JEFFERSON COUNTY, FLORIDA

LAND DEVELOPMENT CODE
2015

NOTE: When the Board of County Commissioners has given consensus approval of this draft document, all the red/strikethrough language will be deleted and all the blue/underlined proposed language changed to normal black non-underlined text as a "clean" final document for adoption with the above red/underlined descriptive text removed. The date and Ordinance of Adoption number will be inserted for publishing the approved final document.

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THIS LAND DEVELOPMENT CODE IS A REPLACEMENT OF ALL PREVIOUS LAND DEVELOPMENT CODES

COMPLIANT WITH THE

JEFFERSON COUNTY
2025 COMPREHENSIVE PLAN

ADOPTED FEBRUARY 2, 2012

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JEFFERSON COUNTY LAND DEVELOPMENT CODE

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ARTICLE ONE - GENERAL PROVISIONS

1.0.0. TITLE

These regulations shall be known, referred to, and cited as "The Jefferson County, Florida, Land Development Code" or "Land Development Code" or "Code."

1.1.0. AUTHORITY

1.1.1. PURPOSE OF THE LAND DEVELOPMENT CODE

It is the purpose of this Code to combine the regulations of various aspects of land development and use of natural resources into a common system of administration and appeals, in order to simplify the application process for the public, to conserve personnel resources of County Government, and affect a harmonious arrangement of structures, ways, and natural features.

1.1.2. STATE STATUTES IN SUPPORT OF CODE

The Board of County Commissioners in adopting and enforcing the Code derives its power and authority from 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), and the general powers in Chapter 125, Florida Statutes, and other statutes conferring power upon counties to conserve natural resources, manage the environment and regulate development in order to further the health, order, comfort and convenience of County residents and visitors.

1.1.3. SOURCES OF REGULATION AND INTERPRETATION

A. Sources of Regulation

1. Comprehensive Plan. This Land Development Code has and will be periodically updated to remain consistent with the intent and guidance of the Goals, Objectives, and Policies of the Jefferson County Comprehensive Plan. A presumption is made that ~~a~~ any new development is consistent with the Jefferson County Comprehensive Plan if it meets the requirements of this Code.
2. Performance Criteria. The impact of a proposal can be tested against performance criteria and other standards set out in this Code. Some such criteria and standards are of a qualitative nature calling for expert and discretional interpretation and application.
3. Precedent of Past Development Decisions. Records shall be kept of past development decisions in Jefferson County at the Land Development Office to assist officials in making decisions, which are consistent with precedent.

B. Principles for Interpreting Regulation

These rules should be applied in the interpretation of various sources of regulation:

1. In the interpretation and application of this Code all provisions shall be liberally construed in favor of the goals, objectives and policies of the Jefferson County Comprehensive Plan.
2. Comprehensive Plan graphic and policy statements, mapped controls, performance criteria and other regulations are guides to case by case decision-making over development permit applications. The adoption of such mapped controls, performance criteria and other regulations does not confer rights on land owners to any use of building or structure indicated by such regulations, and does not confer rights to a development permit or permits.

1.1.4. MATERIALS INCORPORATED BY REFERENCE

The following materials have been adopted by reference throughout this Code:

- Jefferson County Comprehensive Plan
- National Arborist Association Standards
- FDOT Generalized LOS Tables
- ITE Trip Generation Report
- National Wetlands Reconnaissance Survey
- The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Old Buildings
- FDOT Bicycle Facilities Planning and Design Manual
- Florida Division of Forestry Silviculture Best Management Practices Manual
- Minimum Requirements for Pipes and for Drives
- ITE: Traffic Access and Impact Studies for Site Development - A Recommended Practice
- Florida Building Code
- DEP Stormwater and Wetland Rules
- NWFWMD and SRWMD Permitting Rules
- U.S. Department of Labor Occupational Safety & Health Administration (OSHA) North American Industry Classification System (NAICS) - SIC Division Structure

1.2.0. OBJECTIVES OF CODE

This Land Development Code shall be interpreted and administered to carry out these objectives as the county has the resources and defined code to regulate them:

A. To establish a procedure for deciding whether a land development activity should occur where and as proposed, which procedure:
   1. Makes mapped information about resources and constraints at that location available to the applicant and the decision-makers;
   2. Makes performance criteria available as a means of evaluating such proposal;
   3. Allows citizen participation in such decision; yet
   4. Furthers the predictability of the outcome of such decision, for the benefit of public and private interests, which rely on the predictability of such decisions.

B. Contribute to the carrying out of the Comprehensive Plan of Jefferson County;

C. Secure safety from flood water, mud slides, hurricane, blowing dust, geologic hazards, fire, building collapse, vehicular traffic, noise, odors, pollutants and other dangers to health;

D. Protect public from exposure to unsafe or unpalatable domestic water supplies, and from risks and annoyance from inadequate liquid waste disposal systems;

E. Protect the County's varied and complex environment;

F. Prevent overcrowding of land or intensity of use which is high in relation to land capacity considering soils, slope, ground and surface water resources, plant life, airshed and other limitations;

G. Protect as educational and recreational resources of the County the natural and built features of the outdoor environment including archaeological sites, communities of historic, anthropological or architectural interest, historic areas, landmarks, unique natural landforms, water resources, plant or animal communities, while at the same time providing for the needs of the people;

H. Create a variety of distinct residential and nonresidential places in the County; thereby enhancing choices available to persons in their roles as residents, workers, shoppers, and visitors;

I. Encourage land use and land development according to the accepted professional practices of environmental protection, land use planning, architecture, landscape architecture, rural design, urban and civic design;

J. Encourage spontaneity and innovation in land use arrangements and building design on the part of private land owners and land developers within the County;

K. Minimize dependence on fossil fuels and other exhaustible resources in the provisions of light and climate control in and around buildings and structures;

L. Realize a pattern of locations of dwelling units, jobs, and other trip origins and destinations to encourage pedestrian and bicycle travel, to minimize vehicular trips and trip lengths, and to facilitate the operation of public and quasi-public transportation systems;

M. Facilitate the adequate provision of utilities, roads, schools, parks, and other public requirements;

N. Protect public investment in lands, roads, parkways, trails, schools, and other buildings by controlling the appearance and intensity of activities on private lands nearby;

O. Economize public investments in County infrastructure by controlling location, intensity and staging of development;

P. Control and abate the unsightly use of land and buildings;

Q. Enhance and protect the visual and functional aspects of the County's natural and built features;

R. Encourage owners and occupants of residential and nonresidential settlements, subdistricts, centers and locales to decide on their common preferences regarding signs, placing of utility lines, building form and style, materials and color, vegetation, location and treatment of parking areas and similar components of visual character so that these can be incorporated into the Land Development Code and thereby create and protect the individuality and uniqueness of different places and life styles in the County;

S. Prevent the uncertainty and expense in the allocation of water resources and public facilities which results when the sales of lots in land subdivisions greatly exceeds the rate at which buyers of lots occupy residences on such lots;

T. Ensure by means of occupancy permits that changes in the use of enclosed and outdoor space occur only according to the requirements and procedures of this Code;

U. Provide by means of registration for the amortization and compulsory retirement of certain classes of nonconforming structures and uses of land, such as outdoor advertising and outdoor storage of used items;

V. Carry out the purposes of this Land Development Code; and such other purposes which are set out in the various Statutes cited in Section 1.01.02 of this Land Development Code; and

W. Implement the requirements of 163.3202, F.S., and 9J-24, F.A.C.

X. Protects and enhances environmentally significant areas such as wetlands, floodplains, wildlife habitats, protected species of flora and fauna, and those other natural and man-made elements integral to enhance and maintain the overall character envisioned by the citizens for the County.

1.3.0. DEFINITIONS USED THROUGHOUT THIS CODE:

All general provisions, terms, phrases and expressions contained in this Code shall be liberally construed in order that the true intent and meaning of the Board of County Commissioners (the Board) may be fully carried out. The words, terms, and phrases, used throughout this Code shall be interpreted so as to give them the meaning they have in common usage and to give this Code it's most reasonable application. The definitions and meanings ascribed to them are outlined below and are to be used in this Code, except where the context clearly indicates a different meaning. Unless otherwise specifically provided herein, terms shall have the meanings prescribed by the statutes of the State of Florida for such terms.

1) *100-Year Flood Area:* Those areas within the scope of this Code that have a land elevation less than the Official 100-Year Flood Elevations.
2) *Abandoned Structure(s):* Property that has no apparent signs of current residence due to its unused or derelict condition.
3) *Abut:* To physically touch or border upon; or to share a common property line.
4) *Accessory Sign:* A permanent ground or building sign that is permitted under this Code as incidental to an existing or proposed use of land.
5) *Adverse Effect:* An increase in flood elevations on adjacent properties attributed to physical changes in the characteristics of the Official 100-Year Flood Area due to development.
6) *Advertising:* Sign copy intended to directly or indirectly promote the sale or use of a product, service, commodity, entertainment, or real or personal property.
7) *Adversely Affected Person:* Any person who is suffering or will suffer an adverse impact to an interest protected or furthered by the Jefferson County Comprehensive Plan, including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large, but must exceed in degree the general interest in community good shared by all persons.
8) *Antenna:* 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.
9) *Authorized Jefferson County Agent(s):* may be used to indicate a present or future position such as County Floodplain Manager, Code Enforcement Officer, County Engineer, Consulting Engineer, Environmental Officer/Engineer, or Building Official.
10) *Availability:* At a minimum, the facilities and services will be in place and available to serve new development no later than the issuance by the local government of a certificate of occupancy or its functional equivalent.
11) *Boundary Adjustment.* A Boundary Adjustment is a process that results in the change of one or more "legs" of the boundary between two or more parcels by mutual agreement of the owners of adjacent parcels. While the change of boundary configuration may affect the total acreages of the parcels, any change resulting in an alteration to the development potential of either parcel shall be noted on the approval document and the deed of the affected parcel when necessary.
12) *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.
13) *Building Placement:* A measure, such as a setback, intended to control the location of structures within a development site.
14) *Building Sign:* A sign displayed upon or attached to any part of the exterior of a building, including walls, windows, doors, parapets, marquees and roof slopes of forty-five (45) degrees or steeper.
15) *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.
16) *Collocation:* As used in this Code, refers to the placing of two or more antennas upon one tower.
17) *Commercially Developed Parcel:* A parcel of property on which there is at least one walled and roofed structure used, or designed to be used, for other than residential or agricultural purposes.
18) *Common Facilities:* All the real property and improvements set aside for the common use and enjoyment of the residents of a cluster development, including, but not limited to, buildings, open space, private streets, parking

areas, walkways, recreation areas, drainage easements, and any utilities that service more than one unit, such as sewerage and water supply facilities.

19) *Concurrency:* The necessary public facilities and services to maintain the adopted level of service standards are available when the impacts of development occur.
20) *Concurrency Management System:* The procedures and/or process that Jefferson County uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.
21) *Conservation Easement:* The grant of a property right or interest from the property owner to another person, agency, unit of government, or a qualified organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development in perpetuity.
22) *Conservation Subdivision.* A form of residential development that concentrates buildings or lots on part of the site to allow the remaining land to be used for common open space, recreation, and preservation of environmentally sensitive features. The concentration of lots is facilitated by reduction in lot size. A conservation subdivision will consist of one or more cluster groups surrounded by common open space. Since a Conservation Subdivision must be designed to protect lands designated as environmentally sensitive as well as an equal amount of otherwise developable lands, a density bonus is available to encourage these type of developments in an effort to preserve the overall rural and agricultural character of Jefferson County. (See Article 5, Section 5.16.0.)
23) *Copy:* The linguistic or graphic content of a sign.
24) *Deed Restrictions:* A restriction on the use of a property set forth in the deed.
25) *Density, Gross:* A measure of the concentration of development applied to residential land uses and expressed in terms of dwelling units per acre. The total number of dwelling units divided by the total site area, including public rights of way and dedicated drainage or utility sites.
26) *Developer:* Any person who engages in development either as the owner or as the agent of an owner of the property.
27) *Development or Development Activity:*
    a) For purposes of this Code, "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 Code; 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 Code, shall not be deemed to be activities requiring a development permit; 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 Code and for no other purpose whatsoever.

    ALSO

    b) The carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into the following activities or uses shall be taken for the purposes of this Code to involve "development":
        1. A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
        2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.
        3. Alteration of a shore or bank of a seacoast, river, stream, lake, pond, or canal, including any "coastal construction", as defined in Chapter 161.021, F.S.
        4. Commencement of drilling, except to obtain soil samples, or as a part of a permitted mining, or excavation on a parcel of land.
        5. Demolition of a structure.
        6. Clearing of land as an adjunct of construction.
        7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

        The following operations or uses shall not be taken for the purpose of this Code to involve "development":
        1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
        2. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established rights-of-way any sewers,

mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.

3. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling.
5. The use of any land for the purpose of growing plants, crops, trees, and other agricultural and forestry products; raising livestock; or for other agricultural purposes.
6. A change in use of land or structure from a use within a class specified in this Code to another use in the same class.
7. A change in the ownership or form of ownership of any parcel or structure.
8. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

"Development," as designated in this Code, includes all other development customarily associated with the designation unless otherwise specified. When appropriate to the context, "development" refers to the act of developing or to the result of development. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities are not development. Reference to particular operations is not intended to limit the generality of this definition.

28) *Development Order:* Shall include a zoning change, subdivision preliminary platting, building permit, site development plan, and other land use applications as determined by the County.

a) *Final Development Order:* The final authorization order granting, denying, or granting with conditions an application for a development project or activity. This authorization must be granted prior to issuance of a development permit as defined for purposes of this Code. (The final development order authorizes the project, whereas the development permit authorizes specific components of the project, such as building construction, parking lot installation, landscaping, and the like.) For purposes of this Code preliminary plats and/or site plan approval is the final development order.

b) *Preliminary Development Order:* Any preliminary approval, which does not authorize actual construction, mining, or alterations to land and/or structures. A preliminary development order may include conceptual and conditional approvals where a series of sequential approvals are required before action authorizes commencement of construction or land alteration. For purposes of this Code preliminary development orders include preliminary development plan approval, and master plan approval.

29) *Development Permit:* For purposes of this Code a development permit is that Official County document which authorizes the general plan of development. After a development permit is issued all types of construction permits (plumbing, electrical, foundation, mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, and flood protection permits, can be issued as required.

30) *Development Rights:* A broad range of less than fee-simple ownership interests. An owner may keep fee-simple rights to his land and sell the development rights to another. The owner retains the title, but agrees to keep the land neutral and undeveloped, with the right to develop resting with the holder of the development rights. See Transfer of Development Rights.

31) *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.

32) *Dwelling Unit:* A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.

33) *Electric Sign:* Any sign containing electric wiring.

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

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

36) *Essential service:* 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.

37) *"Exempt" Subdivision:* An "Exempt" Subdivision is a subdivision of a large parcel where all lots are a minimum of 100 acres in the Agriculture 20 and Conservation Land Use Districts and a minimum of 50 acres in all other Land Use Districts.

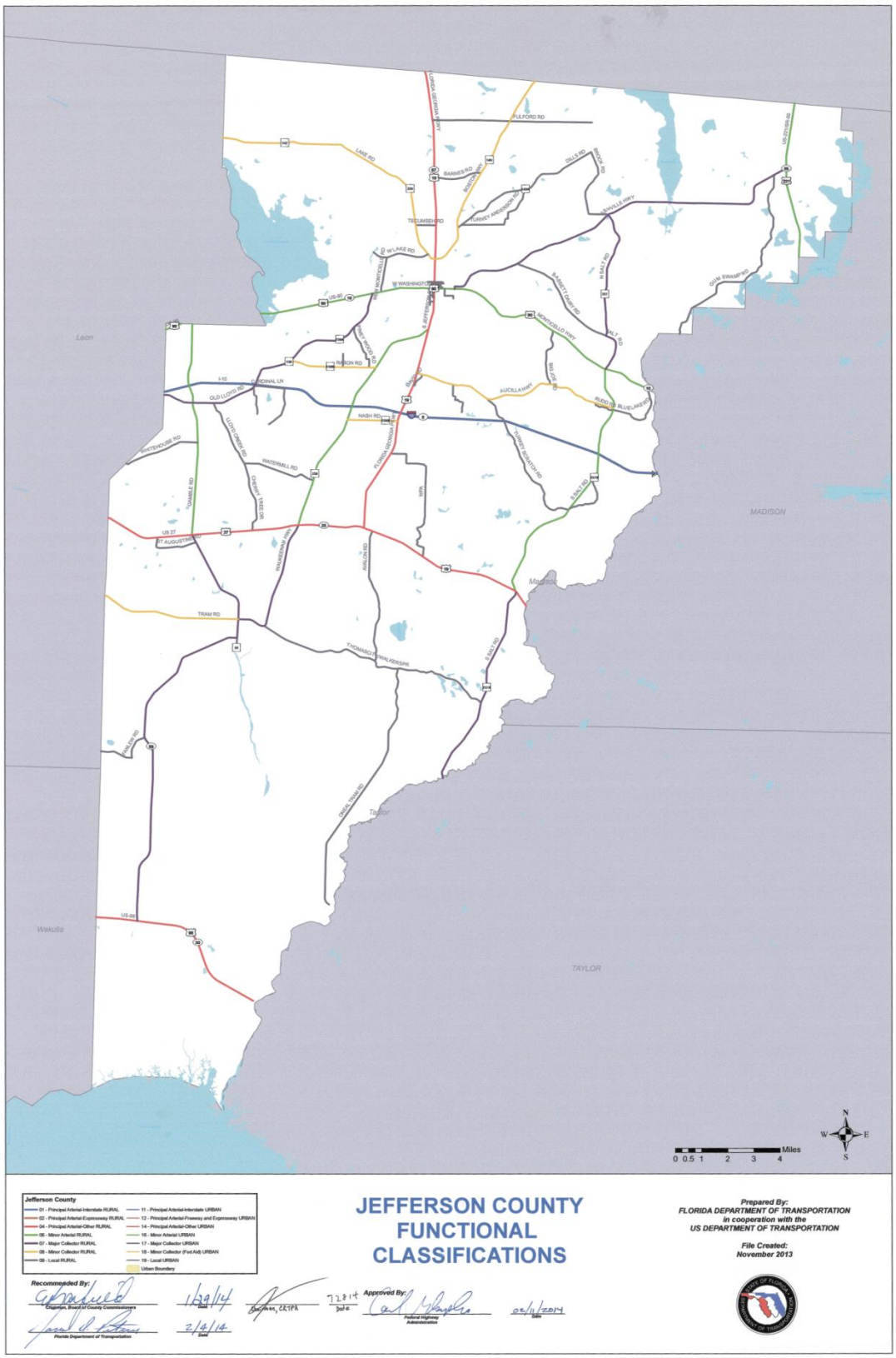
38) *FAR - Floor Area Ratio:* A measure of the intensity of development on a site calculated by adding together all

floor areas of all floors and dividing this total by the gross site area.

39) *Farmstead:* A group of existing buildings with accessory structures used for agricultural purposes, such as barns, silos and storage sheds.
40) *FDEP or DEP:* The Florida Department of Environmental Protection.
41) *FDOH or DOH:* The Florida Department of Health
42) *FHWA:* U.S. Department of Transportation Federal Highway Administration
43) *Fill:* Any material deposited for the purpose of raising the level of the natural land surface.
44) *Flood:* A temporary rise in the elevation level of the surface of a body of water, natural or man-made, including, but not limited to rivers, streams, creeks, lakes, or ponds, that results in inundation of surrounding areas not ordinarily covered by water.
45) *Flood Elevation of Record:* The maximum flood elevation of a water body for which historical records exist.
46) *Flood Plains (Flood Prone)(Special Flood Hazard Areas):* Those lands, including the flood plain, flood fringe, flood way, and channel, subject to inundation by the 100-year recurrence interval flood, or where such data are not available, the maximum flood of record. These lands and conditions are also referenced herein as "flood prone areas" or "Special Flood Hazard Areas" as indicated on the countywide NFIP (National Flood Insurance Program) FEMA (Federal Emergency Management Agency) FIRM (Flood Insurance Rate Map) which became effective February 5, 2014 with implementation of the Floodplain Management Ordinance 2013-111913-01 creating Chapter 11 "Floodplain Management" of the Jefferson County Code of Ordinances. FEMA FIRM information is available through the Planning Department.
47) *Floor Area, Gross:* The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of the walls, or from the centerline of a wall separating two (2) buildings, including outdoor areas dedicated to primary use but excluding; exterior stairwells, balconies, uncovered porches and patios, interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.
48) *Frontage:* The length of the property line of any one parcel along a street on which it borders.
49) *Functional Roadway Classifications:* Jefferson County is primarily rural in nature with only one incorporated city and several unincorporated villages or traditional communities. The following listing is from the Jefferson County Functional Classifications - FDOT/USDOT Map dated November 2013:
    - *Principal Arterial - Interstate RURAL:* Interstate 10/SR8 from Madison County to Leon County.
    - *Principal Arterial – Expressway RURAL:* none
    - *Principal Arterial – other RURAL:* South Jefferson Hwy/US19/SR57 from E./W. Capps Hwy/US27/SR20 through Monticello, then North Jefferson Hwy (Florida-Georgia Pkwy)/US19/CR57 to Florida/Georgia State Line; East Capps Hwy/US27/SR20 from Madison County to US19/SR57, then West Capps Hwy/US27/SR20 to Leon County; Nutall Hwy/US98/SR30 from Taylor County to Wakulla County.
    - *Minor Arterial RURAL:* East Washington Hwy(Monticello Hwy)/US90/SR10 from Madison County to Monticello & West Washington Hwy/US90/SR10 to Leon County; Waukeenah Hwy/CR259 from South Jefferson Hwy/US19/SR57 to West Capps Hwy/US27/SR20; South Salt Rd/CR257 from East Capps Hwy/US27/SR20 to East Washington Hwy (Monticello Hwy)/US90/SR10; South Quitman Hwy/US221/SR55 from Madison County to Ashville Hwy & North Quitman Hwy/US221/SR55 to Georgia State Line; Gamble Road/SR59 from W Capps Hwy/US27/SR20 north to Jefferson County Line (then to Mahan Drive/US90/SR10 in Leon County).
    - *Major Collector RURAL:* Gamble Road/SR59 from West Capps Hwy/US27/SR20 south to Nutall Hwy/US98/SR30; South Salt Road/CR 257 from East Capps Hwy/US27/SR20 to Madison County Line; Waukeenah Hwy/CR259 from West Capps Hwy/US27/SR20 to Gamble Rd/SR59; Old Lloyd Road/CR158 from Leon Co. line to Rabon Rd./CR/ 158B, then as CR158A to West Washington Hwy/US90/SR10; North Salt Rd/CR257 from East Washington Hwy(Monticello Hwy)/US90/SR10 to Ashville Hwy/CR146; Ashville Hwy/CR146 from East Washington Hwy/US90/SR10 to North Quitman Hwy/US221/SR55.
    - *Minor Collector RURAL:* Tram Road from Leon County Line to Gamble Rd SR59; Nash Rd CR158B from Waukeenah Hwy/CR259 to South Jefferson Hwy (Florida-Georgia Pkwy)/US19/CR57; Lake Road/CR259/CR142 from North Jefferson Hwy (Florida-Georgia Pkwy)/US19/CR57; Boston Hwy/CR149 from North Jefferson Hwy (Florida-Georgia Pkwy)/US19/CR57 to Florida/Georgia State Line; Aucilla Hwy/CR158;
    - *Local RURAL:* Fulford Road; Barnes Road; Tecumseh Road; Dills Road/CR149A; Turney Anderson Road; Brock Road; Bassett Dairy Road; Gum Swamp Road; Big Joe Road; Blue Lake Road; Rudd Road; David Road; Turkey Scratch Road; WPA Road Avalon Road; Thomas City/Walker Springs Road; ONeal Tram

Road; Fanlew Road; St Augustine Road; Whitehouse Road; Cherry Tree Drive; Lloyd Creek Road; Watermill Road; Cardinal Lane; Piney Wood Road; New Monticello Road; West lake Road.

(**NOTE:** The above-listed roads are specifically indicated on the map as shown below; however, all remaining unlisted County paved or unpaved and private paved or unpaved roads are also classified as local roads.



50) *Ground Sign:* A sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached

to any part of a building.

51) *Habitable Floor:* Any floor used or to be used for living purposes, which includes working, sleeping, eating, cooking, recreation, or a combination thereof. A floor used only for storage purposes having only non-load bearing walls, e.g. breakaway latticework, wall, or screen, is not a habitable floor.

52) Harmful to Minors: With regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
   a) predominately appeals to the prurient, shameful, or morbid interest of minors in sex, and
   b) is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable sexual material for minors, and
   c) taken as a whole, lacks serious literary, artistic, political, or scientific value.
   d) The term "harmful to minors" shall also include any non-erotic word or picture when it:
      i) is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable for viewing by minors, and
      ii) taken as a whole, lacks serious literary, artistic, political, or scientific value.

53) *Hazardous Waste:* A material identified by the Department of Environmental Regulations as a hazardous waste. These may include but are not limited to a substance defined by the Environmental Protection Agency based on the 1976 Resource Recovery and Reclamation Act, as amended, as:
   a) being ignitable, corrosive, toxic, or reactive;
   b) fatal to humans in low doses or dangerous to animals based on studies in the absence of human data;
   c) listed in Appendix 8 of the Resource Recovery and Reclamation Act as being toxic and potentially hazardous to the environment.

54) *Height (of a building or structure):* 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.

55) *Homeowners Association*: An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a cluster development.

56) *Housing Density Determination:* Process of determining the maximum number of units that can be developed in a conservation subdivision.

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

58) *Impervious Surface:* A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.

59) *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.

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

61) *Inoperative Vehicle:* Any vehicle, except agricultural and silvicultural equipment, which cannot be legally driven on a public road due to its unsafe or incomplete condition or does not have a current Florida tag.

62) *Intersecting Streets* in addition to meaning the intersection of streets of public right-of-way may also mean a private driveway or a private street and its intersection with a public street.

63) *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.

64) *Junk & Debris:* Shall mean waste material including but not limited to, putrescible and nonputrescible waste, combustible and noncombustible waste, and generally all material such as paper, cardboard, tin cans, lumber, concrete rubble, glass, bedding, crockery, household furnishings, household appliances, dismantled pieces of motor vehicles or other machinery, rubber tires, rusted metal articles of any kind, wrecked motor vehicles, inoperative motor vehicles, any vehicles of only nominal salvage value, and abandoned or uninhabitable housing.

65) *Junk Yard:* The outdoor accumulation, storage, processing and/or sale of junk and debris or of more than four (4) inoperative vehicles.
66) *Lacustrine:* of, relating to, or associated with lakes.
67) *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.
68) *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.
69) *LOS – Level of Service:* The measurement utilized as a standard to adequately maintain functional use of public infrastructure, facilities, and/or services to meet the public needs concurrent with new development.
70) *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.
71) *Lot of Record:* Any parcel of land with a deed recorded in the Public Records of Jefferson County, Florida, describing the parcel by a metes and bounds legal description or by reference to a subdivision plat recorded in accordance with Chapter 177, Florida Statutes, and indicating the conveyance of said parcel to the current owner(s) of said parcel.
72) *Manufactured Building:* A closed structure, building assembly, or system of subassemblies, which may include structural, electrical, plumbing, heating, ventilating, or other service systems manufactured in manufacturing facilities for installation or erection as a finished building or as part of a finished building, which shall include, but not be limited to, residential, commercial, institutional, storage, and industrial structures. The term includes buildings not intended for human habitation such as lawn storage buildings and storage sheds manufactured and assembled offsite by a manufacturer certified in conformance with this part. This part does not apply to mobile homes. F.S. 553.36.
73) *Manufactured Home:* A mobile home fabricated on or after June 15, 1976, in an offsite manufacturing facility for installation or assembly at the building site, with each section bearing a seal certifying that it is built in compliance with the Federal Manufactured Home Construction and Safety Standard Act. F.S. 320.01.
74) *Manufacturing*: The use of machines, tools and labor to produce goods for use or sale. The term may refer to a range of human activity, from handicraft to high tech, but is most commonly applied to industrial production, in which raw materials are transformed into finished goods on a large scale. Such finished goods may be used for manufacturing other, more complex products, such as aircraft, household appliances or automobiles, or sold to wholesalers, who in turn sell them to retailers, who then sell them to end users – the "consumers".
75) *Marquee:* A structure projecting from and supported by a building which extends beyond the building line or property line and fully or partially covers a sidewalk, public entrance or other pedestrian way.
76) *Major Road:* means the one which has the right-of-way or larger traffic volume; or as determined by the Planning Official, or his designee, based upon sound engineering practices.
77) *Minor Replat:* A process for the subdivision of lots, primarily for use in recorded plats but also permitted in unrecorded subdivisions, whereby one or more lots may be reconfigured and/or re-subdivided, provided the density does not exceed the underlying land use category of the subdivision and all lots have frontage on existing publicly or privately maintained roads.
78) *Mobile Home:* A structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers, unless they have been placed on a permanent foundation. Mobile Homes must comply with the underlying Land Use and designated density.
79) *Mobile Home Park:*
    a) Six or more Mobile Homes on a parcel or contiguous parcels, owned by one person or through joint ownership with several persons.
    b) A development constructed for the placement of multiple mobile homes for rental purposes only. The individual mobile homes in the development may be owned by the owner(s) of the development or the tenants may own a mobile home and rent the placement site/lot or plot.
80) *Mobile Home Subdivision:* A subdivision specifically designed with lots to be sold to individuals for placement of

mobile homes only.

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

82) *Nonconforming Development:* A structure or use that does not conform to the land use district (or zoning district) regulations in Article Two, the current building regulations, and/or the development design and improvement standards in Article Five. Article Seven contains provisions regarding nonconforming structures and uses.

83) *Nonprofit Conservation Organization:* A nonprofit corporation, charitable trust, or other nonprofit organization described in Section 501 (c)(3) of the Internal Revenue Code, which includes the "acquisition of property or rights in property for conservation purposes" as part of its mission, as reflected in the bylaws, charter, or incorporation papers of the organization.

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

85) *Official 10-Year Flood Elevation:* The most recent and reliable flood elevations based on a log Pearson type III probability distribution produced by the United States Geological Survey and based on historical data. Determination of 10-year flood elevations certified by a Florida Registered Engineer, based on field studies, is acceptable.

86) *Official 100-Year Flood Map:* The map that delineates, to the nearest section, the areas having ground elevations that are less than the Official 100-Year Flood Elevations.

87) *Official 100-Year Flood Elevation:* The most recent and reliable flood elevations established by the Federal Emergency Management Agency (FEMA) or, determination of 100-year flood elevations certified by a Florida Registered Engineer, based on field studies, are acceptable.

88) *Open Space:*
   a) 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.
   b) Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the Open space are restricted in perpetuity through the use of an approved legal instrument.

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

90) *Outdoor Storage Activity:* Land used for the storage, handling, or display of items other than junk.

91) *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.

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

93) *Parcel:* A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Planning Official.

94) *Permanent:* Designed, constructed and intended for more than short term use; designed and constructed to remain in place indefinitely unless destroyed by intent or accident; not mobile.

95) *Permitted:* Use of this term denotes that the land use in question is allowable under this Code, provided it meets all other regulations. Additionally, use of this term occasionally can refer to a development, structure, or event, etc., that has been granted a development or building permit in addition to being allowed.

96) *Plan:* References in this document to "the Plan" mean the 2025 Comprehensive Plan of Jefferson County, Florida, adopted February 2, 2012.

97) *Planning Official:* The official designated by the local governing body of Jefferson County for the administration and enforcement of this Code.

