

**CALHOUN COUNTY, FLORIDA**

**LAND DEVELOPMENT CODE**

**Adopted**

**March 15, 2010**

**LAND DEVELOPMENT CODE**  
**CALHOUN COUNTY, FLORIDA**  
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ARTICLE 1  
GENERAL PROVISIONS

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ARTICLE I

## GENERAL PROVISIONS

### 1.00.0 TITLE

This Code shall be entitled, referred to and cited as the “Calhoun County Land Development Code” and may be referred to herein as the “Code.”

### 1.01.0 AUTHORITY

The Calhoun County Development Code, together with all future amendments, is enacted pursuant to the authority granted by section S163.3202 of the Florida Statutes, ( the local Government Comprehensive Planning and Land Development Regulation Act of 1985), the general powers in Chapter 166/125 Florida Statutes (County Government), and other applicable provisions of law for the purpose of adopting and codifying comprehensive land development regulations for the County. Whenever this Code refers to a section of the Florida State Statutes and that section is later amended or superseded, the Code shall be deemed amended. The reference shall be meant to refer to the amended section or the section that most nearly corresponds to the superseded section.

### 1.02.0 RELATIONSHIP TO COMPREHENSIVE PLAN

The adoption of a unified land development Code implements the Future Conditions Maps and the goals, objectives and policies of the Comprehensive Plan. Florida law (Section 163.3194(1) (b), F.S. (1985) requires that all land development regulations be consistent with the comprehensive plan of the enacting local government. A land development regulation “shall be consistent with the comprehensive plan if the land uses, densities or intensities, or other aspects of development permitted by such order or regulation are compatible with and further the objectives, policies, land uses, and densities or intensities in the comprehensive plan and if it meets all other criteria enumerated by the local government.”

### 1.03.00 INCORPORATION BY REFERENCE

#### 1.03.01 Technical and Policy documents

The following have been incorporated by reference throughout this code:

- Calhoun County Comprehensive Plan
- Calhoun County Ordinance #84-3 (Subdivision Regulations)
- Standard Building Code
- FDOT Generalized LOS Tables
- ITE Trip Generation Report
- FDOT Manual of Uniform Minimum Standards and Highways
- FDOT Standard Specifications for Road and Bridge Construction

#### 1.03.02 Official Land Use District Map

Official Future Land Use Map – the unincorporated areas of Calhoun County are hereby divided into districts, as shown on the Official Future Land Use Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

#### 1.03.03 Land Use District Regulations

District regulations shall be as set forth in Articles IV and VI of this Code. The Official Land Development Code of Calhoun County shall be on file in the office of the County Clerk.

#### 1.04.0 RULES OF INTERPRETATION

In the interpretation and application of this code all provisions shall be liberally construed in favor of the objectives and purposes of the County deemed neither to limit nor repeal any other powers granted under state statutes. The regulations set by this ordinance within each district shall be minimum or maximum limitations, as appropriate to the case and shall apply uniformly to each class or kind of structure or land.

##### 1.04.01 Generally

A presumption is made that a development is consistent with the Calhoun County Comprehensive Plan if it meets the requirements of this code.

The impact of a proposed development can be tested against performance criteria and other standards set out in this code. Some such criteria and standards are of a qualitative nature calling for expert interpretation and application.

##### 1.04.02 Responsibility for Interpretation

In the event that any question arises concerning the application of these land development regulations, performance standards, definitions, development criteria, or any other provision of this Code, the Calhoun County Board of Commissioners, or authorized agents of the Calhoun County Board of Commissioners, shall be responsible for interpretation and shall look to the County Comprehensive Plan for guidance. The interpretation of any technical standards of this Code, including those adopted by reference, shall be the responsibility of a qualified person or organization approved by the County Board of Commissioners, when not in conflict with state or federal law.

##### 1.04.03 Computation of Time

The time within 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.

#### 1.04.04 Delegation of Authority

Whenever a provision appears to require the head of a department or another County officer or employee to perform some duty, it is to be construed to authorize delegation to professional-level subordinates (or consultants) to perform the required act or duty unless the terms of the provision or section specify otherwise.

#### 1.04.05 Terms and Words

For the purpose of this section, certain terms or words used herein shall be interpreted as follows:

Words importing the masculine gender shall be construed to include the feminine and neuter.

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, or tract.

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.

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

The term "written" or "in writing" shall be construed to include any representation of words, letters or figures, whether by printing or otherwise.

The word "year" shall mean a calendar year, unless otherwise indicated.

The word "day" shall mean a working day, unless a calendar day is indicated.

#### 1.04.06 Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Official Land Use District Map, the following rules shall apply:

Boundaries indicated as approximately following the center lines of highways, streets, or alleys shall be construed to follow such center lines;

Boundaries indicated as approximately following County limits and County lines shall be construed as following such County limits and County lines;

Boundaries indicated as approximately following the center lines of streams, canals, ponds, sink holes or other bodies of water shall be construed to follow such center line and to be at the limit of the jurisdiction of the County, unless otherwise indicated;

Boundaries indicated as following railroad tracks shall be construed as being midway between the main tracks;

Boundaries indicated as parallel to or extensions of features indicated in the above sections shall be so construed. Distances not specifically indicated on the Official Land Use map shall be determined by the scale of the map;

Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use District Map, or

in other circumstances not covered by the above sections, the County shall have authority to interpret the district boundaries;

Where a district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the County Commission may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 100 feet beyond the district line into the remaining portion of the lot.

#### 1.04.07 Relationship of Specific to General Provisions

More specific provisions of this Code shall be followed instead of more general provisions that may be more lenient than or in conflict with the more specific provision.

#### 1.05.0 ABROGATION

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

#### 1.06.0 SEVERABILITY

If any section, subsection, paragraph, sentence, clause, or phrase of this is for any reason held by any court of competent jurisdiction to be unconstitutional or otherwise invalid, the validity of the remaining portions of this shall continue in full force and effect.

#### 1.07.0 EFFECTIVE DATE

These regulations shall be effective on the date of adoption of the County Ordinance establishing this Code.

## 1.08.0 JURISDICTION

This code shall be effective throughout the County's planning jurisdiction. The County's planning jurisdiction comprises the unincorporated area within the boundary of the County. The provisions of this code apply in Calhoun County and to any other area provided by law and interlocal government. In addition to other locations required by law, a copy of a map showing the boundaries of the County's planning jurisdiction shall be available for public inspection in the County Clerk's Office.

## 1.09.0 APPLICABILITY

### 1.09.01 General Applicability

- A. Development activity – No land, building or structure shall be erected, moved, added to, enlarged, altered or maintained after the effective date of this code except in conformity and compliance with the provisions of this code. Except as specifically provided below, the provisions of this code shall apply to all development in the County, and no development shall be undertaken without prior authorization pursuant to this code.
- B. No building or other structure shall hereafter be erected or altered in any manner contrary to the provisions of this Land Development Code. In particular, all development shall be prohibited from:
  - 1. exceeding maximum height or bulk limits;
  - 2. providing less lot area per dwelling unit or occupying a smaller lot;
  - 3. to occupy a greater percentage of lot area;
  - 4. to have narrower or smaller rear, front or side yards, or other open spaces.
  - 5. exceeding density and intensity and use of land.
- C. Except as otherwise provided herein, no part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this code, shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- D. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimensions or area below the minimum requirements set forth herein. The exception to this rule may be by reason of a portion being acquired for public use (including dedication, condemnation, purchase, etc.).

- E. No development or building permit shall be issued, and no site plan or subdivision plan or preliminary or final plat shall be approved, recorded or used to convey property after the effective date of this code except in conformity and compliance with procedural and substantive provisions of this code.

#### 1.10.00 VESTING

##### A. Previously Issued Development Permits

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

1. The development activity authorized by the permit has been commenced prior to the effective date of this or any amendment thereto, or will be commenced after the effective date of this code but within six (6) months of issuance of the building permit; and
2. The development activity continues without interruption (except because of war or natural disaster) until the development is complete. If the development permit expires, any further development on that site shall occur only in conformance with the requirements of this code or amendment thereto.

##### B. Previously Approved Developments Activity

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

##### C. Consistency With Plan

Nothing in Article I shall be construed to authorize development inconsistent with the County Comprehensive Plan.

##### D. Lot Sizes

Lot sizes smaller than those described in the Table of Dimensional and Density Requirements (Article IV) if platted prior to the effective date of this code are vested for density purposes only. Development may proceed on such lots if all other applicable standards of this land development are complied with.

ARTICLE II  
ADMINISTRATION  
OUTLINE

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## ARTICLE II

### ADMINISTRATION

#### 2.00.00 GENERALLY

The following Administrative Official, Building Inspector, County Commission and Planning Commission are authorized to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

Organization – The Calhoun County development review and approval system is directed through an Administrative Official(s) assigned by the County Commission. Staff support for the administration of this code shall be provided by the Public Works Department, County Clerk and Building Inspector. Advice and recommendations pertaining to land use, planning and development are made to the County Commission by the Calhoun County Planning Commission (also designated as the Local Planning Agency). Final development approval is made by the County Commission. Initial administrative appeals from decisions of the Administrative Official or Building Inspector are handled through the County Commission. Final administrative authority lies with the State Board of Planning and Administrative Hearings or the Circuit/County Court System.

The Administrative(s) Official shall be responsible for prescribed activities pertaining to planning, development review, and land use enforcement as stated in the provisions of this code and other responsibilities as created by the County Commission. The Building Inspector shall be responsible for issuing building permits upon approval of the proposed project for consistency with this Land Development Code and the Calhoun County Comprehensive Plan and for enforcing authorized building activities. Other duties may be assigned to the Building Inspector upon mutual agreement between the Inspector and the County.

#### 2.01.00 ADMINISTRATIVE OFFICIAL

Authorization – The Administrative Official(s) designated by the County Commission shall perform (or delegate) administrative functions of County government relating to the administration of this Code.

Planning Duties – The Administrative Official(s) shall perform Planning duties as prescribed by this Code. Duties shall include:

1. Review applications for development approval.
2. Determine the completeness of development applications.

3. Conduct pre-application conferences.
4. Schedule applications before the Planning Commission and County Commission.
5. Be responsible for investigation, analysis, inspection and review required by this Code for the approval of development proposals.
6. Ensure that proper notice is given prior to all hearings on development applications.
7. Ensure that all time limits prescribed by this Code are met.
8. Monitor the progress of all development applications through the review process and be available to respond to the queries of interested persons.
9. Schedule hearings before the County Commission.

Land Use Duties – The Administrative Official(s) shall perform land use district duties as prescribed by this Code. Duties shall include:

1. Review applications for land use approval.
2. Determine the completeness of development applications as they pertain to land use issues.
3. Participate in pre-application conferences.
4. Schedule change of land use applications before the County Commission.
5. Review development proposals to ensure adherence to land use requirements including land use activity, set backs, lot coverage and related requirements.
6. Ensure that proper notice is given prior to all hearings.
7. Ensure that time limits as they pertain to land use issues prescribed by this Code are met.
8. Be responsible for comprehensive planning, programming of capital facilities.
9. Provide staff support for the County Commission and Planning Commission.
10. Schedule hearings before the County Commission and Planning Commission.
11. Enforce land use requirements for this code.

## 2.02.00 BUILDING INSPECTOR

Authorization – The Calhoun County Building Inspector is hereby authorized by the Calhoun County Commission to perform building inspection duties within the unincorporated area of Calhoun County. The Administrative Official(s) is authorized to provide administrative support and direction to the Building Inspector to enable the Inspector to carry out building inspection activities described herein. The Building Inspector is authorized to carry out other duties as assigned by the County Commission.

Building Inspector Duties – The duties of the Building Inspector are:

1. To review and approve the technical aspects of proposed construction after the proposed project has been reviewed and approved regarding consistency with this Land Development Code and the Comprehensive Plan.
2. To receive applications required by this Land Development code, issue permits and to furnish prescribed certificates.
3. Examine premises for which permits have been issued and make necessary inspections to ensure that the provisions of this Code are complied with and that construction is pursued safely.
4. To enforce all laws relating to the construction, alteration, repair, removal, demolitions, equipment, use and occupancy, location and maintenance of buildings and structures, except as may otherwise be provided for in this Code.
5. Make investigations in connection with matters referred to in this Code and render reports on the same to County Commissioners.
6. Issue such notices or orders as may be necessary to enforce compliance with the law, to remove illegal or unsafe conditions, to secure necessary safeguards during construction or to require proper entrance and exit facilities in existing buildings.
7. Keep and maintain careful and comprehensive records of applications, permits issued, certificates issued, inspections made, reports rendered and notices or orders issued, which records shall be open for inspection by the public at reasonable hours.
8. Refer inquirers regarding appeals to the Building Inspector's decisions to the County Commission.

## 2.03.00 PLANNING COMMISSION (LOCAL PLANNING AGENCY)

Establishment – The Calhoun County Planning Commission is hereby created as a citizen board to recommend land use policies to the County Commission. The Planning Commission is also designated as the Local Planning Agency as required by the 1985 Comprehensive Planning and Land Development Regulation Act. The Calhoun County Board of County Commissioners herein appoints themselves as the Calhoun County Planning Commission.

### Board Membership and Officers

1. The Planning Commission shall be appointed by the County Commission. Any interested citizen as qualified herein may be appointed to the Board, but those with experience or interest in the field of planning and land use shall receive special consideration. At its discretion, the County Commission may designate its self as the Planning Commission/Local Planning Agency.
2. Each member shall reside in the County.
3. Each member shall be appointed to a three (3) year term.
4. When a position becomes vacant before the end of the term, the County Commission shall appoint a substitute member to fill the vacancy for the duration of the vacated term within 30 days after the vacancy occurs. A member whose term expires may continue to serve until a successor is appointed and qualified.
5. Members may be removed for cause on written charges without notice and without assignment of cause by a majority vote of the County Commission.
6. The members of the Commission shall annually elect a chair and vice chair from among the members and may create and fill other offices as the Commission deems necessary.
7. The Commission shall create whatever subcommittees it deems necessary to carry out the purposes of the Commission.
8. The chair of the Commission shall annually appoint the membership of each subcommittee from the members of the Commission.
9. The County commission shall appoint a County employee to serve as secretary to the Commission, recorder and custodian of all Commission records.
10. Members shall not be compensated, but may be paid for travel and other expenses incurred on Commission business under procedures prescribed in advance by the County Commission.

11. The County Commission shall appropriate funds to permit the Commission to perform its prescribed functions.

12. If any member fails to attend three successive meetings the Commission shall declare the member's office vacant and notify the County Commission.

13. No member of the Commission shall be an employee of the County.

#### Planning Duties

1. The Planning Commission shall obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the County.

2. The Planning Commission may request information from any County department or official. Each department head or official shall supply the requested information or reasonable grounds for unavailability within a reasonable time.

3. The Planning Commission shall, oversee the operation, effectiveness and status of this code and recommend amendments to the County Commission that are consistent with the Comprehensive Plan.

4. The County Commission may ask the Planning Commission for advice about specific land use issues and policies.

5. The Planning Commission shall keep the County Commission and the general public informed and advised on the land use policies of the County.

6. The Planning Commission shall conduct public hearings to gather information necessary for the drafting, establishment, amendment, and maintenance of the various elements of the Comprehensive Plan and provisions of this Code.

7. The Planning Commission may make or obtain special studies on the location, condition and adequacy of specific facilities of the County (including housing, commercial and industrial facilities, parks, playgrounds, schools, public buildings, public and private utilities, transportation and parking).

8. The Planning Commission shall review Redevelopment Plans prepared under Chapter 163, Part III, Florida Statutes.

9. The Planning Commission shall perform other lawfully assigned duties.

10. Each final action of the Planning Commission is advisory to the County Commission. The Planning Commission may not in any manner obligate the County.

## 2.04.00 COUNTY COMMISSION

### Duties Related to Planning and Development Review and Approval

1. In the absence of a Development Review Committee the County Commission shall act as the committee or create such a committee. This committee will be necessary to review Developments of Regional Impact, Planned Unit Developments, subdivisions, and other developments which may be proposed in the County.
2. The Commission shall create a technical review committee for major developments if such a committee is necessary and appropriate.
3. The County Commission hear all land use change requests to ensure compatibility with surrounding neighborhoods and with the Comprehensive Plan and the Future Land Use Map Series.
4. The County Commission may adopt a new Official Land Use Map consistent with Chapter 163, Florida Statutes.
5. The County Commission shall comprehensively review the land use plan and the land use code every five years to ensure its relevance to the needs of the County.
6. The County Commission shall annually the Florida Department of Transportation of the needs of the state road system in Calhoun County.
7. The County Commission shall annually prepare and update a five-year priority listing and a budget for County arterial and collector roads needing improvements or construction.
8. The County Commission shall use the Regional Planning Council for intergovernmental dispute resolution or some other approved form of conflict mediation.

### Duties Related to Appeals

1. The County Commission shall have power to hear and determine appeals if a building permit or any other type of development approval is denied by the Building Inspector or Administrative Official. The County Commission is also authorized to permit exceptions to or variations from the land use regulations in accordance with principles, conditions and procedures specified in the ordinance.
2. The County Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact and shall also keep records of its examinations and other official actions.

3. Every order, requirement, decision or determining of the County Commission shall immediately be filed in the office of the County Clerk and shall be a public record.
4. All decisions of the County Commission shall be final. Further appeals shall be directed to the Circuit/County Court System or State Board of Planning and Administrative Hearings.
5. The County Commission shall adopt rules and regulations it may deem necessary to carry out the provisions of this section.
6. All meetings of the County Commission shall be held at a regularly designated place and shall be open to the public.
7. The County Commission shall keep minutes of its proceedings showing the vote of each member of every question, or, if absent or failing to vote, including such fact, and the final disposition thereof shall be by recorded motion indicating the reasons of the County Commission therefore.
8. Errors: The County Commission shall hear and decide appeals where it is alleged that there is error in any order, requirements, decision or determination made any administrative official charged with the enforcement of the regulations established by this ordinance.
9. Variances: If there shall be unreasonable hardship in carrying out the strict letter of this code upon which the order, requirement, or decision was based, the County Commission shall have authority in passing upon such appeal to vary or modify the application, either permanently or for a specified length of time, or the use of land, so that the spirit of the Code shall be observed, public safety and welfare secured and substantial justice done.
10. Special Exceptions: When the County Commission judges the public convenience and welfare will be substantially served and no injury will come to neighboring property, the County Commission may, after due notice and public hearing, determine and vary the application of the regulations of this Code.

Abut: To physically touch or border upon, or to share a common property line.

Accessory building or use: A subordinate building or portion of the main

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Building not more than two (2) stories in height, the use of which is incident to that of the principal building on the same building lot.

Accessory Sign: A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.

Accessory building or use: A subordinate building or portion of the main building not more than two (2) stories in height, the use of which is incident to that of the principal building on the same building lot.

Adversely Affected Person: Any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the local government Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.

Adult Congregate Living Facility (ACLF): A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.

Advertising Business: Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property..

Agricultural Activity: Any farming and forestry operation effecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Alley: A required public thoroughfare which affords only a secondary means of access to abutting property, and which is 20 feet or more in width.

Apartment: A suite of one or more rooms which is designed or intended for occupancy by, or which is occupied by one family doing its own cooking therein, or by one person doing his or her own cooking therein.

Apartment house: Any building or portion thereof which contains three (3) or more apartments.

Automobile sales or storage yards or lots: An open premises used for the storage or sale of complete and operable automobiles.

Automobile wrecking yard or automobile used parts lots: Any place where three or more vehicles not in running condition, or the parts thereof, are stored in the open, or any building or structure used principally for wrecking or storage of automobiles not in running condition.

Basement: A story partially below grade having at least one half (1/2) of its height above the grade of the lot upon which it is situated. A basement shall be counted as a story if used for dwelling or business purposes.

Billboards or poster panels: Any sign or advertisement used as an outdoor display by the painting, posting or affixing on any surface, or a picture, emblem, words, figures, numbers, or lettering for the purpose of making anything known; such sign or advertisement being remote from the point of sale.

Building: A structure for the shelter, support or enclosure of persons, animals, or chattels. When separated from the ground up without openings, or connections each portion of such building shall be deemed a separate building.

Building height: the vertical distance measured from the level of the established grade opposite the middle of the front of the building, to the highest point of the roof surface if a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge for a gable, hip or gabled [gambrel] roof.

Building line: A line between which line and any street line of a district, lot, tract, or parcel of land, no building or part of a building may be erected, altered or extended.

Building lines setback: The distance between the building line and the street line in a district. Any dwelling shall be deemed to be a main building on the lot on which the same is situated. Main building when used with reference to ground coverage shall mean the dimensions of the dwelling with the porches and garages, when same are under one roof.

Building sign: A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.

Bulk plant or station: A place where petroleum products or other flammable liquids are stored for wholesale purposes only, where the total capacity of all storage tanks is more than 12,000 gallons.

Cellar: A room or story having more than one-half of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measured.

**Club, non-profit:** Buildings and facilities owned and operated by a corporation, association, person or persons for a social, education, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Commercially developed parcel:** A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.

**Comprehensive plan:** Any legally adopted part or element of the Comprehensive Plan as provided in Florida Statute 163.

**Concurrency:** A condition where specified facilities and services have or will have the necessary capacity to meet the adopted level of service standard at the time of impact of the development project.

**Conditional use permit:** A permit issued by the County Commission that authorizes the recipient to make use of property in accordance with the requirements of this chapter as well as any additional requirements imposed by the Commission.

**Contiguous:** Connected to or adjoining.

**Court:** A court is required open, unoccupied space on the same lot and fully enclosed on at least three adjacent sides by walls in any building. An outer court facing for its full required width on a street, or any other required open space not a court. An inner court is any other required court.

**Crown:** The main mass of branching of a plant above the ground.

**Cultural resource:** A site, object, structure, building or district listed on the Florida Department of State, Master Site File or the local register of historic places.

**DBH, Diameter at breast height:** “Breast height” is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.

**Demolition:** The tearing down or razing of a portion of a structure’s external walls consistent with the definitions of the 1988 Standard Building Code, Appendix I, Demolition.

**Density or Gross Density:** The total number of dwelling units divided by the total site area, less public right-of-way.

**Department:** Any local government agency lawfully established and charged with carrying out the public duties of a department level authority.

Developer: Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.

Development or development activity: Any of the following activities consistent with Chapter 380, Florida Statutes:

1. Construction, clearing, filling, excavating, grading, paving, dredging, mining, drilling or otherwise significantly disturbing the soil of a site.
2. Building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, and including the long-term storage materials.
3. Subdividing land into two or more parcels.
4. A tree removal for which authorization is required under this Code.
5. Erection of a permanent sign unless expressly exempted by the standards and provisions of this Code.
6. Alteration of a historic property for which authorization is required under this Code.
7. Changing the use of a site so that the need for parking is increased.
8. Construction, elimination or alteration of a driveway onto a public street.

Development Approval: For purposes of this Code a development approval is that official County process which authorizes the commencement of construction or land alteration without need for further application and approval. Development approvals include: all types of land development which in accordance with this plan would permit permanent changes permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, etc.

Dimensional nonconformity: A nonconforming situation that occurs when the height, size, or minimum floor space of a structure or the relationship between an existing building or buildings and other buildings or lot lines does not conform to the regulations applicable to the district in which the property is located.

District: A geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, objects, or areas, which are united historically or aesthetically by plan or physical development. A

district may be comprised of individual resources which are separated geographically but are linked by association or history.

Drip line: the outermost perimeter of the crown of a plant as projected vertically to the ground.

Duplex: A detached residential building containing two dwelling units.

Dwelling: any building or portion thereof, which is designed or used exclusively for residential purposes.

Dwelling, one-family dwelling: A building containing but one housekeeping unit, and designed or used to house not more than one family in a permanent manner, which may include not more than two boarders or lodgers.

Dwelling, multi-family dwelling: A building designed for, or portion of a building having accommodations for, three or more families being independent of each other, and each having its own kitchen and bath facilities. This term includes premises occupied more or less permanently for residential purposes in which the rooms are occupied in apartments, studio apartments, kitchenette apartments, and all other dwellings similarly occupied.

Dwelling, two-family-dwelling: A building containing two housekeeping units, and designed or used to house two families, living independently of each other, each of which may include not more than two boarders or lodgers.

Dwelling units: A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitations.

Eave: A roof overhang, ledge, lip or edge. An eave is considered part of a roof and not does perform any function other than that directly related to the roof from which it is a part of.

Erect a sign: To construct, reconstruct, build, relocate, raise, assemble, place, affix, attach, create, paint, draw, r in any other way bring into being or establish; but it shall not include any of the foregoing activities when performed as an incident to the change of message, or routine maintenance.

Exempt Subdivision: A subdivision which is approved by the Calhoun County Board of County Commissioners, which is exempt from the Platting Process. In order to be considered for exemption the tract of land shall meet all of the following criteria:

- a. The parcel of record may not be divided into more than eight (8) parcels.

- b. All parcels shall abut a public right of way and have direct access to the public roadway consistent with the access provision included in this Code.
- c. No parcel shall be less than ten acres in size, ***except that family homestead (property conveyed to grandparents, parents, children and/or grandchildren) parcels may be a minimum of one acre.***
- d. To the extent that the parcel of record abuts a public road right of way or rights of way and said public road right of way or right of ways does not meet the requirements of the Calhoun County Comprehensive plan and/or this Code, the applicant shall deed or convey to the County one-half of the right of way necessary to bring said public road right of ways(s) into compliance with the Calhoun Plan and Code. To the extent said public right of way(s) is entirely contained in the parcel of record, the applicant shall deed or dedicate all the right of way(s) necessary to bring said road into compliance with the County Plan and Code.
- e. The applicant shall provide necessary access and /o right of way for utilities.
- f. The applicant shall present a map, which is drawn to scale, identifies any public road right of way and indicates the bearing or north and details the exemption including that portion of the public road frontage, which abuts the public road. A survey of the road right of way(s) dedication and proof of road right of way(s) dedication to the County shall be presented prior to the sale of any portion of the exempt property. Upon the sale of a portion of the exempt property, a survey shall be presented which depicts that portion of the exempt property constituting the property sold.
- g. The proposed division of land does not create or incorporate any road, which is not a public road.
- h. No portion of the subject exempt property may be located in floodplain or contained wetlands unless subject exempt property meets all the requirements of the Calhoun County Comprehensive Plan and the Calhoun County Land Development code.
- i. Once the exemption is utilized with respect to the parent tract of land, no portion of the parent tract of land may seek the exemption in the future.
- j. Each tract of land sold under this exemption process must meet the requirements of the Calhoun County Comprehensive Plan and Land Development Code prior to development. No rights in conflict with the Calhoun County Comprehensive Plan and the Code are granted by virtue of the adoption of this ordinance other than exemption from the platting process for parcels meeting all of the requirements of this ordinance.

Family: A group of one or two persons or parents with their direct descendants and adopted children (and including the domestic employees thereof) together with not more than two persons not so related, living together in a room or rooms comprising a single housekeeping unit. Every additional group of five or less persons living in such housekeeping unit shall be considered a separate family for the purpose of this Ordinance. Family does not include a group occupying a club, dormitory, etc.

Filling station: Any building or premises used for the storing, dispensing, servicing, sale or offering for sale at retail of any automobile fuels and lubricants and /or automobile accessories, but not including major repairs.

Frontage: the distance for which property abuts one side of a street, road, or highway, or other public way measured along the dividing lines (s) between the property and such road, or highway, or other public way.

Frontage roadway or access street: A roadway contiguous to and generally paralleling an expressway, major street or highway, or through street or highway, and so designed as to intercept, collect and distribute traffic desiring to cross, enter, or leave such facility, and to furnish access to property which otherwise would be isolated as a result of controlled-access features peculiar to topographical conditions.

Garage: A building for the storage or housing of motor driven vehicles.

Garage, private garage: A garage intended for and owned or used by, the members of families resident upon the premises.

Garage, public garage: Any garage not included within the definition of a garage.

Governing body having jurisdiction: The County Commission of Calhoun County, Florida

Gross density or density: The total number of dwelling units divided by the total site area, less public right-of-way.

Gross floor area: The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.

Ground sign (also referred to as free standing sign): A sign that is supported by one or more columns, upright poles or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building.

Guest house: An accessory building to be used solely by the occupant of the main building for his or her pleasure or recreation or to house non-paying guests.

Guest room: A room which is designed or intended for occupancy by, or which is occupied by, one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

Harmful to minors: With regard to sign content, any description or representation, in whatever form, that is “harmful to minors”:

1. is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for minors, and
2. taken as a whole, lacks serious literary, artistic, political, or scientific value.

High –volume traffic generation: Uses such as gas stations, convenience stores, shopping centers, and hospitals that generate a lot of customer traffic per square foot of floor space.

Historic site: The location of a significant event, activity, building, structure, or archeological resource listed, or which are eligible for listing, in town, county, state, or federal registers.

Home occupations: Any occupation or profession engaged in by any occupant of a dwelling not including the conduct of retail business, or a repair business of any kind of the premises. Home occupation shall not include the use of chemicals or matter or energy that may create or cause to be created noise, noxious odors, or hazards that will endanger the health, safety, or welfare of the community.

Hotel: Any building which sleeping rooms for the temporary occupancy of individuals who are lodged with or without meals, with no provision made for any cooking in any individual room or suite.

Hotel, apartment: Any building which satisfies both the definition of a multiple dwelling house and that of a hotel as defined by this section.

Illuminated sign: A sign which contains a source of light or which is designed or arranged to reflect light from any source including indirect lighting, neon, incandescent lights, back-lighting, and shall also include signs with reflectors that depend upon automobile headlights for an image.

Impervious surface (also referred to as non permeable surface): A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such

as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

**Improvement:** Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.

**Institution:** Any building which satisfies both the definition of a multiple dwelling house and that of a hotel as defined by this section.

