptions to these standards may be considered if liners, leachate collection systems and cover systems are proposed for a site. Prior to mining operations, surface and groundwater hydraulic and hydrologic modeling must be conducted and adequately demonstrate post-mining reclamation hydrology associated with surface waters and wetlands, surficial shallow groundwater aquifer and intermediate groundwater aquifer water elevations will match pre-mining conditions. This includes demonstrating mining activities (e.g. excavation and filling voids) and post-reclamation soil characteristics (e.g. structure, permeability, infiltration), landscape features (e.g. open water ponds, constructed contours above and below surface waters) and associated surficial and groundwater hydrology and hydraulic gradients will retain water resource and contributing watershed conditions, including existing and proposed surface waters, wetlands (with appropriate hydroperiods) and floodplains.
8. Groundwater Standards. For each mining or excavation and fill operation, a groundwater quality monitoring plan shall be installed according to the standards of the Florida Department of Environmental Protection. Groundwater quality on each site of a mining or excavation and fill operation shall be monitored according to the standards of the Florida Department of Environmental Protection, and all test results from monitoring wells shall be provided to the County. For the purpose of sampling and analysis to gather baseline data regarding groundwater resources, the County shall have access to all test wells on site.
9. Dewatering. Dewatering operations shall be planned and controlled so as to provide minimum drawdown of the shallow groundwater table. Any dewatering operation which results in detrimental fluctuations of water levels in adjacent wetlands area shall be terminated until such time as a satisfactory plan is approved by the Board of County Commissioners to maintain water levels in such areas.
10. Planned Water Bodies. Planned water bodies or groundwater lakes incorporated in the final reclamation plan are required to meet the following standards:
 - a. A minimum of ten (10) percent of the lake shall be refilled to shallower depths of two (2) to four (4) feet in order to encourage aquatic plant growth and fish propagation.
 - b. If side slope different from the ten (10) percent ratio are proposed, terracing may be utilized, subject to approval by the Board of County Commissioners for an engineering evaluation of the long-term stability of such slopes.

14.7.9 Additional Excavation and Fill Operation Requirements

1. Method of Excavation. The method of excavation shall be planned so that the greatest volume of earth can be moved without resulting in deep holes scattered throughout the site. The use of the land shall be so that excavation is brought to the permitted depth at one (1) part of the property and then proceeds to the remainder of the property.

2. Depth of Excavation. Where the Floridan Aquifer is unconfined, excavation shall be permitted no deeper than fifteen (15) vertical feet above the top of Floridan Aquifer, to ensure that a minimum of fifteen (15) feet of undisturbed soil remains above the wet season high water table or limestone. Field adjustments shall be made as necessary to accomplish this intent. A land surveyor licensed in the State of Florida shall establish accessible benchmarks on five-hundred (500) foot centers within the limits of the areas of the active excavation reflecting the limits of excavation depth to ensure fifteen (15) feet of undisturbed soil remains above the top of the Floridan Aquifer.
3. Continuous Reclamation. Permanent vegetative cover shall be established in five (5) or ten (10) acre increments. Upon filling of five (5) acres of the site, a soil cap shall be placed and permanent vegetative cover shall be established so that no more than ten (10) acres of the site is being actively filled. For those areas that are not planned for backfilling, 1:4 (rise: run) side slope shall be created and permanent vegetative cover established on these slopes. Final grading and establishment of permanent vegetation shall occur on an area-by-area basis as backfilling is completed so that reclamation takes place in conjunction with excavation and fill. Reclamation shall be continuous, and shall commence immediately after activity within an area of the site. Revegetation of all areas shall be accomplished no later than ninety (90) days after the completion of other aspects of reclamation. Vegetation types utilized shall consist of grasses to be used for hay/sod production or native species replicating natural habitat that are well adapted to the soil conditions and terrain features on the site.

14.7.10 Additional Mining Operation Requirements

1. Method of Excavation. All excavation of overburden shall be accomplished in a manner conducive to segregated stockpiling of differing geologic materials. Topsoil, clean sands and clayey soils shall each be stockpiled separately or layered in stockpiles in such a manner as to avoid commingling of differing geologic materials, and in all cases care shall be taken to avoid contaminating topsoil with clayey materials.
2. Soil Restoration. Upon completion of the mining operation, restoration of the ground surface shall be accomplished by replacement of each of the differing soil types in reverse sequence from that in which they were removed. Each separate layer, horizon or geologic strata shall be replaced and consolidated before the succeeding layer is replaced. Topsoil uncontaminated with clayey materials shall be placed as the final surface cover on all mining operations.
3. Final Contours. Contours shall be as close as possible to those existing originally on the site unless the reclamation plan has established an alternate set of contours as being more desirable for the final intended use of the reclaimed land. If the nature of mining operations is such that quantities of available spoil material are not adequate for restoration to original contours, then the site shall be reclaimed so that no slope is steeper than one (1) foot of vertical run to six (6) feet of horizontal run, except in the case of limerock cuts, which shall be left at a stable slope. The final contours of created water bodies should resemble the same characteristics of natural north Florida lakes, including a variety of emergent habitats, balance of deep and shallow water, fluctuating water levels, high ratios of shoreline length to surface area and variety of shoreline slopes.

14.7.11 Required Materials for Special Permit Review. The information in this Section shall be submitted by an applicant as part of special permit review.

1. Project Description. A general project description of the proposed or expanded mining or excavation and fill operation shall include the following, as applicable:
 - a. Types of minerals or materials to be mined or excavated on the site;
 - b. The nature of materials to be used for fill, including clean debris, construction and demolition debris, or similar materials;
 - c. Estimated total area, in acres, to be mined or excavated and filled;
 - d. Proposed approximate dates for beginning and completing all mining or excavation and fill operations;
 - e. Proposed days and hours of operation;
 - f. Proposed method for onsite process of minerals or materials;
 - g. Proposed method for receipt, stockpiling and fill of clean debris or construction and demolition debris;
 - h. A description of truck or transportation routes to be used for transport of minerals, materials or fill, onsite and within one-thousand (1,000) feet of the site;
 - i. A description of how the minerals or materials are to be transported to and from the site, including all types and sizes of carriers to be utilized;
 - j. The anticipated number of trips per day to and from the site; and
 - k. The destinations to which minerals and materials will be transported, and a description of any trans-shipment points and changes in mode of transport.
2. Location Map. This map shall show the location of the site and boundaries of property lines in relation to state and County roads.
3. Georectified Aerial Photograph. A georectified aerial photograph taken within one (1) year of application submittal, showing property lines and areas proposed for mining, excavation or fill.
4. Development Plan. This graphic shall include the following features:
 - a. All property lines within five-hundred (500) feet of subject property;
 - b. Public and private roads, paved or unpaved;
 - c. Planned access for public or private roads;
 - d. Utility lines and easements on site;
 - e. Septic tanks and drain fields on site;
 - f. Conservation areas on or adjacent to site;
 - g. The approximate location and acreage of existing and proposed mining excavation and fill areas, with a legend relating approximate time frames of activity within these areas;
 - h. Cross-section of the proposed depth of areas to be mined or excavated and relationship to the wet season high water table and geologic material, based on test borings performed on the site;

- i. Proposed location of groundwater monitoring wells on the site;
 - j. Proposed location of buildings and structures on site, including pipelines;
 - k. Proposed location and height of milled asphalt storage piles, stockpiles, and spoil or other excavation materials;
 - l. Proposed location of tanks for liquids stored on the site;
 - m. Location of all fences, walls, earth berms, and vegetative buffers to be installed or existing on site;
 - n. Dimensions and total square feet of existing and planned impervious areas on the site;
 - o. Location and dimensions of planned stormwater management facilities;
 - p. Setback proposed for all structures and operations; and
 - q. Existing potable water wells within five-hundred (500) feet of the site boundaries.
5. Floodplain Map. A Federal Emergency Management Agency Digital Flood Insurance Rate Map depicting one-hundred (100)-year floodprone areas. The map shall include property lines of the proposed mining activities and/or excavation and fill site. The Board of County Commissioners shall have the right to require the applicant to submit data to establish the location of the one-hundred (100)-year floodprone area.
 6. Soils Map. A map of generalized soils, with property lines delineated. Natural Resource Conservation Service maps may be used for general reference.
 7. Site Topography. A map of topography showing property lines and contour lines on the site at a maximum of two (2) foot intervals.
 8. Water Resources. A map of all delineated wetlands on the site. The map shall show the proposed location of test wells on the site which will be used to determine average and seasonal high water table depths and the direction of flow gradient.
 9. Survey Site. The survey shall include all areas subject to the application and a legal description. The survey shall have been completed no more than one (1) year prior to the application submittal. The survey shall include locations and elevations of required five-hundred (500) foot-centered benchmarks in areas designated for mining, excavation, or fill.
 10. Environmental Assessment. An environmental assessment shall be submitted in order to assess the potential adverse impact to natural resources and historic resources. The assessment shall be prepared by person(s) qualified in the appropriate fields of study, conducted according to professionally accepted standards, and based on data that is considered to be recent with respect to the resource. Names, qualifications and resumes of all personnel involved in the assessment, and their roles with respect to the assessment, shall be attached, if not already on file with the County. The requirements of the natural resources assessment consists of the following:
 - a. Methodology. The assessment shall use and report professionally accepted scientific methodology specific to each natural and historic resource onsite, in order to assess the actual and potential presence of natural and historic resources. The assessment shall include background research and analysis of available existing data, as well as ground-truthing. Field surveys shall be conducted during the seasons, times of day and field conditions under which each natural and historic resource characteristic would most likely be observed, otherwise presence will be presumed.

- b. Minimum contents. The assessment shall include site-specific identification, mapping and analysis of each natural and historic resource or characteristic present on the site, and background research and analysis with aerial map review and fence line ground-truthing of resources adjacent to the site (same or contiguous tax parcels). At a minimum, the following shall also be provided:
- (1) Cover letter and/or executive summary, including written explanation of the need and intent of the project, description of construction or alteration methodologies, and signed statement as to the likely presence of regulated natural or historic resources.
 - (2) Maps drawn to scale, including a north arrow and scale showing the following:
 - (a) Location of project site in relation to major roads or other readily identifiable landmarks, showing parcel boundaries with dimensions.
 - (b) Existing roads, structures, wells, utilities, and other existing conditions and noteworthy features.
 - (c) Identification of all regulated natural and historic resources, labeled by resource type.
 - (d) General vegetation characteristics and quality.
 - (e) General soil types.
 - (f) Proposed location of protected conservation resources and open space.
 - (g) Potential connections to existing green space, open space, trails, and adjacent preservation or conservation resources.
 - (3) Data and analysis that includes assessment and evaluation of the following:
 - (a) Existing quality and characteristics of regulated natural or historic resources.
 - (b) Impact of the proposal on each individual natural resource and on the ecosystems in which they function.
 - (c) Proposed measures to protect natural resources, or to avoid, minimize, or mitigate impacts on natural resources.
 - (d) Methods of stormwater pollution prevention.
- c. Additional information. Additional data and analysis may be required as appropriate for the complexity of the proposed activity and types of natural or historic resources identified. Such information may include but is not limited to:
- (1) Copies of historical and recent aerial photographs, topographic and other resource maps reviewed.
 - (2) Land use and land cover classifications per Florida Land Use Classification Code or Water Management District systems.

- (3) Wetlands, surface waters, or 100-year floodplains identified by the National Wetlands Inventory, United States Geological Survey, Water Management Districts, or Federal Emergency Management Agency.
 - (4) Wildlife corridors, biodiversity hot spots, strategic habitat conservation areas, or element occurrences identified by the Florida Fish and Wildlife Conservation Commission, Florida Natural Areas Inventory or Florida Department of Environmental Protection.
 - (5) Field surveys that provide for actual and potential presence of plant and animal species, including indicators (sightings, signs, tracks, trails, rests or evidence of feeding), population estimates, and occupied habitat boundaries.
 - (6) Inventories of natural or historic resources within an expanded planning parcel that includes additional lands under common ownership or control, or additional lands within a designated resource planning area.
 - (7) Detailed assessment beyond project boundaries which are necessary to understand the scope of impact of proposed activities on areas not included in a proposal involving only a portion of a parent tract.
 - (8) A mitigation and monitoring plan.
 - (9) A resource management plan.
11. Hazardous Materials Management Plan. A hazardous materials management plan shall be submitted to establish a mining or excavation and fill operation or to extend the approval period of such operation. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval. A hazardous materials management plan shall address, but is not limited to the following;
- a. Establishment of procedures for the prevention of releases of hazardous materials into the natural environment, including air, groundwater and surface water resources;
 - b. Establishment of procedures for identification, removal, disposal and remediation of release of hazardous materials into the natural environment;
 - c. Identification and use of proper procedures to prevent improper release into the environment of vehicle maintenance materials used on site, including fluids, lubricants, oils and similar materials, and to ensure such materials are utilized and disposed of in accordance with manufacture's specifications;
 - d. Establishment of procedures for the identification, collection and disposal of wastes, other than clean debris or land clearing debris, that may be delivered to approved excavation and fill sites; and
 - e. Establishment of a method for monitoring the identification, disposal and mitigation of adverse impacts from authorized materials.
12. Waste Management Plan. A waste management plan for the handling of unauthorized waste shall be established for the purpose of outlining procedures for properly managing the removal and disposal of such wastes identified on the site. This plan shall be evaluated and found adequate by the Board of County Commissioners as a condition of final approval of the special permit for mining.

