

ARTICLE TWO

LAND USE AND VEGETATION

2.00.00	GENERALLY	2
2.00.01	Purpose	2
2.00.02	Definitions	2
2.00.03	Development Standards Used.....	4
2.01.00	LAND USE DISTRICTS.....	5
2.01.01	Generally	5
2.02.00	USES ALLOWED IN LAND USE DISTRICTS.....	5
2.02.01	Generally	5
2.02.02	Types of Uses.....	5
2.02.03	Allowable Uses Within Each Land Use District	10
2.02.04	Home Occupations	15
2.02.05	Other Commercial Uses--Permits Required	19
2.02.06	Mobile Homes	21
2.02.07	Rental Units	21
2.02.08	Establishments Allowing Consumption of Alcohol on Premises.....	21
2.03.00	OVERLAY DISTRICTS	22
2.03.01	Purpose	22
2.03.02	Traditional Communities.....	23
2.03.03	Historic Districts.....	23
2.03.04	Transportation/Utility.....	25
2.03.05	Antennas and Antenna Towers.	29
2.04.00	DENSITY AND INTENSITY	36
2.04.01	Generally	36
2.04.02	Density and Intensity	36
2.04.03	Lot Size.....	39
2.04.04	Building Placement for Lots of Record	41
2.04.05	Location Requirements.....	41
2.04.06	Supplemental Standards for Residential Care Facilities	42
2.04.07	Table of Development Standards	42
2.04.08	Industrial Land Use District Performance Standards	43
2.04.09	Mining Land Use Performance Standards.....	43
2.04.11	Ponds	57
2.05.00	VEGETATION	59
2.05.01	General Provisions	59
2.05.02	Landscaped Buffers.....	60
2.05.03	Landscaping of Vehicular Use Areas.....	68
2.05.04	Tree Protection and Native Vegetation	70
2.05.05	Resource Protection Buffers.....	74
2.05.06	Open Space.....	75
2.05.07	Canopy Roads.....	75

ARTICLE TWO LAND USE AND VEGETATION

2.00.00 *GENERALLY*

2.00.01 **Purpose**

The purpose of this Article is to describe the specific uses and restrictions that apply to the land use categories established in the Future Land Use Element of the Jefferson County Comprehensive Plan. These land use categories are: Agriculture 20, Agriculture II5, Agriculture 3, Conservation, Residential, Prison, Industrial, Mining, Mixed Use - Business/Residential, Mixed Use - Suburban Residential, and Mixed Use -Interchange Business. In addition, the uses and restrictions that apply to overlay districts, including the Lloyd overlay, are described.

These regulations are intended to allow development and use of property only in compliance with the goals, objectives, and policies of the County as expressed in the Jefferson County Comprehensive Plan.

2.00.02 **Definitions**

Certain terms, as used in this Article, have a specific meaning.

A. *Buffer.*

A strip of land, including any specified type and amount of planting which may be required to protect one type of land use activity from another, or minimize or eliminate conflicts between them; or protect natural or historic resources.

B. *Canopy Road.*

A road in which trees on the sides of the road come together above the road. A road in which at least 300 continuous lineal feet of canopy covers the road in one location. A public right-of-way which because of its natural, aesthetic, scenic, recreational or historic association and importance is protected by this Code.

C. *Development.*

For purposes of this Article, "Development" shall include all actions and activities described in Florida Statutes, Section 380.04, subsections (1), (2), and (4), as well as all actions and activities described in subsection (3) to the extent that the same are provided for and regulated in this Article; provided, however, that Linear Distribution/Collection Facilities, electric utility substations which serve only the surrounding area through distribution lines providing service directly to customers, and electric Linear Transmission Facility lines of less than 69 KV, which are developed and used in conformance with this Article, shall not be deemed to be activities requiring a development permit pursuant to Sections 1.05.01 and 1.05.02 of Article One or Section 9.01.01 of Article Nine; and provided, further, that all actions and activities described in subsection (3) of Florida Statutes, Section 380.04, shall be

deemed to be development only for the purposes of applying the standards requirements, and provisions of this Article and for no other purpose whatsoever.

D. *Diameter at Breast Height (DBH).*

"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.

E. *Impervious Surface Ratio.*

A proportion of the impervious surface (in square feet) of the total development site to the total development site (in square feet) expressed as a percentage, where an impervious surface is one which has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. Impervious surfaces include compacted clay, surfaced streets, roofs, sidewalks, parking lots and other similar structures.

F. *Linear Distribution/Collection Facility.*

Equipment (such as, but not limited to, pipelines and pumping stations, or electrical, telephone, or cable TV lines and their supporting structures) used for the conveyance of a product (such as, but not limited to, liquid, gas, electronic signals, or electricity) to (or from) the retail consumer from (or to) a distribution facility. Includes Wastewater Collection Facilities.

G. *Linear Transmission Facility.*

Equipment (such as, but not limited to, pipelines and pumping stations, or electrical, telephone, or cable TV lines and their supporting structures) used for the conveyance of a product (such as, but not limited to, liquid, gas, electronic signals, or electricity) from point to point, whether between a location outside of the County and a location within the County, through the County between two locations outside the County, or from point to point within the County when those points are not consumer premises. This definition does not include a distribution facility which conveys a product or service from a transmission facility or substation or storage facility directly to a consumer's premises for use by that consumer. A consumer is not another retailer of the product transmitted.

H. *Lot of Record.*

A parcel of land or a lot within an approved subdivision, or within an unrecorded subdivision, which was platted on or prior to December 13, 1990.

I. *Mobile Home Park.*

Six or more Mobile Homes on a parcel or contiguous parcels, owned by one person or through joint ownership with several persons.

J. *Open Space.*

That portion of the total development site which shall be open, unoccupied and unobstructed by any structure. Open space shall not be deemed to include driveways, parking lots, or other surfaces designed or intended for vehicular travel.

K. *Overlay District.*

A district legislatively established by the Board of County Commissioners as an overlay regulation to provide for particular uses or types of uses, or to provide development regulations for particular uses or types of uses, or to provide development regulations for uses in particular areas, so as to accommodate development of those types of uses and areas while still providing for the protection of public health, welfare, and safety concerns which, because of the nature of the use or area, cannot reasonably be addressed by generalized development criteria or by general inclusion in designated land use districts. The Board of County Commissioners retains the legislative discretion to establish, extend, restrict, or otherwise modify the placement of such overlay district boundaries so as to weigh and balance all apparent public health, welfare, and safety concerns and so as to adequately preserve and protect such concerns. Overlay districts may be applied to any existing Land Use Districts, but inclusion of land in an overlay district does not change the underlying Land Use District for such land other than the additional overlay requirements.

L. *Permitted.*

Use of this term denotes that the land use in question is allowable under this Code, provided it meets all other regulations.

M. *Prohibited.*

Use of this term denotes that the land use in question is not allowed within the land use district.

N. *Traditional Communities.*

Those communities, as of July 19, 1990, identified in the Plan as Traditional Communities. The boundaries of the communities are defined by the map of Traditional Communities in the Plan. Other historical communities established before July 19, 1990, and not included on the current list, may be added as deemed appropriate.

O. *Working Landscapes.*

Those portions of rural Jefferson County which are either in active or inactive agricultural or silvicultural use including, but not limited to, the following: fields of row crops, managed forests, pastures, greenhouses, container nurseries, vineyards and orchards.

2.00.03 Development Standards Used

A. *Generally.*

Throughout this Article, certain standards are used to regulate the patterns of development within specific land use districts. These standards, their meaning, and application are described below.

B. *Density.*

A measure of the concentration of development applied to residential land uses and expressed in terms of dwelling units per gross acre.

C. *Intensity.*

A measure of the concentration of development applied generally to non-residential uses and expressed as an impervious surface area and/or a ratio of allowable land uses within mixed use areas.

D. *Lot Dimensions.*

Measures intended to control the minimum acreage of a development site, or the minimum frontage of a lot along a public right-of-way expressed, respectively, in square feet or linear feet.

E. *Building Placement.*

A measure, such as a setback, intended to control the location of structures within a development site.

F. *Floor Area Ratio.*

A measure of the intensity of development on a site calculated by adding together all floor areas of all floors and dividing this total by the gross site area.

2.01.00 *LAND USE DISTRICTS*

2.01.01 *Generally*

Land use districts for Jefferson County are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Jefferson County Comprehensive Plan and delineated on the Future Land Use Map Atlas shall be the determinants of permissible activities on any parcel in the jurisdiction. Refer to the Future Land Use Element of the Comprehensive Plan for the locations of each use category.

2.02.00 *USES ALLOWED IN LAND USE DISTRICTS*

2.02.01 *Generally*

This Section defines and prescribes the specific uses allowed within each land use district described in the Jefferson County Comprehensive Plan and this Code.

2.02.02 *Types of Uses*

A. *Residential*

1. The category of residential uses includes single-family dwellings, accessory apartments, multi-family dwellings in a variety of housing types, modular and manufactured housing, but specifically excludes recreational vehicles.

2. While a district may be designated for residential use, it does not follow that any housing type (i.e. single-family, apartment, townhouse) is allowed. Certain areas are limited to one or more housing types in order to preserve the established character of the area. Refer to the table of development standards in Section 2.04.07.

B. Institutional

1. This type of use includes educational facilities (public or private), pre-school and daycare facilities (public or private), houses of worship, cemeteries without funeral homes, residential care facilities, halfway housing, nursing home facilities, eleemosynary uses and all other similar institutional uses.

C. Outdoor Recreational

1. These uses include areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, licensed airstrips, hiking, golf courses, playgrounds, ball fields, outdoor ball courts, stables, rodeo arenas, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, hunting, recreational shooting, firing ranges, marinas, miniature golf courses, race tracks, and similar recreational or quasi-recreational activities and all similar outdoor recreational uses, whether public or private, together with ordinary amenities and service normally associated with such uses. Commercial uses of these shall require a special exception permit.

D. Professional Service and Office

1. This group of uses includes service business and professional offices, medical offices or clinics, government offices, financial institutions, and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal services are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching/communications/office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.
2. Broadcast stations and newspaper offices.

E. General Commercial

A wide variety of general commercial (retail activity), commercial recreational, entertainment, and related activities is included in this group of uses. Examples include professional and office uses listed in Section 2.02.02(D) above, as well as the following specific uses, and all substantially similar types of uses:

1. Arcades, billiards/pool parlors, bowling alleys, indoor recreation centers and gymnasiums/spas/health clubs.
2. Community centers and fraternal lodges.

3. Commercial or trade schools such as dance and martial arts studios, adult education centers, but not vocational-technical schools.
4. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and book stores.
5. Funeral homes, cemeteries, and mortuaries.
6. Farm and garden supply, building supply, and vehicle parts and accessories, (including vehicle sales/service/repair).
7. Grocery stores, supermarkets (including convenience stores), and specialty food stores (such as meat markets, and bakeries).
8. Limited wholesale and warehousing activities (mini- warehouses), petroleum sales and service, combination petroleum sale and food marts, and similar facilities.
9. Hospitals.
10. Hotels or motels.
11. Service businesses such as blueprint, printing, catering, tailoring, travel agencies, upholstery shops, laundries/dry cleaners, and light mechanical repair stores (such as camera, TV, or bicycle repair shops).
12. Restaurants including open air cafes.
13. Shopping centers, excluding regional malls or centers, not to exceed one-hundred thousand (100,000) square feet of gross leasable area (GLA).
14. Theaters and auditoriums.
15. Commercial outdoor recreational.
16. Roadside produce stands, temporary or permanent.
17. Point-of-Sale retail plant nurseries.
18. Veterinary offices and animal hospital, provided the facility has no outside kennels.
19. Broadcast Stations.
20. LP gas storage and/or distribution facilities for ten thousand (10,000) gallons or less.

F. *High Intensity Commercial*

The uses in this group include all uses in General Commercial. Activities which require outdoor storage, have higher trip generations than general commercial listed above, or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation shall be classified as general commercial. This group of uses includes the following list of specific uses and all substantially similar activities based upon similarity of characteristics.

1. Vehicle sales, rental, service, and repair, including truck stops, body shops, road services, car wash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles, and mobile homes.
2. Gasoline sales and service, combination gasoline sale and food marts, and similar facilities.
3. Recreational vehicle and travel trailer parks.
4. Taverns, bars, lounges, night clubs, and dance halls that allows alcohol to be consumed on the premises is considered a minor development (see 2.02.08)
5. Financial institutions.
6. Veterinary offices and animal hospital with outside kennels.
7. Storage yards for equipment, machinery, and supplies for building and trades contractors, garbage haulers.
8. Flea markets or similar outdoor or indoor/outdoor sales complexes.
9. Shopping Centers, including regional malls or centers, exceeding one-hundred thousand (100,000) square feet of gross leasable area (GLA).

G. *Local Public Service Activities*

This group of activities includes those uses which generally provide essential or important public services directly to the consumer or are small scale facilities, and which may have characteristics of potential nuisance to adjacent properties due to noise, light and glare, or appearance. Government offices or government agency offices specifically are not included in this group of uses. Uses include the following, and substantially similar activities, based upon similarity of characteristics:

1. Emergency service activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue.

2. Radio and television transmission towers 1000 feet or less in height.
3. Utility facilities, such as water and wastewater pumping stations, and utility linear distribution/collection facilities' corridors/easements/right-of-way which contain water or wastewater lines as part of a consumer distribution or collection system.
4. Maintenance facilities and storage yards of 1 acre or less for school, government agencies, and electric, telephone and cable companies.
5. Bus terminals.
6. Public Service linear distribution/collection facilities such as electric distribution lines and natural gas lines, telephone lines, and cable TV lines for customer distribution.
7. Electric utility substations which serve only the surrounding area through distribution lines providing service directly to customers

H. Agricultural

1. Agricultural uses include croplands, pastures, greenhouses, wholesale nurseries, forestry, aquaculture, feed lots, and buildings which are an accessory to these agricultural uses. Residential use may be allowed; refer to Table 2.04.06 for residential densities.
2. Livestock auctions by special exception.
3. Any pig sty, chicken coop, livestock pen, slaughterhouse, dog kennel or similar structure or activity must be located at least five hundred (500) feet from any dwelling unit located on any other lot or parcel of land and at least one hundred (100) feet from any boundary of the lot or parcel on which it is located.

I. Light Industrial

An industry that has

1. No regulated emissions.
2. Does not create noise or vibrations above 60 decibels at the property line.
3. Does not create a hazard to the neighbors or the environment.
4. Involves a process that is contained entirely within the structure.
5. Is limited to ten (10) or less shipments and /or deliveries are needed per day. No regular deliveries or shipments by vehicles larger than three axles or an articulating vehicle.

6. Requires ten (10) or fewer parking spaces.

J. *Heavy Industrial*

An industry that exceeds any of the Light Industrial guidelines

This type of use includes those wholesale and retail businesses for manufacturing, processing, storing, or distributing goods. Included in this category are uses which require primarily outdoor storage or the industrial activity itself is conducted outdoors. Such uses include, for example, LP gas storage and/or distribution exceeding one thousand (1,000) gallons, junkyards or salvage yards, and recycling collection centers.

K. *Mining*

Resource extraction as defined in 378.403 (5) of the Florida Statutes. The types of uses in this group include surface mining, rock quarries, strip mining, borrow pits, and any extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this group of uses. This includes any pond over one acre in size and created by removal of materials and transported to a offsite location .

2.02.03 Allowable Uses Within Each Land Use District

A. *Agriculture 20*

The following types of uses are allowed in the Agriculture 20 land use district.

1. Agricultural.
2. Residential, subject to the density standards in Table 2.04.07
3. Institutional, excluding residential care facilities and nursing homes.
4. Outdoor Recreational.
5. Local Public Service Activities.
6. Roadside Produce Stands, Temporary or Permanent.
7. The following specific uses, subject to special exception approval pursuant to Sections 9.08.00, et seq., of this Code: commercial outdoor arenas, commercial livestock auction facilities, commercial outdoor firing ranges, commercial race tracks, and marinas for more than three boats. Special events that occur only once a year or less and can comply with all other County requirements, may be issued a permit for the activity by the Planning Administrator, if the Administrator is satisfied that any negative impact on the county is not permanent.

B. *Agriculture 5*

The following types of uses are allowed in the Agriculture 5 land use district.

1. Agricultural.
2. Residential, subject to the density standards in Table 2.04.07.
3. Institutional.
4. Outdoor Recreational.
5. Local Public Service Activities.
6. Roadside Produce Stands, Temporary or Permanent.
7. The following specific uses, subject to special exception approval pursuant to Sections 9.08.00, et seq., of this Code: commercial outdoor arenas, commercial livestock auction facilities, commercial outdoor firing ranges, commercial race tracks, and marinas for more than three boats. Special events that occur only once a year or less and can comply with all other County requirements, may be issued a permit for the activity by the Planning Administrator, if the Administrator is satisfied that any negative impact on the County is not permanent.

C. *Agriculture 3*

The following types of uses are allowed in Agriculture 3 land use areas.