**Junkyard:** Premises or portions thereof used for the storage or sale of used and discarded materials, including but not limited to, paper, rags, metal, building materials, appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a junkyard. For the purposes of this Code, such uses as automobile reclaiming businesses, automotive wrecking businesses, automotive salvage businesses and recycling centers shall be considered junkyards.

**Junk Cars (also referred to as abandoned vehicles):** The storage or abandonment for a period of two (2) or more months of one or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, not capable of or not intended to be restored to highway operating condition.

**Labor Camp:** A labor camp as defined by Part 3, Chapter 100-25, FAC and is one or more buildings or structures tents, trailers or vehicles or any portion, thereof, together with the land appertaining, thereto, established, operated or used as living quarters for five or more seasonal, temporary or migrant workers whether or not rent is paid or reserved in connection with the use or occupancy of such premises.

**Land Use Change:** An approval granted by Calhoun County that authorizes the recipient to make use of property in accordance with the requirements of this Code.

**Lot:** A designated parcel, tract or area of land established by plat, subdivision or as otherwise allowed by law.

**Lodging or Boarding House:** A building designed or used for the more or less permanent occupancy with or without meals, of more than two lodgers or boarders whether the compensation be paid directly or indirectly.

**Lot or Plat:** A lot or parcel of land occupied or intended to be occupied by a principal building or use and any accessory building and uses customarily incident to it, and including open spaces not less in extent than those required in connection therewith by this ordinance. A "Lot of Record" is a parcel of land the dimensions of which are shown on a map on file with the Clerk of Circuit Court of Calhoun County,

Florida, or in common use by county officials, and which actually exists as so shown, or any part of such parcel held in a recorded ownership separate from the ownership

of the remainder thereof. All lots shall front on and have ingress and egress by means of a public or private street, road, or highway.

**Lot Line, Side Lot Line:** A side lot line is any lot boundary line not a front line or a rear lot line. A side lot line separating a lot from a street line is an exterior side lot line. Any other side lot line is an interior side lot line.

**Lot, through Lot:** A lot whose depth extends between two more or less parallel streets and having frontage on each street.

**Lot Width:** The width of the lot measured at right angles to the mean depth of said lot.

**Low-Volume Traffic Generation:** Uses such as furniture stores, carpet stores, major appliance stores, etc. that sell items that are large and bulky, that need a relatively large amount of storage or display area for each unit offered for sale, and that therefore generate less customer traffic per square foot of floor space than stores selling smaller items.

**Manufactured Housing:** Manufactured housing has the following features or characteristics. It is:

1. Mass produced in a factory.
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities.
3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

Moving beyond the above definition, there are three types of manufactured housing, each meeting variants of the Standard Building Code.

1. Also known as “modular home” and “manufactured building”, as presented in Section 553.35, Florida Statutes. Either an independent, individual building or a module, which, in combination with other elements, forms a building on the site. Certified as in compliance with code if it bears a seal from Florida Department of Community Affairs.
2. Also known as “manufactured home”, as presented in 42 U.S.C. 5401 et seq. May be constructed in one or more sections in the

factory and assembled onto a foundation at the building site. Building is certified as in compliance if it bears a seal from the U.S. Department of Housing and Urban Development. This type of home was built only on or after June 15, 1976.

3. Also known as “mobile home”. Built before June 15, 1976, meeting various less stringent building codes.

**Marquee:** A structure projecting from and supported by a building which extends beyond the building line or property lien and fully or partially covers a sidewalk, public entrance or other pedestrian way.

**Mobile Home Park:** As per Chapter 10D-25, Florida Administrative Code, a mobile home park is a place set aside by a person or public body for the accommodation of six (6) or more mobile homes utilized for residential purposes for either direct or indirect remuneration to the owner, leaser or operator of such place.

**Motel:** Any building containing sleeping rooms for the more or less temporary occupancy of individuals who are lodged with or without meals, and where the design favors a direct vehicular approach to each sleeping or living room. Any building or structure exceeding two and one-half (2 and 1/2) stories in height shall be classified as a hotel rather than motel.

**Multi-Family Dwelling:** Any residential structure containing more than two (2) independent dwelling units under a common roof system.

**Multiple Occupancy Complex:** A commercial use, i.e. any use other than residential or agricultural, consisting of a parcel of property, or parcel of contiguous properties, existing as a unified or coordinated project, with a building or buildings housing more than one occupant.

**The Natural Grade:** The slope of the ground adjoining the building.

**Non-Conforming Uses:** Any use of a building or of land that does not conform to the regulations for the district in which it is situated, but which was an existing and lawful use prior to the adoption of this ordinance or as amended.

**Non-Conforming Development:** Nonconforming development is development that does not conform to the land use regulations in this Land Development Code.

**Object:** A material thing of functional, aesthetic, cultural, historical, or scientific value that may be by nature of design, movable, yet related to a specific setting or environment.

**Occupant: (Occupancy):** A commercial use, i.e. any use other than residential or agricultural.

Ordinary Maintenance: Work which may not require a construction permit and that is done to repair damage or to prevent deterioration or decay of a building or structure or part thereof as nearly as practicable to its prior condition.

Outdoor Advertising Sign: A permanent ground sign supported by a single metallic pole attached to which is a sign face the bottom of which is at least 20 feet above the ground and which is at least 200 square feet in size.

Owner: A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, and authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.

Parcel: A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be any designated portion of a particular site by the Planning Board/County Commission.

Parent track A Parent track of land and/or Parcel or Lot of Record as used in this Plan is a parcel or lot of record shall mean: 1) Any contiguous quantity of land that is part of an approved subdivision recorded in the Office of the Clerk of the Circuit Court; or, 2) Any contiguous quantity of land which is capable of being described with such definiteness that its location and boundaries are established, and which has been so recorded in the public records in the Office of the Clerk of the Circuit Court prior to May 5, 1992 or, 3) Any contiguous quantity of land which is the subject of an agreement for deed or other instrument of conveyance properly executed prior to May 1, 1992, and which describes the parcel with such definiteness that its location and boundaries are established and recognized by Florida Law.

When a Parent Track of land is divided by a public roadway (State or County) that existed on or before May 5, 1992, each portion of the parent track created by the division by the public roadway, shall be considered a parent track for purposes of land use densities and shall be granted the right to built at least one single family residential unit.

When a Parent Track of land is divided by the Chipola River, each portion of the parent track created by the division by River, shall be considered a parent track for purposes of land use densities and shall be granted the right to built at least one single family residential unit.

**Parking Lot:** A parcel of land devoted to unenclosed parking spaces which may include partially enclosed one-story buildings, and where a charge is made for storage or parking of vehicles.

**Parking Lot, Accessory:** An accessory parking lot means a parcel of land used by an individual, partnership, firm or corporation in any commercial or industrial district exclusively for the parking of vehicles of its employees or customers and for which no charge is made.

**Parking Space:** An area of appropriate dimensions of not less than 180 square feet, exclusive of access or maneuvering area, to be used exclusively as a temporary storage space for private motor vehicles. Truck loading and unloading space shall not be included in such area. When the application of a unit of measurement for parking spaces to a particular use of structure results in a fractional space, any fraction under one-half shall be disregarded and fractions of one-half or over shall be disregarded and fractions of one-half or over shall be counted as one space.

**Planned Unit Development (PUD):** A development constructed on a tract of land consistent with the requirements of this Land Development Code.

**Planning Commission:** Refers to the Planning Commission of Calhoun County, Florida, as set forth in this Code.

**Planting Strip:** The portion of the street between the curb or pavement edge and the property line exclusive of the area occupied by the sidewalk.

**Portable Sign:** Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.

**Protected Trees:** Any tree protected from removal or destruction by the provisions of this Code.

**Recreation Vehicle:** A vehicular-type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreation, camping, and travel use and including, but not limited to, travel trailers, truck campers, camping trailers, and self-propelled motor home.

**Remove, Trees:** To relocate, cut down, damage, poison, or in any other manner destroy or cause to be destroyed, a tree.

**Roof Line:** A horizontal line intersecting the highest points of a roof.

**Roof Sign:** A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.

**Sidewalk:** That portion of a street or road available exclusively for pedestrian traffic.

**Sign:** Any words, lettering, parts of letters, figures, numbers, phrases, sentences, emblems, devices, designs, trade names, or trade marks by which anything is made known, such as are used to designate an individual, a firm, an association, a corporation, a profession, a business, or a commodity or product, which are visible from any public street or highway and used to attract attention. This applies to free standing devices or to devices attached to a building or structure.

**Sign Face:** The part of a sign that is or may be used for copy.

**Sign Face Area:** The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.

**Sign Structure:** Any construction used or designed to support a sign.

**Single-Family Dwelling:** A structure containing one dwelling unit, and not attached to any other dwelling unit by any means. A single-family unit may contain an accessory apartment pursuant to this Code. 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.

**Site:** The location of a significant event or activity such as a development, excavation or building.

**Special Exception:** A special exception is a use that would not be appropriate generally or without restriction throughout a land use division or 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 land use classification or district as a special exception if specific provision for such a special exception is made in this ordinance.

**Stable, Horse Stable:** A building intended for accommodation of one or more horses or mules.

**Story:** The vertical distance of a building included between the surface of any floor and the surface of the next floor above it, or if there be no floor above it, then the space between such floor and ceiling next above it, provided that a cellar shall not be considered a story. Attic space is construed as one-half (1/2) story.

**Street:** A public thoroughfare, twenty (20) feet or more wide, where public title to land extends between right-of-way lines. Whenever the sense of the law or these regulations so require, the word “street” shall include avenue, drive, circle, road, highway, or similar terms as they are generally understood.

**Street Grade:** The established grade of the front street or other highway street upon which the lot abuts at the mid-point of the frontage of the lot thereon. If there is no established grade, the County Commission shall be consulted as to the ultimate grade to be established by owner.

**Street Line or Right-of-Way Lines:** The dividing line between a lot, its property line or lines, and a public right-of-way, a public street, road, or highway; or a private street road, or highway over which two or more abutting owners have an easement of right-of-way.

**Street Width:** The horizontal distance between the side lines of a street, road or highway measured at right angles to the side lines.

**Structure:** Anything constructed or erected, the use of which requires more or less permanent or semi-permanent location on the ground, or the attachment to something having a permanent location of the ground. The term includes tents, bleachers, gasoline pumps, automobile house trailers, advertising signs, billboards, portable vehicles, or structures from which products are vended and similar objects.

**Structural Alterations:** Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, girders, floor joints, or roof joists, or exterior supports.

**Subdivision:** The division of a lot, tract or parcel of land into three or more lots, plats, sites or other divisions of land for the purpose, whether immediate or future, of sale or of building development for purposes other than agricultural. It includes resubdivision and when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided.

**Temporary:** Designed, constructed, and intended to be used on a short-term basis and to be readily removable.

**Tree Protection Zone:** A circular zone around each protected tree defined as follows:

1. If the drip line is less than six (6) feet from the trunk of the tree, the zone shall be that area within a radius of six (6) feet around the tree.
2. If the drip line is more than six (6) feet from the trunk of the tree, but less than twenty (20) feet, the zone shall be that area within a radius of the full drip line around the tree.

3. If the drip line is twenty (20) feet or more from the trunk of the tree, the zone shall be that area within a radius of twenty (20) feet around the tree.

**Trailer Coach:** Any vehicle used, other than towing vehicle or maintained for use, as a conveyance upon highways or streets, so designed and so constructed as to permit occupancy thereof as a temporary or permanent dwelling unit or sleeping place for one or more persons, having no other foundation other than wheels or jacks.

**Recreation Vehicle/ Trailer Park:** Any site, lot, field, or tract of land upon which two (2) or more trailer coaches are placed, and shall include any building structure, tent, vehicle, or enclosure used or intended for use as apart of the equipment of such park.

**Unit:** That part of a multiple occupancy complex housing one occupant.

**Variance:** A grant of permission by the County Commission that authorizes the recipient to do that which, according to the strict letter of this chapter, he could not otherwise legally do.

**Vehicle Sign:** Any sign affixed to a vehicle.

**Vehicle Use Area:** An area used for circulation, parking, and/or display of motorized vehicles, except junk or automobile salvage yards.

**Yard:** An unoccupied area of a lot open and unobstructed from the ground to the sky, except as otherwise provided in this ordinance.

**Yard, Front Yard:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the front lot line.

**Yard, Rear Yard:** An open space extending the full width of a lot and of a depth measured horizontally at right angles to the rear lot line.

**Yard, Side Yard:** An open space extending along the side line of a lot between the front yard and the rear yard and of a width measured horizontally at right angles to the side lot line.

ARTICLE III

DEVELOPMENT AND SUBDIVISION REVIEW PROCEDURES

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## ARTICLE III

### DEVELOPMENT AND SUBDIVISION REVIEW PROCEDURES

#### 3.00.00 COMPLIANCE REQUIREMENTS

No person shall engage in development activities within the County unless and until an application for such activities has been submitted and approved and a development permit obtained in accordance with the provisions of this chapter. Violation of this section shall be punished as provided in this Code.

#### 3.01.00 COMPLIANCE WITH BUILDING AND LAND USE DISTRICT CODES

There must be compliance with the state building codes before a development permit can be issued. The County Building Inspector will determine whether a development activity adheres to the local building regulations. There must also be a compliance with this Land Development Code before a building permit can be issued.

#### 3.02.00 ENFORCEMENT

**Enforcement of Building Codes:** Enforcement of the technical standards of this Code shall be the responsibility of the County Commission and/or Building Inspector. Proposed development not in conformance with this Code shall not be issued a building permit.

**Enforcement of Planning Requirements:** Enforcement of Planning requirements shall be the responsibility of the Administrative Official(s). Enforcement of Planning requirements includes the review of proposed subdivision developments and the making of recommendations to the Planning Commission that such development be approved or disapproved based on whether the proposed development conforms to the requirements of the Local Government Comprehensive Plan and the requirements of this Land Development Code. The Planning Commission shall in turn make its recommendations to the County Commission for final approval. No building permit shall be issued for development in subdivisions without review and certification that the proposed development meets all applicable subdivision regulations of this Code.

**Enforcement of Land Use District Requirements:** Enforcement of land use district requirements shall be the responsibility of the County Commission or they designated Administrative Official(s). Enforcement of land use district requirements shall include review of all development proposals including plats and site plans to ensure conformance with the land use district provisions of this Code. Such review and approval shall be obtained by the applicant prior to the issuances of a building permit or other final development order. In addition, land use district requirements shall be

enforced through on-site inspection as construction takes place as well as after construction is complete.

### 3.03.00 DEVELOPMENT ACTIVITIES THAT REQUIRE A DEVELOPMENT PERMIT

**Building and Structures:** In order for any person to have a building or other structure constructed, repaired, erected, moved, added to, demolished, structurally altered, or occupied, an appropriate permit or certificate authorizing such activity issued by the Building Inspector pursuant to the provisions of this section must be obtained.

**Excavation and Land Clearing:** In order for any person to have land cleared, graded, added to or excavated for the construction or enlargement of a building or structure, an appropriate permit or certificate authorizing such activity shall be issued by the Building Inspector pursuant to the provisions of this section.

**Equipment:** In order for any person to install, use or repair any equipment, appliance, electrical wiring or plumbing regulated by this chapter in a building or structure, an appropriate permit or certificate authorizing such activity shall be issued by the Building Inspector pursuant to the provisions of this section.

**Septic Tanks and Wells:** In order for any person to install an onsite sewage disposal system or to drill a well, an appropriate permit or certificate authorizing such activity shall be issued by the Building Inspector pursuant to the provisions of this section.

**Signs:** In order for any person to erect or construct a sign of any description, it is required that prior to having any work begun an appropriate permit or certificate authorizing such activity issued by the Building Inspector pursuant to the provisions of this section.

### 3.04.00 PREAPPLICATION CONFERENCE

Any owner (s) of land or owner (s) agent of land in the County who is contemplating engaging in any development activity on land for any lawful purpose may request an informal preapplication conference with the Administrative Official(s). At such conference the owner or owner's agent may present tentative proposals with a view toward learning what would be required to properly evaluate the proposal within the limits of these regulations. No fee or formal application shall be required for this conference, and no binding determination of the acceptability of the proposal shall be made. On reaching conclusions regarding the general program and objectives, as informally required in this section, the developer can proceed according to the procedures below. The Administrative Official(s) at this point may choose the permit process required for the development activity, and state whether a staff review, planning review or full review (see section 4.12, 4.13, and 4.14) is required, or

whether the development activity is subject to a special-use or conditional-use permit, and whether plat or subdivision approval is necessary.

### 3.05.00 APPLICATION CONFERENCE AFTER APPLICATION SUBMITTED

Upon receipt of a formal application for a building, land use district, special-use, or conditional-use permit, or plat approval, the Administrative Official(s) shall review the application and confer with the applicant to ensure that all necessary information has been submitted. The application shall be placed on the agenda of the County Commission or Planning Commission once the application is as complete as applicant intends. The Administrative Official(s) should inform both the applicant and the appropriate review body of the applications' completeness.

### 3.06.00 CONFIDENTIALITY

No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the preapplication conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

### 3.07.00 EXCEPTIONS TO REQUIREMENTS FOR DEVELOPMENT PERMIT

The following describes situations where the County will issue a building permit even though the development does not meet the full requirements of this Code:

- A. Development activity necessary to implement a valid site plan/development plan on which the start of construction took place prior to the adoption of this Code and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The approval of a lot for construction or alteration of a one or two family dwelling on a lot in a valid recorded subdivision that was approved prior to the adoption of this Code. Compliance with the subdivision lot development standards in this Code is not required if it is in conflict with the previously approved plat.
- C. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- D. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.

### 3.08.00 POST PERMIT CHANGES

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a

modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Department.

### 3.09.00 TYPES OF PERMITS AND APPROVALS REQUIRED

In order to engage in a development activity a land use district approval is required. After this approval is obtained, one or more of the following permits/approvals are required to engage in further development.

- a. A building permit issued by the Building Inspector.
- b. A special-use permit issued by the County Commission.
- c. A conditional-use permit issued by the County Commission.
- d. A sign permit (a type of building permit) issued by the Building Inspector.
- e. A plat or site plan approval issued by the County Commission.
- f. A land use district approval issued by the County Commission.

### 3.10.00 NON-ISSUANCE OF PERMIT OR APPROVAL

The requested permit or approval shall not be issued if it is concluded by the appropriate body (i.e. County Commission) that:

1. The requested permit is not within the Building Inspector's jurisdiction; or,
2. The application is incomplete; or,
3. The proposed development will not comply with one or more requirements of this Land Development Code (not including variances granted or for nonconforming situations).

The permit may still be denied if it is concluded that based upon information submitted at the hearing that the development will:

1. Materially endanger the public health or safety; or,
2. Substantially injure the value of adjoining or abutting property; or,
3. Not be in conformity with the Comprehensive Plan.

### 3.11.00 SUBMITTAL REQUIREMENTS BASED ON DEVELOPMENT PLAN DESIGNATION

A three-tier approach shall be used in determining the information which must be submitted at the time of application for development as defined by this Land Development Code. The greater the intensity of the proposed project, the greater the requirement for information needed to review the merits of the project.

Minor developments shall receive a **staff review**, medium size developments shall receive a **planning review** while major developments shall receive a **full review**.

### 3.12.00 STAFF REVIEW

A. Types of Development Subject to Staff Review: The following types of development shall be subject to staff review and approval:

1. Construction of a single family detached home or placement of a mobile home.
2. Construction of accessory structures.
3. Construction of an addition to an existing principal or accessory structure.
4. Repairs to an existing principal or accessory structure.
5. Land clearing,
6. Signs, fences, docks, on-site sewage disposal systems, driveways, parking areas, temporary structures.

#### B. Site Plan/Permit Applications

1. Application for development approval determined to be appropriate for staff review shall be made on forms provided by the Administrative Official(s). Development shall conform to all applicable local, state, and federal regulations. No construction shall begin without a development permit.

Application for development approval shall consist of the following:

- a. Application form
- b. Legal description
- c. Location map
- d. Sketch plan showing dimensions of the lot or parcel, location of existing and proposed structures, set-backs, parking, and where  
Appropriate, height or size of structures.

- e. For construction of a new single family detached dwelling, a survey prepared, signed, and sealed by a Florida registered land surveyor (if directed by County Commission)
- f. Tap fee receipt for connection to the public water supply system.
- g. Wastewater disposal certificate or permit for one of the following:
  - 1). Letter approving on-site wastewater disposal issued by the Calhoun County Health Department or the Department of Environmental Regulation (septic tank); or,
  - 2). Tap fee receipt for connection to an existing public wastewater system (see 3.12.C.1-6).
- h. When applicable, permits from state and federal agencies including the Water Management District and Army Corps of Engineers for dredge and fill, Water Management District for stormwater management, DOT for access to state highways, and Commission of Trustees of the Internal Improvement Trust Fund for a lease for sovereign submerged land.
- i. When required, two sets of building plans consisting of specifications and drawings to scale of sufficient clarity and detail to indicate the nature and character of the work. When required by the Standard (or Southern ) Building Code, drawings, specifications, and accompanying data shall be prepared and sealed by an architect or engineer legally registered under the laws of Florida.
- j. For those developments located in the 100 year flood plain, a topographic map with 1 foot contour intervals shall be provided.
- k. For land clearing which is not an adjunct of construction, a plan to re-establish a soil-stabilizing vegetation cover within 14 days of clearing shall be included.
- l. Statement, with supporting documentation as appropriate, that the proposed development satisfactorily addresses the review criteria

Contained in Section 3.15.00 of this Code.

C. Staff Review Procedures: A building permit or approval for site clearing not an adjunct to construction will only be issued if the proposed development conforms to land use district requirements, all other land development requirements of this Land Development Code and the Comprehensive Plan. The following summarized the permit review and approval process. The example below includes steps to secure

approval for a septic tank as part of the proposed development. That portion of the development review process (steps 4 & 5 ) would be omitted if the applicant does not need to include a septic tank as part of the development plan.

If the development plan involves connection to municipal water/sewer:

1. The application applies for water/wastewater services at the appropriate municipal administrative offices.
2. Municipal staff determines the feasibility of serving the site with utilities.
3. Municipal staff notifies applicant of the cost of water service, and the availability of sanitary sewer service. Applicant pays appropriate tap fees, or:

if the development plan involves use of septic tank (s):

1. Staff provides applicant with a letter to the Health Department that authorizes processing of a septic tank application.
2. The applicant submits the completed application to the Health Department for processing and required filed test.
3. The applicant brings the approved Health Department application, and/or tap fee receipt and a site plan to the Administrative Official. The site plan is reviewed for compliance with land use and density set back requirements (Articles IV and VI). The site plan is reviewed for other requirements of this Code such as adherence with drainage standards and to ensure protection of natural resources.
4. The Administrative Official issues a signed approval for adherence to plan compliance.
5. Applicant provides two (2) sets of building construction plans and copies of building/construction contracts, and the signed approval from the Administrative Official(s) to the Building Inspector for construction plans and licensing review.
6. The Administrative Official(s) and Building Inspector confer on all relevant information submitted by the applicant. If all aspects of the application conform to the requirements of this Land Development Code and pertinent building codes, the Building Inspector will issue permits.

### 3.13.00 PLANNING REVIEW

A. Types of Development Subject to Planning Review: The following types of development are subject to planning review and approval:

1. Development within the conservation or environmentally sensitive areas;
2. All commercial and office development;
3. All multiple family development, mobile home parks and townhouses;
4. Public facilities
5. Churches, community houses, group homes;
6. Boat ramps, marinas, parks, recreational vehicle facilities; and
7. Subdivisions and planned unit developments shall follow the subdivision review procedures contained in Section 3.16.00 of this Code.
8. Development which does not apply as eligible for the Staff Review process or the Full Review Process.

B. Site Plan Requirements of the Planning Review

- a. Application for development approval for development subject to planning review shall be made on forms provided by the Administrative Official's Office. Development shall conform to all applicable local, state, and federal regulations. Application for development approval shall consist of the following:
  1. Application form.
  2. Location Map.
  3. Legal survey prepared, signed, and sealed by a Florida registered land surveyor, indicating legal description and area to the nearest one tenth of an acre.
  4. Topographic map with one foot contour intervals. The topographic map may be combined with the survey.
  5. Site plan, drawn to appropriate scale, showing the location, dimensions, and intended use of all existing and proposed development in details sufficient to allow an evaluation of compliance with applicable land development regulations. The site plan shall show: wetlands and flood prone areas; all structures, their setbacks and height; parking; streets; means of ingress and egress; potable water and wastewater disposal facilities; other utilities; fences and walls; signs sidewalks; number of dwelling units for residential

development; square footage of commercial office and development; number of rooms for motel/hotels, number of employees, students, or seats for other development as appropriate; other information as may be required by the County.

6. Stormwater management plan prepared in compliance with the stormwater management requirements of this Code.
7. Water/wastewater system approval (see 3.13.C.1-6).
8. When applicable, permits from state and federal agencies including DEP and Army Corps of Engineers for dredge and fill, and the Water Management District.
9. Statement, with supporting documentation as appropriate, that the proposed development satisfactorily addresses the review criteria contained in Section 3.15.00 below.

#### C. Planning Review Procedures

1. The Administrative Official(s) shall ensure that the application for development approval is consistent with all provisions of the Land Development Code, the County Comprehensive Plan, the Subdivision Regulations, and other applicable land development regulations. In addition, the Administrative Official(s) shall prepare a statement of findings that the proposed development satisfactorily addresses the review criteria contained in Section 3.15.00 of this Code. The Administrative Official may request the assistance of other County Staff, the Building Inspector, the Calhoun County Public Health Official, or other local and state officials in conducting the review. The Building Inspector shall ensure that technical building standards are met. The Administrative Official(s), acting as the Land Use District Official shall be responsible for ensuring compliance with land use district requirements. The Administrative Official(s) shall then prepare a report and recommendation for action to the Planning Commission for consideration at the next regular meeting.
2. The Planning Commission shall study the application for development approval and the report of the Administrative Official, taking into consideration the requirements of this Ordinance, the Comprehensive Plan, and the other applicable land development regulations. The Planning Commission shall recommend to the County Commission that the application for development approval be approved, be approved with conditions, or disapproved.
3. After action by the Planning Commission, the Administrative Official(s) shall place the application for development approval in the next regularly scheduled

County Commission agenda. The report of the Administrative Official and the recommendation of the Planning Commission shall be forwarded for the County Commission's consideration. The County Commission, after reviewing the material presented, shall by motion approve, approve with conditions, or disapprove the application for development approval. Approval shall constitute authorization for the developer to apply to the Building Inspector for the issuance of a building permit.

### 3.14.00 FULL REVIEW

A. Types of Development Subject to a Full Review: A full review shall be required for the following types of development:

1. Power plants and transmission lines;
2. Commercial and office development exceeding 10,000 square feet or any office development exceeding 15,000 square feet.
3. Single family and multiple family development exceeding 25 units or and hotel/motel exceeding 25 units;
4. Developments of Regional Impact.
5. Industrial Development.

#### B. Site Plan Requirements of Full Review Procedure

1. site plans for the full review process have the same general requirements as the planning review process described previously. A preapplication conference with the County may reveal that additional site plan information will be required. The site plan must include a statement signed by the Engineer of Record, with appropriate supporting documentation. The proposed development must satisfactorily address the review criteria contained in Section IV. Because of the intensity of proposed use, projects that justify the full review procedure require complete intergovernmental coordination and close scrutiny of pertinent environmental factors.

#### C. Full Review Procedures

1. The Administrative Official(s) will arrange a preapplication conference with the applicant.
2. The Administrative Official(s) shall review the application and accompanying materials for compliance with this Ordinance, the Comprehensive Plan, and other applicable land development regulations. The Administrative Official may request

the assistance of other County Staff, the Building Inspector, the Calhoun County Public Health Official, or other local and state officials in conducting the review.

The Administrative Official shall then submit to the Planning Commission a recommendation for action for consideration at the next regular meeting.

3. Prior to the first meeting of the applicant with the Planning Commission, the Administrative Official shall, if appropriate, contact the following agencies: (1) Regional Planning Council; (2) Florida Department of Natural Resources; (3) Florida Department of Environmental Regulation; (4) Florida Department of Health and Rehabilitative Services; (5) Florida Department of Community Affairs; (6) Florida Department of Transportation; (7) Adjacent County and Municipal Local Governments and the Calhoun County School Board. Other agencies shall be contacted if appropriate. The Planning commission will be required to review the proposed development to determine if there are issues or elements of the proposed development which may be construed as being of regional significance or special local concern.
4. The Planning Commission shall study the application for development approval and the report of the Administrative Official, taking into consideration the requirements of this ordinance, the Comprehensive Plan, other applicable development regulations and intergovernmental comments. The Planning Commission shall vote to recommend to the County Commission that the application for development approval be approved, be approved with conditions, or disapproved.
5. After action by the Planning Commission, the Administrative Official shall place the application for development approval on the next regularly scheduled County Commission agenda. The report of Administrative Official, intergovernmental comments and the recommendation of the Planning Commission shall be forwarded for the County Commission's consideration. The County Commission, after reviewing the material presented, shall by motion approve, approve with conditions, or disapprove the application for development approval. Approval shall constitute authorization for the developer to apply to the Building Inspector for the issuance of a building permit.
6. The Administrative Official(s) shall ensure that the application for development approval is consistent with all provisions of the Land Development Code, the County Comprehensive Plan, the Subdivision Regulations, and other other applicable land development regulations. The Building Inspector shall ensure that technical building standards are met. The Administrative Official, acting as the Land Use District Official shall be responsible for ensuring compliance with land use district requirements.

7. A written staff review checklist and certification attesting to such consistency, signed by the Administrative Official and other County staff as appropriate, shall accompany all completed permit applications and become part of the permanent file for each development order issued by the County. At a minimum, the staff review checklist shall certify the proposed development satisfactorily addresses the review criteria contained in Article IV and section 3.15.00 of this Code.
8. If the application submitted for a development permit is incomplete with respect to the requirements of this ordinance, the Administrative Official may deny the permit or suspend review subject to the receipt of additional information from the applicant or the applicant's authorized agent.