98) *Portable Sign:* Any sign which is manifestly designed to be transported by trailer or on its own wheels, including such signs even though the wheels may be removed and the remaining chassis or support structure converted to an A or T frame sign and attached temporarily or permanently to the ground.
99) *Potable Water:* Water that is intended for drinking, culinary or domestic purposes, subject to compliance with County, State or Federal drinking water standards.
100) *Prohibited:* Use of this term denotes that the land use in question is not allowed within the land use district.
101) *Public Utility:* A utility owned or operated by the United States, the State of Florida, Jefferson County, or the City of Monticello.
102) *Public Facilities and Services:* Those required and optional facilities and services covered by the Jefferson County Comprehensive Plan, pursuant to Section 163.3177, FS, and for which level of service standards must be adopted under Section 163.3180, FS. These include: roads; sanitary sewer; solid waste; drainage; potable water; and parks and recreation.
103) Residential lot: Any parcel of land upon which one or more dwelling units are located; or which has been designated for residential uses by the Future Land Use Map.2.03.05.R.
104) *Restrictive Covenant:* See Deed Restriction.
105) *Riverine:* of, relating to, or situated on a river or riverbank; riparian.
106) *Roof Line:* A horizontal line intersecting the highest point or points of a roof.
107) *Roof Sign:* A sign placed above the roof line of a building or on or against a roof slope of less than forty-five (45) degrees.
108) *SCH Road (Scenic, Canopy, or Heritage) Road:* Any road designated by the Jefferson County Board of County Commissioners based upon meeting one or more of the following criteria:
   a) The canopy coverage of trees on both sides of the road come together on sides and above the driving surface in a manner to create a tunnel-like effect providing shade with minimal broken areas for the length of the Canopy Road designation.
   b) Any road where at least 300 continuous lineal feet of canopy covers the road in one location may be designated a Canopy Road for that portion of the road. When a road has several areas that, when added together constitute a minimum of 70% of the total road length, the entire road may be designated a Canopy Road.
   c) A public road which, because of its natural, aesthetic, scenic, recreational, historic or heritage value and importance may be designated and should be preserved to the greatest extent possible by following the guidelines and standards outlined in Chapter Five of this Code.
109) *Sign:* Any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise, or otherwise make anything known. The term sign shall not be deemed to include the terms "building" or "landscaping," or any architectural embellishment of a building not intended to communicate information.
110) *Sign Face:* The part of a sign that is or may be used for copy.
111) *Sign Face Area:* The area of any regular geometric shape which contains the entire surface area of a sign upon which copy may be placed.
112) *Sign Structure:* Any construction used or designed to support a sign.
113) *Simple Lot Split:* A process whereby one parcel is divided into two parcels for any purpose other than a Family Subdivision.
114) *Site Analysis Map.* A map showing the location of the primary and secondary conservation features as well as water features, soils, topography, vegetation, planned open space, roads, and trails.
115) *Site Built or Stick Built:* A method of building construction involving assembly of a structure from individual construction materials at the final building site. It does not involve the assembly of major components of the building, such as entire rooms, complete walls or complete building roof, which have been prefabricated or preassembled at another location, such as a manufacturing facility.
116) *Special Exception:* A use that would not be appropriate generally or without restriction throughout the zoning district, but which, if controlled as to number, area, location, or relation to the neighborhood, would promote the public health, safety, morals, order, comfort, convenience, appearance, prosperity, or general welfare.
117) *Street:* A public or private right of way for vehicular traffic, including highways, thoroughfares, lanes, roads, ways, and boulevards.
118) *Street Right-Of-Way Line:* is defined as that line denoting the edge of the right-of-way of the street and being identical with the property lines of persons owning property fronting on the streets. For the purposes of establishing the clear visibility triangle as described in this subsection, the "Street Right-of-way Line" for a private driveway or private street shall be set as a parallel line ten (10) feet from the face of the curb, edge of pavement or edge of the driving surface.

119) *Structure:* The buildings as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. This shall include modular homes.

120) *Subdivision:* the platting or division of real property into two or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land, or structure for the sale, rent, lease, mortgage, or any other method of distinguishing occupancy or use by another person(s) or entity and includes establishment of new streets and alleys, additions, and resubdivisions and, when appropriate to the context, relates to the process of subdividing or to the lands or area subdivided.

121) *Substantial Improvement:* means for a structure built prior to October 17, 1984, any repair, reconstruction, or improvement of a structure the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration on any wall, ceiling, floor, or other structural part of the building commences, whether or not that laceration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places, or the local register.

122) *Temporary:* Designed, constructed, and intended to be used on a short-term basis, usually 6 months or less.

123) *Temporary Use or Structure:* Use of all or a portion of a parcel of land in a specific manner or for a specific activity not normally conducted thereon but allowed by special permit for a specified limited time; a structure that is designed, operated and occupies a site for a specified limited time; not permanent.

124) *Tower:* A principal structure which is 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).

125) *Tower Permit*: A permit for the use and location of a tower subject to the requirements of Section 2.10.0 of this Code.

126) *Tower Site:* A parcel of land smaller than the minimum lot size required in the zoning or land use district completely contained within a lot meeting the requirements of the zoning or land use district for the purposes of locating a tower.

127) *Transfer of Development Rights:* The conveyance by deed, easement, or other legal arrangement of the right to develop or build from one parcel to another, expressed in number of dwelling units, where such transfer is permitted by the zoning ordinance.

128) *Uninhabitable Structure(s):* Property that cannot meet federal, state or local housing standards for building and/or health codes due to its wrecked, partially dismantled, and/or unsafe conditions and is deemed to be a public nuisance by proper authorities.

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

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

131) *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 Chapter Two of this Land Development Code. Other historical communities established before July 19, 1990, and not included on the current list may be added as deemed appropriate.

132) *Verification of Grandfathered Status:* Any parcel or structure that is involved in a non-conforming use, may continue if it can be proved that the use has continued uninterrupted prior to and since December 13, 1990. It shall be the owners' responsibility to prove uninterrupted activity.

133) *Wetlands:* as defined in subsection 373.019(25), F.S., means those areas that are inundated or saturated by surface water or ground water at a frequency and a duration sufficient to support, and under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils. Soils present in wetlands generally are classified as hydric or alluvial, or possess characteristics that are associated with reducing soil conditions. The prevalent vegetation in wetlands generally consists of facultative or obligate hydrophytic macrophytes that are typically adapted to areas having soil conditions described above. These species, due to morphological, physiological, or reproductive adaptations, have the ability to grow, reproduce or persist in aquatic environments or anaerobic soil conditions. Florida wetlands generally include swamps, marshes, bayheads, bogs, cypress domes and strands, sloughs, wet prairies, riverine swamps and marshes, hydric seepage slopes, tidal marshes, mangrove swamps and other similar areas. Florida wetlands generally do not include longleaf or slash pine flatwoods with an understory dominated by saw palmetto.

134) *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, hunting properties, vineyards and orchards.

1.4.0. ACTIVITIES REQUIRING PERMIT & EXTENT AUTHORIZED

1.4.1. DEVELOPMENT PERMIT REQUIRED

The activities below may be conducted within the jurisdiction of this Code only after the receipt of a development permit for the subject activity.

1.4.2. REGULATED ACTIVITIES ENUMERATED

This code sets forth regulations relating to the use of land, building construction and development activity which may include, but is not required to include, regulation of the following enumerated activities:

A. The erection, construction, reconstruction, alteration or major repair of a building or structure as required by the Building Code.
B. Change of use of land or buildings for residential, business, industrial, recreation, agricultural, mining, and other rural and urban purposes.
C. Any subdividing of a lot, tract or parcel of land into lots, sites or other division of land for the purpose, whether immediate or future, of sale or of building, development, including resubdividing. The creation of lots is considered subdivision regardless of whether the lots are described by metes and bounds or by reference to a plat.
D. The placing of a mobile home for human occupancy on a lot or parcel containing a dwelling or other building; the offering for sale or lease of a mobile home space or spaces; the construction of a mobile home park; the occupancy of a mobile home for which no development permit had been granted prior to the time of such occupancy.
E. Establishing a water source for sale such as a well or intake, to supply domestic water; extending a water distribution system which serves four or more dwelling units or places of employment.
F. Constructing a liquid waste collection, disposal or treatment system to be used to support a building or group of buildings.
G. Grading, earthmoving, mining, removal of sand and gravel, and the clearing of topsoil, grasses, shrubs and other plant materials in large quantities as part of a land development or commercial mining venture, and not a farming or nursery operation.
H. The significant alteration of an area having unique historical, archaeological, scenic, geological, plant or animal resources.
I. The occupancy or use of a building or parcel of land for a substantially different activity than previously, such as a change from residential to nonresidential purposes, or a change from one type of nonresidential use to another.
J. The commencing of an activity that will emit vibration, smoke or particulate matter, odor, toxic or noxious matter, radiation, glare, electromagnetic interference or other emission at a level that will be a detriment to other users or owners of land, watercourse, air, building or public ways and facilities. However, an activity associated with agricultural uses and uses meeting the Department of Forestry Best Management Practices; are exempt from this provision.
K. Outdoor storage of vehicles, farm implements, boats and other large objects, in a location visible from a public road, and other than as a customary accessory use to a farm, ranch or dwelling.
L. Erection or display of a commercial sign or outdoor advertising device.
M. Opening of a vehicular drive between a public street or road and private property.
N. Construction or paving of an off-street parking lot for vehicles, except as a customary accessory use to a farm, ranch or single family residence.
O. The remodeling or use of a building, structure or activity which predates this Development Code or an amendment thereto, and which would not likely be permitted in that location if such building, structure or activity postdated the Development Code or that amendment thereto.
P. The erection, alteration or removal of any exterior fabric of a building or structure subject to public view from any public street, way or place, after such building has been designated an historic landmark by this Code or is located in an area designated as an historic district by this Code.
Q. Development and/or land use which may reduce the quality of groundwater in aquifers constituting potable water resources or flowing to springs.
R. Any alteration or construction in, on, or under a road, street, or utility right of way or easement, whether in public or private ownership.
S. Any clearing of land and/or the removal of trees unless as a part of a bona fide agricultural or silvicultural activity.

1.4.3. EXTENT OF ACTIVITIES AUTHORIZED BY A DEVELOPMENT PERMIT

A. A development permit shall clearly specify the activity or activities which such permit authorizes.
B. Activities or construction allowed by a particular development permit is limited by:

1. The terms of this Code;
2. Any conditions, including time of expiration, attached to the permit; and
3. The plans and written statements of intent submitted by the applicant for the permit.

1.5.0. REPEAL OF OTHER REGULATIONS

This Code is intended to replace all previous land development regulations of Jefferson County including the Land Development Code as amended on June 15, 1983.

1.6.0. ABROGATION

This Land Development Code is not intended to repeal, abrogate or interfere with any existing easements, covenants, or deed restrictions duly recorded in the public records of Jefferson County unless they are in conflict with specific regulations of this Code.

1.7.0. VESTED RIGHTS

Nothing in this Code shall limit or modify the rights of any person to complete any development that has been authorized, prior to the adoption of the Jefferson County Comprehensive Plan and this Code, as a development of regional impact pursuant to Chapter 380, Florida Statutes, or who has been issued a final local development order, prior to the adoption of the Jefferson County Comprehensive Plan and this Code, and development is commenced and continuing in good faith. For purposes of this provision, a final order approving a land use change and/or issuing a building permit pursuant thereto under the Jefferson County Development Code of December 1978, as amended, shall be deemed a "local development order" as that term is used in Chapter 163.3164(6), Florida Statutes. Such approval shall be deemed final on the date an order of approval is entered by the Jefferson County Commission or by the Jefferson County Planning Commission or the Jefferson County Land Development Office if no appeal is taken to the Jefferson County Commission. "Vesting", as used herein, includes the right to proceed and to complete the development in accord with the provisions set out in such development order. A project for which a final local development order has been issued shall be deemed commenced upon the occurrence of any activity listed in Section 380.04, Florida Statutes; provided however, that a development shall also be deemed commenced and continuing in good faith during: (1) the pendency of any appeal of the final development order or any building permit issued pursuant thereto; (2) the pendency of legal action under Section 163.3215, Florida Statutes; (3) the County's post-judicial appeal reconsideration of a development order or building permit which had been previously vested; and (4) a period of 180 days after the conclusion of any such appeal or other legal challenge to a final development order as defined above. Nothing in this Code shall limit or modify the equitable rights of any person.

1.8.0. SEVERABILITY

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

1.9.0. EFFECTIVE DATE

These regulations are passed, approved and adopted by the Board of County Commissioners of Jefferson County to be effective **JULY 27, 2015**.

ARTICLE TWO - LAND USE

2.0.0. GENERALLY

To allow development and use of property in compliance with the goals, objectives, and policies as expressed in the Future Land Use Element of the Jefferson County Comprehensive Plan, this Article describes types of uses by category and then lists the categories of uses allowed in each Land Use District. Land Use Districts are generally listed herein in order of increasing density or intensity of use: Conservation; Agriculture (Ag-20, Ag-5, and Ag-3); Residential (R-1 and R-2); Prison; Mixed Use: (Mixed Use Suburban Residential and Mixed Use Business Residential); Interchange Business; and Industrial.

2.1.0. TYPES OF USES BY CATEGORY

There are essentially ten categories of uses allowed in the various Land Use Districts. The following sections describe and/or list the individual specific uses included in each category. Any use not listed herein should be placed with uses similar in character.

2.1.1. RESIDENTIAL

A. The category of residential uses includes single-family dwellings, accessory apartments, multi-family dwellings in a variety of housing types, modular and manufactured housing and mobile homes.

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

2.1.2. INSTITUTIONAL

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, philanthropic uses and all other similar institutional uses.

2.1.3. OUTDOOR RECREATIONAL

A. These uses include areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, licensed airstrips, hiking, golf courses, playgrounds, ballfields, 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.

B. Commercial Outdoor Shooting and Firing Ranges. Development order approval shall be required for commercial recreational outdoor shooting and firing ranges. A 40 acre minimum parcel size is required. Firing positions shall be separated a minimum of 300 feet from the boundary of the subject property with any adjacent parcel in separate ownership, and 1,250 feet from the nearest residence in existence at the time of initial review not located on the subject property. Perimeter security fencing shall be provided and warning signs shall be posted along the perimeter fence and at the entry gate. Range design shall follow a professionally accepted source such as "The Range Source Book 2012" published by the National Rifle Association or "Range Design Criteria" published by the U.S. Department of Energy.

2.1.4. PROFESSIONAL SERVICE AND OFFICE

A. 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.

B. Broadcast stations and newspaper offices.

2.1.5. 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 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 hospitals; 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.
21. Commercial recycling collection centers.
22. Gasoline sales and service; combination gasoline sale and food marts; and similar facilities with 6 gas pumps or less. One (1) car wash booth (manual or mechanized) is allowed.
23. Recreational vehicle and travel trailer parks containing less than 25 rental spaces.
24. Restaurants, taverns, bars, lounges, night clubs, and dance halls that allow alcohol to be consumed on the premises.
25. Financial institutions with four (4) drive-thru lanes or less, (one lane may include a drive-thru ATM.)
26. Veterinary offices and animal hospitals with indoor kennels.
27. Storage yards for equipment, machinery, and supplies for building and trades contractors, garbage haulers on sites of less than one acre.
28. Flea markets or similar outdoor or indoor/outdoor sales complexes not exceeding 20 booths or stations.
29. Vehicle sales and rental, including new or used automobiles, motorcycles, and light trucks on sites of less than ½ acre.
30. Vehicle mechanical service/repair including body shops and tire stores limited to 3 repair or service bays. The paint booth in a body shop will not count as a repair bay. Road services shall be limited to one tow truck.
31. Furniture, appliance, indoor/outdoor recreational equipment sales such as above-ground swimming pools, billiard tables, etc., and bedding stores and similar retail businesses that are historically low in parking requirements and trip-generation.

2.1.6. 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 on sites exceeding ½ acre, including the following:
   a. new or used automobiles,
   b. boats,
   c. buses,
   d. farm equipment,
   e. motorcycles,
   f. trucks,

   g. recreational vehicles,
   h. construction vehicles,
   i. heavy equipment sales
   j. mobile homes
2. Truck stops
3. Body shops with more than 3 repair/service bays
4. Facilities offering road services containing multiple tow trucks
5. Car wash facilities containing more than one washing station
6. Gasoline sales and service; combination gasoline sale and food marts; and similar facilities with more than six (6) gas pumps (may include one or more car washing facilities).
7. Recreational vehicle and travel trailer parks more than 25 rental spaces.
8. Financial institutions with five (5) or more drive-thru lanes or less, (one lane may include a drive-thru ATM.).
9. Veterinary offices and animal hospital with outside kennels.
10. Storage yards for equipment, machinery, and supplies for building and trades contractors, garbage haulers on sites exceeding one acre.
11. Flea markets or similar outdoor or indoor/outdoor sales complexes containing more than 20 booths or stations.
12. Shopping Centers, including regional malls or centers, exceeding one-hundred thousand (100,000) square feet of gross leasable area (GLA).
13. Industrial uses such as small-scale manufacturing, processing, or assembly, limited to:
    a. site size should not exceed five (5) acres; and/or
    b. none of the activities require large-scale and/or noisy machinery; and/or
    c. outdoor storage areas limited to one (1) acre; and/or
    d. traffic generation limited to fifteen (15) incoming or distribution trips per day; and/or
    e. the combination of all impacts of all activities associated with industrial use do not exceed any of the surrounding existing commercial businesses.

2.1.7. 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.

2.1.8. AGRICULTURAL

Agricultural uses include farms, ranches, plantations, croplands, pastures, greenhouses, wholesale nurseries, forestry, aquaculture, feed lots, and accessory buildings including residences. Residential use as the primary activity may be allowed subject to density standards in Table 2.6.0. Limited processing of products is permitted in accessory structures such as: dairies w/cheese processing facilities; grape arbors w/wineries; wheat/hops, etc. growers w/micro-breweries (large-scale breweries would be industrial), and fruit and agricultural products packing facilities. Level of review shall be based on size of input/output/distribution as follows:

A. No special approval required for any facilities required to process low-volume items comparable to a produce stand selling products grown & produced onsite such as honey from bees, fruits, vegetables or you-pick facilities.
B. Planning Official approval required: Local – crops grown onsite, facility size limited to 3,000 square feet..
C. Planning Commission approval required: Local/Countywide – processing facility limited to 10,000 square feet.

D. Special Exception Approval required:-Facilities exceeding 10,000 square feet..

2.1.9. INDUSTRIAL

This type of use includes those wholesale and retail businesses for manufacturing, processing, storing, or distributing goods. Included in this category are uses which require primarily outdoor storage or the industrial activity itself is conducted outdoors. Such uses include, for example, facilities (excluding utilities) that include one or more storage tanks for liquids including chemicals, petroleum, or LP gas storage and/or distribution facilities exceeding ten thousand (10,000) gallons.

2.1.10. MINING

Resource extraction as defined in 378.403 (5) of the Florida Statues. 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.

2.1.11. SAWMILLS, ETC.

Sawmills and planing mills, and other similar wood product facilities are categorized by classification as either commercial or non-commercial. There are two classifications of commercial sawmills recognized by the county: permanent facilities are constructed to remain in use indefinitely, and temporary facilities are placed onsite for a finite period, and then removed from the parcel.

A. Commercial Sawmill & Similar Facilities

1. **Permanent Facilities:**
   a. Large-scale: Sawmills, planing mills and other similar wood product facilities, but excluding the production of treatment products (except on Industrial properties), particularly facilities constructed to process timber transported from off-site locations, for distribution to other locations, for use or further processing, utilizing tractor-trailer trucks or other large vehicles. When these type facilities are listed as allowed in a Future Land Use District, the proposed site shall meet the following criteria:
      i. A minimum site size of 20 acres, located with frontage on a paved County or State Road or a private road with access directly to a paved County or State Road, with the provision that no building used for these activities shall be located within 300 feet of any side or rear lot line.
      ii. In all Land Use Categories allowing commercial sawmills and other similar wood product facilities, the design and construction of the entrance shall be determined as follows:
         1. FDOT driveway permit requirements shall apply when the proposed entrance is on a State Road. The entrance driveway shall be completed prior to construction activities of on-site facilities.
         2. To protect the integrity of the road edge, the proposed entrance on county paved roads shall include a minimum 24-foot wide paved driveway with paved return radii of 50 feet.
      iii. Where facilities are adjacent to properties containing existing residential structures, a fifty foot (50') buffer of existing natural vegetation should be supplemented with additional vegetation where necessary (including the possibility of fencing) to provide a visual and sound-deadening screen or shield to the adjacent owner.
      iv. Hours of activity should be limited to the period between 30 minutes before sunrise and 30 minutes after sunset; however, hours of operation shall not be limited for facilities in an Industrial Land Use District or an Agricultural Land Use District where the subject property contains a minimum of 160 acres and the operating facility (at the time of construction) is a minimum of 1,320 feet from any residence on any adjacent parcel.
      v. Any site not meeting any one of the above parameters may still be approved; however, said approval shall require a Staff recommendation for Special Exception review and approval through the Planning Commission and the Board of County Commissioners.
   b. Small-scale: Permanent facilities utilized for the cutting, storage, and sales of firewood, primarily for the processing of trees grown on the subject parcel, are considered small-scale commercial. Facility owner/operators may periodically import logs when necessary to supplement on-site growth and customers may bring logs to be cut into firewood from off-site.
2. **Temporary Facilities:** Normally limited to one year (which may be extended for a reasonable period) for properties designated as tree farming where the areas ready for the felling of trees are large enough to require an on-site sawmill for an extended period but not large enough to warrant a permanent sawmill. These types should generally not require a permit more frequently than once every 10 years on same parent tract.

B. Non-Commercial (Private) Sawmill & Similar Facilities:

1. Permanent "On-Site" sawmills primarily on large agricultural properties that are used in conjunction with normal farming/ranching/plantation operations. These type sawmills are generally not used on a daily basis, although they may be periodically used daily for a few weeks at a time, particularly with tree faming activities.

A "permanent on-site" sawmill may actually also be "mobile" while used exclusively on the subject property. Generally, permanent on-site sawmills will be used to prepare lumber for use in the construction of on-site principal or accessory structures or processing of on-site timber for shipment offsite. These sawmills should not be used to process timber not grown on the subject parcel.

2. "Portable Sawmill": Generally utilized by Tree Services, etc. when felling one or more trees for homeowners on properties throughout the county.
3. "Hobby Sawmill": Small-scale for limited use by a property owner for small-scale milling of wood generally transportable by pickup. This category also includes home workshops for woodworking and similar small scale home business activities such as custom furniture or musical instrument construction/repair.

2.2.0. ALLOWABLE USES WITHIN EACH LAND USE DISTRICT

2.2.1. AGRICULTURAL LAND USE DISTRICTS: AG-20, AG-5, AND AG-3

The Comprehensive Plan 2025 Jefferson County, Florida, specifically makes the following statement: ***"Farming is the basic intent of Agricultural land use areas. Residential use is allowed but is secondary in nature and must accept all characteristic farm activities of: noise, smells, dust, spray odors, timber clearing, etc."*** Agricultural properties can generally be defined as commercial properties since the end result of the agricultural activities are to produce revenue for the owner from the produced end product of the animals raised or the crops harvested. The three Agriculture land use districts generally differ in density standards for residential development, some permitted uses, and some setback standards.

A. 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 2.6.0**. and **sub-Section 2.3.1. Note:** As stated in the Comprehensive Plan, "properties in this Land Use Category are used and appropriate for continued use primarily in very large scale agricultural activities. Included are the plantations and timber-producing lands". While there are provisions for clustering and conservation subdivisions for residential use, there are also instances where some smaller parcels are desired to create individual housing parcels on larger farm or plantation properties. The intention is to allow the creation of such smaller homesite parcels; however, each parcel shall count as twenty (20) acres for density purposes and shall be reflected in subdivision approval as a decrease in the total allowable developable density of the remainder of the parent tract.
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) Commercial Outdoor Firing ranges with a Business Permit/Minor Development Site plan in accordance with Section 2.1.3.2. above.
8) Special Exception approval by the Board of County Commissioners shall be required for permanent commercial use as a primary activity for any of the following:
   a. outdoor arenas
   b. livestock auction facilities,
   c. race tracks,
   d. marinas for more than three boats,
   e. junkyards, salvage yards, and/or major recycling collection centers,
9) Other commercial activities associated with agricultural and/or outdoor recreational uses including, but not limited to, wholesale or retail nurseries; taxidermy services; horseback riding facilities and stables; canoe/kayak/tubing rental facilities, kennels, and/or similar facilities utilized for commercial breeding or boarding, veterinary services, including veterinary hospitals; and similar uses may be allowed subject to a home business permit approved by the Planning Official via a Minor Development Site Plan review.
10) Any pig sty, chicken coop, livestock pen, dog kennel, slaughterhouse, 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. Notwithstanding the preceding, when the size of the outbuilding and/or pen is clearly indicative that the facilities are for individual use as a pet(s) or raised as food for the homeowner family, the above structures and activities may be located within one-hundred (100) feet from any dwelling unit located on any other lot or parcel and within fifty (50) feet from any boundary of the lot or parcel on which it is located. Slaughterhouses of 1000 sf or greater also require special exception approval and are only allowed in AG 20 and AG 5 provided such uses are located on a lot or parcel of greater than 20 acres and satisfy the above applicable setbacks.

11) Public or private waste collection facilities are allowed at specific locations established by the Board of County Commissioners.
12) Sawmills and planing mills, and other similar wood product facilities are allowed in Agriculture 20 and Agriculture 5; however, not allowable in Agriculture 3 (see Section 2.1.11 above).
13) Mining is a use allowed as an overlay district permitted in the Agriculture 20 Land Use District only when approved by the Board of County Commissioners through Special Exception review as a major site plan to allow resource extraction as defined in Florida Statues. 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.

B. 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 2.6.0**. and **sub-Section 2.3.0.** While there are provisions for clustering and conservation subdivisions for residential use, there are also instances where some smaller parcels are desired to create individual housing parcels on larger farm or plantation properties. The intention is to allow the creation of such smaller homesite parcels; however, each parcel shall count as five (5) acres for density purposes and shall be reflected in subdivision approval as a decrease in the total allowable developable density of the remainder of the parent tract.
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) Commercial Outdoor Firing ranges with a Business Permit/Minor Development Site plan in accordance with Section 2.1.3.2. above.
8) Special Exception approval by the Board of County Commissioners shall be required for permanent commercial use as a primary activity for any of the following:
   a. outdoor arenas
   b. livestock auction facilities,
   c. race tracks,
   d. marinas for more than three boats,
   e. junkyards, salvage yards, and/or major recycling collection centers,
9) Other commercial activities associated with agricultural and/or outdoor recreational uses including, but not limited to, wholesale or retail nurseries; taxidermy services; horseback riding facilities and stables; canoe/kayak/tubing rental facilities, kennels, and/or similar facilities utilized for commercial breeding or boarding, veterinary services, including veterinary hospitals; and similar uses may be allowed subject to a home business permit approved by the Planning Official via a Minor Development Site Plan review.
10) Any pig sty, chicken coop, livestock pen, dog kennel, slaughterhouse, 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. Notwithstanding the preceding, when the size of the outbuilding and/or pen is clearly indicative that the facilities are for individual use as a pet(s) or raised as food for the homeowner family, the above structures and activities may be located within one-hundred (100) feet from any dwelling unit located on any other lot or parcel and within fifty (50) feet from any boundary of the lot or parcel on which it is located. Slaughterhouses of 1000 sf or greater also require special exception approval and are only allowed in AG 20 and AG 5 provided such uses are located on a lot or parcel of greater than 20 acres and satisfy the above applicable setbacks.
11) Public or private waste collection facilities are allowed at specific locations established by the Board of County Commissioners.
12) Sawmills and planing mills, and other similar wood product facilities are allowed in Agriculture 20 and Agriculture 5; however, not allowable in Agriculture 3 (see Section 2.1.11 above).

C. The following types of uses are allowed in the Agriculture 3 Land Use District:

1) Agricultural.
2) Residential, subject to the density standards in **Table 2.6.0**. and **sub-Section 2.3.0.** While there are provisions for clustering and conservation subdivisions for residential use, there are also instances where some smaller parcels are desired to create individual housing parcels on larger farm or plantation properties. The intention is to allow the creation of such smaller homesite parcels; however, each parcel shall count as

three (3) acres for density purposes and shall be reflected in subdivision approval as a decrease in the total allowable developable density of the remainder of the parent tract.

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) Other commercial activities associated with agricultural and/or outdoor recreational uses including, but not limited to, wholesale or retail nurseries; taxidermy services; horseback riding facilities and stables; canoe/kayak/tubing rental facilities, kennels, and/or similar facilities utilized for commercial breeding or boarding, veterinary services, including veterinary hospitals; and similar uses may be allowed subject to a home business permit approved by the Planning Official via a Minor Development Site Plan review.
8) Any pig sty, chicken coop, livestock pen, dog kennel, slaughterhouse, 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. Notwithstanding the preceding, when the size of the outbuilding and/or pen is clearly indicative that the facilities are for individual use as a pet(s) or raised as food for the homeowner family, the above structures and activities may be located within one-hundred (100) feet from any dwelling unit located on any other lot or parcel and within fifty (50) feet from any boundary of the lot or parcel on which it is located. Slaughterhouses of 1000 sf or greater also require special exception approval and are only allowed in AG 20 and AG 5 provided such uses are located on a lot or parcel of greater than 20 acres and satisfy the above applicable setbacks.
9) Public or private waste collection facilities are allowed at specific locations established by the Board of County Commissioners.

2.2.2. CONSERVATION

The following uses 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 and Communication Facilities
4. The owner of a tract of record that existed as of July 19, 1990, which is designated Conservation in its entirety may construct a personal residence on the tract.

2.2.3. RESIDENTIAL 1 & RESIDENTIAL 2

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 **2.6.0.** and **sub-Section 2.3.0.**
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. In new residential developments, Neighborhood Commercial designated as commercial activities designed by size and function to serve and compliment the immediate surrounding residential area within a one mile radius is allowed. Such commercial shall be limited to five percent (5%) of the overall development area and located a minimum of 2 miles from another commercial property. Intensity of development shall not exceed 65% impervious lot ratio.

2.2.4. 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.)
4. Agriculture

2.2.5. 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. General industrial uses, particularly industrial uses listed by the North American Industry Classification System (NAICS) in Division D: Manufacturing, of the U.S. Department of Labor Occupational Safety & Health Administration (OSHA) meeting any of the following criteria:
   a. Uses requiring any special permits from Federal, State, or Regional agencies, such as any Special Environmental or Air Quality Permits, but not including standard Stormwater Management Permits normally

associated with all types of developments.
   b. Those industrial activities involving large-scale manufacturing equipment.
   c. Those industrial activities including high volume distribution/collection facilities.
2. Local Public Service Activities.
3. Commercial Recycling Centers
4. Sawmills and planing mills, and other similar wood product facilities (see Section 2.1.11 above), including wood treatment facilities not allowed in other Land Use Districts, are allowed in an Industrial District with no limitation on hours of operation. Minimum site size in an Industrial District may be reduced to 10 acres, with the provision that no building used for these activities shall be located within 300 feet of any side or rear lot line that is adjacent to any other Land Use District not Industrial or 100 feet of another parcel within the same Industrial District.

2.2.6. 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. Light industrial uses are allowed on properties along Arterials or at intersections of Major Collectors, and shall be limited to thirty thousand (30,000) square feet gross floor area and activities such as small-scale assembly/handicrafts, high tech facilities, small-scale printing and publishing facilities, and low-impact industrial facilities with general overall characteristics similar to general commercial. Outside storage areas shall be visually screened from roads and adjacent residences.
8. Non-commercial (Private) Sawmills (see Section 2.1.11.B. above)

2.2.7. 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. Industrial uses are allowed on properties along Arterials or at intersections of Major Collectors, and shall be limited to one hundred thousand (100,000) square feet gross floor area and activities such as handicrafts, high tech facilities, small-scale printing and publishing facilities, and low-impact industrial facilities with general overall characteristics similar to general commercial. Outside storage areas shall be visually screened from roads and adjacent residences.
9. The following uses are allowed by Special Exception approval from the Board of County Commissioners:
   a. uses exceeding 500,000 square feet (11.48 acres) total impervious surface ratio;
   b. uses which have storage capacity for more than 50,000 gallons of liquid product(s).
10. Non-commercial (Private) Sawmills (see Section 2.1.11.B. above)

2.2.8. INTERCHANGE BUSINESS

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

1. Institutional
2. Professional Service and Office
3. General Commercial
4. High Intensity Commercial
5. Local Public Service Activities
6. Industrial (Note: Outside storage areas and loading docks, particularly for distribution centers, shall be visually screened from roads and adjacent residences.)

2.3.0. DENSITY AND INTENSITY

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 generally no bonuses for additional density except in Conservation Subdivisions; however,

clustering is encouraged whenever possible to allocate density to specific portions of a development site, allowing protection of environmentally sensitive areas, preservation of the overall natural beauty and rural characteristics of the county with minimal alteration of the natural environment as well as a decrease in the amount and cost of infrastructure.

2.3.1 AGRICULTURE 20, 5 & 3.

A. Density:

1. **New Residential Development.**
   a. **Ag 20:** 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.
   b. **Ag 5:** 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.
   c. **Ag 3**: 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.
2. **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.
3. 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.
4. 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, provided a permit for construction is granted by FDEP.