- a. Effect of Unauthorized Materials Present on Site. If unauthorized materials are present on site and can, based upon the specific nature of such materials and their threat to groundwater quality, or the amount of such materials on site, or the location of such materials in relation to groundwater resources, the Board of County Commissioners may authorize monitoring of the threat of such materials to contaminate water quality.
 - b. Materials Used On Site. Any materials such as lubricants, hydraulic fluids, oils or other materials used in equipment maintenance shall be properly stored, collected and disposed of. The management plan shall outline spill cleanup and disposal procedures to deal with lubricants, oils and similar materials used on site but not within the scope of the permit for disposal on site.
13. Groundwater Quality Monitoring Plan. A water quality monitoring plan, prepared by the applicant, shall be required for one (1) or more of the following: new mining or excavation and fill operations; expansion of existing mining operations; as part of an annual review of an approved special permit, existing mining or excavation and fill conducted where similar previous site activities may have degraded groundwater or surface water quality; or in instances where there is evidence of disposal of prohibited material. A water quality monitoring plan shall include the information listed below.
- a. The type of device or procedure to be installed or followed.
 - b. The monitoring, sampling and reporting schedule to be followed.
 - c. The proposed depth, locations and construction details for monitor wells or water quality monitoring stations.
 - d. The proposed water sampling program with anticipated sampling schedule and parameter coverage. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
 - e. A proposal for the compilation of data and the submission of reports to the Board of County Commissioners.
14. Reclamation Plan. A reclamation plan, prepared and sealed by a professional engineer, shall be submitted with the application for a mining or excavation and fill operation. The plan shall describe the proposed mining and land reclamation operations and procedures to be followed for a minimum period of five (5) years. The plan shall include the information required herein and shall comply with applicable federal, state or water management district requirements.
- a. Reclamation Plan General Requirements
 - (1) Areas to be Reclaimed. The total area of the entire mined, excavated or otherwise disturbed area that is to be reclaimed, in both percent of site area and total acres, as well as an annual schedule for the areas to be reclaimed.
 - (2) Reclamation Methods. A description of the manner in which restructuring, reshaping and revegetation will be accomplished.
 - (3) Reclamation Timetable. A timetable detailing the estimated time periods for stages of reclamation and reuse after the mining, excavation and fill activity has been completed. A time limit for completion of reclamation shall not be placed on areas reserved for slime ponds or settling ponds in mining operations.

- (4) Potential Future Users of Site. The potential and planned uses of the reclaimed area and an analysis of how proposed reuse complies with the Comprehensive Plan. Areas utilized for mining or excavation and fill operations shall not be reused for residential purposes, except where engineering data is submitted showing that there has been adequate compaction to allow the type of residential construction proposed.
 - (5) Final Buffers and Screening. The location of fences, walls, earth berms or vegetative buffers required for reclamation.
 - (6) Proposed Erosion Control. Proposed erosion control measures, including final site grading, final slopes and the locations and types of trees, grasses or other plant materials to be utilized.
 - (7) Water Bodies and Stormwater Facilities. The location, size and water elevations of any water bodies or stormwater facilities proposed as a permanent feature following mining operations. The proposed method for retaining water levels in permanent lakes.
 - (8) Site Plan Maps. The maps of the entire mined, excavated or otherwise disturbed area that is to be reclaimed, all drawn at the same scale, showing pre-mining and conceptual reclamation, contours and water bodies. As well as, pre-mining and post-reclamation vegetation, using the Florida Land Use cover Classification System or Codes.
- b. Phosphate Mine Reclamation Plan. A phosphate mine reclamation plan shall be consistent with Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder, and any amendments to Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder, promulgated after adoption of the ordinance from which this Section of the Land Development Regulations is derived and the provisions contained in this Section.
- (1) The Board of County Commissioners may require a more expeditious reclamation schedule than required by Chapter 378, Part II, Florida Statutes, and administrative rules adopted thereunder in order to minimize impacts to neighbors, wetlands, off-site drainage, or floodplains. Reclamation land types shall be defined by Florida Land Use Classification Code System or Florida Department of Environmental Protection habitat types.
 - (2) Agricultural lands. Land reclaimed for agricultural use shall meet the following standards:
 - (a) Topography. The land shall be sufficiently level and free of holes, gullies and washouts to permit safe operation of conventional farm and agricultural equipment.
 - (b) Stability. The land shall have settled and firmed to the extent that it will support conventional farm and agricultural equipment and that livestock will be able to walk on the surface of the land.
 - (c) Slope. The land surface shall be returned to the elevations approved by the County and the slope of all land, except dikes and low profile berms, shall not be steeper than 4:1.

- (3) Pine flatwoods. Pine flatwoods are by far the dominant plant community in the County. Pine flatwoods areas disturbed by phosphate mining shall be reclaimed with native species of trees, shrubs, forbs and grasses to re-establish the general distribution of native flora necessary to ensure suitable wildlife habitat, giving consideration to plant diversity, edge-effect and escape cover. The goal will be to achieve suitable livestock carrying capacity by utilization of low management native forages while secondary benefits such as wildlife, timber and aesthetics are maintained.
- (4) Lakes and other water bodies. Lands reclaimed as lakes and other water bodies shall meet the following standards:
 - (a) Littoral zones. For the purposes of establishing an area that will sustain fish and wildlife, and to provide a measure of nonstructural water quality maintenance, the applicant shall establish a littoral zone below the mean water level along the shoreline and within a central area of the lake. The applicant may provide for alternative littoral zone placement for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted scientific principles and must be approved in writing by the County.
 - (b) Perimeter berms and swales. For the purposes of ensuring water quality control and to provide for a measure of long-term water quality maintenance, the applicant shall construct a low profile perimeter berm and swale system designed to intercept and filter overland runoff before allowing it to discharge into the lake. In addition to this requirement, applicant shall provide alternative nonstructural means for meeting requirements herein which would result in more beneficial environmental and wildlife impacts than strict adherence to the requirements of the Land Development Regulations. Such alternative methodology shall follow generally accepted U.S. Department of Agriculture Best Management Practices for Riparian/Lacustrine Buffers and must be approved by the County.
 - (c) Lake depth. The requirements in Chapter 62C-16.0051 (Mandatory Phosphate Mine Reclamation Rule), Florida Administrative Code, as it may be amended, shall apply to lake depths.
 - (d) Soil stability. All banks and slopes shall be stabilized with self-sustaining vegetation. No evidence of excessive erosion shall exist. No evidence of unplanned channel development shall exist.
 - (e) Native species. The applicant shall demonstrate, using generally accepted scientific methodology, that healthy and self-propagating native grasses and forbs shall be established and that the reforestation of native trees shall be accomplished.
- (5) Revegetation. To ensure timely and successful establishment of ground cover and suitable habitat diversity, the applicant shall comply with the following criteria:

- (a) Diversity:
 - i. Improved pasture: Not applicable.
 - ii. Pine flatwoods: In general, flatwoods have a low diversity of tree species. Understory plants common to flatwoods are wire grass, saw palmetto, wax myrtle, mulberry and fetterbush.
 - (b) Density/cover:
 - i. Improved pasture: Eighty (80) percent ground cover of perennial vegetation following one complete growing season. Bare areas shall not exceed one-fourth acre.
 - ii. Pine flatwoods: Twenty (20) trees per acre with adequate native vegetative ground cover to prevent erosion after one complete growing season. Fifteen (15) trees per acre with a minimum height of one meter after five years. Fifty percent ground cover of herbaceous flatwoods species after one complete growing season shall be established.
 - (c) Other protections:
 - i. Improved pasture: Not applicable.
 - ii. Pine flatwoods: Protection from grazing, mowing or other land uses to allow establishment for a minimum of five (5) years following planting.
 - (d) Measurement:
 - i. Improved pasture: Point intercept method on ten-acre units with total number of points submitted to County for prior review and approval.
 - ii. Pine flatwoods: Point intercept method according to acceptable practices.
15. Mining Operation Plan. The plan shall contain information regarding proposed mining and excavation on the site, including but not limited to the following information:
- a. The ultimate method for disposal of stockpiles, spoil piles or other materials stored on the site;
 - b. The proposed dewatering plan, including the method of disposal for water created by the process, the location and size of any disposal area, and the method of treatment of any waters to be discharged offsite or into surface waters;
 - c. Estimated annual water consumption, in gallons per day, for all operations and activities;
 - d. Proposed uses of water recycling or reclamation process or techniques in gallons per day;
 - e. Proposed transfers of water from one (1) watershed or basin to another, including amounts in gallons per day;
 - f. Proposed importing of water from another source, including identification of source, amount in gallons per day, length of transfer in miles, and method of transfer;

- g. The anticipated amount of waste, tailing and similar materials to be produced and plans for disposal including the size and nature of treatment facilities located onsite;
- h. The anticipated amounts of airborne emissions from the mining operation, including all equipment, transportation, processing or other sources; and
- i. A complete description, including process flow diagram, of any proposed mineral-resource processing operation to be conducted on the site.

14.7.12 Annual Report. An annual report of any approved special permit for any mining or excavation and fill operation shall be submitted no later than October 1st of each year. Failure to file an annual report shall be grounds for suspension of an approved special permit and operations on the site. This annual report requirement shall apply to all existing approvals for mining or excavation and fill operations. All reports shall include, at a minimum, the information listed below:

1. Development Plan Update. A graphic illustration, utilizing the approved development plan for the mining or excavation and fill operation, showing changes to the site during the previous twelve (12) months due to mining, excavation, fill, placement of overburden or materials and similar changes based upon the operations on the site. This graphic shall include an as-built survey. The survey shall include current topographic contours and current survey elevations at five-hundred (500) foot centered benchmarks to ensure compliance with permitted excavation depths. The graphic shall show the location and acreage of existing excavation, filled, and reclaimed areas, as well as areas proposed for excavation, fill, and reclamation over the next twelve (12) months. The graphic shall also show the location of milled asphalt storage piles on the site.
2. Operations Update. A written report summarizing the changes occurring to the site during the previous twelve (12) months, accompanied with tabular data indicating the approximate number of acres changed due to mining, excavation, fill and reclamation. The report shall address how such changes are consistent with the requirements of this Section, all applicable approved plans and all conditions of approval of the special permit.
3. Report of Waste Stream. A monthly compilation of the incoming waste stream over the last year, including total amounts (in tons or cubic yards) of waste received, as well as the total amounts disposed of at the site, recycled at the site, or transferred to another location for property disposal or recycling.
4. Monitoring. The result of monitoring programs, such as groundwater quality monitoring, that are required by the approved special permit.
5. Status of Plantings. An update on the status of required plantings in buffers, stormwater facilities, and reclaimed areas, including the number of surviving plantings and any plantings made to maintain required survivorship as defined by the approved development plan.
6. Certification. Certification by a professional engineer that all mining or excavation and fill operations are carried out in compliance with the approval granted by the Board of County Commissioners, the approved master mining or development plan, all applicable federal, state, water management district or County requirement and in accordance with generally accepted engineering practices.
7. Enforcement Actions. A description of all code enforcement, legal or other enforcement actions pertaining to the property or operation, initiated by the County or other governmental agency in the preceding twelve (12) months, and the disposition or status of such actions.

14.7.13 Bond and Surety Requirements

1. Liability for Mining or Excavation and Fill Operations. The owner and operator of a mining operation shall have absolute liability and financial responsibility for any damage to public or private property, human, animal or plant life, or any mineral or water-bearing geological formation incurred due to mining or excavation and fill operations, failure of any dam, spillway or outlet structure of a settling or thickening pond, or failure to properly reclaim mined-out lands.
2. Bond for Reclamation Required. As a condition of special permit approval, the Board of County Commissioners shall require posting of a reclamation bond. The bond shall guarantee funds in an amount of one hundred and ten percent (110%) of the estimated cost to complete all required reclamation of a mining or excavation and fill operation, and may be increased to ensure the financial resources to complete reclamation, including placement of a soil cap and revegetation. The bond shall be maintained in perpetuity or until reclamation occurs, and the Board of County Commissioners may withhold a specified portion of the reclamation bond to ensure the reclamation is completed properly.
 - a. Forms of Security. Acceptable forms of security may include but are not limited to, a letter of credit, surety bond or cash bond.
 - b. Retention of Security. The financial security shall be held by the County until the reclamation plan is implemented and completed for the entire site under permit. Proof of sureties posted with the Florida Department of Environmental Protection shall satisfy this requirement.
 - c. Alternate Form Security. The security may be provided in an alternate form acceptable to the County Attorney.
 - d. Posting of Security. The financial security shall be reviewed by the County Attorney, and shall be posted prior to issuance of approval and the initiation of any land excavation and fill operations.
 - e. Partial Release Security. If it is determined that the partial completion of reclamation activities reduces the costs of further reclamation, the amount of the financial security may be reduced.
 - (1) At no time shall the security be less than one-hundred and ten (110) percent of the cost of uncompleted reclamation activities.
 - (2) Reduction in the amount of the financial security shall not occur more often than once in each calendar year.
3. Exemptions from Providing Bond or Surety. The following shall be exempt from the requirements of financial security required by this Section:
 - a. Mining or excavation and fill operations that may provide proof of a reclamation bond issued to the Florida Department of Environmental Protection or other regulatory agency that guarantees funds in an amount sufficient to complete all required reclamation of a mining or excavation and fill operation.
 - b. Units of local, regional, state and federal government operating on government-owned property.

14.7.14 Annual Inspection. In addition to fees for the processing of applications for special permit, the Board of County Commissioners shall impose an annual permit fee for all mining and excavation and fill operations. A separate fee shall be charged for each special permit approving mining, excavation or fill operations. This fee will be due and payable on October 1 of each year and shall cover the period beginning October 1 and ending September 30 the following year. In the instance of an operation involving both excavation and filling activities, one (1) fee for both operations shall be imposed. A reduced fee shall be charged for inactive excavation and fill operations. The owner of each excavation and fill operation shall be responsible for notifying the Board of County Commissioners prior to October 1 of each fiscal year if an excavation and fill operation is inactive. Within this section, the term inactive shall mean that no activity commonly associate with an exaction and fill operation has occurred at the site for period of at least ninety (90) days. Notwithstanding the provisions of this section, no unit of local, state or federal government shall be assessed the annual inspection fee.