### 3.15.00 FINDINGS OF COMPLIANCE FOR ALL DEVELOPMENT PROPOSALS

All development proposals, whether approved through the Staff Review, Planning Review or Full Review process shall be approved only after a finding of fact that the proposed development addresses in a satisfactory manner, the following:

1. The location of the proposed development as depicted on the of Calhoun County Land Use Map complies with the land use regulations, the Comprehensive Plan and the Future Land Use Map.
2. Sufficiency of statements on ownership and control of the development, common open space, common facilities, or common lands to insure that such common facilities will not become a future liability for the County.
3. Density (in units per acre, floor area ratio) and purpose of the proposed development with particular attention to its relationship to adjacent and nearby properties and effect thereon and relationship to the County's Comprehensive

Plan. Impervious Surface Ratios required for non-residential development (See Article IV).

4. Ingress and egress to the development and its proposed structures, with particular reference to: 1) automotive and pedestrian safety, 2) free movement of traffic on adjacent streets, 3) separation of automotive traffic, pedestrian, bicycle, and other traffic, 4) Provision of services, 5) servicing of utilities 6) refuse collection, and 7) access in case of fire, catastrophe, or emergency.
5. Location and relationship of off street parking and off street loading facilities to thoroughfares and internal traffic patterns within the proposed development, with particular reference to: 1) automotive and pedestrian safety, 2) traffic

flow and control, 3) access in case of fire or catastrophe, and 4) screening and landscape.

6. Sufficiency of proposed screens and buffers to preserve internal and external harmony and compatibility with uses inside and outside the proposed development.
7. 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.
8. Adequacy of provision for sanitary sewers, with particular relationship to overall sanitary sewer availability and capacities.
9. Adequacy of provision for water supply and fire protection, with particular relationship to overall system capacity and availability.
10. Utilities with reference to hook-in locations, and to availability and capacity for the uses projected.
11. Recreation facilities and open spaces, with attention to: a) adequacy, with respect to size of development; b) effect on privacy of adjacent and nearby properties and uses within the proposed development; and c) relationship to other existing and proposed community open spaces and recreational facilities.
12. 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 conflict with other development in the area as to cause substantial depreciation of property values.
13. Concurrency requirements as described in Section V of this Code.
14. Such other standards as may be imposed by these land development regulations on the particular use or activity involved.

3.16.00 SUBDIVISION REVIEW PROCESS (was Ord. #84-3)

3.16.01 Intent

The regulations of the subdivision of land is intended:

1. To aid in the coordination of land development in the unincorporated areas of Calhoun County in accordance with orderly physical patterns.
2. To maintain and protect the local economy and natural resources; to prevent pollution of the air, land and waters; to safeguard the water table and groundwater resources; and to encourage the wise use and management of natural resources throughout Calhoun County in order to preserve the integrity, stability, and beauty of the community and the value of the land.
3. To discourage haphazard, premature, uneconomic, or scattered land development.
4. To insure safe and convenient traffic control.
5. To encourage the development and maintenance of economically stable and healthful communities.
6. To insure adequate utilities.
7. To prevent periodic and seasonal flooding by providing protective flood control and drainage facilities.
8. To provide public open spaces for recreation.
9. To assure land subdivision with installation of adequate and necessary physical improvements.
10. To assure that the citizens and taxpayers of Calhoun County will not have to bear the costs resulting from haphazard subdivision of land and the lack of authority to require installation by the developer of adequate and necessary physical improvements.
11. To assure the purchaser of land in a subdivision that necessary improvements of lasting quality have been installed
12. To guide the future growth and development of Calhoun County in accordance with the adopted Comprehensive Plan

### 3.16.02 DEFINITIONS

#### 1.0 General Definitions

Except where specifically defined herein, all words used in these regulations shall convey their usual and customary meanings. Words used in the present tense include the future tense; words in the singular number include the plural and words in the plural include the singular. The word “shall” is mandatory and the word “may” is discretionary. The words “used” or “occupied” as applied to any land or buildings shall be construed to include the words “intended, arranged, or designed to be used or occupied.”

#### 2.0 Specific Definitions

When used in these Regulations, the following words and phrases shall have the meaning given in this section.

- 2.1 **ALLEY:** Any public right-of-way designated primarily for vehicular access to the back or sides of buildings or lots used for commercial purposes and otherwise abutting on a street.
- 2.2 **APPLICANT:** Any person who submits subdivision plans for the purpose of compliance with these regulations.
- 2.3 **ARTERIAL ROAD:** Any road serving as a connecting link for large volumes of traffic moving at high rates of speed and having well controlled access points. Arterial roads specifically include Highways 20, 69, 69-A, 71, 73, 392, 287, 286, 194, and 274 within Calhoun County and such other roads as the Board may designate upon the recommendation of the Planning Commission.
- 2.4 **BLOCK:** A tier or group of lots within well-defined and fixed boundaries, particularly an area surrounded by streets or other physical barriers and having an assigned number, letter, or name through which it may be identified.
- 2.5 **BOARD:** The Board of County Commissioners of Calhoun County.
- 2.6 **BUILDING:** Any structure designed or built for the support, enclosure, shelter, or protection of persons, animals, chattels, or moveable property of any kind. The work “building” includes the word “structure.”
- 2.7 **CENTRAL SEWAGE SYSTEM:** All of the equipment and property involved in the operation of a sanitary sewer utility, including waste water lines and appurtenances, pumping stations, treatment works, disposal facilities, and general property necessary for the operation of such utility, which shall be fully installed, operable, and providing service in compliance with applicable Florida laws and regulations.

- 2.8 CLEAR SIGHT TRIANGLE:** The area within the limits described by the two intersecting roadway center lines and a line drawn between them from points on each center line that are a prescribed number of feet from the intersection of the center line.
- 2.9 CLEARING:** The removal of trees and other vegetation from the land preparatory to construction of buildings or other improvements. As used herein such practices as mowing, yard maintenance, and customary agricultural practices are excluded.
- 2.10 COLLECTION ROAD:** Any road serving as the connecting link between local roads and arterial roads, or serving as a substantial link between separated local roads within a subdivision. Collector roads may be further defined as “major collector roads” and “minor collector roads”.
- 2.11 COMMUNITY WATER SYSTEM:** All of the equipment and property involved in the operation of a water utility, including water lines and appurtenances, pumping stations, treatment plants, and general property relating to such utility, which shall be fully installed, operable, and providing service to compliance with applicable Florida laws and regulations.
- 2.12 COMPREHENSIVE PLAN:** The Calhoun County Comprehensive Plan as originally adopted by ordinance by the Board in February 1979 along with such duly adopted amendments and updates as may be passed by the Board.
- 2.13 COUNTY:** Calhoun County
- 2.14 CROSS WALK:** A right-of-way within a block dedicated to public use and intended primarily for pedestrian use and from which motorized vehicles are excluded.
- 2.15 CUL-DE-SAC:** Any local road (q.v.) with a single intersection.
- 2.16 DEDICATION:** The deliberate assignation of land by its owner(s) for any general or public use(s) with an eventual view toward transfer of ownership and management to the County. The acceptance of such dedications to the County are at the discretion of specific action by the Board.
- 2.17 DENSITY, NET RESIDENTIAL:** The number of residential dwelling units per acre of land determined by dividing the total number of units by the total area of land within the parcel boundaries minus all dedicated rights-of-way, floodplains, and other undevelopable areas.
- 2.18 DEVELOPER:** Any person or legal entity engaged in subdividing, developing, or improving land for use or occupancy.

- 2.19 DEVELOPMENT PLAN:** A conceptual design of a proposed subdivision which includes the requirements of these Regulations.
- 2.20 DOUBLE FRONTAGE LOTS:** A lot having two non-adjoining property lines abutting upon a street or streets.
- 2.21 DWELLING:** A building or portion thereof designed or used exclusively for residential occupancy. A dwelling may be for single family use or may be a multifamily dwelling (q.v.).
- 2.22 EASEMENT:** A grant by a property owner for the use of land for a specific purpose.
- 2.23 ENGINEER:** A professional engineer registered, certified, and licensed to practice in the State of Florida.
- 2.25 FLOODPLAIN, ONE HUNDRED YEAR:** A land area which would be subject to a one percent (1%) or greater chance of flooding in any given year. Those areas designated by the Federal Insurance Administration of the Federal Emergency Management Agency as flood hazard areas shall be considered the minimal extent of such floodplains. The Board may adopt at the recommendation of the Planning Commission more restrictive boundaries upon the presentation of appropriate evidence by a suitably experienced engineer.
- 2.26 FRONTAGE:** The length of the front property line of the lot, lots, or tract of land abutting a street, road, highway, or other right-of-way.
- 2.27 GRADE:** The slope of a road or other right-of-way specified as a percentage.
- 2.28 IMPROVEMENT, PUBLIC:** Any roadway, sanitary sewer, storm sewer, drainageway, water main, bridge, sidewalk, or other facility for which the County may assume the responsibility for maintenance and operation.
- 2.29 LOCAL ROAD:** Any road primarily serving adjacent property owners and residents as the initial access to the highway system, characterized by short trip distances, low speeds, and light traffic volumes. Any local road serving four or fewer adjacent lots all of which are 1.0 acres in size or less may be considered a minor subdivision access road (q.v.).
- 2.30 LOT:** A tract or parcel constituting the least fractional part of a subdivision of land, having a fixed boundary, and bearing a number, letter, or name by which it may be identified.
- 2.31 MAJOR COLLECTOR ROAD:** Any collector road (q.v.) which may be determined by the Board at the recommendation of the Planning Commission to carry the traffic generated by twenty-five or more residences, or which may be

otherwise determined as carrying the equivalent traffic load which might reasonably be generated by twenty-five residences.

- 2.32 MINOR COLLECTOR ROAD:** Any collector road (q.v.) found by the Board at the recommendation of the Planning commission to carry less than the designated traffic load which would qualify it as a major collector road (q.v.).
- 2.35 MULTIFAMILY DWELLING:** A dwelling (q.v.) specifically designed to accommodate two family units (a “duplex”) three family unit (a “triplex”), or four family units (a “quadriplex”).
- 2.36 OWNER:** Any person, group of persons, firm, joint venture, corporation, or any other legal entity having legal title to the land sought to be subdivided under these Regulations. The term “owner” is synonymous with “landowner”
- 2.37 PERFORMANCE BOND:** Evidence of security adequate to assure the installation and completion or maintenance of all required public improvements (q.v.) for a subdivision. Acceptable security may include a cash deposit, a surety bond, an executed escrow agreement between the applicant and a bank or other financial institution, or any other financial assurance acceptable to the Board guaranteeing installation or maintenance of all required public improvements within a reasonable period of time.
- 2.38 PERSON:** Any individual, firm, partnership, trust, estate, company, association, or organization, whether for profit or not-for-profit, which may be awarded legal status under Florida Law.
- 2.39 PLANNING COMMISSION:** The Calhoun County Planning Commission.
- 2.40 PLAT:** A map or delineated representation of the subdivision of lands, being a complete and exact representation of the subdivision, along with other information in compliance with the requirements of Chapters 163 and 177 of the Florida Statutes and these Regulations.  
The verb “to plat” means to act so as to create a plat.
- 2.41 RIGHT-OF-WAY:** Land dedicated, deeded, used, or to be used for a road, alley, walkway, public utility, drainageway, access for ingress and egress, or other public purpose.
- 2.42 ROAD:** A vehicular thoroughfare which affords traffic circulation and principal means of access to abutting property, including avenues, streets, lanes, boulevards, and any other thoroughfare except an alley. A public road is any such road dedicated for public use. A private road is any such road not so dedicated.
- 2.43 STORMWATER MANAGEMENT SYSTEM:** The designed features of an improvements to property which collect, convey, channel, hold, store, inhibit, or

divert the movement of stormwater to meet the requirements of Florida Statutes, and of the Florida Administrative Code and these Regulations.

- 2.44 SUBDIVISION:** The division of any Parent Track parcel of land, whether improved or unimproved, into three or more lots, tracts, parcels or blocks of land, for the purpose, whether immediate or future, of offer, sale, lease, or development; or the division of a parcel of land of any size in which a change of public rights-of-way or easements are involved. The term includes resubdivision and where appropriate to the context, shall relate to the process of subdividing or to the land subdivided.
- 2.45 SURVEYOR, REGISTERED:** A land surveyor currently registered to practice in the State of Florida.
- 2.46 UTILITIES:** Facilities made available to and shared by the community at large, including, but not limited to, community water systems, central sewage systems, electrical power distribution systems, stormwater management systems, natural gas distribution systems, and telephone systems.
- 2.47 WETLANDS:** Land subject to regular inundation by water over a majority of time measured over a period of years. Wetlands shall be more particularly defined according to Chapter 403.817 of the Florida Statutes and as any land bearing those dominant wetland plant indicator species as included in Chapter 17-4 of the Florida Administrative Code.

### **3.16.03 EXEMPT SUBDIVISIONS EXEMPT FROM THE PLATTING PROCESS**

#### **1.0 Intent**

It is the intent of this section to allow certain transfers of ownership involving the division of lands and certain other divisions of land, none of which will create additional needs for community facilities, to proceed as the principals to the transaction intended with a minimum of legal difficulty, save only that all such transfers should be duly approved and recorded with the County.

#### **2.0 Determination of Exempt Status**

Exempt Subdivision: A subdivision which is approved by the Calhoun County Board of County Commissioners, which is exempt from the Platting Process. In order to be considered for exemption the tract of land shall meet all of the following criteria:

- a. The parcel of record may not be divided into more than eight (8) parcels.

- b. All parcels shall abut a public right of way and have direct access to the public roadway consistent with the access provision included in this Code.
- c. No parcel shall be less than ten acres in size, ***except that family homestead (property conveyed to grandparents, parents, children and/or grandchildren) parcels may be a minimum of one acre.***
- d. To the extent that the parcel of record abuts a public road right of way or rights of way and said public road right of way or right of ways does not meet the requirements of the Calhoun County Comprehensive plan and/or this Code, the applicant shall deed or convey to the County one-half of the right of way necessary to bring said public road right of ways(s) into compliance with the Calhoun Plan and Code. To the extent said public right of way(s) is entirely contained in the parcel of record, the applicant shall deed or dedicate all the right of way(s) necessary to bring said road into compliance with the County Plan and Code.
- e. The applicant shall provide necessary access and /o right of way for utilities.
- f. The applicant shall present a map, which is drawn to scale, identifies any public road right of way and indicates the bearing or north and details the exemption including that portion of the public road frontage, which abuts the public road. A survey of the road right of way(s) dedication and proof of road right of way(s) dedication to the County shall be presented prior to the sale of any portion of the exempt property. Upon the sale of a portion of the exempt property, a survey shall be presented which depicts that portion of the exempt property constituting the property sold.
- g. The proposed division of land does not create or incorporate any road, which is not a public road.
- h. No portion of the subject exempt property may be located in floodplain or contained wetlands unless subject exempt property meets all the requirements of the Calhoun County Comprehensive Plan and the Calhoun County Land Development code.
- i. Once the exemption is utilized with respect to the parent tract of land, no portion of the parent tract of land may seek the exemption in the future.
- j. Each tract of land sold under this exemption process must meet the requirements of the Calhoun County Comprehensive Plan and Land Development Code prior to development. No rights in conflict with the Calhoun County Comprehensive Plan and the Code are granted by virtue of the adoption of this ordinance other than exemption from the platting process for parcels meeting all of the requirements of this ordinance.

### **3.16.04 EXEMPT SUBDIVISIONS SUBDIVISION PROCEDURES**

#### **1.0 Intent**

it is the intent of this section to provide expeditious review and approval for those subdivisions qualifying as **exempt** subdivisions by allowing an exemption from the platting process while still meeting the legitimate public need for the provision of certain required public facilities. An applicant under this section shall be subject to the standards, specifications, and requirements included under Article VI of these Regulations.

#### **2.0 Exempt Subdivision Approval Procedure:**

- 2.1** Any owner contemplating a subdivision of his or her land which may qualify as a minor subdivision may request a meeting with the Planning Commission or its designated representative to explain their proposal and have explained to them the Planning Commission's procedures.
- 2.2** No later than fourteen days before the scheduled meeting of the Planning Commission the applicant may formally submit an application for approval of a minor subdivision. Such Application shall include at a minimum: Name, address, and phone number of the applicant; a legal description of the property to be subdivided; a filing fee; a map at a suitable scale attested by a registered surveyor showing the proposed new parcels and their dimensions, and a road plan showing all access points and, for those lots less than 1.0 acres in size, the layout, design, and cross-section of a suitable minor subdivision access road; diagrams and descriptions as necessary to indicate how the requirements for storm water management will be met; and such other material as the Planning Commission may request for the purpose of making a responsible recommendation to the Board.
- 2.3** The Planning Commission shall consider the application for approval of exempt subdivision at its regular meeting and shall hear the comments of any interested members of the public before formulating its recommendation.
- 2.4** The Planning commission may recommend approval, approval with conditions, in which case the conditions shall be clearly stated, or denial. The Planning Commission's recommendation shall be presented in writing to the Board no later than four days before the Board's next regularly scheduled meeting. The recommendation shall be considered by the Board at that meeting. Their decision shall result in issuance of a development order which shall state the conditions, if any, for approval, or if the decision is for denial, the reasons why.
- 2.5** The development order shall be valid for a period of twelve months from the date of issuance unless the Board specifically states a longer period.

### **3.16.05 SUBDIVISION PRELIMINARY PLAT APPROVAL**

#### **1.0 Purpose**

- 1.1** The purpose of the Preliminary Plat is to permit complete and accurate presentation of technical data and preliminary engineering drawings in such a manner as to allow complete review and evaluation of the proposed development and its impact upon both the site and the surrounding area.

divide a parcel of any size which would involve a change of public rights-of-way or easements, unless they have qualified as an exempt subdivision subdivision under these Regulations or have first received the Board's official acceptance of a plat which has been duly filed with the Planning commission and reviewed for compliance with the standards within these regulations, and have recorded that approved plat with the Clerk of County Court. In addition, no road shall be accepted and maintained, nor shall any utility lines be extended, nor shall any permit be issued by a representative of the County for the construction of any building or for septic tank installation or for any other purpose requiring a permit, without adherence to these Regulations.

#### **2.0 Pre-Application Conference**

Any owner of land in the unincorporated portions of the County who is contemplating subdividing it for any lawful purpose may request an informal pre-application conference with the Planning commission or its designated representative. At such a conference the owner or owner's agent may present tentative proposals with a view toward learning what would be required to properly evaluate the proposal within the limits of these Regulations. No fee shall be charged, and no formal application shall be required.

#### **3.0 Filing a Plat for Preliminary Approval**

- 3.1** Prior to any clearing activity or grading preparatory to making any road improvements or installing any utilities, the subdivider shall submit to the Planning Commission a preliminary plat in accordance with the procedures of this section.
- 3.2** No later than fourteen days before the regularly scheduled meeting of the Planning Commission the subdivider shall submit a letter requesting a review and approval of a preliminary plat, at least four copies of the preliminary plat, other substantiating documents as may be required, and full payment of a fee ~~in the amount of \$100~~ which shall partially defray the cost of reviewing the application.
- 3.3** The preliminary plat as filed shall meet the following specifications:

- a). The preliminary plat shall be clearly and legibly drawn at a scale not smaller than 100 feet to one inch.
- b). the sheet size shall be 24 inches by 36 inches. If the complete plat cannot be shown on a sheet of this size, it may be shown on more than one sheet with an index map on a separate sheet of a reduced scale.
- c). the title or name of the proposed subdivision, the name, address, and phone number of the owner of the tract proposed for development, and the name, address, and phone number of the engineer and surveyor engaged to prepare and design the preliminary plat shall all be clearly shown.
- d). The date, scale of the plat, north arrow, current zoning if any, total number of lots, and minimum lot size shall be included.
- e). A full and detailed legal description of the tract to be platted and its approximate acreage shall be included.
- f). A vicinity map shall be included showing the relationship between the area proposed for development and the surrounding area. The vicinity map shall be at a scale of not less than one inch equaling two thousand feet (1"=2000') and shall identify adjacent subdivisions and public roads by name.
- g). Existing physical features shall be fully identified. These include but are not limited to roads, culverts, easements, rights-of-way, lakes, rivers and creeks, swamps, other wetland areas, the one hundred year flood plain, wooded areas, cultivated areas, parks and other public open spaces, sewers, and water mains.
- h). The proposed layout shall be clearly shown, including roads, alleys, easements, lot lines with approximate dimensions, land to be dedicated for public purposes, and any land proposed for purposes other than single family dwellings. Proposed rights-of-way shall include all dimensions.
- i). Block and lot designations shall be shown.
- j). In the event that the County adopts a zoning code, the existing zoning for the proposed subdivision and the adjacent properties shall be shown, and the minimum building front yard setback line shall be shown.
- k). Typical road cross-sections and centerline profiles shall be included.
- l). contour intervals of two feet shall be shown. The Planning Commission may request the plotting of contour intervals of one foot in very flat areas. Proposed contour changes shall be shown.
- m). The preliminary plat shall clearly state on its face that it is not for recording.

- 3.4** Other material which the Planning Commission may request from the subdivider during the preliminary plat review process include:
- a). Engineering plans for community water systems, central sewage systems, storm water management systems, and other public improvements;
  - b). Draft copy of any proposed protective covenants or deed restrictions which may be attached to the lots at the time of sale;
  - c). Any other information which will enable the Planning Commission to evaluate the proposal for compliance with these Regulations or the Comprehensive Plan.
- 3.5** Upon receipt of the application for preliminary plat approval, the Planning Commission shall distribute copies for review to the County Road Department, the county Health Department, and such other offices as the Planning commission may determine. They shall address their comments in writing concerning the suitability and adequacy of the proposed subdivision to the Planning Commission.
- 3.6** Interested members of the general public may review the proposed subdivision in such offices of the County as the Planning Commission may designate at any time during normal working hours. Comments from the general public, whether written or oral, shall be duly considered by the Planning Commission in its deliberations.
- 3.7** At its regularly scheduled meeting the Planning Commission shall consider the application for preliminary plat approval and the comments of those who have reviewed it prior to formulating a written recommendation of approval, approval with conditions, or denial for the action of the Board. The Planning Commission's recommendation shall be submitted in writing to the Board no later than four days before the Board's next regularly scheduled meeting.
- 3.8** The Board shall act upon the Planning Commission's recommendation at its next regularly scheduled meeting. If the Board approves the proposed subdivision, it shall inscribe a certificate of preliminary approval to the face of the plat, listing the date of preliminary approval, notice that such preliminary approval does not constitute approval of the final plat, and citing an expirations date. If the Board approves the preliminary plat with conditions, a similar certificate shall be inscribed with the addition of the conditions. If the Board denies the preliminary plat, it shall be returned to the subdivider with a recitation of the reason or reasons for denial.
- 4.0 Authorization to Proceed with Improvements**

The preliminary approval by the board shall constitute authorization for the subdivider to proceed with the installation of the public improvements to the

parcel to be subdivided as detailed in the development plans submitted to the Planning Commission for preliminary approval. The necessary clearing, grading, and construction work may proceed as the developer finds expedient consistent with the requirements of these Regulations and other requirements of the law. The developer shall have twelve months from the date of preliminary approval to complete all improvements and file for final plat approval, unless a longer time was specified, or an extension is granted by the Board subsequent to a recommendation of the Planning Commission.

### **3.16.06 SUBDIVISION DESIGN AND IMPROVEMENT STANDARDS, SPECIFICATIONS, AND REQUIREMENTS**

#### **1.0 General Principles of Subdivision Design**

- 1.1** All lands included within the subdivision shall be suitable for the various purposes proposed in the request for subdivision approval. Further, no subdivision plan shall be approved unless the Board finds, after full consideration of all pertinent data, that the subdivision can be served adequately with such normal public facilities and services as are suitable in the circumstances of the particular case.
- 1.2** Proposed subdivisions subject to these Regulations must conform to the goals, objectives, and policies as stated in the Comprehensive Plan.
- 1.3** Access to every subdivision shall be provided over a public road.

#### **2.0 Land Use**

- 2.1** In the design of subdivisions due regard shall be shown for all natural features and community assets which, if preserved, will add attractiveness and value to the property and County. Special consideration shall be given in the subdivision design to the preservation of tree cover, large species trees, natural drainageways, floodplains, wetlands, and the natural topography and landscape.
- 2.2** A subdivision plan shall not be approved unless all land intended for use as building sites can be used safely for building purposes, without the danger of flooding and adverse soil conditions affecting structural stability and human health, safety, and welfare. Lots shall not be platted within the hundred year floodplain unless the subdivider provides evidence that a suitable portion of the lot for building purposes and septic tank placement is above the line of the hundred year floodplain, or, if a central sewage system is proposed as part of the development, that a suitably floodproofed dwelling may be erected on a site within the lot. The subdivider shall present evidence of design measures to minimize the adverse effects of development on the quality and quantity of the natural hydrological system in those portions of any subdivision affecting lakes,

ponds, swamps, water courses, wetlands, or the subsurface aquifer. The County shall not accept any dedicated public improvements for ownership or maintenance in areas where the soil limitation is rated as severe or very severe unless the developer presents evidence of planned compensating structural improvements adequate to accommodate the proposed use.

- 2.3** The lot size or net residential density shall be allowed as more particularly stated below. In each case, where soil or topography limitations may indicate, the Planning Commission may request a larger lot size or lower net residential density.
- a). If the subdivider's development plan is based on an eventual reliance upon individual wells and waste water disposal systems, such as septic tanks, which will be provided by the purchaser of each lot, each lot shall be platted as a minimum of one-half acre in size for single family dwellings or at a net residential density no greater than 2.0 units per acre for multifamily dwellings.
  - b). If the subdivider agrees to provide a community water system to serve all of the lots to be platted and further proposes a reliance upon individual waste water disposal systems, such as septic tanks, which will be provided by the purchaser of each lot, each lot shall be platted as a minimum of one-fourth acres in size for single family dwellings or at a net residential density no greater than 4.0 units per acre for multifamily dwellings.
  - c). If the subdivider agrees to provide a community water system and a central sewage system to serve all lots to be platted, and paved roads throughout the subdivision, each lot shall be platted as a minimum of one-sixth acre in size for single family dwellings or at a net residential density no greater than 12.0 units per acre for multifamily dwellings. Any subdivision planned under this subsection for any net residential density in excess of 6.0 units per acre shall make additional allowance for an open space dedication of 5 percent for purposes of a public park to serve that subdivision's residents.
  - d). If the County should adopt a zoning code applicable to any area under consideration for subdivision, and that zoning code contains standards differing from the provisions of this section, then the more stringent shall prevail as operative in that case.

### **3.0 Blocks and Lots**

- 3.1** The length, width, and shape of blocks shall be designed with due regard to maximizing the use of existing natural drainage systems, and providing of adequate building sites suitable to the special needs of the type of use contemplated.

- 3.2** Blocks shall not be longer than 1800 feet in length, nor less than 400 feet in length. They shall be wide enough to provide for two tiers of lots, save where abutting upon arterial roads, or where other situations make this requirement impractical. Blocks in excess of 1200 feet in length shall provide a cross walk as near to the midpoint of the block as practicable. Such a cross walk shall be no less than ten feet in width and shall be cleared and built up as necessary for the convenient traverse of pedestrians.
- 3.3** Subdivision access to arterial roads shall be limited to collector roads, and the subdivider shall design his road plan accordingly so as to eliminate the direct access of local roads or abutting lots.
- 3.4** Double frontage lots shall not be permitted save where necessary to provide separation of residential development from certain major collector roads and arterial roads or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet across which there shall be no right of access shall be provided for such lots.
- 3.5** Lots shall be of a design and size that will accommodate a minimum building setback of 35 feet from the edge of the right-of-way, 10 feet from one side property line, 15 feet from one side property line, and 10 feet from the rear property line, save that corner lots shall have a minimum setback of 35 feet from the edge of the right-of-way of each road. Any lot designated for commercial or industrial use shall allow for a minimum building setback of 60 feet from the right-of-way of any adjoining road.

#### **4.0 Road System**

- 4.1** The arrangement, character, width, grade, and location of all roads shall conform to the Comprehensive Plan, to any standards additional to these Regulations which may be adopted by the Board, and shall be considered in their relation to existing and planned streets, to topographical conditions, to public safety, and in relation to the proposed use of the land to be served by such roads.
- 4.2** Roadway design features for proposed subdivisions shall include the following:
- a). The arrangement of roads within a subdivision shall be coordinated with the existing roads system surrounding the area and provide for continuation of existing streets where appropriate. Traffic circulation plans shall allow for future road links with adjacent unsubdivided property. Where such adjacent land is clearly undevelopable in large part this requirement shall be waived.
  - b). The roadway design shall be such as to discourage the use of local roads for through traffic.