B. Intensity:

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

C. Mining Overlay District:

Mining Standards for development are delineated in Article 5.

2.3.2. CONSERVATION.

Subdivision of properties in a Conservation District is allowed, but not based on density characteristics. The Planning Official may approve the subdivision of land in a Conservation Land Use District at a size compatible with the predominant adjacent agricultural land use designation for agricultural, outdoor recreational or otherwise allowable non-residential use.

A. Density:

This development standard is not applicable to the Conservation District (see Section 2.2.2. above)

B. Intensity:

This development standard is not applicable to the Conservation District.

2.3.3. RESIDENTIAL.

A. Density:

a. Gross density shall not exceed one (1) unit per acre in Residential 1 and two (2) dwelling units per acre in Residential 2 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 floodplains. For new lots containing floodplain, each lot shall contain a minimum of ½ acre outside the floodplain with no construction allowed within the floodplain.
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, provided a permit for construction is granted by FDEP.

B. 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.

2.3.4. 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.

2.3.5. INDUSTRIAL.

A. 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.

B. Intensity: Intensity of development, as measured by impervious surface coverage, should not exceed 90%.

2.3.6. MIXED USE - SUBURBAN/RESIDENTIAL.

A. Density: A variety of densities is permitted; however, new residential development must be at least one (1) unit per 2 acres. Multi-family residential, where allowed, is not to exceed 8 units per acre. Density shall be allocated in accordance with the following guidelines:

MUSR Density Standards	
Development without central water and sewer	**2** units/acre
Development without central sewer*	**4** units/acre
"Standard" subdivision (central water and sewer)	**8** units/acre
Mobile Home Development (central water and sewer)	**8** units/acre
Multi-family (central water and sewer)	**8** units/acre

*Assumes public or private community water system.

B. Intensity: Intensity of use, as measured by impervious surface ratio, should not exceed sixty five (65%) percent.

C. Uses: Mix of uses within the overall Land Use District perimeter boundaries shall not exceed 20% non-residential.

2.3.7. MIXED USE - BUSINESS/RESIDENTIAL.

A. Density: A variety of densities is permitted; however, new residential development must be at least one (1) unit per acre. Multi-family residential, where allowed, is not to exceed 10 units per acre. Density shall be allocated in accordance with the following guidelines:

MUBR Density Standards	
Development without central water and sewer	**2** units/acre
Development without central sewer*	**4** units/acre
"Standard" subdivision (central water and sewer)	**8** units/acre
Mobile Home Development (central water and sewer)	**8** units/acre
Multi-family (central water and sewer)	**10** units/acre

*Assumes public or private community water system.

B. Intensity: Intensity of use, as measured by impervious surface ratio, should not exceed sixty five (65%) percent.

C. Uses: Mix of uses within the overall Land Use District perimeter boundaries shall not exceed 60% non-residential.

2.3.8. INTERCHANGE BUSINESS.

A. Density: This development standard is not applicable to the Interchange Business District; however, there is no intent to preclude having a permanent resident manager in a transient lodging facility.

B. Intensity: Intensity of use, as measured by impervious surface ratio shall not exceed eighty percent (80%).

2.4.0. STANDARDS FOR RESIDENTIAL CARE FACILITIES

Residential Care Facilities (RCF) are those facilities providing both a residence (for varying periods of time) and a care component, including group care homes and foster care facilities licensed by the State of Florida. They are an allowed use as an Institutional use in all land use districts where residential use is allowed. An RCF can be classified and operated as a licensed home business upon receipt of State of Florida approval. An RCF located in a residential neighborhood shall be constructed and maintained in a character consistent with the residential area in which it is located, including all parts of the structure, gross floor area, building design, and lot ratio. An RCF containing multiple individual dwelling units shall meet the density limitations of the underlying land use district, calculated as follows: six (6) residents (including resident staff) = one (1) dwelling unit. Residential Care Facilities shall not be allowed within a one thousand (1000) foot radius of another RCF as measured from property line to property line.

2.5.0. LOT SIZE

There are no minimum lot sizes required in any land use category except where the development must be in compliance with state standards regarding onsite sewage disposal (septic tank systems) and potable water wells. Additionally, the overall design of all developed sites shall meet all other requirements of this Code including, but not limited to, building and/or buffer/landscaping setbacks, site intensity requirements, and all residential developments

must be designed in a manner not to exceed the gross density of the underlying land use district by utilizing one of the following methods:

A. A subdivision designed as a Cluster Subdivision or as a Conservation Subdivision as outlined in Article 5 of this Code.

B. A subdivision whereby lot sizes may vary provided those lots which would otherwise appear eligible for further subdivision are deed-restricted against further subdivision unless the underlying land use is changed to allow higher density. *An example of this provision would allow a tract of land in the Agriculture 5 Land Use Category containing fifteen (15) acres to be divided into three parcels where parcel 1 contains one (1) acre, parcel 2 contains two and half (2½) acres, and parcel 3 contains eleven and one-half (11½) acres with a deed restriction limiting parcel 3 to one residence unless the underlying land use category is changed by the County to a land use category with a density allowing further subdivision.*

C. An exception to the density limitation is allowed if the proposed development is a Family Member Subdivision as outlined in Article 9 of this Code.

2.6.0 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.

TABLE OF DEVELOPMENT STANDARDS					
FLUM CATEGORY	**DENSITY**			**INTENSITY Max Area of Impervious**	**NON-RESIDENTIAL USE AREA**
	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	5%
Ag. 5	1 du/5 A.	1 du/5 A.	1 du/5 A.	N/A	5%
Ag. 3	1 du/3 A.	1 du/3 A.	1 du/3 A.	N/A	5%
Conservation	1 dwelling only for owner of a parcel entirely in conservation				
Residential 1	1 du/1 A.	1 du/1 A.	1 du/1 A.	35%	5%
Residential 2	2 du/1 A.	2 du/1 A.	2 du/1 A.	35%	5%
Prison	N/A	N/A	N/A	N/A	N/A
Industrial	N/A	N/A	N/A	90%	N/A
Suburban/Res	2 du/1 A.	4 du/1 A.	8 du/1 A.	65%	20%
Business/Res	2 du/1 A.	4 du/1 A.	10 du/1 A.	65%	60%
Interchange/Bus	N/A	N/A	N/A	80%	100%
NOTE: Where clustering is utilized in any residential development in any land use category, while the maximum density in the development, including all "open" areas, shall not exceed the density of the land use category, the maximum effective density in the actual lot development area will be limited by the availability of utilities, but should never exceed the maximum allowed density of 10 units per acre allowed when community/public sewer and water are available.					

2.7.0. TRADITIONAL COMMUNITIES

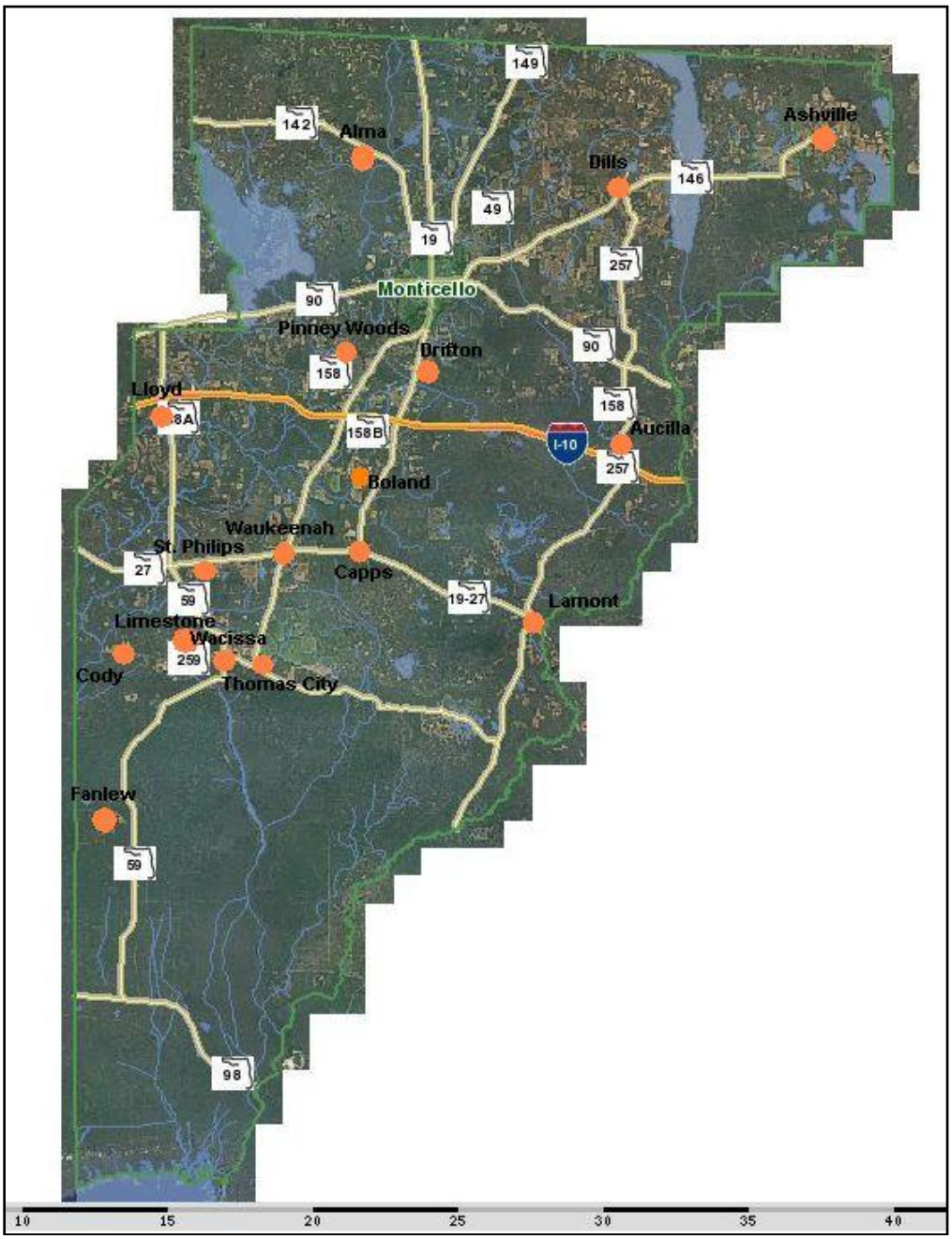
Recognized Traditional Communities with a brief description are described herein below:

TABLE 2.6.1. - TRADITIONAL COMMUNITIES	
1. Ashville	Signs at the intersection of Ashville Hwy (CR 146) and Quitman Hwy (US 221) the "community" usually references areas around Aucilla Shores & Tartaruga Creek
2. Aucilla	Generally centering on the intersection of Drifton-Aucilla Hwy (CR 158) & N Salt Rd (CR 257), mostly ranges from Aucilla Academy School on west to end of Tinnel Road on east and from about ¼ mile north of intersection to just south of the railroad track.
3. Boland	Generally appears to be the area bounded by Boland Cemetery Road, Brown Road, Freeman Road, and Cook Road.
4. Capps	Essentially four properties at the intersection of US 27 (Capps Hwy) and US 19 (South Jefferson Hwy).
5. Cody	Generally an area north of Tram Road (CR 259)and centered around the Pentecostal Holiness Church.
6. Dills	Generally an area surrounding the intersection of CR 149A (Dills/Faglie Cemetery Road) and CR 66 (Groover/Brock Road
7. Drifton	The area east of the US 19 (South Jefferson Hwy) - CR 158 (Drifton-Aucilla Road) intersection.

TABLE 2.6.1. - TRADITIONAL COMMUNITIES	
8. Fanlew	An area around the intersection of Natural Bridge Road and Fanlew Road between Leon County and SR 59 (Gamble Road.
9. Jarret-Alma	Generally along Lake Road between Alma & Cocroft Roads
10. Lamont	US 27 and CR 257 (South Salt Road)
11. Limestone	Vicinity of Brooks Rd/Limestone Rd intersection (¼ - ½ mile radius?)
12. Lloyd	An area surrounding the intersection of Old Lloyd Road (CR 158A) and Gamble Road (SR 59) mostly north of the railroad is considered "downtown" Lloyd; however, the Lloyd area generally extends 2-3 miles in all directions.
13. Nash	Only apparent area is Twin Acres/Pineview Road area - lots are 1-3 acres in Ag-5
14. Pinney Woods	Generally the area along the southern half of Pinney Woods Road
15. St. Phillips	Area around St. Phillips AME Church
16. Thomas City	Area east of "downtown" Wacissa generally around the Waukeenah Hwy/Walker Springs/Pinhook Rd intersection
17. Wacissa	Lands on both sides of Tram Rd/Waukeenah Hwy (CR 259) and along Gamble Rd (SR 59) to Limestone Road. There are multiple categories indicated on the FLUM, with some non-conforming lots of record in the vicinity.
18. Waukeenah	Centered on the CR 259 (Waukeenah Hwy) US 27/SR20 (W. Capps Hwy) intersection, Waukeenah as a whole is depicted as MUSR and R-204

TRADITIONAL COMMUNITIES MAP

Approximate General Locations



Other historical communities established before July 19, 1990, and not included on the current list may be added as deemed appropriate.

Lots of record within a Traditional Community may be subdivided for infill development provided the resulting division does not exceed the density of properties within two lots in any direction from the subject lot of record. Any subdivision other than a lot split shall be reviewed and approved by the Planning Official as a minor replat.

2.8.0. LLOYD HISTORIC OVERLAY DISTRICT (LHOD)

Jefferson County Comprehensive Plan Policy FLU-6-4 requires the Land Development Regulations to include the creation of an "overlay zone to provide additional protection" to the properties in the Village of Lloyd within boundaries outlined in the National Register of Historic Places.

A. Generally: The LHOD provides these regulations for properties within 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. An owner may request the removal of their property from the County Lloyd Historic District; however, the property must be removed from the National Register District prior to submittal of a removal request. The owner shall submit proof of removal from the National

Register to the Planning Department. The Planning Official shall notify the Property Appraiser of required map changes and the Board of County Commissioners of all properties removed.

B. Permitted and Prohibited Uses: Uses allowed within the Lloyd Historic District shall be the same as the underlying Mixed-Use Suburban Residential land use district with the exception of sawmills, **E.** and **Section 2.8.1.**

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 have been established to provide protection to the LHOD in accordance with Comprehensive Plan Policy FLU-6-4:

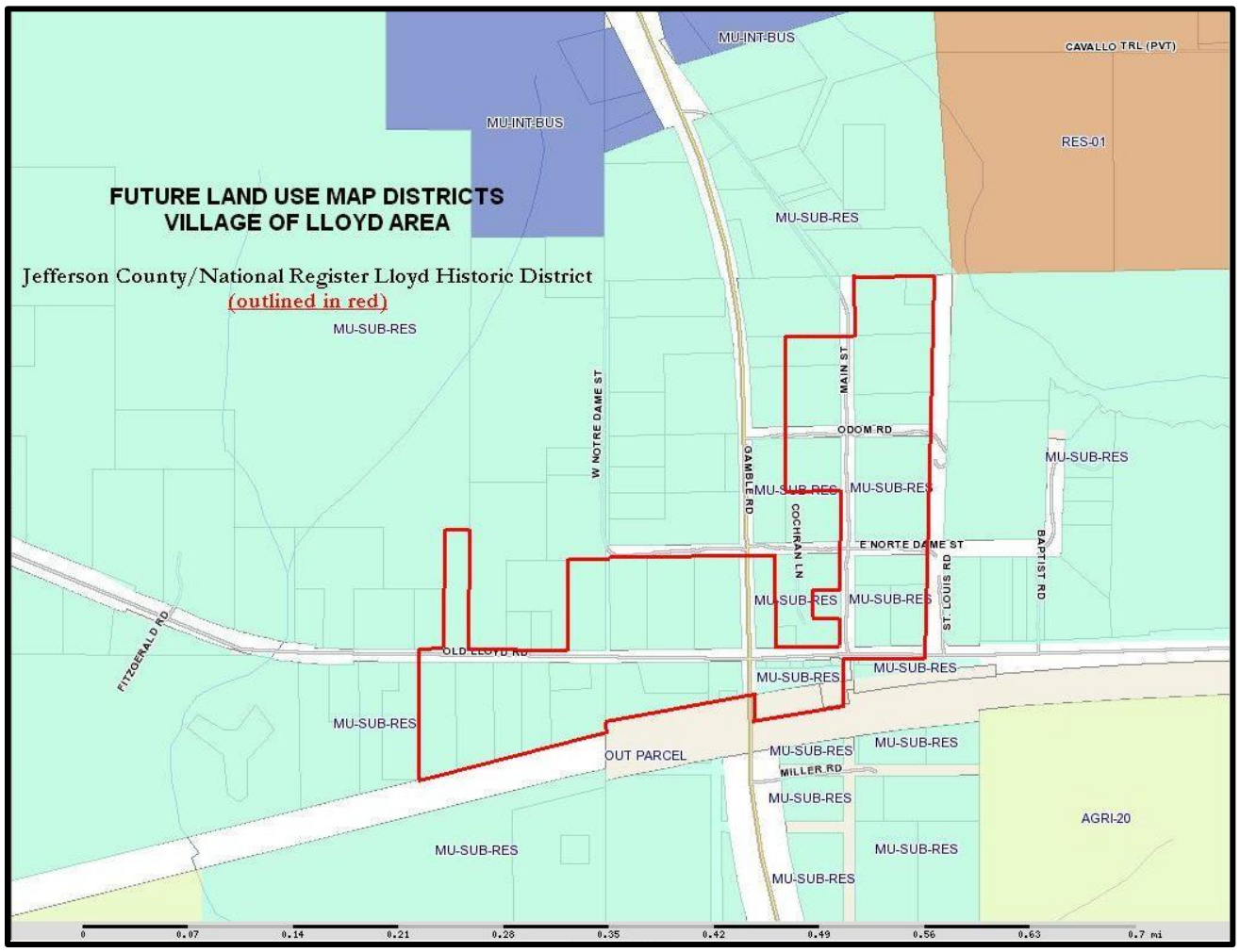
1) Industrial activities shall not be allowed within the Mixed Use Interchange Business land use district at SR 59 and I-10 in any new development south of Interstate 10.
2) A class C buffer shall be placed along the common boundary of any non-single family development property if it is within 100 feet of a historically significant site or residence in the Historic District.
3) New residential or commercial buildings constructed in the LHOD, including replacement and accessory structures, shall be compatible with and similar in size to historic buildings in the district, and shall also harmonize aesthetically and architecturally with the existing historic structures. New structures in the LHOD shall not exceed the following parameters:
   a. Structural height shall be limited to 38 feet or no more than 2 feet higher than the tallest adjacent structure (including a structure across a street);
   b. Structural floor area (all floors) shall be limited to:
      1) 5,000 square feet of heated/cooled living area for residential structures;
      2) 5,000 square feet of gross floor area for all non-residential structures, except
      3) 10,000 square feet of gross floor area for institutional uses;
4) Dumpsters, sheds, equipment or machinery in support of a structure shall be shielded by appropriate fencing or buffering high enough to prohibit view from the street.
5) Signage shall comply with Article Six; however, neon signs or signs lit from the inside are prohibited from view from the street except for a small sign near the entrance indicating store status as open/closed. Billboards on SR 59 shall be prohibited within the District.
6) Building setbacks for all new buildings shall be a no less than 25 feet or more than 35 feet from any road right of way throughout the District.
7) New businesses where the sale of alcoholic beverages exceeds 50% of gross sales and fuel stations shall be prohibited to open in the district.
8) While existing mobile homes are permitted to remain, there shall be no replacement or new mobile homes permitted on properties within the District.

2.8.1. LLOYD HISTORIC DISTRICT PERMITTED USES

While the Lloyd National Historic District lies within the Suburban Residential Land Use District, all uses permitted therein shall follow the Special Provisions outlined in Sections 2.8.0. B. and E. above and the General Commercial Uses normally permitted in MUSR shall be limited to the following:

1. Community centers and fraternal lodges.
2. Department stores and other retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, and book stores.
3. Grocery stores, supermarkets (including convenience stores), and specialty food stores (such as meat markets, and bakeries).
4. 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).
5. Restaurants including open air cafes and fast food.
6. Point-of-Sale retail plant nurseries.

2.8.2. LLOYD HISTORICAL DISTRICT MAP



2.9.0. TRANSPORTATION/UTILITY

2.9.1. GENERALLY.

These standards are for those public or private transportation or utility facilities allowed in all Land Use categories which may have characteristics with potential nuisance levels to adjacent property due to noise, light, glare, appearance, or safety concerns which require additional standards.

2.9.2. PERMISSIBLE AND PROHIBITED USES.

In addition to the uses permitted in the underlying Land Use Districts, the following and substantially similar activities, based upon similarity of characteristics are allowed, subject to approval as a Special Exception. Uses not named or not found to be substantially similar are prohibited.

A. 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;

B. 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;

C. Maintenance facilities and storage yards, greater than one (1) acre, for schools, government agencies and, electric, telephone and cable companies;

D. LP storage and/or distribution facility in excess of 1000 gallons;

E. Airports and airfields;

F. Hazardous waste collection and handling facilities and recycling facilities; and

G. Railroad Rights-of-way.

H. Solar Photovoltaic facilities

2.9.3. ADDITIONAL REGULATIONS.

In addition to the appropriate development design criteria and standards of Chapter 5, the following standards will apply to Transportation/Utility facilities:

A. In order to encourage efficient use of land Transportation/Utility Facilities 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:

1. 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.
2. The applicant's ability to obtain land rights in, or adjacent to, an existing right-of-way or easement.
3. Environmental and safety concerns affected by possible co-location.
4. Engineering compatibility and use concerns affected by possible co-location.
5. The applicant's service needs.
6. 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.

B. 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 any other buffering requirements.

C. 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.

D. The uses listed above shall be considered Special Exception Major Developments. Any application for approval shall contain information sufficient to demonstrate a reasonable expectation of compliance with the following factors, as they may be applicable:

1. 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.
2. Environmental issues identified in the Jefferson County Comprehensive Plan and Jefferson County Land Development Code.
3. 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.
4. Access during and following construction.
5. 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.
6. Consideration of green space/park and recreation use, including adequate provisions for maintenance.
7. Safety and liability issues.
8. 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.
9. 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.

2.9.4. 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.

2.9.5. RESOURCE PROTECTION AREAS.

As to permitted uses, the provisions of the Transportation/Utility Overlay District shall supersede any limitation set out in Jefferson County required Resource Protection Buffering in this Code; however, such facilities must comply with State or Federal standards and rules.

2.9.6. 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.

2.10.0. ANTENNAS AND ANTENNA TOWERS.

2.10.1. APPLICABILITY; USE OF EXISTING STRUCTURES.

A. 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.

1. 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.
2. 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.

B. 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.

C. 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.

D. If the tower must be modified to accept an additional antenna, then it must meet the standards of the code.

E. 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.

F. All applications for new tower sites will be a co-application by the owner and the tower company.

2.10.2. LOCATION.

A. A tower or antenna may be located in any zoning district so long as it meets the requirements of this Section.

B. 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. While the establishment of a tower site is defined as a subdivision of land, the tower site itself should not be considered a factor in residential density calculations.

2.10.3. MINIMUM DISTANCE OF TOWERS FROM RESIDENTIAL STRUCTURES.

A. 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. Where the setback includes an adjacent parcel containing a residential structure, the owner shall agree, in writing, not to construct any habitable structure within the setback area reserved for the tower. Future subdivision of a parcel affected by a tower setback shall indicate the presence of any portion of a tower setback as a no-construction easement by legal description and/or map in the deed of ownership.

B. Distances shall be measured from the center of the base of the tower to the residential lot line.

2.10.4. COLLOCATION OF ANTENNAS.

A. Feasibility of Collocation. Collocation shall be deemed to be feasible@ for purposes of this Section where all of the following are met:

1. 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.
2. The site on which collocation is being considered, taking into consideration reasonable modification or replacement of a facility, is able to provide structural support.
3. The collocation being considered is technologically reasonable, e.g., the collocation will not result in unreasonable interference, given appropriate physical and other adjustment in relation to the structure and antennas.
4. The height of the structure necessary for collocation will not be increased beyond 20 feet taking into consideration the several standards contained in this Section.

B. New Towers.

1. 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.
2. 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)
3. 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.
4. 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.

C. The following provisions shall govern the issuance of tower permits.

1. 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.
2. 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.
3. Applicants for a tower permit shall submit the following information:
   a. A scaled site plan clearly indicating the location, type and height of the proposed 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.
   b. Legal description of the parent tract and leased parcel (if applicable).
   c. The setback distance between the proposed tower and boundary line of the parent tract and/or road.
   d. The location of all towers and antennas within a two (2) mile radius of the location of the proposed tower.
   e. A landscape plan showing specific landscape materials.
   f. Method of fencing and if applicable, the method of camouflage and illumination.
   g. A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
   h. 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.

2.10.5. 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:

A. Height of the proposed tower;
B. Proximity of the tower to boundaries;
C. Surrounding topography;
D. Surrounding tree coverage and foliage;
E. Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
F. Proposed ingress and egress; and
G. Availability of suitable existing towers, other structures, or alternative technologies nor requiring the use of towers or structures.

2.10.6. PERMIT DENIALS.

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

A. 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:
B. No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
C. Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
D. Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
E. The applicant's proposed antenna.
F. 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.
G. The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

2.10.7. MINIMUM YARD REQUIREMENTS.

There are no minimum yard requirements for towers.

2.10.8. 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.

2.10.9. FINISHED COLOR.

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

2.10.10. 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.

2.10.11. FENCING.

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

2.10.12. 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.

2.10.13. LANDSCAPING.

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

A. A 100% opaque landscape buffer or fence which completely screens accessory structures within the perimeter of the tower site may be required. The visual screen may be at the perimeter of the site or anywhere within the site provided that all structures, vehicles, and any activities not performed on the tower itself are not visible from the ground floor level of structures on adjacent properties or from vehicles on adjacent roadways;

B. Where landscaping functions to provide the 100% opaque screening, it shall be of the evergreen variety, although any other native plantings, flowers, shrubbery may be utilized for variety or aesthetic qualities.

C. All required landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and vitality;

D. Where landscaping is planted to meet the visual screening requirements it must be maintained and any plantings that die or are destroyed by any means shall be replaced with new plantings or a fence as soon as practicable.

E. Existing vegetation shall be preserved to the maximum extent practicable and may be credited as appropriate toward meeting landscaping requirements.

2.10.14. 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.

2.10.15. 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:

A. The tower and its antennas comply with all current FCC regulations for nonionizing electromagnetic radiation (NIER).

B. 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.

2.10.16. 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.

2.10.17. OWNERSHIP MARKING.

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

ARTICLE THREE - CONCURRENCY

3.0.0. GENERALLY

The purpose of this Article is to describe the requirements and procedures necessary to implement the concurrency provisions of the Jefferson County Comprehensive Plan.

3.1.0. CONCURRENCY DETERMINATION REQUIRED

A determination of Concurrency shall be required prior to the issuance of any development permit. If a development will require more than one development permit, the determination of concurrency shall occur prior to the issuance of the initial development permit.

3.1.1. EXPIRATION OF DETERMINATION OF CONCURRENCY

A concurrency determination shall automatically expire simultaneously with the expiration of the development permit to which it applies. In the event that the development permit does not have a specified expiration date, the determination of concurrency shall expire one (1) year from the date of the issuance of the development permit. In the event that a time extension is granted prior to the expiration of the development permit, then the accompanying determination of concurrency shall be automatically renewed for the duration of the extension given to the accompanying development permit. Should the extension equal or exceed one (1) year from the date of the issuance of the initial development permit, a new concurrency review shall be performed for which a reasonable fee shall be assessed in order to defray the cost of the new review.

3.1.2. BURDEN OF PROOF

The burden of showing compliance with the adopted levels of service and meeting the concurrency evaluation shall be upon the applicant. The Planning Official or his/her designee will direct the applicant to the appropriate staff to assist in the preparation of the necessary documentation and information.

3.2.0. EXEMPTIONS

3.2.1. VESTED RIGHTS

Nothing in this Article shall be construed or applied to constitute a temporary or permanent taking of private property without just compensation or abrogation of vested rights. In matters involving concurrency questions vested rights shall be determined in accordance with the provisions in Article One.

3.2.2. NECESSARY FINDINGS

Any applicant for a development order who alleges that this Article, as applied, constitutes a temporary or permanent taking of private property or an abrogation of vested rights must affirmatively demonstrate the legal requisites of the claim.

3.2.3. EXEMPTIONS

The Planning Official may give full or partial exemptions from concurrency requirements, for individual public facilities and services, provided that public or private improvements, dedications or contributions have already been completed or are required to be provided under the terms of the vested final local development order.

3.3.0. CONCURRENCY REVIEW

Jefferson County shall use the procedures listed below to determine compliance of an application for a development permit with this concurrency management system. At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent. An applicant for a development permit shall provide the County with all information required so as enabling the concurrency evaluation to be made. Upon receipt of a complete development application, the Planning Official or his/her designee shall perform the concurrency evaluation for each of the public facilities and services.

3.3.1. ROADS

A. **Generally:** The evaluation for roads shall compare the existing level of service standards to the adopted level of service standards established by the Jefferson County Comprehensive Plan for the impacted roads. The level of service shall be based upon the existing roads, including any proposed improvements to those roads, meeting the minimum requirements for concurrency set forth in Section ~~3.03.03.~~ 3.4.0. below.

B. **Submittals:** The applicant for a development permit shall submit to the County, along with the application for a development permit, the following information:

1. The capacity (C) of the impacted road segment, at the adopted level of service, using the most recent FDOT Generalized Level of Service Tables.
2. A determination of the number of trips (D) generated by the proposed project during the peak hour(s), using the most recent edition of the ITE Trip Generation Report.
3. The existing volume (V) of impacted road segment(s) as given in the Jefferson County Comprehensive Plan,

Traffic Circulation Element, or based on most recent available traffic counts provided they are approved by the Planning Official.

4. The summation of items (b) and (c) above (i.e. D + V). This sum shall be known as N, for "new volume" upon the impacted road segment(s).
5. The ratio (as a percentage) of item (d) to item (a) (i.e. N/C).

C. **Evaluation:** For developments where item (e) above exceeds one-hundred (100) percent, concurrency will not be met unless one of the minimum requirements listed in Section 3.4.0. below is met.

3.3.2. POTABLE WATER

A. **Submittals:** The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity exists as demonstrated by one or more of the following:

1. If the service provider is other than an on-site potable water well, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the County, the applicant may be required to provide evidence of a contract with the service provider, indicating the provider's commitment and ability to serve the proposed project; and/or
2. Permits issued by the applicable Water Management District, pursuant to 40D-2, F.A.C. (NWFWMD), 40B-4, F.A.C. (SWWMD) and 17-22, F.A.C. for a potable water well to serve the development; and/or,
3. Permits issued by the HRS Jefferson County Public Health Unit.

B. **Presumption of Available Capacity:** A presumption of available capacity shall be rendered by the Planning Official upon receipt of all applicable permits.

3.3.3. WASTEWATER

A. **Submittals:** The applicant for a development permit shall submit, along with the application for a development permit, proof that sufficient capacity exists as demonstrated by one or more of the following:

1. If the proposed service provider is other than an on-site septic system, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted. Prior to the issuance of a final development order by the County, the applicant may be required to provide evidence of a contract with the service provider indicating the provider's commitment and ability to serve the proposed project; and/or,
2. All applicable DOH or County Environmental Health Department permits for an on-site septic system, pursuant to 64E-6, F.A.C., are obtained; and/or,
3. All applicable FDEP permits for wastewater facilities, pursuant to 17-6, F.A.C., are obtained.

B. **Presumption of Available Capacity:** A presumption of available capacity shall be rendered by the Planning Official upon receipt of one of the above.

3.3.4. DRAINAGE

A. **Submittals:** The applicant for a development permit shall submit, along with the application for the development permit, proof that sufficient capacity exists as demonstrated by one or more of the following, which are applicable to the development:

1. All applicable FDEP permits for stormwater management systems, pursuant to 17-25, F.A.C. are obtained; and/or,
2. All applicable DOT permits for drainage connections, pursuant to 14-86, F.A.C. are obtained; and/or,
3. All permits issued by the applicable Water Management District, pursuant to 373.451 - 373.4595, F.S. (the "SWIM Act"), and 40B-4, F.A.C. (SWWMD rules) are obtained.