1. Agriculture
2. Residential, subject to the density standards in Table 2.04.07
3. Institutional.
4. Outdoor recreational.
5. Local Public service activities.
6. Roadside produce stands, temporary or permanent.
7. The following specific uses, subject to special exception approval pursuant to Sections 9.08.00, et seq., of this Code: Commercial outdoor arenas, commercial livestock auction facilities, commercial outdoor firing ranges, commercial race track, and marinas for more than three boats. Special events that occur only once a year or less and can comply with all other County requirements, may be issued a permit for the

activity by the Planning Administrator, if the Administrator is satisfied that any negative impact on the County is not permanent.

D. Conservation

The uses listed under sub-sections 1, 2, 3 and 4 below are allowed in the Conservation land use district.

1. Agricultural (silviculture only, subject to Best Management Practices)
2. Outdoor Recreational (recreational activities consistent with protection of the area)
3. Linear Distribution/Collection Facilities
4. Residential, subject to the density standards in Section 2.04.02 C (1) et seq., in this Code.

E. Residential I & II

The following types of uses are allowed in the Residential I and II land use districts.

1. Residential, subject to the density standards in Table 2.04.07
2. Outdoor Recreational, including licensed airstrips as an accessory use
3. Local Public Service Activities, provided that all above-ground electric power lines are located on single pole structures
4. Agricultural
5. General Commercial (limited to those commercial activities that compliment or serve the residential area and is located within the interior of the subdivision.) It is limited to one acre on subdivisions of 100 lots or more.

F. Prison

The following types of uses are allowed in the Prison land use district.

1. Prisons
2. Local Public Service Activities
3. Residential (For the Staff of the Prison. Up to 4 units per acre.)

G. Industrial

The following types of uses are allowed in the Industrial land use district. Specifically prohibited are hazardous waste and medical waste disposal facilities.

1. Light Industrial
2. Heavy Industrial
3. Local Public Service Activities
4. Agricultural

H. Mining

An Overlay District and the underlying Land Use designation shall remain.

I. Mixed Use - Business/Residential

The following types of uses are allowed in the Mixed Use - Business/Residential land use district.

1. Residential
2. Institutional
3. Outdoor Recreational
4. Professional Service and Office
5. General Commercial
6. High Intensity Commercial
7. Local Public Service Activities
8. Agricultural
9. Light Industrial with outdoor storage

J. Mixed Use - Suburban/Residential

The following types of uses are allowed in the Mixed Use - Suburban/Residential land use district.

1. Residential
2. Institutional
3. Outdoor Recreational
4. Professional Service and Office

5. General Commercial
6. Local Public Service Activities
7. Agricultural
8. Light Industrial, with Special Exception approval.

K. Mixed Use - Interchange Business

The following types of uses are allowed in the Mixed Use - Interchange Business land use district. Certain uses as listed specifically in sub-subsection 9 below are allowed by special exception.

1. Institutional
2. Professional Service and Office
3. General Commercial
4. High Intensity Commercial
5. Local Public Service Activities
6. Industrial Light and Heavy
7. Agricultural
8. An attached single-family dwelling unit, which may include an attached mobile home, of up to 1,000 square feet of floor area, as an accessory dwelling unit for the purpose of providing security to an existing principal business use conducted on the same lot or parcel.
9. More intense truck transport and highway-oriented activities, and regional distribution centers may also be allowable, subject to special exception approval in order to ensure the closest possible scrutiny of such uses. Activities subject to such special exception approval pursuant to Sections 9.08.00, et seq., of this Code include uses exceeding 100,000 square feet impervious land coverage; uses with a total land area of five or more acres; uses which have storage capacity for more than 50,000 gallons of petroleum product; and uses on environmentally sensitive lands as defined in the Conservation Element of the Jefferson County Comprehensive Plan.

2.02.04 Home Occupations

Home Occupations are permitted in all residential and agricultural districts, in accordance with the following conditions, limitations, and requirements. Bonafide Silviculture and Agriculture activities are exempt from the following requirements:

A. Permit; General Requirements.

Any person desiring to conduct a home occupation shall first apply to the Development Administrator for an annual permit, based on the County's fiscal year which begins on October 1, in accordance with the following requirements:

1. The application shall be on such form as may be required by the Development Administrator and shall include, at a minimum, the following information:
 - a. The name of the applicant.
 - b. The location of the dwelling unit in which the home occupation is to be conducted.
 - c. The nature of the home occupation for which approval is requested.
 - d. The total floor area of the dwelling unit.
 - e. The floor area of the room or rooms (and, in agricultural districts, any accessory structure) in which the home occupation is to be conducted.
 - f. A sketch showing the floor plan of the dwelling unit and the area(s) to be used for the conduct of the home occupation.
 - g. A drawing of any sign to be displayed in conjunction with the proposed home occupation, identifying the size and material thereof and the proposed location.
 - h. The number, size and location of all parking spaces provided.
2. The application must be accompanied by the appropriate permit fee, as established by the Board of County Commissioners by Resolution. For late applications, the appropriate fee shall be increased by a penalty of five percent (5%) for each full month, or fraction thereof, by which the application is late.
3. The Development Administrator shall issue the permit for the home occupation if:
 - a. The proposed home occupation does not involve the use of chemicals, energy sources, or machinery or equipment which is reasonably likely to cause any objectionable noise during the day and no noise over 60 decibels, at the property line, between 11p.m. and 7 a.m., noxious fume or odor, or any other hazard dangerous to the public health, safety or welfare; and
 - b. All motors and equipment to be used in the conduct of the proposed home occupation will be shielded so as not to cause radio or television interference off the premises; and
 - c. The sign for the proposed home occupation does not contain any bright colors, meets the requirements of Article Six of this Land Development Code, and is

compatible in appearance with the architectural style of the dwelling unit and neighboring dwelling units; and

- d. The required number of parking spaces, for business uses, are provided and located so as to establish an adequate traffic flow and safe and convenient ingress and egress for the property; and
- e. All other requirements of this section are compiled with; and
- f. There does not exist, on the premises for which the permit is requested, any continuing violation of any County ordinance, as found by the County's Code Enforcement Board; and
- g. Any required occupational license tax for the home occupation has been paid; and
- h. The home occupation is clearly incidental to the principal use of the premises as a dwelling unit.
- i. Any home occupation that involves animals must provide adequate containment to keep those animals from escaping the owner's property.

B. Residential Districts.

In the Residential districts, home occupations shall comply with the following requirements:

1. There shall be no display of goods or other evidence of the home occupation outside of the dwelling unit. This does not include deliveries or shipments.
2. No part of the home occupation may be conducted in any accessory building, except for a detached garage.
3. The home occupation may only be conducted in an area or areas of the dwelling unit which do not exceed twenty (20) per cent of the floor area of the dwelling unit. In determining the floor area of the dwelling unit, for purposes of this section, the area of any open porch or attached garage or similar space not suited and intended for occupancy as living quarters shall not be included.
4. Only members of the family lawfully occupying the dwelling unit and one (1) other person may be employed in or work at the home occupation.
5. No home occupation in a residential district shall consist of, or include, a public dining facility, transient guest quarters, antique gift shop, other retail sales, photographic studio, fortune telling, automotive repairs, outdoor repairs of any kind, or a barber or beauty shop having more than one (1) chair.
6. The only sign which may be publicly displayed for a home occupation in residential districts shall be no more than two (2) square feet in size and no more than four (4) feet in height and be located within ten (10) feet of the principal driveway serving the lot or parcel on which the home occupation is conducted, and it may be located no closer than five (5) feet to the front lot line of the lot or parcel.

C. *Agricultural Districts.*

In all Agricultural Districts, home occupations shall comply with the following requirements:

1. There shall be no display of goods or other evidence of the home occupation visible or audible from any adjoining lot or parcel of land, street, or open body of water. This does not include deliveries or shipments
2. The only sign which may be publicly displayed for a home occupation in agricultural districts shall be no more than six (6) square feet in size and no more than six (6) feet in height and may be located no closer than five (5) feet to the front lot line of the lot or parcel on which the home occupation is conducted.
3. The home occupation must be conducted within a single enclosed structure. The structure cannot be larger than 2000 square feet.
4. Only members of the family lawfully occupying the dwelling unit and one (1) other persons may be employed in or work at the home occupation.
5. Any structure in which the home occupation is to be conducted, and which is constructed after August, 1993, must be located no less than two hundred (200) feet from any boundary of the lot or parcel on which it is located unless an exception is granted by the planning commission.
6. No home occupation in an agricultural district shall consist of, or include, a public dining facility and/or transient guest quarters other than what is allowed as a bed and breakfast, outdoor retail sales other than those selling agriculture produce, outdoor repairs of any kind, or a barber or beauty shop having more than two (2) chairs.
7. The home occupation does not cause damage to the County roads and other infrastructure or adverse impact to the environment.

D. *Bed and Breakfasts.*

A residential structure designed to house a single family in which the owner has extra bedrooms that are rented to guests. The structure can be an existing house or a newly constructed house with maximum of 8 rooms for rent. Notwithstanding anything to the contrary in the foregoing subsections B. and C., bed and breakfast establishments are permitted as home occupations in residential and agricultural districts, and are not limited as to the maximum area of the dwelling unit in which they are conducted, provided the following conditions are met:

1. The lot or parcel on which the bed and breakfast is conducted must have frontage on an arterial or major collector street.

2. On-site parking for all guests must be provided, in the ratio of one parking space per each rented bedroom.
3. The owner of the bed and breakfast establishment must reside on the premises.
4. The bed and breakfast establishment must be licensed by the State of Florida, Department of Business Regulation, in accordance with Florida Statutes, Section 509.013, and all other applicable statutes.
5. One (1) bedroom must be reserved for the owner of the establishment and cannot be rented.
6. Only members of the family lawfully occupying the dwelling unit and two (2) other persons, may be employed in or work at the home occupation.

E. Antique Shops.

Notwithstanding anything to the contrary in the foregoing subsections B. and C., antique shops are permitted as home occupations in residential and agricultural districts, provided the following conditions are met:

1. The lot or parcel on which the antique shop is located must have frontage on an arterial or major collector street.
2. The owner of the antique shop must reside on the premises.
3. Only members of the family lawfully occupying the dwelling unit and one (1) other persons, in a residential district, or two (2) other persons, in an agricultural district, may be employed in or work at the home occupation.

F. Permit Revocation.

For non-compliance with any requirement of this section, whether set out specifically herein or referenced herein, the Development Administrator may revoke any home occupation permit issued hereunder. Such revocation may be appealed to the Planning Commission pursuant to Section 9.10.00, et seq., of this Land Development Code. Notice of revocation shall be provided to the permittee, along with notice of the right to appeal, and the revocation shall not take effect until the time for appeal has passed without an appeal having been filed or, if an appeal has been filed, until the revocation is upheld on appeal.

G. Permit Renewals.

Permits previously issued must be annually renewed by October 1 of each year and may be based on simplified application forms, as required by the Development Administrator, which indicate whether or not there has been any change to the information originally provided pursuant to sub-subsection A.1, above. Renewals may be denied if the applicant is not in compliance with all parts of the Code.

2.02.05 Other Commercial Uses--Permits Required

A. *Permit; General Requirements.*

Any person desiring to conduct a commercial business use other than a home occupation shall first apply to the Development Administrator for an annual permit, based on the County's fiscal year which begins on October 1 of each year, in accordance with the following requirements:

1. The application shall be on such form as may be required by the Development Administrator and shall include, at a minimum, the following information:
 - a. The name of the applicant.
 - b. The specific location at which the commercial business use is conducted and a sketch of the floor plan of the premises, including reasonably accurate dimensions.
 - c. The nature of the commercial business for which approval is requested, a general description of the activities involved in conducting the business, and a description of the type and size of any motors, machines, and other equipment used in the conduct of the business.
 - d. A drawing of a sign to be displayed in conjunction with the proposed commercial business use, identifying the size and materials thereof and the proposed location.
 - e. The number, size, and location of all parking spaces provided.
2. The application must be accompanied by the appropriate permit fee, as established by the Board of County Commissioners by Resolution. For late applications, the appropriate fee shall be increased by a penalty of five percent (5%) for each full month, or fraction thereof, by which the application is late.
3. The Development Administrator shall issue the permit for the commercial business use if:
 - a. The proposed commercial use is a permitted commercial use or a lawful non-conforming use of the premises on which it is proposed to be conducted.
 - b. The proposed commercial business use does not involve the use of chemicals, energy sources, or machinery or equipment which is reasonably likely to cause any objectionable noise, noxious fume or odor, or any other hazard dangerous to the public health, safety or welfare; and
 - c. All motors and equipment to be used in the conduct of the proposed commercial business use will be shielded so as not to cause radio or television interference off the premises; and
 - d. The sign for the proposed commercial business use meets the requirements of Article Six of this Land Development Code and is compatible in appearance with the architectural style of the premises and any nearby residential uses; and
 - e. The required number of parking spaces are provided and located so as to establish an adequate traffic flow and safe and convenient ingress and egress for the property; and

- f. All other requirements of this Land Development Code are complied with; and
- g. There does not exist, on the premises for which the permit is requested, any continuing violation of any County ordinance, as found by the County's Code Enforcement Board; and
- h. Any required occupational license tax for the commercial business use has been paid.

B. *Commercial Use Standards.*

All commercial business uses permitted under this section shall conform to the following requirements and limitations:

1. The commercial use shall not cause any danger or health hazard or unreasonable inconvenience to any person and shall not damage any public or private property.
2. All activities and all storage of flammable and explosive materials or products, associated with the use, shall be provided with adequate safety device against the hazards of fire and explosion, including adequate fire-fighting and fire suppression equipment, as prescribed by all applicable fire prevention laws, ordinances, and regulations.
3. All commercial use shall not involve any activity, and no activity shall be conducted, which is reasonably likely to result in the discharge of any liquid or solid waste, including industrial wastes, or any toxic substance or pollutant, into any public or private sewage system, the ground, or any lake, stream, or other body of water, in violation of any federal, state, or local law, ordinance, or regulation.
4. No activity shall be conducted in conjunction with the commercial use, except during construction of the structures used therein, which will cause any perceptible earth vibrations, or any continuous noise above 90 decibels at the property line, or any noxious or offensive odors, or any adverse effect on the temperature, motion, or humidity of the atmosphere, beyond the premises on which the use is conducted. If commercial use adjoins residential parcels, noise can not exceed 60 decibels.

C. *Permit Revocation.*

For non-compliance with any requirement of this section, whether set out specifically herein or referenced herein, the Development Administrator may revoke any commercial business use permit issued hereunder. Such revocation may be appealed to the Planning Commission pursuant to Section 9.10.00, et seq., of this Land Development Code. Notice of revocation shall be provided to the permittee, along with notice of the right to appeal, and the revocation shall not take effect until the time for appeal has passed without an appeal having been filed or, if an appeal has been filed, until the revocation is upheld on appeal.

D. *Permit Renewals.*

Permits previously issued must be annually renewed by October 1 of each year and may be based on simplified application forms, as required by the Development Administrator, which indicate whether or not there has been any change to the information originally provided pursuant to sub-section A.1, above.

2.02.06 Mobile Homes

Mobile Homes must comply with the underlying Land Use and designated density.

2.02.07 Rental Units

Any new development that is intended primarily to lease residential spaces and/or units must comply with the underlying Land Use and designated density while meeting the following requirements:

- A. No more than 2 units per acre without public water and sewer.
- B. Paved roads built to County standards if the density is 2 units per acre or more.
- C. Include sidewalks on at least one side of street if four units or more per acre.
- D. Ten units or more - a ten thousand square foot playground for children unless an adult's only development.
- E. Twenty units or more - a permanent covered pavilion with restrooms and adequate space to seat all people in the development. Use an average of 3 persons per unit.
- F. One entrance onto a public road. A separate service entrance can be allowed if it has a locked gate.
- G. A class C buffer is required on all sides of the site (see 2.05.02 E and F)

2.02.08 Establishments Allowing Consumption of Alcohol on Premises

Any new bar, nightclub, bottle club, or other establishment which proposes to allow consumption of alcoholic beverages on the premises, excluding restaurants with at least 50% of revenues derived from the sale of food, shall be permitted only as consistent with the requirements of this section. Such businesses shall be permitted by application for minor development, and the applicant must establish that the establishment will satisfy the following criteria:

- A. The site shall be located in a properly designated land use district;
- B. The site shall be located on an arterial or major collector unless the applicant can show reason why an alternate site is better for the County.
- C. The establishment shall be set back at least 500 feet from churches, schools and public playgrounds, as measured from property line to property line, and at least 500 feet from the

nearest residential structure, as measured from structure to structure, unless another non-residential structure separates the two;

- D. Alcohol shall not be consumed outside the structure unless on a porch or veranda not visible from the street or nearby residential properties;
- E. Off-street parking shall be provided which satisfies the requirements of Section 5.02.03, and no on-street parking shall be allowed;
- F. Parking areas shall be posted to notify patrons that consumption is only allowed in designated areas and that open containers are not allowed in other areas;
- G. Litter and empty containers shall be picked up from the site daily;
- H. All signs shall satisfy the requirements of Section 6.04.00 for permanent accessory signs, except that internally illuminated signs shall not be allowed within 500 feet of any residential structure;
- I. Lighting shall be shuttered or shielded from residential structures;
- J. Noise levels shall not exceed 65 decibels at the property line and 55 decibels at the property line of the nearest residential structure;
- K. All off-street parking areas and vehicular use areas shall be landscaped as required in Section 2.05.03 and all outside areas of the site shall at all times present a neat, clean, orderly and well maintained appearance;
- L. The land development Administrator shall have the authority to order additional measures as necessary to insure that the establishment is not incompatible with adjacent uses.
- M. Sites in Mixed Use Residential Areas will be reviewed by the Planning Commission for development approval.