- c). New road names shall not duplicate or closely approximate existing road names, save for cul-del-sacs which may take the same name as the road with which they intersect but with a differing suffix. Any new road that is an extension of or in essential alignment with an existing road where there is a strong probability as determined by the Planning Commission that the discontinuous segments of road will eventually be continuous shall bear the same name as the existing road.
- d). Road jogs with center line offsets of less than 125 feet shall not be permitted.
- e). Road intersections shall be as nearly at right angles as possible with no street intersection being at any angle of less than 70 degrees. No intersection shall be permitted for more than two streets.
- f). Cul-de-sacs shall be no longer than 800 feet and shall have a turn-around at the closed end of no less than a seventy five (75) foot radius from the center point to the property line and no less than forty feet from the center point to the property line and no less than forty feet from the center point to the edge of the driving surface.
- g). The road right-of-way shall be 60 feet, plus a 15 foot utility easement and the road right-of-way radius at intersections shall be at least twenty feet, save that where the angle of intersection is less than 90 degrees, the Planning Commission may require an additional length.
- h). Alleys shall be provided in any areas planned for commercial development, but shall not be included in residential areas unless the subdivider provides evidence to the Planning Commission of their necessity. Dead end alleys shall not be provided.
- i). At all road intersections an adequate clear sight triangle must be maintained, within which no impediments to clear sight, including ornamental plantings higher than 30 inches, will be allowed, save that trees will be allowed provided that they do not cumulatively present an obstacle to clear sight. Triangle leg distances shall be 75 feet along any local road, 200 feet along any collector road, and 300 feet along any arterial road.
- j). Road signs shall be provided by the developer of a durable and readable material and posted with a clearance of seven feet so as to be visible for both pedestrian and vehicular traffic. At cross-road intersections, two road sign posts shall be located diagonally across the intersection from each other. Only one road sign post shall be required at T-road intersections.
- k). Where sidewalks are constructed they shall be four inches thick with a minimum width of four feet. Curbs and gutters shall be required where sidewalks are built, and all intersections of sidewalks and curbs shall include a sloping cut adequate for the smooth passage of wheelchairs and bicycles. A thirty inch grass planting

strip shall be provided between the back of the curb and the sidewalk. All sidewalks shall slope toward the curb at a grade of one-fourth inch per foot.

**4.3** Road design and construction standards must meet the minimum specifications as established in the following chart:

	Local Road *	Minor Collector	Major Collector	Arterial	Alley	Minor Subdivision Access Road
Right-of-way	60'	60'	80'	100'	20'	50'
Lane width	20'	22'	24' (paved)	24' (paved)	12'	18'
Shoulder width (each side)	6'	8'	10'	10'	---	6'
Maximum street Grade	15%	12%	8%	6%	8%	15%
Minimum radius Of center line Curvature	100'	300'	500'	800'	300'	100'
Minimum length Of tangent between Reverse curves	100'	150'	200'	300'	---	100'
Minimum stopping Sight distance	200'	240'	240'	350'	---	200'

\* Except those local roads designated as minor subdivision access roads

**4.4** Subdivisions adjoining existing public roads with rights-of-way less than that specified in these Regulations shall dedicate land sufficient to meet the right-of-way requirements. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing road, and one-half of the right-of-way as measured from the centerline shall be provided where any part of the subdivision is on only one side of a public road.

**4.5** Basic construction requirements for all categories of roads shall include the following considerations.

- a). All roads shall be graded to their full width by the subdivider so that the various public improvements to be provided within the right-of-way may be placed with minimal difficulty.
- b). Utility lines of all kinds shall be constructed and installed to the maximum extent feasible beneath the surface of the ground and within backslope areas of dedicated rights-of-way. It shall be the developer's responsibility to make the necessary arrangements with each utility in accordance with that utility's established policies. Where the Planning Commission determines that soil, topographic, or other limitations preclude below-ground installation, the developer shall be responsible for an alternate arrangement acceptable to the Planning Commission.

- c). If it is necessary for the subdivider or any utility to break existing pavement for the subdivider or any utility to break existing pavement for the purpose of installing few facilities, the break shall be repaired b the subdivider unless the utility assumes that responsibility as a matter of policy.
- d). An adequate drainage system designed to meet the adopted Level of Service Standard in the County Comprehensive Plan shall be installed within the road right-of-way and in such other locations as may be necessary to fulfill its purpose. Such a system shall include all ditches, curbs, pipes, culverts, headwall, grassy swales, and other such features as required. Where stormwater management facilities exist outside the road right-of-way an appropriate drainage easement shall be necessary to accommodate the area required.
- e). When all construction is completed within the road right –of-way, the subdivider shall replant the shoulder and swales areas with grass or other vegetation to prevent undue soil erosion.

**4.6** Where not otherwise mentioned in these Regulations, the required standards and specifications for design and construction of roads and their related facilities shall be in conformity with those standards promulgated by the Florida Department of Transportations in the current editions of Manual of Uniform Minimum Standards for Design, Construction, and Maintenance for Streets and Highways (the “Green Book” ) and Standard Specifications for Road and Bridge Construction.

**4.7** All roads within subdivisions shall be dedicated for public use with the exception of minor subdivision access roads. Areas dedicated for right-of-way or for other public improvements do not imply acceptance by the Board. The Board must take specific action to accept any dedicated lands for whatever purpose. Specifically, the Board shall not accept for ownership or maintenance any road not built in accordance with these Regulations.

## **5.0 Potable Water, Waste Water Treatment, and Storm Water Management**

**5.1** Where the developer agrees to provide a community water system for the subdivision he or she shall abide by the standards and procedures established by the Northwest Florida Water Management District and the Florida Department of Environmental Regulation concerning the issuance of any required permits and facility installation.

**5.2** Where the developer agrees to provide a central sewage system for the subdivision he or she shall abide by the standards and procedures established by the Florida Department of Environmental Regulation concerning the issuance of any required permits or installation of facilities.

**5.3** In proposed developments where community facilities for potable water or waste water treatment are not proposed, the following shall apply.

- a). In any subdivisions without a central sewage system in which the subdivider is responsible for the actual construction of dwellings the subdivider shall insure that facilities are installed so as to allow for expeditious hook-up to any future central sewage system which may become available.
- b). In any subdivision without a central sewage system, the following language shall appear on the face of the final plat prepared for recording and also on any contracts for sale drawn up for lots within that subdivision: “This subdivision is not served by a central sewage system. Buyers of individual lots are responsible for meeting the waste water treatment requirements of Florida law. The suitability of soil for the installation of any individual waste water treatment facility, such as a septic tank, is not guaranteed by the seller, Calhoun County, or the State of Florida.”
- c). In any subdivision without a community water system, the following language shall appear on the face of the final plat prepared for recording and also on any contract for sale drawn up for lots within that subdivision: “This subdivision is not served by a community water system. Buyers of individual lots are responsible for providing their own potable water. The suitability of this location as a well site to produce water of adequate quantity and quality is not guaranteed be the seller, Calhoun County, or the State of Florida.”

**5.4** A comprehensive storm water management system shall be provided in all areas of the subdivision for the purpose of handling runoff flowing into or across any part of the subdivision. The system shall fulfill the requirements of Chapter 17-25 of the Florida Administrative Code and shall be designed for long life, low maintenance costs, and to maximize the amount of rainfall percolated into the soil.

## **6.0 Easements**

The use of all easements shall be clearly shown on the plan and shall conform to the following:

**6.1** Where necessary, easements will be centered on rear or side lot lines. Rear lot easements shall have a minimum width of fifteen feet and side lot easements shall have a minimum width of ten feet except that minimum total width of fifteen feet must be provided where necessary for storm or sanitary sewers.

**6.2** Where a subdivision is traversed by or abuts a water course, drainageway, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width, but not less than fifteen feet along each side of the water course, as necessary for maintenance or construction.

**6.3** The County will maintain only those easements, right-of-way, and public sites which it accepts for maintenance.

## **7.0 Monuments**

**7.1** A concrete marker imbedded at least two feet into the ground shall be required at the intersection of all road right-of-way and radius points. Such a right-of-way monument shall be at least four inches square with a one-eighth inch iron pin imbedded in the center at least four inches deep. The top surface of such marker shall be level with the surface of the ground.

**7.2** Property line monuments shall be required consisting of an iron pin imbedded at least two feet into the ground at each corner of the subdivision and at each point where the property line changes direction. Such iron pin shall be at least one-half inch in diameter. The top surface of such iron pin shall be approximately level with the ground surface.

## **8.0 Commercial and Industrial Facilities**

**8.1** In any subdivision in which all or part of the land to be subdivided is proposed for commercial or industrial use, it shall be the responsibility of the subdivider to show evidence of adequate depth and width of property to accommodate the proposed use. The subdivider shall also show evidence of adequate off-street service and parking facilities, including paved parking areas for commercial establishments, as may be required by the type of use and development contemplated.

**8.2** The Planning Commission may require specific information of the subdivider pertinent to such proposed facilities.

**8.3** In the event that the County established any zoning code addressing standards for commercial and industrial facilities, those standards shall be operative when considering subdivision regulation compliance.

## **9.0 Phased Developments**

**9.1** Where appropriate in larger subdivisions in order to make the development process more efficient, the subdivider may propose or the Planning Commission may require that construction proceed in phases. Where so required, the clearing and grading of advanced phases shall not proceed ahead of earlier phases in an unreasonable fashion.

**9.2** Each phase of any development shall be capable of standing on its own if subsequent areas planned for development are not developed.

### **3.16.07 FULFILLMENT OF REQUIREMENTS AND FINAL PLAT APPROVAL**

#### **1.0 When Construction May Begin**

Construction and installation of any required public improvements may begin as soon as the Board authorizes the preliminary plat, as stipulated in Article V of these Regulations.

#### **2.0 Inspections Prior to Completion**

**2.1** In order to facilitate inspection of required improvements during construction, the applicant shall notify the Planning Commission or its designated representative at least two working days before proceeding beyond each of the following stages of construction:

- a). When rough grading has been completed;
- b). When excavations are ready for placing foundations, and when pipe trenches are shaped and prepared for laying pipe;
- c). Once the drainage and other facilities are installed, but before back-filling occurs;
- d). Upon completion of base course compaction of roads;
- e). When placing and rolling of lower and surface pavements.

**2.2** The purpose of these inspections is to insure compliance with the approved preliminary plat and to advise the Board whether or not the roads, storm water management facilities, and other public improvements being constructed appear to qualify for acceptance by the County. The County assumes no responsibility or commitment guaranteeing acceptance of the work, or for subsequent failure, by virtue of these stage inspections. However, if any aspect of the work being performed does not comply with acceptable standards, corrections will be required as a condition for County acceptance.

#### **3.0 Final Plat Approval**

**3.1** After completion of the physical development of the subdivision or the posting of a performance bond guaranteeing the eventual completion of the required public improvements, the applicant may file for final plat approval by submitting a letter officially requesting review and approval of the final plat, four copies of the final plat including an original from which additional copies may be made, and a filing fee of \$25 plus \$2 for each lot within the subdivision.

**3.2** The final plat shall be drawn with black drawing ink on mylar or vellum using sheets measuring 24 by 36 inches. The scale shall be 100 feet to the inch; if the complete plat cannot be shown on one sheet of this size, it may be shown on more than one sheet with an index map at a reduced scale. Final plats shall meet all the requirements of Chapter 177 of the Florida Statutes and shall be so certified by the registered surveyor.

**3.3** Information to be included on the final plat includes:

- a). A title block to include the name of the subdivision, the appropriate legal description with reference to a subdivision corner tie, and the words "Calhoun County, Florida."
- b). The name and address of the owner of record and the subdivider, and the name and registration number of the surveyor or engineer.
- c). A vicinity map, at scale, showing the proposed subdivision in relation to the surrounding streets.
- d). The location of all Permanent Reference Markers (PRM's) and Permanent Control Points (PCP's) in conformity with Chapter 177 of the Florida Statutes.
- e). A legend which defines all symbols, shows a stated and graphic scale, and displays a north arrow.
- f). Names of owners of record of adjoining land with their appropriate acreages. If the adjoining land is a recorded subdivisions, a reference to the plat book and page number shall be included.
- g). Sufficient data to determine readily and to locate on the ground the location, bearing, and length of each road right-of-way, boundary line, block line, lot line, easement, or other public right-of-way, whether curved or straight, adequately correlated with monuments and markers.
- h). The right-of-way lines, widths, and names of all roads. Where roads are curved, information shall be given concerning the radius, central angle, and arc of all such curves.
- i). Lot lines and block and lot numbers.
- j). Dedications and easements, showing widths and purpose, shall be delineated on the face of the plat and shall not be incorporated by reference.
- k). Areas not proposed for residential or public use shall be identified and delineated to the extent possible.

- l). Location of all bodies of water and the extent of the hundred year flood plain.
- m). The exact boundary lines of the tract as determined by a field survey, giving distances to the nearest one-tenth of a foot and angles to the nearest minute, shall be balanced and closed with an apparent error of closure not to exceed one in five thousand. Lot lines shall be shown to a similar standard.
- n). Certificates as required by Chapter 177 of the Florida Statutes, including but not limited to:
  - i) Registered surveyor certifying the accuracy of the survey and plat;
  - ii) Owner certifying dedications;
  - iii) Health Department certifying its approval;
  - iv) Disclaimers as may be required by Article VI-5.3 of these regulations;
  - v) Planning Commission certifying its approval;
  - vi) Board certifying its approval;
  - vii) Clerk of the County Court certifying the recording of the plat.

**3.4** Additionally the applicant shall submit such other plans or documents as may be required by the Planning Commission to help them evaluate the performance of the applicant.

**3.5** All submissions with regard to final plat approval shall be made no later than 14 days before the regularly scheduled meeting of the Planning Commission.

**3.6** The Planning Commission shall consider the written and oral remarks of any members of the general public in their deliberations concerning a recommendation of final plat approval.

**3.7** The Planning Commission shall make a written recommendation of approval or disapproval to the Board no later than four days prior to the next regularly scheduled meeting of the Board. The Board's shall be binding. If it approves the final plat, it shall attach its certification to the face of the plat and release it for recording. If it denies approval, it shall specifically spell out in writing the conditions which must be met by the subdivider before it will reconsider the matter. Such reconsideration shall constitute a separate filing for final plat approval.

#### **4.0 Recording the Plat**

**4.1** Upon the approval of a final plat by the Board, the owner or owner's agent shall have the final plat recorded in the office of the Clerk of the County Court whose certification shall be the final act before lots within the subdivision may be sold.

- 4.2 Upon recording the plat the owner is authorized to sell, lease, offer to sell, or otherwise transfer ownership of land within the subdivision by reference to a duly recorded plat.

**5.0 Performance Bond in Lieu of Completion of Improvements**

In lieu of completion of all required public improvements prior to submission of the final plat, the subdivider may post a performance bond with the County. Such a bond shall be available to the County and in an amount sufficient, as determined by a civil engineer engaged by the Board for the purpose of such determination, to insure the completion of the required improvements. When the work has been completed satisfactorily as determined by the County's inspectors, the Board shall release ninety percent of the bond fund with a letter of approval to the subdivider. The remaining ten percent shall remain in escrow for maintenance purposes. The maintenance period shall begin immediately following final inspection approval by the County's engineer and shall last one year from the date. The final ten percent of the bond fund in escrow shall be released to the subdivider upon final inspection by the County's engineer.

**6.0 Completion of Improvements**

- 6.1 If the required public improvements have been completed prior to the approval of the final plat, the Planning Commission or its designated representative shall arrange for final inspection and a recommendation to the Board concerning acceptance of dedications.
- 6.2 If the required public improvements are not completed at the time of final plat approval, but are subject to a performance bond, then the final inspection shall occur at such time as the subdivider has completed their obligations with regard to public improvements.
- 6.3 At whatever time the final inspection before acceptance of dedications occurs, the subdivider remains responsible for maintenance of all facilities and public improvements for a period of one year. Prior to the release of the maintenance bond at the end of that one year period, the subdivider shall be responsible for correcting any maintenance problems, failed facilities, or any other shortcomings which may have manifested themselves during the maintenance period.

**3.16.08 VACATING EXISTING PLATS**

**1.0 Vacating Existing Plats**

- 1.1 The owner of any land subdivided into lots may petition the board under the provisions of Chapter 177.101 of the Florida Statutes to remove, vacate, and abandon the existing plat, or portion of a plat, from the official records of the

County. The applicant for such action shall file the Petition, Proof of Publication of Notice of Intent, Certificate of Title, Statement of Taxes and Resolution, and shall pay the appropriate filing fee as established by the Board. The Planning Commission shall coordinate the appropriate review and formulate a recommendation to the Board, which shall act on the petition. The applicant shall be responsible for recording the Petition and the Proof of Publication with the Clerk of the County Court.

- 2.2 The Board may, on its own motion consistent with Chapter 163.280(2) of the Florida Statutes, order a vacation and abandonment of all or any part of a subdivision within its jurisdiction. Such action may include the vacation of roads or other parcels, provided that the subdivision plat was lawfully recorded not less than five years before the date of such action by the Board; and no more than ten percent of the total subdivision or part thereof has been sold as lots by the original subdivider or his successor in title . Such action shall be based on a finding by the Board that the proposed vacation and abandonment of subdivided land conform to the comprehensive plan of the areas; and that the public health, safety, economy, comfort, order, convenience, and welfare will be promoted thereby. Before acting on a proposal for vacation and abandonment of subdivided land, the Board shall hold a hearing, with due public notice of intent.
- 2.3 No owner of any parcel of land in a subdivision shall be deprived by the vacation and abandonment of a plat, or a portion of a plat, of reasonable access to such parcel nor of reasonable access therefrom to existing facilities to which such parcel has theretofore had access; providing however, that such access remaining or provided after such vacation need not be the same as that theretofore existing, but shall be reasonably equivalent thereto.

### **3.16.09 AMENDMENTS**

These Regulations may be amended by the Board, provided that no amendments shall become effective until a public hearing has been held. Each amendment shall be submitted to the Planning Commission for review and recommendation. Public notice regarding the time, place, and date of the hearing shall be published once n a newspaper of general circulation in the County at least fifteen days prior to such hearing.

### **3.16.10 PROHIBITIONS AND ENFORCEMENT**

#### **1.0 General Prohibitions**

- 1.1 Within the unincorporated parts of the County, no subdivision shall be made, platted, or recorded unless such subdivision meets all the requirements of these Regulations and has been approved in accordance with the procedures herein.

**1.2** It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell, or negotiate to sell such land by reference to, exhibition of, or other use of a plat of a subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and without having recorded the approved subdivision plat as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and shall be punishable as provided by law. The Board may, through action by the County Attorney, enjoin such transfer, sale, or agreement. Failure to comply with the provisions of this section shall not impair the title of land so transferred or affect the validity of the title conveyed. However, a purchaser of land sold in violation of this section shall be entitled, within one year from the date of purchase thereof, to bring an appropriate action to avoid such sale or to bring action against the seller for any damages which he suffers as a result of the seller's unlawful act, or both.

**1.3** No building permit, electrical permit, septic tank permit, or any other permit or license which may be required by the County shall be issued for any lots in a subdivision until appropriate approval is granted by the Board under the procedures of these Regulations. In particular, no certificate of occupancy may be granted until a plat has been recorded with the County.

**1.4** Any owner or agent of the owner who falsely represents to any prospective purchaser of real estate that roads, community water systems, central sewage systems, storm water management systems, or any other sort of public improvement whatsoever will be built, constructed, or maintained by the County shall be deemed guilty of a misdemeanor of the second degree as defined by Chapter 775.082 and 775.083 of the Florida Statutes.

## **2.0 Enforcement of the Provisions of Public Improvements**

**2.1** If the subdivider has agreed to provide certain required public improvements by the time of final plat approval and the County's inspectors find that such public improvements have not been made or are inadequate or unsatisfactory, the Board shall withhold final plat approval.

**2.2** If final plat approval has been granted and the required public improvements are to be completed under the performance bond and the County's inspectors find that such public improvements have not been made or are inadequate or unsatisfactory, then the Board may enforce the performance bond by resort to legal and equitable remedies. The Board shall make it a priority to apply the monies received from any such settlement toward the actual provision of such public improvements.

## **3.0 Violation**

Any person who shall sell any lot, offer to sell any lot, or construct, open, or dedicate any road, sanitary sewer, storm sewer, or water main, or drainage structure without having first complied with the provisions of these Regulations, or otherwise violate these Regulations, shall be punishable by a fine not to exceed \$500.00, or by imprisonment in the County Jail for a period not to exceed sixty days, or by both such fine and imprisonment. Each day that the violation continues shall constitute a separate violation.

### **3.16.10 LEGAL STATUS**

#### **1.0 Severance Clause**

If any part or provision of these Regulations or application thereof to any person or circumstances are adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or the application thereof to other persons or circumstances. The Board hereby declares that it would have enacted the remainder of these Regulations even without any such part, provision, or application.

#### **2.0 Variances**

**2.1** Where the Planning Commission finds that extraordinary hardship or practical difficulties may result from strict compliance with these Regulations, it may recommend variations or exceptions to these Regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of these Regulations.

**2.2** The Planning Commission shall not recommend variations unless it shall find, based upon the evidence presented to it in each specific case that:

- a). The granting of the variance will not be detrimental to the property or improvements in the neighborhood in which the property is located;
- b). The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable generally to other property;
- c). Because of the particular surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these Regulations are carried out.

- 2.3** In approving variances, the Board, acting upon recommendation of the Planning Commission, may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of these Regulations.
- 2.4** A petition for such variance shall be submitted in writing by the subdivider at the time when the Preliminary Plat is filed for approval with the Planning Commission. The petition shall state fully the grounds for the application and all of the facts relied upon by the petitioner.

### **3.0 Appeals**

Any person aggrieved by the decision of the Planning Commission regarding a subdivision plan or plat or any person requesting variance from these Regulations may file a written appeal directly to the Board requesting a hearing before them concerning the matter. Any person aggrieved by the Board's decision regarding such appeal, or by any other decision of the Board with regard to matters addressed by these Regulations, may file a petition for a Writ of Certiorari in the Circuit Court of Calhoun County within thirty days of such decision.

### **4.0 Interpretation**

- 4.1** In their interpretation and application, the provisions of these Regulations shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare.
- 4.2** These Regulations are not intended to interfere with, abrogate, or annul any other County rule or regulations, statute, or other provision of law. Where any provision of these Regulations imposes restrictions different from those imposed by any other provision of these Regulations or any other County rule, regulations, or other provision of law, whichever provisions are more restrictive, or impose higher standards, shall control.
- 4.3** These Regulations are not intended to abrogate any easement, covenant, or any other private agreement, or restriction, provided that where the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easements, covenant, or private agreement or restrictive, the requirements of these Regulations shall govern.

#### **3.17.00 ENFORCEMENT OF DEVELOPMENT PERMITS**

##### **Types of Deviations**

The types of deviations from approved development orders include:

Land Use District permit deviations for which the use, setback, height or size of the planned structure is different from the development plat as approved by the County. Enforcement of Land Use District deviations is the responsibility of the Administrative Official.

Building Code deviations for which the approved building plans deviate from that which was approved by the Building Permit. Enforcement of building code deviations is the responsibility of the Building Inspector.

A sign permit deviation for which the sign size location or construction is different from that approved by the Building Permit. Enforcement of sign permit deviations related to technical construction standards is the responsibility of the Building Inspector. Land Use District deviations are the responsibility of the Administrative Official.

Other permit deviations include those related to land clearing, septic tank siting and construction, drainage or landscaping activities. Enforcement of deviations related to the building code is the responsibility of the Inspector. The responsibility for deviations related to all other aspects of this Code lies with the Administrative Official(s).

Minor Deviations – A minor deviation is a deviation from a Development Plan that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:

1. Alteration of the location of any road, walkway, landscaping or structure by not more than five (5) feet.
2. Reduction of the total amount of open space by not more than five (5) percent, or reduction of the yard area or open space associated with any single structure by not more than five (5) percent; provided that such reduction does not permit

the required yard area or open space to be less than that required by this Code.

Major Deviations – A major deviation is a deviation other than a Minor Deviation, from a Development Plan.

#### On-Going Inspections

##### A. Inspection

The Administrative Official and Building Inspector shall implement a procedure for periodic inspection of development work in progress to insure compliance with the authorized the activity.

##### B. Minor Deviations

If the work is found to have one or more Minor Deviations, the appropriate official shall amend the Development Permit to conform to actual development. The appropriate official may change any Minor Deviation that significantly affects the development's compliance with the purpose of this Code for treatment as a Major Deviation.

### C. Major Deviations

1. If the work is found to have one or more Major Deviations, the appropriate official shall:
  - a. Place a matter on the next agenda of the County Commission, allowing for adequate notice, and recommend appropriate action for the Commission to take.
  - b. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the appropriate official determines that work or occupancy may proceed pursuant to the decision of the County Commission.
2. The County Commission shall hold a public hearing on the matter and shall take one of the following actions:
  - a. Order the developer to bring the development into substantial compliance (i.e. having no or only Minor Deviations) within a reasonable period of time.
  - b. Amend the Development Permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process.
  - c. Revoke the relevant Development Permit based on a determination that the development cannot be brought into substantial compliance and that the Development Permit should not be amended to accommodate the deviations.

### D. Action of Developer After Revocation of Development Permit

After a Development Permit has been revoked, development activity shall not proceed on the site until a new Development Permit is granted in accordance with procedures for original approval.

Application For Certificate of Occupancy – Upon completion of work authorized by a Development Permit and before the development is occupied, the developer shall apply to the Building Inspector for a Certificate of Occupancy. The Inspector shall inspect the work and issue the Certificate only if found to be in conformity with the Permit.

### 3.18.00 ENFORCEMENT OF CODE PROVISIONS

#### Generally

The County Commission shall enforce this Code according to the procedures set forth below which are consistent with Chapter 162, Florida Statutes.

### 3.19.00 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The County Commission may establish a collection procedure and schedule for fees, charges, and expenses, building permits, amendments, certificates of land use district compliance, appeals, and other matters pertaining to this code. The schedule of fees shall be posted in the office of the County Clerk and may be altered or amended only by the County Commission.

Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

### 3.20.00 PROCEDURE FOR APPEALING DECISIONS

#### 3.20.01 Responsibility of Affected Party

The election of remedies, trial de novo, governed by the Florida laws of civil procedure or application for writ of certiorari, shall lie with the adversely affected person.

#### 3.20.02 Appeals from Decisions of the Building Inspector or Administrative Official

Any person aggrieved by any decision of the Building Inspector or Administrative Official may appeal the decision. Appeals are made to the County Commission by filing a notice of appeal within thirty (30) working days of the decision.

#### 3.20.03 Appeals from Decisions of the County Commission

Any person aggrieved by any decision of the County Commission or any other office, department, board, or bureau of the County, may apply to the Circuit Court or to the Division of Administrative Hearings within the Florida Department of Management Services by filing a notice of appeal with the County within thirty (30) working days of the decision.

#### 3.20.04 Appeals Regarding Rules of Interpretation

It is the intent of this ordinance that all questions of interpretation shall be first presented to the Administrative Official, and that such questions be presented to the County Commission if the issue is not satisfactory resolved between the Administrator and developer, and that recourse from the decisions of the County Commission shall be to the Circuit Court or to the Division of Administrative Hearings within the Florida Department of Management Services.

### 3.21.00 NON-CONFORMANCE

With the adoption of this Code, many properties that were once in compliance may fall into nonconformance due to the addition of new provisions. Existing non-conforming uses or structures shall not be subject to an amortization schedule. However, hardships may be caused by requiring, for instance, nonconforming uses to become in compliance with the Code's development design standards and resource protection standards. The purpose of this Article is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur.

#### 3.22.00 Continuation of Nonconforming Situation

With the adoption or amendment of this Code certain nonconforming situations are created and which are permitted to continue in their nonconforming state. These nonconforming uses which are otherwise lawful, and in existence on the date of enactment of this Code, are not required to be brought into full compliance as based on the provisions of this article.

Continuation of Nonconforming Project – If a lawful project is in existence on the date of adoption of this Code it may remain in use in its nonconforming state.

### 3.23.00 REASONS FOR REDRESS OF NONCONFORMING DEVELOPMENT

#### 3.23.01 Extension or Enlargement of Nonconforming Situation

Nonconforming development must be brought into full compliance with the development criteria of this Land Development Code. A nonconforming situation shall be considered an extension or an enlargement if the gross floor area of the development is expanded by more than ten (10) percent, or more than four thousand (4000) square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing from the effective date of this Code, shall be combined in determining whether this threshold has been reached.

#### 3.23.02 Repairs, Maintenance, Renovation and Reconstruction of a Nonconforming Situation

Minor repairs and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation, which is work estimated to cost more than 25 percent of the value of the structure to be renovated may be done only after receiving a special exception from the County Commission and following the building permit procedures of this Code. Reconstruction of the principal structure after the structure has been substantially destroyed by fire or other calamity resulting in a cost of reconstruction that is fifty (50) percent or more of the fair market value of the structure before the calamity will not be permitted.

#### 3.23.03 Abandonment and Discontinuance of Nonconforming Situations

According to Comprehensive Plan Future Land Use Element Policy 8.4, when a nonconforming situation is abandoned or discontinued ceased for a continuous twelve

(12) months with no intention to reinstate the nonconforming use, the property henceforth may be used only for conforming purposes. Any non-conforming use being rebuilt shall be required to incorporate the following modifications: (a) buffering of not less than ten feet to reduce noise, sound, dust pollution, (b) height restrictions to reduce visibility from adjacent land, and (c) design restrictions to improve visual features of the structure being built.

### 3.24.00 SPECIFICALLY

#### 3.24.01 Nonconforming Stormwater Management Requirements

An existing development that does not comply with the stormwater management requirements of this Code must be brought into full compliance when the use of the development is intensified and results in an increase in stormwater runoff and/or additional concentrations of pollution in the runoff.

#### 3.24.02 Undeveloped Nonconforming Lots

Upon the adoption or amendment of this Code, when the land use designation of certain lots is changed from one use to another, the undeveloped lots shall take on the new use bringing the lot (s) into conformance.

#### 3.24.03 Lot Dimensional Nonconformity

a. When a lot is smaller than the required minimum lot size for its designated land use and conforms with all of the regulations applicable to its intended use, then the lot may be used just as its land use designation permits. However, if it is too small to meet the HRS requirements for septic systems, then it shall be undevelopable until a sewage system is available for the lot.

#### 3.24.04 Nonconforming Signs, Amortization

a. All nonconforming signs with a replacement cost of less than \$100.00, in addition to all prohibited signs of this Code, shall be removed or made to conform within one year of the enactment of this Code.

b. All other nonconforming signs shall be removed or altered to be conforming within seven (7) years of the effective date of this Code.

c. Any owner of a sign who requests an amortization period longer than one year or seven years shall, within one (1) year from the date of enactment of this Code, file with the Administrative Official a statement setting forth the cost of the sign, the date of erection, or the cost and date of most recent renovation. In addition, the sign owner shall enter into a written agreement to remove the sign at or before the expiration of the amortization period to the sign.