B. **Presumption of Available Capacity:** A presumption of available capacity shall be rendered by the Planning Official upon receipt of the applicable FDEP, DOT, and/or applicable Water Management District permits.

3.3.5. SOLID WASTE

Countywide Presumption of Available Capacity: The regional landfill believes they have ample capacity for any development until the year 2040.

3.3.6. RECREATION AND OPEN SPACE

Countywide Presumption of Available Capacity: Based upon the data and analysis contained in the Jefferson County Comprehensive Plan, adequate capacity exists for estimated demand for park and open space facilities through the planning period (2010-2025). Therefore, a presumption of available capacity for all development shall be rendered by the Planning Official through the planning period. At such time, the available capacity for park and open space

facilities shall be re-assessed and a determination made as to whether the presumption of available capacity is to be continued. The only exception to this general presumption of capacity relates to new residential developments of fifty (50) or more units. Such developments shall dedicate parkland at the rate of five (5) acres per one thousand (1000) residents.

3.4.0. MINIMUM REQUIREMENTS FOR CONCURRENCY

In order to obtain a determination of concurrency, one of the following conditions must be satisfied for each of the public facilities and services, and such condition given in the determination of Concurrency.

A. The necessary public facilities and services are in place at the time the development permit is issued; or

B. The development permit is issued subject to the condition that the necessary public facilities and services shall be in place when the impacts of the development occur; or,

C. The necessary public facilities and services are under construction at the time the development permit is issued; or,

D. The necessary public facilities and services are guaranteed in an enforceable development agreement, pursuant to Sections 163.3220 through 163.3243, F.S.; or,

E. The necessary public facilities and services are the subject of a binding executed contract between the County and a contractor which provides for the commencement of the actual construction of the required public facilities or services or the provision of services within one (1) year of the issuance of the development permit.

3.5.0. MEETING CONCURRENCY

Should a development not pass the above concurrency test, several strategies may be used to rectify this, including the following:

A. A plan amendment which lowers the adopted level of service standard for the affected facilities and/or services.

B. A renegotiated binding contract between the County and the developer.

C. A renegotiated enforceable development agreement, which may include, but is not limited to, development agreements pursuant to Section 163.3220, F.S.

D. A change in the funding source.

E. A reduction in the scale or impact of the proposed development.

F. Phasing of the proposed development.

3.6.0. ADOPTED LEVELS OF SERVICE

The adopted Levels of Service (LOS) standards for public facilities and services as contained in the Jefferson County Comprehensive Plan are hereby adopted by reference.

3.7.0. APPEALS

Appeals related to determinations of concurrency shall be made pursuant to the provisions in Article 9.

ARTICLE FOUR - RESOURCE PROTECTION

4.0.0. GENERAL PURPOSE AND SCOPE

4.0.1. PURPOSE

The purpose of this Article is to establish those resources that must be protected from harmful effects of development in accordance with Policy C-1.5.4 of the Comprehensive Plan: Wetlands, water bodies, springs, sinkholes, caves and habitat of endangered, threatened and species of special concern are designated as environmentally sensitive lands. These lands, when threatened by urban development, shall be protected by the application of land development regulations. In addition, protection shall also be extended to vegetative and wildlife habitats that are critical for designated species. The regulations shall establish performance standards for development in such environmentally sensitive areas. All environmentally sensitive lands designated for silviculture shall require the owner or operator to use the U.S. Forest Service's best management practices.

A developer should apply the provisions of this Article before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

4.0.2. SCOPE

This Article incorporates regulations which are designed to protect the following environmentally sensitive areas: flood prone areas, aquifers, sinkholes and caves, lakes, streams, wetlands, critical wildlife habitats, and historical and archaeological sites. Additional regulations contained in this Article address hazardous wastes and mining and their threat to environmentally sensitive areas.

4.1.0. FLOODPLAIN PROTECTION

The density standards set forth in Article 2 of this Code outline standards for development of properties containing Special Flood Hazard Areas (areas within the 100-year floodplain). Construction within Special Flood Hazard Areas shall be in accordance with the Jefferson County Floodplain Management Ordinance in Chapter 11 of the Jefferson County Code of Ordinances.

4.2.0. AQUIFER PROTECTION

The purpose of the aquifer protection standards is to safeguard the principal source of water for domestic, agricultural, and industrial use, by ensuring the availability of adequate and dependable supplies of good quality water. These standards protect both the quantity and quality of the groundwater supply, and control development in and adjacent to designated wellheads to protect water supplies from potential contamination.

4.2.1. WELL LOCATION CRITERIA AND OTHER RESTRICTIONS

A. All future potable water wellfields with a design capacity of one-hundred thousand (100,000) gallons per day (GPD) or greater shall incorporate a minimum two-hundred (200) foot prohibited development zone around the perimeter of the well.

B. No development activities including any of the following shall be allowed within this prohibited development zone:

1. Landfills;
2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Chapter 442, F.S.);
3. Activities that require the storage, use, handling, production or transportation of restricted substances including agricultural chemicals, petroleum or industrial chemicals, hazardous/toxic or medical wastes;
4. Feedlots or other concentrated animal facilities;
5. Wastewater treatment plants, percolation ponds, and similar facilities;
6. Mines; or
7. Excavation of waterways or drainage facilities which intersect the water table.

C. New public or private potable water wells are allowed to be located wherever necessary within the county to ensure the availability and provision of in-county water distribution facilities adequate to meet future needs of the county.

D. Development infrastructure in all land use districts shall be limited to that infrastructure necessary to serve uses of land which are otherwise allowable designated land uses in the district where such infrastructure is proposed to be located.

E. The use of landscaping best management practices as stated in the Florida Friendly Best Management Practices for Protection of Water Resources by the Green Industries (Florida Department of Environmental Protection, 2008) is encouraged.

F. All new golf course siting, design, construction, and management shall implement the prevention, management, and monitoring practices, detailed in the golf course siting, design, and management chapter of the Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (Florida Department of Community Affairs and the Florida Department of Environmental Protection, 2002).

G. The County shall encourage the use of water management conservation measures which will assure the retention of groundwater to protect the coastal bays and springsheds, and assure emergency water conservation in the case of groundwater contamination.

4.2.2. SPECIFIC GUIDELINES TO PREVENT GROUNDWATER CONTAMINATION

A. Generally. Stormwater management practices shall not include drainage wells for stormwater disposal where recharge is into potable water aquifers.

B. Areas of Concern. Prior to any approval of development requiring water withdrawal within one-thousand (1000) feet of the Gulf State Chemical Company Site, or the Wacissa underground storage tank leak sites, the County shall consult with the FDEP and the Water Management District with jurisdiction to ensure such approval would not increase groundwater contamination.

4.3.0. SINKHOLES, CAVES, AND KARST FEATURE PROTECTIONS

This Section provides for the protection of sinkholes, caves and karst features to prevent aquifer contamination due to pollutants carried in stormwater runoff, and for the preservation of habitat for threatened and endangered species and species of special concern by including a minimum one hundred (100) foot setback to be established surrounding any known sinkhole or cave. This setback shall be measured from where a change in the natural terrain descends into the sinkhole. Within this protection zone no development activity may take place and efforts should be made to maintain the setback area in its natural state. The Department of Environmental Protection (DEP), Florida Geological Survey, and appropriate water management district shall be consulted with regard to any known or potential sinkhole, cave, or other karst feature detected during development review, including the appropriate management response.

4.4.0. LAKES, STREAMS AND WETLANDS

Although Jefferson County is a coastal county no development is allowed on or near the Gulf of Mexico. Everything in this section deals with freshwater lakes, streams, etc.

4.4.1. SHORELINE AND RIVERINE FLOODPLAIN SETBACKS

A. Riverine and Lacustrine. A minimum one hundred (100) foot setback, measured landward from the wetlands jurisdictional line shall be established along all rivers, streams and other natural water bodies, provided, however, that if application of the setback to an existing lot of record would reduce the buildable portion of the lot to less than one-half acre, the setback shall be reduced as necessary to provide one-half acre of buildable area, but shall not be reduced to less than a minimum buffer of thirty five (35) feet. Within this setback, 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. FDEP Jurisdictional Wetlands. A minimum fifty (50) foot setback, measured landward from the FDEP wetlands jurisdictional line shall be established for all areas identified as FDEP jurisdictional wetlands not indicated as A. above, provided, however, that if application of the setback to an existing lot of record would reduce the buildable portion of the lot to less than one-half acre, the setback shall be reduced as necessary to provide one-half acre of buildable area, but shall not be reduced to less than a minimum buffer of twenty five (25) feet. Within this setback, permanent structures will be prohibited and clearing of native vegetation shall be limited to provide only for reasonable access.

4.4.2. PROTECTION OF NATURAL WATER BODIES

No land use shall be permitted which discharges untreated stormwater or other effluents into natural water bodies.

4.5.0. SHORELINE AND WATERFRONT PROTECTION

4.5.1. SHORELINE PROTECTION ZONE

A "Shoreline Protection Zone" is hereby created to ensure the protection of ground and surface waters in the County and shall extend from the point in waters where no emergent aquatic vegetation can grow to a point fifty (50) feet landward of the ordinary (mean) high water. Special restrictions and standards shall be placed on development in the shoreline protection zone.

4.5.2. SPECIAL USES ALLOWED IN A SHORELINE PROTECTION ZONE

A. The development shall be designed to:

1. Allow the movement of aquatic life requiring shallow water;
2. Maintain existing flood channel capacity;
3. Assure stable shoreline embankments.

B. Development that encroaches on the Shoreline Protection Zone shall not be located:

1. On unstable shorelines where water depths are inadequate to eliminate or minimize the need for offshore or foreshore channel construction dredging, maintenance dredging, spoil disposal, filling, beach feeding, and other river, lake and channel maintenance activities;
2. In areas where there is inadequate water mixing and flushing;
3. In areas which have been identified as hazardous due to high winds or flooding.

C. Access roads, parking lots and similar structures shall be located in upland sites. Non-developed portions of the Shoreline Protection Zone that are damaged during construction shall be restored or replaced through replanting of vegetation, restocking of vegetation, restocking of fish, shellfish, and wildlife, re-establishment of drainage patterns, and the like. To the maximum extent possible, the restored areas shall match their prior ecological functioning.

D. Accessory uses shall be limited to those, which are water dependent or necessary for operation of the development. Accessory uses will be consistent in scale and intensity with the surrounding uses. Fill shall not be placed in waters or associated wetlands to create unusable land space for accessory uses.

4.6.0. WATERFRONT STRUCTURES

No waterfront development shall be undertaken unless authorized by a development permit. In addition, no waterfront structures and/or facilities shall be erected, expanded or constructed except in accordance with a Special Exception.

4.6.1. STANDARDS

No such special exception shall be granted unless the proposed activity is in compliance with all applicable County laws, is consistent with the Comprehensive Plan, and is in compliance with the following requirements as applicable.

A. Distance from Channel Such structures shall not be closer than forty-five (45) feet from the center of any publicly used channel.

B. Maximum Height of Boathouses and Boat Hoists. Covered boathouses and covered boat hoists shall not exceed a height of twenty (20) feet above (ordinary) mean high water or ten (10) feet above the ground on which they are placed, whichever is higher. Such structures shall not be placed more than thirty (30) feet from the shoreline without a Special Exception. Boathouses may have a roof structure, but may not have enclosed walls, per Army Corps of Engineers, General Permit SA-J3. Boathouse roofs shall be tied down.

C. Compliance with District Side Yards.

1. Waterfront structures shall not be located closer to any side lot line than the minimum side yard requirement of the zoning district applicable on the adjacent shore. Side lot lines shall be deemed to extend into the adjacent water body perpendicular to the shoreline, which they intersect unless they actually extend into such water body.
2. The density of multi-family docking facilities and single-family docks on lots created after the effective date of the Comprehensive Plan shall not exceed one (1) power boat slip for every one hundred (100) feet of shoreline owned. Additional slips over the 1:100 foot ratio shall be designated by posted signage as sailboat or non-power driven boats only.

D. Other Requirements

1. There shall be no handling or storage of fuel, hazardous and toxic substances and wastes.
2. No new boat ramps shall be located in areas characterized by significant grass flats.
3. Slow speed zones shall be established for all access channels to marina-type uses and multi-family docking facilities. All development within or adjacent to slow speed zones shall be required to post appropriate signage. Such signage may be shared by one or more projects. Signage shall conform to Article VI, of this Code.
4. Posting and maintenance of government signs at marina-type uses and their access channels shall be provided, funded, and maintained by the affected marina-type use.

4.6.2. FLOODWAYS.

All waterfront structures in the floodways shall comply with applicable provisions of Section 4.1.1 and the Jefferson County Floodplain Management Ordinance.

4.7.0. HABITAT OF ENDANGERED OR THREATENED SPECIES

This Section is intended to protect wildlife habitats as well as wildlife corridors.

4.7.1. MAPS.

The Florida Fish and Wildlife Conservation Commission Map and the Florida Natural Areas Inventories List and Map shall serve as a guide in identification of critical habitats.

4.7.2. MANAGEMENT PLAN.

A. Generally. When one or more of a threatened or endangered species or species of special concern are found on a development site, development activities which may cause harm to the species shall not be allowed until a management plan has been prepared which avoids the adverse effect of the project on the species.

B. Contents. The management plan shall be prepared by an ecologist, biologist or other related professional as a consultant to the County. Such expense shall be borne by the applicant. The Plan shall document the presence of affected species, the land needs of the species that may be met on the development site, and shall recommend appropriate habitat management strategies to protect the subject wildlife. Where adverse impacts cannot be avoided through site design or other means, the applicant shall be required to develop a mitigation plan which will allow no net loss of individuals of designated species, in coordination with the Florida Fish and Wildlife Conservation Commission.

4.8.0. HISTORICAL AND ARCHAEOLOGICAL SITES

4.8.1. HISTORICAL SITES

A. Private nomination.

Individuals may nominate property they own for inclusion in the List of Historic Sites if it qualifies for one of the following categories:

1. **Architectural Significance**. The building is an example of good or unique architecture not typically found in Jefferson County, or is an excellent example of typical Jefferson County architecture in the past.
2. **Historical Significance**. The site or building is important through association with important persons or events.

B. Additional Criteria.

The Planning Official should consider the opinion of persons knowledgeable about the history of the site and its characteristics, and the opinion of the Jefferson County Historical Society when making a decision about a site's nomination.

C. Guidelines for Preservation.

Any development to be located within a building of historic significance or on the same lot or tract with a historic site shall be approved only after the applicant demonstrates that he or she has made an effort to secure a user for the site who will restore it and use it for a contemporary purpose. The development should be designed to minimize impact on the historic character of the building or site, and to enhance the appearance of the historic site.

D. Standards for Rehabilitation.

Persons undertaking rehabilitation on historic buildings or construction in historic areas should follow the guidelines suggested in The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Old Buildings published by the U.S. Department of the Interior, National Park Service.

4.8.2. ARCHAEOLOGICAL SITES

A developmental proposal for location near an archaeological site will be approved only after the applicant demonstrates that he or she has provided a minimum twenty-five (25) foot buffer zone extending outward from the periphery of the site to minimize damage to the archaeological site. The recommendation of the Division of Historical Resources, Department of State, State of Florida is to be sought as part of the review of a proposal, which would affect an archaeological site.

4.9.0. RECYCLING PLAN AND HAZARDOUS WASTES

4.9.1. DISPOSAL OF HAZARDOUS WASTES

The disposal of hazardous wastes into the public sewer system, canals and ditches, wetlands, stormwater facilities, unlined landfills and other unsafe areas shall be prohibited.

4.9.2. HANDLING, GENERATION AND STORAGE OF HAZARDOUS WASTES

Any development where hazardous wastes will be handled, generated, stored, transferred or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil, and employ adequate means for prompt and effective cleanup of spills that do occur

4.9.3. PROHIBITED USES

The long-term storage of equipment or materials and the disposal of wastes shall be prohibited. Fertilizers, herbicides or pesticides shall not be applied in a Protected Environmentally Sensitive Zone except for projects conducted under

the authority of Sections 373.451-373.4595, Florida Statutes, the Surface Water Improvement Management Act, and governmentally authorized mosquito control programs.

4.9.4. HAZARDOUS AND EXTREMELY HAZARDOUS SUBSTANCES

A. Limitations:

Quantity limitations shall be placed on hazardous and extremely hazardous substances. Any toxic substance in the quantities listed in the following shall follow the regulations of the U.S. Environmental Protection Agency (EPA) and the Florida State Emergency Response Commission (SERC).

1. List of extremely hazardous substances, as published by the U.S. Environmental Protection Agency 40 CFR 355, as amended.
2. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) chemicals, published by the U.S. Environmental Protection Agency as Title III List of Lists, consolidated list of chemicals subject to reporting under Title III, of the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended.
3. Hazardous chemicals which the Occupational Safety and Health Administration (OSHA) requires a Material Safety Data Sheet (MSDS) to be maintained, as amended.
4. Toxic chemicals as published by the U.S. Environmental Protection Agency, Section 313, Toxic chemical list, as amended.

B. Site Requirements

In addition to the requirements of Federal, State and other County Codes, all sites for the use, storage and production of extremely hazardous substances in quantities stipulated in ~~4.09.04~~ 4.9.4. shall be located and contained in a suitable room(s) located, properly labeled and alarmed for safe keeping. All storage allowed by the ~~HRS~~ FDOH/Jefferson County Public Health Unit and the Fire Department, that is exterior to the structure shall be located within a six (6) foot fence locked under management control. Adequate containment facilities shall be sized and located so as to accommodate and contain all accidental spillage. Computation shall be submitted to the ~~HRS~~ FDOH /Jefferson County Public Health Unit and Fire Department to justify all containment structures. The type, quantity and location of all extinguishing components shall also be submitted for review by the ~~HRS~~ FDOH /Jefferson County Public Health Unit and Fire Department.

All activities and all storage of extremely hazardous substances at any point, shall be provided with adequate safety devices against fire and explosion with fire-fighting and fire suppression devices and equipment.

C. Building Permit Requirements

No building permit for any type of construction, except related retrofit construction to achieve compliance shall be issued on any lot for which a known violation of this Section exists. The ~~HRS~~ FDOH/Jefferson County Public Health Unit and Fire Department shall notify the Building Development Office of all cited violations.

4.9.5. ADHERENCE TO DEP STANDARDS

FDEP standards for transfer and storage of hazardous wastes shall be implemented for all developments to ensure that the quality of ground or surface water or other natural resources will not be degraded.

4.10.0. WATER CONSERVATION

4.10.1. ADOPTION OF THE WATER CONSERVATION ACT

Jefferson County hereby adopts the Florida Water Conservation Act. Specific standards for low volume plumbing fixtures are set by the state.

4.10.2. PROCEDURE DURING PERIODS OF DROUGHT

During periods of water shortage or drought, the county shall initiate procedures to restrict potable water usage in keeping with the Water Shortage Regulations contained in the Northwest Florida and Suwannee River Water Management District's Water Shortage Plans.

ARTICLE FIVE - DEVELOPMENT DESIGN

5.0.0. GENERAL PROVISIONS

The guiding principle for all types of development in Jefferson County should be to make the development fit the land, not to remove all existing vegetation and reshape the natural environment to make the land fit the development. Through the extensive use of clustering, strongly encouraged or required by this Code, most large properties have potential for residential development while preserving the county's rural character. Multi-family residential and non-residential developments with large structures and parking lots are more difficult to design to fit into the natural environment. The standards herein are intended to allow designs to work with the existing natural environment to the greatest extent possible.

5.1.0. SITE PLANNING AND BUILDING ARRANGEMENT

All developments in all land use categories, including the construction of new single-family residences or the placement of mobile homes, are required to obtain approval of a site plan as part of the application for a development permit and shall be subject to minimum building setbacks from perimeter property lines and road right of way boundaries as established in the Building Placement Standards below. Developments other than single-family residences on lots of record shall be designed in compliance with all the standards and criteria in this section pertinent to the type of development, including structures, parking, driveways, landscaping, and all other elements in the site plan.

5.1.1. RESIDENTIAL

These principles shall be followed in the planning of residential areas, in choice of building types, and in the arrangement of buildings on the land:

A. Residential subdivisions shall be designed to accommodate the natural environmental features to the greatest extent possible to minimize the impacts of development and preserve the overall rural characteristics of Jefferson County.

B. Multi-family residential projects shall be laid out according to proven as well as innovative practices of architecture and landscape architecture. Objectives shall include removing dwellings from vehicular noise, privacy, and making a variety of housing types and arrangement available to County residents.

C. Owners/Developers of housing subdivisions and developments are encouraged to include common facilities such as enclosed amenities and common open space areas for use by all the residents of the community.

5.1.2. NONRESIDENTIAL

These principles shall be followed in the planning of nonresidential development and in the arrangement of buildings on the land:

A. Developments shall be laid out according to proven as well as innovative practices of architecture and landscape architecture Design objectives shall include adequate buffering where necessary to protect adjacent residential areas from noise, air pollution, glare and visual nuisance, and provide safe and convenient outdoor and indoor spaces for staff and visitors, which are safe and convenient.

B. When Major Collectors and all Arterials have a right of way of less than one hundred (100) feet, there shall be a minimum construction setback of 25 feet from the right of way line to a parking lot or building. Buildings fronting on arterial or collector roads without parking in front shall have a minimum street yard of 25 feet and all parking shall be to the side or rear of the face of the building. The setback shall be measured from the right-of-way line to the closest point of the structure, whether the face of the building or roof overhangs, steps, handicap ramps, or any ornamental protrusions.

C. Developers of non-residential or multiple-use projects are encouraged to include adjacent and nearby places of employment in an overall design plan whenever possible by including provisions allowing joint use of common facilities/amenities such as common drives~~,~~ and parking lots~~,~~ for staff and visitors. Expansion of design plans to provide adjacent lands service from proposed new sources of water and/or liquid waste treatment plants, including economic agreements such as establishing utility fees when necessary, is highly encouraged but not required.

5.1.3. BUILDING CONSTRUCTION SETBACKS

For all properties in Jefferson County, building placement shall adhere to the following standards:

A. Perimeter Property Setbacks

1. The outermost wall of all buildings shall be constructed a minimum of ten feet (10') from any side or rear perimeter boundary line and twenty five feet (25') from any public or private road easement line or right of way line. If there is no defined right of way or easement, the building construction setback shall be fifty-five (55) feet from the centerline of the road driving surface.

2. All parking lot construction shall be a minimum of ten feet (10') from any perimeter property line and shall provide landscaping as required herein.

B. Building Separation

In addition to meeting perimeter construction setbacks, all buildings in a multi-building site plan shall maintain the following interior building separation:

1. **Residential Developments:**
   a. Single-Family Residential Attached Units:
      1. For setback purposes, single-family attached residences such as townhouses and garden homes are constructed in building groupings, usually attached by side walls. Building groupings shall not exceed two hundred feet (200') in length or ten (10) units, whichever is greater.
      2. Firewalls shall be provided where required per building code(s).
      3. End units shall be a minimum of ten feet (10') from the perimeter lot line or twenty five feet (25') from a side-corner street right of way line.
   b. Multi-family Residential - apartment and condominium buildings:
      1. Minimum Side separation of twenty feet (20') between buildings.
      2. Minimum Rear separation of thirty feet (30') between buildings.
      3. Minimum Front separation of fifty feet (50') between buildings.
   c. Where parked cars overhang the sidewalk, a minimum of three feet (3') of unobstructed width shall remain to ensure handicap accessibility.
2. **Nonresidential Developments:**
   a. Minimum Side separation of twenty feet (20').
   b. Minimum Front and Rear separation of thirty feet (30').
   c. Where parked cars overhang the sidewalk, a minimum of three feet (3') of unobstructed width shall remain to ensure handicap accessibility.

TABLE 5.1.3 BUILDING PLACEMENT STANDARDS Building Placement Standards			
Multi-Family Residential and Non-Residential Site Plans			
Perimeter Building Setbacks			
Front	*Side-Corner*	*Side-Interior*	*Rear*
25 feet	25 feet	10 feet	10 feet
Apartments in townhouse configuration shall not exceed the greatest of 10 units or 200 feet.			
Interior Building Setbacks (Between Buildings)			
Front	*Side*	*Rear*	
50 feet	20 feet	30 feet	

C. Accessory Structures

Accessory structures shall be constructed either attached to the principal structure or behind the plane of the front of the principal structure and a minimum of ten feet (10') from, or attached to, any other accessory structure or the perimeter property line and twenty five feet (25') from any public road or street right of way line or private road easement line. If there is no defined right of way or easement, the building construction setback shall be fifty-five (55) feet from the centerline of the road driving surface.

5.2.0. CLUSTERING

Common practice in subdivision design is based on a minimum lot size determined by the maximum density allowable on a parcel and parameters such as minimum lot width and/or depth. Such designs rarely result in providing common open space or "parks" and alter the overall character of the surrounding "community". The purpose of clustering is to allow a developer to use the total gross density permitted in the FLUM district on a parcel by setting aside land for agriculture, recreation, aesthetics, and/or to protect sensitive lands. The undeveloped area allows the developer to preserve the rural character of the County by allowing continued use of existing agricultural or silvicultural activities, by preserving undisturbed natural areas (especially environmentally sensitive lands) or otherwise providing open space or common areas for the residents to use for community activities as described in the sections below.

5.2.1. PROCEDURE

Development of parcels utilizing cluster subdivision concepts is accomplished by placing the residential units on small parcels in compact configurations usually surrounded by open space. The following guidelines will be used as a guide for clustering:

5.2.2. SIZE OF LOT.

1. All clustered lots will be at least one half (½) acre in size unless:
   a. public water is available, then one quarter (¼) acre lots can be used.

b. public water is available and provisions are made for a public sewer system, then lots have no required minimum size for any type of single-family dwelling, including but not limited to, zero-lot-line, or attached units, townhouses, or condominium units can be used.

2. Not all lots must be the same size or comparable in size. A development can have the density met by using lot size to compliment the character of the land, as long as the total allowable density is not exceeded.

5.2.3. LOT LOCATION OR SITUATION:

1. New lots shall be in one or more groups abutted by common open space unless all, or a major portion, of the designated open space is part of a lot owned by an individual or a property owners association.
2. The cluster can be as few as two lots or as many as allowed for the original parcel.

5.2.4. ENTRANCES INTO THE PARCEL:

If clustering is used, more than one entrance is allowed, as long as they are over 400 feet apart on state maintained roads and 245 feet apart for County maintained roads. All lots in a clustered subdivision must have their drives opening onto the interior subdivision road(s). A cluster subdivision may be created without creating a new road where all lots front on an existing road; however, the driveway separation standards for that road classification must be followed.

5.2.5. USES OF THE OPEN SPACE.

1. Areas designated as open space for density credit in a cluster subdivision may be retained by the developer or sold to a single individual as long as the development potential is limited to no more than the total for the original parcel. The density restriction must be recorded on the plat or other appropriate documentation when clustering is utilized in a minor development, as applying to the undeveloped parcel or indicating all of the designated non-developable area(s) on one or more parcels as may be appropriate to meet the intent of clustering. A landowner can cluster the density of a parcel and retain the undeveloped portion for agricultural use.
2. The open space area shall be included in the boundary of the plat and may become the property of the homeowners association to regulate and use as they want as long as it is not used for dwellings. Some of the potential uses could be; silviculture, agricultural crops or pasture, nature trails, playgrounds, recreational facilities. A Common Open Space Maintenance Plan shall be provided as part of Homeowners Association documentation and also as part of any Conservation Easement Documentation required below. The maintenance plan should outline all proposed uses of common areas, including any HOA accessory structures such as barns, stables, meeting rooms, or recreational structures, etc., as well as maintenance of paths, riding trails, and/or playgrounds. Natural areas designated to be undisturbed except for required maintenance shall be delineated and posted when and where necessary.
3. Where agricultural or silvicultural or other activities are permitted to continue or commence, there shall be written agreements between the homeowners and the farmer, or otherwise-designated caretaker, as to the crops, animals, or other activities, and methods of use allowed, including the ability to make mutually-agreed-upon changes.
4. The size of the designated open space (whether part of a lot or a separate parcel and regardless of ownership) shall be a minimum of two (2) times the size of the largest lot in the development and shall otherwise meet all other provisions of this section (5.2.0., et seq.).

5.2.6. PROTECTION OF THE OPEN SPACE.

Regardless of who owns the open space, a conservation easement to the County must be recorded for all uses other than Agriculture, Silviculture, and Recreational uses or all documents regarding uses, ownership, maintenance, etc., shall be recorded as part of the Conditions of Approval of the Final Development Order, including the Development Permit. This includes anyone who owns the open space whether the homeowners association, the developer, farmer, a single owner or several owners.

5.3.0. TREES & VEGETATION

The purpose of this Section is to protect the quality of water resources from future degradation and maintain the overall beauty of Jefferson County and the quality of life of its citizens by:

- maintaining vegetative cover and controlling disturbances to vegetation; and
- requiring the selection of native species for plantings; and
- reducing the impact of urban and suburban development on remaining stands of natural vegetation; and
- providing shade as well as aiding in the reduction of heat and glare; and
- to provide for abatement of noise pollution; and
- to provide habitat for living things; and
- to provide buffering between incompatible uses; and
- to provide naturally vegetated open space areas; and
- to provide for the protection of the canopy on designated canopy roads; and

- to provide for landscaping and tree protection in developed areas.

5.3.1. 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 established herein.. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require development plan approval in compliance with this Land Development Code.

5.3.2. LANDSCAPE MATERIALS.

Diversity of plantings shall be utilized in all required landscape planting designs and one species should not typically constitute more than fifty percent (50%) of a planting. All plantings shall consist of native vegetation, preferably local indigenous species.

5.3.3. PROHIBITED PLANTS.

Plants on the Florida Exotic Pest Plant Council Invasive Plant Lists shall not be installed as landscape material. (Note: The Invasive Plant List is available online at http://www.fleppc.org as of this writing.)

5.3.4. BUFFERING AND LANDSCAPE BUFFERS

A. Purpose and Intent.

This Section requires buffers comprised of landscaping, while also allowing some forms of fencing, to be provided and maintained for various reasons such as, but not limited to:

1. when certain land uses are adjacent to or directly across from others that may have incompatible elements of the development; and/or
2. to protect some uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use; and/or
3. to enhance the conservation of the values of existing adjacent land and buildings; and/or
4. to provide adequate light and air.

Widths and required plantings within landscape buffers vary depending upon the relative intensities of the abutting or adjacent uses. Buffer requirements are intended to be flexible to allow the developer to satisfy the intent of the landscape buffer requirement.

B. How to Determine Landscape Buffer Requirements.

Depending on whether sound buffering or visual screening is required, landscape buffers should be located at the perimeter of the site for any given use. Landscape buffers shall not be located in any portion of a public or private right-of-way. The following procedure shall be followed to determine the type of landscape buffer required:

1. Identify the land use district of the proposed use and the land use district and existing use of the adjacent or adjoining properties and rate the actual uses as high, medium, or low impact types of uses. (see **Table 5.2.4.A.** below)

Note: *Single-family residential and Agriculture/Silviculture uses are exempt from providing buffers; however, they are listed herein to determine requirements on adjacent non-residential or multi-family development parcels if new uses are constructed.*

Uses. For the purposes of determining landscaped buffer requirements, nonresidential land uses are classified as high, medium, or low impact uses as follows in Table 5.2.4.A.:

TABLE 5.2.4.A. - TYPES OF USE BY IMPACT		
High Impact Uses.	**Medium Impact Uses.**	**Low Impact Uses.**
Strong effect on adjacent uses.	Moderate effect on adjacent uses.	Limited effect on adjacent uses.
Industrial; Mining; Water or Wastewater Treatment Plants; Electric Utility substations	General Commercial; Feedlots; "Active" Outdoor Recreation Uses; Agriculture & Silviculture	Institutional; "Passive" Outdoor Recreation Uses; Professional Service/Office

Note: "Active" Outdoor Recreational Uses/Facilities can be characterized as those types of uses/activities involving motorized vehicles and/or equipment or activities drawing relatively large numbers of participants and/or spectators and are generally activities requiring Special Exception approval. "Passive" Outdoor Recreational Uses/Faculties can be characterized as uses or activities generally unnoticeable by adjacent property owners due to public participation being mostly low numbers of small groups of people generating little traffic or noise.

3. Determine the landscape buffer required on each building site boundary (or portion thereof) by referring to **Table 5.2.4.B.** – Landscape Buffer Requirements.