14.7.15 Surface Waters and Wetlands

1. Purpose. It is the purpose if this Section to preserve, protect, and improve the public health, safety and general welfare of the citizens of the County, and to conserve and protect open bodies of water and flowing streams, wetlands, and the natural and scenic resources of County and to implement the County Comprehensive Plan.
2. Applicability.
 - a. Waters Included - Surface waters is a comprehensive term that includes all rivers, streams, creeks, springs, lakes, ponds, intermittent water courses and associated wetlands that hold or transport water on the ground surface. Wetlands comprise a specific subset of surface waters that meet certain hydrologic, vegetative and soil criteria (see full definition in Article II of these Land Development Regulations).
 - b. Regulated Activities - Except as otherwise expressly provided in this section, no alteration shall occur in, or over a surface water or wetland area or buffer, and no alteration shall occur adjacent to or connected to a surface water or wetland area, such that the water regime is modified in a way that precludes the area in question from maintaining surface water or hydroperiod necessary to sustain wetland structure and function equivalent to pre-alteration levels.

14.7.16 Jurisdiction and Delineation. The County shall have regulatory authority over all surface waters and wetlands located within the unincorporated area of the County.

1. Delineation Methodology - The County shall utilize the uniform statewide methodology adopted by the Florida Department of Environmental Protection and water management districts to delineate wetlands, as outlined in Florida Administrative Code Rule 62-340.300 for wetlands, and Rule 62-340.600 for surface waters. The County shall not be limited by the threshold or connection requirements utilized by these agencies for purposes other than delineation.
2. General Mapping - The locations and general extent of surface waters and wetlands in the County are depicted on multiple digital map sources, including: the United States Department of the Interior, United States Fish and Wildlife Service, 1985, National Wetlands Inventory; the United States Geological Survey, Hydrography; the United States Department of Agriculture Natural Resources Conservation Service, Hydric Soils; and Water Management District Wetlands Mapping, 1995. The maps are intended for use only as a general reference for determining location and approximate extent surface wetland. The provisions of this Section shall apply to all surface waters and wetlands, and adjacent areas, shall not be limited to those depicted on maps described above.

3. Site Specific Determination
 - a. Applicants for any activity in, on or over a jurisdictional surface water or wetland or buffer, or adjacent to (same or contiguous tax parcel) or connected to a surface water or wetland, regardless of size, shall be required to submit a natural resources assessment that includes identification of all surface waters, wetlands and buffers.
 - b. The County shall provide verification of a wetlands jurisdictional determination of a specified parcel of land prior to final approval, and before any activity is allowed to proceed in a buffer area or on or adjacent to a surface water or wetland. Final jurisdictional determinations shall be considered valid for a period of five (5) years.
 - c. If the applicant has received a delineation of the extent of a surface water or wetland by the Florida Department of Environmental Protection or water management district, pursuant to a formal determination under Section 373.421(2), Florida Statutes, or pursuant to a permit issued under Chapter 373, Florida Statutes in which the delineation was field-verified by the permitting agency and specifically approved in the permit, the delineation shall be binding on the County for the duration of the formal determination or state permit.
4. Final Drawings. All final drawings for applications other than work on a private single-family residential lot shall be sealed or certified by:
 - a. A Florida registered professional engineer; or
 - b. A Florida registered professional surveyor; or
 - c. A Florida registered professional landscape architect; or
 - d. An environmental professional certified by the National Association of Environmental Professionals or the Florida Association of Environmental Professionals.

14.7.17 Water Resources Buffers

1. Landscaped buffers are integral to the maintenance of surface water and wetland structure and function. A landscaped buffer shall be required between all proposed activity and the landward extend of the surface water or wetland located on the site as established in this Section.
2. Minimum landscaped buffer widths shall apply for the resources set forth in the following table:

Protected Resource	Buffer Distance
Surface waters and wetlands less than or equal to 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	50 feet
Surface waters and wetlands greater than 0.5 acre that do not include Outstanding Florida Waters or listed animal species as described elsewhere in this table	75 feet
Areas where federally and/or state regulated vertebrate wetland/aquatic dependent animal species have been documented within three hundred (300) feet of a surface water or wetland	100 feet
Per the Suwannee River System 100-Year Floodplain Special Planning Area of the County Comprehensive Plan - Surface waters and wetlands associated with the New River, Olustee Creek, or any Outstanding Florida Waters	150 feet

3. The landscaped buffer shall retain the existing undisturbed vegetation. No activity shall occur within a landscaped buffer area, except as necessary to access the property or would otherwise preclude all economically viable use of the property. The above shall not be interpreted to prohibit the removal of non-native vegetation or the planting of native vegetation.

14.7.18 General Approval Criteria. Final approval of an application may not be granted pursuant to this Section until it is determined that each of the following criteria will be met:

1. There shall be no net loss of wetland values and functions;
2. The project is designed to minimize adverse impacts regarding the conservation of populations of fish or wildlife or their habitats;
3. The project is designed to control and will not cause excessive erosion;
4. The project will not adversely affect commercial or recreational fisheries or their habitats;
5. Listed species and/or their critical habitats will not be adversely impacted;
6. The project will not adversely impact historic resources or paleontological resources;
7. Project alternatives and modifications to less impacts have been determined to be infeasible, i.e. there are no reasonable design alternatives or modification available to lessen impacts;
8. The project does not conflict with any other federal, state or local designated preserve or conservation area;
9. Any structure proposed in, on or over a surface water is water-dependent. If not water-dependent, structure must clearly demonstrate an overriding public purpose;
10. There will be no violation of water quality standards and the project complies with state and local water quality rules and standards set forth in Florida Administrative Code Chapters 62-302, 62-550, and 40C-4.301(1)(e); and
11. In conjunction with other projects, the project will not result in cumulative impacts that in the aggregate fail the criteria of this Section.

14.7.19 Permanent Protection. Applicants shall be required to designate and protect surface waters, wetlands, and associated buffers on the parcel for which development activity is proposed.

14.7.20 Application Review Fee for Special Use Permit for Mining

1. Fees.
 - a. All fees shall be payable by certified check or bank draft, in U.S. funds, made payable to the County. Upon receipt of the initial fee deposit, the County will establish an account or cost center for review of the mining special permit application.
 - b. Applicants shall deposit a total of fifty thousand dollars (\$50,000) with the County in the following manner:
 - (1) For each special permit for mining application, the County shall collect from the applicant a fee deposit of fifteen thousand dollars (\$15,000), of which five thousand dollars (\$5,000) is non-refundable, prior to conducting a pre-application conference. The application for special permit for mining shall not be accepted for review unless accompanied by an additional thirty-five thousand dollar (\$35,000) deposit.

2. Allowable Charges.
 - a. The applicant shall be liable to the County for one hundred percent (100%) of the actual costs for reviewing an application for mining special permit.
 - b. The applicant shall be notified by the County each time when the funds in the account or cost center for the review of the application are less than or equal to five thousand dollars (\$5,000). The notice shall indicate whether the County estimates the costs of reviewing the application will exceed the existing deposit and, if so, request an additional deposit in the amount of fifty thousand dollars (\$50,000) to cover the remaining costs. The applicant shall make such additional deposit with the County. No further review of the special permit for mining by the County shall occur until after receipt by the County of the additional deposit in the amount of fifty thousand dollars (\$50,000).
3. Other Reviews. The applicant shall be responsible for one hundred percent (100%) of the costs for the review of requests for the modification of a previously approved mining special use permit. The submittal of these requests shall be accompanied by a deposit of twenty-five thousand dollars (\$25,000) and charges will be handled in the same manner as for an application for mining special use permit.
4. Refunds. If the applicant's deposit exceeds the final fee total, any remaining balance shall be refunded to the applicant within ninety (90) days of the final charge to the account or cost center for the review of the application. Should the applicant notify the County, in writing, at any time during the review process that he/she wishes to withdraw the application and discontinue the review process, the County shall, within ninety (90) days, refund to the applicant any remaining balance in the account or cost center for the review of the application, excluding the non-refundable five thousand dollar (\$5,000) deposit, after deducting all costs incurred prior to receipt of written notification of withdrawal of the application.

SECTION 14.8 SPECIAL MOVE-ON PERMITS FOR MOBILE HOMES

It shall be deemed a violation of these land development regulations for any person, firm, corporation, or other entity to place or erect any mobile home on any lot or parcel of land within any area subject to these land development regulations for private use without first having secured a mobile home move-on permit from the Land Development Regulation Administrator. Such permit shall be deemed to authorize placement, erection, and use of the mobile home only at the location specified in the permit. The responsibility of securing a mobile home move-on permit shall be that of the person causing the mobile home to be moved. The move-on permit shall be posted prominently on the mobile home before such mobile home is moved onto the site.

SECTION 14.9 SPECIAL FAMILY LOT PERMITS

A special family lot permit may be issued by the Land Development Regulation Administrator on land zoned Agricultural and Environmentally Sensitive Areas on the Official Zoning Atlas of the County's Land Development Regulations for the use by an individual who is the grandparent, parent, stepparent, adopted parent, sibling, child, stepchild, adopted child, or grandchild of the person who conveyed the parcel to said individual, not to exceed one (1) dwelling unit per one-half acre. This provision is intended to promote the perpetuation of the family homestead in rural areas by making it possible for family members to reside on lots which exceed maximum density for such areas, provided that the lot complies with the following conditions for permitting:

1. The minimum lot width shall be seventy-five (75) feet; and

2. The division of lots shall be by recorded separate deed and meet all other applicable land development regulations; and
3. The family lot permit shall only be issued once for each relative of the parent tract owner.

SECTION 14.10 SPECIAL PERMITS FOR TEMPORARY USES

Certain uses are temporary in character. They vary in type and degree, as well as length of time involved. Such uses may have little impact on surrounding and nearby properties or they may present questions involving potential incompatibility of the temporary use with existing uses. Unless otherwise specified in these land development regulations, the following regulations shall govern temporary uses.

- 14.10.1 Temporary use permits issued by Board of County Commissioners. The Board of County Commissioners may issue a temporary use permit in agricultural, commercial, and industrial districts for commercial circuses, carnivals, outdoor concerts, and similar uses.

Requests for such a permit shall be submitted in writing to the Land Development Regulation Administrator together with such reasonable fees as the Board of County Commissioners may determine through action in setting fees as set out in Article 1 of these land development regulations.

The Land Development Regulation Administrator shall forward the request to the Planning and Zoning Board for review and shall erect a sign advertising the request on a prominent position on said land. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda, however, no public notice and hearing is required. All matters relating to Planning and Zoning Board consideration of temporary use permits shall be a public record. At the public session, any person may appear in person or by agent or attorney. The Planning and Zoning Board shall submit its report and recommendation to the Board of County Commissioners. The Planning and Zoning Board report and recommendation shall be advisory only and not binding upon the Board of County Commissioners.

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation, the Board of County Commissioners shall hold a public hearing to consider the request. The Board of County Commissioners shall fix a reasonable time for the hearing, give public notice thereof, as well as due notice to the parties involved. At the hearing, any person may appear in person or by agent or attorney.

The Board of County Commissioners shall take final action on the request by either approving, approving with conditions, or denying the request.

Prior to granting a temporary use permit, the Board of County Commissioners shall determine that:

1. Any nuisance or hazardous feature involved is suitably separate from adjacent uses.
2. Excessive vehicular traffic will not be generated on minor residential streets.
3. A vehicular parking problem will not be created.

The temporary use permit, if granted, shall be granted for a specific time period, at the end of which, if the use permitted has not been discontinued, it shall be deemed a violation of these land development regulations and shall be punished as set out in Article 15 of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the temporary use permit is granted, shall be deemed a violation of these land development regulations and punishable as provided in these land development regulations.

14.10.2 Temporary use permits issued by the Land Development Regulation Administrator. Certain uses are of short duration and do not create excessive incompatibility during the course of the use. Therefore, the Land Development Regulation Administrator is authorized to issue temporary use permits for the following activities, after a showing that any nuisance or hazardous feature involved is suitably separated from adjacent uses; excessive vehicular traffic will not be generated on minor residential streets; and a vehicular parking problem will not be created:

1. In any zoning district: special events operated by nonprofit, eleemosynary organizations.
2. In any zoning district: christmas tree sales lots operated by nonprofit, eleemosynary organizations.
3. In any zoning district: other uses which are similar to (1) and (2) above and which are of a temporary nature where the period of use will not extend beyond thirty (30) days.
4. In any zoning district: mobile homes or travel trailers used for temporary purposes by any agency of municipal, County, State, or Federal government; provided such uses shall not be or include a residential use.
5. In any zoning district: mobile homes or travel trailers used as a residence, temporary office, security shelter, or shelter for materials of goods incident to construction on or development of the premises upon which the mobile home or travel trailer is located. Such use shall be strictly limited to the time construction or development is actively underway. In no event shall the use continue more than twelve (12) months without the approval of the Board of County Commissioners and the Board of County Commissioners shall give such approval only upon finding that actual construction has begun and is continuing.
6. In agricultural, commercial, and industrial districts: temporary religious or revival activities in tents.
7. In agricultural districts: In addition to the principal residential dwelling, one (1) additional mobile home used as an accessory residence, provided that such mobile home is occupied by persons related by blood, adoption, or marriage to the family occupying the principal residential use. Such mobile home is exempt from lot area requirements, and shall not be located within required yard areas. Such mobile home shall not be located within twenty (20) feet of any building. A temporary use permit for such mobile home may be granted for a time period up to five (5) years. When the temporary use permit expires, the applicant may reapply for a new temporary use permit.
8. In shopping centers within Commercial Intensive districts only: mobile recycling collection units. These units shall operate only between the hours of 7:30 a.m. and 8:30 p.m. and shall be subject to the review of the Land Development Regulation Administrator. Application for permits shall include written confirmation of the permission of the shopping center owner and a site plan which includes distances between the mobile recycling collection units and buildings, roads, and property lines. No permit shall be valid for more than thirty (30) days within a twelve (12) month period, and the mobile unit must not remain on site more than seven (7) consecutive days. Once the unit is moved off-site, it must be off-site for six (6) consecutive days.

Requests for such a permit shall be submitted in writing to the Land Development Regulation Administrator together with such reasonable costs as the Board of County Commissioners may determine through action in setting fees as set out in Article 1 of these land development regulations.