County Commission may grant a variance from the terms of the foregoing amortization schedule for up to three (3) additional years where it finds such additional period of time is necessary in order to avoid unnecessary hardship not caused by the petitioner, and such variance is not contrary to the public interest.

Multiple three-year extensions may be granted where warranted, but may only be granted every three-year period.

3.24.05 Nonconforming Signs, Continuation

Subject to the limitation imposed by the amortization schedule above a conforming sign may be continued and shall be maintained in good condition as required by this Code, but it shall not be:

1. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
2. Structurally altered to prolong the life of the sign, except to meet safety requirements.
3. Altered in any manner that increases the degree of nonconformity.
4. Expanded.
5. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the Administrative Official.

3.24.06 <Reserved>

3.24.07 Nonconforming Parking and Loading Requirements

Full compliance with the requirements of this Code shall be required for existing uses for which the seating capacity or other factor controlling the number of parking or loading spaces required by this Code is increased by ten (10) percent or more.

3.25.00 VARIANCES

3.25.00 Granting

The County Commission may grant a variance from the strict application of any provision of this Code, except provisions in Articles VI (Land Use) and V (Concurrency), if the following procedures are followed and findings made.

Variations As Part of Development Activity – Any person to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application process. The variance shall be granted or denied in conjunction with the application for development, meaning if the variance is denied then so too is the development. When a variance is requested, it is the responsibility of the party requesting the variance to attend the County Commission hearing regarding the variance. If after two (2) hearings the party does not attend, the issue will be dropped from the Commission’s agenda and the party will not be able to reapply for the action requested for a period of three (3) months.

The granting of variances shall be determined based on whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the County Commission shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the Commission shall make the required findings based on the cumulative effect of granting the variance to all who may apply.

In granting a development approval involving a variance, the County Commission may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to minimize the injurious effect of the variance, for example an architectural condition.

### 3.25.02 REQUIRED FINDINGS

It is required that the County Commission not vary the requirements of any provision of this Code and to grant a variance it must make a positive finding, based on substantial compelling evidence, on each of the following:

1. There are practical or economic difficulties in carrying out the strict letter of the regulations.
2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
4. The proposed variance will not substantially diminish essential character of the area surrounding the site.
5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area (s) of the Code.

### 3.26.00 VARIANCES RELATING TO CLUSTERING

A proposed development found to be in violation of this Code due to design standards related to use of clustering techniques, such as having excessive impervious surface ratio, may apply for a variance. Granting of variance is conditional upon the applicant being able to demonstrate that an excessive hardship would occur due to compliance with the existing restrictions. Such hardship must not be due to the actions of the applicant.

### 3.27.00 VARIANCES RELATING TO SETBACKS

The Administrative Official may approve a variance pertaining to set backs without a meeting of the County Commission if the variance requested is 10 percent or less of the required set back.

3.28.00 VARIANCES FOR DUPLEXES ON SINGLE FAMILY LOTS

When a variance is granted allowing two units on a lot when otherwise only one unit is allowed, the variance is granted under the conditions as described in Section 8.04.05.

3.29.00 VARIANCE TO FLOOD DAMAGE PREVENTION REGULATIONS

In reference to variances requested for properties in the flood zone, the County Commission shall not grant any variance that will result in an increase in the elevation of the Base Flood, create additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances. Before granting a variance, the County Commission shall consider:

1. The danger that materials may be swept from the site onto other lands.
2. The danger to life and property from flooding or erosion.
3. The potential of the proposed facility and its contents to cause flood damage and the effect of that damage on the owner and the public.
4. The importance of the services provided by the proposed facility to the community, and whether it is a functionally dependent facility.
5. The availability of alternative locations, not subject to flooding or erosion, for the proposed use.
6. The compatibility of the proposed use with existing and anticipated neighboring development.
7. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
8. Safe vehicular access to the property in times of flood.
9. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and effects of wave action, if applicable, at the site.
10. The costs of providing governmental services during and after floods including maintenance and repair of public utilities and facilities.

Record of Variances to be Maintained – The Administrative Official shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The Administrative Official shall report all variances in a biennial report to the County Commission.

Historic Properties – Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district listed on: 1) the National Register of Historic Places, 2) a local register of historic places, if so maintained, 3) the State Inventory of Historic Places (Master Site Plan). The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.

ARTICLE IV  
DESIGN AND IMPROVEMENT STANDARDS  
OUTLINE

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ARTICLE IV

DESIGN AND IMPROVEMENT STANDARDS

4.00.00 GENERAL PROVISIONS

4.01.00 PURPOSE

The purpose of this Article is to provide development design and improvement standards applicable to all development activity within Calhoun County.

4.01.01 Responsibility for Improvements

All improvement required by this Article shall be designed, installed, and paid for by the developer.

4.01.02 Principles of Development Design

The provisions of this Article are intended to ensure functional and attractive development. Development design shall first take into account the protection of natural resources as prescribed in Article XVI of this Code. All development shall be designed to avoid unnecessary impervious surface cover; to provide adequate access to lots and sites; and to avoid adverse effects of shadow, glare, noise, odor, traffic drainage, and utilities on surrounding properties.

4.02.00 DIMENSIONAL AND DENSITY REGULATIONS

TABLE 4A  
LAND USE DISTRICT ABBREVIATIONS

District

<u>Symbol</u>	<u>Land Use District</u>
R	Residential
M-RR	Mixed Use: Rural Residential
M-UF	Mixed Use: Urban Fringe
I	Industrial

A	Agriculture
R-O	Recreational/Open Space
C	Conservation
PUD	Planned Unit Development
P	Public
H	Historic
W	Water/Other

(A map identifying the land districts is the Future Land Use Map of the County Comprehensive Plan).

The following density restrictions, floor area ratios (FAR), and impervious surface ratios (ISR) for each land use district have been established for all new development in unincorporated Calhoun County. Density, floor area ratio and impervious surface ratio requirements are taken from the Calhoun County Comprehensive Plan.

TABLE 4-B  
DIMENSIONAL AND DENSITY REGULATIONS  
UNINCORPORATED CALHOUN COUNTY  
1991-2001

<u>Land Use*</u>	<u>Highest Permitted Density</u>	<u>FAR**</u>	<u>ISR**</u>
R	2:1 (2 Units per 1 acre)	.80	NA***
M-RR	1:1	.50	NA
M-UF	8:1(w/central water & sewer) 4:1(w/central water only) 2:1(no central water/sewer)	.80(w/central water & sewer otherwise)	NA
I	NA	.80	.60
A	1:10	.50	NA
R-O	1:20	NA	.30
C	1:20	.25	.20
PUD	NA	NA	NA
P	NA	NA	.60
H	NA	NA	NA
W	NA	NA	NA

\* See Article VI – Use of Land and Water for complete overview of all land use districts.

\*\* See page IV-7 of this article for an explanation of Floor Area Ratio, and page IV-6 for explanation of Impervious Surface Ratio.

\*\*\* NA means Not Applicable

\*\*\*\* Density associated with these land use districts is limited to the figures stated above, except that division of family farms subsequent

establishment of a dwelling shall be allowable as long as all other applicable requirements are met and recipients of the property are member of the principle owner's family.

4.02.01 Minimum Lot Size Requirements for All Developments

All developments shall have a total land area sufficient to meet all development design standards in this Code including, but not limited to, land required to provide setbacks from abutting rights-of-way, buffers, stormwater management, off street parking and circulation, and protection of wetlands.

Table 4C  
Specific Lot Area Requirements for Residential Development  
According to Type of Septic Systems

	Mobile homes & Single Family	Townhouses, Apartments And Duplexes
Public Water And Sewer		
Lot Area	10,890 sq.ft. (1/4 acre)	10,890 sq.ft. (1/4 acre)
Lot Width	80 feet, minimum	80 feet, minimum
Well and Septic Tank		
Lot Area	21,780 sq.ft. (1/2 acre)	N/A
Lot Width	80 feet, minimum	N/A
Public Water & Septic Tank		
Lot Area	21,780 sq.ft. (1/2 acre)	N/A
Lot Width	80 feet, minimum	N/A
All Residential		
Living Area	600 sq.ft .minimum	480 sq.ft.min.
Minimum Set Back: Front yard	25' minimum	25' minimum
Rear Yard	10' minimum	10' minimum
Side Yard	20' combined but not More than 7' one side, 13' from opposite	Same as single Family standard
Maximum Height:	35' maximum	35' maximum

#### 4.02.02 Minimum Lot Widths

(a) No lot may be created that is so narrow or otherwise so irregularly shaped that it would be impractical to construct on it a building that: 1) Could be used for purposes that are permissible in that land use district, and 2) Could satisfy any applicable setback requirements for that district.

(b) This Article describes the minimum lot widths required by land use district.

(c) No lot created after the effective date of this chapter that is less than the recommended width shall be entitled to a variance from any building setback.

#### Minimum Setbacks on Side and Rear Yards

If the distance from the exterior wall to the property line is less than the feet specified by this Article, the applicant must show evidence of a maintenance easement granted by adjacent property owners. No structure shall be allowed on any easement without first obtaining a variance in accordance with the provisions of this land development code.

The minimum distance between adjacent buildings shall be ten (10) feet, except that no setback between buildings is required where an easement has been created pursuant to the above paragraph. Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment, or an accessory use, and shall not include roof overhang (eave).

Distance shall be measured at the narrowest space between structures, whether a main living unit, principal structure, an allowable attachment, or an accessory use, and shall not include roof overhang (eave).

#### Minimum Setbacks for Buildings Exceeding 25 Feet in Height

When a building exceeds twenty-five (25) feet in height, the minimum distance from an adjacent building or property line shall be increased by two (2) feet for each story above two (2).

#### 4.02.03 Impervious Surface Coverage Generally

Impervious surface on a development site shall not exceed the ratios provided by this section. Impervious surface is defined as total surface area impenetrable by water, including area covered by building footprint, sidewalks, paved parking area, swimming pools and other water bodies. Impervious surface limits shall apply only to non-residential development.

### Impervious Surface Ratio Calculation

The impervious surface ratio denotes the decimal form of a fraction having the total impervious surface in the numerator, or the top number, and the gross site area in the denominator, or the bottom number.

Table 4-B provides the maximum impervious surface ratios for each land use district.

4-B  
Table of Impervious Surface Ratios (ISR)

Land Use District	Maximum ISR
Public	.60
Industrial	.60
Commercial	.50
Agriculture 2A	.50
Recreation/Open Space	.30
Conservation	.20
Residential	NA

### Treatment of Cluster Development

Because the impervious surface ratio is calculated for the gross site, cluster development or other site design alternatives may result in individual lots within a development project exceeding the required impervious surface ration, while other lots may be devoted entirely to open space. The County may require, as a condition of approval, deed restrictions or covenants that guarantee the maintenance of such open space in perpetuity.

### Alternative Paving Materials

If porous paving materials are used in accord with the Standard Building Code, D.O.T. standards and other technical documents adopted in this land development code by reference, then the area covered with porous paving materials shall not be counted as impervious surface.

### Areas of High Aquifer Recharge

Floor Area Ratios for development in areas of high aquifer recharge shall be limited to fifty percent (50%) of that allowed in each of the respective land use districts.

#### 4.03.01 Intensity Requirements Using Floor Area Ratio

Non-residential developments in each of the land use districts shall not exceed the following intensities using the Floor Area Ratio measurement. This figure is simply a fraction expressed in decimal form with the allowable square footage of building floor area as the numerator (the top number) and the square footage of the lot as the denominator ( the bottom number). Thus, non-residential structures are not limited to

a specific minimum floor area, but are limited to maximum floor area ratio in addition to front, side and rear yard setback requirements found in Article VI.

Table 4-C  
Maximum Floor Area Ratios

Land Use District	Floor Are Ratio
Residential	0.7
Commercial	1.0
Industrial	1.0
Conservation	0.25
Public	1.0
Historic	1.0

Below is an illustration of building designs allowed for floor area ratios of 1.0 and 0.25. These are merely examples; many other combinations are possible.

Floor Area Ratio of 1.0

1/2 of lot area  
covered by building

1/4 of lot area  
covered by building

Floor Area Ratio of 0.25

1/4 of lot area covered b building

The developer must recognize the difference between the Floor Area Ratio (FAR) and the Impervious Surface Ration (ISR). The ISR refers to the building footprint, not the floor area. The FAR refers to the total floor area, which may include more than one floor. For example, a one story building covering the entire site area would meet the maximum FAR of 1.0, but would violate the maximum ISR for any land use district. No provisions in this section shall exempt developments from maximum ISR requirements in section 4.02.03.

4.04.00 CLUSTERING

4.04.01 Purpose

The purpose of cluster design standards is to accommodate the need for residential development while preserving agricultural uses, environmentally sensitive lands and

open space areas. In addition, it may be used to provide an economic return on the value of property equal to the value realized under conventional land use controls.

#### 4.04.02 Procedure

The density or intensity of a use that would have been allowed on a site designated as wetland in the absence of the application of this Code may be used by “clustering” the development within non-sensitive areas within the project site. Development on parcels containing wetlands may be clustered on non-sensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those portions of the site that are not environmentally sensitive. The clustered development shall meet all applicable provisions of this Code including those relating to development activities adjacent to environmentally sensitive areas. County Commission approval of cluster development techniques that increases the allowable density or intensity for a district shall be contingent upon the availability of central sewer.

#### 4.04.00 VESTING

Lot sizes smaller than those described in the Table of Dimensional and Density Requirements (page III-4) if platted prior to the effective date of this code are vested for density purposes only. Development may proceed on such lots of set back provisions and HRS Standards regarding waterwell and septic tank usage are complied with.

#### 4.05.00 BUFFERING

Buffering requirements are contained in Article VII (Historic and Environmental Resource Protection Standards).

#### 4.06.00 UTILITIES

##### 4.06.01 Utility Ownership and Easement Rights

Whenever a developer installs or contracts for the installation of water, sewer,

Electrical power, telephone, cable television service, illumination, fire hydrants, and dumpsters and intends that such facilities shall be owned, operated, or maintained by a public utility or other public or private entity, the necessary ownership or easement rights must be established to enable the entity to operate and maintain such facilities.

#### 4.07.00 DESIGN STANDARDS

##### 4.07.01 Compliance with Standard Building Code

All utilities regulated by this Code shall meet or exceed the minimum standards contained in the Standard Building Code.

##### 4.07.02 Utilities Underground

All electric, telephone, cable television, other communication lines (exclusive of transformers or enclosures containing electrical equipment including but not limited to, switches, meters, or capacitors which may be pad mounted), and gas distribution lines shall be placed underground within easements or dedicated public rights-of-way, installed in accordance with the specifications of the technical standards incorporated herein by reference (see Article 1.03.01).

Lots abutting existing easement or public rights-of-way where overhead electric , telephone, or cable television distribution supply lines and service connections have previously been installed may be supplied with such services from the utilities overhead facilities provided the service connection to the site or lot are placed Underground.

Screening (buffering) of any utility apparatus placed above ground is required.

#### 4.08.00 WATER

Every principal use and every lot within a subdivision shall be served by a water supply system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable health regulations.

Whenever it is possible and practicable to connect a lot with a community water line by running a connection line not more than 200 feet from the lot to such line, then connection shall be made for the use proposed on the lot.

When it is not possible to simply connect a lot to the community water supply system

Then the developer must submit detailed drawings and other pertinent information as may be required by the appropriate required agency which will be responsible for certifying that the system will comply with all applicable federal, state, local, and health regulations before the County will issue a building permit.

#### 4.09.00 SEWER

Every principal use and every lot within a subdivision shall be served by a sewage disposal system that can accommodate the needs of the use or subdivision lot and complies with all applicable health regulations.

Where the connection to an existing community sewer line by running a connecting line no more than 200 feet from the lot to such line is possible and practicable then no use requiring sewage system disposal shall be allowed until connection is made to such line.

In situations where there is no existing community sewer line within 200 feet of the lot, a septic system may be installed with a permit based on the requirements of the public health department. In situations where this is not feasible but an alternative

sewage system will be used then the developer must obtain any appropriate permits from the appropriate agency for the sewage system. Including submitting to the agency detailed drawings and other appropriate information of the sewage disposal system in order to determine compliance with applicable regulations.

#### 4.10.00 ELECTRICITY

Every principal use and every lot within a development shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use and every lot within such subdivision. If the use can be served by a simple connection to a power line located on the lot then no additional certification is necessary.

If the use requires a substantial internal distribution located then the electric utility service provider must review the development plans and certify that it can provide the service to meet the needs of the use. (Usually required for large developments such as apartment complexes, shopping centers, and subdivisions.)

#### 4.11.00 TELEPHONE

Every principal use and every lot within a development shall have available to it a telephone service cable adequate to accommodate the reasonable needs of such use and every lot within the subdivision.

If the use is located on a lot that is served by an existing telephone line and the use can be served by a simple connection to such power line (as opposed to a more complex distribution system, such as would be required in an apartment complex or shopping center).

If the development is a subdivision that is not served by existing telephone lines and/or the development will require addition of or expansion of an internal distribution system, then the telephone utility company must review the proposed plans and certify to the County that it can provide service that is adequate to meet the needs of the proposed use on every lot within the proposed development.

#### 4.12.00 CABLE TELEVISION SERVICE

<reserved>

#### 4.13.00 ILLUMINATION

<reserved>

#### 4.14.00 FIRE HYDRANTS

Fire hydrants serving development shall be of a design approved by the director of county fire services.

#### 4.15.00 DUMPSTERS

Every development under the County's solid waste collection policy shall provide one or more dumpsters for solid waste collection and sites for such dumpsters. The dumpsters shall be placed in such a fashion to facilitate collection and minimize negative impacts on neighbors in all residential and commercial areas. This requirement may be waived if the County Commission finds that other means are available to the subdivision for solid waste disposal.

ARTICLE V  
CONSISTENCY AND  
CONCURRENT DETERMINATIONS  
OUTLINE

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## ARTICLE V

### CONSIENCY AND CONCURRENCY DETERMINATIONS

#### 5.00.00 GENERALLY

##### 5.00.01 Purpose

It is the purpose of this Article to describe the requirements and procedures for determination of consistency of proposed development projects with the County Comprehensive Plan, including meeting the concurrency requirements of the plan.

##### 5.00.02 Definition of Concurrency

Concurrency is a term referring to the process whereby development is approved only if the development proposal demonstrates that adequate public facilities will be available to serve the development once it is completed. Development proposals which cannot demonstrate that adequate public facilities will be available to serve the completed development as defined b Level of Service Standards (LOS) will not be issued a building permit.

#### 5.01.00 DETERMINATION OF CONCURRENCY

##### 5.01.01 Generally

The determination of concurrency shall be based upon the County Comprehensive Plan, especially the Capital Improvements Element and adopted level of service standards. In order to ensure concurrency, the issuance of a development permit will be contingent on whether or not a degradation of the adopted levels of service for specified public facilities and services will occur. This article also includes a monitoring system for determination of the availability of adequate capacity of public facilities and services to meet the adopted level of service standards. A development is determined to meet concurrency requirements based on one of the following conditions:

1. The necessary facilities and services are in place at the time a development permit is issued.
2. A development permit is issued subject to the condition that the necessary facilities and services will be in place where the impacts of the development occur.
3. The necessary facilities are under construction at the time a permit is issued.
4. The necessary facilities and services are guaranteed in an enforceable development agreement that includes the provisions of Chapter 9J-5.0055 (2) (a) (1-3), Florida

Administrative Code, as amended. An enforceable development agreements pursuant to Chapter 163.3220, Florida Statutes, as amended or an agreement or development order issued pursuant to Chapter 380, Florida Statutes.

5. The determination of the existence of the necessary facilities and services in place shall be made by using the estimates made by the Planning Commission as part of their most recent monitoring and evaluation of the Capital Improvements Element. Such determination shall be made by the Administrator as part of the P Planning review process. For roads, this determination shall apply to the adopted level of service standards for roads within the County's jurisdiction.
6. The developer shall be required to construct the necessary public facilities at his/her expense. Alternatively, the appropriate public or private entity shall construct the required facility if it has jurisdictional authority over operation and maintenance of the facility at the level of service identified and within conformance with the 5-Year Schedule of Improvements found within the County's Comprehensive Plan Capital Improvements Element.

Other Types of Development Orders. Other types of development orders include approval of subdivisions, land use district, special permits and site plan approvals, among others. These other types of development orders have less immediate impact on public facilities and services than the issuance of a typical building permit. Therefore, subject to the Planning Commission 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.

- a. 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; or
- b. The developer shall be required to construct the necessary public facilities at his/her expense. Alternatively, the appropriate public or private entity shall construct the required facility if it has jurisdictional authority over operation and maintenance of the facility at the level of service identified and within conformance with the 5-Year Schedule of Improvements found within the County's Comprehensive Plant Capital Improvements Element.

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.

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 by ordinance if the changes are limited to the technical matters listed in Chapter 163, Part II, Florida Statutes.

No development order shall be issued which would require the County Commission to delay or suspend construction of any of the capital improvements on the 5-Year Schedule of the Capital Improvements Element.

If by issuance of a development order a substitution of a comparable project on the 5-Year Schedule is proposed, the applicant may request Calhoun County to consider an amendment to the 5-Year Schedule in one of the twice annual amendment reviews.

The result of any development not meeting adopted level of service standards for public facilities shall be cessation of the affected development or the reduction of the standard for level of service (which requires an amendment to the Comprehensive Plan).

**5.01.02 Non-Degradation of Adopted Levels of Service General Rule**  
All applications for development permits shall demonstrate that the proposed development does not degrade adopted levels of service in Calhoun County.

**Exception**

Notwithstanding the foregoing, the prescribed levels of service may be degraded during the actual construction of new facilities, if upon completion of the new facilities the prescribed levels of service will be met.

**5.01.03 Generally: Determination of Available Capacity**

For purposes of these regulations the available capacity of a Public facility shall be determined by the following two step process:

**A. Step One: Addition of All Public Facility Capacity**

1. The total capacity of existing facilities operating at the required level of service; plus
2. The total capacity of new facilities, if any, which will become available on or before the date of occupancy of the development equals the total

available public facility capacity. The capacity of new facilities may be counted only if one or more of the following is shown:

- a. Construction of the new facilities is under way at the time of issuance of the building permit.
- b. 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 of issuance of the certificate of occupancy.
- c. The new facilities are guaranteed in an enforceable development agreement. An enforceable development agreement may include, but is not limited to, development agreements pursuant to Section 163.3220, Florida Statutes, or an agreement or development order pursuant to Chapter 380, Florida Statutes. Such facilities shall be consistent with the capital improvements element of Calhoun County comprehensive Plan. The agreement must guarantee that the necessary facilities and services will be in place when the impacts of the development occur.

**B. Step two: Subtraction of Existing and Planned Demand from the Total Available Public Facility Capacity.**

Once the total available public facility capacity is determined, the next step is to subtract all existing and planned demand from that capacity. Demand for public facilities is defined as a combination of the following:

1. The demand for the service or facility created by existing development as documented in Calhoun County Comprehensive Plan; and
2. The demand for the service or facility created by the anticipated completion of other approved developments, redevelopment, or other activity.

**C. Action Upon Failure to Show Available Capacity**

Where development proposals cannot show that public facility capacity is available to serve the development once complete, the following methods may be used to maintain adopted level of service:

1. The developer may approve the necessary improvements to maintain the adopted level of service. In such case the application shall include appropriate plans for improvements, documenting that such improvements are designed to provide the capacity necessary to achieve or maintain the level of service. There shall be documentation guaranteeing the construction of improvements, consistent with calculations above.

2. The proposed project may be altered such that projected level of service is no less than the adopted level of service.

5.01.04 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 approved, applications for development approval shall provide sufficient information showing compliance with these standards.

5.01.05 Initial Determination of Concurrency

The initial determination of concurrency occurs during the preliminary review of the development plan, and shall include compliance with the level of service standards adopted by Calhoun County.

5.02.00 SPECIFICALLY: DETERMINATION OF AVAILABLE CAPACITY

5.02.01 Potable Water

Development activity shall not be approved unless there is sufficient available capacity to sustain the following levels of service for potable water as established in the Potable Water Sub-element of the County Comprehensive Plan:

Potable Water

The county does not provide potable water services. Drinking water is provided by on site wells. On site water wells are not subject to LOS standards. In the event that Blountstown or Altha provides the unincorporated area with potable water through line extensions the following LOS Standards shall apply to the other public and private systems in the County:

City of Blountstown-	122 gallons per capita per day
Town of Altha-	100 gallons per capita per day
All other systems-	100 gallons per capita per day

It is required that new developments connect to available public water supply as soon as such service is available.

The design and construction of proposed package water facilities shall meet specified engineering standards, including water conservation designs.

Submittals:

1. If required, the developer shall submit permits issued by the Northwest Florida Water Management District consistent with 40-2 F.A.C.
2. Water use permits issued by HRS (County Health Department)

5.02.02 Sanitary Sewer Facilities

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for wastewater treatment as established in the Sanitary Sewer Sub-element of the County Comprehensive Plan:

Sanitary Sewer

The county does not provide sanitary sewer services. All waste water is treated by on site septic tanks. Septic tanks are not subject to LOS standards. However, in the event that Blountstown provides public sanitary sewer services for the unincorporated area, the following LOS Standards shall apply to the other public and private systems in the County:

City of Blountstown -	Blountstown's gallons per capita per day
Future Central Systems -	100 gallons per capita per day
Package Plants -	State/FDEP design standards
Septic Systems -	State design standards

Developers proposing individual on-site wastewater treatment systems shall obtain HRS and DER permits for such systems.

New developments shall connect to available public wastewater facilities as soon as such service is available.

Design and construction of proposed wastewater facilities shall meet applicable County and state engineering standards.

Submittals

1. HRS permits as required by 10d-6 F.A.C.
2. If required: DER permits consistent with 17-6 F.A.C. regarding wastewater facilities.

5.02.03 Transportation System

A. Level of Service

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for transportation systems as established in the Transportation Circulation Element of the County Comprehensive Plan:

<u>Type of facility</u>	<u>Peak Hour Level of Service</u>
Principle Arterials	C
Minor Arterials	C

Major Collectors	C
Minor Collectors	C

Submittals

At its option the County Commission may require the developer to use either Option #1 or Option #2 to determine traffic concurrency for a proposed development:

Option #1:

No submittals required. The comprehensive Plan indicates that traffic levels of service will not be degraded through the planning period.

Option #2:

For larger developments which may have a significant impact on traffic, the following written procedures are used to determine concurrency.

1. Estimate the existing capacity of the impacted road at the existing level of service using the most recent FDOT Generalized Level of Service Standards for Rural Areas. The County Comprehensive Plan provides existing levels of service, capacities and demand for roads within the County as does the Florida Department of Transportation (Maps and Publications Section, Tallahassee).
2. Estimate the number of trips to be generated by the proposed project based on the most recent edition of the ITE Trip Generation Report or other appropriate data sources as provided by the developer.
3. Sum the existing traffic demand plus the demand which will result from the proposed development. This sum will be the “new traffic demand”.
4. If the “new traffic demand” exceeds the available roadway capacity needed to maintain the adopted level of service, then the proposed development will not meet the concurrency requirement and a building permit cannot be issued.

5.02.04 Drainage System

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the drainage system as established in the Drainage Sub-element of the County Comprehensive Plan:

Drainage Facilities LOS

Stormwater/drainage:

The stormwater management facilities for all development shall be consistent with the LOS standards establish in this Comprehensive Plan, will meet or exceed the requirements of the Florida Department of Environmental

Protection/North West Florida Water Management District and the Calhoun County Land Development Code for pollutant removal and groundwater recharge. All Drainage Facilities shall be designed to manage the stormwater for a 25-yr. frequency, 24-hr. duration storm event with general design and construction standards for on-site stormwater management systems for new development to ensure that post-development runoff rates, volumes, and pollution loads do not exceed pre-development conditions

Treatment of the storm water runoff will be in accordance with the North West Florida Water Management District criteria for Environmental Resource Permit (ERP) (Chapter 62-346 F.A.C and Chapter 62-312 F.A.C) and comply with Chapter 62.4 F.A.C; Chapter 62.520 F.A.C.; Chapter 62.65 F.A.C. Retention swales and pond facilities, shall be designed to treat 80% of the total suspended solids (TSS) from roadway and parking area runoff.

#### 5.02.05 Solid Waste

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the solid waste as established in the Solid Waste Sub-element of the County Comprehensive Plan.

#### Solid Waste

Calhoun County will ensure solid waste services are provided at a rate of 3.93 pounds per capita per day.

#### 5.02.06 Recreation

Development activities shall not be approved unless there is sufficient available capacity to sustain the following levels of service for the recreational facilities as established in the Recreation and Open Space Element of the County Comprehensive Plan:

#### Open Space / Recreation

Five (5) acres per 1000 capita.

#### 5.02.07 Annual Report

##### A. Contents

The County shall prepare an Annual Report that includes:

1. A summary of actual development activity, including a summary of certificates of occupancy, indicating quantity of development represented by type and square footage.

2. A summary of building permit activity, indicating:
  - a. those that expired without commencing construction;
  - b. those that are active at the time of the report;
  - c. the quantity of development represented by the outstanding building permits;
  - d. those that were vested prior to the adoption of this Code; and
  - e. those that were issued pursuant to the requirements of this Code.
3. A summary of preliminary development reviews held, indicating:
  - a. those that expired without subsequent building permit applications;
  - b. those that are valid at the time of the report; and
  - c. the phases and quantity of development represented by the outstanding preliminary development reviews.
4. A summary of final development orders issued; indicating:
  - a. those that expired without subsequent building permits;
  - b. those that were completed during the reporting period;
  - c. those that are valid at the time of the report but do not have associated building permits or construction activity; and
  - d. the phases and quantity of development represented by the outstanding final development orders.
5. An evaluation of each facility and service indicating:
  - a. the capacity available for each at the beginning of the reporting period and the end of the reporting period;
  - b. the portion of the available capacity held for valid preliminary and final development orders;
  - c. a comparison of the actual capacity to calculated capacity resulting from approved preliminary development orders and final development orders;

- d. a comparison of actual capacity and levels of service to adopted levels of service from the County Comprehensive Plan.
- e. a forecast of the capacity for each based upon the most recently updated schedule of capital improvements in the County's Capital Improvements Element in the Comprehensive Plan.