TABLE 5.2.4.B. – LANDSCAPE BUFFER REQUIREMENT				
Proposed Use ➡ Adjacent Use ⬇	**High Impact**	**Medium Impact**	**Low Impact**	**Residential**
High Impact	**NONE**	**A**	**B**	**C**
Medium Impact	**A**	**NONE**	**B**	**B**
Low Impact	**B**	**B**	**NONE**	**A**

Residential	C	B	A	NONE*

*Note: A Type A or Type B Landscape Buffer may be required between a multi-family residential development and adjacent single-family residential lots when the scale of the multi-family residential development is equivalent to a non-residential development, particularly when multi-family structures exceed two stories and/or perimeter parking areas contain spaces with perpendicular parking.

4. Select the desired landscape buffer option from those set forth in **Table 5.2.4.C.** Landscape Buffer Standards (Visual).

TABLE 5.2.4.C. – LANDSCAPE BUFFER STANDARDS (VISUAL)

Whenever possible, buffering between new and existing developments should be accomplished through the preservation of existing trees and natural vegetation. The buffering requirements listed herein are suggested minimum requirements. Developers are encouraged to involve the affected owners of properties adjacent to new projects in the design of buffers between their properties to result in a mutually agreed-upon configuration. A buffer may be less than the requirements listed herein provided a written agreement of the property owners on both sides of the adjacent properties is submitted to and approved by the Planning Official. A copy of all such agreements shall be placed in the appropriate project file in the Planning Department or recorded in the Public Records of Jefferson County (Clerk's office).

STANDARD	TYPE A	TYPE B	TYPE C
1. Height	Six Feet (6')	Eight Feet (8')	Eight Feet (8')
2. Opacity	40%	70%	100%
3. Width	The minimum width shall be the building setback distance, except when adjacent to a road, minimum width shall be 10 feet (see note 5. Shrubs).	The minimum width shall be 1.5 times the building setback distance, except when adjacent to a road, minimum width shall be 10 feet (see note 5. Shrubs).	The minimum width shall be 2 times the building setback distance, except when adjacent to a road, minimum width shall be 10 feet (see note 5. Shrubs).
4. Trees	Tree placement along perimeter buffers shall be placed to allow an even, mature growth of the species' natural canopy.		
5. Shrubs	Midstory growth placement shall provide coverage from ground cover to the lowest level of tree canopies; except along commercial road frontage where visibility of the front of businesses from the street is necessary for security and marketing purposes, hedge and/or shrub growth shall be tall enough to block the headlights of parked vehicles from shining into the adjacent street(s). Lowest level of frontage tree canopies shall be fifteen feet (15') above the ground		
6. Understory	Ground cover shall be provided by any combination of grass, mulch, flowers, etc.		
7. Fencing (Optional)	If fencing is to be utilized to provide the required opacity, plantings shall be placed on the interior (new development) side of the fence to ensure the provision and maintenance of required site landscaping areas (example: required parking perimeter and interior island landscape areas).		

TABLE 5.2.4.D. – LANDSCAPE BUFFER STANDARDS (SOUND)

Location	Sound buffers shall be placed in the most appropriate location in relation to the major sound generation point(s) [usually closest to the source(s)] to ensure the best possible blocking of noise. Whenever possible, outdoor facilities such as kennel runs should be roofed to aid sound muffling.
Plantings	Evergreen or similar plantings in a variety of types and heights with a thickness of growth to provide the maximum amount of muffling at the closest possible point(s) to the source of the noise. While there is no minimum height or width requirement for sound buffering, plantings of adequate depth and height to effectively muffle sound should be thick enough to provide a 100% opaque visual screen.
Fencing	Optional: fencing of sound-deadening material may be utilized as well as earthen berms when vegetated with trees and shrubbery to present an appearance as natural hillsides.

To provide visual variety, the edges of perimeter landscaped buffers may meander provided that:

1) the total area of the constructed landscape buffer is equal to or greater than the total area of the landscape buffer if the entire landscape buffer was parallel to the property line,
2) the required minimum opacity level is maintained along the entire length,
3) and the landscape buffer measures a minimum of five feet in width at all points along the perimeter of the property line of the site required to construct a landscape buffer.

C. Landscape Buffer Design and Materials.

1. **Existing Native Plant Material:** Minimize disturbance within landscape buffers when existing natural ground cover can be retained when planting supplemental trees or shrubs.
2. **Trees:** Where the planting requirements require additional trees to be installed, required landscape materials shall be Florida Department of Agriculture Nursery Grade No. 1 grade or better.

3. **Mixed-Use Development:** Although encouraged, landscape buffers may not be required between the various constituent uses. The appropriate landscape buffer requirement at the development perimeter shall be based on the impact use on each portion of the subject property and the impact use on the adjacent property.

D. Use of Landscape Buffers.

Landscaped buffers may be counted toward satisfying open space requirements. In no event shall the following be permitted in landscape buffers: parking or vehicular use areas (except driveway crossings), dumpsters, equipment and/or other open storage, buildings, or roof overhangs of more than 2 feet. Stormwater Retention/Detention Facilities may not encroach into landscape buffers except where crossing the landscape buffer is required to accommodate normal discharge pipes.

E Responsibility for Landscaped Buffers.

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 (including none) for that use, any buffer on the existing use will be allowed to remain as is until/unless the nonconforming parcel is redeveloped, when it shall be required to be 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.

F. Maintenance of Landscaped Buffers.

The maintenance of all landscaped buffers and fencing shall be the responsibility of the property owner. Failure to maintain such landscaped buffers and fences in an attractive and healthy state shall be considered a violation of this Code subject to enforcement in accordance with the Code of Ordinances of Jefferson County.

5.3.5. LANDSCAPING OF VEHICULAR USE AREAS

A. Applicability.

The requirements of this Section shall apply to all paved or unpaved off-street parking facilities and other vehicular use areas, except where grassed parking is allowed, that have ten or more parking spaces or are designed to accommodate vehicles and are over 3,500 square feet in area.

B. Perimeter Requirements.

1. A ten-foot wide strip of land, located along all property lines, including adjacent to a street right-of-way, shall be landscaped around all parking and other vehicular use areas, whether paved, unpaved, or grassed. The required ten-foot wide perimeter landscape area shall be provided whether a sidewalk is constructed adjacent to the property line or right of way line or between the perimeter buffer and the parking spaces. Where parking spaces are adjacent and perpendicular to a sidewalk, wheel stops shall be provided to ensure a minimum clear sidewalk width of three (3) feet for handicap accessibility. Landscaping in this buffer area shall not block the clear view of a vehicle departing the property.
2. Landscaped Material Requirements in Perimeter Area.
   a. Within the aforesaid width of ten (10) feet, a minimum of one tree for each fifty (50) feet of linear frontage along the rights of way of all roads shall be preserved or planted. Trees planted to meet this requirement shall measure a minimum of three (3) inches in diameter at a height of 4 1/2' above ground. 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. Interior vehicular use areas shall be landscaped in a manner to provide shade over parked vehicles. Overall parking lot design, especially including grading, shall incorporate, to the greatest extent possible, the preservation of existing young or mature shade trees with well-defined canopies. Areas allowed by plan to be designated as grassed parking shall be treated by design as paved parking and aisles in the event that the actual use exceeds that anticipated and the area requires paving due to multiple periods of muddy or wet conditions, dead grass, or dust. Designs shall provide interior planting areas located within parking areas in the following ways:
   a. Linear medians with trees, either planted or preferably, preserved, to provide a continuous area of shade over parked vehicles parked perpendicular or angularly to the median;
   b. Tree islands periodically spaced within and at the end of rows of parking bays;
   c. Interior landscape islands and medians shall be a minimum width of nine (9) feet, located and designed in a manner to most effectively aid in the control and treatment of stormwater runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

d. Sidewalks may be provided in the medians provided all parking medians and islands maintain an unobstructed minimum width of 5 feet from the center of each existing or planted shade tree. Cars parked in a perpendicular or angular configuration causing an overhang into parking landscape medians may overhang a maximum of two (2) feet provided curbing or wheel stops are utilized and the unobstructed minimum width of 5 feet from the center of each existing or planted shade tree is maintained.
e. No more than eight (8) side by side parking spaces shall be permitted in a continuous row without being interrupted by an interior planting area with a minimum width of nine (9) feet except where parking spaces are perpendicular to a perimeter landscape buffer.
f. Required trees shall be at least three (3) inches in diameter at a height of 4 1/2' above ground at the time of planting and shall remain healthy and stable for a minimum period of three years or they shall be replaced.

2. The minimum size of an interior planting area shall be the same as one standard parking space.
3. An unpaved landscaped area of fifty (50) percent of the dripline area shall be preserved for all existing trees that would require a permit for removal. If conditions warrant that an area greater than fifty percent (50%) is needed to preserve a tree, or that a configuration leaving an area of less than fifty percent (50%) can be provided without loss of the tree, provisions can be negotiated between the applicant and the county.
4. In no case shall a minimum planting area be less than 150 square feet.

D. Vehicle Overhang.

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

5.3.6. TREE PROTECTION AND NATIVE VEGETATION

No person shall remove or in any way damage any protected tree without first obtaining a permit from the Planning Department unless exempt from the provisions of this Section as stated herein below.

A. Protected Trees.

With the exception of pine, camphor, and pecan, all trees shall be considered protected trees as follows:

Location on Site	Diameter at a height of 4 ½' above ground in inches
Perimeter Setback	18"+
Interior of site (buildable area)	24"+
Road right of way in subdivisions	30"+
Any location on any property	36"+

B. Permit Required for Removal of Protected Trees.

Unless exempt in the instances stated below, no person shall remove, or in any way damage any protected tree without first obtaining a Tree Removal Permit from the Planning Department. As part of the review of Tree Removal (or Trimming) Permits for Specimen or Historic trees, or when otherwise appropriate during a site plan review process, the Planning Department shall confer with the County Forester and/or the county environmental engineer or consultant regarding the health and other aspects of the condition of the tree(s) proposed for removal to aid in the determination of approval or denial of all or part of the permit request.

C. Exemptions from Tree Removal Permits:

1. **Single-family Residential:** No Tree Removal Permit is required for removal of trees on a residential lot of record, except Specimen and Heritage trees as defined below.
2. **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.***

3. **Rights of Way.** Where an approved Final Development Order/Development Permit includes specific provisions for tree removal and replacement within the rights of way for new roadways, public or private, a Tree Removal Permit shall be not be required. The Jefferson County Road Department shall be notified of requests for tree removal within existing roadway rights of way.
4. **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.
5. **Emergencies.** During emergencies caused by a hurricane or other disaster, the Planning Official may suspend these tree protection regulations.

D. Historic and Specimen Trees.

1. **A Historic Tree** is any tree of any size or protected species 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.
   a. Except in an emergency, a designated Historic Tree may not be removed or undergo more than minor trimming as provided below, without approval from the Board of County Commissioners at a public hearing. The applicant for a permit to remove a designated Historic Tree shall provide findings to the Planning Official that the tree is a hazard or that it is not economically or practically feasible to develop the subject parcel without removing the tree. Based upon consultation with the County Forester and/or an Environmental consultant, the Planning Official shall make a recommendation to the Board for approval of the removal unless there are viable alternatives to removal that have been rejected by the applicant.
   b. Where trimming is required to remove a potential safety hazard or to protect the health of the tree, a trimming permit shall be obtained from the Planning Official after consultation with the county forester and/or an Environmental consultant.
2. **A Specimen Tree** is any tree of any protected species with a diameter of thirty-six inches (36") or greater. The applicant for a permit to remove a specimen tree shall provide findings to the Planning Official that the tree is a hazard or that it is not economically or practically feasible to develop the subject parcel without removing the tree. The Planning Official should consult with the County Forester and/or an Environmental consultant in making a determination as to removal or if there are viable alternatives to removal.

E. 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 outlined in Article 9.

F. Tree Replanting.

1. Removed protected trees shall be replaced with Florida Department of Agriculture Nursery Grade No. 1 or better at the expense of the developer.
2. All sites except in industrial districts are required to maintain a minimum of 35% of pervious area on a development site. The intent of the following tree replacement criteria is to provide a balanced and natural tree cover environment. Replacement of removed protected trees shall be required as follows:
   a. Whenever possible, the replacement ratio shall be one replacement tree per one removal; however, the intent to provide the most natural environment of healthy canopy coverage possible is preferable to overplanting to meet a requirement for a minimum number of trees.
   b. Separation of replacement trees shall be determined by species to ensure adequate space for mature canopies.

c. The landscape plan and tree removal permit shall be approved by the Planning Department prior to construction.

3. Single-trunk replacement trees shall be a minimum of three inch (3") caliper and a minimum of ten feet (10') 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.

G. Preservation of Native Vegetation.

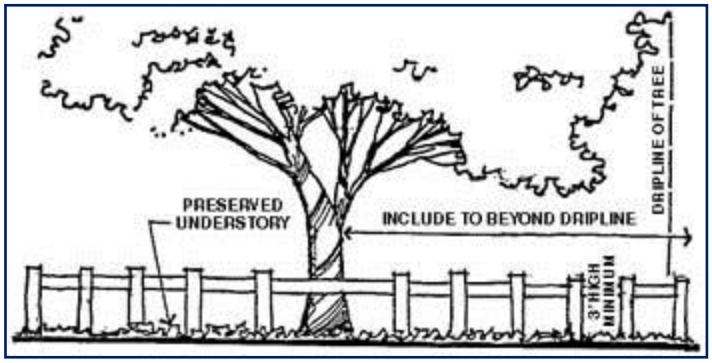
In addition to the tree preservation requirements, development sites shall comply with the following requirements for the preservation of native shrubs and ground cover:

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. Preserve, supplementing when necessary, the existing trees, shrubs, and ground cover, with local native species to meet opacity, tree replacement, and any other elements of perimeter landscape buffering and vehicular use area (vua) landscaping requirements of this section.

H. Tree Protection Zone.

A circular tree protection zone shall be established around each protected tree as follows:

1. The zone shall be that area within a radius of one-hundred percent (100%) of the full drip line around the tree.
2. Development Prohibited Within the Tree Protection Zone. All development activities except those specifically permitted below shall be prohibited within the tree protection zone including, but not limited to, the construction of buildings or other permanent structures, paving surfaces, underground pipes greater than twelve inches (12") in diameter within five feet (5') of the trunk of the tree, and stormwater ponds. All temporary construction activities shall also be prohibited within tree protection areas, including all digging, storage of construction materials, and parking of any type vehicle.
3. Fencing of Tree Protection Zone: Barriers shall be placed around all trees to be protected prior to commencement of site clearing and construction. The developer shall enclose the entire tree protection zone within a fence or similar barrier at least three (3) feet high. Posts shall be placed not more than six feet (6') apart, linked together by rope, chain, or wood.



4. 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.

I. Protection of Trees During Development Activities.

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

1. Mechanical injuries to roots, trunk, and branches;
2. Injuries by chemical poisoning;
3. Injuries by grade changes;
4. Injuries by excavations; and
5. Injuries by paving.

J. Reduction in Required Parking.

1. A reduction of required parking spaces may be allowed by the Planning Official 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 **sub-Section 5.3.6.*G***. above.

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. ADA-required handicap spaces may not be included in calculations for any reductions. The following reduction schedule shall apply:

Required Parking Reduction Schedule	
Number of Required Parking Spaces	**Reduction of Required Parking Spaces Allowable**
1-4	0
5-9	1
10-19	2
20 or above	10% of total number of spaces (total reduction regardless of number of trees or percentage of native vegetation preserved)

5.3.7. OPEN SPACE

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 except on industrial sites where buffering is required.

5.3.8. SCH (SCENIC, CANOPY, AND HERITAGE) ROADS

A. Protection Zones Designated

The following are designated SCH (Scenic, Canopy, and Heritage) Roads in Jefferson County. Other roads that meet the definition (see Article 1) will have the same protections upon designation as described below in sub-section E:

1. Whitehouse Road.
2. WPA Road.
3. Tecumseh Road.
4. Malloy Landing.
5. Avalon Road.
6. Old St. Augustine Road (West from Waukeenah to US-27).
7. S. Barber Hill Road. (Old St. Augustine Road and part of the Bellamy Rd (Federal Highway))
8. Gum Swamp Road (Old Greenville-Quitman Road.)
9. Bippus Road (Old Lyndhurst Rd).
10. Brock Road. (Part of Old Salt Road.)
11. Groover Road. (Part of Old Salt Road.)
12. Cocroft Road.
13. Georgia Forks Road.
14. West Lake Road, North
15. US-90 Mahan Drive (Westward from Court House)
16. Oetinger Rd
17. Simpson Rd
18. Norias Rd
19. East Dogwood St (Avenue of The Oaks)
20. Bassett Dairy Road (Old Dixie Highway)

B. Access Management.

Each parcel on a SCH Road should be limited to one driveway access point unless there was more than one driveway access when the road was designated as a SCH Road. Additional driveways for parcels with current driveway access on existing SCH Roads shall be approved through the standard driveway permit application process outlined under Section 5.4.1. of this Code. When a driveway application on a SCH Road is submitted to the Planning Department, staff should advise the applicant of the tree protection guidelines outlined in sub-section D below.

C. Speed Limits.

The Board of County Commissioners may determine if speed limits on SCH Roads shall be designated and posted.

D. Limitations on Removal of Trees.

All efforts shall be made to minimize the removal of trees within the right-of-way of a SCH Road, particularly trees contributing to the canopy where removal would create a significantly noticeable gap, including, but not limited to, the relocation of driveways. Where possible, new driveways should be located in existing gaps between canopy trees or where tree(s) to be removed are small enough to not noticeably affect the canopy coverage.

E. Designation of New SCH Roads.

By resolution of the Board of County Commissioners at a duly noticed Public Hearing, any road or roads, in part or whole, that meet the criteria (see Article 1, Definitions) may be designated as a SCH Road.

1. The Board may decide to add a road to the list, or

2. The residents on a road may request, by petition of a minimum of 70% of the directly affected property owners, designation of all or a portion of a road as a SCH Road by the Board. Roads added to the list by the Board shall be incorporated into the Land Development Code separately or in conjunction with any other ordinance of addition or change.

F. Roadside Tree Protection Practices

In order to promote a better community environment and preserve the character of these roads, the tree protection practices listed below are recommended procedures for private property owners to follow around any trees that they wish to be preserved when they are performing maintenance, construction, or any other improvements properties fronting on SCH Roads in areas within 65 feet of the centerline.

The following tree protection practices shall be binding on county departments and its contractors and all utility companies and their maintenance contractors doing any maintenance, improvement, development, or change to the above-listed roads.

Except as otherwise provided in this Code, the following practices should be utilized around trees to be preserved which are at least eight inches (8") in diameter (measured 4.5 feet above grade) and are within 65 feet of the centerline of SCH Roads:

1. Since the majority of a trees roots exist in the top twelve inches (12") of the soil, when working around a tree to be preserved, avoid any soil disturbance within the "Critical Root Protection Zone" i.e., Do not disturb the soil for a distance of one foot from the trunk for each one inch of trunk diameter measured at four and one half feet (4.5') above the ground.
2. Avoid any mechanical injury to the tree's trunk.
3. Do not remove more than twenty five percent (25%) of the canopy during any pruning operation.
4. Avoid removing "First Order" Limbs, i.e., the main limbs emanating from the structural trunk of the tree to avoid introducing decay into the main trunk. Prune further out on the main (first order) limbs to "Raise or Clear" roads, utilities, etc.
5. When grading operations must occur, pre-cut roots with appropriate equipment at the edge of the construction limits so as to avoid ripping the roots out of the undisturbed area or the trunk of the tree.
6. When grading ditches or unpaved roads, avoid disturbing side slopes and the roots in the sloped areas.
7. Spraying operations or mechanical mowing for weed and underbrush control shall be performed so as to not damage trees to be preserved.
8. Nothing herein shall be deemed to preclude removal of any tree that constitutes a safety hazard.

5.3.9. JUNKYARDS, SALVAGE YARDS, AND RECYCLING COLLECTION CENTERS

Commercial junk and salvage yards, and recycling collection centers shall provide fencing and visual screening along the perimeter of the facility use area. Visual screening shall be a minimum height of eight feet, and shall be hundred percent (100%) opaque. A fence of solid material or a combination of chain link fence and opaque vegetation may be utilized. A natural, heavily-wooded perimeter buffer of a minimum width of 50 feet may be sufficient or supplemented where necessary by fencing or additional planting to meet opacity requirements, provided activities cannot be seen from any road or adjacent properties. New commercial junkyard, salvage yard, and recycling collection center facilities shall approved by the Board of County Commissioners by Special Exception Approval.

5.4.0. TRANSPORTATION SYSTEM

This section establishes minimum requirements applicable to the development transportation system, including access management, street design, parking and loading, and bicycle and pedestrian access. The standards in this Section are intended to minimize the traffic impacts of development, to assure that all developments adequately and safely provide for the storage and movement of vehicles consistent with good engineering and development design practices.

A. FHWA Functional Classification Guidelines:

In rural areas, routes on the *principal arterial system* are subclassified as Interstate and other principal arterials; and routes on the *collector road system* are subclassified as major or minor collector roads. Rural collector routes generally serve travel of primarily intracounty rather than statewide importance and constitute those routes on which (regardless of traffic volume) predominant travel distances are shorter than on arterial routes. Consequently, more moderate speeds may be typical, on the average. In order to define more clearly the characteristics of rural collectors, this system should be subclassified according to the following criteria:

B. Major collector roads.

These routes should:

(1) Provide service to any county seat not on an arterial route, to the larger towns not directly served by the higher systems, and to other traffic generators of equivalent intracounty importance, such as consolidated schools, shipping points, county parks, important mining and agricultural areas, etc.;
(2) Link these places with nearby larger towns or cities, or with routes of higher classification; and
(3) Serve the more important intracounty travel corridors.

C. Minor collector roads.

These routes should:
(1) Be spaced at intervals, consistent with population density, to collect traffic from local roads and bring all developed areas within a reasonable distance of a collector road;
(2) Provide service to the remaining smaller communities; and
(3) Link the locally important traffic generators with their rural hinterland.

5.4.1. ACCESS MANAGEMENT

In order to maximize roadway level of service this Section shall set standards for the number of access points, the separation between access points, frontage on service roads and common driveways, alternative designs and access to residential lots.

All proposed developments shall meet the following standards for vehicular access and circulation:

A. Number of Access Points

1. A Driveway Permit or a Roadway Connection Permit is required for all connections to the public road system. Connections to State Roads require permits from FDOT and on County Roads, permits from Jefferson County. For subdivisions and/or site plans, Roadway Connection Permit(s) are part of site construction permit submittal. For residential lots, a Development Permit application package includes a County Driveway Permit application for residential home construction on lots with frontage on public (County-maintained) roads. Since private roads are not maintained by the County, lots with frontage on private roads do not require County Driveway Permits.
2. Lots of record on public roads shall be limited to one driveway access per parcel. More than one driveway access may be allowed on parcels with enough frontage to meet the separation standards below (Table 5.3.1.B.) as long as an additional driveway does not interfere with or prohibit access to an adjoining property.
3. When two or more flag lot "sticks" are adjacent, one shared driveway entrance shall be utilized for all the flag lots within the public road right of way or private roadway easement; however, driveways may remain as one common driveway or split as individual driveways when necessary by agreement of the affected property owners.
4. All projects shall have access to a public right-of-way. The number of access points shall be as follows:

TABLE 5.3.1.A. – NUMBER OF ACCESS POINTS

Type of Development	Number of Access Points	Preferred Type of Access
Residential, <10 units*	**1**	Residential
Residential, 11<75 units**	**2**	Residential/ Minor Collector
Residential , 75+ units	**2**	Minor Collector
Non-residential, <300 required parking spaces**	**2**	Collector
Non-residential, 300 - 999 required parking spaces	**2**	Major Collector
Non-residential, 1,000+ required parking spaces	**2** or more	Major Collector

*Additional accesses can be allowed to accommodate clustering or to allow for protection of natural features, also these are typically unpaved, private subdivision, cul-de-sac roads
**The second access can be allowed to accommodate clustering, to ensure access to areas with potential for blockage of a single entrance, or to allow for protection of natural features.

5. Notwithstanding the provisions in paragraph one above:
   a. A non-residential development, or a multifamily residential development, on a corner lot may be allowed one or more points of access. However, no more than one (1) access shall be onto an arterial.
   b. Schools may have one additional access, provided that the additional access drive is limited to school bus use only.

B. Separation of Access Points

1. The separation between access points onto arterial and collector roadways, or between an access point and an intersection of an arterial or collector with another road, shall be as shown in the following table:

TABLE 5.3.1.B. - SEPARATION OF ACCESS POINTS	
FUNCTIONAL CLASS OF ROADWAY	**DISTANCE BETWEEN ACCESS POINTS**
State Road	F.D.O.T. Standards
Arterial	440 feet
Minor Arterial	440 feet
Major Collector	245 feet*
Minor Collector	100 feet between driveway on same side of road
Local Street (cul de sac or connector less than ¼ mile or 3 lots in length)	As often as necessary
* Except as provided by Section 5.4.2.A. parts 5 and 8.	

2. The distance between access points shall be measured from the centerline of the proposed driveway or roadway to the centerline of the nearest adjacent roadway or driveway.

C. Frontage on Service Roads and Common Driveways

1. Projects proposed on arterials and major collectors shall include frontage or service roads, and shall take access from the frontage road rather than the arterial or major collector. Frontage road design shall conform to FDOT standards. This access requirement may be met through the use of interconnecting parking lots, which abut the arterial or major collector facility.
2. Adjacent uses are encouraged and may be required by the County to share a common driveway provided that appropriate access easements are granted between or among the property owners.

D. Alternative Designs.

Where natural features or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs may be approved.

E. Access To Residential Lots

1. Access to non-residential uses shall not be through an area designed, approved, or developed solely for residential use, except when the non-residential use and the residential use areas are all included within, and approved as part of a master plan development.
2. All lots in a proposed residential subdivision shall have frontage on and legal access from a public street meeting the requirements of this Code except as specifically provided herein.
3. No new residential subdivision lot shall have driveway access to an arterial street, except where specifically approved for such access by the Planning Commission.
4. Flag stick lots, i.e. lots created such that a narrow access is created dividing two or more otherwise adjoining lots, in order to provide access to the flagstick lot, are permitted, subject to review by the Planning Official and/or the Planning commission. The stick must have a minimum width of twenty (20) feet; however, additional width may be required by the Planning Official or the Planning Commission to ensure adequate roadway width to serve the potential development of the lot. Calculation of lot size does not include flag stick.
5. A residential subdivision shall have only one (1) entranceway to one (1) abutting public street, except when:
   a) A second entranceway is necessary to alleviate a demonstrated traffic safety hazard; or
   b) The subdivision is located on both sides of the public street providing access, in which case one (1) entranceway is permitted on each side of the public street; or
   c) The entranceway provides the only access to more than seventy-five lots, in which case a second entranceway is permitted.
   d) Clustering of the density is involved and to allow for proper clusters when other entrances are needed.
   e) The Subdivision abuts two public streets then equal access is allowed on both streets.

5.4.2. STREET DESIGN STANDARDS

A. General Design Standards

1. All streets in a new development shall be designed and constructed pursuant to the standards herein and the Typical Roadway Sections depicted in Figures 5.4.2.A. and 5.4.2.B. below. Paved streets, which the County has agreed to accept during Preliminary Plat Approval, shall be dedicated to Jefferson County upon completion, inspection, and acceptance by Jefferson County Board of County Commissioners approval of a Plat prepared in accordance with Chapter 177, F.S. and subsequently recorded in the Public Records of Jefferson County, Florida..
2. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
3. Streets shall be laid out to avoid environmentally sensitive areas as defined in Article 4.

4. The street layout in all new developments shall be coordinated with and interconnected to the street system of the surrounding area.
5. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub outs in the new development shall be provided for future connection to the adjacent unplatted land.
6. Residential streets shall be arranged to discourage through traffic. This shall not be construed to encourage or discourage traditional grid traffic patterns.
7. Streets shall intersect as nearly as possible at right angles and in no case shall be less than 75 degrees.
8. New intersections along one side of an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between centerlines of the intersecting streets shall be no less than 150 feet.
9. Private, unpaved roads are permitted in subdivisions under the following conditions:
   a. The developer shall post all new unpaved roads with the following:
      1. A blue street name sign with a street name approved by the Planning Department;
      2. Another sign beneath the street name sign stating: "This road NOT maintained by Jefferson County".
   b. Unpaved roads may have one of two configurations:
      1. No construction requiring a stormwater management permit shall be required where access to all lots utilizes an existing "two-rut", ungraded road or where the driving area (surface) is natural earth and does not require any grading or shaping by any type of bladed equipment.
      2. If any portion of the unpaved road requires any grading, reshaping, or any type of ditch construction, including compaction/stabilization resulting from multiple tree removal, the developer shall obtain a stormwater management permit from the appropriate Water Management District. This includes when/if extended use results in repairs which may "trigger" the requirement of a stormwater permit.
   c. No new unpaved road shall:
      1. Be configured as a connector road, or
      2. Access more than 10 lots unless approved by the Board of County Commissioners.
   d. In new subdivisions of three (3) or more lots, a road easement with a minimum width of sixty feet (60') shall be provided for any unpaved road.
   e. Any unpaved road shall remain all-weather accessible for emergency vehicles and maintain a minimum vertical clearance of ten feet (10') and a minimum horizontal width of twelve feet (12') for the driving area.
   f. Tree removal should be minimal to avoid earth disruption.
   g. The homeowners association shall be responsible for any required repair or maintenance and upkeep of the road.

B. Paving Widths.

Paving widths for each street classification shall be as provided in Table 5.4.2.C. below.

C. Curbing Requirement

1. Curbing may be required for the purposes of drainage, safety, and delineation and protection of pavement edge along some proposed streets where determined necessary through the development review process.
2. All curbing shall conform to the construction standards contained in this Section or as permitted by the Planning Official.

D. Shoulders.

Shoulders, where required, shall measure at least four (4) feet in width and shall be required on each side of streets and shall be located within the right-of-way. Shoulders shall consist of stabilized turf or other material permitted by the Planning Official. Shoulders and/or drainage swales are required as follows:

1. Shoulders are required on all residential access and residential subcollector streets.
2. All residential collector streets shall provide four (4) foot wide shoulders on both sides of the street. Shoulders should be grass surfaced. In no case shall the shoulders be paved. Pedestrian or bicycle traffic areas that are paved shall have shoulders on both sides unless they are connected to the street paving. Then a shoulder is only required on the side not connected to the paving.
3. Where shoulders are required by the Florida Department of Transportation.
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.
6. Shoulders are not required when curbing is used.

Figure 5.4.2.A.

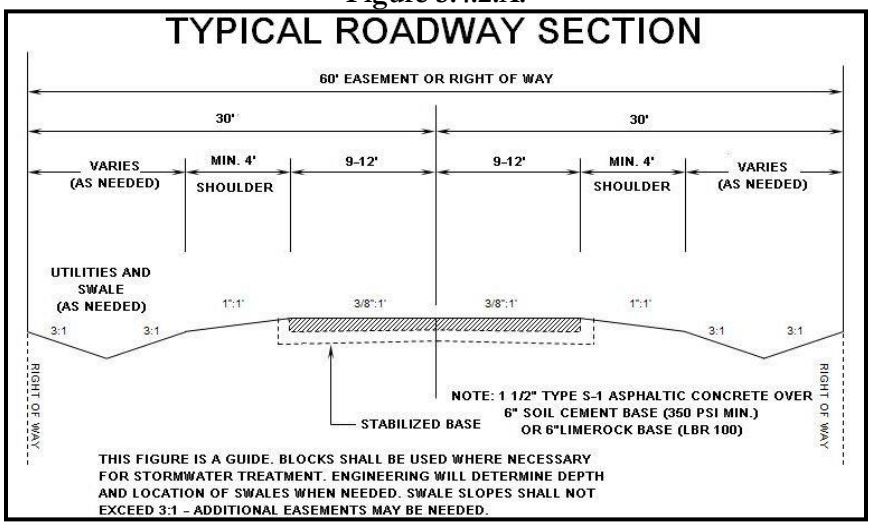


Figure 5.4.2.B.