Appropriate conditions and safeguards may include, but are not limited to, reasonable time limits within which the action for which temporary use permit is requested shall be begun or completed, or both. Violation of such conditions and safeguards, when made a part of the terms under which the special permit is granted, shall be deemed a violation of these land development regulations and punishable as provided in Article 15 of these land development regulations.

SECTION 14.11 SPECIAL PERMITS FOR ESSENTIAL SERVICES

Certain uses are essential to providing service to a community and therefore require special permitting.

Essential services requiring a special permit to be approved by the Board of County Commissioners are: electrical transmission lines and substations, natural gas transmission lines and communication antennae or towers, owned or operated by publicly regulated entities.

All other essential services which do not require a special permit from the Board of County Commissioners are hereby defined to include and be limited to poles, wires (including electrical transmission and distribution lines, telephone lines and substations and cable television lines), mains (including water distribution lines and mains and natural gas distribution lines and mains), hydrants, drains, pipes, conduits, telephone booths, school bus shelters, bicycle racks, bus stop benches, newspaper delivery boxes, mail boxes, police or fire call boxes, traffic signals, and other similar structures.

In addition, where permanent structures are involved in providing essential services, such structures shall conform with the character of the district in which the property is located and to architectural and landscaping characteristics of the adjoining properties.

The criteria for the granting of special permits for essential services shall be limited to a showing of the need for such services in the requested location, that it is in the public interest that such special permits be granted, and that it is in compliance with the other provisions heretofore set out in this section.

The requirements of this section shall not apply to communication towers which are:

- a. Used for governmental purposes and located on property, rights-of-way, or easements owned by any governmental entity;
- b. All communication towers existing on the effective date of this section shall be allowed to continue to be used as they presently exist, except as provided for in Section 14.11(2)(e) herein.

Routine maintenance, including replacement of lights and modifications to accommodate the co-location of an additional user (or users) shall be permitted on such existing towers. New construction, other than routine maintenance and modifications to accommodate co-location on an existing communication tower, shall comply with the requirements of this section.

For purposes of this section, a communication tower that has received final approval in the form of either a special permit or building permit, but has not yet been constructed shall be considered an existing tower so long as such approval is otherwise valid and unexpired.

No special permit approval shall be required to locate a communication antenna on an existing structure; provided however, that the communication antenna does not extend more than twenty (20) feet above the existing structure. Such structures may include, but are not limited to buildings, water

towers, existing communication towers, recreational light fixtures and other essential public utility structures. In addition, no special permit shall be required to locate communication antenna used by amateur radio operators, including citizen's band, Ultra High Frequency, Aircraft, Very High Frequency Marine, or similar radio operators, or such antenna, which is exempted, or local authority preempted by Federal or State law.

Notwithstanding anything herein to the contrary, this section shall not be construed to exempt communication towers or antenna for compliance with other County ordinances and regulations such as building permit requirements.

Where permanent structures are involved in providing essential services, such structures shall conform insofar as possible to the character of the district in which the property is located, as to architecture and landscaping characteristics of adjoining properties.

The following standards shall apply to all new or expanded communication towers, except as exempted above.

1. Location: Communication towers are allowed in all zoning districts when the following requirements are met.
 - a. Every reasonable effort shall be made to locate the communication tower in a nonresidential zoning district, including, but not limited to where feasible based on engineering and economic considerations;
 - b. Where the applicant seeks to locate a communication tower in a residential district the applicant shall demonstrate that no other industrially commercially or agriculturally zoned property is available to the applicant for this intended use;
 - c. If the proposed location is within a residential district, the proposed location will reasonably minimize the impact of the communication tower due to the height, use or appearance of the adjacent structures or surrounding area;
 - d. There are no existing building structures located within the area that are reasonably available to the applicant for the intended purpose and serve the applicant's propagation needs;
 - e. No other existing communication tower meeting the applicant's needs is located within the area is reasonably available to the applicant for purposes of co-location. Further, owners of communication towers must provide access and space for government-owned antennae where possible on a basis not less favorable than is required for private co-location;
 - f. The proposed height of the communication tower is the minimum necessary by the applicant to satisfy the applicant's communication system needs at this location;
 - g. No communication tower shall be located or allowed which causes the existing airport license of any airport as defined herein or as defined in Chapter 330, Florida Statutes, as amended, to be limited, modified, restricted or otherwise changed as a result of the siting of such communication tower; and
 - h. The applicant must provide a written, notarized statement to the Land Development Regulation Administrator demonstrating compliance with 1 (a) through (g). Requests to locate communication towers can only be approved by the Board of County Commissioners at a duly noticed public hearing.
2. Design and Construction: The following criteria shall apply to the design and construction of communication towers:

- a. All other applicable permits must be obtained, including Federal Communication Commission and County building permit approvals before construction. All tower facilities shall comply or exceed current standards and regulations of the Federal Aviation Administration, the Federal Communications Commission and any other agency of the federal or state government with the authority to regulate towers and antennae. If such standards and regulations are changed, then the owner(s) shall bring such tower or antennae into compliance with such revised standards and regulations to the extent required by such governmental agency;
- b. All communication towers shall be designed and constructed to Electronic Industries Association/Telecommunications Industries Association 222-E Standards or greater as published by the Electronic Industries Association, as may be amended from time to time. Communication tower owners shall be responsible for periodic inspections of such towers at least every five (5) years to ensure structural integrity. Such inspections shall be conducted by a structural engineer with a current license issued by the State of Florida. The results of the inspection shall be provided in writing to the Land Development Regulation Administrator;
- c. All towers shall be designed and constructed so that in the event of collapse or failure the tower structure will fall completely within the parcel or property where the tower is located;
- d. All communication tower supports and peripheral anchors shall be located within the parcel or property where the tower is located;
- e. Communication towers shall be marked and lighted as required by the Federal Aviation Administration, or other state or federal agency of competent jurisdiction; provided, however, that strobe lighting or other white lights shall not be used between dusk and dawn. All lawfully existing communication towers at the effective date of this section shall not be lighted by strobe lighting or other white lights between dusk and dawn within twelve (12) months of the effective date of adoption of this section;
- f. All accessory buildings or structures shall comply with other applicable provisions of the land development regulations;
- g. Setbacks for communication tower accessory buildings and structures will comply with those required for the zoning district in which the tower is located. The Board of Adjustment may reduce this setback by fifty percent (50%) to allow placement of an additional equipment building or permitted accessory structure to encourage co-location/shared use of tower structures. Setbacks will be measured as provided within these land development regulations; and
- h. Advertising shall be in compliance with the sign regulations contained within these land development regulations;
- i. The perimeter base of all communication towers must be enclosed within a security fence no less than eight (8) feet in height with access secured by a locked gate;
- j. All communication tower facilities shall be identified by use of a metal plate or other conspicuous marking giving the name, address and telephone number of the communication tower owner and lessee if different from the owner, and operator. Such identification shall also include the telephone number of a contact person; and
- k. All communication towers shall be designed and constructed in a manner to accommodate at least five (5) antennae for co-location.

Communication towers or antenna existing on the effective date of adoption of this section that are damaged or destroyed may be rebuilt and all such towers or antennae may be modified or replaced; provided the type, height and location of the tower on-site shall be of the same type and intensity (or lesser height or intensity (e.g., a monopole in substitution for a lattice tower) as the original facility approved. Building permits to rebuild any such tower shall otherwise comply with the applicable County building code requirements together with the design and construction criteria required by Section 14.11(2), entitled Design and Construction, subparagraphs (a), (b), (c) and (e), and shall be obtained within one (1) year from the date the tower is damaged or destroyed. If no permit is obtained or said permit expires, the communication tower shall be deemed abandoned as specified in this section.

Any communication tower or antenna found not to be in compliance with code standards, or found to constitute a danger to persons or property, upon notice to the owner of the communication facility, such tower or antenna shall be brought into compliance or removed within ninety (90) days. In the event the use of any communication tower has been discontinued for a period of one (1) year, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Land Development Regulation Administrator who shall have the right to request documentation and/or affidavits from the communication tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional ninety (90) days to complete the following.

1. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
2. Dismantle and remove the tower.

At the earlier of one (1) year from the date of abandonment without reactivation or upon completion of dismantling and removal, any special permit approval for the tower shall automatically expire.

The criteria for the granting of a special permit for essential services shall be limited to a showing of the need for such services in the requested location that it is in the public interest that such special permit be granted, and in compliance with the other provisions heretofore set out in this section.

Meeting the requirement of this section shall not excuse the applicant from otherwise complying with the Comprehensive Plan and these land development regulations. The Board of Adjustment shall have the right and authority to waive certain requirements of this section where it is found that a literal application or enforcement of this section would result in practicable difficulty or unnecessary hardship and relief granted would not be contrary to the public interest or intent of this section, but will do substantial justice and remain in accordance with the spirit of this section. As a minimum, any request for such waiver shall meet the criteria for a variance as specified within these land development regulations.

In addition, an application for a special permit for any communication tower facility or use of an alternative tower structure shall be made to the Land Development Regulation Administrator. Incomplete applications shall not be considered. A complete application shall contain the following information.

1. Inventory of existing communication towers owned/operated by applicant in the County. Each applicant for a tower site shall provide the County with an inventory of its existing communication towers that are either within the jurisdiction of the County or within one-half (1/2) mile of the border thereof, including specific location, height and design of each tower. The County may share such information with applicants seeking to locate communication towers within the County;

2. Description of the area of service for the communication tower identifying the use of the tower or antenna for coverage or capacity;
3. If requested by the County, photo simulations of the proposed communication facilities illustrating the potential visual impact;
4. Site plan or plans to scale specifying the location of tower(s), guy anchors (if any), accessory buildings or uses, access, parking, fences, landscaped areas and adjacent land uses;
5. Show legal description of the parent tract and leased parcel (if applicable). Certification by a Florida licensed land surveyor of the mean sea level elevation and topography;
6. Utilities inventory indicating the locations of all water, sewer, drainage and power lines impacting the proposed tower site;
7. Report from a structural engineer, licensed in the State of Florida documenting the following.
 - a. Tower height and design, including technical engineering, and other pertinent factors governing the proposed tower design. A cross-section of the tower structure shall be included;
 - b. Total anticipated capacity of the structure, including number and types of antennae which can be accommodated; and
 - c. Failure characteristics of the tower and demonstration that the site and setbacks are of adequate size to contain possible debris;
8. Written statement from the Federal Aviation Administration, the Federal Communications Commission and any appropriate state review authority stating that the proposed tower site complies with regulations administered by that agency or that the tower is exempt from these regulations;
9. Letter of intent to lease excess space on the tower structure and to lease additional excess land on the tower site until the shared use potential of the tower is absorbed, where feasible, and subject to reasonable terms. The term “where feasible”, as it applies to co-location, means the utilization of tower by another party which would, at the time of such utilization, comply with sound engineering principles, would not materially degrade or impair the utilization of the communication tower by existing users, would not unduly burden the tower structurally, and would not otherwise materially and adversely impact existing users. Reasonable terms for use of a communication tower and tower site that may be imposed by the owner include requirement for a reasonable rent or fees, taking into consideration the capitalized cost of the communication tower and land, rental and other charges payable by the tower owner, the incremental cost of designing and constructing the tower so as to accommodate additional users, increases in maintenance expenses relating to the tower and a fair return on investment, provided such amount is also consistent with rates paid by other co-locators at comparable tower sites;
10. Evidence of applicant’s inability to co-locate on a reasonable basis on an otherwise suitable existing communication tower for the location of proposed antenna;
11. Evidence that the communication tower is needed to meet the applicant’s propagation requirements; and
12. The applicant shall provide any additional information which may be reasonable requested by the Land Development Regulation Administrator within thirty (30) days from application in order to fully evaluate and review the proposed communication tower site and the potential impact of the proposed tower and/or communication antenna.

Further, all electrical transmission lines and substations and natural gas transmission lines requiring a special permit to be approved by the Board of County Commissioners shall conform to the following criteria for approval: No electrical transmission lines and substations and natural gas transmission lines shall be sited within two hundred (200) feet of any single or multiple-family residence, group living facility, school or hospital, said distance to be measured from the centerline of the electrical or natural gas transmission lines, as constructed, or the fenced area of electrical stations. In addition, all communication tower sites shall be of such size to include a circular area with a diameter of at least two times the height of the tower with such diameter being measured from the center of the tower.

SECTION 14.12 SITE AND DEVELOPMENT PLAN APPROVAL

Where these land development regulations require site and development plan approval, the Planning and Zoning Board shall approve all site and development plans as a condition precedent to the issuance of building permits by the Land Development Regulation Administrator.

14.12.1 Contents. The site and development plan required to be submitted by the requirements of these land development regulations shall include the following elements, where applicable:

1. Vicinity map - indicating general location of the site, abutting streets, existing utilities, complete legal description of property in question, and adjacent land use.
2. Site plan - including, but not limited to, the following:
 - a. Name, location, owner, and designer of the proposed development.
 - b. Present zoning for subject site.
 - c. Location of the site in relation to surrounding properties, including the means of ingress and egress to such properties and any screening or buffers on such properties.
 - d. Date, north arrow, and graphic scale not less than one (1) inch equal to fifty (50) feet.
 - e. Area and dimensions of site.
 - f. Location of all property lines, existing right-of-way approaches, sidewalks, curbs, and gutters.
 - g. Access to utilities and points of utility hook-up.
 - h. Location and dimensions of all existing and proposed parking areas and loading areas.
 - i. Location, size, and design of proposed landscaped areas (including existing trees and required landscaped buffer areas).
 - j. Location and size of any lakes, ponds, canals, or other waters and waterways.
 - k. Structures and major features fully dimensioned including setbacks, distances between structures, floor area, width of driveways, parking spaces, property or lot lines, and percent of property covered by structures.
 - l. Location of trash receptacles.
 - m. For multiple family, hotel, motel, and mobile home park site plans:
 - (1) Tabulation of gross acreage.
 - (2) Tabulation of density.
 - (3) Number of dwelling units proposed.