**B. Use of the Annual Report**

The Annual Report shall constitute prima facie evidence of the capacity and levels of service of public facilities for the purpose of issuing building permits during the twelve (12) months following completion of the annual report.

ARTICLE VI  
 USE OF LAND AND WATER  
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## ARTICLE VI

### USE OF LAND AND WATER (Land Use District Regulations)

#### 6.00.00 GENERALLY

##### 6.00.01 Purpose

The purpose of this Article is to describe the specific uses and development restrictions that apply to land use districts in the Future Land Use Element of the County Comprehensive Plan. The specific standards that must be met for development approval will be identified within the appropriate land use district. Furthermore, these regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies as expressed in the Calhoun County Comprehensive Plan.

#### 6.01.00 DESIGNATION OF LAND USE DISTRICTS

##### 6.01.01 Generally

Land use districts for the County are established in the Comprehensive Plan, Future Land Use Element, including a map series (Official Land Use District Map). The land use districts and classifications defined in the Future Land Use element of the County Comprehensive Plan and delineated on the Official Land Use District Map shall be the determinants of permissible activities on any parcel in the jurisdiction.

Commercial uses are allowed in the following land use districts: Residential, M-TR, M-RR, M-UF, PUD, A-1, A-2, and A-2A. Conditions for approval vary for each district.

##### 6.01.02 Specifically

The County is hereby divided into the following land use districts and categories:

<u>District Symbol</u>	<u>Land Use District</u>
R	Residential
M-RR	Mixed Use: Rural Residential
M-UF	Mixed Use: Urban Fringe
I	Industrial
A	Agriculture
R-O	Recreational/Open Space
C	Conservation
PUD	Planned Unit Development
P	Public
H	Historic
W	Water/Other

(A map identifying the land districts is under separate cover).

Density Restrictions – Unincorporated Calhoun County

<u>Land Use*</u>	<u>Highest Permitted Density</u>	<u>FAR**</u>	<u>ISR**</u>
R	2:1 (2 units per 1 acre)	.80	NA***
M-RR	1:1	.50	NA
M-UF	8:1 (w/central water & sewer)	.80 (w/ central	NA
	4:1 (w/central water only	water & sewer)	
	2:1 (no central water/sewer)	.50 otherwise.	
I	NA	.80	.60
A	1:10	.50	NA
R-O	1:20	NA	.30
C	1:20	.25	.20
PUD	NA	NA	NA
P	NA	NA	.60
H	NA	NA	NA
W	NA	NA	NA

- 
- \* See Article VI – Use of Land and Water for complete overview of all land use districts.
  - \*\* See page IV-7 of Article IV for an explanation of Floor Area Ratio, and page IV-6 for explanation of Impervious Surface Ratio.
  - \*\*\* NA means Not Applicable for this district
  - \*\*\*\* Density associated with these land use districts is limited to the figures stated above, except that division of family farms and subsequent establishment of a dwelling shall be allowable as long as all other applicable requirements are met and recipients of the property are members of the principle owner’s family.

6.02.00 LAND USE DISTRICTS

6.02.01 Residential

The residential land use district includes platted subdivisions in existence at the time of plan adoption. It is intended to secure for the persons who reside there a safe and pleasant environment in which to live, sheltered from incompatible and disruptive activities that properly belong in nonresidential districts. Land which is used for permanent housing is classified as residential. Types of residential dwellings include single family houses, duplexes, triplexes, apartment buildings, mobile and manufactures homes.

This code is designed to accommodate certain commercial development in the residential districts on a scale that is less intensive than permitted in the mixed use districts. A lesser intensity of development is achieved through setback, height, and minimum lot size requirements. Persons seeking to site a commercial activity in

either of the residential or mixed use districts must meet design performance requirements established by the Planning Commission. Minimum performance standards of this code, including but not limited to those provisions established in Article IV Design and Improvement Standards, will be strictly adhered to.

It is intended that this type of commercial development in a residential district be applied primarily in areas that no longer are viable as single-family residential areas because of high traffic volumes on adjacent streets or because of other market factors but remain viable as locations for multifamily residential development or offices. Such areas will also generally constitute transition or buffer zones between major arterials and more intensively developed commercial areas and residential districts. Some types of mobile and manufactured homes are allowed to be used for single-family residential in this district.

Maximum square footage allowed in any commercial structure in this district shall be 2,500 square feet.

#### 6.02.02

Residential (0.0 to 4 units per acre in conformance with 10D-6 FAC) – 78.0% of land area.

Commercial – 2.5 % of land area.

Recreation (includes parks, community facilities, natural preserves, greenbelts, buffers, etc. ) = 18.0% of land area.

Public facilities and grounds, houses of worship, and public utilities are permitted as needed in any of the above categories.

#### Traditional Unincorporated – Uses

Single and multifamily residential uses, commercial uses where activities are compatible with adjacent land uses and are adequately buffered, public utilities, public facilities and grounds, and recreational uses. Mobile and manufactured homes are allowed in this district according to the provisions of section 6.02.14.

#### 6.02.03 Mixed Use: Rural Residential (M-RR)

##### Purpose

A mixed use category is created where rural residential is the predominant use. Rural Residential land use occurs in agricultural and timbered areas usually with good access to paved roadways. While single family will be the predominant use. However, other uses such as community or neighborhood businesses and public uses such as schools or churches are allowed, so long as the non-residential uses are compatible with the rural residential scale and character of the area. Parks and recreational uses are also appropriate. Property which is under consideration for development is part of the Rural Residential land use category if the property is

within one mile of a paved county or state road and is within a mile radius of at least five other commercial or residential buildings which have been permitted and/or built prior to the adoption of this Comprehensive Plan. Mobile and manufactured homes are allowed in this district according to the provisions of section 6.02.14.

#### Rural Residential – Density

All housing types will be allowed at a gross density not to exceed one unit per 1 acre. Non-residential use shall not exceed 20 percent of the total area. If a portion of the land in this district is located in a wetland, the density shall be 1 unit per 20 acres for nonvested development.

#### Rural Residential – Intensity

Consistent with maximum lot coverage and/or floor area ratios to be adopted in the Land Development Regulations. The maximum square footage of any structure contained within this land use category shall be 2,500 square feet, and the maximum Floor Area Ratio (FAR) allowed shall be 0.5.

#### 6.02.04 Mixed Use: Urban Fringe (M-UF)

##### Density/Intensity

This category provides for highest density development of all land use categories in the Plan. Residential development shall be permitted at two units per acre where no central sewer or water is available, four units per acre when only central water is provided and eight units per acre where both central water and sewer is available. Non-residential development shall not exceed a floor area ratio (FAR) of .80 where central water and sewer are available and 0.5 where not available. In no case shall densities exceed those permitted under Chapter 10D-6, FAC. If a portion of the land in this district is located in a wetland, the density shall be 1 unit per 20 acres for nonvested development.

Mobile and manufactured homes are allowed in this district according to the provisions of section 6.02.14.

#### 6.02.05 Industrial District

This district is hereby established primarily to accommodate enterprises engaged in the manufacturing, processing, creating, repairing, renovating, painting, cleaning, or assembling of goods, merchandise, or equipment. The allocation of land for industrial developments shall reflect the locational characteristics and space requirements of the particular industrial activity and the potential fiscal and environmental impact on the County.

#### Industrial – Purpose

To provide areas for the location of light industrial operations and to provide sufficient choice of suitable locations to encourage economic development of the County and municipalities.

#### Industrial – Intensity

Consistent with maximum lot coverage and/or floor area ratios adopted in the Land

Development Regulations. The maximum FAR allowed in this category is 0.5. A natural vegetation of 50 feet shall be maintained for all industrial use areas of the County.

#### Industrial – Uses

All industrial trade and service activities including industrial support services, such as administration and public utilities, and salvage yards. Industrial development in wet lands is prohibited.

### AGRICULTURAL DISTRICTS

Agricultural land refers to cropland, pasture, and all other activities related to agriculture. The areas indicated for agricultural land on the future land use map represent the areas of the County where agricultural land uses shall be directed thereby maintaining the rural nature of the County. Agricultural land, as the need arises, shall be allowed to convert to other land uses. The future land use map will then be modified to reflect the change in land use.

#### 6.02.06 Agriculture

##### Purpose

To provide land for timber row crop farming and related agriculture activities. The agriculture 1 land use category accounts for about 83%, or 301,612 acres of land area in Calhoun County and includes mainly timberlands. Other land uses include, cropland, pasture land, and other agricultural uses in large scale land holdings. The lands are primarily timber production holding.

##### Agriculture – Density/Intensity

Density associated with this category should be limited to one unit per ten acres, except that division of family farms and subsequent establishment of a dwelling shall be allowable as long as all other applicable requirements are met and recipients of the property are members of the principal owner's family. Within this area are a few clusters of existing residential dwellings.

##### Agriculture – Uses

Agricultural activities, livestock, aquaculture, agricultural/farm dwelling units, single family residential units (not to exceed density permitted under Agriculture I classification, except for rehabilitation and/or reconstruction of existing units),

Agricultural support services, structures and facilities related to agricultural activities, vacant land, places of worship, public facilities and grounds, public utilities, and neighborhood commercial where activities are compatible with adjacent land uses and are adequately buffered. The maximum square footage allowed in any neighborhood commercial structure shall be 25000 square feet. The maximum FAR shall be 0.5.

Mobile and manufactured homes are allowed in this district according to the provisions of section 6.02.14.

#### 6.02.07

#### 6.02.09 Open Space/Recreational District

This district is established to protect the recreational areas of the County as indicated on the future land use map from incompatible land use.

#### 6.02.10 Conservation Districts

The conservation district is hereby established as an “overlay” district, meaning that

This district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is permitted in the applicable overlay district. The areas indicated on the future land use map as conservation areas are wetlands, and shall be protected and conserved by prohibiting development in such areas if the developer owns adjacent land more suitable for development.

Any development in this district must be clustered (described in Part 4 of the User’s Guide and Article VII of the Code) on a site not located in wetlands and incorporate a 50 foot buffer from the wetland area. Further details concerning permitted and prohibited Conservation District activities is located in Article VII of this Code.

Underlying land use activities which may take place in conservation areas include farming, Silviculture, open space and residential uses. The policies of this plan, particularly the Future Land Use Element, describe how development in wetland areas (i.e., Conservation Areas) will take place while protecting the natural functions of the wetland. Density is restricted to one residential unit per 20 acres in conservation areas, not to exceed 3,000 square feet in area. See Objective Four (4) and related policies of the Conservation Element for further development restrictions and criteria.

Mobile and manufactured homes are allowed in this district according to the provisions of section 6.02.14.

#### 6.02.11 Planned Unit Development (PUD) District

Calhoun County, through the adoption of this Land Development regulations, shall provide for Planned Unit Developments (PUDs) to encourage innovative site design and provide for mixed land uses. Planned Unit Developments shall be allowed only in areas served by both central water and sewer service systems. If existing municipal systems are not available to serve the PUD the Developer shall be responsible for planning, permitting, construction and operation of the water and sewer systems, not Calhoun County.

PUDs shall be only allowed in areas designated as Agricultural, Residential, or Mixed Land Use on the Future Land Use Map and shall require an amendment to the Future Land Use Map and to the Future Land Use Element Goals, Objectives and Policies . PUDs shall be designated and depicted as PUD on the Future Land Use Map as part of a Comprehensive Plan Amendment Process. The County shall adopt a Future Land Use Map (FLUM) specifically for the area covered by the PUD, consistent with the following listed mixed use percentages. This PUD FLUM shall be adopted as part of the Comprehensive Plan Future Land Use Map series and shall depict the land uses and their generalized locations, including the water and sewer plant facilities and all wetlands, floodplains and other natural features of the entire parcel of land. The PUD Comprehensive Plan amendment shall also include policies which establish the density and/or intensities of development of each land use. All wetlands and floodplains and natural resources shall be protected by a minimum 50 foot upland undeveloped native vegetated buffer that is shown on the PUD FLUM. No new parcels, lots, tracts or divisions of land may be created entirely in the wetlands or floodplains. All parcels, lots, tracts or divisions of land that include wetlands or floodplains must be consistent with the minimum acreage size based upon the density for Conservation land uses and must include enough uplands (areas not in wetlands or floodplains) to accommodate the footprint for development (minimum 1 acre) in addition to the required 50 foot upland undeveloped native vegetated buffer. The minimum required land area to be considered for conversion to a PUD is 40 acres if the PUD is poorly rated for agricultural use and located in an agriculture designated area. Up to 640 acres of Agriculture designated land as shown on the Future Land Use Map may be developed as PUDs during any calendar year, beginning at the time of plan adoption. Minimum PUD size shall be 20 acres if the PUD is located in a residential or mixed use designated area. There is no limit on the number of PUDs which may be developed during the calendar year for residential or mixed use areas.

a. PUDs in the Agriculture Land Use Category:

For a PUD that is designated in the Agriculture Land Use, the gross density (maximum number of residential units) is calculated using the agriculture land use density of 1 unit per 10 acres for uplands (non-wetland and floodplain areas) and 1 unit per 20 acres for wetland and floodplain areas. The gross density (maximum number of residential units) shall be clustered on the upland developed area of the PUD. The remainder of the parent track of land shall be designated Conservation or Agriculture and shall have no allowable residential or commercial development.

Maximum residential density in the developed area of the PUD ~~a PUD~~ is 1 unit per acre unless specific density policies are adopted by Plan amendment specifically for that PUD.

b. PUDs in the Urban Fringe and Rural Residential Land Use Category:

For a PUD that is designated in the Urban Fringe or Rural Residential Land Use Categories, the gross density (maximum number of residential units) is a minimum of 2

units per acre and up to a maximum of 12 units per acre for uplands (non-wetland and floodplain areas) and 1 unit per 20 acres for wetland and floodplain areas. The gross density (maximum number of residential units) shall be clustered on the upland developed area of the PUD. The remainder of the parent track of land shall be designated Conservation or Agriculture and shall have no allowable residential or commercial development. Planned Unit Developments must contain residential land use and must include the following minimum mix and types of non-residential land uses:

c. Recreation and/or Open Space Use - 10% of PUD=s gross acreage (which may include buffers);

d. Commercial Use - 5% of PUD=s gross acreage; and

e. Natural Vegetative Buffers of not less than 50 feet shall be provided between differing adjacent land uses to minimize land use conflicts.

2). Intensity of uses in PUD=s shall be consistent with the land use designation policies of the Future Land Use Element to which intensity applications (FAR=s, etc.) may apply.

3). PUD uses shall include single family dwelling units, commercial, neighborhood commercial, public/semi-public/education, recreation/open space and public utilities

#### 6.02.12 Public/Institutional District

This land use district includes such facilities as fire and police stations, schools and churches. This district is hereby established primarily to ensure all land designated as

Public/institutional land use contain sufficient acreage and be properly developed to accommodate the public/institutional needs of the County.

#### Public – Purpose

To provide for land public and semi-public facilities and services.

#### Public – Intensity

Consistent with maximum lot coverage and/or floor area ratios adopted in the Land Development Regulations. The maximum FAR for public/semi-public buildings constructed in any district shall be 0.5.

#### Public – Uses

All public and semi-public facilities and services, including: 1) public buildings and grounds, 2) other public facilities, 3) military facilities, 4) educational facilities and grounds, 5) places of worship 6) utility structures, 7) cemeteries, and 8) public

utilities. Development of cemeteries shall require site specific approval, and shall constitute a Comprehensive Plan Amendment (i.e., public/semi-public use).

#### 6.02.13 Historical

A listing of historic resources in the County is presented in the County Comprehensive Plan. However, because of the sensitive nature of this information, a map of the sites is not included. Further detailed information on the location of these sites is on file with the Division of Historical resources in Tallahassee.

As per Comprehensive Plan Future Land Use Element Policy 10-3, all development shall maintain a minimum twenty-five (25) foot buffer from known archeological or historical sites.

#### 6.02.14 Special Requirements for Mobile Homes

All mobile and modular homes in this district must adhere to minimum design performance standards established by the Planning Commission.

#### Manufactured Home Design Standards

- a) The unit shall comply with the U.S. Department of Housing and Urban Development Mobile Home Construction and Safety Standards and the Florida

#### Manufactured Building Act;

- b) The minimum horizontal dimension of the main body, as assembled on the site shall not be less than twenty (20) feet, as measured across the narrowest portion;
- c) The pitch of the main roof shall not be less than one (1) foot of rise for each four (4) feet of horizontal run and the minimum distance from eave to ridge is one-half (1/2) the minimum horizontal dimension;
- d) The roofing material used shall be similar in texture, color and appearance to that of detached single-family dwelling units in the same character district in which is to be located; and
- e) The materials used for the exterior finish and skirting shall be similar in texture, color, and materials to detached single-family units in the same character district in which it is to be located, and are applied in such a manner as to make the manufactured housing unit similar in appearance with surrounding detached single-family dwelling units. Reflection from the exterior shall not be greater than from siding coated with clear, white, gloss exterior enamel.

## Manufactured Home Exemptions

Manufactured housing units may be located in a special mobile home park district designed exclusively for manufactured housing, and are exempt from the requirements of the single-family district.

### 6.03.00 ACCESSORY USES AND STRUCTURES

The intended purpose of this section is, first, to regulate the installation, configuration, and use of accessory structures, and second, to regulate the conduct of accessory uses, to ensure that they are not harmful either aesthetically or physically to residents and surrounding areas.

#### 6.03.01 Accessory Apartments

##### A. Purpose

The purpose of this section is to provide inexpensive housing units to meet the needs of elderly persons who might otherwise have difficulty finding homes. This section is also intended to protect the property values and residential

Character of neighborhoods where accessory apartments are located.

##### B. Standards

Accessory apartments may be allowed in single-family homes provided that all of the following requirements shall be met:

1. No more than one (1) accessory apartment shall be permitted on any residential lot.
2. Any accessory apartment shall be located within the principal structure. (Note: The principal structure shall be construed to mean the dwelling unit or house located on the lot, and not any other accessory structure.) An accessory apartment shall not be construed to be located within the principal structure if connected only by a breezeway, roofed passage, or similar structure.
3. An accessory apartment shall not exceed 25 percent of the gross floor area of its principal structure.
4. The accessory apartment shall not interfere with the appearance of the principal structure as a one-family dwelling unit.

#### 6.03.02 Home Occupations

A home occupation shall be allowed in a bona fide dwelling unit, subject to the following requirements:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation.

- B. 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. The residential character of the structure shall not be changed under any circumstances.
- C. 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.
- D. No traffic shall be generated by such occupation in greater volumes than would normally be expected in a residential neighborhood. Any parking generated in excess of normal volumes by such home occupation shall occur off the street and other than in a front yard required pursuant to this Code.
- E. No equipment, tools, or process (including noise, vibration, glare, fumes, odors, or electrical interference) which disturbs neighboring properties shall be used in such a home occupation. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, telephone, or television receivers off the premises or causes fluctuations in line voltage off the premises.
- F. Fabrication of articles commonly classified as arts and handicrafts may be deemed a home occupation, subject to the other terms and conditions of this definitions, and providing no retail sales are made at the home.
- G. Individual instruction for one person at a time (such as an art or piano teacher) shall be deemed a home occupation.
- H. A home occupation shall be subject to all applicable County occupational licensing requirements, fees, and other business taxes.

#### 6.03.03 General Standards and Requirements for Accessory Structures

Any number of different accessory structures may be located on a parcel, provided that the following requirements are met:

- A. A principal development shall be permitted on the parcel, on the condition that it complies fully with all standards and requirements of this Code.
- B. All accessory structures shall comply with standards pertaining to the principal use, unless exempted or superseded elsewhere in this Code.
- C. Accessory structures shall not be located in a required easement, buffer, landscape area, or minimum building setback area.
- D. Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.

- E. Accessory structures shall be shown on any site plan with full supporting documentation as required in Article III of this code.

#### 6.03.04 Storage Building, Utility Buildings and Greenhouses

- A. Accessory buildings used for agricultural and industrial storage of hazardous,

Incendiary, noxious, or pernicious materials shall be located only in areas zoned for agricultural or industrial use. In addition, within such districts, facilities used for storage of potentially harmful chemicals (such as batteries, oil, gas, noxious and/or flammable chemicals or metals) shall have a minimum of one acre from all abutting property lines and the street. Where the area is adjacent to a body of water (such as a pond, lake, river, stream, or canal), the storage facilities shall be located at a minimum of 300 feet from the body of water.

- B. Storage buildings, greenhouses, and the like shall be permitted only in compliance with standards for distance between buildings, and setbacks, from property lines.
- C. Storage and other buildings regulated by this section shall be permitted only in side and rear yards, and shall not encroach into any required building setback from an abutting right-of-way.
- D. Storage and other buildings regulated by this section shall be included in calculations for impervious surface, floor area ratio, or any other site design requirements applying to the principal use of the lot.
- E. Vehicles, including manufactured housing and mobile homes shall not be used as storage buildings, utility buildings, or other such uses.

#### 6.03.05 Swimming Pools, Hot Tubs, and Similar Structures

- A. Swimming pools shall not encroach into any required building setback.
- B. Enclosures for pools shall be considered a part of the principal structure and shall comply with standards for minimum distance between buildings, yard requirements, and other building location requirements of this Code.
- C. All pools shall be completely enclosed with an approved wall, fence or other substantial structure not less than five (5) feet in height. The enclosure shall completely surround the pool. The enclosure shall be constructed to prohibit unrestrained entry through the use of self-closing and self-latching doors.
- D. No overhead electric power lines shall pass over any pool unless enclosed in conduit and rigidly supported, nor shall any power line be nearer than ten (10) feet horizontally or vertically from the pool's water edge.

- E. Excavations for pools to be installed for existing dwellings shall not exceed a 2:1 slope from the foundation of the house, unless a trench wall is provided.

#### 6.03.06 Satellite Dish Antenna

##### A. Standards

1. All satellite dish antenna installations beginning with the enactment of this Code shall meet the following requirements:

- a. A building permit shall be obtained prior to installation. Subsequent to installation, the antenna shall be maintained in compliance with all applicable building and electrical codes.
- b. The satellite dish antenna installation and any part thereof shall maintain vertical and horizontal clearances from any electric lines and shall conform to the National Safety Code.
- c. The satellite dish antenna installation shall meet all FCC and manufacturer specifications, rules, and requirements.
- d. The satellite dish surface shall consist of a nonreflective material.
- e. The satellite dish shall contain no advertising or sign of any type.
- f. The installer of any satellite dish antenna, prior to installation, shall submit detailed blueprints or drawings of the proposed satellite dish antenna installation and foundation.
- g. The satellite dish antenna shall, to the maximum extent possible, be screened from view from a public right-of-way.
- h. The maximum size of the satellite dish antenna, whether ground or pole-mounted, shall be limited to twelve (12) feet in diameter.
- i. The maximum height of a ground-mounted satellite dish antenna installation shall be fifteen (15) feet.
- j. The maximum height of a pole-mounted satellite dish antenna installation shall be thirteen and one-half (13 ½) feet above the eaves of the roof.

##### B. Nonconforming Antenna

Any satellite dish antenna lawfully installed prior to the enactment of this Code shall be allowed to remain, until such time as it is replaced or moved. At the time of replacement or relocation, the provisions of this Code shall be followed.

ARTICLE VII

RESOURCE PROTECTION STANDARDS

OUTLINE

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By the Administrative Official.

B. Initiation of Placement on the Local Register

Placement of sites, buildings, structures, objects or districts on the Local Register may be initiated by the Planning Commission. In addition, placement may be initiated by the owner of the site, building, structure, object or area; or, in the case of a district, by the owner of a site, building, structure, object, or area within the proposed district.

C. Placement on the Local Register

The following procedure shall be followed for placement of sites, buildings, structures, objects, areas, and districts on the Local Register:

A written request shall be completed by the applicant and returned to the Department. The request shall include:

- (1) A written description of the architectural, historical, or archeological significance of the proposed historic site or district;
- (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 description of historic districts, the applicant shall submit (1) Evidence of 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 Administrative Official shall determine when an application is complete and may request additional information when such designation shall be considered as applications for amendment of the Historical Resources Map of Calhoun County’s Comprehensive Plan and amendment to the Official Land Use District’s Map.

Upon receipt and determination that an application is complete the application, including necessary documentation, shall be placed on the agenda of the next regularly scheduled meeting of the Planning Commission. The Planning Commission shall make a recommendation on the proposal.

The Planning Commission’s recommendation shall be sent to the County Commission. The Commission then will handle the recommendation as any other land use change/amendment to the Comprehensive Plan.

D. Criteria for Listing on the Local Register

1. A site, building, or district must meet the following criteria before it may be listed on the Local Register:
  - a. The property is one which, by its location, design, setting, materials, workmanship, feeling and association adds to the district's sense of time and place and historical development.
  - b. A property should not be considered contributing if the property's integrity of location, design, setting materials, workmanship, feeling and association have been so altered that the overall integrity of the property has been irretrievably lost.

E. Effect of Listing on Local Register

1. The Planning Commission may issue an official certificate of historic significance to the owner of properties listed individually on the Local Register or judged as contributing to the character of a district listed on the Local Register. The Administrative Official is authorized to issue the place official signs denoting the geographic boundaries of each district listed on the Local Register.
2. Structures and buildings listed individually on the Local Register or judged as contributing to the character of a district listed on the Local Register shall be deemed historic and entitled to modified enforcement of the Standard Building Code as recommended by the Florida Department of State, Division of Historic Resources.
3. A property owner with a designated historic property wishing to receive modified enforcement of the building code shall present to the building inspector a request indicating which portion of the code should be enforced in a modified manner as it pertains to the property in question. In addition, the property owner shall show proof that if the modification is granted, the property will remain safe, sanitary and not a public health hazard.

7.02.00 DEVELOPMENT STANDARDS WITHIN CONSERVATION DISTRICTS

7.02.01 General Provisions

A. Conservation District

The conservation district is hereby established as an "overlay" district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is permitted in the applicable overlay district. The areas indicated on the future land use map as conservation areas wetlands, and shall be protected and

conserved by prohibiting development in such areas if the developer owns adjacent land more suitable for development.

Underlying land use activities which may take place in conservation areas include farming, silviculture, open space and residential uses. The policies of this Code, particularly Article VI, describe how development in wetlands areas (i.e., Conservation Districts) will take place while protecting the natural functions of the wetlands.

**B. Buffering Requirements for Land Next to Wetland Areas**

According to Policy 9.4 of the Calhoun county Comprehensive Plan Conservation Element, all new development adjacent to wetlands shall employ a 50 foot natural buffer around all wetland areas. No development, with the exception of the following activities, shall be allowed within the buffer.

1. Scenic, historic, wildlife, or scientific preserves.
2. Minor maintenance or emergency repair to existing structures or improved areas.
3. Cleared walking trails having no structural components.
4. Timber catwalks and docks four (4) feet or less in width.
5. Cultivating agricultural or horticultural products in accordance with Best Management Practices.
6. Developing an area that no longer functions as wetlands, except a former wetland that has been filled or altered in violation of any rule, regulation, statute, or this Code. The developer must demonstrate that the water regime has been permanently altered, either artificially or naturally, in a manner to

Preclude the area from maintaining surface water or hydroperiodicity necessary to sustain wetland structure and function.

7. Developing a “Wetlands Storm Water Discharge Facility” or “Treatment Wetland” in accordance with state permits received under Chapters 17-25 and 17-6, Florida Administrative code.
8. Residential Development in accordance with the development restrictions of this Code.

**C. Standards and Procedures**

Each lot of a proposed subdivision must include a site suitable for constructing a structure in conformity with the standards of this Code.

Development shall be clustered on the portion of the site not located in wetlands and shall maintain a 50 foot buffer from the wetland. . No new parcels, lots, tracts or divisions of land may be created entirely in the wetlands or floodplains. All parcels, lots, tracts or divisions of land that include wetlands or floodplains must be consistent with the minimum acreage size based upon the density for Conservation land uses and must include enough uplands (areas not in wetlands or floodplains) to accommodate the footprint for development (minimum 1 acre) in addition to the required 50 foot upland undeveloped native vegetated buffer.

#### 7.02.02 Determination of Boundaries

The developer shall indicate on a preliminary site plan the location of the proposed development if it appears to be within the boundaries of a Conservation District. The developer shall refer to the Conservation Element of the Calhoun County Comprehensive Plan for information regarding the boundaries of Conservation Districts. The site plan shall be submitted to the Administrative Official as part of the Planning Review Process contained in Article IV of this Code. The Administrative Official shall review the information and determine whether the submitted information is accurate. The Administrative Official shall make this accuracy determination within ten (10) working days of receiving the site plan from the developer.

The boundaries of this district shall be the most landward extent of the following:

1. Areas within the dredge and fill jurisdiction of the Department of Environmental Regulations as authorized by Section 403 of the Florida Statutes.
2. Areas within the jurisdiction of the North West Florida Water Management District.

#### 7.02.03 Prohibited On-Going Activities

The following standards apply to post-development activities taking place within any Conservation District.

##### A. Point Source and Nonpoint Source Discharges

Absent an amendment to the development order, point source and nonpoint source discharges shall continue to meet the standards applicable to the original development.

##### B. Clearing

Absent an amendment to the development order, no person shall clear more vegetation than was permitted for the original development.

##### C. Handling and Storage of Fuel, Hazardous and Toxic Substances, and Wastes

1. Developments where fuel or toxic substances will be stored, transferred, or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective clean-up of spills that do occur.