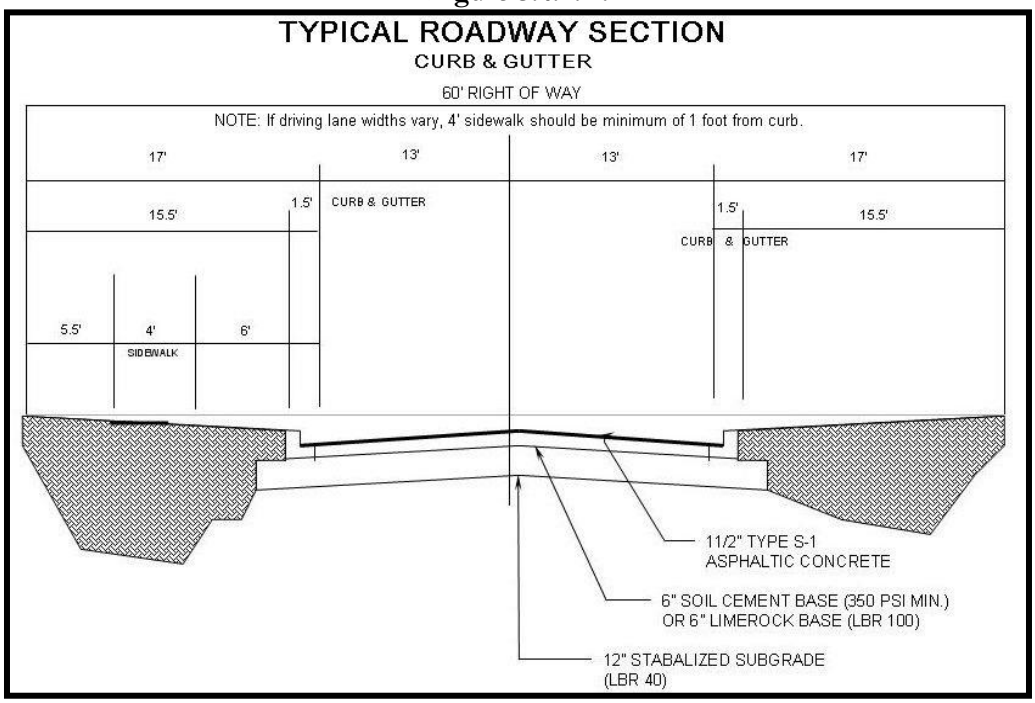


Table 5.4.2.C.

STREET TYPE	NUMBER OF LANES	PAVEMENT WIDTHS		ROW WIDTHS	
	No parking unless noted	Curb & Gutter	No Curb & Gutter	Curb & Gutter	No Curb & Gutter
1. Residential (25 lots max.)*	2-9' moving, cul-de-sac	18’	18’	50’	60’
	2-9' moving, loop street	18’	18’	50’	60’
	2-9' moving w/bicycle lane	22’	22’	50’	60’
2. Residential Sub-collector	2-10' moving	20’	20’	50’	60’
	2-10' moving w/bicycle lane	24’	24’	60’	60’
	2-10' moving w/1-8' parking	28’	28’	60’	60’
3. Residential Collector	2-11' moving	22’	22’	60’	60’
4. Minor Collector	2-12' moving	24’	24’	60’	60’
	2-12' moving w/bicycle lane	28’	28’	60’	60’

Table 5.4.2.C.					
5. Collector	2-14' moving	28’	28’	60’	60’
	2-14' moving w/bicycle lane	32’	32’	60’	70’
6. Major Collector	4-12' moving	48’	48’	70’	80’
	4-12' moving w/6’ median	54’	54’	80’	90’
7. Minor Arterial	2-14' moving	28’	28’	60’	70’
	4-12' moving w/6’ median	54’	54’	80’	90’
8. Arterial	2-14' moving	28’	28’	60’	70’
	4-12' moving w 12’ median	60’	60’	100’	100’
*For Cul-de-sac and loop streets only (Stub streets dead ending into undeveloped property is to be considered a sub collector)					

E. Acceleration, Deceleration, and Turning Lanes.

1. Deceleration or turning lanes may be required by the county along existing and proposed streets as determined by a traffic impact study required by Section 3.03.02 or where the county can justify the need.
2. Deceleration lanes shall be designed to the following standards:
   a. The lane width shall be the same as the required width of the roadway moving lanes.
   b. The lane shall provide the full required lane width for its full length. It shall not be tapered.
   c. The minimum lane length shall be as follows:

TURNING ROADWAY			
Design Speed of Road	**Length of Taper**	**Minimum Deceleration Length**	
		STOP CONDITION	**FREE RIGHT**
30 MPH	N/A	--	--
35	170	105	80
40	190	135	110
45	210	165	140
50	230	195	170
55	250	210	200
60	270	230	230

3. Acceleration lanes are only required when indicated as needed by a traffic impact study. The design shall be as per F.D.O.T. standards. Where needed, a paved taper shall be provided for right hand turns.

F. Cul-de-sacs Turnarounds.

An unobstructed twelve (12) foot wide moving lane with a minimum outside turning radius of forty-two (42) feet shall be provided at the terminus of every permanent cul-de-sac.

G. Stub Streets

1. Residential collector and higher order stub streets may be permitted or required by the County provided that the future extension of the street is deemed desirable by the County or conforms to the Jefferson County Comprehensive Plan.
2. Temporary turnarounds shall be provided for all stub streets providing access to five or more lots or housing units. Where four or fewer units or lots are being served, a sign indicating a dead-end street shall be posted.

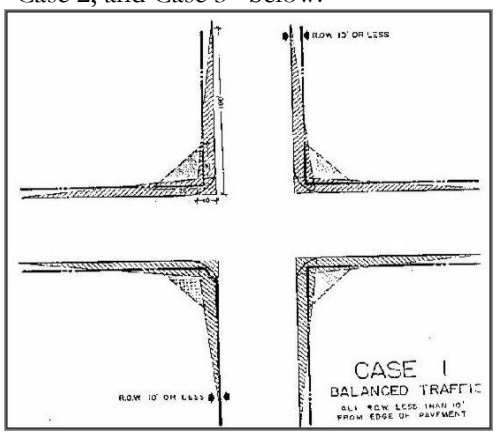
H. Clear Visibility Triangle.

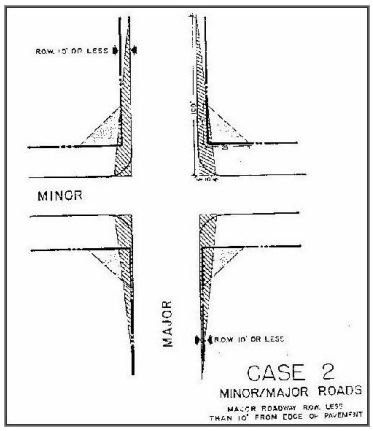
For new subdivisions the clear visibility triangle shall be a part of the required easement or common area for the road. It shall be unlawful to construct, erect, place, grow, maintain or allow to be constructed, erected, placed, grown or maintained, any building structure, fence, wall, sign, canopy, tree, vegetation or obstruction of any kind within the clear visibility triangle on any property which is located at the corner of intersecting streets or driveways, as described below:

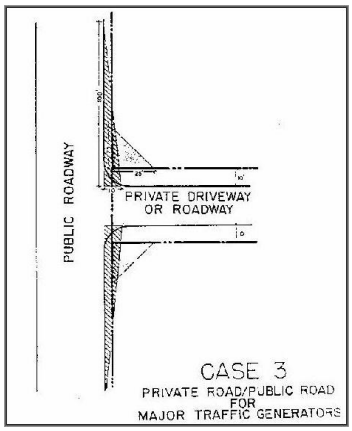
1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.
2. The horizontal area formed by a triangle, the apex of which is the point of intersection of the street right-of-way lines, the legs of which extend twenty-five (25) feet along said street right-of-way lines and the hypotenuse of which connects the ends of the legs; and
3. When the street right-of-way line adjacent to the major road is ten (10) feet or less from the face of the curb, edge of pavement or edge of the driving surface the horizontal area formed by a triangle, the apex of which is the point of the intersection of the lines formed by the projection of either the face of the curb, edge of pavement, or the

edge of the driving surface, the legs of which extend ten (10) feet along the minor road, and the hypotenuse of which connects the ends of the legs; or

4. In the event of balanced traffic volume or equally controlled right-of-way (i.e., no major/minor roadway condition) or as determined by the Planning Official, or his designee, based upon sound engineering practices, the additional 10' by 100' triangle as defined in this Section shall apply to all approaches. See Illustrations "Case 1, Case 2, and Case 3" below:







5. The provisions of this subsection shall not apply to the following:
   a. Utility facilities;
   b. Traffic control devices.

I. Signage and Signalization

The developer shall deposit with Jefferson County sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the County, based upon County or State traffic standards. The county will provide and install signs, but the developer shall pay for the signs and installation based upon the county cost estimation. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall conform to county standards.

5.5.0. OFF-STREET PARKING

5.5.1. APPLICABILITY.

Off-street parking facilities shall be provided for all development within Jefferson County pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.

5.5.2. COMPUTATION.

A. When determination of the number of off-street spaces required by this Code results in a fractional space, the fraction of one-half (1/2) or less may be disregarded, and a fraction in excess of one-half (1/2) shall be counted as one (1) parking space.

B. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, and/or which contains an open assembly area, the occupancy shall be based on the maximum occupancy rating given the building by the Fire Marshall.

5.5.3. PARKING STUDY.

A parking study, when required by this Code, shall include, but not be limited to:

A. Estimates of parking requirements based on recommendations in studies such as those from the Urban Land Institute (ULI), the Institute of Traffic Engineers (ITE), or the Traffic Institute, and based on data collected from uses or combinations of uses which are the same or comparable to the proposed use.

B. Comparability shall be determined by density, scale, bulk, area, type of activity, and location.

C. The study shall document the source of data used to develop recommendations.

5.5.4. NUMBER OF PARKING SPACES REQUIRED

A. Table **5.5.5.** below specifies minimum off-street parking requirements. If the number of spaces sought exceeds the minimum number by 20%, the developer must justify the larger number by a Parking Study and obtain approval. Approval of the site plan shall include a condition of approval allowing a modification to the parking design standards if the results of the Parking Study are accepted. Compact spaces are not required; however, if compact spaces are to be utilized, the full/compact ratio shall follow those in the table according to use.

B. *Uses Not Specifically Listed in Table:* The number of parking spaces required for uses not specifically listed in the table shall be determined by the Planning Official. The Planning Official shall consider requirements for similar

uses and appropriate traffic engineering and planning data, and shall establish a minimum number of parking spaces based upon the principles of this Code.

C. *When Parking Study Required:* Several uses listed below have a large variability in parking demand, making it difficult to specify a single parking requirement for all cases.. A developer proposing to develop or expand one of these uses shall submit a parking study to the Planning Department that provides justification for the requirement proposed. The Planning Official shall review this study along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use proposed.

D. *Treatment of Mixed Uses:* Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed by the matrix, unless a reduction is granted.

E. *Tandem Parking Spaces:* The term "tandem parking space" used in the matrix means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space. (Vehicles are in a row front to back, as one vehicle behind another in a driveway, not side by side.)

F. Up to 50% of required parking may initially be grassed or covered by semi-pervious material. When/if grass is no longer growing or the area remains muddy or dusty for extended periods, areas shall be paved.

5.5.5. TABLE OF MINIMUM OFF-STREET PARKING STANDARDS

Notes for Table:

- In all forms of resident parking, spaces may be tandem;
- sf = square feet = gfa = gross floor area = gla = gross leasable area;
- sp = parking space;
- Required Bicycle Spaces example: 0.1/sp = 0.1/bicycle space per required parking space (some uses require a specific number of spaces, not a ratio)

TABLE-5.5.5.

MINIMUM OFF-STREET PARKING STANDARDS

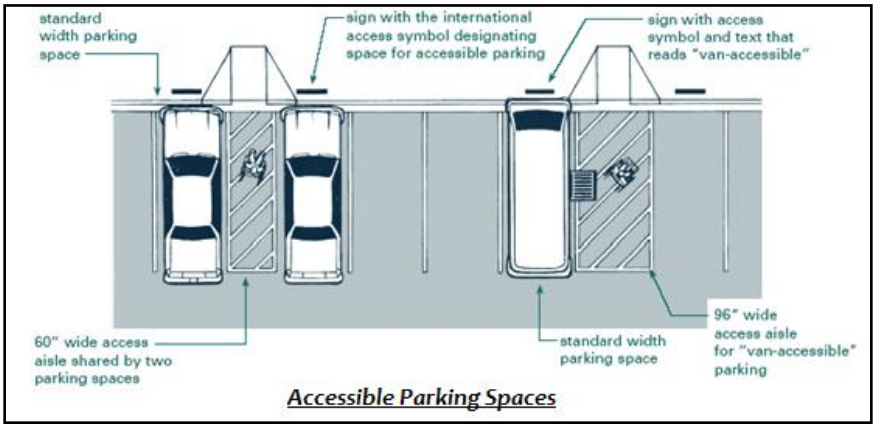
Use	Minimum Off-Street Parking Requirement	Ratio Full Size to Compact Spaces (Full/Compact)	Required Bicycle Spaces	Notes
RESIDENTIAL				
1. Conventional Single-family Detached or Mobile Home or Duplex	2 sp/unit	N/A	0	On-street parking may count toward visitor parking requirements.
2a. Multi Family (2br+)	2 sp/unit	N/A	0.1/sp	
2b. Multi Family *Studio/1 bedroom Apt.* *Visitor parking***	1 sp/unit 0.5 sp/unit	N/A	0.1/sp	
3. Housing for the Elderly	Determined by Planning Official - Developer shall submit a parking study			
4. Mobile Home Parks: *-Resident parking* *-Visitor parking*	2 sp/unit 0.25 sp/unit	N/A	0.25/sp	On-street parking may count toward visitor parking requirements.
COMMERCIAL				
5. Uses located in Commercial Shopping Centers:	1 sp/250 sf gla	75/25	0.1/sp	
COMMERCIAL AND SERVICE USES LOCATED INDEPENDENTLY:				
6. Auto Repair	1 sp/200 sf glfa	75/25	2	
7. *Auto Sales*	1 sp/400 sf gla	75/25	2	
8. *Auto Service Station*	2 sp + 4/service bay	75/25	2	
9. *Auto Washing*	2.5 sp/washing stall	75/25	2*	*No bicycle sp req'd if no on-site attendants.
10. *Barbershops or Beauty Parlors*	2 sp/barber chair or beautician station	75/25	0.1/sp	
11 *Bank, Savings & Loan*	1 sp/250 sf gla	75/25	0.1/sp	
12. *Hotel/Motel*	Determined by Planning Official - Developer shall submit a parking study			
13. *Lumberyards, Nurseries*	1 sp/250 sf gla retail sales	75/25	2	plus 1 sp/1,000 sf outdoor area devoted to displays and storage
14 Offices: - Administrative, business and professional	1 sp/250 sf gla	50/50	0.1/sp	Facilities w/1,000 + spaces, 1 sp/500 sf gfa for all in excess of 1.000.
Government	1 sp/200 sf gla			

TABLE-5.5.5.				
MINIMUM OFF-STREET PARKING STANDARDS				
Use	Minimum Off-Street Parking Requirement	Ratio Full Size to Compact Spaces (Full/Compact)	Required Bicycle Spaces	Notes
15. *Restaurants:* *All Restaurants except fast food*	1 sp/75 sf gla up to 6,000 sf gla plus 1 sp/55 sf gla over 6,000 sf gfa	75/25	0.1/sp	
Fast food restaurant	1 sp/100 sf gla.		0.25/sp	
16. *Retail, General (I.E. Department Stores, Markets, Etc.):*	1 sp/250 sf gla	75/25	0.1/sp	
17. *Retail, Furniture and Appliance:*	1 sp/500 sf gla	75/25	.05/sp.	
EDUCATIONAL				
The State Regulations for Educational Facilities will supersede these standards if they are different.				
18. *Elementary and Junior High Schools:*	2 sp/classroom	75/25	5/sp*	*Bicycle spaces for teachers and visitors should be separate from spaces for students
19. *Senior High Schools:*	1 sp/faculty member, plus 1 sp/6 students.	75/25	1/sp	
20. *Colleges:*	1 sp/faculty member and employee, plus 1 sp/6 students	75/25	0.5/sp	
HEALTH SERVICES				
21. *Convalescent and Nursing Homes:*	1 sp/4 beds	75/25	0.5/sp	
22. *Medical and Dental Offices and Clinics, Veterinary Hospitals, and Clinics*	1 sp/180 sf gla	75/25	0.5/sp	
INDUSTRIAL USES				
23. *Manufacturing:*	1 sp/750 sf gfa devoted to manufacturing	50/50	0.1/sp	plus required parking for other uses on the site.
24. *Research and Development*	Determined by Planning Official - Developer shall submit a parking study			
25. *Warehouse:* *First 20,000 sf gfa* *20,000 – 40,000 sf gfa* *All over 40,000 sf gfa*	1 sp/1,000 sf gfa 1 sp/2,000 sf gfa 1 sp/4,000 sf gfa	50/50	0.5/sp	plus required parking for other uses on the site. (offices, retail floor space, etc.).
ENTERTAINMENT AND RECREATION				
26. *Arcades, Games:*	1 sp/200 sf gla	75/25	0.2/sp	
27. *Bowling Alleys, Billiard Halls:*	4 sp/alley + 2 for each billiard table	75/25	0.2/sp	plus required parking for other uses on the site. (offices, retail, food services, etc.).
28. *Commercial Stables:*	1 sp/5 horses boarded on site.	75/25	0.1/sp	
29. *Driving Range (Golf):*	1 sp/tee	75/25	0.1/sp	plus required parking for other uses on the site.
30. *Golf Course (Regulation):*	6 sp/hole	75/25	0.1/sp	plus required parking for other uses on the site.
31. *Miniature Golf:*	3 sp/hole plus required parking for other uses on the site.	75/25	0.1/sp	
32 *Parks (Public or Private):*	Determined by Planning Official - Developer shall submit a parking study			
33. *Skating Rinks:*	1 sp/100 sf gfa	75/25	0.25/sp	
34. *Tennis, Handball and Racquetball Facilities:*	2 sp/court	75/25	0.25/sp	plus required parking for other uses on the site.
35. Health Club:	1 sp/150 sf gfa.*	75/25	0.25/sp	*Swimming pool shall be counted as floor area.
36. *Theaters, Movies: -single screen* *-multi-screen*	1 sp/2 seats plus 5 sp for employees 1 sp/3 seats plus 5 sp for employees	75/25	0.1/sp	
MISCELLANEOUS				

TABLE-5.5.5.				
MINIMUM OFF-STREET PARKING STANDARDS				
Use	Minimum Off-Street Parking Requirement	Ratio Full Size to Compact Spaces (Full/Compact)	Required Bicycle Spaces	Notes
37. *Auditoriums, Churches and Other Spaces of Public Assembly::*	1 sp/3 seats or 1 sp/35 sf gfa where there are no fixed seats.	75/25	0.1/sp	
38. Day Care, Preschools, Nursery Schools:	1 sp/staff member plus 1 sp/5 children or 1 sp/10 children if adequate drop-off facilities are provided.*	75/25	0.25/employee	* Drop-off facilities must be designed to accommodate a continuous flow of passenger vehicles to load and unload children safely. The adequacy of drop-off facilities shall be determined by the Planning Official consulting with a Transportation Engineer based on standard traffic safety principles.
39. Model Home:	3 sp/model home +1 sp/salesperson * **	100/0	0	* Salesperson space may be a vacant garage space in the model home.
40. Utilities:	Determined by Planning Official - Developer shall submit a parking study			
41. Libraries:	1 sp/300 sf gfa	75/25	0.2/sp	

5.5.6. SPECIAL PARKING SPACES

A. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Florida Statutes. No parking space required for the handicapped shall be counted as a parking space in determining compliance with the required minimum number of spaces, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.



Accessible Parking Spaces

B. A portion of the parking spaces required by this Code may be designated as exclusively for motorcycle parking if the following conditions are met:
- a. The Planning Official recommends that the spaces be so designated, based upon projected demand for them and lessened demand for automobile spaces.
- b. The designated spaces are suitably marked and striped.
- c. The designation does not reduce the overall area devoted to parking so that if the motorcycle spaces are converted to automobile spaces the minimum requirements for automobile spaces will be met.

C. The approval may later be withdrawn, and the spaces returned to car spaces, if the Planning Official finds that the purposes of this Code would be better served thereby, based upon actual demand for motorcycle and automobile parking.

D. The following applies to bicycle parking:
- a. Other bicycle parking devices may be used if it is established to the satisfaction of the Planning Official that the standards below are met.
- b. The rack or other facility shall:
  1. Be designed to allow each bicycle to be supported by its frame.
  2. Be designed to allow the frame and wheels of each bicycle to be secured against theft.
  3. Be designed to avoid damage to the bicycles.
  4. Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
  5. Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.

6. Be located to prevent damage to bicycles by cars.
7. Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design.
8. Be located in convenient, highly-visible, active, well-lighted areas.
9. Be located so as not to interfere with pedestrian movements.
10. Be located as near the principal entrance of the building as practicable.
11. Provide safe access from the spaces to the right of way or bicycle lane.

5.5.7. PARKING DEFERRAL

A. To avoid requiring more parking spaces than actually needed to serve a development, the Planning Official or the Planning Commission may defer the provision of some portion of the off-street parking spaces required by this Code if the conditions and requirements of this Section are satisfied.

B. As a condition precedent to obtaining a partial deferral by the Planning Official or the Planning Commission, the developer must show any one or more of the following:

1. A parking study as described above indicates that there is not a present need for the deferred parking.
2. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of parking sought to be deferred.
3. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered by the Planning Official or the Planning Commission include, but are not limited to:
   a. Private and public car pools and van pools.
   b. Charging for parking.
   c. Subscription bus services.
   d. Flexible work-hour scheduling.
   e. Capital improvement for transit services.
   f. Ride sharing.
   g. Establishment of a transportation coordinator position to implement car pool, van pool, and transit programs.
4. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to come to the facility.
5. Transportation System Management.
6. Transportation Demand Management.

C. If the developer satisfies one or more of the above criteria, the Planning Official or the Planning Commission may approve a deferred parking plan submitted by the developer. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established.

D. A deferred parking plan:

1. Shall be designed to contain sufficient space to meet the full parking requirements of this Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
2. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.
3. Shall include a landscaping plan for the deferred parking area.
4. Shall include a written agreement with Jefferson County that, one (1) year from the date of issuance of the Certificate of Occupancy, the deferred spaces will be converted to parking spaces that conform to this Code at the developer's expense should the Planning Official or the Planning Commission determine from experience that the additional parking spaces are needed.
5. Shall include a written agreement that the developer will cover the expense of a traffic study to be undertaken by the Planning Official or other designated employee of the County, or a consulting transportation engineer to determine the advisability of providing the full parking requirement.

E. When authorized by the Planning Official or the Planning Commission upon a preliminary finding that the parking is inadequate, but not sooner than one (1) year after the date of issuance of the Certificate of Occupancy for the development, the Planning Official, Planning Department staff, or other designated employee(s) of the County, or a consulting transportation engineer shall undertake a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking.

F. Based upon the study and the recommendations of the Transportation Engineer and the Planning Official, the Planning Commission shall determine if the deferred spaces shall be converted to operable parking spaces by the developer or retained as deferred parking area.

G. The developer may at any time request that the Planning Commission approve a revised development plan to allow converting the deferred spaces to operable parking spaces.

5.5.8. REDUCTION FOR MIXED OR JOINT USE OF PARKING SPACES.

The Planning Official or the Planning Commission shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:

A. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.

B. The developer submits a legal agreement approved by the County Legal Department guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.

5.5.9. REDUCTION FOR LOW PERCENTAGE OF LEASABLE SPACE.

The parking requirements herein assume an average percentage of gross leasable building to total gross building area (approximately 85%). If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the Planning Official or the Planning Commission may reduce the parking requirements if the following conditions are met:

A. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.

B. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified; unless and until additional parking is provided to conform fully with this Code.

5.5.10. HISTORIC PRESERVATION EXEMPTION.

The preservation of any property that has been placed on the National Register of Historic Places, a local register of historic places, or that is located in a historic district and contributes to the historic character of the district, shall be grounds for a grant, by the Planning Official or the Planning Commission, of a reduction in, or complete exemption from, the parking requirements herein. The reduction or exemption needed to allow a viable use of the historic structure shall be granted unless a severe parking shortage or severe traffic congestion will result.

5.5.11. INCREASE IN REQUIREMENTS.

The number of required parking spaces may be increased by the Planning Official or the Planning Commission if a parking study demonstrates that the proposed use would have a parking demand in excess of the requirements herein. The Planning Commission may require the developer to provide a parking study when the County or County's consulting Transportation Engineer presents preliminary data indicating that an increase in the number of parking spaces may be warranted.

5.6.0. OFF STREET LOADING

Spaces to accommodate off-street loading or business vehicles shall be provided as required below.

5.6.1. SPACES REQUIRED.

A. Schools, hospitals, nursing homes and other similar institutional uses and mid- and high-rise residential uses shall provide one (1) loading space for the first one hundred thousand (100,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet or fraction thereof.

B. Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet.

C. Offices and financial institutions shall provide one (1) space for the first seventy-five thousand (75,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty-five thousand (25,000) square feet.

D. Retail commercial, service, road service and commercial entertainment uses shall provide one (1) space for the first ten thousand (10,000) square feet of gross floor area, and one (1) space for each additional twenty-thousand (20,000) square feet.

E. Industrial uses shall provide one (1) space for every ten thousand (10,000) square feet of gross floor area.

5.6.2. ADJUSTMENTS TO REQUIREMENTS.

The Planning Official or the Planning Commission may require that a study be done to determine the actual number of loading spaces needed for a proposed use when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed.

5.7.0. ALTERATION OF CONFORMING DEVELOPMENT

5.7.1. DECREASED DEMAND FOR PARKING OR LOADING.

The number of off-street parking or loading spaces may be reduced if the Planning Official or Planning Commission finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces would permit the site to remain in conformity with this Code after the reduction.

5.7.2. INCREASED DEMAND FOR PARKING OR LOADING.

During review and approval of an addition or modification of an existing building or site, the Planning Official or Planning Commission may find that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this Code warrants an increase in the number of off-street parking or loading spaces to meet the requirements of this Code. The developer/applicant shall provide the county with a revised site plan indicating the provision of the additional required parking including any other required modifications such as landscaping, modification of stormwater treatment facilities, etc.

5.8.0. DESIGN STANDARDS: OFFSTREET PARKING AND LOADING AREAS

5.8.1. LOCATION.

A. Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.

B. The Planning Official or the Planning Commission may approve off-site parking facilities as part of the parking required by this Code if:

1. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:
   a. Proximity of the off-site spaces to the use that they will serve.
   b. Ease of pedestrian access to the off-site parking spaces.
   c. Whether or not off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
2. The location of the off-site parking spaces will not create unreasonable:
   a. Hazards to pedestrians.
   b. Hazards to vehicular traffic.
   c. Traffic congestion.
   d. Interference with access to other parking spaces in the vicinity.
   e. Detriment to any nearby use.
3. The developer supplies a written agreement, approved in form by the County Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.

C. All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:

D. Resident parking: 200 feet;

E. Visitor parking: 250 feet.

F. Distances shall be measured from a dwelling unit's entry to the parking space. Where a stairway or elevator provides access to dwelling units, the stairway or elevator shall be considered to be the entrance to the dwelling unit. For purposes of measuring these distances, each required parking space shall be assigned to a specific unit on the development plan, whether or not the developer will actually assign spaces for the exclusive use of the specific unit.

5.8.2. SIZE

A. Standard and compact parking spaces shall be sized according to Section 5.7.7 above.

B. b A standard motorcycle parking space shall be four and one-quarter (4 1/4) feet wide and nine and one-quarter (9 1/4) feet long.

C. Spaces for handicapped parking shall be the size specified in Florida Statutes.

D. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased as necessary if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.

E. The Planning Official or the Planning Commission may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage. The Transportation Engineer shall certify that the modification does not create a serious hazard or inconvenience, and the Planning Official or the Planning Commission shall acknowledge the modification as a condition of approval in the Final Development Order.

5.8.3. LAYOUT

A. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.

B. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.

C. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.

D. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.

E. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.

F. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Development Administrator based on the size and accessibility of the driveway.

G. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.

H. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.

I. No parking space shall be located so as to block access by emergency vehicles.

J. Compact car spaces should be located no more and no less conveniently than full size car spaces, and shall be grouped in identifiable clusters.

5.8.4. PARKING LOT DIMENSIONAL STANDARDS.

The illustration and table indicates aisle widths based on the configuration for one-way traffic except when parking is 90 degrees. When an aisle is intended/designed to allow bi-directional traffic, the minimum aisle width shall be 24 feet, regardless of parking angle design.

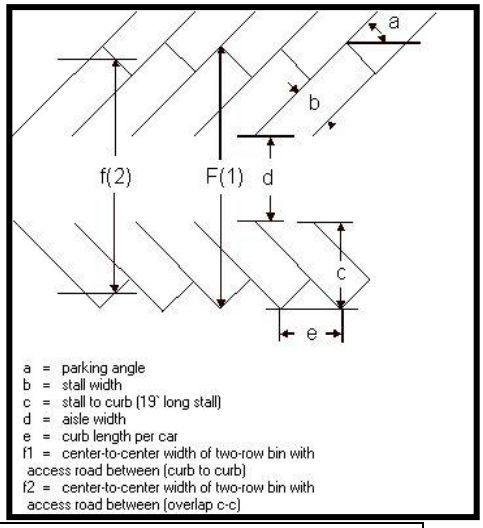


Fig. 5.8.4. Illustration of Parking Lot Dimensions

Table 5.8.4. - PARKING LOT DIMENSIONS

(all dimensions in feet)

a	b	c	d	e	f(1)	f(2)
Parking angle	stall width	stall to curb	Aisle width	curb length/car	bin width	bin width (overlap)
0 degrees (parallel)	9.0	9.0	12*	23.0	28.0	-
"	9.5	9.5	12*	23.0	30.0	-
"	10.0	10.0	12*	23.0	31.0	-
30 degrees	9.0	17.3	11*	18.0	45.6	37.8
"	9.5	17.8	11*	19.0	46.6	38.4
"	10.0	18.2	11*	20.0	47.4	38.7
45 degrees	9.0	19.8	13*	12.7	12.7	46.2
"	9.5	20.1	13*	13.4	13.4	46.5
"	10.0	20.5	13*	14.1	14.1	46.9
60 degrees	9.0	21.0	18*	10.4	10.4	55.5
"	9.5	21.2	18*	11.0	11.0	55.6
"	10.0	21.5	18*	11.5	11.5	56.0
90 degrees	9.0	19.0	24*	9.0	62.0	-
"	9.5	19.0	24*	9.5	62.0	-
"	10.0	19.0	24*	10.0	62.0	-

*Note: All angle parking aisle widths are designated for one-way traffic except 90-degree ailes are two-way traffic.

5.9.0. BICYCLE AND PEDESTRIAN ACCESS

5.9.1. WHEN REQUIRED

A. Sidewalks shall be provided on one side of all residential streets where the average lot width at the street is one hundred (100) feet or less.

B. Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks and bikeways within the right-or-way.

C. Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service, or recreation activities shall provide pedestrian and bicycle access from the development to the activity center.

D. Pedestrian-ways or crosswalks, not less than ten (10) feet wide with a sidewalk meeting the requirements of this Code, may be required by the Planning Official or Planning Commission to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to residential centers and schools, employment and retail commercial areas, transportation, recreation and other public facilities.

5.9.2. DESIGN AND CONSTRUCTION STANDARDS

Design and construction of sidewalks, bikeways, or other footpaths shall conform to the requirements of the most recent edition of the FDOT Bicycle Facilities Planning and Design Manual as well as provisions for access by physically handicapped persons.

5.10.0. LOCAL PUBLIC SERVICE FACILITIES

This section establishes the minimum requirements applicable to the development of public service facilities that include the following:

Linear Distribution/Collection Facilities;
Distribution/Collection and liquid pumping metering facilities;

The standards of this section are intended to minimize the adverse aesthetic and environmental impact of these types of development and to assume that all facilities adequately and safely provide for the distribution and collection of products consistent with land use compatibility principles.

5.10.1. LINEAR DISTRIBUTION/COLLECTION/TRANSMISSION FACILITIES AND SUBSTATIONS

A. Whenever reasonably practicable, Linear Distribution/Collection Facilities, Linear Transportation Facilities of less than 79 KV, and electric utility substations shall be constructed within or adjacent to existing or proposed public rights-of-way or in existing or proposed easements that traverse the rear or side property lines of platted land subdivisions.