Within six months of the adoption of this section all existing bars, nightclubs, bottle clubs, or other establishments which allow the consumption of alcoholic beverages on the premises, excluding restaurants with at least 50% of revenues derived from the sale of food, shall comply with the requirements of subsections D, E, F, G and J above.

2.03.00 *OVERLAY DISTRICTS*

2.03.01 Purpose

The purpose of this Section is to describe certain overlay districts used to provide special development restrictions on identified areas. The location of overlay districts is established by Jefferson County based on the need for special protective measures in that area. The underlying

uses in the area, as determined by the applicable land use district remain undisturbed by the creation of the overlay district. The overlay district merely imposes additional development standards and permits, notwithstanding any language to the contrary, additional allowable uses than those that would otherwise apply. An Overlay Map is adopted by reference and may be amended from time-to-time in accordance with the provisions of Section 9.02.08 , et seq. of this Code.

2.03.02 Traditional Communities

A. Generally.

Traditional communities may be designated by Jefferson County in an effort to identify specific areas in which the traditional communities overlay district regulations are applied.

B. Designation.

Any citizen of Jefferson County living within one-half (1/2) mile of a purported traditional community may petition the Planning Commission for an amendment to the Overlay Map to include the traditional community in question. An application for amendment to the Overlay Map shall be processed, and notice and public hearings shall be provided, the same as for an amendment to the text of this Code.

C. Designated Traditional Communities.

Recognized Traditional Communities are: Ashville, Aucilla, Boland, Capps, Cody, Dills, Drifton, Fanlew, Jarret-Alma, Lamont, Limestone, Lloyd, Pinney Woods, St. Phillips, Thomas City, Wacissa, and Waukeenah. Other historical communities established before July 19,1990, and not included on the current list, may be added as deemed appropriate. See the end of this section for a map of Traditional Communities.

2.03.03 Historic Districts

A. Generally.

These are districts or areas that have been designated as historic on the National Registrar or determined to have historical significance by the County.

B. Designated Historic Districts.

1. Lloyd Overlay

a. Generally. The purpose of this overlay district is to establish, and provide development regulations for, the County Historic District in the Village of Lloyd. This overlay district shall, at a minimum, include all areas included in the National Register Lloyd Historic District, including any future expansions thereof. At the request of the affected property owner, the County may enlarge this overlay district to include additional historically significant properties even though such property is not included in the National Register Lloyd Historic District. The overlay district is composed of

two parts for purposes of several of the regulatory measures stated herein. The western part is the area of the overlay district located south and west of a line beginning at the intersection of the western segment of Odom Street and the overlay district boundary, then proceeding east to the intersection of Odom Street and Main Street, then proceeding south to the intersection of Main Street and Lloyd Highway. The east part of the overlay district is that part located north and east of the above described line. See end of this section for a map of the overlay district.

- b. **Permitted and Prohibited Uses.** Uses allowed within the Lloyd Overlay shall be the same as the underlying land use district provided that the provisions contained in Section 2.03.03 (e) are adhered to.
- c. **Density and Intensity.** The density and intensity of a development site shall be that of the underlying land use district.
- d. **Access Management.** At the time of these Code revisions access management within the Historical District is not an issue. Should development occur that would impact access in this area, access management will be addressed at that time.
- e. **Special Provisions.** These regulations are set to protect the County Historical District in Lloyd
 - 1) Within the Mixed Use - Interchange Business land use district, south of I-10, no Heavy Industrial activities are allowed and a minimum setback of one-hundred (100) feet from the edge of the right-of-way shall be required. All efforts shall be made to incorporate required open space within this setback and to avoid the use of the area for unnecessary impervious surfaces. A class C buffer shall be used where the Interchange/Business adjoins the Suburban/Residential area.
 - 2) New buildings and accessory structures in the Historical district will be compatible with and similar in size to historic buildings in the district, including commercial buildings. New buildings and accessory structures in areas of the western part of the district shall harmonize aesthetically and architecturally with existing historic structures. No new buildings in the District shall be over 38 feet high. Additional requirements for development in the Suburban Residential Land Use Category are also established in the Jefferson County Comprehensive Plan, and include, but are not limited to, the provisions of Policy 1 - 2. The provisions in the Suburban Residential Land Use Category, as adopted in the Jefferson County Comprehensive Plan on November 18, 1999, will remain an integral part of this regulation.
 - 3) Dumpsters, metal sheds, and other types of commercial or light industrial support equipment or machinery on the exterior should be shielded from view by appropriate fencing or buffering high enough to prohibit view from the street.
 - 4) Signage will comply with Article Six with the following exceptions. No billboards, neon signs or signs lit from the inside are allowed. Permanent accessory signs shall be 25% less in size than those allowed in Article Six.
 - 5) Setbacks from the street for all new buildings will be minimum of 25 feet throughout the entire district and a maximum of 45 feet in the western part of the district.
 - 6) No new cocktail lounges or fuel stations will be allowed to open in the district.

C. Nonconforming Development

1. Continuation of Nonconforming Development

Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on February 15, 2001, remain in use in its nonconforming state.

2. Generally. Nonconforming development must be brought into full compliance with 2.03.03 (e.) of this Code, in conjunction with the following activities:

- a. The gross floor area of the development is expanded by more than ten (10) percent.
- b. For the purposes of this Code, structures existing as of February 15, 2001 shall be permitted to be rebuilt in the event of an accident or otherwise improved as long as the gross density or intensity of the property is not increased and the land use remains consistent with that in effect as of February 15, 2001.
- c. When a nonconforming structure or activity is left unoccupied or which is used temporarily for a conforming activity for twelve (12) months or more.

3. Expansion of Nonconforming Use.

Except as provided in this section, a lawfully nonconforming use shall not be changed, intensified, expanded, extended or enlarged in any manner beyond the floor area or lot area that it occupied on the effective date of this Code or the effective date of any amendment to this code rendering such use nonconforming. Expansion or replacement of existing land uses inconsistent with the Future Land Use Map will be prohibited.

4. Repair Or Reconstruction of Nonconforming Structure.

Only ordinary repairs and maintenance shall be made to a nonconforming structure, unless exempted for the following reason:

- a. If a nonconforming structure is damaged or destroyed by a fire, flood, windstorm or similar event, and the reconstruction is started within one hundred eighty (180) days from the date of the damage, and such reconstruction is diligently pursued to completion.

5. Alteration, Enlargement, or Movement of Nonconforming Structure

Except as provided in this Section, a nonconforming structure shall not undergo any substantial improvement and shall not be enlarged or moved in any manner unless provided below:

- a. The enlargement, movement or alteration itself conforms to the requirements of this code; and/or such alteration or enlargement makes the structure conforming.
- b. The movement of a nonconforming structure or use in whole or in part to another location results in the structure or use conforming with all requirements for the land use district to which it is moved. The moving of a structure shall also comply with other applicable County regulations.
- c. If any nonconforming use is changed to a conforming use, it shall not thereafter be put into any nonconforming use.

2.03.04 Transportation/Utility

A. *Generally.*

This district is designed to provide for those uses which may have characteristics of industrial or outdoor storage and which may have potential nuisance levels to adjacent property due to noise, light, glare, appearance or safety concerns which require additional standards. However, these uses are needed and essential components of modern communities and, therefore, appropriate locations and development standards must be provided to ensure the economic well-being of Jefferson County and the State of Florida. This district recognizes such areas consistent with the need, character and scale of the transportation/utility use relative to surrounding uses, transportation facilities, and natural resource features.

B. *Permissible and Prohibited Uses.*

In addition to the uses permitted in the underlying Land Use Districts, uses allowed within the Transportation/Utility overlay district include the following and substantially similar activities, based upon similarity of characteristics. Uses not named or not found to be substantially similar are prohibited. All such uses must be located completely within the Transportation/Utility overlay district and must obtain any expansion of the district necessary to do so.

1. Utility facility sites, such as water plants with treatment beyond disinfection and storage above 100,000 gallons, Type I & II (Chap. 17-600.200 F.A.R), wastewater treatment plants, all electric substations, and petroleum tank farms in excess of 500,000 gallons;
2. Linear Transmission Facilities and Linear Transmission Facility corridors, rights-of-way, easements and other activities for the purpose of construction, operation and maintenance of facilities such as natural gas pipelines, petroleum pipelines and electric lines used for the cross-country transmission of product over a linear distance;
3. Maintenance facilities and storage yards, greater than one (1) acre, for schools, government agencies and, electric, telephone and cable companies;
4. LP storage and/or distribution facility in excess of 1000 gallons;
5. Airports and airfields;
6. Hazardous waste collection and handling facilities and recycling facilities; and
7. Railroad Rights-of-way.

C. *Additional Regulations.*

In addition to the development standards of Section 2.05.00 and Article Four, the following standards will apply to the Transportation/Utility district:

1. In order to encourage efficient use of land, and to minimize potential impacts of two or more of the permitted uses set out in subsection B. above, such uses are encouraged to co-locate whenever reasonably practical. Co-location of Linear Transmission Facilities is encouraged in rights-of-way and easements for such other activities as arterial roads and highways, railroads, pipelines, and electric, telephone, cable TV, and other utility transmission lines. Co-location also includes rights-of-way for Linear Transmission Facilities which have approximately the same course. To facilitate a determination of whether co-location of a Linear Transmission Facility is reasonably practical, an applicant shall provide sufficient information so that the following factors may be considered and weighed against the public benefits of co-location:
 - a. The origin and ultimate destination of the proposed Linear Transmission Facility and the origin and ultimate destination of arterial roads and highways, railroads, pipelines, and electric, telephone, cable TV, and other utility transmission lines located within reasonable proximity of the proposed straight-line route of the proposed Linear Transmission Facility through Jefferson County.
 - b. The applicant's ability to obtain land rights in, or adjacent to, an existing right-of-way or easement.
 - c. Environmental and safety concerns affected by possible co-location.
 - d. Engineering compatibility and use concerns affected by possible co-location.
 - e. The applicant's service needs.
 - f. The added cost to the applicant of co-location with facilities located in rights-of-way and easements within reasonable proximity to a straight-line route for the proposed facility.
2. When a linear park or green space is proposed along a Linear Transmission Facility route, the park facility plan may be approved in lieu of the buffering requirements in Section 2.05.02.
3. Linear Transmission Facilities and associated rights-of way and easements shall be marked, maintained and have setback requirements, in accordance with the applicable County, State and Federal regulations pertaining to said facilities.
4. The uses listed in sub-subsections 1 through 8 of subsection 2.03.05.B, above, shall be considered Major Developments for the purpose of Section 9.02.03 of this Code. An application for Major Development approval may be processed together with, or separately from, an application for amendment of the Transportation/Utility overlay district boundaries. When an application for an amendment of the Transportation/Utility overlay district boundaries is processed independently of an application for Major Development approval, the amendment of the Transportation/Utility overlay district boundaries does not guarantee that any Major Development will be granted, or can be granted in conformance with the overlay district limitations and requirements and other applicable standards of this Code. Any application for approval of an addition to the Transportation/Utility overlay district shall contain information sufficient to demonstrate a reasonable expectation of compliance with the following factors, as they may be applicable:

- a. A demonstration of compliance with applicable state and federal standards and procedures, including addressing how and to what extent the county is preempted by state or federal law on any issues relating to the proposed activity.
- b. Environmental issues identified in the Jefferson County Comprehensive Plan and Jefferson County Land Development Code.
- c. Compatibility of the proposed district with adjacent and overlaid districts, and proposed means and methods of mitigating and potential incompatibilities due to nuisance, noise, glare, scale of facility, and appearance.
- d. Access during and following construction.
- e. Demonstration of consideration of co-location with other facilities, and if co-location is not proposed, substantiation that co-location is not a reasonably practical alternative.
- f. Consideration of green space/park and recreation use, including adequate provisions for maintenance.
- g. Safety and liability issues.
- h. Demonstration that the proposed location strikes a balance among the various interests and issues described above as well as those issues required to be considered for all Major Developments as compared to issues of cost and public welfare.
- i. The location of the proposed transportation/utility facility is consistent with the Jefferson County Comprehensive Plan. The recommendations by the Planning Commission as to whether the proposed facility location is consistent with the Comprehensive Plan shall be presumptively correct. Such presumption may be rebutted by competent, substantial evidence by the applicant or any person appearing at the public hearing.
- j. The likelihood of uses permitted in the overlay district being able to comply, at the particular location involved, with the standards, conditions, limitations, and requirements set out in subsection 5.04.00.B, and other applicable laws, ordinances, and regulations relating to such uses.

D. Preemption.

The extent to which the County's regulation of any proposed development is claimed to be preempted by state or federal law must be satisfactorily demonstrated by the applicant for Overlay Map amendment or Major Development approval. An application for Overlay Map amendment or for Major Development approval shall specify and include copies of all state or federal laws establishing such preemption and copies of, or references to, appropriate judicial interpretations of such laws. The type of regulation for which such preemption relates to location requirements or to environmental, land use compatibility, safety, or other concerns. The application shall specify the regulations and requirements of the LDC as to which preemption is claimed. The Board of County Commissioners shall make all final determinations on claimed preemptions, upon the advice and counsel of the County Attorney. If a particular development is determined to be preempted as to location requirements, no Overlay Map amendment for the proposed development shall be necessary.

E. Resource Protection Areas.

As to permitted uses, the provisions of the Transportation/Utility Overlay District shall supersede any limitation set out in Section 2.05.05 of this Code.

F. Application Review Consultant Costs.

In adopting, by Resolution, a schedule of fees for applications made under and pursuant to this Land Development Code, the Board of County Commissioners may require the payment by an applicant of extraordinary review costs, for outside consultants, when such consultants are necessary to properly review and analyze an application for amendment to the Transportation/Utility overlay district boundary or an application for Major Development Approval in the Transportation/Utility overlay district, and the application's supporting documentation, in order to ensure compliance with this Code and the protection of the public health, welfare, and safety.

2.03.05 Antennas and Antenna Towers.

A. Applicability; use of existing structures.

1. All new antennas and communication towers in Jefferson County shall be subject to these land development regulations and all other applicable building and construction codes. In the event of any conflict between other land development regulations and the regulations contained in this Section, the provisions of this Section shall override and supersede such other regulations unless otherwise specifically set forth herein.
2.
 - a) All communications towers existing on Dec. 31, 1997, shall be allowed to continue to be used as they presently exist. Routine maintenance or minor modifications to accommodate the co-location of an additional user or users shall be permitted on such existing towers subject to the criteria in b) below. New construction, other than routine maintenance and modifications to accommodate co-location on an existing tower, shall comply with the requirements of this Section.
 - b) Replacement of antennas on a structure with different antennas shall be considered routine maintenance or minor modifications to accommodate the collocation of an additional user or users so long as the replacement antenna(s) does not increase the height of any structure other than a tower on which it is placed by more than twenty (20) feet.
3. No rezoning or zoning variance shall be required to locate an antenna on an existing nonresidential structure; provided, however, that the antenna does not extend more than twenty (20) feet. Such structures may include, but are not limited to, nonresidential buildings, water towers, recreational light fixtures, other public utility structures, and existing communication towers.
4. An antenna which is to be attached to an existing tower may be approved by the Planning Department and does not need a building permit, unless a separate equipment building is required.
5. If the tower must be modified to accept an additional antenna, then it must meet the standards of the code.

6. All applications for new towers shall be major developments and shall be presented to the Planning Commission for approval. These applications will not have to go before the County Commission for approval.
7. All applications for new tower sites will be a co-application by the owner and the tower company.

B. Location.

1. A tower or antenna may be located in any zoning district, except Conservation, so long as it meets the requirements of this Section.
2. A tower may be located on a lot used for other principal uses on a parcel smaller than the minimum lot size required in the zoning district. This parcel shall be considered as the tower site. The tower site, but not the entire lot, shall be subject to all the requirements of this Section, except as specifically provided herein.

C. Minimum distance of towers from residential structures.

1. Regardless of the zoning district in which a tower is located, the tower shall not be less than the height of the proposed tower itself, from the nearest boundary line of the parent tract and/or any public road and subdivision road, whether public or private. Parent tract includes all parcels upon which the tower sets and parcels owned by other persons who agree in writing to obligate their lands for purposes of setback as required by this ordinance.
2. Distances shall be measured from the center of the base of the tower to the residential lot line.