2. No toxic or hazardous wastes or substances shall be stored in outdoor containers.

3. Storage or disposal of all types of wastes is prohibited on shorelines.

D. Prohibited Uses

The long-term storage of equipment or materials, and the disposal of wastes shall be prohibited. All mining activities shall be prohibited in environmentally sensitive lands, including wetlands and within 100 feet of the Apalachicola River.

E. Fertilizers, Herbicides, or Pesticides

Fertilizers, herbicides, or pesticides shall not be applied in a Conservation, District except for projects conducted under the authority of Sections 373.451-373.4595, Florida Statutes, the Surface Water Improvements and Management Act, and governmental authorized mosquito control programs.

## 7.03.00 HABITAT OF ENDANGERED OR THREATENED SPECIES

### 7.03.01 Generally

#### A. Purpose and Intent

It is the purpose of this part to provide standards necessary to protect the habitats of species, both flora and fauna, of endangered, threatened, or special concern status in the county.

#### B. Assessment of Adverse Effects

As per Conservation Element Policy 9.7 of the Comprehensive Plan, developers shall be required to submit assessments to the County of potential adverse effects on threatened and endangered species and species of special concern if the development site is located:

- 1) within less than 50 feet of a wetland or water body
- 2) within the Longleaf pine/turkey oak community that proposes:
  - a) a density of greater than one dwelling unit per five (5) acres; or
  - b) any residential development on greater than twenty five (25) acres total site area; or
  - c) any non-residential development on greater than fifteen (15) acres total site area.

#### C. Required Mitigation for Adverse Impacts

As per Conservation Element Policy 9.8 of the Comprehensive Plan, when one or more of a threatened or endangered species, or species of special concern are found on a proposed development site, the County shall prohibit activities which may cause adverse impacts to the species until a management plan which prevents such adverse impacts is prepared.

Where such adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop a mitigation plan which will allow for no net loss of the species in question on other lands on or off the parcel. This mitigation action shall be coordinated with the Florida Games and Freshwater Fish Commission.

### 7.03.02 Conformance with Federal Regulations Regarding Protections of Flora and Fauna

If one or more threatened or endangered species are found on a proposed development site in a Conservation District, issuance of building or other land development permits by any agency of the County shall be conditional upon evidence that the requirements of the (Florida) Endangered and Threatened Species Act and the (Federal) Endangered and Threatened Species Act and (Federal Endangered Species Act of 1973), as amended, have been or will be complied with by the applicant.

## 7.04.00 TREES

### Protection

Trees that are protected in the county are those with a diameter at breast height (DBH) of forty six (46) inches or greater. The DBH is the diameter of the tree trunk at 54 inches above the ground. In the case of a tree with multiple branch stems at 54 inches above the ground, the trunk diameter shall be measured at that point below where the branching occurs.

### Purpose

It is the purpose of this article to protect large trees because of their value to the environment. Trees prevent soil erosion, purify air, produce oxygen, provide shade, provide habitat for animals, purify groundwater, produce food, and etc. Trees add to property value and aesthetically enhance communities because of their beauty and the above stated values. The intent of this article is to minimize the number of trees that are removed during development activities.

### Utility Operations

Tree removals by duly constituted communication, water, sewer, electrical or other utility companies or federal, state or county agencies, or engineers or surveyors working under a contract with such utility companies or agencies shall be exempt from the restrictions of this Code, provided that:

1. The removal is limited to those areas necessary for maintenance of existing lines or facilities or for construction of new lines or facilities in furtherance of providing utility service to its customers; and
2. The activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances.

Written notice of the removal shall be provided to the County thirty (30) days prior to the removal. When the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.

### Rights of Way

Developers shall provide rights of way for roadways that are built or will be built in conformance with design standards located in Article IX of this Code. To qualify for the exemption for new roadways, the developer must post a bond, letter of credit, cash, or other security guaranteeing the repair or replacement of the roadways as required by the County Commission.

### Bonafide Agricultural Activities

All bonafide agricultural activities including commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part.

## Emergencies

During emergencies caused by a hurricane or other disaster, the County Commission may suspend these tree protection regulations.

### 7.04.01 Removal of Trees

The developer must demonstrate that the site design plans contain measures that involve removal of the least possible number of protected trees. If it is necessary to remove a protected tree, a permit shall be granted when the developer can demonstrate that the removal is due to one of the following conditions:

- a. A permissible use of the site cannot reasonably be undertaken unless specific trees are removed or relocated.
- b. The tree is located in such proximity to an existing or proposed structure that the safety, utility or structural integrity of the structure is materially impaired.
- c. The tree materially interferes with the location, servicing or functioning of existing utility lines or services.
- d. The tree creates a substantial hazard to motor, bicycle or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.
- e. The tree is diseased or weakened by age, abuse, storm or fire and is likely to cause injury or damage to people, buildings or other improvements.
- f. Any law or regulation requires the removal.

### 7.04.02 Protection of Trees During Development Activities

To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:

- a. Mechanical injuries to roots, trunk, and branches;
- b. Injuries by chemical poisoning;
- c. Injuries by grade changes;
- d. Injuries by excavations; and
- e. Injuries by paving

### 7.04.03 Preservation of Protected Trees as Grounds for Variance from other Requirements of this Code

The preservation of any protected tree may be considered as a factor in rendering a decision upon an application for a variance from the literal application of other requirements of this Code.

## 7.05.00 SETBACKS, SCREENING AND BUFFERING

### 7.05.01 Required Screening and Buffering

Every development shall provide screening and/or buffering in order to reduce between adjacent properties the negative effects of noise, dust, glare, and attractive views of streets or railroads and promote separation of spaces, privacy, and attractiveness. Where adjacent parcels have incompatible uses or differing zoning districts, a buffer zone and/or screening is required along the parcel boundaries.

### 7.05.02 Width of Buffer/Screening Zones

All agricultural uses are required to provide a buffer zone of 75 feet from any adjacent nonagricultural uses. Under a special exception the buffer can be reduced to 10 feet or less if the Town determines that the health or nuisance factors will not adversely affect the adjacent nonagricultural use.

Unless otherwise stated, the required width of the setback zones between any two parcels is the sum of the setbacks for the required buffer zones of each of the parcels. Where new development is proposed adjacent to an existing development with less than the required buffer zone for that type of use, an inadequate buffer zone may be allowed until the existing nonconforming parcel is redeveloped and brought into conformity with the buffer zone requirements of this Code. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer zone in the site plan of the new development.

### 7.05.03 Setback Requirements for Development Next to Creeks and Streams

All new development next to creeks and streams within the unincorporated areas of the County shall be required to employ a 50 foot setback measured as the shortest distance between buildings and the most landward extent of a creek or stream running near or through a lot. This requirement shall apply to the following creeks and streams:

- Stafford Creek
- Graves Creek
- Four Mile Creek
- Ten Mile Creek
- Juniper Creek
- White Water Creek
- Cypress Creek

7.05.04 Screening Requirements for Abutting Thoroughfare  
 Developers shall abide by the following provisions for screening.

Table 7-A  
 Required Screening along Thoroughfares

Proposed Land Use	Designation of Abutting Thoroughfare		
Proposed Land Use	Arterial	Collector	Local
Agriculture	N	N	N
Conservation	N	N	N
Residential	O	S	B
Commercial	O	S	B
Industrial	O	O	O

Legend:

N=No buffer required      O=Opaque  
 S=Semi-Opaque              B=Broken

An opaque screen is a screen from the ground to a height of about six feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. It is intended to exclude all visual contact between uses and to create a strong impression of separation. It may be composed of a wall, fence, planted or native vegetation as long as it does not obstruct the viewing of traffic flow (refer to Article IX, Traffic Circulation)

An Semi-Opaque screen is a screen opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. It is intended to partially block visual contact between uses and to create a sense of separation of spaces. It may be composed of a wall, fence, planted or native vegetation as long as it does not obstruct the viewing of traffic flow. A broken screen is composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, planted or native vegetation as long as it does not obstruct the viewing of traffic flow.

7.05.05 Minimum Buffering Requirements for Residential Uses

The minimum required screening or buffering between all residential uses is broken (refer to 7.05.04 for explanation of “broken”). Opaque buffering or screening is the minimum required between residential and all other types of uses.

Table 7-B  
Matrix of Buffering Requirements for Adjacent Land Uses

Land Use of Parcel To be Developed	Land Use of Adjacent Parcel			
	Res.	Comm.	Indus.	Agri.
Residential	N	O	O	B
Commercial	O	S	S	S
Industrial	O	S	O	O
Agricultural	B	S	O	N

Legend:

N = No buffer required      O = Opaque  
S = Semi-Opaque              B = Broken

#### Mixed Use Developments

Buffering for mixed used developments shall be based on the requirements for the more intense use in the building or cluster of buildings.

### 7.06.00 LANDSCAPING

#### 7.06.01 Design Principles

All landscaping areas required by this Code should conform to the following general design principles:

1. Landscaping shall integrate the proposed development into existing site features.
2. The drainage systems and internal circulation systems for vehicles and pedestrians shall be integrated into the landscaping plan.
3. Landscaping shall be used to minimize potential erosion and aid in soil stabilization.
4. Existing native vegetation shall be preserved and used to meet landscaping requirements.
5. Landscaping shall include a variety of plants in regards to seasonal changes, textures, colors and size at maturity.
6. Landscaping shall be used to provide windbreaks, channel wind and increase ventilation.
7. Landscaping shall maximize the shading of streets and vehicle use areas.

8. The selection and placement of landscaping materials shall consider the effect on existing or future solar access, of enhancing the use of solar radiation, and of conserving the maximum amount of energy.
9. No development plan shall be denied solely on the basis of the design principles in this section.
10. The landscaping shall be a mixture of canopy, understory and shrubs.

#### 7.06.02 Protection of Plants

All plants shall be healthy and free of diseases and pests, and shall be selected from the list of approved species below. Plants shall be installed during the period of the year most appropriate for planting the particular species. If compliance with this provision requires that some or all of the landscaping be planted after the issuance of a certificate of occupancy, the developer shall post a performance bond sufficient to pay the costs of the required landscaping. All required plans shall be maintained in a healthy, pest-free condition. Within six (6) months of a determination by the planning department that a plant is dead or severely damaged or diseased, the plant shall be replaced by the developer in accordance with the standards specified in this Code.

1. Landscaping shall be protected from vehicular and pedestrian encroachment by means of raised planting surfaces, depressed walks, curbs, edges, and the like.
2. The landscaping shall not interfere, at or before maturity, with power, cable television, or telephone lines, sewer or water pipes, or any other existing or proposed overhead or underground utility service.
3. All plants shall be installed according to standards adopted by the planning department.

#### 7.06.03 Use of Native Plants as Landscaping Materials

The use of existing native vegetation in screening and buffer zones is preferred.

ARTICLE VIII

WATER RESOURCE PROTECTION STANDARDS

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## ARTICLE VIII

### WATER RESOURCE PROTECTION STANDARDS

#### 8.00.00 GROUNDWATER AQUIFER RECHARGE

For the purposes of these land development regulations, groundwater aquifer recharge areas shall be as defined within Article II of this Code and as described in the County's Comprehensive Plan.

##### 8.00.01 Stormwater Management Practices

Stormwater management practices shall not include drainage wells and sinkholes for stormwater 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, as amended. The site and development plan shall clearly indicate that the proposed stormwater disposal methods meet requirements established in this Code.

##### 8.00.02 Well Construction, Modification, or Closure

Well construction, modification, or closure shall be regulated in accordance with the criteria established by the Northwest Florida water Management District and the Florida Department of Health and Rehabilitative Services. Construction of a permitted well with a capacity of one-hundred (100,000) gallons per day or more, or modification may be allowed in the surficial, intermediate Floridan Aquifer System, after a determination by the County Commission that the well will not directly or indirectly degrade water quality in the Floridan Aquifer System.

##### 8.00.03 Water Reserve

<reserved>

##### 8.00.04 Abandoned Wells

Abandoned wells shall be closed in accordance with the criteria established by Chapter 17.28, Florida Administrative Code, as amended. Where development is proposed in areas with existing wells, these wells shall be abandoned, including adequate sealing and plugging according to Chapter Rule 17.28, Florida Administrative Code, as amended.

##### 8.00.05 Discharge of Regulated Material

No person shall discharge or cause to or permit the discharge of a regulated material, as defined in Article II of these land development regulations (or as listed in

Chapter 442, Florida Statutes, as amended), to the soils, groundwater, or surface water of any Groundwater Aquifer Recharge Area. 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.

8.00.06 Landfill and Storage Facilities

Landfill and storage facilities for hazardous/toxic wastes shall also require approval as a special exception by the County Commission as required by these land development regulations.

8.00.07 Water Conservation Provisions

As per Comprehensive Plan Conservation Element Policy 6.3, all new construction and remodeling activities shall utilize fixtures conforming to the following schedule of maximum water usage, consistent with the Water Conservation Act of 1982, thereby conserving potable water resources.

Water Closets, tank type	3.5 gallons/flush
Water Closets, flushometer or flush type	3.5 gallons/flush
Urinals, tank type	3.5 gallons/flush
Urinals, flushometer or flush type	3.5 gallons/flush
Showerheads	3.0 gallons/minute
Lavatory and Sink faucets	3.0 gallons/minute

8.01.00 WELLFIELD PROTECTION

8.01.01 Wellfield Protection Zone and Zone of Exclusion

The County shall protect waterwells and waterwell cones of influence by creating well head protection areas and well head zones of exclusion. Zones of exclusion shall consist of all land within a two hundred (200) foot radius of the wellhead wherein no development shall be permitted. Well head protection areas shall extend for a an additional radius of three hundred (300) feet from the well head creating a minimum 500 foot radius protection zone. Within these areas, the following will be prohibited: 1) landfills; 2) facilities for the bulk storage, handling, or processing of material on the Florida Substance List; 3) Activities that require the storage, use production, or transportation of restricted substances, agricultural chemicals, petroleum products, hazardous toxic waste, medical waste, and like; 4) feedlots or other commercial animal facilities; 5) wastewater treatment plants, percolation ponds, and similar facilities; 6) excavation of waterways or drainage facilities which intersect the water table. All development adjacent to well heads shall be consistent with provisions of Chapter 48-3.504, F.A.C., regarding the regulation of wells

All provisions of this section dealing with well head protection are intended to be consistent with the “Rules of the Northwest Florida Water Management District” (Florida Administrative Code). Conflicts between this code and the water management rules shall be resolved in favor of the Water Management Rules. The

following standards shall apply when determining the status of development permit applications for structures or uses within the Well Field Management Zone

8.01.02 New Wells

No new wells shall be permitted by the County without first obtaining a permit from the Building Inspector. Well construction in a surficial intermediate, or Floridan Aquifer System shall be in accordance with the rules of the Water Management District as described in the above section.

8.01.03 Landfills Prohibited

New sanitary landfills, as defined by Chapter 17-7, Florida Administrative code, as amended shall be prohibited within Well Field Management Zones are prohibited.

8.01.04 Limitation of Septic Tanks

New Septic Tanks waste water treatment systems shall be prohibited within Well Field 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 ½) times or where no public sanitary sewer system is available.

8.01.05 Transportation of Regulated Materials

Transportation of regulated materials shall be prohibited in the Well Field Management Zone, except local traffic serving facilities within the Well Field Management Zone.

8.02.00 FLOOD HAZARD DAMAGE PREVENTION

8.02.01 Statutory Authorization

As per Chapter 125, Florida Statutes, the legislature has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the County Commission does ordain the following floodplain regulations.

8.02.02 Finding of Fact

The Flood Hazard Districts of the County experience periodic inundation which results in loss of life and property, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. These flood losses are caused by the cumulative effect of obstructions in floodplains which cause increases in flood heights and velocities, and by the occupancy by uses vulnerable to flood hazards.

8.02.03 Land to which Article Applies

This article shall apply to all flood hazard areas within the jurisdiction of the County as shown on the most current version of the Federal Emergency Management Administration Flood Plain Maps.

#### 8.02.04 Designation as Flood Hazard District

It is the intent to establish an overlay land use management district, called Flood Hazard Districts, on the Future Land Use Map of the Comprehensive Plan. These areas are subject to intermediate to severe periodic inundation, as documented by the Federal Emergency Management Agency flood insurance rate maps. Therefore, it is necessary for the County to exercise its authority to regulate and restrict uses on these lands in such a manner as to protect life and property, prevent or minimize damage, and reduce public costs for flood control and rescue and relief efforts occasioned by unwise use or occupancy of such areas.

These districts are further intended to protect and preserve natural open spaces, park lands, wilderness areas, swamp lands, water sheds and recharge areas, streams and their tributaries, wildlife habitats and management areas. To these ends, permitted and permissible uses are basically limited to conservation, agriculture, low intensity recreation and with certain limitations, other uses not contrary to the character of these districts.

If a parcel proposed for development contains lands partially within a Flood Hazard District, the developer shall be allowed use cluster development techniques. If use of such techniques violate density provisions of this Code, the developer may apply for a variance from these density requirements.

Flood plain areas for the County shall be established in accordance with the following criteria. Floodways and flood plains of all lakes, streams, creeks or rivers in the County shall be considered to extend from the normal banks of said waterways to the upper limit of a water elevation line for a 100 year frequency flood. This upper limit of a water elevation line shall be determined by an agent of the County.

As per Comprehensive Plan Conservation Element Policy 8.4, all mining activities shall be prohibited within the boundaries of 100-year floodplain.

#### 8.02.05 Basis for establishing Flood Hazard Districts

The areas of special flood hazard identified by the Federal Insurance Administration in its Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) as referenced in Chapter Five of the Comprehensive Plan shall be known as Flood Hazard Districts. Any revisions thereto are adopted by reference and declared to be a part of this Code.

#### 8.02.06 Abrogation and Greater Restrictions

These flood damage prevention regulations do not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.

#### 8.02.07 Warning and Disclaimer of Liability

The degree of flood protection required by these flood damage prevention regulations is reasonable and appropriate for regulatory purposes. The regulations are based on scientific and engineering considerations. However, more severe floods will occur and flood heights may be increased by man-made or natural causes. Consequently, these flood damage prevention regulations do not imply that land outside the Flood Hazard Districts or uses permitted within those areas will be free from flooding or flood damages. These flood damage prevention regulations shall not create liability on the part of the County or any of its officers or employees for any flood damages that result from reliance on these flood damage prevention regulations or any administrative decision lawfully made thereunder.

#### 8.02.08 Penalties

Violation of the provisions of this article or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance or special exception, shall constitute a misdemeanor. Nothing herein contained shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

#### 8.02.09 Compliance

No structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable regulations.

#### 8.02.10 Standards Applying to all Structures within Flood Hazard Districts

The standards in this part apply to all development within the Flood Hazard Districts as shown on a Flood Hazard Boundary Map or a Flood Insurance Rate Map.

##### A. Anchoring

All new construction and substantial improvements of existing construction shall be anchored to prevent flotation, collapse or lateral movement of the structure during a base flood. Manufactured homes shall be anchored, tied down and blocked in accordance with the standards of Section 15C-1.10, Florida Administrative Code.

##### B. Construction Materials and Methods

All new construction and substantial improvements of existing construction shall be constructed with materials and utility equipment resistant to flood damage. The developer shall utilize methods and practices that will minimize flood damage and prevent the pollution of surface waters during a base flood.

##### C. Service Facilities and Utilities

1. Electrical heating, ventilation, plumbing, air conditioning and other service facilities shall be designed or located to prevent water from entering or accumulating within the components during a base flood.

2. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood waters into the systems and discharges from the systems into flood waters.
3. On-site sanitary sewage systems shall be located and constructed to avoid impairment to them or contamination from them during flooding, and shall not be installed wholly or partially in a Regulatory Floodway.

D. Storage of Materials and Equipment

1. Storing or processing materials that would, in a flood, be buoyant, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited.
2. Materials or equipment immune to substantial damage by flooding may be stored if firmly anchored to prevent flotation or if readily removable from the areas upon receipt of a flood warning.

8.02.11 Specific Regulations for Residential Structures in Flood Hazard Districts

1. All new construction and substantial improvements of existing construction of residential structures shall be constructed with the lowest floor elevated to or above the Flood Protection Elevation.
2. For all new construction and substantial improvements of existing construction, enclosed areas below the lowest floor that are subject to flooding shall be designed to equalize hydrostatic flood forces on exterior walls by allowing for automatic entry and exit of floodwater. Designs for meeting this requirement must either be certified as meeting this requirement by a registered professional engineer or architect, or meet or exceed the following minimum standards:
  - a. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - b. Place the bottom of all openings no higher than one foot above grade.
  - c. Equip openings with devices, such as screens, louvers, or valves that permit the automatic entry and exit of floodwater. Access to the enclosed areas shall be the minimum necessary to allow for parking of vehicle (i.e. a garage door) or storing equipment used to maintain the premises (i.e. a standard exterior door), or entering the living area (i.e. a stairway or elevator). The interior of the enclosed area shall not be partitioned or finished into separate rooms.
3. Electrical, plumbing, and other utility connections shall not be placed below the Flood Protection Elevation.

8.02.12 Specific Regulations for Non-Residential Structures in Flood Hazard Districts

New construction and substantial improvements of existing construction of nonresidential structures shall comply, or otherwise be consistent with the following standards:

1. Walls below the Flood Protection Elevation shall be substantially impermeable to the passage of water.
2. Structural components shall resist hydrostatic and hydrodynamic loads and effects of buoyancy.
3. Be certified as meeting the standards of this section by a registered professional engineer or architect.

8.02.13 Specific Regulations for Mobile Homes in Flood Hazard Districts

1. All mobile homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. In addition to design specifications in Article VI, additional specifications for mobile homes in Flood Hazard Districts shall require that:

- a. Over-the-top ties shall be provided at each end of the mobile home, with one (1) additional tie per side at an intermediate location on mobile homes of less than fifty (50) feet and one (1) additional tie per side for mobile homes of fifty (50) feet or more;
  - b. Frame ties shall be provided at each corner of the home with four (4) additional ties per side at intermediate points for mobile homes less than fifty (50) feet long and one (1) additional tie for mobile homes of fifty (50) feet or longer;
  - c. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
  - d. Any additions to the mobile home shall be similarly anchored.
2. For new mobile home parks and subdivisions; for expansions to existing mobile home parks and subdivisions; for existing mobile home parks and subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of value of the streets, utilities and pads before the repairs, reconstruction or improvement has commenced; and, for mobile homes not placed in a mobile home park or subdivision require that;

- a. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level;
- b. adequate surface drainage and access for a hauler are provided; and
- c. In the instance of elevation on pilings
  - (i) Lots are large enough to permit steps
  - (ii) Piling foundations are placed in stable soil no more than ten (10) feet apart; and,
  - (iii) Reinforcement is provided for piling more than six (6) feet above the ground level.

8.02.14 Specific Regulations for Subdivisions in Flood Hazard Districts

1. All preliminary subdivision proposals shall identify areas within the Flood Hazard District on the parcel and the elevation of the Base Flood.
2. All final subdivision plans shall identify the elevation of proposed structures and pads. If the site is filled above the Base Flood, the final pad elevation shall be certified by a registered professional engineer or surveyor.
3. All public utilities and facilities in subdivisions shall be located and constructed to minimize flood damage, and shall be adequately drained to reduce exposure to flood hazards.
4. Each lot must include a site suitable for constructing a structure in conformity with the standards of these flood damage prevention regulations.
5. All agreements for deed, purchase agreements, leases, or other contracts for sale or exchange of lots within a Flood Hazard District and all instruments conveying title to lots must prominently publish the following flood hazard warning in the document:

Flood Hazard Warning

This property may be subject to flooding. You should contact local building and planning officials and obtain the latest information about flood elevations and restrictions before making plans for the use of this property.

8.03.00 STANDARDS FOR SUB-AREAS WITHIN FLOOD HAZARD DISTRICTS

8.03.01 Regulatory Floodways

The following standards apply to Regulatory Floodways located within the Flood Hazard District:

1. Encroachments, including fill, new construction, substantial improvements and other development, are prohibited unless a registered professional engineer or architect certifies and demonstrates that the cumulative effect of the proposed Development, when combined with all other existing and anticipated development, will not result in any increase in flood levels during a base flood.
2. All new construction and substantial improvements of existing construction shall comply with all applicable flood damage prevention provisions.

#### 8.03.02 Standards for Areas of Shallow Flooding

The following standards apply to Areas of Shallow Flooding located within the Flood Hazard District.

1. Residential Structures

The lowest floor of all new construction of and substantial improvements to residential structures shall be elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two (2) feet if no depth number is specified).

2. Nonresidential Structures

The lowest floor of all new construction of and substantial improvements to non-residential structures shall:

- a. Be elevated as prescribed above; or
- b. Be constructed, together with attendant utility and sanitary facilities, so that any walls shall be substantially impermeable to the passage of water and any structural components below base flood level shall be capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

#### 8.03.03 Standards for Streams without Established Base Flood Elevations and/or Regulatory Floodways

The following standards apply to small streams in the Flood Hazard District for which no Base Flood data or Regulatory Floodway have been provided.

1. Encroachments

No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to two times the width of the stream at the top of the bank, or twenty feet from the top of each bank, whichever is greater, unless a registered professional engineer demonstrates and certifies that the encroachments would not result in any increase in flood levels in a Base Flood.

2. Elevation

New construction of or substantial improvements to structures shall be elevated or flood-proofed to minimize risks of flooding reasonably to be expected based on the best available date.

#### 8.04.00 ADMINISTRATION AND ENFORCEMENT

##### 8.04.01 Designation of Administrator

The County Building Inspector is hereby appointed to administer and implement the provisions of this article.

##### 8.04.02 Duties of Building Inspector

In addition to duties assigned elsewhere, the Inspector shall:

1. Review all proposed developments to assure that the requirements of these regulations have been met.
2. Review all certificates submitted to satisfy the requirements of these regulations.
3. Notify adjacent communities, the Water Management District, and the State of Florida Department of Community Affairs, prior to permitting or approving any alteration or relocation of a watercourse, and provide evidence of such notification to the Federal Emergency Management Agency.
4. Verify and record the actual elevation (in relation to mean seal level) of the lowest floor, or of the flood-proofing, of all new or substantially improved structures regulated by these flood damage prevention regulations.
5. Interpret the boundaries of the Flood Hazard District and the various zones.
6. Maintain all records pertaining to the implementation of these flood damage prevention regulations.

##### 8.04.03 Certification of As-Built Elevations

1. For development activity which includes structures, and in areas where base flood elevations are available, the developer shall submit to the Inspector a certification of the as-built elevation in relation to mean sea level of the lowest floor, flood-proofed elevation, or horizontal structural members of the lowest floor, as applicable. This certification shall be provided before additional construction may occur.
2. The Inspector shall review submitted floor elevation survey data and inform the applicant of deficiencies within 14 working days. No work shall be permitted to proceed until the deficiency is removed in the opinion of the Administrator. Failure to submit the certification or to make required corrections shall be cause to issue a stop-work order for the project.
3. Upon submittal of certified elevations and/or determination by the Inspector that the development meets all of the applicable requirements of these flood damage prevention regulations, the Inspector shall issue a Certificate of Compliance. All

work performed before the issuance of this certificate shall be at the risk of the developer.

#### 8.04.04 Enforcement

1. Any violation of these food damage prevention regulations is a public nuisance and may be restrained by injunction or otherwise abated in a manner provided by law.
2. In addition to any remedy or penalty provided herein or by law, any person who violates the provisions of these flood damage prevention regulations shall be punished by a fine of not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or by imprisonment in the County jail for a period not to exceed sixty (60) days, or by both such fine and imprisonment. Each day during which the violation occurs shall constitute a separate offense.
3. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the County may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

#### 8.04.05 Development Permit

A development permit shall be required in conformance with the provisions of this Code. A development permit shall be obtained before construction or development begins within any area of special flood hazard. When application for development is made the following information shall in addition be submitted;

- (1). Elevation in relation to mean sea level of the lowest floor (including basement) of all structures.
- (2). Elevation in relation to mean sea level to which any nonresidential structure has been flood proofed.
- (3). Provide a certificate from a registered professional engineer or architect that the nonresidential flood proofed structure meets the flood proofing criteria of this code.
- (4). Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### 8.05.00 STORMWATER MANAGEMENT

##### 8.05.01 Best Management Practices

All drainage systems are required to use Best Management Practices (BMP) to control runoff, maintain or improve water quality and groundwater recharge, minimize erosion, and to promote water conservation. When appropriate, the latest edition of the Florida Department of Transportation (D.O.T.) Standard Specifications

for Road and Bridge Construction may be utilized. In no case shall developers use design standards that are in conflict with or contrary to the drainage provisions and intent of this Code. These drainage provisions are intended to be consistent with the rules of the Northwest Florida Water Management District. Conflicts between this Code and the Water Management Rules shall be resolved in favor of the Water Management Rules.

#### 8.05.02 Exemptions

The following development activities are exempt from these land development regulations, except that steps to control erosion and sedimentation must 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. Facilities for agricultural lands, provided those facilities are part of a Water Management District approved conservation plan. However, if the conservation plan is not implemented according to its terms, this exemption shall be void.
3. Facilities for silvicultural lands, provided that the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual (1979), as amended, published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry.
4. The construction, alteration, or maintenance of a single-family dwelling, duplex, triplex or quadruplex of agricultural building, of less than ten (10) acres total land areas and provided the total impervious area is less than two (2) acres (i.e., dwelling unit, barn, driveways, etc.).
5. The connection of a stormwater management system to an existing permitted stormwater management system has been designed to accommodate the proposed system.
6. The placement of culverts whose sole purpose is to convey sheet flow when an existing stormwater management facility is being repaired or maintained provided the culvert is not placed in a stream or wetland.
7. Existing stormwater management systems that are operated and maintained properly and pose no threat to public health and safety.
8. Connections to existing stormwater management systems that are owned, operated, and maintained by a public entity provided, the proposed connections

comply with a stormwater management plan compatible with the Water Management District requirements.