B. Whenever reasonably practicable, Linear Distribution/Collection Facilities, Linear Transmission Facilities of less than 79 KV, and electric utility substations shall be co-located in the same easement or rights-of-way as other linear facilities.

C. Setbacks from existing structures shall be as required by Federal and State regulations or laws.

5.10.2. ABOVE GROUND METERING AND PUMPING FACILITIES

A. The location design and operation of each above ground facility shall be reasonably compatible with residential, recreational, and institutional uses which lie within five hundred (500) feet of the boundaries of the facility. Compatibility shall be determined by the scale, architectural and landscaping arrangement of the facility as well as noise levels and location of access.

B. Buffering shall be provided in accordance with sub-Section **5.3.0.**, et seq.

5.11.0. TRANSPORTATION/UTILITIES

A. This section establishes the minimum requirements applicable to the development of specific Transportation/Utility facilities pursuant to Section **2.9.0.** In determining whether to approve, approve with conditions, or deny an application for a construction permit for a permitted in the Transportation/Utility Overlay District, the Board shall make its determination based upon the following criteria. In making its determination, the Board shall consider all information contained in the application, the extent to which the approval is preempted by State or Federal regulations and the reports and recommendations of the County Attorney and the Planning Official.

B. In addition to compliance with specific criteria listed below for particular types of transportation/utilities uses, no application for Major Development approval for any use allowed in the Transportation/Utility overlay district shall be approved unless the applicant demonstrates compliance with the following standards, conditions, limitations, and requirements:

1. The proposed development will not impede, impound, or otherwise interfere with the natural flow of any watercourse.

2. The proposed development will not involve the unnecessary removal of native plants, which stabilize soils, increase recharge, or provide wildlife habitat.
3. The proposed development will minimize any interference with the use of the land for feeding, foraging, resting, nesting, and breeding by indigenous and migratory birds and other wildlife, and will minimize the destruction or diminution of nests, burrows, and organisms or material upon which wildlife feed.
4. The proposed development will minimize erosion and sedimentation and will protect, restore, and maintain the chemical, physical, and biological integrity of open bodies of water.
5. Wastewater, fertilizers, pesticides, other potential pollutants, including but not limited to petroleum and petroleum products, and sediments shall be prevented from entering directly, through surface or groundwater flow or through outfall structures, into lakes, canals, rivers, and other open bodies of water, except during construction as specifically authorized.
6. The proposed development will not cause any danger or health hazard or unreasonable inconvenience to any person and will not damage any public or private lands.
7. The proposed development and its intended use will not create an unreasonable demand upon the emergency services personnel and equipment serving Jefferson County, so as to cause potential deficiencies in such services.
8. The proposed development and its intended use will be compatible with and will not interfere with or be inconsistent with the reasonably quiet and peaceful use and enjoyment of surrounding lands and uses.
9. All activities and all storage of flammable and explosive materials or products, associated with the proposed development, shall be provided with adequate safety devices 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.
10. The proposed development will not involve any activity, and no activity will be conducted, which may 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, and regulation.
11. No activity conducted in conjunction with the proposed development, except during construction of the proposed development, will cause any earth vibrations perceptible to normal human sensitivity, or any excessively loud noises, or any noxious or offensive odors, or any adverse effect on the temperature, motion, or humidity of the atmosphere, beyond the applicant's property line.
12. The proposed development will not have any significant deleterious effect upon any public or private potable water well.
13. Any activity involving nuclear or electromagnetic radiation shall be conducted in compliance with all federal, state, and local requirements; and such nuclear or electromagnetic radiation shall not interfere with the quiet, peaceful, safe, and healthful, use and enjoyment of any other lands and uses.

5.11.1. ELECTRIC LINEAR TRANSMISSION FACILITIES CORRIDORS

Electric Linear Transmission Facilities shall adhere to the following standards and design criteria. Setback standards shall be as required by Federal and/or State regulations or laws.

5.11.2. LIQUID OR GAS LINEAR TRANSMISSION FACILITY

Liquid or gas Linear Transmission Facilities shall adhere to the following standards and design criteria by demonstrating that:

A. The facility will be constructed utilizing the best practicable technology currently available.

B. The design and construction of the facility is reasonably compatible with areas designated for residential, recreational, and institutional uses pursuant to the Jefferson County Comprehensive Plan which are adjacent to the boundaries of the right-of-way of the proposed facility route.

C. The facility would not pose an unreasonable explosion risk or unreasonable risk of contamination to the environment of Jefferson County, particularly to a public water supply or surface waters in Jefferson County.

D. A non-governmental applicant has the ability, including the financial ability: to contain a discharge of products from the facility; to clean up and restore all of the property damage; and to return the soils, groundwater, and surface waters to a condition which meets the standards of Chapter 17-770, Florida Administrative Code. The posting of a surety bond in favor of Jefferson County, conditioned upon the applicant cleaning up a discharge of products and restoring to original condition any resultant property damage created by a discharge from the facility in Jefferson County, or a policy of liability insurance issued by an insurer authorized to do business in the State of Florida and naming Jefferson County as an additional insured, or both, may be required as a condition of a development permit. The development permit shall specify the amounts of such bonds and policies of insurance and the conditions of liability thereon, as may be reasonably necessary to ensure the prompt and complete

payment of all immediate response costs, all long-term cleanup costs, and all immediate and long-term losses or damages to the County, any other local government, the environment, and any citizen or property owner.

E. The design and construction of the facility complies with the intent, purpose, criteria and standards of the other laws, rules and regulations of Jefferson County. The recommendations by the Land Development Officer and County Attorney, as to whether the proposed facility design and construction complies with such laws, rules and regulations shall be presumptively correct. Such presumption may be rebutted by competent, substantial evidence.

5.11.3. POTABLE WATER STANDARDS

A. The location, design and operation of each water well or distribution system for human consumption shall meet the requirements of the County Health Department, appropriate Water Management District, and other appropriate State or Federal Standards.

B. Water treatment facilities shall be buffered in accordance with the prescribed buffer standards specified in Section **5.3.4**, et seq.

5.11.4. WASTEWATER SYSTEMS AND SEPTIC TANKS

A. Generally

Mandatory requirements of the County Health Department and the State Department of Environmental Regulation for installation, inspection, operation, and maintenance of on-site wastewater treatment systems shall be met in addition to the requirements contained in this Section and in Article Three.

B. Existing Wastewater Systems and Septic Tanks

Existing septic tank and package treatment plants may remain in service until central service is available except as necessary to comply with Rule 64E-6, F.A.C. with regard to the compulsory hookup with a central wastewater system. Except as may otherwise be provided by law, such hookups shall be commenced and completed within a reasonable period of time.

C. Siting and Installation Requirements and Limitations

1. Use of septic tank systems for new development shall be limited to areas where central service or package plants are not available in accordance with Florida Department of Health septic tank rules, and shall only be permitted subsequent to the receipt of all applicable Florida Department of Health and Florida Department of Environmental Protection permits.

2. Use of package treatment plants shall be limited to areas where central sewer systems are not available, and septic tanks are prohibited due to Florida Department of Health and Florida Department of Environmental Protection rules. The installation of such facilities shall only be permitted by the County subject to the receipt of all applicable Florida Department of Health and Florida Department of Environmental Protection permits.

3. Septic tanks which are proposed for nonresidential use shall not exceed the sewage, flow limitations of the Florida Department of Health or the Florida Department of Environmental Protection.

5.12.0. WATER CONSERVATION

A. Development projects for which a central water system and sewer system is being developed, shall utilize a reclaimed water system for uses not requiring potable water. The lowest acceptable water quality shall be utilized for the purpose intended.

B. All new construction and all remodeling activities shall utilize fixtures conforming to State Statutory requirements.

C. All new major subdivisions within one quarter mile of existing water systems shall connect to the water system if it has the capacity to handle the subdivision and service is available. The developer is required to run lines to each lot.

5.12.0 DRAINAGE IMPROVEMENT

All development must be designed, constructed and maintained to meet the following performance standards:

1. While development activity is underway and after it is completed, the characteristics of stormwater runoff shall approximate the rate, volume, quality, and timing of stormwater runoff that occurred under the site's natural unimproved or existing state, except that the first one inch of stormwater runoff shall be treated in an off line retention system such as swales.
2. The proposed development and development activity shall not violate the applicable water quality standards.
3. Silviculture and agricultural uses shall be required to use best management practices pursuant to Silviculture: Best Management Practices Manual (State of Florida, Division of Forestry, June 1989) as may be revised, and to prevent drainage and pollution problems.
4. All roads created under these land uses shall use concrete, metal, or HDPE (High Density Polyethylene) pipe culverts to ensure natural drainage features are not destroyed. (See Article 5 Appendix A attached).
5. Storm drainage facilities installed by the developer shall be designed in accordance with good engineering principals to adequately provide for proper and necessary drainage of all surface water. The design shall include all

drainage facilities within the limits of said subdivision and shall meet all requirements of and provide an approved Stormwater Management Permit by the appropriate Water Management District.

6. Artificial lakes, swales or other means to allow resorption of storm water shall be utilized where feasible.

5.14.0. SOIL EROSION

Performance Standards

A. Offsite migration of soil particles during and after all construction activities, and which originate from dirt roads, shall be eliminated.

B. Soil Conservation Service and U.S. Forestry Service Best Management Practices shall be followed during agricultural and silvicultural activities. Such practices shall reduce erosion and sedimentation of soils into wetlands and water bodies.

C. Erosion and sedimentation controls, including staked hay bales, shall be used during construction.

5.15.0. EASEMENTS

A. Utility easements shall be provided in all new development proposals for all utilities, including existing and future potable water and sanitary sewer lines, as needed. Minimum easement width shall be fifteen (15) feet; however, further width may be required to ensure adequate access for repair and maintenance of the utility.

B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water or drainage easement conforming substantially with the lines of such water course, but not less than 20 feet in width and such further width as will be adequate for the purpose of protecting and utilizing such features.

C. Where indicated in the Comprehensive Plan and in such other areas as the Planning Commission and developers may agree, pedestrian and service easements shall be provided. Such pedestrian and service easements may include, or be included in, easements required under A and B above.

D. Where utilities are placed in easements, no fences, or structures of a permanent nature shall be located on or within such easement.

5.16.0. CONSERVATION SUBDIVISIONS

5.16.1. PURPOSE

The purpose of a conservation subdivision design is to:

A. Encourage development that permanently conserves natural resources such as wetlands, flood plains, streams, groundwater; old-growth forests; steep slopes; scenic views; and archaeological sites;
B. Allow for greater flexibility and creativity in the design of residential developments;
C. Encourage compact, efficient development practices that consume less land and provide for the efficient use of infrastructure;
D. Provide for a greater range of development types in the community;
E. Further community goals for protecting open space;
F. Provide opportunities for compatible agricultural activities adjacent to residential uses;
G. Encourage interaction in the community by clustering houses, providing public gathering places and encouraging the use of parks, open spaces, and community facilities as focal points in the neighborhood;
H. Encourage preservation of important archaeological sites;
I. Permit clustering of houses and structures on less environmentally sensitive sites which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development;
J. Reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development;
K. Promote interconnected greenways and corridors throughout the community;
L. Promote contiguous greenspace with adjacent jurisdictions;
M. Promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles; and
N. Protect prime agricultural land and preserve farming as an economic activity.

5.16.2. GENERAL REGULATIONS

A. Eligibility.

This development option is available as a residential use by right in the following zoning categories AG 3, 5, & 20 for sites of 80 or more contiguous acres. The applicant shall comply with all other provisions of the zoning code and all other applicable laws except those that are incompatible with the provisions contained herein.

B. Ownership of Development Site.

The tract of land to be subdivided may be held in single and separate ownership or in multiple ownership. If held in multiple ownership, however, the site shall be developed according to a single plan with common authority and common responsibility.

C. Housing Density Determination.

The maximum number of lots in the Conservation Subdivision shall be determined by the following:

1. *Yield Plan:* The maximum number of lots is based on a conventional subdivision design plan, prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. The plan does not have to meet formal requirements for a site design plan, but the design must be capable of being constructed given site features and all applicable local, state, and federal regulations. Once the background density is determined with approved open space set aside, density bonuses will be given as follows:
2. *Bonuses:* minimum of 40% open space = 20% density bonus;

minimum of 55% open space = 30% density bonus;
minimum of 70% open space = 40% density bonus.

D. Minimum Lot Size.

All lots in the Conservation Subdivision will be at least one-half (½) acre in size.

5.16.3. CONSERVATION SUBDIVISION DESIGN PROCESS

Design of the conservation subdivision shall follow the procedural steps below:

A. Identify Conservation Areas. Design the open space by delineating areas of the site to be conserved due to their significant features and value to the area's continued natural character. Section **5.16.5.** describes features that are required and recommended for inclusion in primary and secondary conservation areas.

B. Calculate the Lot Yield. Determine the number of allowable lots desired using the methods described in Section **5.16.2.C**.

C. Select the Location of House Sites. Select house sites on the area of the tract not delineated as open space with homes positioned to take maximum advantage of the open space in neighborhood squares, playing fields, green ways, farmland, or forest preserves. House sites should not be located within 100 feet of the primary conservation area or within 50 feet of secondary conservation areas.

D. Align Streets and Trails. Align streets and trail to serve the house sites. Street and trail layout must be located so as to minimize to the greatest extent practicable, impact on all primary and secondary conservation areas. Street connections are encouraged over cul-de-sacs.

E. Draw the Boundaries of Individual Lots. Delineate boundaries of individual residential lots where lot size and shape, block sizes and shapes, and street network alignments shall be designed such that all lots will provide satisfactory building sites that are properly related to topography and the character of surrounding development, encourage a range of housing types and sizes and provide safe and convenient vehicular access to public streets.

5.16.4. APPLICATION REQUIREMENTS

A. Pre-Application Meeting.

Applicants will be required to participate in a pre-application meeting with all necessary and appropriate local government departments and Planning Commission prior to the submission of application for a conservation subdivision. At least thirty (30) days before meeting, the applicant shall provide the Site Analysis Map, the Housing Density Determination and the Preliminary Conceptual Site Plan.

B. Site Analysis Map.

Applicant shall prepare and submit a Site Analysis Map. The purpose of the Site Analysis Map is to ensure that the important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this article. The Site Analysis Plan shall include the following features:

1. Property boundaries;
2. All streams, rivers, lakes, wetlands and other hydrologic features;
3. Topographic contours of no less than 10-foot intervals;
4. All Primary and Secondary Conservation Areas labeled by type, as described in Section 5.10.06 of this Article;
5. General vegetation characteristics;
6. General soil types;
7. The planned location of protected open space;
8. Existing roads and structures; and,
9. Potential connections with existing green space and trails.

C. Housing Density Determination.

The Applicant must provide a preliminary Housing Density Determination.

D. Preliminary Conceptual Site Plan.

The Applicant must provide a Preliminary Conceptual Site Plan. This Plan will show the primary and secondary conservation features as well as the tentative location of houses, lots, and streets.

E. Open Space Management Plan.

An open space management plan shall be prepared and submitted prior to the issuance of a land clearing permit.

F. Instrument of Permanent Protection Required.

An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant shall be placed on the open space concurrent with the issuance of a land disturbance permit.

G. Other Requirements.

The Applicant shall adhere to all other applicable requirements of the underlying zoning and the subdivision code.

5.16.5. OPEN SPACE

A. Standards to Determine Open Space.

The minimum restricted open space shall comprise at least 40% of the gross tract area.

1. The following are considered Primary Conservation Areas and are required to be included within the open space:
   a) The 100-year flood plain;
   b) Riparian zones of at least 75 feet in width along all perennial and intermittent streams;
   c) Non-Manmade slopes greater than 20% of at least 5,000 square feet contiguous area;
   d) Wetlands that meet the definition used by the Florida Department of Environmental Protection;
   e) Population of endangered or threatened species, or habitat for such species; and,
   f) Archaeological sites, cemeteries and burial grounds.
2. The following are considered Secondary Conservation Areas should be included within the open space to the maximum extent feasible:
   a) Important historic sites;
   b) Existing healthy, native forests of at least one acre contiguous area;
   c) Individual existing healthy trees greater than 24 inches DBH (diameter at breast height);
   d) Other significant natural features and scenic view corridors, particularly those that can be seen from public roads; and,
   e) Existing trails that connect the tract to neighboring areas.
3. Above-ground utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40% minimum area requirement (exception: historic structures and existing trails may be counted). Large areas of impervious surface shall be excluded from the open space.
4. At least 75% of the open space shall be in a contiguous tract, when practicable. The open space shall adjoin any neighboring area of open space, other protected areas and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
5. At least 50% of the Open Space shall consist of land that is suitable for homesite building.
6. The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space.
7. To preserve the rural character of Jefferson County, a average width of 75' with a minimum of 50' of undeveloped open space shall be left along the interface of public roadway and the development.

B. Permitted Uses of Open Space.

Uses of open space may include the following:

1. Conservation of natural, archeological resources;
2. Meadows, woodlands, wetlands, wildlife corridors, or similar conservation-oriented areas;
3. Walking or bicycle trails, provided they are constructed of porous paving materials;
4. Passive recreation areas, such as open fields;
5. Active recreation areas, provided that they are limited to no more than 10% of the total open space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces including recreational and farmstead structure. Active recreation areas in excess of this limit must be located outside of the protected open space;
6. Ponds for recreational uses managed for the use of the subdivision residents. All ponds must be permitted and constructed according to best management practice standards and be outside of the Primary Conservation Areas. Recreational ponds can not occupy more than 10% of the total open space and will be calculated as part of the active recreation total.
7. Agriculture, horticulture, silviculture, equestrian or pasture uses, provided that all activities are not conducted within Primary Conservation Areas and are designed to prevent soil erosion; to protect water quality and wetlands; and to follow applicable best management practices to minimize environmental impacts;

8. Landscaped storm water management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
9. Easements for drainage, access, and underground utility lines; and
10. Other conservation-oriented uses compatible with the purposes of this ordinance.

C. Prohibited Uses of Open Space.

1. Golf courses;
2. Roads, parking lots, and impervious surfaces, except as specifically authorized in the previous sections;
3. Agricultural and forestry activities not conducted according to accepted Best Management Practices;
4. Other activities as determined by the Applicant and recorded on the legal instrument providing for permanent protection.

D. Ownership and Management of Open Space.

1. Ownership of open space. A Homeowner's Association representing residents of the conservation subdivision shall own the open space. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The Homeowner's Association shall have lien authority to ensure the collection of dues from all members. The responsibility for maintaining the open space and any facilities located thereon shall be borne by the Homeowner's Association.
2. Management Plan. All Applicants must submit a Plan for Management of open space and Common Facilities ("Plan") that:
   a. allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;
   b. estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;
   c. provides that any changes to the Plan be approved by the Planning Commission and Board of County Commission; and
   d. provides for enforcement of the Plan.
   e. In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, the County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The cost of such maintenance maybe charged to the Homeowner's Association, or to the individual property owners that make up the Homeowner's Association, and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties.

E. Legal Instrument for Permanent Protection

1. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument shall be one of the following:
   a. A permanent conservation easement dedicated to either:
      i. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or
      ii. A governmental entity with an interest in pursuing goals compatible with the purposes of this ordinance.
      iii. If the entity accepting the easement is not the local government, then a third right of enforcement favoring the local government shall be included in the easement.
   b. A permanent restrictive covenant for conservation purposes in favor of a government entity.
   c. An equivalent legal tool that provides permanent protection, if approved by the local government.
2. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restriction contained in this article, as well as any further restrictions the Applicant chooses to place on the use of the open space.

F. Tax Assessment of Open Space.

Once a legal instrument for permanent protection has been placed upon the open space, the local tax assessment office shall be directed to reassess the open space at a lower value to reflect its more limited use. If the open space is used purely for passive recreational purposes and the terms of the instrument for permanent protection effectively prohibit any type of significant economic activity, then the assessment shall be at a value of zero.

5.17.0. MINING LAND USE PERFORMANCE STANDARDS

5.17.1. PURPOSE AND INTENT

Mining is permissible only on properties shown on the FLUM as Agriculture 20 when designated as a Mining Overlay District through Special Exception approval by the Board of County Commissioners. Small Scale Excavation activity

such as borrow pits and the construction of ponds with a total excavated area less than five (5) acres in size with a maximum depth of ten feet and not involving blasting may be conducted through Minor Development Permit approval when a permit from the water management district is required prior to issuance of the Final Development Order and commencement of construction.

5.17.2. 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 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 Florida 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 six (6) months of the cessation of excavation activity the excavation 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 vegetated 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.
1. Except where in conflict with a specific requirement of this Code, administration and permitting procedures relating to all mining in Jefferson County which is not permitted pursuant to the provisions 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 all requirements of the Final Development Order approved by the Board of County Commissioners and this Code.
2. 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:
   h. The amount of insurance shall be a minimum of two million dollars per incident, and five million dollars aggregate.
   i. The liability insurance shall name as the insured the property owner and the applicant, if different than the property owner.
   j. 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.
   k. 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.
   l. 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.

5.17.3. STANDARDS

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

A. Setbacks and Screening:

1. Except for monitoring wells and wildlife relocation activities, all mining activities to which this Part applies shall maintain the following setbacks:
   a. 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.

b. 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.

2. 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.
3. The setbacks required herein shall be applied according to the following guidelines for application of setbacks:
   a. 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.
   b. 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.
   c. 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.
   d. 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.
4. 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.
5. Screening.
   a. 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.
   b. 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. Permitees 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.
   c. 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.
      1) 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.
      2) All earthen berms shall be constructed with slopes not greater than four(4) horizontal to one(1) vertical 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.
      3) 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.
   d. 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.

B. Impacts on Ground Water Levels

1. 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.

2. 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:
   a) 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.
   b) 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.
   c) 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.
      2) Collection of data from all gauges, wells and piezometers periodically at a frequency as necessary to accurately assess performance of the mitigation.
      3) Preparation and submission of a semiannual report presenting and interpreting the data.
3. 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.
4. 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.
5. 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.
6. 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.
7. Impacts on surface waters shall be limited as provided below:
   a) 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.
   b) A minimum twenty-five (25) 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.
   c) Mining operations shall not result in any significant off-site increase/decrease in surface water levels. Impacts to offsite wetlands will be limited to that approved by permitting agencies.

C. Wetlands

1. 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.
2. For Wetlands one-half acre or more: ~~1)~~ Buffer. A minimum setback of twenty five (25) 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.

D. Surface Water Quality

1. 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.
2. 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.

E. 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.

F. Traffic Circulation

Unless specified otherwise in the Development Permit, the following requirements shall apply:

1. 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.
2. Any haul road connection to any public road is to be constructed and maintained to the satisfaction of the applicable governing agency.
3. 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.
4. 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.

G. 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.

H. Hours of Operation

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.

I. 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.

J. Reclamation

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:

1. 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.
2. 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.

3. 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.
4. 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 water's edge toward the middle of the water body. Water quality shall be satisfactory for fish production and other wildlife.
5. 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.
6. Additional reclamation requirements may be specified by the County in the Development Permit.
7. Reclamation shall be released as provided below:
   a) 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.
   b) 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.

K. 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.

5.17.4. 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 dollars ($5,000) 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 applicant's 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 ~~F.2a~~ 5.17.4.2.a. 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.

5.17.5. BLASTING

1. 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 69A-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 69A-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 69A-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.

5.17.6. 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.

A. The applicant shall perform the following:
   1. Keep available at all times, any required records of inspection and the results of monitoring.
   2. Retain an authorized representative on site while operations are in progress.
   3. Retain on site a copy of the approved Development Permit.

B. 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.

1. 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.
2. 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.
3. 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.
4. 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.
5. Monitoring for impacts to nearby and adjacent wetlands on lands not under the ownership or control of the mine operator shall be as required above
6. 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.
7. All dams shall be inspected and monitored according to the standards of, and at the frequency required by, the Florida Departmental of Environmental Protection.
8. 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.

C. Reporting Requirements

1. 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. 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.
2. 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, and shall be presented in a format which is capable of being reviewed and understood by lay persons. The County engineer or Planning Official 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.
3. 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.
4. 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.
5. 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.

D. Enforcement of this section and conditions for development permits for mining shall be as provided in the Jefferson County Code of Ordinances.

5.18.0. PONDS

A. Ponds are any 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 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 Planning Official 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.
4. 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 vegetated 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 a 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 Planning Official 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.

ARTICLE FIVE – "APPENDIX – A"

Driveway Culvert Installation Procedures

1. All driveways or roads entering a County paved road right of way shall have a driveway culvert installed when necessary to facilitate roadway drainage.
2. The driveway connection shall slope away from the roadway edge at a minimum grade of 2% from the edge of the road pavement to the centerline of the culvert pipe to ensure runoff from the driveway will not cross the County-maintained road. Property owner may be required to install slotted pipe to prevent storm water draining into County roadway.
3. The Road Department Superintendent or his representative shall determine the appropriate pipe diameter and flow line of the new driveway culvert.
4. The overall pipe length shall be at least the driveway width plus the length required to provide for mitered end sections. Mitered end sections with 4:1 slope are required unless a variance is granted by written permission from the Road Superintendent.
5. The pipe material shall be reinforced concrete pipe on all roads, except corrugated metal may be utilized with written permission from the Road Superintendent.
6. A private contractor will install driveway culverts:
   (a) A valid permit must be issued.
   (b) The property owner or the contractor will supply the pipe specified by the Road Superintendent or his representative.
   (c) The property owner pays all costs.
7. The depth of the existing ditch shall be defined as the vertical height as measured from the edge of the existing road pavement to the bottom of the existing ditch. The Road Department will adjust ditches if needed.
8. The pipe shall be backfilled with clean fill dirt.
9. Driveway connections that connect to a paved road shall be required to pave the aprons with concrete or asphalt. The driveway apron is the area between the edge of the road surface and the right of way or 30' from the road centerline on County-maintained roads where there is no defined right of way boundary.
10. **Note**: If a private contractor installs the driveway culvert, the Road Superintendent must be called to inspect the installation before the contractor can backfill the trench. Failure to have the installation inspected prior to backfilling may result in the Road Department removing the driveway culvert.
11. The Road Department Superintendent or his representative will inspect the culvert at the request of the property owner or his authorized representative/agent.
12. Driveways connecting to State and/or County roads shall follow the most current standards depicted in FDOT INDEX 273 -SIDE DRAIN MITERED END SECTIONS, which can be found online at http://www.dot.state.fl.us/rddesign/DS/12/IDx/00273.pdf.

ARTICLE SIX – SIGNS

6.0.0. GENERAL PROVISIONS

6.0.1. RELATIONSHIP TO BUILDING AND ELECTRICAL CODES

These sign regulations are intended to complement the requirements of the building and electrical codes adopted by the County. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.

6.0.2. NO DEFENSE TO NUISANCE ACTION

Compliance with the requirements of these regulations shall not constitute a defense to an action brought to abate a nuisance under the common law.

6.0.3. MAINTENANCE

All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the County, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris that would constitute a fire or health hazard shall be permitted under or near the sign.

6.1.0. EXEMPT SIGNS

The following signs are exempt from the operation of these sign regulations, and from the requirement in this Code that a permit be obtained for the erection of permanent signs, provided they are not placed or constructed so as to create a hazard of any kind:

A. Signs that are not designed or located so as to be visible from any street or adjoining property.
B. Signs of two (2) square feet or less and signs that include no letters, symbols, logos or designs in excess of two (2) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 6.2.2. of this Code.
C. Signs necessary to promote health, safety and welfare, and other regulatory, statutory, traffic control or directional signs erected on public property with permission as appropriate from the State of Florida, the United States, or Jefferson County.
D. Legal notices and official instruments.
E. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Board of County Commissioners for a prescribed period of time.
F. Holiday lights and decorations.
G. Merchandise displays behind storefront windows so long as no part of the display moves or contains flashing lights.
H. Memorial signs or tablets, historic plaques, names of buildings and dates of erection when cut into any masonry surface or attached to the surface of a building.
I. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
J. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, or vehicle bumpers.
K. Public warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards.
L. Works of art that do not constitute advertising.
M. Signs carried by a person.
N. Religious displays.

6.2.0. PROHIBITED SIGNS

6.2.1. GENERALLY

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by, or exempted from, this Code.

6.2.2. SPECIFICALLY

The following signs are expressly prohibited unless exempted by Section 6.1.0. of this Code or expressly authorized by Sections 6.3.0., 6.4.0., or 6.5.0. of this Code:

A. Signs that are in violation of the building code or electrical code adopted by the county.
B. Any sign that, in the opinion of the Building Official, does or will constitute a safety hazard.
C. Signs that emit any sound that is intended to attract attention or involve the use of live animals.
D. Signs that emit audible sound, odor, or visible matter such as smoke or steam.

E. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other ordinance of the county.

F. Signs that resemble any official sign or marker erected by any governmental agency, or that by reason of position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, content, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.

G. Signs that obstruct the vision of pedestrians, cyclists, or motorists traveling on or entering public streets.

H. Signs, within ten (10) feet of public right of way or one hundred (100) feet of traffic-control lights, that contain red or green lights that might be confused with traffic control lights.

I. Signs that are of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics.

J. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.

K. Signs erected on public property, or on private property (such as private utility poles) located on public property, other than signs erected by public authority for public purposes.

L. Signs displaying copy that is harmful to minors as defined by this Code.

6.3.0. PERMITTED TEMPORARY SIGNS

6.3.1. RESTRICTIONS ON TEMPORARY SIGNS

A temporary sign may display any message so long as it is not:

A. Harmful to minors as defined by this Code.

B. Advertising as defined by this Code, except that advertising for the following purposes may be displayed:

1. To indicate that an owner, either personally or through an agent, is actively attempting to sell, rent or lease the property on which the sign is located.
2. To indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding fourteen (14) days within the first three (3) months that the occupancy is open for business.
3. To identify construction in progress. Such message shall not be displayed more than sixty (60) days prior to the beginning of actual construction of the project, and shall be removed when construction is completed. If a message is displayed pursuant to this section, but construction is not initiated within sixty (60) days after the message is displayed, or if construction is discontinued for a period of more than sixty (60) days, the message shall be removed, pending initiation or continuation of construction activities.
4. To indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than sixty (60) days or until installation of permanent signs, whichever shall occur first.
5. To announce or advertise such temporary uses as fairs, carnivals, circuses, revivals, sporting events, flea markets, or any public, charitable, educational or religious event or function. Such message shall be removed within five (5) days after the special event.

6.3.2. PERMISSIBLE SIZE, HEIGHT AND NUMBER OF TEMPORARY SIGNS

A. One-Family and Two-Family Residences.

A parcel with a single one-family or two-family residence may display not more than two temporary signs with an aggregate sign area of not more than eight (8) square feet. No individual sign shall exceed eight (8) square feet nor exceed eight (8) feet in height.

B. Three-Family and Four-Family Residences.

A parcel on which is located a single three-family or four-family residence may display not more than four (4) temporary signs with an aggregate sign area of not more than sixteen (16) square feet. No individual sign shall exceed eight (8) square feet nor exceed eight (8) feet in height.

C. Non-Residential Parcels.

All other parcels may display one (1) square foot of temporary signage per ten (10) feet of frontage up to a maximum of one hundred (100) square feet. No individual sign shall exceed sixty-four (64) square feet nor exceed ten (10) feet in height. Signs must be spaced at least one hundred (100) feet apart.

6.4.0. PERMANENT ACCESSORY SIGNS

6.4.1. SIGN TYPES ALLOWED

A permanent accessory sign may be a ground or building sign. A permanent accessory sign may not be a roof sign.

6.4.2. CONTENT

A permanent accessory sign may display any message so long as it is not harmful to minors as defined by this Code.