- (4) Location and percent of total open space and recreation areas.
 - (5) Percent of lot covered by buildings.
 - (6) Floor area of dwelling units.
 - (7) Number of proposed parking spaces.
 - (8) Street layout.
 - (9) Layout of mobile home stands (for mobile home parks only).
3. Stormwater management plan - including the following:
- a. Existing contours at one (1) foot intervals based on United States Coastal and Geodetic Datum.
 - b. Proposed finished elevation of each building site and first floor level.
 - c. Existing and proposed stormwater management facilities with size and grades.
 - d. Proposed orderly disposal of surface water runoff.
 - e. Centerline elevations along adjacent streets.
 - f. Water Management District surfacewater management permit.

14.12.2 Procedure. Where, by the terms of these land development regulations, approval by the Planning and Zoning Board of a site and development plan is required prior to the issuance of a building permit, twelve (12) sets of such site and development plan shall be submitted to the Land Development Regulation Administrator to be circulated for comment to any other official or department of the County which may have responsibility for some aspect of the site and development plan.

Twelve (12) sets of data required for site and development plan approval shall be submitted to the Land Development Regulation Administrator not less than fifteen (15) days prior to the public meeting of the Planning and Zoning Board at which the application for site and development plan approval is to be considered together with the payment of such reasonable fees as the Board of County Commissioners may determine through action in setting fees as set out in Article 1 of these land development regulations.

14.12.3 Action on site and development plan. The Land Development Regulation Administrator shall forward the application for site and development plan approval along with any comments or criticisms to the Planning and Zoning Board for consideration. The Planning and Zoning Board shall handle such matters in a public session as part of a previously prepared agenda, however, no public notice and hearing is required. All matters relating to Planning and Zoning Board consideration of site and development plans shall be a public record and approval, approval with conditions, or denial shall require formal action of the Planning and Zoning Board. A petition for a zoning amendment and an application for site and development plan approval shall not be handled concurrently. Rather, an application for site and development plan approval shall be heard only after the applicant has secured the appropriate zoning on the subject parcel. Appeals from decisions of the Planning and Zoning Board shall be heard as set out in Article 12 of these land development regulations.

In reaching a decision as to whether or not the site and development plan as submitted should be approved with a directive to the Land Development Regulation Administrator to issue building permits, the Planning and Zoning Board shall be guided in its decision to approve, approve with conditions, or to deny by the following standards. The Planning and Zoning Board shall show in its record that each was considered where applicable and shall make findings in regard to those of the following standards which it finds to be applicable:

1. Sufficiency of statements on ownership and control of the development and sufficiency of conditions of ownership or control, use, and permanent maintenance of common open space, common facilities, or common lands to ensure preservation of such lands and facilities for their intended purpose and to ensure that such common facilities will not become a future liability for the Board of County Commissioners.
 2. Density and/or the intended use of the proposed development with particular attention to its relationship to adjacent and nearby properties and effect on those properties and relationship to the Comprehensive Plan.
 3. Ingress and egress to the development and proposed structures on the development, with particular reference to automotive and pedestrian safety, minimization of marginal friction with free movement of traffic on adjacent streets, separation of automotive traffic and pedestrian and other traffic, traffic flow and control, provision of services and servicing of utilities and refuse collection, and access in case of fire, catastrophe, or emergency.
 4. Location and relationship of offstreet parking and offstreet loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to automotive and pedestrian safety, traffic flow and control, access in case of fire or catastrophe, and screening and landscape.
 5. Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.
 6. Manner of stormwater management on the property, with particular reference to the effect of provisions for stormwater management on adjacent and nearby properties and the consequences of such stormwater management on overall public stormwater management capacities.
 7. Adequacy of provision for sanitary sewers, with particular relationship to overall sanitary sewer availability and capacities.
 8. Utilities, with reference to hook-in locations and availability and capacity for the uses projected.
 9. Recreation facilities and open spaces, with attention to the size, location, and development of the areas as to adequacy, effect on privacy of adjacent and nearby properties and uses within the proposed development, and relationship to community open spaces and recreational facilities.
 10. General amenities and convenience, with particular reference to assuring that appearance and general layout of the proposed development will be compatible and harmonious with properties in the general area and will not be in conflict with other development in the area as to cause substantial depreciation of property values.
 11. Such other standards as may be imposed by these land development regulations on the particular use or activity involved.
- 14.12.4 Issuance of building permits. Upon the approval of the site and development plan application by the Planning and Zoning Board or its approval with conditions, building permits for the proposed development shall be issued by the Land Development Regulation Administrator. The development shall be built substantially in accordance with the approved site and development plan. If after such approval, should the owner/applicant or his or her successors desire to make any changes in the site and development plan, such changes shall be submitted to the Land Development Regulation Administrator. If the Land Development Regulation Administrator deems there to be a substantial change or

deviation from that which is shown on the approved site and development plan, the owner/ applicant or his or her successors shall be required to submit the amended site and development plan for approval as set forth in Section 14.12 of these land development regulations. Failure to submit such amended site and development plan for determination by the Land Development Regulation Administrator that a substantial change or deviation is occurring or has occurred, prior to such changes, shall constitute a violation of these land development regulations and shall be punishable as provided in Article 15 of these land development regulations.

SECTION 14.13 CONSISTENCY WITH THE COMPREHENSIVE PLAN

These land development regulations are required by law to be in conformance with the Comprehensive Plan. All development in conformance with these land development regulations shall, therefore, be in conformance with the Comprehensive Plan.

- 14.13.1 Generally. No development may be approved unless the development is found to be in conformance with the Comprehensive Plan and that the provision of certain public facilities will be available at prescribed levels of service concurrent with the impacts of the development on those facilities.
- 14.13.2 Determining Conformance with the Comprehensive Plan. If a development proposal is found to meet all the requirements of these land development regulations, it shall be presumed to be in conformance with the Comprehensive Plan in all respects except for compliance with the concurrency requirement. Any aggrieved or adversely affected party may, however, question the consistency of a development proposal with the Comprehensive Plan. If a question of consistency is raised, the Land Development Regulation Administrator or any of the appointed boards, or the Board of County Commissioners depending on which is responsible for approving the development, shall make a determination of consistency or inconsistency and support that determination with written findings.
- 14.13.3 Maintaining Level of Service Standards. The County shall require a concurrency review to be made with applications for development approvals and a Certificate of Concurrency issued prior to development. The review will analyze the development's impact on traffic circulation, sanitary sewer, solid waste, drainage, potable water, and recreation and open space. This review shall determine if the proposed development is concurrent with level of service standards for the above stated facilities. If the application is deemed concurrent, a Certificate of Concurrency will be issued by the Land Development Regulation Administrator. If the development requires any other development permit, a copy of the Certificate of Concurrency shall be included with any future application for a development permit. A separate concurrency review shall not be required for each development permit for the same project. Concurrency review addresses only the availability of public facilities and capacity of services, and a Certificate of Concurrency does not represent overall development approval.
- If the application for development is not concurrent, the applicant shall be notified that a certificate cannot be issued for the development. The burden of showing compliance with the adopted levels of service and meeting the concurrency test shall be upon the applicant.
- The Board of County Commissioners shall review applications for development, and a development approval shall be issued only if the proposed development does not lower the existing levels of service of public facilities and services below the adopted level of service in the Comprehensive Plan.

14.13.3.1 Generally.

1. The Adopted Level of Service shall be Maintained.
 - a. No development activity may be approved unless it meets the following requirements designed to ensure that certain public services are available at prescribed levels of service concurrent with the impacts of development.
 - b. However, the prescribed levels of service may be degraded during construction of new facilities if upon completion of the new facilities the prescribed levels of service will be met.
2. Determination of Available Capacity. For purposes of these land development regulations, the available capacity of a facility shall be determined by adding together:
 - a. The total excess capacity of the existing facilities with the total capacity of new facilities. The capacity of new facilities may be counted only if one (1) or more of the following is shown:
 - (1) Construction of the new facilities are under way at the time of application.
 - (2) The new facilities are the subject of a binding executed contract for the construction of the facilities or the provision of services at the time the development permit is issued.
 - (3) The new facilities have been included in the County annual capital budget.
 - (4) The new facilities are guaranteed in an enforceable development agreement which may include, but is not limited to, development agreements pursuant to Chapter 163.3220 - 163.3243, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities must be consistent with the Capital Improvements Element of the Comprehensive Plan and approved by the Board of County Commissioners.
 - (5) The developer has contributed funds to the County necessary to provide new facilities consistent with the Capital Improvements Element of the Comprehensive Plan. Commitment that the facilities will be built shall be evidenced by an appropriate budget amendment and appropriation by the County or other governmental entity.
 - b. Subtracting from that number the sum of:
 - (1) The demand for the service created by existing development or previously approved development orders; and
 - (2) The new demand for the service that will be created concurrent with the impacts of the proposed development by the anticipated completion of other presently approved developments.
3. Burden of Showing Compliance on Developer. The burden of showing compliance with these level of service requirements shall be upon the developer. In order to be approvable, applications for development approval shall provide sufficient information showing compliance with these standards.

14.13.4 Procedures for Concurrency Determination. A concurrency test shall be made of the following public facilities and services for which level of service standards have been established in the Comprehensive Plan, which are:

1. Traffic Circulation,
2. Sanitary Sewer,
3. Solid Waste,
4. Drainage,
5. Potable Water and
6. Recreation and Open Space.

For traffic circulation the following determination procedures shall apply:

1. The County shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the Comprehensive Plan. If this level of service information indicates a level of service failure, the applicant may either (1) accept the level of service information as set forth in the most recent Data and Analysis Report supporting the Comprehensive Plan, or (2) prepare a more detailed Highway Capacity Analysis as outlined in the Highway Capacity Manual, Special Report 209 (1985) or a speed and delay study following the procedure outlined by the Florida Department of Transportation, Traffic Engineering Office, in its Manual for Uniform Traffic Studies.
2. If the applicant chooses to do a more detailed analysis the (1) applicant shall submit the completed alternative analysis to the Land Development Regulation Administrator for review, and (2) Land Development Regulation Administrator shall review the alternative analysis for accuracy and appropriate application of the methodology.
3. If the alternative methodology, after review and acceptance by the Land Development Regulation Administrator, indicates an acceptable level of service, the alternative methodology shall be used in place of the most recent Data and Analysis to support the Comprehensive Plan.
4. Any proposed development generating more than seven hundred fifty (750) trips a day shall be required to provide a trip distribution model, in addition to the requirements outlined above.

For sanitary sewer, solid waste, drainage, potable water, and recreation and open space the following determination procedures shall apply:

1. The County shall provide level of service information as set forth in the most recent Data and Analysis Report in support of the Comprehensive Plan.
2. If such level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would indicate that adequate facility capacity at acceptable levels of service was available.
3. If such level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was not available at the date of application or inquiry.

14.13.5 Determination of Project Impact. The impact of proposed development activity on available capacity shall be determined as follows:

14.13.5.1 **Building Permits.** The issuance of a building permit has more of an immediate impact on the level of service for public facilities than may be the case with the issuance of other types of development orders. Therefore, building permits shall be issued only when the necessary facilities and services are in place. The determination of the existence of the necessary facilities and services being in place shall be made by the Land Development Regulation Administrator as part of the Certificate of Concurrency Compliance procedure. For traffic circulation, this determination shall apply to the adopted level of service standards for roads within the County jurisdiction. All public facility impacts shall be determined based on the level of service of the facility throughout the facility geographic service area.

14.13.5.2 **Other Types of Development Orders.** Other types of development orders include, but are not limited to approval of subdivisions, re-zoning, special permits and site and development plan approval. These other types of development orders have less immediate impacts on public facilities and services than the issuance of a building permit. However, public facilities and services must be available concurrent with the impacts of development permitted by these other types of development orders. Therefore, subject to the Land Development Regulation Administrator determining that the necessary facilities or services are in place and are maintaining the adopted level of service, the following concurrency management requirements shall apply for the issuance of such development orders.

1. Provisions shall be included within the development order which shall require the construction of additional public facility capacity, where public facilities, due to the impacts of the development proposal do not meet the adopted level of service; and
2. Such provisions shall require the necessary public facilities be constructed by the developer and at the developer's expense, or by the public or private entity having jurisdictional authority over the facility to the adopted level of service so that the necessary facilities and services will be in place when the impacts of the development occur and within conformance with the 5-year Schedule of Improvements found within the Capital Improvements Element of the Comprehensive Plan.

14.13.6 For development orders and permits, the following determination shall apply:

1. If an applicant desires to determine whether there is sufficient capacity to accommodate their proposed project, the Land Development Regulation Administrator shall make an informal nonbinding determination of whether there appears to be sufficient capacity in the public facilities and services to satisfy the demands of the proposed project.

If there appears to be insufficient capacity, the Land Development Regulation Administrator shall then make a determination of what public facilities or services would be deficient if the proposed project were approved.

2. There are certain development approvals that are ineligible to receive concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. These development approvals are land use amendments to the Comprehensive Plan and rezoning requests. Those development approvals shall receive a nonbinding concurrency determination.

3. Any concurrency determination, whether requested as part of an application for development approval or without an application for development approval, is a nonbinding determination of what public facilities and services are available at the date of inquiry. The issuance of a Certificate of Concurrency Compliance shall be the only binding action which reserves capacity for public facilities and services.

14.13.7 Certificate of Concurrency Compliance. A Certificate of Concurrency Compliance shall only be issued upon final development approval. The Certificate of Concurrency Compliance shall remain in effect for the same period of time as the development order or permit granting final development approval. If the development approval does not have an expiration date, the Certificate of Concurrency Compliance shall be valid for twelve (12) months from the date of issuance.

14.13.8 Application Priority. 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 redevelopment;
2. Issuance of a building permit based upon previously approved development orders permitting new development;
3. Issuance of new development orders permitting redevelopment;
4. Issuance of new development orders permitting new development.