9. 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.
10. 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 County Commission and Water Management District as soon as practicable.

#### 8.05.03 Protection and Utilization of Natural Drainage Systems

No drainage project which would eliminate or endanger the effective functioning of a wetland system will be approved. To the maximum extent practicable, all new developments and special districts shall create drainage systems that will integrate with the natural

#### Detention and Retention Systems

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. Detention and retention systems shall be designed to comply with BMP and/or D.O.T. design standards if such standards do not conflict with the provisions or intent of this Code. The banks of detention and retention areas shall be sloped, not to exceed a 3 to 1 ratio. Also, the banks of the detention/retention areas shall accommodate or be planted with appropriate vegetation. The detention/retention systems shall be fenced if under normal circumstances they contain water greater than three feet in depth.

#### Compatibility

The proposed stormwater management system shall be compatible with the stormwater management facilities on surrounding properties or streets, taking into account the possibility that substandard systems may be improved in the future.

#### Irrigation Systems

Water reuse and conservation shall, to the maximum extent practicable, be achieved by incorporating the stormwater management system into irrigation systems serving the development.

#### 8.05.05 Stormwater Management Manual

The County shall seek intergovernmental funding where and when appropriate to compile a Stormwater Management manual for the guidance of persons seeking

approval of a Stormwater Management System under this Code. The Manual shall be updated periodically to reflect the most current and effective practices and shall be readily available to the public.

#### Contents

The Manual shall include:

1. Guidance and specifications for the design of stormwater management systems consistent with the Performance and Design Standards of this Code. Acceptable techniques for obtaining, calculating and presenting the information required by this Code shall be described.
2. Guidance in the selection of environmentally sound practices for the management of stormwater and the control of erosion and sediment. Specific techniques and practices shall be described in detail with particular attention given to the development and use of techniques that emphasize the use of natural systems.
3. Minimum construction specifications for stormwater management facilities in accordance with good engineering practices.

#### Approval by County Commission

The County Commission, after appropriate study, shall make a determination either that the development should be approved, or that the development cannot be brought into substantial compliance and the Development Plan should be amended to meet regulations.

ARTICLE IX  
TRAFFIC CIRCULATION

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## ARTICLE IX

### TRAFFIC CIRCULATION

#### 9.00.00 STREETS

##### 9.00.01 Compliance with Technical Construction Standards Incorporated by Reference

All required elements of the transportation system shall be provided in compliance with the engineering design and construction standards of this code including those incorporated by reference (see Article I).

#### 9.01.00 STREET CLASSIFICATION

##### 9.01.01 Streets Created in New Subdivision

In all new subdivisions, or in the creation of any new streets, streets that are dedicated to public use shall be classified as provided based on the following:

1. The classifications shall be based upon the projected volume of traffic to be carried by the street, stated in the terms of the number of trips per day;
2. The number of dwelling units to be served by the street may be used as a useful indicator of the number of trips but is not conclusive;
3. When a street continues an existing street that previously terminated outside of a subdivision, or is a street that will be continued beyond a subdivision or development at some future time, the classification of the street will be based upon the street in its entirety, both within the outside of the subdivision or development.

##### 9.01.02 Street Classification System

The Classification of a newly created roadway shall be determined by defining road function and average daily traffic (ADT), which is calculated by trip generation rates prepared by the Institute of Transportation Engineers. Trip generation rates from other sources may be used if the developer demonstrates the alternative source better reflects local conditions.

The four classifications of roadways in the County road network are arterial, collectors, local streets, and private roads. Each street type is further divided into subcategories.

All development proposals containing new streets or taking access from existing streets shall conform to the standards and criteria contained in this Part.

#### A. Arterial Roads

Arterials are the first classification of roadways. They are designated to carry large volumes of traffic for considerable distances. No parking is allowed on any arterial.

#### B. Principal Arterial

Principal arterial, which carries the highest traffic volumes through the County and satisfy the longest trip purposes are major regional highways providing links between communities. These roads may take access from other arterial or freeways and may give access to any lower order non-residential street type. These roads shall have a design speed of fifty-five (55) miles per hour.

#### C. Minor Arterial

Minor arterial roads provide links between communities or to limited-access expressways, limit direct access from abutting properties except for regionally significant uses, and are designed for speeds up to forty-five (45) miles per hour. These roads link community districts to regional or state highways. They may also give direct access regionally significant land uses.

#### D. Collector Roads

Collectors are the second classification of roadways. These are designed to gather traffic from local and private roads, connecting traffic either to arterial or to some center of commerce or government. Collectors are of two types, major and minor, determined by their role within the overall traffic circulation plan. Maintenance and construction responsibilities are divided between the State and the County, depending upon the particular roadway. Collector roads may serve commercial and industrial uses as well as some through traffic. Collector streets may take access from other collector streets, major collectors, minor arterial or arterial and may give access to any lower order street. Collector streets shall have a design speed of thirty-five (35) miles per hour. Collector streets shall have an ADT of no greater than seven thousand (7,000) nor less than three thousand (3,000). Collector roads provide access to non-residential uses and connect lower order streets to arterial streets. Design speeds and average daily traffic volumes will be higher than for lower order streets.

##### 1. Major Collector

These streets serve major community or regional facilities and carry through traffic. Major collector streets may take access from other major collectors, minor arterial, and arterial and may give access to any same or lower order street type. Major collectors shall have a design speed of thirty-five (35) miles per hour. Major collectors shall have a minimum ADT of seven thousand (7,000). No parking is allowed on major collectors.

##### 2. Minor Collector

These are local collector streets giving direct access to commercial and industrial uses and to residential projects, but not to individual dwelling units. Minor collectors may take access from other collector streets, minor arterial, or arterial. Minor collectors may give access to any residential street type. Minor collectors shall have a design

speed of thirty (30) miles per hour. Minor collectors shall have a maximum ADT of three thousand (3,000).

#### E. Local Streets

Local streets are the third classification of roadways. They are designed for intra-neighborhood travel, generally connecting to collectors or arterial. They are often built by private parties as part of a development in accordance with subdivision codes, and maintained by the County, after dedicated. Under special circumstances a new local street may be classified and designed as either an alley, marginal access street, or divided street.

#### 9.02.00 COMPREHENSIVE PLAN TRAFFIC CIRCULATION MAP

The comprehensive Plan Traffic Circulation Map and any amendments thereto, adopted by the county as a part of the Comprehensive Plan, is hereby made a part of this Code. The map shall be an aid in all decisions regarding required road improvements, reservation or dedication of rights-of-way for required road improvements, or access of proposed uses to existing or proposed roadways.

#### 9.03.00 STREET CLASSIFICATION STANDARDS

The following table, specifies the number of lanes and pavement and right-of-way widths for arterial, collector, local and private streets. These requirements should be read in conjunction with the foregoing street type description.

Table 9A

Street Classification Standards

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb +Gutter	Curb + Gutter	No Curb + Gutter
<b>1. Collector Streets</b>					
<b>a. Minor Collector Streets</b>	2-1' moving 1-8' parking Undivided (no median)	30'	30'	60'	60'
	2-11' moving 2-8' parking undivided	38'	38'	60'	60'
	2-11' moving 2-8' parking 6' median strip	44'	44'	66'	66'
<b>b. Collector Streets</b>	2-14' moving no parking no median	28'	28'	66'	66'
	2-12' moving no parking 6' median	30'	30'	70'	70'

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
		Curb + Gutter	No Curb +Gutter	Curb + Gutter	No Curb + Gutter
<b>C. Major Collector Streets</b>	4-12' moving no parking no median	48'	48'	80'	80'
	4-12' moving no parking 6' median	54'	54'	90'	90'

2. Arterial Streets

a. Minor Arterial Streets	Normal road Configuration: 2-14' moving no parking no median	28'	28'	80'	80'
	Approach to Intersections: 2-12' moving 2' 12' turning 1-2' merging 6' median	66'	66'	100'	100'
b. Arterial Streets	Normal road configuration: 4-12' moving 2-12' turning 6' median	54'	54'	100'	100'
c. Freeways	Same as above	Same as above	Same as above	Same as above	Same as above

### Future Rights-of-Way

Future right-of-way requirements are identified in the Transportation Circulation Element of the County Comprehensive Plan. Where roadway construction, improvement, or reconstruction is not required to serve the needs of the proposed development project, future rights-of-way shall nevertheless be reserved for future use. No part of the reserved area shall be used to satisfy minimum requirements of this Code.

### Protection and Use of Rights-of-Way

No encroachment shall be permitted into existing rights-of-way, except for temporary use authorized by the County.

### Exceptions

Use of the right-of-way for public or private utilities, including, but not limited to, sanitary sewer, potable water, telephone wires, cable television wires, gas lines, or electricity transmission, shall be allowed subject to the placement specifications of this code and other applicable County regulations. Sidewalks and bicycle ways shall be placed within the right-of-way.

### Vacations of Rights-of-Ways

Applications to vacate a right-of-way shall be approved upon a finding that all of the following requirements are met:

1. The requested vacation is consistent with the Transportation circulation Element of the County Comprehensive Plan.
2. The right-of-way does not provide the sole access to any property. Remaining access shall not be by easement.

3. The vacation would not jeopardize the current or future location of any utility.
4. The proposed vacation is not detrimental to the public interest, and provides a positive benefit to the County.

#### 9.04.00 DESIGN STANDARDS

##### 9.04.01 General Design Standards

1. All streets in a new development shall be designed and constructed pursuant to the technical standards incorporated herein by reference (see Article I). Streets, after one year, shall be dedicated to the County upon completion, inspection, and acceptance by the County.
2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
3. Streets shall be laid out to avoid environmentally sensitive areas.
4. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards listed in Article 1.03.01 of this Code.
5. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
6. Streets in proposed subdivisions shall be connected to right-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
7. Residential streets shall be arranged to discourage through traffic.
8. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
9. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of intersecting streets shall be no less than 150 feet.
10. No two streets may intersect with any other street on the same side at a distance of less than 400 feet measured from centerline to centerline of the

intersecting street. When the intersected street is an arterial, the distance between intersecting streets shall be no less than 1,000 feet.

#### 9.04.02 Curbing Requirements

1. In addition to standards listed in Table 9A on pages IX-4 and IX-5, curbing shall be required for the purposes of drainage, safety, and delineation and protection of pavement edge along streets in the following cases:

- a. Along designated parking lanes.
- b. Where the surface drainage plan requires curbing to channel stormwater.
- c. Where narrow lots averaging less than 40 feet in width take direct access from a street upon which no on-street parking is allowed.

#### 9.04.03 Shoulders and Swales

Shoulders, where required, shall measure at least four (4) feet in width and shall be required on each side of streets and shall be located within the right-of-way.

Shoulders shall consist of stabilized turf or other material permitted by Article 1.03.01 of this Code. Shoulders and swales are required as follows:

1. Shoulders and swales are required on residential access and residential subcollector streets only where necessary for stormwater management or road stabilization.
2. All residential collector streets shall provide two 4-foot wide shoulders. Shoulders should be grass surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved.
3. Where shoulders are required by the Florida Department of Transportation.
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.

#### 9.04.04 Acceleration, Deceleration, and Turning Lanes

1. Deceleration or turning lanes may be required by the County along existing and proposed streets as determined by a traffic impact study required where the County can justify the need.
2. Deceleration lanes shall be designed to the following standards:

- a. The lane width shall be the same as the required width of the roadway moving lanes.
- b. The lane shall provide the full required lane width for its full length. It shall not be tapered.
- c. The minimum lane length shall be as follows:

<u>Design Speed Of Road</u>	<u>Minimum Deceleration Lane Length</u>
30 mph	165 feet
40 mph	230 feet
50 mph	310 feet

3. Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per the recommendation of the County traffic engineer. Where needed, a paved taper shall be provided for right hand turns.

#### 9.04.05 Cul-de-sacs Turnarounds

An unobstructed twelve (12) foot wide moving lane with a minimum turning radius of seventy five (75) feet shall be provided at the terminus of every permanent cul-de-sac.

#### 9.04.06 Stub Streets

1. Residential access and subcollector stub streets may be permitted only within subsections of phased development for which the proposed street in its entirety has received final site plan approval.
2. Residential collector and higher order stub streets may be permitted or required by the County provided that the future extension of the street is deemed desirable by the County.
3. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

#### 9.04.07 Clear Visibility Triangle

In order to provide a clear view of intersecting streets to the motorist, there shall be a triangular area of clear visibility formed by two (2) intersecting streets or the intersection of a driveway and a street. The following standards shall be met:

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.

2. The clear visibility triangle shall be formed by connecting a point on each street center line, to be located at the distance from the intersection of the street center lines, and a third line connecting the two points.
3. The distance from the intersection of the street center lines for the various road classifications shall be as follows:

<u>Road Classification</u>	<u>Distance from Street Center Line Intersection</u>
Driveway or Residential Street	100 feet
Collector	160 feet
Arterial	200 feet

#### 9.04.08 Signs and Signalization

The developer shall deposit with the County sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the County, based upon County or state traffic standards. At least two street names signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

#### 9.04.09 Blocks

1. Where a tract of land is bounded by streets forming a block, said block shall have sufficient width to provide for two (2) tiers of lots of appropriate depths.
2. The lengths, widths, and shapes of blocks shall be consistent with adjacent areas. In no case shall block lengths in residential areas exceed two thousand two hundred (2,200) feet nor be less than four hundred (400) feet in length.

#### 9.05.00 PEDESTRIAN ACCESS AND BIKEWAYS

1. Developments abutting collector or arterial facilities shall provide pedestrian access adjacent to the collector or arterial roadway. Location of pedestrian access shall be consistent with other planned roadway improvements.
2. Pedestrian access ways shall be provided on both sides of all residential streets where the average lot width at the street is sixty (60) feet or less.
3. Pedestrian access ways shall be provided on one side of all residential streets

where the average lot width at the street is greater than sixty (60) feet but less than one hundred fifty (150) feet.

4. Where a proposed development includes improvements or new construction of collector or arterial roadway facilities, facility designs shall include provision for pedestrian access and bikeways within the rights-of-way.

5. Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.
6. The County Commission may require pedestrian-ways or crosswalks to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
7. As per comprehensive Plan Traffic Circulation Element Policy 8.1, all Planned Unit Development shall include dedicated facilities for the movement of pedestrians and bicycles.
8. Design and construction of pedestrian access ways, bikeways, or other footpaths shall conform to the requirements contained in Article 1.03.01 of this Code.

9.06.00 VEHICULAR ACCESS

9.06.01 Number of Vehicular Access Points

1. All projects shall have access to a public right-of-way. The number of vehicular access points shall be as follows:

Table 9B  
Access Requirements

Type Of Development	Number of Access Points	Preferred Type Of Access
Residential, < 75 units	1	Local or Minor Collector
Residential, 75+ units	2	Minor Collector
Non-residential, <300 Required parking spaces	1	Collector
Non-residential, 300-999 Required parking spaces	2	Major Collector Or Arterial
Non-residential, 1,000 + Required parking spaces	2 or more	Major Collector Or Arterial

2. Notwithstanding the provisions in paragraph one above:
  - a. A non-residential development, or a multifamily residential development, on a corner lot may be allowed two points of access. However, no more than one (1) access shall be onto an arterial.
  - b. Schools may have one additional access, provided that the additional access drive is limited to school bus use only.

9.06.02 Separation of Vehicular Access Points

1. The separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:

<u>FUNCTIONAL CLASS OF ROADWAY</u>	<u>DISTANCE BETWEEN ACCESS POINTS</u>
Major Arterial	300 Feet
Minor Arterial	250 Feet
Major Collector	185 Feet
Minor Collector	140 Feet

2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

9.06.03 Frontage on Service Roads and Common Driveways

Developments proposed on arterial and major collectors shall include frontage or service roads, and shall take access from the frontage road rather than the arterial or major collector. Frontage road design shall conform to FDOT standards. This access requirement may be met through the use of interconnecting parking lots which abut the arterial or major collector facility. The maximum number of parking lots that may be so interconnected, however, is three. Adjacent uses may share a common driveway provided that appropriate access easements are granted between or among the property owners.

9.06.04 Alternative Designs

Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs may be approved.

9.06.05 Access to Residential Lots

1. Access to non-residential uses shall not be through an area designed, approved, or developed for residential use.
2. All lots in a proposed residential subdivision shall have frontage on and access from an existing street meeting the requirements of this Code except that rural

residential subdivisions of one (1) unit per twenty (20) acres or lower density may take access from a private graded road.

3. Access to all lots in a proposed residential subdivision shall be by way of a residential access or residential subcollector street.

#### 9.07.00 OFF-STREET PARKING

##### 9.07.01 Generally

All development in all land use districts within the county shall provide, pursuant to the requirements of this Code, a sufficient number of off-street parking spaces to

##### 9.07.02 Computations

Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

##### 9.07.03 Handicapped Parking Spaces

Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Sections 316.1955, .1956, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with this Code, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.

##### 9.07.04 Reduction for Mixed or Joint Use of Parking Spaces

The County Commission shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.
2. The developer submits a legal agreement approved by the County guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.

##### 9.07.05 Reduction for Low Percentage of Leasable Space

The requirements of this Article assume an average percentage of gross leasable building to total gross building area (approximately 85%). If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the County Commission may reduce the parking requirements if the following conditions are met:

1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
2. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified, unless and until additional parking is provided to conform fully with this Code.

9.07.06 Historic Preservation Exemption

The preservation of any property that has been placed on the local register of historic places, or that is located in a historic district and contributes to the historic character of the district, shall be grounds for a grant, by the County Commission, of a reduction in, or complete exemption from, the parking requirements of this article. The reduction or exemption needed to allow a viable use of the historic structure shall be granted unless a severe parking shortage or severe traffic congestion will result.

Table 9C  
Parking Space Requirements

<u>Activity</u>	<u>Required Number of Parking Spaces</u>
Residential	1 space per bedroom
Restaurant & Bars	1 space per 100' gross floor area
Car Repair & Sales	1 space per 200' gross floor area
Recreational	1 space per 200' gross floor area
Sale & Rental of Goods	1 space per 200' gross floor area
Junkyards	1 space per 200' gross floor area
Churches	1 space per 4 seats in church building used for services, plus 1 space per 200' gross floor area not used for services or residential
Social or Fraternal Organizations	1 space per 300' gross floor area
Wholesale Sales	1 space per 400' gross floor area
Nursing Home	3 spaces per five beds
Open Air Markets	1 space per 1,000' gross floor area Used for sales, display or storage
Elementary Schools	1.75 spaces per elementary classroom
High Schools	5 spaces per high school classroom

9.08.00 OFF-STREET LOADING AND UNLOADING AREAS

9.08.01 Generally

Whenever the normal operation of any development requires that people, goods, merchandise, or equipment be routinely delivered, shipped, or picked up from that development, off-street loading and unloading area must be provided to accommodate the

activities in a safe and convenient manner.

#### 9.08.02 Spaces Required

The loading and unloading area shall be of sufficient size to accommodate the numbers and types of vehicles that are likely to use the area. The table below specifies the number and size of the spaces, however the County Commission may require more or less loading and unloading spaces.

Gross Leasable Area of Building	Number of Spaces
1,000 - 19,999	1
20,000 - 79,999	2
80,000 - 127,999	3
128,000 - 191,000	4
192,000 - 255,000	5
256,000 - 319,000	6
320,000 - 391,000	7

Plus one (1) space for each additional 72,000 square feet or fraction thereof.

Minimum dimensions of spaces shall be 12 feet X 55 feet with an overhead clearance of 14 feet from street grade.

#### 9.08.03 Adjustments to Requirements

The Administrative Official may require that a study be done to determine the actual number of loading spaces needed for a proposed use. The Administrative Official shall recommend the need for a study when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed.

#### 9.08.04 Alteration of Conforming Development Demand for Parking or Loading

The County Commission may alter the required number of off-street parking or loading spaces according to the following criteria:

1. If the County Commission finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces would permit the site to remain in conformity with this Code after the reduction, the Commission may reduce the required number.
2. If the County Commission finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this Code causes the site not to conform with this Code, the Commission may increase the required number.

#### 9.08.05 Design Standards for Off-Street parking and Loading Areas

1. Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.

2. The County Commission may approve off-site parking facilities as part of the parking required by this Code if:
  - a. The location of the off-site parking spaces will adequately serve the use of which it is intended. The following factors shall be considered:
    - (1) Proximity of the off-site spaces to the use that they will serve.
    - (2) Ease of pedestrian access to the off-site parking spaces.
    - (3) Whether or not off-site parking spaces are compatible with the use intended to be served, i.e., off-site parking is not ordinarily compatible with high turnover uses such as retail.
  - b. The location of the off-site parking spaces will not create unreasonable:
    - (1) Hazards to pedestrians
    - (2) Hazards to vehicular traffic
    - (3) Traffic congestion
    - (4) Interference with access to other parking spaces in the vicinity
    - (5) Detriment to any nearby use
  - c. The developer supplies a written agreement, approved in form by the County Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
4. Standards and compact parking spaces shall be sized according to Standards engineering practices.
5. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (2) feet.
6. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.
7. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on the account.

9.08.06 Nonconforming Unloading and Loading Areas

Whenever a building on a lot constructed before the effective date of this Code changes its use to one where the loading and unloading requirements cannot be met because there is not sufficient area available on the lot then the developer need comply only to the extent possible with this section.

ARTICLE X

SIGNS

OUTLINE

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## ARTICLE X

### SIGNS

#### 10.00.00 GENERAL PROVISIONS

##### 10.00.01 Relationships to Building and Electrical Codes

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the County. Wherever there is inconsistency between these regulations and the building and electrical code, the more stringent requirement shall apply.

##### 10.00.02 No Defense to Nuisance Action

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

##### 10.00.03 Maintenance

All signs (including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas) shall be maintained in accordance with the building and electrical codes adopted by the County, and shall present a neat and clean appearance. The vegetation for a distance of ten (10) feet around and underneath ground signs shall be neatly trimmed and free of unsightly weeds. No rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

#### 10.01.00 REGULATIONS

##### 10.01.01 Signs Excluded from Regulations

The following signs are exempt from regulation under this chapter.

- a) Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, names of occupants or premises, or other identification of premises not having commercial connotations;
- b) Flags and insignia of any government except when displayed in connection with commercial promotion;
- c) Legal notices: identification, informational, or directional signs erected or required by governmental bodies;
- d) Integral decorative or architectural features of buildings except letters, trademarks, moving parts, or moving lights;
- e) Signs directing and guiding traffic and parking on private property, but bearing no advertising matter.

#### 10.01.02 Signs Requiring a Permit

- (a) Except as otherwise provided by this code, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this section. Repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.
- (b) If plans submitted for a change in land use permit, special-use permit, or conditional-use permit include sign plans that allow the County authority to determine whether the proposed sign or signs comply with the provisions of this article, then issuance of the permit shall constitute approval of the proposed sign or signs.
- (c) Signs not approved as provided in Subsection (a) or (b) or exempted under these provisions may be constructed, erected, moved, enlarged, illuminated or substantially altered only in accordance with a sign permit issued by the Administrator.

#### 10.01.03 Number and Surface Area of Signs

- (a) For the purpose of determining the number of signs, a sign shall be considered to be a single display surface of display device containing elements organized, related and composed to form a unit. Where matter is displayed in a random manner without organized relationship of elements, or where there is reasonable doubt about the relationship of elements, each element shall be considered to be a single sign.
- (b) The surface area of a sign shall be computed as including the entire area within 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. Frames and structural members not bearing advertising matter shall not be included in computation of surface area.

#### 10.01.04 Prohibited Signs

##### Generally

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from this Code.

##### Specifically

The following signs are expressly prohibited unless exempted by this Code.

- a) Signs that are in violation of the building code or electrical code adopted by the County.
- b) Any sign that, in the opinion of the Building Inspector, currently does or will in the future constitute a safety hazard.
- c) Blank temporary signs.

#### 10.01.05 Sign Limitations by District

A. Residential

1. One permanent identification sign, not exceeding 32 square feet in area, erected at each principal entrance of a planned unit development.
2. One permanent sign, not exceeding six (6) square feet in area erected in front of the residential dwelling to advertise a Home Occupation.

B. Agricultural Districts

1. On-site identification and directional signs area allowed on a lot containing permitted nonresidential use, provided (1) no such use displays more than two such signs at entranceway. No sign shall exceed 20 square feet in area.
2. Roadside stands: two temporary ground business signs, each not to exceed 12 square feet in area.

The above signs may be erected subject to the following general limitations:

- (a) Animated or roof signs are prohibited.
- (b) Neon signs and strip lighting are prohibited.
- (c) No sign shall be located within 20 feet of any adjacent property line.

Signs for uses permissible by special exception, other than those specified, shall be determined by general rule or by findings in the particular case by the County Commission.

C. Commercial Districts

1. Signs shall be mounted on the main building or an accessory building. I such sign and its support do not constitute substantial impediments to visibility in relation to traffic flow on the side or an adjacent streets, not more than one identification sign may be mounted on a permanent support in a front yard.
2. Signs shall not extend more than 3 feet above the roof or beyond the sides of the building.
3. Signs advertising property for sale, rent or lease, shall be regulated as not to exceed one sign, and not to exceed 20 square feet of surface area for each 10 lineal feet of lot adjoining a public street.

ARTICLE XI  
OPERATIONAL PERFORMANCE STANDARDS  
OUTLINE

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ARTICLE XI

OPERATIONAL PERFORMANCE STANDARDS

11.00.00 GENERALLY

11.00.01 Purpose and Intent

It is the purpose of this section to provide appropriate standards relating to the operation of certain activities throughout the County. Such operations may create or maintain such excessive noise, vibration, air pollution, water pollution, odor, or electromagnetic interference as to be a detriment to the public health, comfort, convenience, safety, and welfare. These standards are therefore provided to protect the public interest, and promote the public health and welfare.

11.00.02 Applicability

These standards shall apply to all lands within the County jurisdiction.

11.01.00 NOISE

Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute, Incorporated (ANSI) or its successor body.

11.01.01 Instrumentation

Instrumentation used in making sound level measurements shall meet the following requirements:

No person shall operate or cause to be operated any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category in the table below.

SOUND LEVELS BY RECEIVING LAND USE

Receiving Land Use Category	Time	Sound Level Limit dB
Residential	7 a.m. – 10 p. m.	60
	10 p. m. - 7 a. m.	55
Commercial	7 a.m. – 10 p.m.	65
	10 p.m. - 7 a.m.	60

#### 11.01.02 Exemptions

The following activities or sources are exempt from these noise standards:

- A. Activities covered by the following: stationary, nonemergency signaling devices, emergency signaling devices, domestic power tools, air-conditioning and air-handling equipment for residential purposes, operating motor vehicles, refuse collection vehicles.
- B. The unamplified human voice.
- C. Railway locomotives and cars.
- D. the lowing of cattle, the clucking of fowl, the neighing of horses, the baying of hounds, or other normal sounds of reasonably cared for agricultural or domestic animals, as well as the sounds of necessary farming equipment for a bona fide agricultural operation.
- E. Aircraft operations.
- F. Construction or routine maintenance of public service utilities.
- G. Houses of worship bells or chimes.
- H. The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.

#### 11.01.03 Notice of Violation

Except where a person is acting in good faith to comply with an abatement order, violation of any provision of this Code shall be cause for a notice of violation to be issued by the Director of Planning.

#### 11.01.04 Pre-Existing Uses not in Conformance

Through the growth and encroachment of new development, an existing industry or commercial business may become situated adjacent to a land use which would require a reduction in noise generation on the part of the existing industry or commercial business. In such a case, said industry or commercial business shall not produce noise which exceeds the maximum noise limitation for the receiving land use category by more than 10 decibels.

#### 11.02.00 VIBRATION

- A. Industrial  
In industrial districts, impact vibrations from any use, at any point beyond a district boundaries, shall not exceed the levels set forth in Paragraph C below.

- B. All Other Districts  
In all other districts, impact vibrations from any use shall not exceed, at any point beyond the property lines of the use, the levels set forth in Paragraph C below.
- C. Maximum Permissible Vibration  
<Reserved>

11.03.00 AIR POLLUTION

A. Standard  
To protect and enhance the air quality of the County, all sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40) and the Florida Department of Environmental Regulations (Florida Administrative Code, Chapter 17-2). No person shall operate a regulated source of air pollution without a valid operation permit issued by the Department of Environmental Regulation.

B. Testing  
Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the Florida Department of Environmental Regulation and submitted to the State. These tests shall be carried out under the supervision of the State and at the expense of the person responsible for the source of pollution.

11.04.00 ODOR  
<Reserved>

11.05.00 FIRE AND EXPLOSIVE HAZARDS

A. Standards  
In all districts in which the storage, use, or manufacture of flammable or explosive materials is permitted, the following standards shall apply:

1. Storage and utilization of solid materials or products which are incombustible, or which in themselves support combustion and are consumed slowly as they burn, are permitted.
2. Storage, utilization, or manufacture of free burning and intense burning solid materials or products is permitted provided that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having noncombustible walls and protected throughout by an automatic fire extinguishing system. The requirements for an automatic fire extinguishing system may be waived by the County in those cases where the introduction of water to a burning substance would cause additional hazard. Lot and structural design standards for such facilities shall follow provisions located in Articles IV and VI of this Code.

3. Outdoor storage of coal and other solid fuels is permitted provided storage is in conformance with the "Fire Protection Handbook" 1986 Edition, printed by the National Fire protection Association.
4. Storage, utilization or manufacture of flammable and combustible liquids, or materials which produce flammable or explosive vapors or gases shall be permitted in accordance with National Fire Code #30, exclusive of storage of finished products in original sealed containers which shall be unrestricted.
5. The storage and handling of the following liquids are unrestricted, provided that such use shall be in accordance with National Fire Protection Association, health, safety, and welfare (including but not limited to interference with normal radio, telephone, or television reception).