D. Collocation of Antennas.

1. Feasibility of Collocation. Collocation shall be deemed to be feasible for purposes of this Section where all of the following are met:
 - a) The owner or person who otherwise controls the tower or other structure under consideration for collocation will undertake to charge fair and reasonable market rent or other fair and reasonable market compensation for collocation.
 - b) The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
 - c) The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure and antennas.
 - d) The height of the structure necessary for collocation will not be increased beyond 20 feet taking into consideration the several standards contained in this Section.
2. New Towers.

- a) A tower permit for the location and use of a tower shall not be granted unless and until the applicant demonstrates that a feasible collocation is not available for the coverage area and capacity needs of its antenna.
 - b) All new towers shall be designed and constructed so as to accommodate collocation. Establishing accommodation for collocation for six cellular antennas or more and at least one other provider of at least equal capacity, if not designed for cellular use, shall meet the requirements of this subsection. (Except for AM towers)
 - c) If a party who owns or otherwise controls a tower shall fail or refuse to alter a structure so as to accommodate a proposed and otherwise feasible collocation, such facility shall thereupon and thereafter be deemed to be a non conforming structure and use, and shall not be altered, expanded or extended in any respect.
 - d) If a party who owns or otherwise controls a tower shall fail or refuse to permit a feasible collocation, and this requires the construction and/or use of a new tower, the party failing or refusing to permit a feasible collocation shall be deemed to be in direct violation and contradiction of the policy, intent and purpose of this County Ordinance, and consequently such party shall take responsibility for the violation, and shall be prohibited from receiving approval for a new tower within the County for a period of five years from the date of the failure or refusal to permit the collocation. Such a party may seek and obtain a variance if and to the limited extent the applicant demonstrates entitlement to variance relief, which in this context, shall mean a demonstration that enforcement of the five year prohibition would unreasonably discriminate among providers of functionally equivalent services, or that such enforcement would have the effect of prohibiting the provision of personal wireless communications services.
3. The following provisions shall govern the issuance of tower permits.
- a) In granting a tower permit, the County may impose conditions to the extent the County concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 - b) Any information of an engineering nature that the applicant submits, whether civil, or mechanical, shall be certified by a licensed professional engineer, as otherwise required by law.
 - c) Applicants for a tower permit shall submit the following information:
 - 1) A scaled site plan clearly indicating the location, type and height of the proposed tower, adjacent roadways, proposed means of access, elevation drawings of the proposed tower and any other structures, topography, and other information deemed by the County to be necessary to assess compliance with this Ordinance.
 - 2) Legal description of the parent tract and leased parcel (if applicable).
 - 3) The setback distance between the proposed tower and boundary line of the parent tract and/or road.
 - 4) The location of all towers and antennas within a two (2) mile radius of the location of the proposed tower.
 - 5) A landscape plan showing specific landscape materials.

- 6) Method of fencing and if applicable, the method of camouflage and illumination.
- 7) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
- 8) Identification of the entities providing the backhaul network for the tower(s) described in the application and other wireless sites owned or operated by the applicant in the County.

E. Tower Permit.

The County shall consider the following factors in determining whether to issue a tower permit, although the County may waive or reduce the burden on the applicant of one or more of these criteria if the County concludes that the goals of this Ordinance are better served thereby:

1. Height of the proposed tower;
2. Proximity of the tower to boundaries;
3. Surrounding topography;
4. Surrounding tree coverage and foliage;
5. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
6. Proposed ingress and egress; and
7. Availability of suitable existing towers, other structures, or alternative technologies nor requiring the use of towers or structures.

F. Permit Denials.

No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the County that:

1. No existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the County related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
2. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
3. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
4. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
5. The applicant's proposed antenna.
6. The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing renders collocation infeasible or unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

7. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

G. *Minimum yard requirements.*

There are no minimum yard requirements for towers.

H. *Illumination.*

Towers shall not be artificially lighted except to assume human safety or as required by the Federal Aviation Administration (FAA). If illumination is required at night, it shall be red lights unless otherwise required by F.A.A.

I. *Finished color.*

Towers are not requiring FAA painting/markings shall have either a galvanized finish or painted a dull color.

J. *Structural design.*

Towers shall be designed and constructed to ensure that the structural failure or collapse of the tower will not create a safety hazard, according to the latest EIA/TIA 222 Standards, as published by the Electronic Industries Association, which may be amended from time to time, and all applicable County building codes. Further, any improvements and/or additions (i.e., antenna, satellite dishes, etc.) to existing towers shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the latest EIA/TIA 222 Standards in effect at the time of said improvement or addition. Said plans shall be submitted to and reviewed and approved by the Building Department at the time building permits are required.

K. *Fencing.*

A minimum eight foot fence shall be required around all towers and anchors. Access to the tower shall be through a locked gate.

L. *No advertising.*

Neither the tower nor the tower site shall be used for advertising purposes and shall not contain any signs for the purpose of advertising.

M. *Landscaping.*

The visual impacts of residentially or commercially located towers shall be mitigate through landscaping or other screening materials at the base of the tower and ancillary structures as follows:

1. A 20-foot landscape buffer which meets the landscape requirements shall be required around the perimeter of the tower and any accessory structures located outside the required wall or fence;
2. All required landscaping shall be of the evergreen variety;

3. All required landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and vitality;
4. Required landscaping shall be installed inside or outside the fence or wall; and
5. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward meeting landscaping requirements.

N. Abandonment.

In the event the use of any tower has been discontinued for a period of sixty (60) consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the Planning Department, based upon documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon the determination of such abandonment, the owner/operator of the tower shall have an additional one hundred twenty (120) days within which to: (1) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or (2) dismantle and remove the tower. At the earlier of one hundred twenty (120) days from the date of abandonment without reactivation or upon completion of dismantling and removal, any exception and/or variance approval for the tower shall automatically expire. In the event the tower is reactivated or removed as provided for the above, the County may remove the tower and the owner/operator agrees that the County may recover the expense of the removal from the owner/operator.

O. Certification of Compliance.

Certification of Compliance with Federal Communication Commission (FCC) NIER Standards. Prior to receiving final inspection, adequate proof shall be submitted to the Building Department documenting that:

1. The tower and its antennas complies with all current FCC regulations for nonionizing electromagnetic radiation (NIER).
2. The location of the proposed tower in relation to existing structures, trees, and other visual buffers shall minimize, to the greatest extent reasonably practicable under the circumstances, any impacts on affected residential lot.

P. E-911 Service.

Provided there is a cost recovery mechanism in place, the communication tower owner or person who otherwise controls the antennas on the tower shall, once wireless communication service is offered and that service is capable of transmitting automatic number identification and automatic location identification, provide to Jefferson County, on an on-going basis, all provisions, Phase I and Phase II, of the Federal Communications Commission (FCC) Report and Order for wireless 9-1-1 (Docket No. 94-102) as outlined by the FCC, both data and equipment necessary to receive the data, at no cost to the County or provide the data in a format compatible with the existing 911 system.

Q. Ownership Marking.

All communication towers shall be marked with proper indicia ownership, located at the entry gate.

R. Definitions.

As used in this section:

Antenna means an appurtenant to a structure, designed to transmit and/or receive communications authorized by the Federal Communications Commission (FCC). The term, communication antenna, shall not include antennas utilized by amateur radio operators licensed by the FCC.

Tower means a principal structure which is principally intended to support communication equipment for telephone, radio, television and similar communication purposes. The term, Communication tower, shall not include utilized by amateur radio operators licensed by the Federal Communications Commission (FCC). Communication towers are generally described as either monopole (free standing), lattice (self-supporting), or guyed (anchor with guy wires or cables).

Essential service means the provision, by a public utility, of communication services to the public related to fire safety; law enforcement; weather; provision of electric, natural gas, water, or sanitary sewer services; or other circumstances affecting the health, safety, or welfare of the public.

Public Utility means a utility owned or operated by the United States, the State of Florida, Jefferson County or the City of Monticello.

Residential lot means any parcel of land upon which one or more dwelling units are located; or which has been designate for residential uses by the Future Land Use Map.

Tower Permit means a permit for the use and location of a tower subject to the requirements of this section.

Tower Site means a parcel of land smaller than the minimum lot size required in the zoning district completely contained within a lot meeting the requirements of the zoning district for the purposes of locating a tower.

Height (of a building or structure) shall mean the vertical distance measured from the existing average grade elevation at the base of each side of the structure to the highest point of each side of a building or structure. When applied to a building, height shall be measured to the highest point of the coping of a flat roof or to the average height level between eaves and ridge for gable, hip, or gambrel roofs. Rooftop equipment shall be added to the measurement of the height of a building, as determined above, if the equipment extends more than four (4) feet above the highest portion of the roof, except that the height of

communication antennas added to the roof of a building shall not be included in measuring the height of a building.

Collocation as used in this document, refers to the placing of two or more antennas upon one tower.

2.04.00 DENSITY AND INTENSITY

2.04.01 Generally

The following standards are intended to establish the density and intensity of development within specific land use districts. The density and intensity of a particular development is subject to reduction based on other provisions of this Code. There are no bonuses for additional density. However, clustering may be used to aggregate density to a specific portion of a development site.

2.04.02 Density and Intensity

A. Agriculture 20.

1. Density
 - a. **New Residential Development:** One unit per twenty acres; however, transfer of property to members of the principle owner's immediate family is allowable, provided that all other applicable requirements are met during development. Refer to Section 2.04.09 for further clarification.
 - b. **Traditional Communities:** Traditional communities, included in the Traditional Communities overlay, are allowed to continue development, and infill within such areas is allowed. Infill development is allowed only on lots of record as of July 19, 1990.
 - c. A parcel to be subdivided and over 1000 acres in size will only be allowed 70% of the total allowable density unless the density is clustered on small parcels and the large area is restricted from further development. See Section 7.03.00.
 - d. A parcel containing flood prone areas will be allowed one half (1/2) the designated density on the flood prone area if it is subdivided. The full density can be allowed if the development can be accomplished by clustering outside the wet areas. See Section 7.03.00
 - e. A parcel containing jurisdictional wetlands will not be allowed the designated density on the wetlands unless the density is clustered outside the wetlands. A parcel that is entirely jurisdictional wetlands will be allowed a dwelling for the owner only.
2. Intensity. For institutional and public service uses, intensity of development by impervious surface coverage should not exceed thirty five (35) percent.

B. Agriculture 5.

1. Density.

- a. **New Residential Development.** Density for residential use shall not exceed 1 unit per 5 acres, except that transfer of property to members of the principal owner's family is allowable, provided that all other applicable requirements are met. However, density is calculated on a gross basis (area-based allocation); actual units should be clustered, so long as the gross density is not exceeded. Refer to Section 2.04.09 for further clarification.
 - b. **Traditional Communities.** Traditional communities, included in Traditional Communities overlay, are allowed to continue development, and infill within such areas is allowed. Infill development is allowed only on lots of record as of July 19, 1990.
 - c. A parcel to be subdivided and over 50 Acres in size will only be allowed 70% of the total allowable density unless the density is clustered on small parcels and the large area is restricted from further development. See section 7.03.00.
 - d. A parcel containing flood prone areas will be allowed one half (1/2) the designated density on the flood prone area if subdivided. The full density can be allowed if the development can be accomplished by clustering outside the wet areas. See Section 7.03.00
 - e. A parcel containing jurisdictional wetlands will not be allowed the designated density on the wetlands unless the density is clustered outside the wetlands. A parcel that is entirely jurisdictional wetlands will be allowed a dwelling for the owner only.
2. Intensity. For institutional and public service uses, intensity of development, as measured by land coverage, should not exceed thirty five (35) percent.

C. *Agriculture 3*

1. Density.
 - a. **New residential Development.** One unit per three acres; however, transfer of property to members of the principal owner=s immediate family is allowable, provided that all other applicable requirements are met during development. Refer to section 2.04.09 for further clarification.
 - b. A parcel to be subdivided and over 30 acres in size will only be allowed 70% of the total allowable density unless the density is clustered on small parcels and the large area is restricted from further development. See section 7.03.00.
 - c. A parcel containing flood prone areas will be allowed one half (1/2) the designated density if it is subdivided. The full density can be allowed if the development is clustered outside the wet area. See section 7.03.00.
 - d. A parcel containing jurisdictional wetlands will not be allowed the designated density on the wetlands unless the density is clustered outside the wetlands. A parcel that is entirely jurisdictional wetlands will be allowed a dwelling for the owner only.

2. Intensity. For institutional and public service uses, intensity of development by impervious surface coverage should not exceed thirty five (35) percent.

C. *Conservation.*

1. Density. This development standard is not applicable to the Conservation District, however; the owner of a lot of record of July 19, 1990, whose parcel is entirely within a Conservation area may have his personal dwelling on that lot of record.
2. Intensity. This development standard is not applicable to the Conservation District.

D. *Residential.*

1. Density.
 - a. Gross density shall not exceed one (1) units per acre in Residential I and two (2) dwelling unit per acre in Residential II although clustering may be allowed. Where clustering results in more than two (2) dwelling units per acre, central water or sewer, or both, are required, consistent with DHRS requirements.
 - b. A parcel containing flood prone areas will be allowed one half (1/2) the density of the flood prone area. Full density can be allowed if the development can be clustered outside the wet areas. See Section 7.03.00
 - c. A parcel containing jurisdictional wetlands will not be allowed the designated density on the wetlands unless the density is clustered outside the wetlands. A parcel that is entirely jurisdictional wetlands will be allowed a dwelling for the owner only.
2. Intensity. For non-residential uses, intensity of development, as measured by land coverage, should not exceed thirty-five (35) percent. No more than one acre per 100 lots of the total area should be in neighborhood commercial.

E. *Prison.*

There are no development standards in the Prison Land Use District, except that the requirements of state rule(s) governing the Department of Corrections shall govern.

F. *Industrial.*

1. Density. This development standard is not applicable to the Industrial land use district, however; a business or industry may be allowed a dwelling as an accessory to the principal use.
2. Intensity. Intensity of development, as measured by impervious surface coverage, should not exceed 90%.

G. *Mixed Use - Business/Residential.*

1. Density. Multi-family residential, where allowed is not to exceed 10 units per acre. However, this density is to be granted according to the following guidelines:

Development without central water and sewer	2 units/acre
Development without central sewer	2 units/acre
"Standard" subdivision	4 units/acre
Mobile Home Development	4 units/acre
Multi-family	10 units/acre

Residential development must be at least one (1) unit per acre.

2. Intensity. Intensity of business (non-residential) use, as measured by land coverage, should not exceed sixty five (65%) percent.
3. Mix shall not exceed 60% Business.

H. *Mixed Use - Suburban/Residential.*

1. Density. At a variety of densities, from as low as one (1) unit per two (2) acres, but not exceeding four (4) units per acre. Maximum density where central water is used but central sewer is not used, and where neither central water nor central sewer is used, shall be one (2) units per acre. Maximum density where both central water and sewer are used shall be four (4) units per acre.
2. Intensity. Intensity of such development, as measured by land coverage, should not exceed 65%.
3. Non-Residential use shall not exceed 20%.

I. *Mixed Use - Interchange Business.*

1. Density. Permanent dwellings are allowed only as an associated dwelling to a primary business. Transit lodging is a part of the allowed function of this area.
2. Intensity. Intensity of use, as measured by impervious land coverage shall not exceed 80%.

J. *Mining*

1. Density. This does not apply to this area.
2. Intensity. The mining operation can use all the area except for buffer areas.

2.04.03 Lot Size

A. *Agriculture 20.*

Twenty (20) acre minimum unless:

1. The development is located on a lot or parcel of record as of July 19,1990, which is smaller than 20 acres, but also meets minimum HRS standards related to on-site waste disposal;
2. The property upon which the development is to take place has been transferred to a family member (see Section 2.04.09) and meets minimum HRS standards related to on-site waste disposal; or
3. Clustering pursuant to the provisions of Section 7.03.00 and meeting the minimum HRS standards related to on-site waste disposal are met.

B. *Agriculture 5.*

Five acres (5) minimum unless.

1. The development is located on a lot or parcel of record as of July 19,1990, which is smaller than five (5) acres, but also meets minimum HRS standards related to on site waste disposal.
2. The property upon which the development is to take place has been transferred to a family member (See Section 2.04.09) and meets minimum HRS standards related to on-site waste disposal.
3. Clustering pursuant to the provisions of Section 7.03.00

C. *Agriculture 3.*

Three acres (3) minimum unless.

1. The development is located on a lot or parcel of record as of July 19,1990, which is smaller than three (3) acres, but also meets minimum HRS standards related to on-site waste disposal.
2. The property upon which the development is to take place has been transferred to a immediate family member (See section 2.04.09) and meets minimum HRS standards related to on site waste disposal.
3. Clustering pursuant to the provisions of section 7.03.00

D. *Conservation.*

This development standard is not applicable to the Conservation District.

E. *Residential.*

Residential I is a minimum of one acre and Residential II is a minimum of one half acre. Clustering pursuant to the provisions of section 7.03.00 can allow for smaller lots.

F. Prison.

See Section 2.04.02(E)

G. Industrial.

None, other than those necessary to meet minimum HRS standards for on-site waste disposal.

H. Mixed Use - Business/Residential.

For residential development the maximum size is one acre. There is no minimum as long as all other standards are met.