14.13.9 Concurrency Management System. The following conditions apply to the County concurrency management system:

1. Amendments to the Comprehensive Plan can be made twice each year and as otherwise permitted as small scale developments. In addition, changes can be made to the Capital Improvements Element of the Comprehensive Plan by ordinance if the changes are limited to the technical matters listed in Chapter 163.3161 through 163.3215, Florida Statutes.
2. No development or development permit 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 5-Year Schedule of the Capital Improvements Element of the Comprehensive Plan.
3. If by issuance of a development order or development permit a substitution of a comparable project on the 5-Year Schedule is proposed, the applicant may request the Board of County Commissioners to consider an amendment to the 5-Year Schedule in one (1) of the twice annual amendment reviews.
4. The result of any development failing to meet the required level of service standards for public facilities shall require a halting of the affected development or the reduction of the standard for level of service, which will require an amendment to the Comprehensive Plan.

14.14 LEVEL OF SERVICE STANDARDS

The Board of County Commissioners shall use the following level of service standards for making concurrency determinations.

14.14.1 Traffic Circulation. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for traffic circulation as established in the Traffic Circulation Element of the Comprehensive Plan.

Established Level of Service Standards at peak hour for the following roadway segments within the County are:

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
1	S.R. 16 from Union County east boundary to S.R. 121	2 U	Minor Arterial	Rural	D
2	S.R. 100 from Union County east boundary to east limits of Lake Butler	2 U	Minor Arterial	Rural	D
3	S.R. 100 from west limits of Lake Butler to Union County west boundary	2 U	Minor Arterial	Rural	D
4	S.R. 121 from Union County north boundary to Raiford east limits	2 U	Minor Arterial	Rural	D
5	S.R. 121 from Raiford southwest limits to Lake Butler east limits	2 U	Minor Arterial	Rural	D
6	S.R. 121 from Lake Butler southwest limits to Union County south boundary	2 U	Minor Arterial	Rural	D
7	S.R. 231 from Lake Butler south limits to Division of Corrections Medical Center	2 U	Minor Arterial	Rural	D
8	S.R. 18 from Union County south boundary to east limits of Worthington Springs	2 U	Major Collector	Rural	D
9	C.R. 18 from west limits of Worthington Springs to Union County west boundary	2 U	Major Collector	Rural	D
11	C.R. 231 from Division of Corrections Medical Center to Union County southeast boundary	2 U	Major Collector	Rural	D

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
12	S.R. 238 from Union County west boundary to Lake Butler west limits	2 U	Major Collector	Rural	D
13	C.R. 238 and C.R. 229 from northeast limits of Lake Butler to north boundary of Union County	2 U	Major Collector	Rural	D
14	C.R. 241 from Union County south boundary to S.R. 238	2 U	Major Collector	Rural	D
15	C.R. 245 from S.R. 238 to Union County west boundary	2 U	Major Collector	Rural	D
16	C.R. 18A from S.R. 18 to C.R. 239A	2 U	Major Collector	Rural	D
17	C.R. 125 from Union County east boundary to S.R. 121	2 U	Minor Arterial	Rural	D
18	C.R. 199 from C.R. 125 to S.R. 16	2 U	Minor Arterial	Rural	D
19	C.R. 229 from C.R. 238 near Union County north boundary to north limits of Raiford	2 U	Minor Arterial	Rural	D
20	C.R. 229 from south limits Raiford to Union County east boundary	2 U	Minor Arterial	Rural	D
21	C.R. 231A from S.R. 100 to C.R. 231	2 U	Minor Arterial	Rural	D
22	C.R. 231A from C.R. 231 to S.R. 121	2 U	Minor Arterial	Rural	D
23	C.R. 237 from S.R. 121 to S.R. 100	2 U	Minor Arterial	Rural	D

ROADWAY SEGMENT NUMBER	ROADWAY SEGMENT	NUMBER OF LANES	FUNCTIONAL CLASSIFICATION	AREA TYPE	LEVEL OF SERVICE
24	C.R. 238A from C.R. 239 to C.R. 18	2 U	Minor Arterial	Rural	D
25	C.R. 239A from C.R. 231A to C.R. 241	2 U	Minor Arterial	Rural	D
26	C.R. 239 from C.R. 18 to S.R. 100	2 U	Minor Arterial	Rural	D
27	C.R. 796 from S.R. 121 to C.R. 238A	2 U	Minor Arterial	Rural	D
28	C.R. 240 from C.R. 241 to Union County west boundary	2 U	Minor Arterial	Rural	D
29	C.R. 241A from C.R. 241 to S.R. 238	2 U	Minor Arterial	Rural	D
30	C.R. 241 from S.R. 238 to Union County west boundary	2 U	Minor Arterial	Rural	D
31	C.R. 791 from C.R. 241A to S.R. 238	2 U	Minor Arterial	Rural	D

U Undivided roadway

14.14.2 Sanitary Sewer. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for sanitary sewer systems as established in the Sanitary Sewer Element of the Comprehensive Plan.

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Individual Septic Tanks	Standards as specified in Chapter 10D-6, Florida Administrative Code and as administered and regulated by the Department of Health and Rehabilitative Services, in effect on April 16, 1992.
City of Lake Butler Community Sanitary Sewer System	94 gallons per capita per day
Union Correctional Institute	123 gallons per capita per day
Lake Butler Reception and Medical Center (west unit)	62 gallons per capita per day

14.14.3 Potable Water. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water systems as established in the Potable Water Element of the Comprehensive Plan.

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Private individual water wells	Standards as specified in Chapter 17-22, Florida Administrative Code and as administered and regulated by the Water Management District in effect upon adoption of the Comprehensive Plan
City of Lake Butler Community Potable Water System	155 gallons per capita per day
Union Correctional Facility Potable Water System	181 gallons per capita per day

14.14.4 Drainage. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for drainage systems as established in the Drainage Element of the Comprehensive Plan.

LEVEL OF SERVICE STANDARD

County shall comply with all rules and regulations of Suwannee River Water Management District pertaining to drainage facilities.

For all projects not exempted from Chapter 40B-4 and 17-25, Florida Administrative Code, in effect upon adoption of this policy, within the County, stormwater management systems will be installed such that the peak rate of post-development runoff will not exceed the peak-rate of pre-development runoff.

1. Such storm water management systems shall design for storm events up through and including either:
 - a. A storm with a 10-year, 24-hour rainfall depth with U.S. Soil Conservation Service Type II distribution falling on average antecedent moisture conditions for projects serving exclusively agricultural, forest, conservation or recreational uses; or
 - b. A storm with 100-year critical duration rainfall depth for projects serving any land use other than agricultural, silvicultural, conservation or recreational issues.
2. Facilities which directly discharge into an Outstanding Florida Water shall include an additional level of treatment equal to the runoff of the first 1.5 inches of rainfall from the design storm consistent with Chapter 17-25.025(9), Florida Administrative Code, in effect upon adoption of this policy, in order to meet the receiving water quality standards of Chapter 17-302, Florida Administrative Code, in effect upon adoption of this policy. Stormwater discharge facilities shall be designed so as not to lower the receiving water quality below its designated classification as established in Chapter 17-302, Florida Administrative Code, in effect upon adoption of this policy.

Any development exempt from Chapter 17-25 or 40B-4, Florida Administrative Code, in effect upon adoption of this policy, as cited above and which is adjacent to or drains into a surface water, canal or stream, or which enters a ditch which empties into a sinkhole, shall first allow the runoff to enter a grassed swale or other conveyance designed to percolate 80 percent of the runoff from a 3-year, 1-hour design storm within 72 hours after a storm event. In addition, any development

exempt from Chapter 17-25 or 40B-4, Florida Administrative Code, in effect upon adoption of this policy, as cited above, which is directly discharged into an Outstanding Florida Water shall include an additional level of treatment equal to the runoff of the first 1.5 inches of rainfall from the design storm consistent with Chapter 17-25.025(9), Florida Administrative Code, in effect upon adoption of this policy, in order to meet the receiving water quality standards of Chapter 17-302, Florida Administrative Code. Such stormwater discharge facilities shall be designed so as not to lower the receiving water quality below its designated classification as established in Chapter 17-302, Florida Administrative Code, in effect upon adoption of this policy.

- 14.14.5 Solid Waste. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for solid waste facilities as established in the Public Facilities Element of the Comprehensive Plan.

FACILITY TYPE	LEVEL OF SERVICE STANDARD
Solid Waste Landfill	0.76 tons per capita per year

- 14.14.6 Recreation. New development shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreation facilities as established in the Recreation and Open Space Element of the Comprehensive Plan.

ACTIVITY	LEVEL OF SERVICE STANDARD
Camping (recreation vehicle and tent)	1 acre of campground within a 25 mile radius of the County when the County population exceeds 25,000 population and for every 25,000 population thereafter.
Picnicking	1 picnic table when the County population exceeds 1,000 persons and for every 1,000 population thereafter.
Football/soccer	1 multi-purpose playing field when the County population exceeds 15,000 population and for every 15,000 population thereafter.
Baseball/softball	1 baseball/softball field when the County population exceeds 10,000 population and for every 10,000 population thereafter.
Tennis	1 tennis court when the County population exceeds 10,000 population and for every 10,000 population thereafter.

14.15 PROPORTIONATE FAIR-SHARE TRANSPORTATION PROGRAM

14.15.1 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 Section 163.3180(16), Florida Statutes.

14.15.2 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 Regulations. The Proportionate Fair-Share Transportation Program does not apply to developments of regional impact using proportionate fair-share under Section 163.3180(12), Florida Statutes, or to developments exempted from concurrency as provided in the Comprehensive Plan and this Article of the Land Development Regulations, and/or Section 163.3180, Florida Statutes, regarding exceptions and de minimis impacts.

14.15.3 General Requirements

1. 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:
 - a. The proposed development is consistent with the Comprehensive Plan and applicable land development regulations, and
 - b. 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, will satisfy the requirements of the Concurrency Management System. The provisions of paragraph (2) 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.
2. 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:
 - a. 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 Section 163.3180(16)(b)1., Florida Statutes, 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.
 - b. 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.

3. 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.

14.15.4 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.

14.15.5 Application Process

1. 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.
2. 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.
3. 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:
 - a. Name, address and telephone number of owner(s), developer and agent;
 - b. Property location, including parcel identification numbers;
 - c. Legal description and survey of property;
 - d. Project description, including type, intensity and amount of development;
 - e. Phasing schedule, if applicable; and
 - f. Description of requested proportionate fair-share mitigation method(s).

4. 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 thirty (30) calendar days of submittal of the application. If such deficiencies are not remedied by the applicant within thirty (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 sixty (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.
5. Pursuant to Section 163.3180(16)(e), Florida Statutes, 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.
6. 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 sixty (60) calendar days from the date at which the applicant received the notification of a sufficient application and no fewer than fifteen (15) calendar days prior to the Board of County Commissioners meeting when the agreement will be considered.
7. 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.

14.15.6 Determining Proportionate Fair-Share Obligation

1. 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.
2. 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.
3. The methodology used to calculate an applicant's proportionate fair-share obligation shall be as provided for in Section 163.3180 (12), Florida Statutes, 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 = $S \left[\frac{(\text{Development Trips}_i)}{(\text{SV Increase}_i)} \right] \times \text{Cost}_i$]

WHERE:

Development Trips_i = Those trips from the stage or phase of development under review that are assigned to roadway segment “I” and have triggered a deficiency per the Concurrency Management System;

SV Increase_i = Service volume increase provided by the eligible improvement to roadway segment “I” per section E;

Cost_i = 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.

4. 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.

- a. 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:

$$\text{Cost}_n = \text{Cost}_0 \times (1 + \text{Cost_growth}_{3\text{yr}})^n$$

WHERE:

Cost_n = The cost of the improvements in year n;

Cost₀ = 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:

$$\text{Cost_growth}_{3\text{yr}} = [\text{Cost_growth}_{-1} + \text{Cost_growth}_{-2} + \text{Cost_growth}_{-3}] / 3$$

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.

- b. 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.

5. If the County has accepted an improvement project proposed by the applicant, then the value of the improvement shall be determined using one (1) of the methods provided in this section.
6. 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 one hundred twenty percent (120%) 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.

14.15.7 Proportionate Fair-Share Agreements

1. 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 twelve (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.
2. 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 twelve (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.
3. 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.
4. 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.
5. 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.
6. 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.

14.15.8 Appropriation of Fair-Share Revenues

1. 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 fifty percent (50%) local match for funding under the Florida Department of Transportation's Transportation Regional Incentive Program.
2. 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 Section 339.155, Florida Statutes, 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.

ARTICLE FIFTEEN

ENFORCEMENT AND REVIEW

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ARTICLE FIFTEEN. ENFORCEMENT AND REVIEW

SECTION 15.1 COMPLAINTS REGARDING VIOLATIONS

Whenever the Land Development Regulation Administrator receives a written, signed complaint alleging a violation of these land development regulations, he or she shall investigate the complaint, take whatever action is warranted, and inform the complainant in writing what actions have been or will be taken.

SECTION 15.2 PERSONS LIABLE

The owner, tenant, or occupant of any building or land or part thereof and any architect, attorney, builder, contractor, engineer, agent, or other person who participates in, assists, directs, creates, or maintains any situation that is contrary to the requirements of these land development regulations may be held responsible for the violation and suffer the penalties and be subject to the remedies herein provided.

SECTION 15.3 PROCEDURES UPON DISCOVERY OF VIOLATIONS

1. If the Land Development Regulation Administrator through any source finds that any provision of these land development regulations is being violated, he or she shall send a written notice to the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it. Additional written notices may be sent at the Land Development Administrator's discretion.
2. The final written notice (the initial written notice may be the final notice) shall state what action the Land Development Administrator intends to take if the violation is not corrected and shall advise that the Land Development Regulation Administrator's decision or order may be appealed to the Board of Adjustment in accordance with Article 12.
3. Notwithstanding the foregoing, in cases when delay would pose a danger to the public health, safety, or welfare, the Land Development Regulation Administrator may seek enforcement without prior written notice by invoking any of the penalties or remedies authorized in this Article.

SECTION 15.4 PENALTIES AND REMEDIES FOR VIOLATIONS

1. Violations of the provisions of these land development regulations or failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with granting of variances, special exceptions, special permits or temporary use permits, shall constitute a misdemeanor of the second degree, as provided in Chapter 775, Florida Statutes, as amended. In addition, the County shall have all other legal remedies available to it. Any person, firm or corporation who violates these land development regulations, or fails to comply with any of its requirements, shall upon conviction of a misdemeanor of the second degree be fined or imprisoned, or both, as provided for in Chapter 125.69, Florida Statutes, as amended, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be a separate offense.
2. Any act constituting a violation of the provisions of these land development regulations or a failure to comply with any of its requirements, including violations of any conditions and safeguards established in connection with the granting of variances, special exceptions, special permits or temporary use permits, shall also subject the offender to the penalties provided above. If the offender fails to pay the penalty within ten (10) days after being cited for a violation, the penalty may be recovered by the County in a civil action in the nature of debt. A civil penalty may not be appealed to the Board of Adjustment if the offender was sent a final notice of violation in accordance with this Article and did not take an appeal to the Board of Adjustment within the prescribed time.

3. Each day that any violation continues after notification by the Land Development Regulation Administrator that such violation exists shall be considered a separate offense for purposes of the penalties and remedies specified in this Article.
4. Any one (1), all, or any combination of the foregoing penalties and remedies may be used to enforce these land development regulations.

ARTICLE SIXTEEN

AMENDMENTS

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ARTICLE SIXTEEN. AMENDMENTS

These land development regulations, and Official Zoning Atlas, and other material as set out may from time to time be amended, supplemented, changed, or repealed. Procedures shall be as follows:

SECTION 16.1 INITIATION OF AMENDMENTS

A land development regulation amendment may be proposed by:

1. Board of County Commissioners;
2. Planning and Zoning Board;
3. Board of Adjustment;
4. Any department or Board of the County;
5. Any person other than those listed in 1, 2, 3, or 4 above; provided, however, that no such person shall propose an amendment for the rezoning of property which he or she does not own except as agent or attorney for an owner.

All proposals for land development regulation amendments shall be submitted in writing to the office of the Land Development Regulation Administrator accompanied by all pertinent information which may be required by the Planning and Zoning Board for proper consideration of the matter, along with, for persons under 5 above, the payment of such fees and charges as have been established by the Board of County Commissioners (see Article 1). In the case of a petition for the rezoning of land, the Land Development Regulation Administrator shall post a sign advertising the petition for rezoning on a prominent position on said land and clearly visible to the public in conformance with Article 13 herein.

SECTION 16.2 PLANNING AND ZONING BOARD REPORT

16.2.1 Procedure. It is the intent of these land development regulations that all proposed amendments shall be heard in the first instance by the Planning and Zoning Board. Within a reasonable time after a proposed amendment is filed, the Planning and Zoning Board shall submit its report and recommendation concerning the proposed amendment to the Board of County Commissioners.

Before making a recommendation concerning the proposed amendment, the Planning and Zoning Board shall hold a public hearing to consider the proposed zoning amendment in conformance with Article 13 of these land development regulations.

16.2.2 Nature and requirements of Planning and Zoning Board report. When pertaining to the rezoning of land, the report and recommendations of the Planning and Zoning Board to the Board of County Commissioners required by Section 16.2.1 above shall show that the Planning and Zoning Board has considered the proposed change in relation to the following, where applicable:

1. Conformity with the Comprehensive Plan and the effects upon the Comprehensive Plan.
2. The existing land use pattern.
3. The creation of an isolated district unrelated to adjacent and nearby districts.
4. The impact of the proposed change upon the population density pattern and the load on public facilities such as schools, utilities, streets, etc.
5. The existing district boundaries in relation to existing conditions on the property proposed for change.
6. Changed or changing conditions which justify the recommended action on the proposed amendment.

7. The impact of the proposed change upon living conditions in the neighborhood.
8. The impact of the proposed change upon traffic with particular regard to congestion or other public safety matters.
9. The impact of the proposed change upon drainage.
10. The impact of the proposed change upon light and air to adjacent areas.
11. The impact of the proposed change upon property values in the adjacent area.
12. The impact of the proposed change upon the improvement or development of adjacent property in accordance with existing regulations.
13. The granting of a special privilege to an individual owner as contrasted with the needs of the overall public welfare.
14. Substantial reasons, if any, why the property cannot be used in accordance with existing zoning.
15. The impact of the proposed change with regard to the scale of needs within the neighborhood or the County.
16. The availability of alternate, adequate sites in the County in districts already permitting such use.

When pertaining to other proposed amendments of these land development regulations. The Planning and Zoning Board shall consider:

1. The need and justification for the change.
2. The relationship of the proposed amendment to the purposes and objectives of the comprehensive planning program and to the Comprehensive Plan, with appropriate consideration as to whether the proposed change will further the purposes of these land development regulations and other ordinances, regulations, and actions designed to implement the Comprehensive Plan.

16.2.3 Status of Planning and Zoning Board report and recommendations. The report and recommendation of the Planning and Zoning Board required by Section 16.2.1 above shall be advisory only and shall not be binding upon the Board of County Commissioners.

SECTION 16.3 BOARD OF COUNTY COMMISSIONERS: ACTION ON PLANNING AND ZONING BOARD REPORT

Within a reasonable time after receiving the Planning and Zoning Board report and recommendation on a proposed zoning amendment, the Board of County Commissioners shall hold a public hearing to consider the proposed zoning amendment in conformance with Article 13 herein. The Board of County Commissioners shall take final action on the proposed land development regulation amendment by either approving or denying the proposed amendment.

SECTION 16.4 RELATIONSHIP OF AMENDMENTS TO THE COMPREHENSIVE PLAN

If the amendment requires the prior amendment of the Comprehensive Plan adopted pursuant to the Community Planning Act (Chapter 163.3161 through 163.3248, Florida Statutes, as amended) action on an amendment to the Comprehensive Plan shall be taken prior to final action on such land development regulation amendment. However, this provision shall not prohibit the concurrent review and consideration of a Comprehensive Plan amendment and land development regulation amendment.

SECTION 16.5 LIMITATION ON SUBSEQUENT APPLICATION

No application by an owner of real property for an amendment to the Official Zoning Atlas for a particular parcel of property, or part thereof, shall be received by the Land Development Regulation Administrator until the expiration of twelve (12) calendar months from the date of denial of an application for an amendment to the Official Zoning Atlas for such property, or part thereof, unless the Board of County Commissioners specifically waives said waiting period based upon a consideration of the following factors:

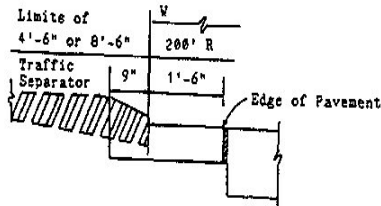
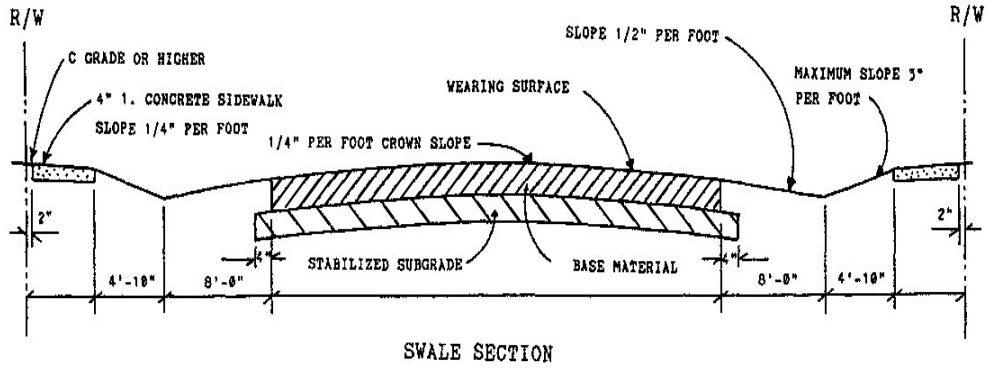
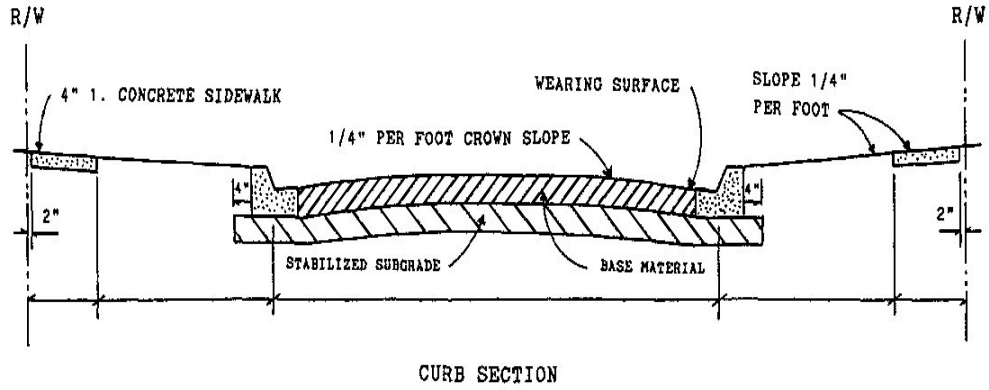
1. The new application constitutes a proposed zoning classification different from the one (1) proposed in the denied application.
2. Failure to waive said twelve (12) month waiting period constitutes a hardship to the applicant resulting from mistake, inadvertence, or newly discovered matters of consideration.

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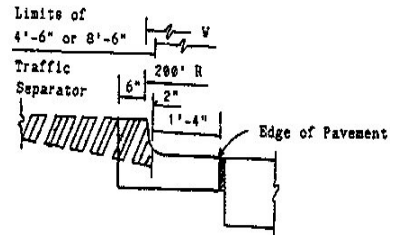
APPENDIX A

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Certificate of Subdivider's Engineer.....	A-6
Certificate of Approval by County Health Department.....	A-7
Certificate of Approval by the County Attorney	A-7
Certificate of Approval of the Board of County Commissioners	A-7
Certificate of Estimated Cost.....	A-8
Preliminary and Final Plat Size Specifications.....	A-9