H. Mixed Use - Suburban/Residential.

For residential development the maximum is two (2) acres. There is not a minimum as long as other standards are met.

I. Mixed Use - Interchange Business.

None, other than those required to meet minimum HRS standards for on-site waste disposal.

G. Mining

None.

2.04.04 Building Placement for Lots of Record

In all land use areas allowing buildings, they shall be at least twenty-five (25) feet from the road or property line at the road, and 10 feet from all other boundaries.

2.04.05 Location Requirements

Location requirements are applicable only for the following.

A. All development shall maintain a minimum twenty-five (25) foot buffer from known archaeological sites, historical sites and FDEP jurisdictional water-ways or natural water-bodies except for permitted water dependent facilities, utilities or roadway crossing.

B. Industrial.

All industrial land use shall be directed away from residential areas and toward the Industrial areas on the Future Land Use Map.

C. Mixed Use - Business/Residential.

In order to ensure protection of residential development, only residential uses shall be allowed on interior subdivision and local streets (pursuant to functional classification).

D. Mixed Use - Suburban/Residential.

In order to ensure protection of residential development, only residential uses shall be allowed on interior subdivision and local streets (pursuant to functional classification).

2.04.06 Supplemental Standards for Residential Care Facilities

Definition All Residential Care Facilities, a use provided in the Institutional land use category, are those facilities providing both a residence (for varying periods of time), and a care component. Such facilities include group care homes and foster care facilities.

Location Residential Care Facilities are allowed by Special Permit in all residential land uses. No Residential Care Facilities shall be allowed within a one thousand (1000) foot radius of another facility as measured from property line to property line.

Density Limitations All Residential Care Facilities containing individual dwelling units shall meet the density limitations of their land use district. Density shall be calculated as follows: Six (6) residents (including resident staff) = One (1) dwelling unit. When a single unit is used for housing then no density standard shall apply.

Residential Character When a Residential Care Facility is located in a residential land use category, all parts of the structure, shall be constructed and maintained in a character (gross floor area building design and lot coverage) consistent with the residential neighborhood in which it is located.

2.04.07 Table of Development Standards

The following Table of Development Standards provides a summary of the principal development standards found in this Article including those for: density, intensity, land use mix, and building placement.

	DENSITY		INTENSITY		NON-RESIDENTIAL
Use - FLUM	No Water No Sewer		Water No Sewer		Water Sewer
Ag. 20	1 du/20 A.	1 du/20 A.	1 du/20 A.		N/A
Ag. 5	1 du/5 A.	1 du/5 A.	1 du/5 A.		N/A
Ag. 3	1 du/3 A.	1 du/3 A.	1 du/3 A.		N/A
Conservation	1 dwelling only for owner of a parcel entirely in conservation				
Res. 1 Lots	1 du/1 A.	1 du/1 A.	1 du/1 A.	35%	1 A/100
Res. 2 Lots	2 du/1 A.	2 du/1 A.	2 du/1 A.	35%	1 A/100
Prison	N/A	N/A	N/A	N/A	N/A
Industrial	N/A	N/A	N/A	90%	N/A
Bus/Res	2 du/1 A.	2 du/1 A.	4 du/1 A.*	65%	60%
Sub/Res	2 du/1 A.	2 du/1 A.	4 du/1 A.**	65%	20%
Intch/Bus	N/A	N/A	N/A	80%	100%
* 4 Mobile home dwellings are allowed and/or 10 dwellings in a multi-family group					
** One parcel in 13 2N 4E limited to 2 du/1 A.					

2.04.08 Industrial Land Use District Performance Standards

Those performance standards in Section 9.08.05 shall apply to all uses in the industrial land use district.

2.04.09 Mining Land Use Performance Standards

A. *Purpose and Intent*

Mining is permissible only by Development Permit as provided herein. It is the intent of this section to provide for mining uses in a manner which will have the least possible adverse impact to the community. No mining activity with an excavated area of five (5) acres or greater in size shall be conducted in Jefferson County unless the area in which the mine is located is designated for mining use in the Jefferson County Comprehensive Plan and a Development Permit for a Major Development has been applied for and issued by the Board of County Commissioners. Small Scale Excavation activity with a total excavated area of less than five (5) acres in size, and not involving blasting, and the construction of ponds may be conducted pursuant to general or individual permit if the requirements of 2.04.11 below are satisfied without the necessity of obtaining a designation for mining in the Jefferson County Comprehensive Plan.

B. *Definitions*

The following definitions ,as well as those definitions in Rule 62-C-16, FAC, shall apply to all activities regulated under this section:

1. Mining: Any extraction of minerals from the ground, including any borrow pit, involving an overall excavated area of five acres or more, or, regardless of size, any extraction of minerals from the ground which involves blasting or the use of explosives.
2. Small Scale Excavation: Any excavation, including the extraction of minerals from the ground, of less than five acres and not involving blasting of the use of explosives.
3. Pond: An excavation of any size intended for the collection, retention or impoundment of water for the production of fish or other aquatic species, or for recreation. Ponds are regulated under Section 2.04.11.

C. *Administrative and Permit Procedures*

All activities to which this Part applies shall be permitted according to the following permitting procedures:

1. Any proposed small scale excavation with a total area of excavation of less than five (5) acres in size, and not involving blasting, may be conducted pursuant to development permit for a minor development. In the application for Small Scale

Excavation Permit the landowner or mine operator must establish that the project will comply with the following criteria:

- a. Adequate erosion control and stormwater management measures are taken to prevent silting of drainage facilities and water quality violations in receiving waters;
 - b. Excavation will not be conducted in State of Federal jurisdictional wetlands unless required State, regional and Federal permits have been obtained in advance, copies of which shall be submitted with the application;
 - c. Construction will not involve dewatering and will not cause, either in a temporary or permanent state, dewatering of lands not under the ownership or control of the landowner or operator;
 - d. The area of excavation, including associated earthworks, is set back not less than fifty (50) feet from the nearest property line;
 - e. Within twenty-four (24) months of the cessation of excavation activity the mined area and all associated earthworks are reclaimed by contouring to a permanent slope of not greater than four (4) horizontal to one (1) vertical and revegetated by, as a minimum, planting grass seed or trees.
 - f. All other applicable code and comprehensive plan provisions are complied with;
 - g. All required regional, state and federal permits have been, or will be, obtained prior to beginning excavation.
2. Except where in conflict with a specific requirement of this section, administration and permitting procedures relating to all mining in Jefferson County which is not permitted pursuant to the provisions of Section 2.04.10 C1 above shall be according to those procedures established for a major development in Section 9. Any expansion of the permitted mining area or significant change in the mining operations shall require an amendment to the development permit, as to mines where such plan and permitting applies, and if applicable, to the Jefferson County Comprehensive Plan. The application for development permit shall establish that the proposed mining activity satisfies the requirements of Section 2.04.10 C3, D, E, F and G hereunder.
3. Any applicant for a development permit for mining shall submit with the application proof of property and personal injury liability insurance that satisfies the following:
- a. The amount of insurance shall be a minimum of two million dollars per incident, and five million dollars aggregate.
 - b. The liability insurance shall name as the insured the property owner and the applicant, if different than the property owner.
 - c. In addition to standard general commercial liability coverage in the above amounts, if the mining involves the use of explosives vibration related personal injury and property damage shall be covered.

- d. The insurer shall have a currently valid certificate of authority to provide insurance issued by the office of the Florida Insurance Commissioner and must be in compliance with all other requirements of the Florida Insurance Code.
- e. Insurance satisfying these requirements shall be continuously in effect at all times during the term of the development permit and until all mining operations cease and reclamation is released as provided by County Code. Failure to comply with the requirements for insurance as stated hereunder shall constitute a violation of County Code and shall constitute grounds for suspension or revocation of the development permit.

D. Standards

All mining in Jefferson County for which a major development permit is required shall conform to the standards stated herein.

- 1. Setbacks and Screening.
 - a. Except for monitoring wells and wildlife relocation activities, all mining activities to which this Part applies shall maintain the following setbacks:
 - 1) For limerock mining three hundred (300) feet from any public road right -of-way; five hundred (500) feet from permanent buildings (including mobile homes), public parks, preserves, or conservation areas, churches, schools, parks, hospitals, and/or similar public uses; and two hundred (200) feet from all other property lines.
 - 2) For mining of other materials (excluding limerock) one hundred (100) feet from any public road right-of-way, two hundred (200) feet from permanent buildings (including mobile homes), public parks, preserves and conservation areas, churches, schools, parks, hospitals, and/or similar public uses; and fifty (50) feet from all other property lines.
 - b. Setbacks established by the approved development permit shall be clearly marked prior to initiation of any active phase of mining. Such markers shall remain until mining activities are concluded.
 - c. The setbacks required herein shall be applied according to the following guidelines for application of setbacks:
 - 1) The above setback requirements are the minimum, and the Board expressly reserves the right to modify setbacks as necessary, on a case by case evaluation, to prevent incompatibility with adjoining property uses, including but not limited to public parks, preserves, and conservation areas, agricultural operations and improved pasture. Modification of setbacks as provided herein may only occur at the time of initial permit application, or renewal thereof, or at such other time as the applicant may request, and shall be subject to the procedural requirements applicable to review and approval of major development permits.
 - 2) The setback requirements described in subparagraphs 1 above shall not apply where owners of the land protected by said setbacks have expressly consented to a reduction thereof by written instrument executed with the formality of a

- deed and recorded in the public records of Jefferson County, Florida. Such consent and recordation must occur prior to any mining operations by the applicant in the areas subject to the agreement, and certified copies of the recorded instrument shall be furnished to the County Engineer, who shall acknowledge receipt in writing.
- 3) The setback requirements described in subparagraphs 1 through 3 shall not apply when lands which the setback benefits are under the ownership or control of the mine operator.
 - 4) Setbacks from roadway easements as required by subsection 1 above shall not apply to roads for which a permit for relocation or replacement has been issued.
- c. The permittee under any development permit issued hereunder shall also comply with any applicable setbacks established in, or required by, the Jefferson County Comprehensive Plan.
- d. Screening.
- 1) Mining activities to which this Part applies which are conducted within one-thousand (1,000) feet of a County of State maintained public road shall be screened from view from that road.
 - 2) Screening as required hereunder shall be accomplished by maintenance of an existing natural or planted vegetated buffer of at least ten (10) feet average height and one-hundred (100) feet average depth. Permittees intending to rely on a planted buffer shall allow sufficient time for the vegetation to reach maturity in order to meet the requirements herein before commencement of mining activities in the area required to be screened. Such buffer need not be of continuous thickness where bisected or intersected by a natural or manmade feature such as a stream, road or driveway.
 - 3) On a case by case basis, the County may allow the use of other methods of buffering where the maintenance of a vegetated buffer is impracticable or impossible. Such other methods shall be limited construction of a fence of at least ten (10) feet in height or construction of an earthen berm. In addition to conforming to any applicable specific requirements specified below, any fence or earthen berm shall be sufficient to ameliorate sound effects and shall achieve one-hundred (100) percent visual opacity to a minimum height of at least ten (10) feet.
 - a) For any earthen berms approved hereunder, the toe of the slope nearest the public road shall be at least fifty (50) feet from the road right-of-way.
 - b) All earthen berms shall be constructed with slopes not greater than four(4) horizontal to one(1) verticle in order to permanently support ground cover without any noticeable erosion. Promptly after construction, berms shall be permanently vegetated to present an attractive appearance and prevent soil erosion.
 - c) No berms shall be approved for use as screening hereunder which would be located within FEMA flood hazard area or FEMA floodway, or in any

other location which would interfere with natural drainage or which would exacerbate downstream flooding.

- 4) All screening as required hereunder shall be maintained in a condition sufficient to satisfy the requirements stated herein for the duration of the mining activity.

2. Impacts On Ground Water Levels

- a. Mining activity shall not cause unmitigated interference with adjacent or nearby agricultural and residential users of water. Examples of interference with adjacent or nearby users of water include, but are not limited to, lowering of water elevations in farm and fish ponds, crop failure, water well failure or significant decrease in well efficiency, or increased irrigation requirements.
- b. An applicant for development permit shall evaluate the potential for impact on water levels and water quality in any aquifer to be intercepted by excavations or affected by dewatering during the mining operations occurring after the effective date hereof. An applicant for development permit shall propose a mitigation plan for any potential interference or adverse impact on water levels identified in the application for development permit. Any mitigation plan proposed hereunder shall substantially conform to and include the following:
 - 1) A study utilizing a professionally acceptable methodology establishing to a reasonable degree of technical certainty the condition and elevation of the affected aquifer in a normal state unaffected by mining activity (pre-mining aquifer conditions). Pre-mining aquifer conditions shall be utilized as baseline conditions to establish the adequacy of mitigation measures and successful reestablishment of hydrology after reclamation is complete.
 - 2) A study and plan for mitigation to address, to a reasonable degree of technical certainty, any impacts to aquifer hydrology caused by dewatering or mining related drawdowns in the affected aquifer.
 - 3) A plan for monitoring and reporting, which shall include the following:
 1. Positioning and installation of rain gauges, staff gauges, and piezometers as necessary to acquire professionally acceptable data on the performance of mitigation measures.
 - b) Collection of data from all gauges, wells and piezometers periodically at a frequency as necessary to accurately assess performance of the mitigation.
 - c) Preparation and submission of a semi annual report presenting and interpreting the data.
- c. A groundwater hydrology mitigation plan as required hereunder shall be approved as part of the Special Permit and must be implemented by the mine operator as a condition of the permit. The mine operator shall take additional measures as necessary to continue to adequately mitigate for dewatering effects of mining until such time as groundwater levels have been permanently restored to a pre-mining condition.

- d. The mine operator shall investigate and fully respond to all complaints of water well interference and/or de-watering of adjacent and nearby areas which interferes with the beneficial use of groundwater on lands not under the ownership or control of the permittee hereunder. The mine operator shall develop and implement a mitigation plan to mitigate for all documented interference or dewatering in nearby and adjacent areas. Such mitigation plan shall satisfy the requirements of subsection 2 above and shall be submitted to the County for approval. Any mitigation plan required hereunder shall become a binding condition of the development permit.
- e. In the event that the mine operator fails to implement any mitigation plan approved as a condition to the development permit, the County may institute enforcement proceedings pursuant to County Code to require mitigation, together with continued monitoring. The applicant shall be liable to the County for all costs incurred in such mitigation, which may be collected by the County as provided by County Code.
- f. The implementation and success of any mitigation plan, as well as all complaints of water well interference and de-watering of adjacent or nearby agricultural areas, and the mine operator's investigation and response thereto, shall be included in the Annual Operating and Reclamation Progress Report, unless resolved to the satisfaction of the landowner.
- g. Impacts on surface waters shall be limited as provided below:
 - 1) All de-watering operations shall be conducted to maximize recharge to the aquifer via on-site methods, and in compliance with the applicable Water Management District regulations. For this purpose, on-site means property described in the development permit, or other contiguous property owned or controlled by the Operator, where such discharge is permissible.
 - 2) A minimum thirty-five (35) foot undisturbed buffer shall be maintained around all jurisdictional wetlands requiring protection or mitigation, in which no mining activities may occur, except where activities in said wetlands are permitted and mitigated in compliance with all State and Federal permitting requirements.
 - 3) Mining operations shall not result in any significant off-site increase/decrease in surface water levels. Impacts to off site wetlands will be limited to that approved by permitting agencies.

3. Wetlands

- a. No alteration of wetland areas shall occur except where necessary to make reasonable use of property. In the event that wetlands are disturbed, mitigation of adverse impacts to wetlands shall be made by restoration of the disturbed wetland and/or creation of new wetlands in accordance with the requirements of the U.S. Army Corps of Engineers, the Florida Department of Environmental Protection, and the applicable Water Management District.

- b. For Wetlands one-half acre or more:
 - 1) Buffer. A minimum buffer of thirty-five (35) feet shall be established landward of approved wetland boundaries in order to protect the wetland from adverse impacts of development activity including, but not limited to erosion and siltation, unless it can be demonstrated that a lesser buffer is adequate for the purposes intended. Buffers shall be subject to the following:
 - a) Existing vegetation and the natural topography of the buffer shall be maintained. No alteration of the buffer shall be permitted unless it enhances the protection of the wetland.
 - b) Where little or no vegetation exists, it shall be established to decrease pollution potential. Best management practices shall be utilized to reduce pesticide/fertilizer run-off and soil erosion.
 - 2) Setbacks. Building setbacks from the established wetland boundary shall be fifty (50) feet, except for lots of record upon the effective date of this Chapter, where thirty (30) feet shall be allowed.

4. Surface Water Quality

- a. General. Lakes, rivers, canals and other water bodies shall be protected from the adverse water quality effects of mining by compliance with applicable surface water discharge and water quality requirements of the U.S. Environmental Protection Agency, the Florida Department of Environmental Protection, and the applicable Water Management District.
- b. Setbacks. Setbacks of excavations and related earthworks from the seasonal high water line, or the line of mean annual flood, of rivers, canals, or water bodies of ten (10) or more acres, shall be a minimum of fifty (50) feet. Within this setback, vegetation shall be preserved or established, utilizing best management practices, to reduce run-off and soil erosion.