STREET CROSS SECTION AND CURB STANDARDS



TYPE E CURB AND GUTTER

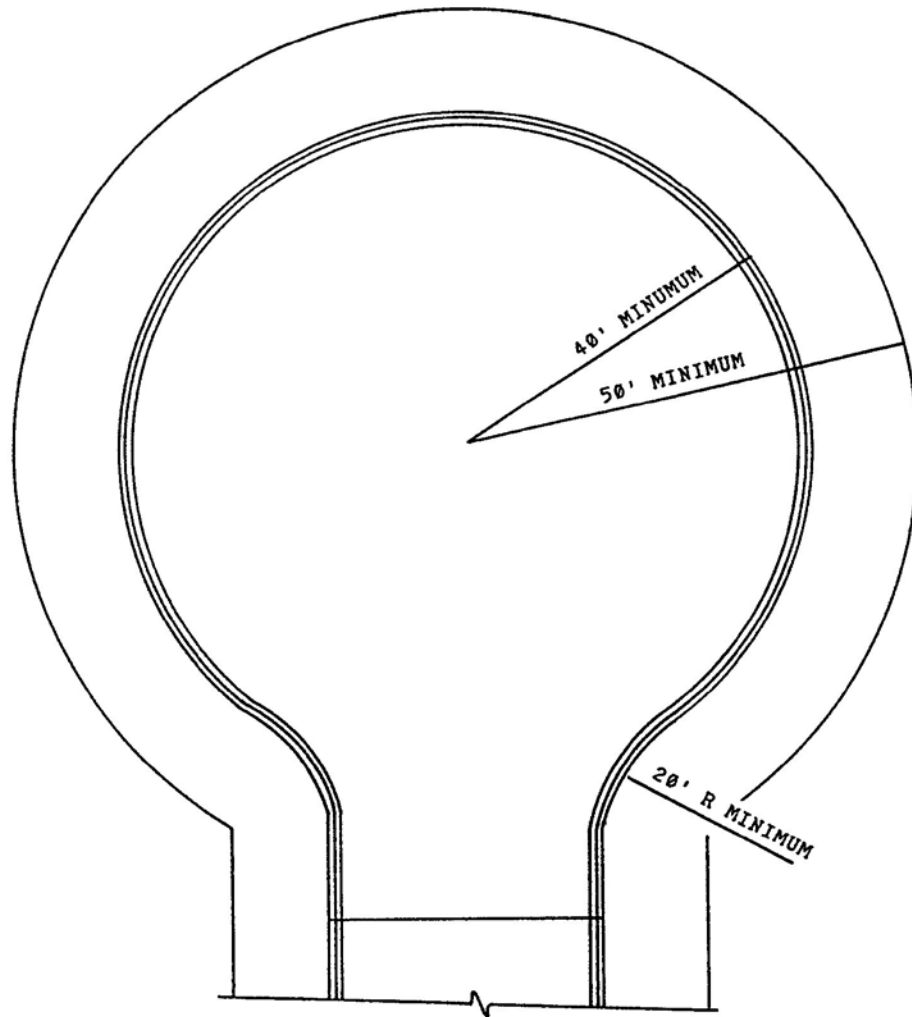


TYPE F CURB AND GUTTER

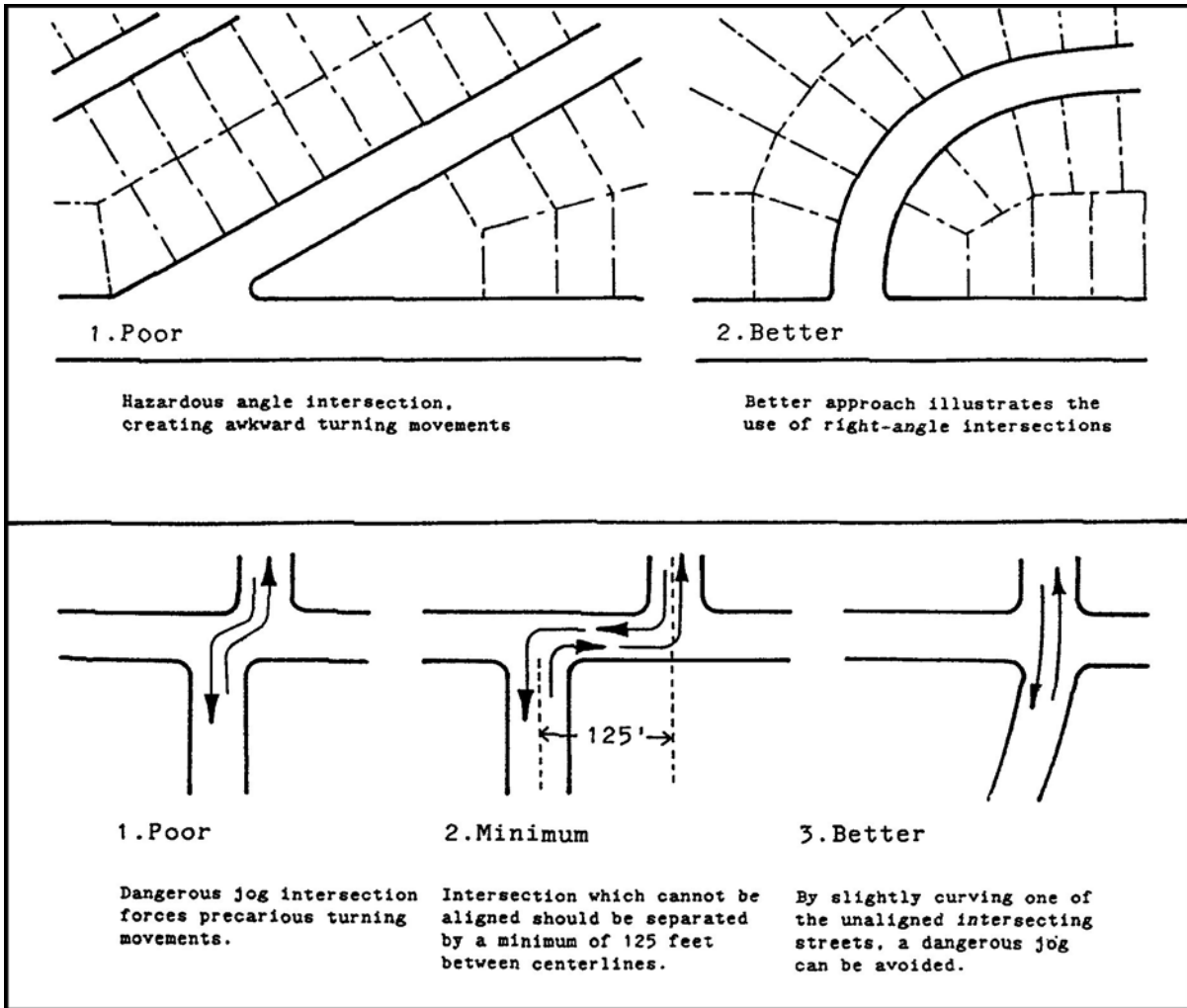
ALTERNATE CURB SECTIONS

NOTE: CURB AND SIDEWALKS SHALL BE CAST OF 2,500 P.S.I. CONCRETE

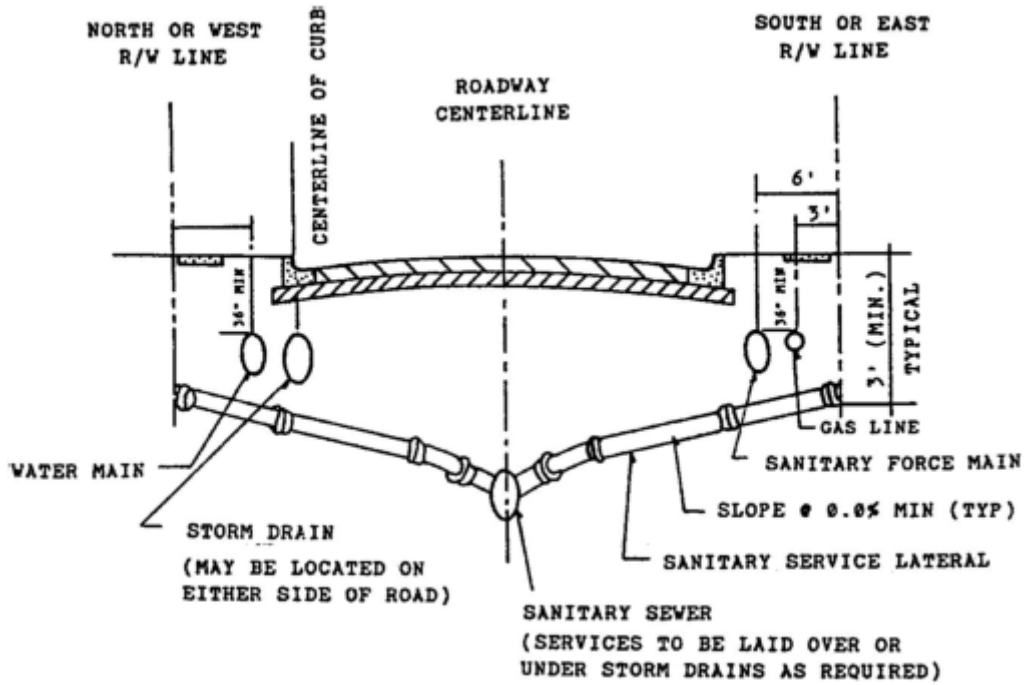
CUL-DE-SAC DETAIL



INTERSECTION DESIGN STANDARDS



UTILITY LOCATION



TYPICAL SECTION
LOCAL AND COLLECTOR STREETS

CERTIFICATE OF SURVEYOR

KNOW ALL MEN BY THESE PRESENTS, that the undersigned, being a licensed and registered land surveyor, as provided under Chapter 472, Florida Statutes and is in good standing with the Board of Land Surveyors, does hereby certify that on _____ he completed the survey of the lands as shown in the foregoing plat or plan; that said plat is a correct representation of the lands therein described and platted or subdivided; that permanent reference monuments have been placed as shown thereon as required by Chapter 177, Florida Statutes, as amended; and that said land is located in Section _____, Township _____, and Range _____, Union County, Florida.

NAME _____

DATE _____

Registration Number _____

CERTIFICATE OF THE
SUBDIVIDER'S ENGINEER

THIS IS TO CERTIFY, that on _____, _____ Registered Florida Engineer, as specified within Chapter 471, Florida Statutes, License No. _____, does hereby certify that all required improvements have been installed in compliance with the approved construction plans and as applicable, any submitted "as built" blue prints in accordance with the requirements of the Board of County Commissioners of Union County, Florida.

_____(SEAL)
Registered Florida Engineer

CERTIFICATE OF APPROVAL
BY COUNTY HEALTH DEPARTMENT

Examined on _____

AND

Approved by _____
County Health Department

CERTIFICATE OF APPROVAL
BY THE ATTORNEY FOR UNION COUNTY, FLORIDA

Examined on _____

AND

Approved as to Legal Form and Sufficiency by _____
County Attorney

CERTIFICATE OF APPROVAL BY BOARD OF COUNTY COMMISSIONERS OF
UNION COUNTY, FLORIDA

THIS IS TO CERTIFY that on the foregoing plat was approved by the Board of County Commissioners for Union County, Florida.

Chairman

Attest:

_____ Filed for record on: _____
Clerk of the Circuit Court

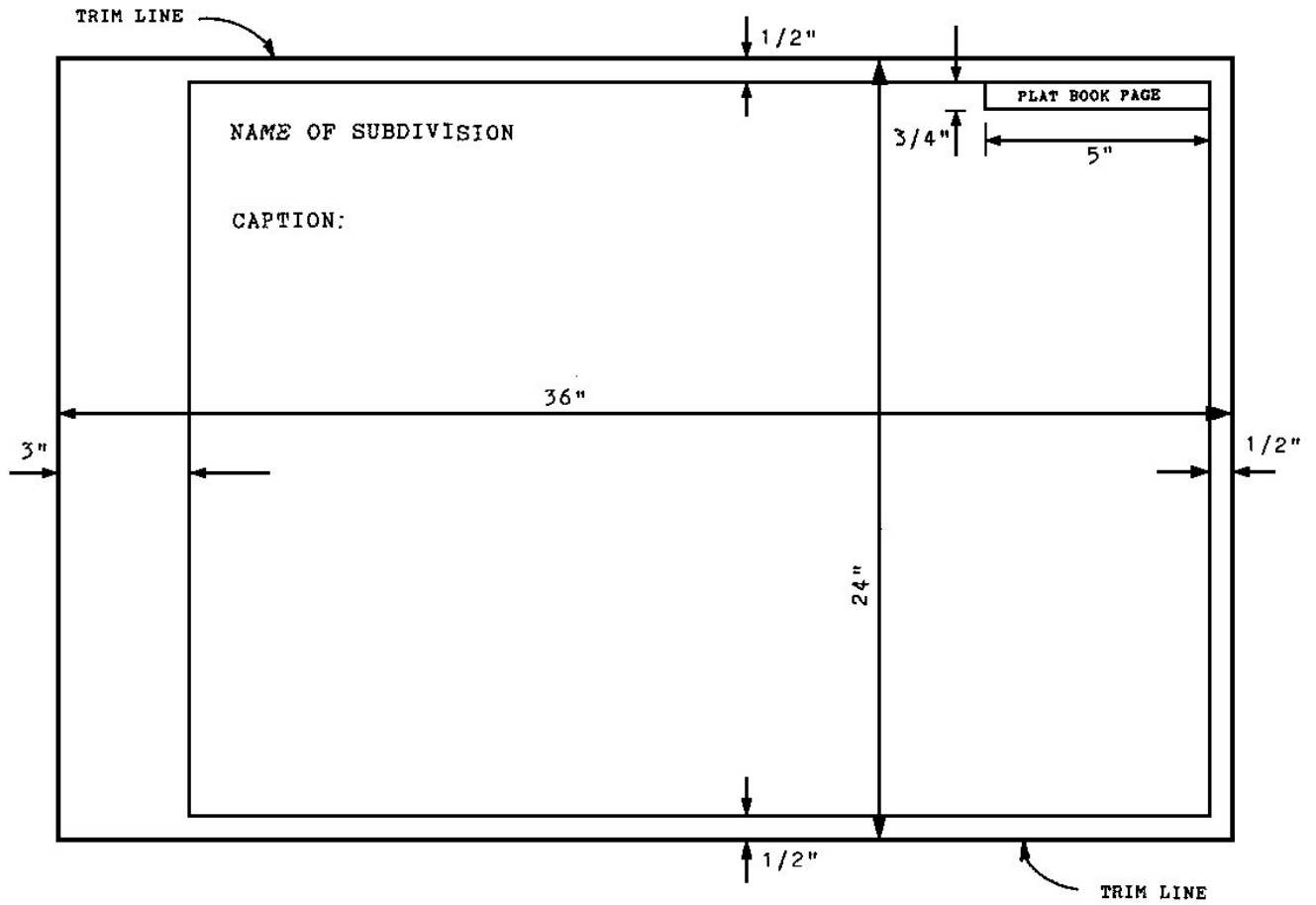
By _____
Deputy Clerk

CERTIFICATE OF ESTIMATED COST

I, _____, Registered Florida Engineer, as specified within Chapter 471, Florida Statutes, as amended, License No. _____, do hereby estimate that the total estimated cost of installing all required improvements for the proposed subdivision to be titled _____ is \$_____.

Registered Florida Engineer (SEAL)

PRELIMINARY AND FINAL PLAT SIZE SPECIFICATIONS



SIZE OF SHEET FOR RECORD PLAT

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APPENDIX "B"

ATTACHMENT TO THE OFFICIAL ZONING ATLAS

ZONING DISTRICTS NOT SHOWN ON THE OFFICIAL ZONING ATLAS UNION COUNTY, FLORIDA

Districts of ten acres or less in size are not shown on the Official Zoning Atlas due to the scale of the atlas. Please refer to the district designations and the corresponding legal descriptions which are found on the following pages.

1. Industrial, General zoning district - A parcel of land in Section 32, Township 5 South, Range 20 East, described as follows:

8.9 acres of land located on State Road No. 121, more specifically described as follows: The Northeast 1/4 of the Northwest 1/4 north of the Old Starke Road EXCEPT a parcel 210 feet east and west by 105 feet north and south in the Northeast corner of the Northeast 1/4 of the Northwest 1/4, all located in Section 32 Township 5 South, Range 20 East, Union County, Florida. ALSO EXCEPTING therefrom any portion lying west of State Road No. 121.
2. Commercial, Neighborhood zoning district - A parcel of land in Section 29, Township 5 South, Range 20 East, described as follows:

That portion of the Southeast 1/4 of the Southwest 1/4 located south of State Road 100 and East of State Road, Section 29, Township 5 South, Range 20 East, Union County, Florida.
3. Commercial, Neighborhood zoning district - A parcel of land in Section 31, Township 5 South, Range 20 East, described as follows:

Lots 1 through 8 inclusive, Block 24 and the south 1/2 of Lot 9 not located in the City of Lake Butler of Block 24 of Lake Butler Highlands Addition, Section 31, Township 5 South Range 20 East, Union County, Florida.
4. Commercial, Neighborhood zoning district - A parcel of land in Section 6, Township 6 South, Range 20 East, described as follows:

Commence at a point on the South line of Government Lot 4 where said line is intersected by the West line of State Road 231 and thence run North along the West line of said road a distance of 513.5 feet to the Point of Beginning; thence continue North 146.5 feet to a point; thence run West 420.0 feet to a point; thence run South 80.28 feet to a point; thence run East 415.89 feet to the Point of Beginning, Section 6, Township 6 South, Range 20 East, Union County, Florida.

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NORTH CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

LOCAL GOVERNMENT PROGRAMS

STAFF

Scott R. Koons, AICP, Executive Director

Sandra Joseph, Senior Planner

Lauren Yeatter, AICP, Senior Planner, Geographic Information Systems

Carmelita Franco, Administrative Planning Assistant