5. Ground Water Quality. No mining activity shall cause, in any area beyond the property boundary of the permittee, a violation of any State ground water quality standard, nor cause any groundwater used for potable purposes to fail to meet State primary or secondary drinking water quality standards.

6. Traffic Circulation. Unless specified otherwise in the Development Permit, the following requirements shall apply:

- a. Adequate ingress and egress areas shall be provided on-site so that loading operations, etc. do not require standing or stopping on public road right-of-ways.
- b. Any haul road connection to any public road is to be constructed and maintained to the satisfaction of the applicable governing agency.

- c. Interior devices or procedures shall be used to reduce the accumulation of limerock material and water on public roads, to the satisfaction of the applicable governing agency. Whenever, upon notice from the applicable governing agency, an accumulation of material or water from the mining operation renders the condition of a public road unacceptable, the operator shall promptly correct such condition, at his expense, in a manner acceptable to the applicable governing agency.
 - d. If the mining operation causes an increased, or faster than normal, deterioration of the County Roads then the operator must restore the roads to their original condition within a time limit set by the County. If the increased deterioration happens again, then the operator must improve the road to a condition that will accommodate the increased impact.
7. Air Pollution. Mining equipment, vehicles, stockpiles, roadways, and handling machinery shall be properly maintained and operated, and mining operations shall be conducted, to minimize air pollution, including fugitive dust emissions. Excess dust shall be periodically removed from roadways, and all trucks used for hauling limerock shall be periodically cleaned and shall have dumper covers, in order to prevent dust buildup on the roadway from creating a driving hazard and to prevent blowing dust from causing a public nuisance. Accumulated limerock material or dust shall be removed from any public roadway within twenty-four (24) hours of notification by the County Road Superintendent, or his designee, that such cleaning is necessary.
8. On a case by case basis the Board may in the development permit limit the hours of operation of any mine for which a development permit is required in order to reduce or minimize adverse effects to adjacent properties.
9. Mine Safety and Security. Unless specified otherwise in the development permit, excavated areas shall be secured from the public on all sides by fencing consisting of a six (6) foot high wire field fence with a single strand of barbed wire at the top and no trespassing signs shall be posted every one hundred (100) feet along such boundary and on each corner. Alternative or additional security measures may be approved by the board on a case-by-case basis.
10. Mined and other disturbed areas shall be reclaimed pursuant to the plan and schedule specified in the Development Permit, which, as a minimum, shall include the following.
- a. At a minimum, mining activities, including location of pits, depths, cubic yards excavated and time constraints shall conform with any approved FDEP Reclamation Plan and FDEP rules.
 - b. Land areas not less than three feet above the ground water table, must be graded to a level, gently rolling, sloping or terraced topography, with slopes no steeper than four

- (4) horizontal to one(1) vertical and in a way to minimize erosion due to rainfall, break up long uninterrupted slopes and make the surface suitable for vegetation. Vegetation shall be appropriately planted to prevent erosion and promote the future land use of the reclaimed area.
- c. All above-grade associated earthworks shall be leveled to approximate the pre-mining natural grade, unless on a case by case basis the Board finds that another final grading pattern is necessary to facilitate a beneficial post-mining land use.
 - d. Water areas shall have a diversity of shallow and deep areas to enhance lake productivity for fish and wildlife habitat. Subaqueous slopes shall be no steeper than four (4) horizontal to one (1) vertical out to a distance of twenty-five (25) feet measured horizontally from the waters edge toward the middle of the water body. Water quality shall be satisfactory for fish production and other wildlife.
 - e. Reclamation shall commence in mined areas within twelve (12) months after completion of mining operations in the area, or within twelve (12) months after the cessation of excavation activity, regardless of the reason therefore, and reclamation shall be complete within twelve months thereafter. Mining and reclamation progress shall be according to a time schedule established in the Development Permit and reported upon annually. The Development Permit may include phasing of mining and reclamation in discrete mining units in order to minimize the time between the initiation of mining activity and the completion of reclamation in any specific area.
 - f. Additional reclamation requirements may be specified by the County in the Development Permit.
 - g. Reclamation shall be released as provided below:
 - 1). After reclamation is complete, the operator shall make written application to the Board for approval of the reclamation. The application shall identify the lands and contain certification by the project superintendent or manager that reclamation has been performed according to these regulations. Within seven (7) days after submitting the application for release to the County the operator shall publish newspaper notice of the application in the manner provided in this code.
 - 2) Within thirty days of receipt of the application, the board shall notify the mine operator as to whether the application is complete and shall request any additional information at that time. If after either initial filing of the application, or after receipt of additional information, the County deems the application to be complete, or after the applicant's declaration that the application be regarded as complete, the County shall act upon the application within sixty (60) days of receipt of the complete application. In the event the reclamation is not approved, the Board shall inform the operator in writing of the specific areas of non-compliance and shall specify a reasonable period of time for compliance. Failure to comply with such

reclamation order within the time specified shall be a violation of this Part subject to the enforcement procedures set out herein

11. Improper Activity. Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation or mine not permitted for such under local and state laws, and said dumping shall be cause for suspension or revocation of a permit.

E. Financial Responsibility:

1. Every mine or small scale excavation operator shall annually furnish to the Board evidence of financial responsibility in the amount of five thousand (5000) dollars per acre for each acre of land either already mined, excavated or disturbed or to be mined, excavated or disturbed in the upcoming year, but for which reclamation has not been completed and released. Initially, each applicant for development permit for a mine or small scale excavation shall provide evidence of financial responsibility for an area equivalent to not less than one quarter (1/4) of the area to be mined, excavated or disturbed as part of mining operations.
2. Unless otherwise stated herein, evidence of financial responsibility shall be provided by the applicant in one or more of the following forms, in combination or in the alternative, at the applicants election:
 - a. Evidence of insurance, surety bonds, letters of credit, or other financial instruments acceptable to Jefferson County. Where a payee is required it shall be payable to Jefferson County. Financial instruments submitted hereunder shall be in an amount required by the above schedules.
 - b. A financial statement which has been audited and certified without qualification by a certified public accountant giving indication of the ability to respond to the liability in the amount required above. Financial information of a parent company may be utilized to satisfy this requirement so long as the parent company agrees to be bound by the obligations of the subsidiary which is the operator hereunder. Such financial statement shall have been prepared not more than one year prior to the date on which the application is submitted and shall contain a certification from the chief financial officer dated no later than sixty (60) days prior to the date on which the application is submitted that, since preparation of the financial statement, there has been no material adverse change in the financial condition of the company. In the event that the County deems it necessary to retain the services of a professional to review the information provided hereunder, the applicant shall be responsible for payment of any reasonable costs incurred by the County. If at any time the Board determines that the applicant's financial ability to respond to liability according to the schedule above is reasonably in doubt, the Board shall require the applicant to provide evidence of financial responsibility in the manner required in subpart E2a above.

- c. The Applicant may satisfy the financial responsibility requirements hereunder concurrently with any other applicable State or Federal financial responsibility requirements.
- d. Subsequent Proofs: At the time of submission of the annual report the operator shall provide updated financial information and proofs of financial responsibility.

3. Any applicant for permit transfer shall provide evidence of financial responsibility in the same manner as is required for initial application except that financial responsibility shall be demonstrated for all areas currently mined, excavated or disturbed and for 25% of the remaining area to be mined, excavated or disturbed under the permit.

F. Blasting

1. Standards
Standards or limits applicable to the use of explosives as part of any mining operation in Jefferson County shall be as provided in Section 552.30(2), Florida Statutes, and Rule 4A-2.024(4)and(5), F.A.C.
2. Monitoring and Enforcement of Blasting Standards.
 - a. Monitoring and enforcement of blasting as a part of mining in Jefferson County shall be in accordance with the standards established in Rule 4A-2.024, FAC, and this section.
 - b. The mine operator shall notify the County Code Enforcement Officer in writing in advance of engaging in blasting activity in accordance with the requirements of Rule 4A-2.024(8), F.A.C. A copy of all such notices shall be posted in a prominent public location within twenty four hours of receipt and shall remain posted until the cessation of all blasting referenced in the notices. The County Code Enforcement Officer shall be present at each blast, provided that no shot shall be required to be delayed due the County officer not being present where the blast has otherwise been appropriately permitted and noticed.
 - c. All blasting shall be recorded by an operator supplied seismometer which has been properly calibrated and shall be certified as being accurate by the manufacturer on at least an annual basis, and shall in all other respects, meets any requirements for seismometers which may from time to time be established by the State.
 - d. The seismometer shall be located at the closest habitable structure for which permission can be obtained from the property owner, or at such other location as is specified by the State Fire Marshall's Office by rule, if such differs from the above.
 - e. The mine operator shall file a written blasting report with the County Code Enforcement Officer for each calendar month in which blasting activity occurs, which must be filed not later than 5:00 p.m. on the fifteenth day of the following calendar month. The report shall be prepared by and bear the signature of the independent seismologist responsible for monitoring the blasting, and shall set forth the following information regarding each shot:
 - 1). Date of blast;

- 2). Time of blast;
- 3). Location of blast;
- 4). Number of holes;
- 5). Charge per hole;
- 6). Peak particle velocity in inches per second, as recorded by the seismometer;
- 7). Frequency, as recorded by the seismometer;
- 8). Name and address of the licensed blaster;
- 9). Name and address of the independent seismologist monitoring the blasting and preparing the report;
- 10). A copy of the printed ampligraph for each blast;
- 11). And other information required to be recorded for each blast by the rules of the State Fire Marshall's Office.

G. *Monitoring, Reporting and Enforcement.*

The Board, or the County Code Enforcement, or other County designee may inspect the applicant's property at any time during normal business hours and with reasonable advance notice, unless good cause exists for an immediate inspection. The field office of the applicant shall be informed of the presence of County inspection personnel and shall provide adequate protection for the safety of the inspection personnel.

1. The applicant shall perform the following:
 - a. Keep available at all times, any required records of inspection and the results of monitoring.
 - b. Retain an authorized representative on site while operations are in progress.
 - c. Retain on site a copy of the approved Development Permit.
2. Monitoring Standards: Monitoring and reporting in accordance with these regulations shall be performed by the applicant until all mining operations cease in the affected area. The Board may, at any time, order additional monitoring as may be reasonably necessary to protect the public health, safety and welfare.
 - a. Surface water quality shall be monitored for the same pollutants, at the same frequency, and at the same locations as is required in any validly issued Federal NPDES permit or State Industrial Wastewater Permit.
 - b. Ambient air quality shall be monitored for the same pollutants, at the same frequency, and at the same locations as is required by the Florida Department of Environmental Protection in any validly issued Title V permit. Monitoring of point source emissions of air pollutants shall also be monitored and/or tested as required by the Florida Department of Environmental Protection in any validly issued Title V permit.
 - c. Groundwater monitoring for the aquifers from which production water is withdrawn shall be accomplished in the same manner as is required applicable Water Management District according to the requirements of any validly issued consumptive water use permit.
 - d. Monitoring of mining impacts to wetlands preservation areas (if any), including surface water hydrology, surficial aquifer hydrology, rainfall, etc., shall be as required in any validly issued dredge and fill permit issued by the

United States Army Corps of Engineers and/or as required in any validly issued Environmental Resource Permit issued by the Florida Department of Environmental Protection.

- e. Monitoring for impacts to nearby and adjacent wetlands on lands not under the ownership or control of the mine operator shall be as required in Section 2.04.10D2 above
- f. The County reserves the right to require that the mine operator monitor for interference with adjacent or nearby agricultural or domestic water supply wells, or for potential dewatering of adjacent agricultural areas and/or farm and fish ponds, and to order appropriate mitigation for adverse impacts, as referenced in Section 2.04.10D2 above.
- g. All dams shall be inspected and monitored according to the standards of, and at the frequency required by, the Florida Departmental of Environmental Protection.
- h. The mine operator shall document all monitoring as required herein in written form and shall maintain monitoring reports and records for a period of at least five years, and in the instance of monitoring of impacts from mining, for a period of five years following the cessation of those mining operations or operations that gave rise to the monitoring requirement.

3. Reporting Requirements

- a. Annually upon the anniversary of the date of issuance of the development permit authorizing mining operations hereunder the mine operator shall file an Annual Operating and Reclamation Progress Report. The Annual Monitoring and Reclamation Progress Report shall address those areas set forth below and shall address any other areas where annual reporting is required by this code, including the financial responsibility requirements of section 2.04.10 E. The Annual Monitoring and Reclamation Progress Report shall also include information concerning mining and reclamation progress including the rate of mining during the preceding year, the proposed mining for the upcoming year, and the status of all reclamation activities conducted pursuant to any development permit issued hereunder.
- b. An annual monitoring summary shall be included in the Annual Monitoring and Reclamation Progress Report. The annual monitoring summary shall include a report on results of the monitoring conducted in subsection 2.04.10F2 above, and shall be presented in a format which is capable of being reviewed and understood by lay persons. The County engineer or land development administrator shall have the right to establish the format of the annual monitoring summary and to require that the same format be utilized from year to year. The annual monitoring summary shall state whether there have been any exceedances of permitted air emissions limits, air emissions stack testing failure, or exceedance of industrial wastewater effluent discharge limits. The annual monitoring summary shall also include a report on the status of any enforcement actions or investigations by any local, State or Federal agency.

- c. The Annual Monitoring and Reclamation Progress Report shall report as to the status of all reclamation conducted pursuant to any development permit issued hereunder and/or pursuant to any reclamation program area approved or required by the State of Florida, any environmental resource or dredge and fill permit issued by the State of Florida, or any Section 404 permit issued by the United States Army Corps of Engineers. The report shall also review the status of all reclamation permits or authorizations which are currently being sought from any State or Federal Agency.
 - d. Any accidental or sudden release of hazardous or toxic wastes, chemicals or materials, or the failure of any dam or impoundment, shall be reported to the County at the same time and in the same manner as required by responsible State or Federal agencies, and the mine operator shall keep the County fully informed concerning such incidents.
 - e. Any contamination of hazardous or toxic pollutants to the soils or groundwater shall be reported to the County at the same time and in the same manner as required by responsible State or Federal agencies, and the mine operator shall keep the County fully informed concerning such contamination.
4. Enforcement of this section and conditions for development permits for mining shall be as provided in the Jefferson County Land Development Code.

2.04.11 Ponds

- A. Ponds are an excavation of any size intended to collect, retain or impound water for the production of fish or other aquatic species or for recreation, for which the owner can show establish that:
- 1. Construction will be completed in one year including all restoration.
 - 2. The pond will hold water at a desired level to support fish and not clog with vegetation. The land development administrator may require the submission of additional geotechnical information and/or test results to establish to a reasonable degree of technical certainty that the soils in which, or out of which, the pond is proposed to be constructed are, or will be, hydraulically capable of holding or retaining water at the desired level.
 - 3. If it is a dammed pond, that it is properly engineered to hold the amount to be impounded; that the overflow outfall will handle any amount of runoff to be reasonably expected in the drainage corridor; and that the pond will not significantly reduce downstream flows nor increase the risk of downstream flooding.
 - 1. The finished pond must be sloped and contoured to be environmentally friendly, aesthetically pleasing and safe to approach according to the following:

- a. The sides shall be sloped not steeper than four(4) horizontal to one (1) vertical to a depth of five (5) feet below the mean surface water level.
 - b. All banks above the water line shall be seeded to prevent erosion.
 - c. Dams and spillways shall be designed to prevent catastrophic failure, and the County may require as to any proposed impoundment the submission of engineering plans and specifications under seal to establish consistency with this requirement.
 - d. Dams and spillways shall be sloped and revegetated to promote safety and prevent erosion and deterioration.
- B. Procedures. Ponds of one (1) acre or less in size may be constructed without first obtaining permit from the County upon the submission, not less than five (5) days before the start of construction, of a notice to the office of the County Land Development Administrator stating intent to construct a pond, identifying the proposed pond location, size and depth, and stating that the pond will comply with the requirements of this part. Ponds of greater than one (1) acre in size may be constructed only after receipt of a development permit for a minor development. Ponds of greater than ten (10) acres in size may be constructed only after receipt of a development permit for a major development. The surface area of all planned ponds on a parcel shall be aggregated for purposes of permitting hereunder. Area shall be measured as the size of the excavation for a below- grade pond, or the size of the water area for an impoundment. The application for development permit shall establish consistency with the requirements of this Section and will be processed as provided in this Land Development Code. No additional permit is required under this Section for any pond constructed for stormwater management or retention as part of any separately permitted development activity.
- C. Pond or Mine: The following factors and criteria will be applied by the County to determine whether any proposed or ongoing excavation is a pond as defined herein, or constitutes a mine or small scale excavation regulated under Section 2.04.10 of this Code:
1. Any notice or application for a second pond on the same parcel will be considered a mine or small scale excavation, if dirt or excavated material is to be removed from the property; provided, however, that if the owner can show that the excavation it will be used for aquaculture and is suitable for use in aquaculture, then the excavation will be treated as a pond even if the spoil is removed from the property.
 2. Any application for a pond, or any pond under construction, that does not meet the provisions of 2.04.11A will be considered a mine or small scale excavation.

3. Any application for a pond, or any pond under construction, in which excavation exceeds fifteen (15) feet deep from natural grade for over 50% of the excavated area will be considered a mine or small scale excavation.
 4. Any permit issued for a pond that is later determined to be a mine or small scale excavation shall:
 - a. Cease operation immediately and apply for the appropriate permit.
 - b. The permit application fee will be multiplied by a factor of four.
 - c. If no permit is sought then the excavation must be restored in a manner reasonably approximating the natural condition of the site within a reasonable period of time as determined by the County. If the site is not restored as required, the County may restore the site and place a lien on the property for the reasonable cost of such restoration.
 - d. Nothing herein shall be interpreted to preclude the County from taking additional enforcement action as provided in this Code.
- D. Ponds one (1) acre or less in size, while not requiring a permit from the County, do need to meet the requirement of the applicable Water Management District requirements. If it is determined that a pond is constructed is under construction that exceeds one acre without a permit then the owner shall pay twice the original fee for the pond permit and meet all the standards and application requirements. Construction of ponds permitted after the fact as provided herein shall cease during the time the County determines that such permitting is required until such time as the required permit is issued by the County.

2.05.00 *VEGETATION*

2.05.01 *General Provisions*

A. *Purpose.*

The purpose of this Section is to protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbances to vegetation, to encourage the selection of native plant species for vegetation, to reduce the impact of urban and suburban development on remaining stands of natural vegetation, to provide shade, to reduce heat and glare, to abate noise pollution, to provide habitat for living things, and to buffer incompatible uses. Included in this Section are provisions for buffers, open space, canopy roads, landscaping and tree protection.

B. *Exemptions.*

Lots or parcels of land on which a single family home is used as a residence shall be exempt from the provisions of these vegetation regulations, except that historic and specimen trees on such parcels shall be protected according to the tree protection regulations in Section 2.05.04. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require development plan approval.

C. *Landscape Materials.*

Diversity of plantings should be strived for in all required landscape plantings, and in no case should one species constitute more than fifty percent (50%) of a planting.

D. *Prohibited Plants.*

The following plants shall not be installed as landscape material:
Plants on the State list of invasive plants.

2.05.02 Landscaped Buffers

A. *Purpose and Intent.*

This Section requires landscaped buffers to be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use. Landscaped buffers are also required to conserve the values of land and buildings and to provide adequate light and air. The width of the buffer and the required plantings within the buffer vary depending upon the relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible; the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy the requirement.

B. *How to Determine Landscaped Buffer Requirements.*

Landscaped buffers shall be located at the perimeter of the building site for any given use, and shall not be located in any portion of a public right-of-way. The following procedure shall be followed to determine the type of landscaped buffer required:

1. Identify the land use district of the proposed use by referring to Section 2.02.03. Identify the land use district of the adjacent or adjoining property
2. Identify whether the proposed development and adjacent or adjoining existing uses and properties are high impact, medium impact, or low impact, Residential Class I or Residential Class II uses by referring to Section 2.05.02(E).
3. Determine the landscaped buffer required on each building site boundary (or portion thereof) by referring to Section 2.05.02(F).
4. Select the desired landscaped buffer option from those set forth in Section 2.05.02(G). Any of the listed options shall satisfy the requirement of buffering between adjacent or adjoining land uses.

C. *Landscaped Buffer Design and Materials.*

1. Existing Native Plant Material. The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer. Where the planting requirements of Section 2.05.02(G) require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.

2. Where the planting requirements of Section 2.05.02(G) require additional trees to be installed in the landscaped buffer, required landscape materials shall be Florida Department of Agriculture Nursery Grade No. 1 grade or better.
3. Mixed-Use Development. Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.
4. Parking Lot Landscaping. Perimeter plantings required for parking lot landscaping may be counted toward satisfying buffer requirements.

D. Use of Landscaped Buffers.

1. Open Space. Landscaped buffers may be counted toward satisfying open space requirements, and may be used for passive recreation. They may contain pedestrian or bike trails, provided that the total width of the buffer yard is maintained. In no event, however, shall the following uses be permitted in landscaped buffers: play fields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.
2. Stormwater Retention/Detention Facilities. The Development Administrator shall be authorized to allow stormwater retention/detention facilities to encroach into landscaped buffers a maximum of thirty (30%) percent of buffer width, where it is found that all planting requirements of this Section are met and the visual screen provided by the landscaped buffer will be fully achieved.

E. Classification of Uses for Determining Buffer Requirements.

1. Nonresidential Uses. For the purposes of determining landscaped buffer requirements, above-ground nonresidential land uses are classified as either high, medium, or low, impact uses as follows:
 - a. High Impact Uses. High impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a strong effect on abutting or adjacent uses. High impact uses include:
 - (1) Industrial Uses, as defined in Section 2.02.02(I);
 - (2) Mining Uses, as defined in Section 2.02.02(J);
 - (3) Water and Wastewater Treatment Plants;
 - (4) Electric Utility substations; and,
 - (5) All accessory uses associated with the above uses.
 - b. Medium Impact Uses. Medium impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a moderate effect on adjoining or adjacent uses. Medium impact uses include:
 - (1) General Commercial Uses, as defined in Section 2.02.02(F), except for Professional and Office Uses and Neighborhood Commercial Uses;
 - (2) Feedlots; and,
 - (3) All accessory uses associated with the above uses.

- c. Low Impact Uses. Low impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a limited effect on abutting or adjacent uses. Low impact uses include:
 - (1) Institutional Uses, as defined in Section 2.02.02(B);
 - (2) Outdoor Recreation Uses, as defined in Section 2.02.02(C);
 - (3) Professional Service and Office Uses, as defined in Section 2.02.02(D);
 - (4) Those uses specified in sub-subsections 2.02.02.G.1, 2.02.02.G.4, 2.02.02.G.5, and 2.02.02.G.6, Linear Distribution/Collection Facilities, and Linear Transmission Facilities; provided that electric or telephone or cable TV lines and their supporting structures do not require any landscape buffering; and provided, further, that no landscape buffering shall be required for any other Linear Distribution/Collection Facility or Linear Transmission Facility which does not project more than six (6) feet above the ground and which does not consist of an enclosed building and which does not include any structure having a length, width, or height greater than five (5) feet;
 - (5) Agricultural Uses, as defined in Section 2.02.02(H);
 - (6) Silvicultural Uses, as defined in Section 2.02.02(K); and,
 - (7) All accessory uses associated with the above uses.
- 2. Residential Uses. For the purposes of determining landscaped buffer requirements. Residential uses are classified as follows:
 - a. Residential Class I
 - (1) Residential uses, as defined in Section 2.02.02(A), with a density of less than four (4) units per acre. However, single family homes that are not part of larger development requiring site plan approval are exempt from all landscaped buffer yard requirements, in accordance with Section 2.05.01(B); and,
 - (2) All accessory uses associated with the above uses.
 - b. Residential Class II
 - (1) Residential uses, as defined in Section 2.02.02(A), with a density greater than or equal to four (4) units per acre; and/or intended for rental units (see 2.02.07)
 - (2) All accessory uses associated with the above uses.

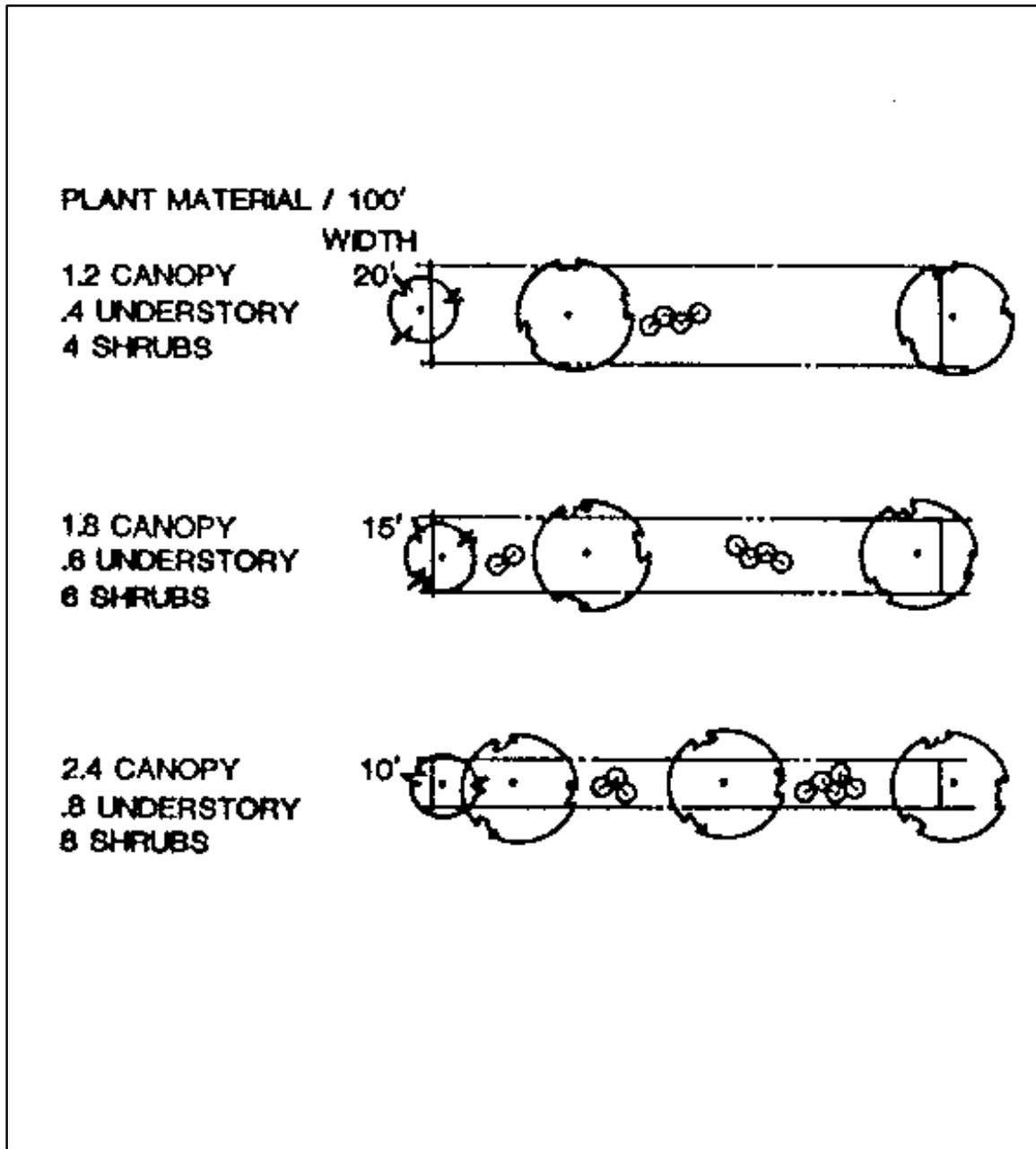
F. TABLE OF LANDSCAPED BUFFER REQUIREMENTS

Proposed Use >	High Impact	Medium Impact	Low Impact	Residential I	Residential II
Adjacent Use v	Required Buffer				
High Impact	A	B	C	D	D
Medium Impact	B	A	B	C	C
Low Impact	C	B	NONE	C	B
Residential I	D	C	C	NONE	C
Residential II	D	C	C	C	A

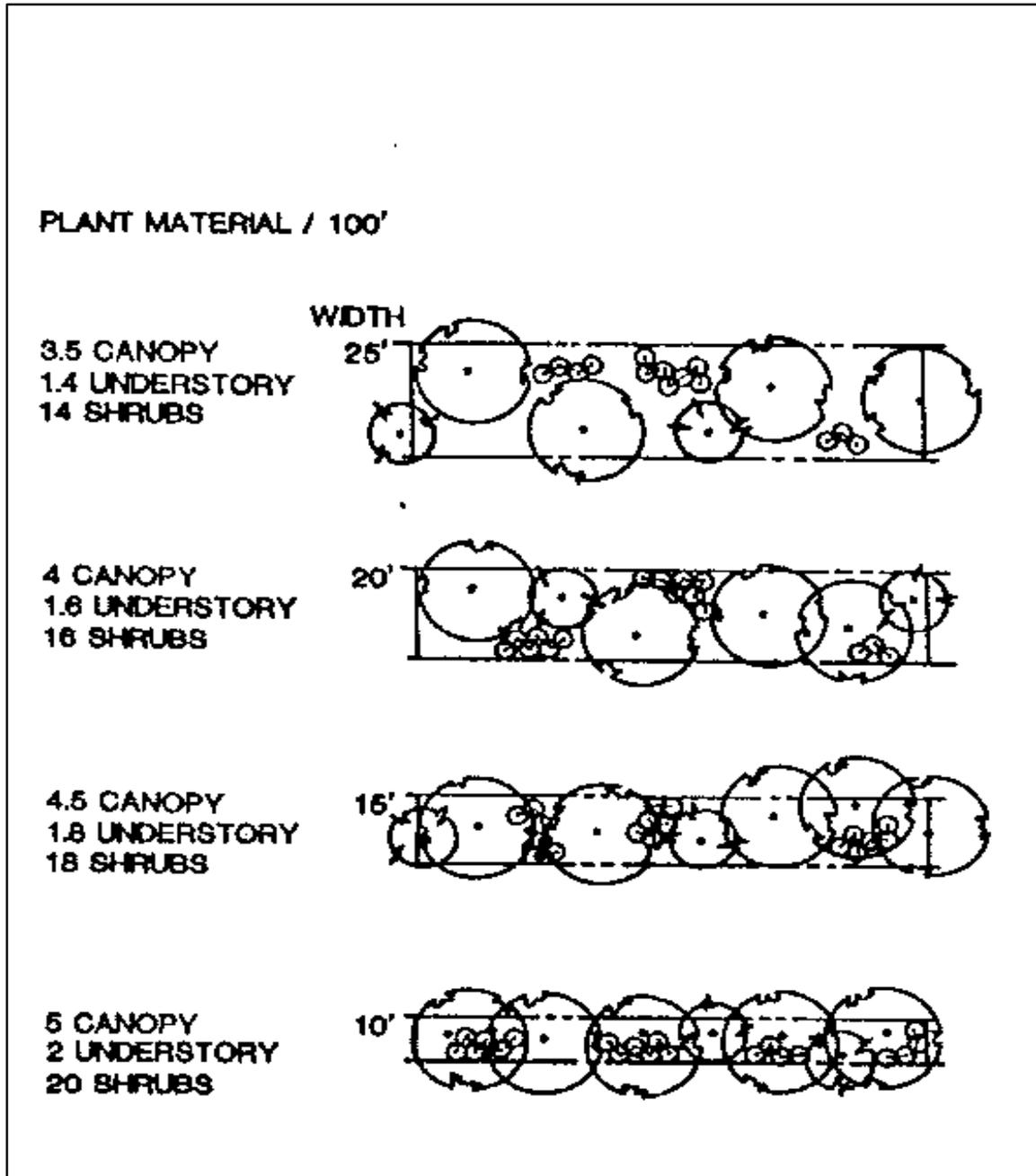
G. Landscaped Buffer Options

1. Use these specifications to select the desired landscaped buffer option for the building site. These buffer requirements are stated in terms of the width of the linear feet of buffer. To determine the total number of plants required, the length of each side of property requiring a buffer shall be divided by one hundred (100) and multiplied by the number of plants shown in the illustration.
2. The buffer is normally calculated as parallel to the property line. However, design variations, especially when used to incorporate native vegetation into the buffer area, are allowed. The edges of the landscaped buffer may meander provided that:
 - a. the total area of the buffer is equal to or greater than the total area of the required landscaped buffer; and,
 - b. the landscaped buffer measures at least five feet in width at all points along the perimeter of the property line of the site requiring a buffer.
3. When the requirements of this Section result in a fractional number of plantings, the fraction shall be counted as one plant unit.

LANDSCAPE STANDARD A

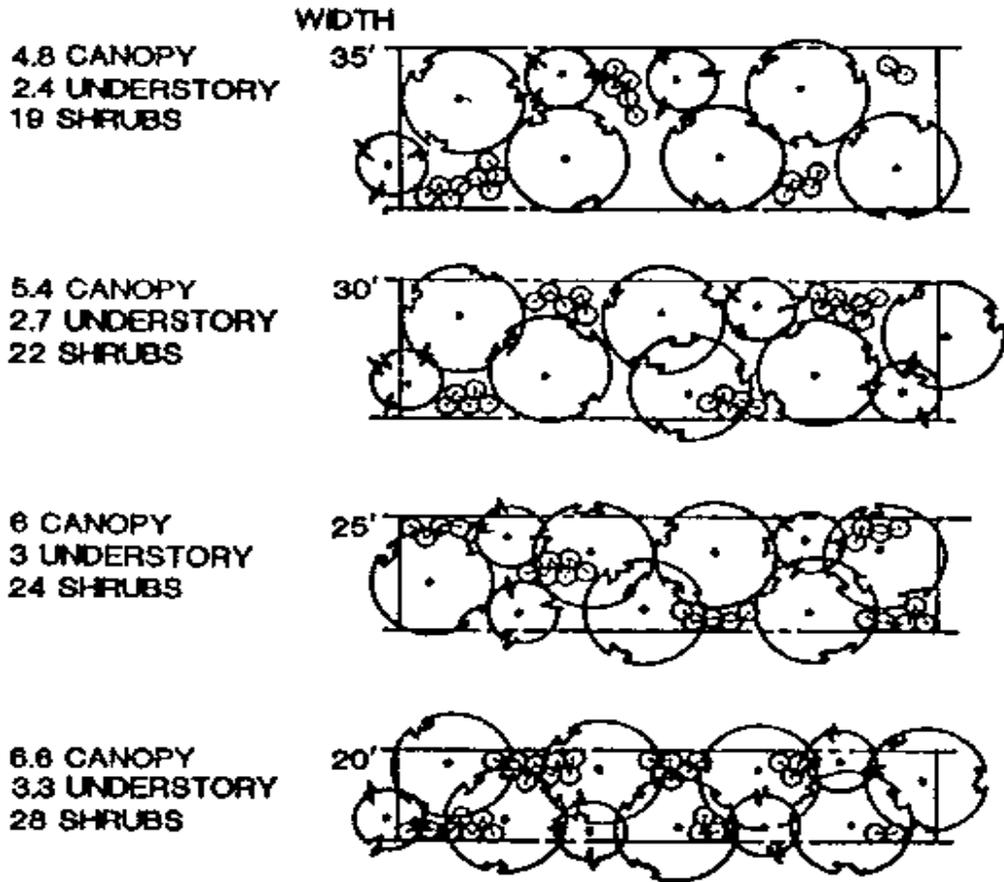


LANDSCAPE STANDARD B



LANDSCAPE STANDARD C

PLANT MATERIAL / 100'



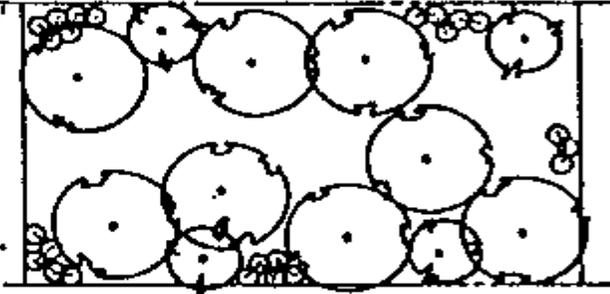
LANDSCAPE STANDARD D

PLANT MATERIAL / 100'

8 CANOPY
4 UNDERSTORY
24 SHRUBS

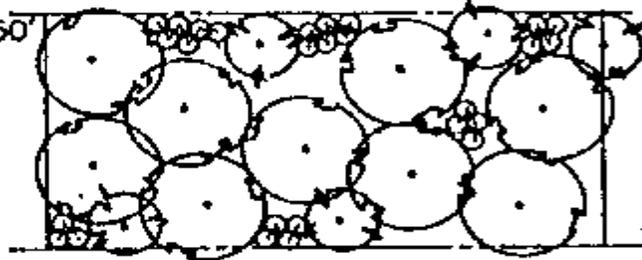
WIDTH

60'



9 CANOPY
4.5 UNDERSTORY
27 SHRUBS

50'



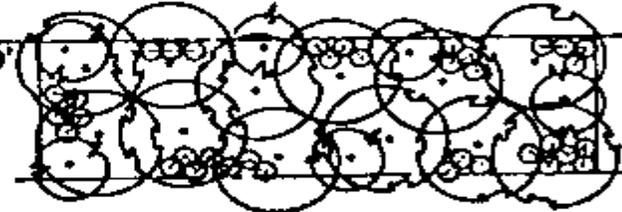
10 CANOPY
5 UNDERSTORY
30 SHRUBS

40'



12 CANOPY
6 UNDERSTORY
36 SHRUBS

30'



H. *Responsibility for Landscaped Buffers.*

1. The desired width of a landscaped buffer between two parcels is the sum of the required landscaped buffers of the parcels. Where a new use is proposed next to an existing use that has less than the required buffer for that use, a lesser buffer will be allowed, except as provided below, until the nonconforming parcel is redeveloped and brought into conformity with the buffer requirements of this Code. The developer of the new adjoining use is encouraged, however, to take into account the inadequacy of the adjoining buffer in designing the site layout of the new development.

I. *Maintenance of Landscaped Buffers.*

The maintenance of all landscaped buffers shall be the responsibility of the property owner. Failure to maintain such landscaped buffers in an attractive and healthy state shall be considered a violation of this Article subject to enforcement in accordance with Article Nine.

2.05.03 Landscaping of Vehicular Use Areas

A. *Applicability.*

The requirements of this Section shall apply to off-street parking facilities and other vehicular use areas that

1. have ten or more parking spaces; or,
2. are designed to accommodate vehicles that are larger or smaller than automobiles and are over 3,500 square feet in area.

B. *Perimeter Requirements.*

A ten-foot wide strip of land, located along the front property line adjacent to the street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide front perimeter landscape area. The landscaping in this area shall not block the clear view of a vehicle departing the property.

1. Landscaped Material Requirements in Perimeter Area.
 - a. One tree for each fifty (50) feet of linear foot frontage along the right-of-way shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches in diameter at breast height. The remaining area within the perimeter strip shall be landscaped with other landscape materials.
 - b. Trees and other landscaping required in the perimeter strip shall be maintained to assure unobstructed visibility between three (3) and nine (9) feet above the average grade of the adjacent street and the driveway intersections through the perimeter strip.

- c. In commercial or industrial areas the landscaping will be maintained so that persons seeking the establishment can easily discern the location of the facility and the entrance of the facility.

C. *Interior Planting Areas.*

1. At least ten percent (10%) of the gross area of the interior vehicular use area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven-foot wide or greater medians, or between rows of cars or as part of continuous street or transitional protective yards. Interior planting areas shall be located to most effectively accommodate stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.
 - a. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by an interior planting area.
 - b. Trees shall be required at the minimum rate of one shade tree for every three thousand five hundred (3,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be selected from the designated shade trees on the protected tree list (Section 2.05.04(B) or the tree replant list (2.05.04(F) and shall be at least eight (8) feet in height and three (3) inches in diameter at breast height.
2. Minimum size of interior planting areas.
 - a. A minimum of ninety (90) square feet of planting area shall be required for each new small shade tree.
 - b. A minimum of one hundred and twenty-five (125) square feet of planting area shall be required for each medium or large shade tree.
3. A minimum planting area of fifty (50) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than fifty (50) percent is needed to preserve the tree, additional areas may be negotiated between the applicant and the county.
4. In no case shall the minimum planting area be less than ninety (90) square feet.

D. *Vehicle Overhang.*

Vehicles shall not overhang more than two (2) feet into any interior planting area or perimeter strip.

1. Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation

of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

2.05.04 Tree Protection and Native Vegetation

A. *Permit Required to Remove Protected Trees.*

Unless exempt from the provisions of this Section, no person shall remove, or in any way damage any protected tree without first obtaining a permit from the Land Development Office in accordance with Section 9.09.05.

B. *Protected Trees.*

All trees, with the exception of pine, camphor, and pecan trees, with a Diameter at Breast Height (DBH) of twenty-four (24) inches or greater shall be considered protected trees.

C. *Exemptions.*

In addition to the exemption for single family homes set forth in Section 2.05.01.B, the following uses shall be exempt from the tree protection requirements:

1. **Utility Operations.** Tree removals by duly constituted communication, water, sewer, or electrical utility companies, or by other companies constructing or maintaining linear transmission facilities or rights-of-way or by federal, state, or county agencies, or engineers or surveyors working under a contract with such agencies shall be exempt, provided 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 service to its customers, and provided further that the activity is conducted so as to avoid any unnecessary removal and, in the case of aerial electrical utility lines, is not greater than that specified by the National Electrical Safety Codes as necessary to achieve safe electrical clearances. If the existing situation is a canopied road then every effort will be made to retain the canopy. All pruning and trimming shall be done in accordance with National Arborist Association Standards. Written notice of the removal shall be provided to the Land Development Office five (5) days prior to the removal, except that when the removal is needed to restore interrupted service under emergency conditions, no prior notice is required.
2. **Rights of Way.** The clearing of a path for existing or new roadway rights of way, provided that the rights of way are for existing roadways that are built in conformance with County standards or for new roadways that will be built in conformance with County standards. If the existing roadway is a canopy road then every effort will be made to retain the canopy. To qualify for the exemption for new roadways, the developer must post a bond, letter of credit, cash, or other

security guaranteeing the repair or replacement of the roadways in accordance with Section 9.02.11. The width of the path shall not exceed the right of way width standards for each type of roadway established in Section 5.02.02(B).

3. Commercial Growers. All commercial nurseries, botanical gardens, tree farms and grove operations shall be exempt from the provisions of this part, but only as to those trees and sites which were planted or managed for silvicultural or agricultural purposes or for the sale or intended sale in the ordinary course of business.
4. Emergencies. During emergencies caused by a hurricane or other disaster, the Development Administrator may suspend these tree protection regulations.

D. Conditions for Tree Removal Permit.

1. It is the intent of this Section to minimize the removal of protected trees and that no permit shall be granted to remove a tree if the developer has failed to take reasonable measures to design and locate the proposed improvements so that the number of protected trees to be removed is minimized. In particular, the design must attempt to preserve specimen and historic trees.
2. No permit for the removal of a protected tree shall be granted unless the developer demonstrates one or more 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, insect ridden, 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.
3. The procedures for obtaining a tree removal permit shall be in accordance with Section 9.09.05.

E. Minimum Trees on Site.

1. Trees removed pursuant to paragraph (D) above shall be replaced at the expense of the developer. Removed protected trees shall be replaced with Florida Department of Agriculture Nursery Grade No. 1 or better.

2. A minimum replacement ratio of twenty (20) trees per acre of the development site shall be required. Trees within landscape buffers shall not be counted toward the twenty (20) tree per acre minimum.
3. Single-trunk replacement trees shall be a minimum of one inch (1") caliper and a minimum of six feet (6') in overall height.
4. A replacement tree may be a tree moved from one location to another on the site.
5. Any replacement tree, planted for credit, which dies within three (3) years of planting shall be replaced by a tree of a minimum of three inches (3") in diameter at the time of planting. Should this, or any future replacement trees die within three (3) years of planting, they shall be replaced by a tree of a minimum of three inches (3") in diameter, until the survivability of a replacement beyond a three (3) year period is assured.

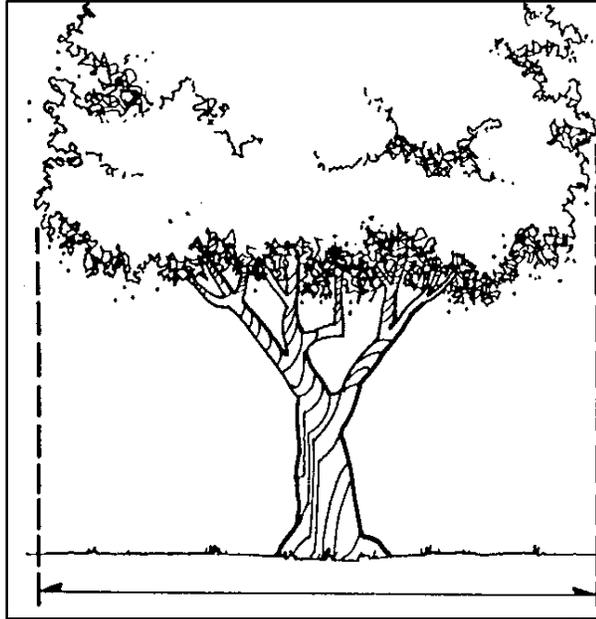
F. Historic and Specimen Trees.

1. A historic tree is one that has been designated by the Jefferson County Commission as one of notable historical interest and value to the County because of its location or historical association with the community. A public hearing shall be held by the County Commission on the designation with due notice to the owner of the tree.
2. A specimen tree is one that has been officially designated by the County Commission to be of high value because of its type, size, age, or other relevant criteria. A public hearing on the designation shall be held by the County Commission with due notice to the owner of the tree.
3. No historic or specimen tree shall be removed without a finding by the Development Administrator that the tree is a hazard or that it is not economically or practically feasible to develop the parcel without removing the tree.

G. Protection of Trees During Development Activities.

1. Generally. To assure the health and survival of protected trees that are not to be removed, the developer shall avoid the following kinds of tree injuries during all development activities:
 - a. Mechanical injuries to roots, trunk, and branches;
 - b. Injuries by chemical poisoning;
 - c. Injuries by grade changes;
 - d. Injuries by excavations; and
 - e. Injuries by paving.
2. Tree Protection Zone. A circular tree protection zone shall be established around each protected tree as follows:

- a. The zone shall be that area within a radius of one-hundred percent (100%) of the full dripline around the tree.
- 3. Development Prohibited Within the Tree Protection Zone. All development activities except those specifically permitted by Section 2.05.04(G)(5) below shall be prohibited within the tree protection zone provided for any protected trees, including any construction of buildings, structures, paving surfaces, and stormwater retention/detention ponds. All temporary construction



- activities shall also be prohibited within tree protection areas, including all digging, storage of construction material, and parking of construction vehicles.
- 4. Fencing of Tree Protection Zone. Prior to the commencement of construction, the developer shall enclose the entire tree protection zone within a fence or similar barrier as follows:
 - a. Wooden, or similar, posts at least 1.5 X 3.5 inches shall be implanted in the ground deep enough to be stable and with at least three (3) feet visible above ground.
 - b. The protective posts shall be placed not more than six (6) feet apart, and shall be linked together by a rope, chain, or wood.
- 5. Permitted Activities Within the Tree Protection Zone.
 - a. Tunneled Utility Lines - Utility lines which are tunneled beneath tree roots in order to protect feeder roots, rather than trenched.
 - b. Sodding and Ground Cover - Placement of sod or other ground covers, and the preparation of the ground surface for such covers.

H. Preservation of Native Vegetation.

In addition to the tree preservation requirements, development sites shall comply with the following requirements for the preservation of native shrubs and ground cover:

- 1. A minimum of ten percent (10%) of the total acreage of the site that is populated by native shrubs and/or ground cover shall be preserved.
- 2. The native shrubs and ground cover occurring on the site may be used to satisfy the landscaped buffer and vehicular use landscaping requirements of this Article.

I. Preservation of Protected Trees and Native Vegetation as Grounds for Reduction in Required Parking.

1. A reduction of required parking spaces may be allowed by the Development Administrator when the reduction would result in:
 - a. the preservation of a protected tree with a trunk of twenty-four (24) inches in diameter or greater; or,
 - b. the preservation of native shrubs and/or ground cover in a quantity exceeding the minimum requirements of Section 2.05.04(H).

2. The reduction in required parking may be granted only if it will prevent the removal of a protected tree or native vegetation that is located within the area of the site designated as a vehicular use area. The following reduction schedule shall apply:

Reduction Schedule	
Number of Required Parking Spaces	Reduction of Required Parking Spaces Allowable
1 to 5	0
5 to 9	1
10 to 19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees or percentage of native vegetation preserved)

2.05.05 Resource Protection Buffers

A. Riverine.

A minimum one hundred (100)foot buffer, measured landward from the wetlands jurisdictional line shall be established along all rivers and streams. Within this buffer, permanent structures will be prohibited and clearing of native vegetation, other than in areas designated for silvicultural use, shall be limited to provide only for reasonable access to the shoreline and approved water dependent structures.

B. Lacustrine.

A minimum one hundred (100) foot buffer, measured landward from the wetlands jurisdictional line shall be established along natural water bodies. Within this buffer, permanent structures will be prohibited and clearing of native vegetation shall be limited to provide only for reasonable access to the shoreline. The exception to this is approved water dependent structures.

C. Historic.

All development (regardless of location) shall maintain a minimum twenty-five fifty (50)-foot buffer from known archaeological or historical sites not used as dwellings.

2.05.06 Open Space

A. Definition. See Section 2.00.02(F).

B. Minimum Provisions.

The open space of a development site shall be no less than the total site area less the maximum impervious surface coverage allowed. At least ten percent (10%) of the total development site must be comprised of existing native vegetation allowed to remain on site.

2.05.07 Canopy Roads

A. Protection Zones Designated.

The following are designated Canopy Roads in Jefferson County. Other roads that meet the definition will have the same protections even if they are not named:

1. Whitehouse Road.
2. WPA Road.
3. Tecumsek Road.
4. Malloy Landing.
5. Avalon Road.

B. Access Management.

See Section 5.02.01.

C. Speed Limits.

See Section 5.02.02.

D. Limitations on Removal of Specimen Trees.

The trees protection provisions of Section 2.05.04 shall apply to the rights-of-way of those roads designated as canopy roads. All efforts shall be made to minimize the removal of specimen trees within the right-of-way of a canopy road including, but not limited to, the relocation of driveways.

E. Mandatory Replacement of Trees.

See Section 2.05.04.