6.4.3. NUMBER, AREA, SPACING AND HEIGHT OF PERMANENT ACCESSORY SIGNS

A. Ground Signs.

The permissible number, area, spacing and height of permanent accessory ground signs for each multiple occupancy complex and each occupant not located in a multiple occupancy complex shall be determined according to the following table and text:

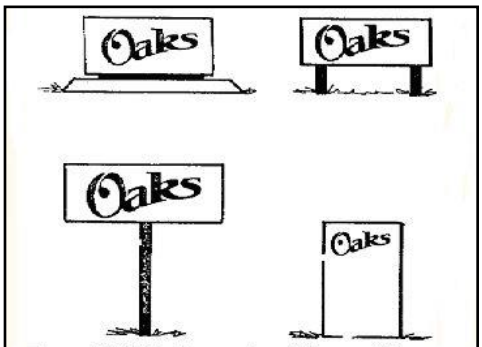


Figure 6.4.3.A - Examples of Ground Signs

TABLE 6.4.3. NUMBER, AREA, SPACING AND HEIGHT OF PERMANENT ACCESSORY SIGNS (ALL MEASUREMENTS IN FEET OR SQUARE FEET)					
Frontage on any public R/W	Number of signs allowed	Total sign area allowed/Maximum sign area for individual sign in square feet		Minimum distance from side Property Line or any other permanent ground sign on same site	Maximum Height
		Speed Limit <45 MPH	Speed Limit >45 MPH		
Less than 50	1	24/24	24/24	10/NA	18
At least 50 but less than 100	1	32/32	48/48	15/NA	18
At least 100 but less than 200	1	48/48	64/64	20/NA	18
At least 200 but less than 300	1	64/64	96/96	50/NA	18
At least 300 but less than 400	2	72/72	128/96	50/100	18
400 or more	2	96/96	192/96	50/100	18

B. Building Signs.

1. Subject to the design criteria in Section **6.7.0.** of this Article, the maximum height of a building sign shall be eighteen (18) feet, except that on a building of more than two stories, a single building sign is allowed above eighteen (18) feet on each side of the building.
2. Each multiple occupancy complex may display one (1) permanent accessory building sign on each side of the principal building or buildings in which the complex is located, not to exceed a sign area of up to ten (10) percent of the facade area of each building side or two hundred (200) square feet, whichever is smaller.
3. Each occupant of a multiple occupancy complex may display three (3) permanent accessory building signs on any exterior portion of the complex that is part of the occupant's unit (not including a common or jointly owned area), not to exceed a total combined sign area of fifteen percent (15%) of the facade area of such exterior portion or two hundred (200) square feet, whichever is smaller.
4. Each occupant not located in a multiple occupancy complex may display three (3) permanent accessory building signs on each side of the principal building in which the occupancy is located, not to exceed a total combined sign area for each building side of twenty (20) percent of the facade area of the building side or two hundred (200) square feet, whichever is smaller.

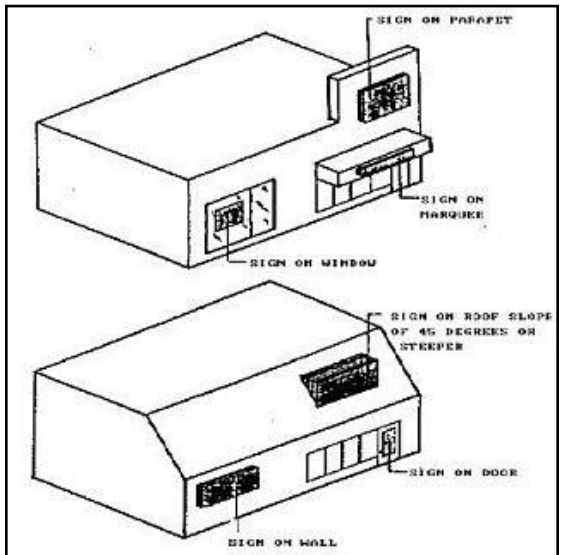


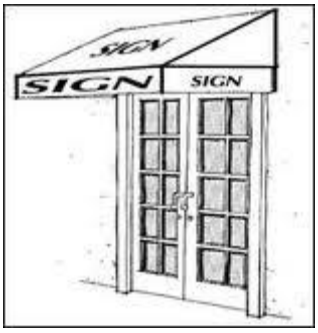
Figure 6.4.3.B - BUILDING SIGNS

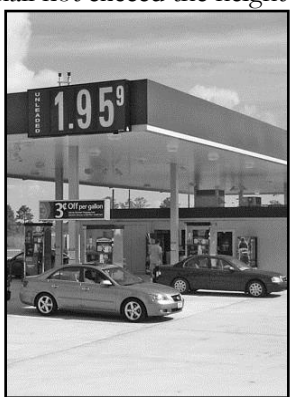
C. Multiple Frontages.

If a building has frontage on two (2) or more streets, each frontage shall be separately considered for the purposes of determining compliance with the provisions of these regulations, but the permitted sign area for one (1) frontage may not be combined with that permitted on another frontage to increase the permitted sign area on one frontage. However, no ground sign on one right of way may be closer than one hundred (100) feet to a sign on another right of way, measured as the sum of distances measured continuously along the rights of way through a common point or points.

D. Canopy Signs.

Signage, including brand names, logos, or other single-word information (diesel, gardening, etc.) is permitted on canopies covering sidewalks, pedestrian areas, vehicle use areas such as gasoline pump islands or outside display areas. Canopy signs shall not be counted as ground or building signs. Logos/symbols attached to the canopy shall be limited in height to 25% more than the height of the canopy and text content shall not exceed the height of the canopy.





6.4.4. TIME-TEMPERATURE-DATE SIGNS

Time-temperature-date signs are permitted as a permanent accessory sign. They may be ground or building signs, and are subject to the regulations applicable to such signs. They shall be counted as part of the total allowable sign area.

6.4.5. DIRECTIONAL SIGNS

Directional signs limited in area to four (4) square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of the total allowable sign area.

6.4.6. SIGNS AT ENTRANCES TO RESIDENTIAL DEVELOPMENTS, FARMS AND RANCHES

A. Generally.

A permanent accessory sign may be displayed at the entrance to residential developments, farms and ranches.

B. Restrictions.

1. Signage is permitted at each entrance into the development, farm or ranch from each abutting street. The sign may be a single sign with two (2) faces of equal size at the entrance on either side of the pavement or in an island in the center or may be two (2) single-faced structures of equal size located on each side of the entrance. No face of the sign shall exceed thirty-two (32) square feet in size, and may be illuminated in a steady light only.
2. When considering the placement of such signs, the developer shall consider the location of public utilities, sidewalks and future street widenings.
3. Such signs shall be maintained perpetually or removed.
4. Entrance signs shall not obstruct the clear sight triangle.

6.4.7. FLAGS

The maximum distance from top to bottom of any flag shall be twenty (20) percent of the total height of the flag pole, or in the absence of a flag pole, twenty (20) percent of the distance from the top of the flag or insignia to the ground. See Figure **6.4.7.**

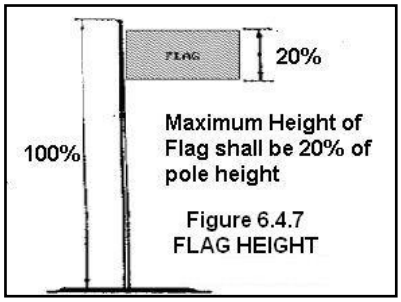


Figure 6.4.7
FLAG HEIGHT

6.4.8. UTILITY SIGNS

Public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are permitted so long as they do not exceed three (3) feet in height unless in conjunction with other signage on a road or street sign post, and so long as the sign face does not exceed one half (1/2) square foot or exceed the size of any the largest other sign on the same post.

6.5.0. PERMANENT OUTDOOR ADVERTISING (ODA) SIGNS - BILLBOARDS

6.5.1. WHERE ALLOWED

Permanent outdoor advertising (ODA) signs (billboards) are allowed on properties adjacent to state road rights of way in all land use districts. Billboards are not allowed on county roads. In addition to a construction permit from Jefferson County, a sign permit from FDOT is required for any sign visible from any state road:

- SR 8 (US Interstate 10 from the Alabama border to Jacksonville);
- SR 10 (US 90 – Washington St. from Alabama state line to Atlantic Beach);

- SR 20 (US 27, Capps Hwy – from Tallahassee through Capps, where SR 57/US 19 joins until they reach Perry);
- SR 30 (US 98 west of Perry to Alabama);
- SR 55 (US 221 from Perry continuing north into Georgia);
- SR 57 (between Perry and Capps, it follows SR 20/US 19/US 27 and between Capps and the Georgia border, it follows US 19);
- SR 59 (Gamble Road, from US 90 near Lloyd to SR 30/US 98).

6.5.2. DISPLAY

Outdoor advertising signs may display any message so long as it is not harmful to minors as defined by this Code or otherwise prohibited by State or Federal statutes. Electronic or digital billboards are allowed with the following restrictions:

A. To minimize the possibility of head-on collisions due to possible driver distraction, digital sign placement is limited to properties on roads with medians;
B. Message changes are limited to a maximum of 8 per minute (minimum duration of 7 seconds each);
C. Flashing or moving images are prohibited;
D. Luminance: The brightness of digital signage shall be regulated in accordance with the following:
   a. For daylight hours, the maximum luminance level for digital signage should be similar to what the luminance of an identical sign would be if it was printed out and installed on a static billboard. In other words, the digital sign would appear no brighter, no more intense, than the printed sign next to it, or the landscape surrounding it. In practice, setting a limit of 5000 nits (setting the sign's intensity so that an area on it displaying full brightness white has no higher luminance than that figure) ends up delivering a surface brightness similar to landscape illuminated by sunlight.
   b. At dusk and nighttime, digital billboards do not need to operate at higher surface brightness than the static ones which they are replacing. The IESNA Lighting Handbook recommends for "illuminated billboards and other large advertising panels", illuminating such signs at night with 1000 lux in bright locations, and 500 lux for ones in dark surroundings. Therefore, brightness levels shall not exceed 250 nits in the setting (1000 lux) for brightly illuminated surroundings, and 125 nits in the low-light setting (500 lux illumination).

6.5.3. PERMISSIBLE NUMBER, AREA, SPACING AND HEIGHT OF ODA SIGNS

The Florida Department of Transportation (Department) is responsible for controlling ODA signs on the National and State highway systems. The Department must control the location, size, height, spacing and lighting of ODA signs but has no authority to regulate the content of advertising messages on the signs. The Outdoor Advertising regulatory program is based on federal law and regulations as well as state statute and rule. Federal law is set forth in the Highway Beautification Act while federal regulations can be found at 23 C.F.R., Section 750. State laws are found in Chapter 479, Florida Statutes. In addition to the state statutes, the Department writes administrative rules to interpret the intent of the statute for the general public. Chapter 14-10, Florida Administrative Code, is the Department's rule chapter which governs outdoor advertising. Copies of the complete rule chapter may be obtained from the Outdoor Advertising Office. The Department cannot issue a permit for an outdoor advertising sign which is not allowed by local ordinances.

A. Maximum Size.

No permanent outdoor advertising sign may exceed three hundred and ten (310) square feet in size. One exception to this is for signs within the Interchange Business area and along a corridor of fifty (50) feet adjacent to the right of way boundaries of Interstate-10. In these areas the County will defer to the size restrictions of the Florida Department of Transportation.

B. Maximum Height.

No permanent outdoor advertising sign, or combination of signs, may exceed thirty (30) feet in height. The only exception to this is for signs within the Interchange Business areas and along a corridor of fifty (50) feet adjacent to the right of way boundaries of Interstate-10. In these areas the County will defer to the height restrictions of the Florida Department of Transportation.

C. Maximum Width.

No permanent outdoor advertising sign, or combination of signs, may exceed twenty-four (24) feet in width. The only exception to this is for signs within the Interchange Business area and along a corridor of fifty (50) feet adjacent to the right of way boundaries of Interstate-10. In these areas the County will defer to the width restrictions of the Florida Department of Transportation.

D. Spacing.

No permanent outdoor advertising sign may be closer than fifty (50) feet from any property line, nor closer than one

thousand five hundred (1500) feet from any other permanent outdoor advertising sign on either side of the thoroughfare or thoroughfares to which the permanent advertising sign is directed. Spacing shall be determined based on signs that have received the necessary county permit pursuant to this Code, and signs having received prior authorization shall have priority over a later applicant in determining compliance with the spacing restrictions. Where two applications from different persons conflict with each other, so that only one of the applications may be granted, the first application received by the Planning Office will be the first considered for approval. The second application shall remain pending until resolution of the first application. The second applicant shall be advised in writing of the first application and that his application will remain pending until the first application is acted upon. If the first application considered is granted, the second application shall be denied. If the first application is denied, the second application shall then be considered for approval.

6.5.4. NONCONFORMING PERMANENT OUTDOOR ADVERTISING SIGNS

Nonconforming outdoor advertising signs are subject to Article Seven of this Code, except that if the only reason for the nonconformity is a failure to meet the spacing requirement between signs, the sign or signs may remain provided only ordinary repairs and maintenance shall be made to the nonconforming sign, however, if more than fifty percent (50%) of the sign is damaged, repairs of the non-conforming sign shall require special exception approval by the Planning Commission.. If because of the removal of other signs, a sign comes into compliance with the spacing requirements, it shall be a conforming sign.

6.6.0. MEASUREMENT DETERMINATIONS

6.6.1. DISTANCE BETWEEN SIGNS

The minimum required distance between signs shall be measured along street rights of way from the closest parts of any two signs.

6.6.2. FACADE AREA

The facade area shall be measured by determining the area within a two-dimensional geometric figure coinciding with the edges of the walls, windows, doors, parapets, marquees, and roof slopes of greater than forty-five (45) degrees that form a side of a building or unit. See Figure **6.6.2**.

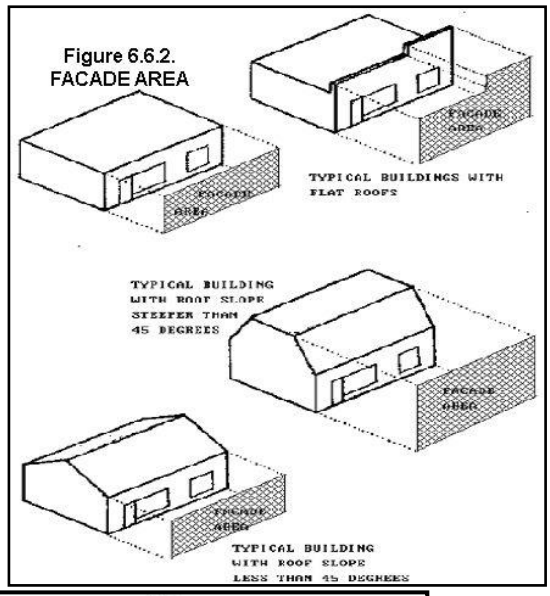


Figure 6.6.2. FACADE AREA

6.6.3. SIGN AREA

A. Generally.

The area of a sign shall be the area within the smallest square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the sign face.

B. Special Situations.

1. Where a sign is composed of letters or pictures attached directly to a facade, window, door, or marquee, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures. See Figure **6.6.3.A.**

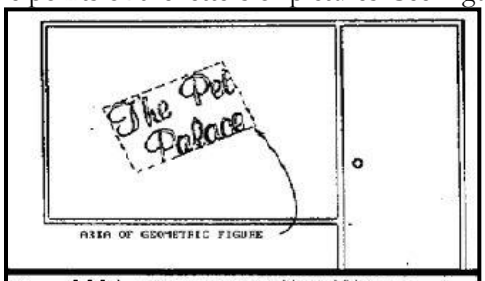


Figure 6.6.3.A. AREA OF SIGN WITH LETTERS OR PICTURES ATTACHED DIRECTLY TO A WALL, WINDOW, DOOR, ETC. (WITHOUT A BORDER)

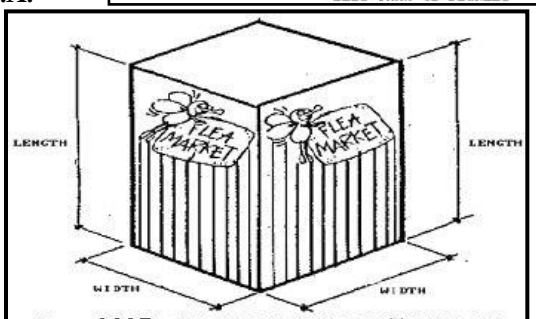


Figure 6.6.3.B. SIGN AREA OF SIGN WITH 4 FACES

2. Where two sign faces are placed back to back on a single sign structure, and the faces are at no point more than four (3) feet apart, the area of the sign shall be counted as the area of one (1) of the faces.
3. Where four sign faces are arranged in a square, rectangle, or diamond, the area of the sign shall be the area of the two largest faces. See Figure **6.3.3.B.**
4. Where a sign is in the form of a three-dimensional object, the area shall be determined by drawing a square, rectangle, parallelogram, triangle, or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image circle created by tracing the largest possible two dimensional outline of the sign. See Figure **6.6.3.C.**

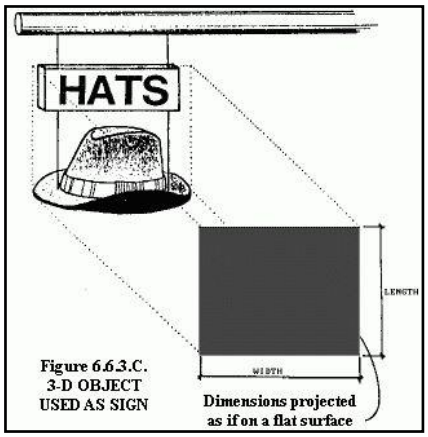


Figure 6.6.3.C. 3-D OBJECT USED AS SIGN

6.6.4. NUMBER OF SIGNS

A. Generally.

In general, the number of signs shall be the number of non-contiguous sign faces. Multiple non-contiguous sign faces may be counted as a single sign if all the sign faces are included in the geometric figure used for determining the sign area. See Figure **6.6.4.A.**

B. Special Situations.

1. Where two sign faces are placed back to back and are at no point more than three (3) feet apart, it shall be counted as one sign.
2. If a sign has four faces arranged in a square, rectangle or diamond, it shall be counted as two signs. See Figure **6.6.4.B.**

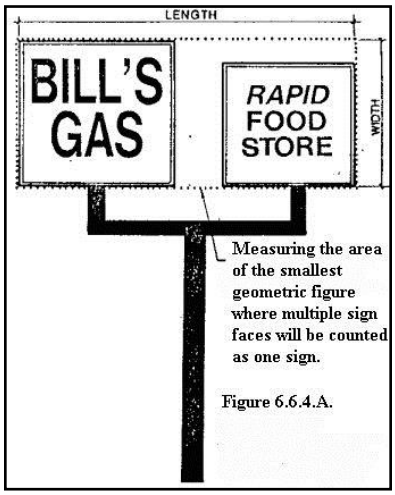
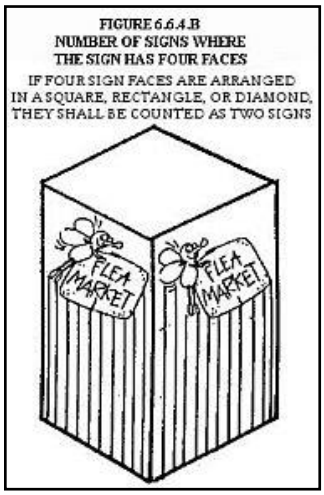


Figure 6.6.4.A.



6.6.5. SIGN HEIGHT

The height of a sign shall be measured as the vertical distance from the finished grade at the base of the supporting structure to the top of the sign, or its frame or supporting structure, whichever is higher. See Figure **6.6.5.**

6.7.0. DESIGN, CONSTRUCTION, AND LOCATION STANDARDS

6.7.1. GENERALLY

All permanent signs must comply with the following design, construction and location standards.

6.7.2. COMPLIANCE WITH BUILDING AND ELECTRICAL CODES REQUIRED

All permanent signs, and the illumination thereof, shall be designed, constructed and maintained in conformity with applicable provisions of the building and electrical codes adopted by the county.

6.7.3. ILLUMINATION STANDARDS

A. Sign lighting may not be designed or located to cause confusion with traffic lights.

B. Illumination by floodlights or spotlights is permissible so long as none of the light emitted shines directly onto an adjoining property or into the eyes of motorists or pedestrians using or entering public streets.

C. Illuminated signs shall not have lighting mechanisms that project more than eighteen (18) inches perpendicularly from any surface of the sign over public space.

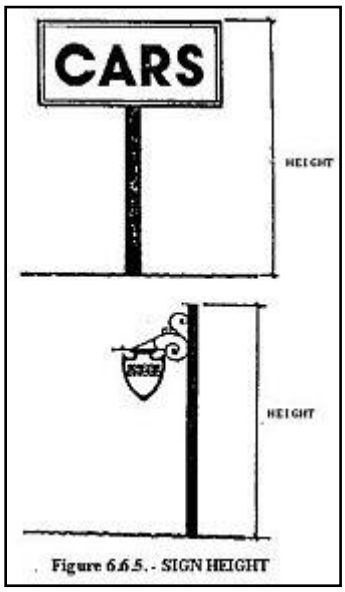


Figure 6.6.5. - SIGN HEIGHT

6.7.4. PLACEMENT STANDARDS

A. Near Street And Driveway Intersections.

Signs located within a clear visibility triangle shall conform to the requirements of this Code. (See Article 5, Section 5.4.2.H.)

B. In Right Of Way.

Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.

C. Over Right Of Way.

No ground sign shall project over a public right of way.

D. Blocking Exits, Fire Escapes, Etc.

No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.

6.7.5. CLEARANCE STANDARDS

A. Over Pedestrian Ways.

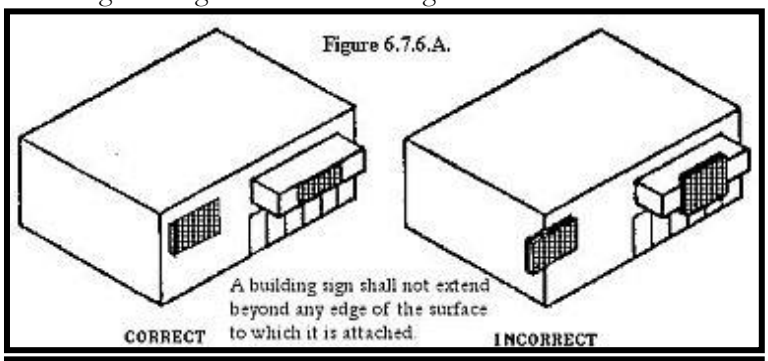
All signs over pedestrian ways shall provide a minimum of seven (7) feet six (6) inches of clearance.

B. Over Vehicular Ways.

All signs over vehicular ways shall provide a minimum of thirteen (13) feet six (6) inches of clearance.

6.7.6. RELATIONSHIP TO BUILDING FEATURES

A building sign shall not extend beyond any edge of the surface to which it is attached, nor disrupt a major architectural feature of the building. See Figure **6.7.6.A.** and Figure **6.7.6.B.**



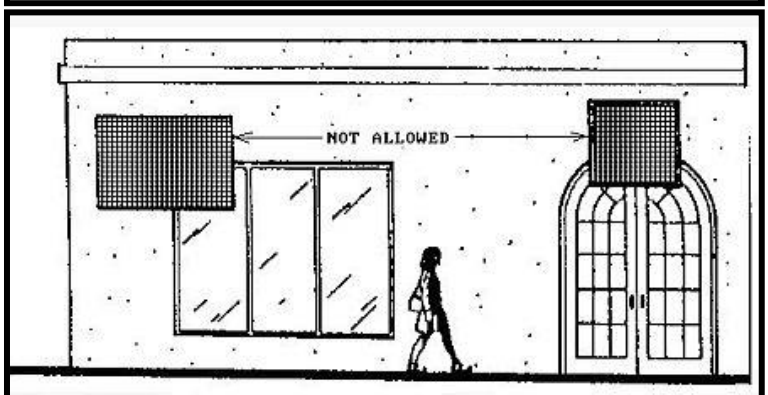


Figure 6.7.6.B. A building sign shall not disrupt architectural features of the building.

6.7.7. MAXIMUM PROJECTION

A building sign may project no more than four (4) feet perpendicularly from the surface to which it is attached.

6.7.8. MAXIMUM WINDOW COVERAGE

The combined area of permanent and temporary signs placed on or behind windows shall not exceed twenty-five (25) percent of the total window area at the same floor level on the side of the building or unit upon which the signs are displayed.

6.7.9. FORMAT FOR MULTIPLE OCCUPANCY COMPLEXES

Building signs for multiple occupancy complexes constructed or remodeled after the effective date of this Code shall conform to an approved sign format. The sign format shall be included as a submittal for authorization to erect such a sign and shall be maintained on file in the Land Development Office. The format shall be presented in a plan or sketch, together with written specifications in sufficient detail to enable the Building Official to authorize signs based on the specifications. As a minimum, the sign format shall specify the types of signs and dimensions (not to exceed the size limits contained in this Article) which will be permitted each occupant within the complex. The sign format shall also contain common design elements, such as placement, color, shape, or style of lettering, which lend a unified appearance to the signs of the occupants within the complex. The sign format may only be modified with the approval of the Building Official upon submission of a revised plan and specifications detailing the revised format.

6.7.10. SIGNS REQUIRED TO BE CERTIFIED BY A REGISTERED ENGINEER

The following signs shall be designed and certified by a Florida registered engineer:

A. Building signs that project perpendicularly from the surface to which it is attached and that are more than twenty-four square feet in area.

B. Ground signs of more than ten feet in height and one hundred square feet in area.

ARTICLE SEVEN - NON-STANDARD DEVELOPMENT

7.0.0. PURPOSE

The purpose of this Article is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur.

Two forms of hardship are addressed:

- Part 7.1.0 addresses the status of nonconforming development;
- Part 7.2.0 addresses modifications to or variances from a specific provision in the Code's development design standards.

7.1.0. NONCONFORMING DEVELOPMENT

7.1.1. CONTINUATION OF NONCONFORMING DEVELOPMENT

Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence prior to the adoption of the regulation rendering the use nonconforming, remain in use in its nonconforming state.

7.1.2. GENERALLY.

Nonconforming development must be brought into full compliance with 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 the date of adoption of the regulation rendering such structure nonconforming shall be permitted to be rebuilt in the event of an accident or natural disaster or otherwise improved as long as such reconstruction or improvements do not add to or exacerbate the nonconformity. Reconstruction must be commenced within twelve (12) months of such accident or natural disaster and must be diligently pursued to completion.

C. When a nonconforming structure or activity is left unoccupied or is used temporarily for a conforming activity for twelve (12) months or more. A structure or activity shall not be considered unoccupied if it is being actively and continually marketed for lease or sale for the nonconforming use, structure or activity.

7.1.3. 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.

7.1.4. REPLACEMENT OF MOBILE HOMES

Notwithstanding anything in this section to the contrary, any existing mobile home, which was lawful when originally installed and now is nonconforming due to density restrictions, may be replaced with a newer unit regardless of size, so long as such replacement home is placed within one hundred eighty (180) days of removal of the existing mobile home.

7.1.5. 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 or reduces or does not otherwise worsen the nonconformity.

B. The movement of a nonconforming residential building or structure shall be governed by Florida Building Code Section 102.2.2. The movement of a nonconforming nonresidential building or structure or use in whole or in part to another location must result in the structure or use conforming to all requirements for the land use district to which it is moved. The moving of a nonresidential 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.

7.2.0. VARIANCES

7.2.1. GRANTED BY PLANNING COMMISSION.

The Planning Commission may grant a variance from the strict application of any provision of this Code if the following procedures are adhered to and findings made, except the following provisions:

Article Two (Land Use)

Section 2.1.0. - Types of Uses by Category;

Sections 2.1.1. – 2.1.10.;

Section 2.2.0. - Allowable Uses Within Each Land Use District;

Sections 2.2.1. – 2.2.8.; and

Article Three (Concurrency)

7.2.2. VARIANCES TO BE CONSIDERED AS PART OF DEVELOPMENT REVIEW.

Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for development review. A development activity that might otherwise be approved by the Planning Administrator must be approved by the Planning Commission if a variance is sought. The variance may be reviewed in conjunction with the application for development review, but shall be granted or denied by a separate action prior to the action taken on the associated development application.

7.2.3. LIMITATIONS ON GRANTING VARIANCES

A. Initial Determination.

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

B. Required Findings.

The Planning Commission shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:

1. There are practical or economic difficulties in carrying out the strict letter of the regulation.
2. The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
3. The proposed variance will not substantially increase congestion on surrounding public streets; the danger of fire; or other hazards to the public.
4. The proposed variance will not substantially diminish property values in, nor alter the essential character of, the area surrounding the site.
5. The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.

C. Imposition of Conditions.

In granting a development approval involving a variance, the Planning Commission may impose such conditions and restrictions upon the premises benefited by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

ARTICLE EIGHT - BOARDS AND AGENCIES

8.0.0. GENERALLY

The following boards and agencies are created to administer the provisions of this Code under the authority prescribed by this Code and Florida law.

8.1.0. PLANNING OFFICE

8.1.1. CREATION

There is hereby created a Jefferson County Planning Department staff shall perform all administrative functions of Jefferson County relating to the administration of this Code.

8.1.2. PARTICIPATION OF ADDITIONAL MUNICIPALITIES

The name of the Planning Department may be amended upon the request of another incorporated municipality or municipalities located within Jefferson County which seeks to participate in the funding and share in the services of the Planning Department.

8.2.0. PLANNING OFFICIAL

8.2.1. ESTABLISHMENT OF POSITION AND TERM OF OFFICE.

There is hereby established the position of Planning Official who shall be appointed by the Board of County Commissioners of Jefferson County.

8.2.2. EXPERTISE.

The Planning Official shall have expertise in Florida Growth Management and zoning laws, environmental design and in administrative decision making.

8.2.3. DUTIES.

The duties of the Planning Official are the following:

1. To interpret the Land Development Code, including all other applicable codes, state and federal laws and regulations referred to in this Code;
2. To make decisions and recommendations as required by this Code;
3. To prepare forms and guidelines which interpret this Code; and
4. To provide applicants for development permits assistance and guidance through all development processes to ensure compliance with all applicable development regulations.
5. To carry out other duties stated or implied by this Code.

8.2.4. COORDINATION WITH OTHER JURISDICTIONS

The Planning Official shall timely exchange up-to-date information about Jefferson County, policy statements, and codes with federal and state agencies as well as adjacent local governments. The Planning Official may inform applicants and interested parties about development requirements of other agencies, so that such agencies may inform persons about this Code, and so that the policies of agencies concerned with land conservation and development in Jefferson County may be determined and administered with maximum feasible consistency and mutual reinforcement.

8.2.5. PLANNING OFFICIAL MAY ACT AS AGENT

The Planning Official is authorized to act as agent for another local, State or Federal agency in issuing permits for such agency, subject to the delegation of such authority to the Planning Official by such an agency or agencies.

8.2.6. DUTY TO BE ACCESSIBLE TO PUBLIC

The Planning Official shall communicate and meet with any applicant for a permit or amendment to the Code or any interested party or other person in regards to an application, the code regulations, procedure, or other matter relevant to the Development Code or the Jefferson County Comprehensive Plan, at a mutually convenient time following a request by such a party or person.

8.2.7. RECORD KEEPING

The Planning Official shall gather, record and retain the following information:

A. A record of all decisions or recommendations made by the Planning Official~~,~~ and the Planning Commission.

B. A copy of all applications for development permits and actions taken thereon, including but not limited to, subdivisions, site plans, business permits, temporary use permits, proposed changes to the Comprehensive Plan or this Land Development Code, or any other land use related action requiring approval of a local governmental entity..

C. The current Comprehensive Plan and Development Code arranged in an orderly manner.

D. A monthly report~~,~~ describing department permitting actions, fee receipts, and any other information as may be directed by the Board.

8.2.8. PUBLIC ACCESS TO RECORDS

The Planning Official shall maintain all the information as required by applicable state or federal law on file and available for inspection by the public. A copy of any such material shall be available at cost to any person requesting it. Persons requesting information must allow time for the material to be assembled.

8.3.0. PLANNING COMMISSION

8.3.1. PURPOSE

In order to safeguard the life, health, property and public welfare of its citizens, a County Planning Commission has been established and maintained. The further purpose of the Jefferson County Planning Commission is to plan for future development and to prepare and recommend adoption by the Board of County Commissioners, Comprehensive Plans to guide future development and to recommend to the Board of County Commissioners the needs and plans for subdivision regulations, land use regulations and such other areas as to promote the general well-being of the citizens of the County.

8.3.2. ESTABLISHMENT

The Board of County Commissioners of Jefferson County hereby establishes the Jefferson County Planning Commission to be governed by the provisions of Chapter 163, in particular Section .160 through .315, of Florida Statutes as well as the provisions set forth in this Section.

8.3.3. MEMBERSHIP

The Jefferson County Planning Commission shall consist of ten (10) members who shall be residents of Jefferson County, Florida, appointed by the Board of County Commissioners of Jefferson County, Florida. Each member of the Board of County Commissioners of Jefferson County shall designate two members from their respective District to the Jefferson County Planning Commission, however, if necessary, one of the appointees may reside in another district, provided that appointment is approved by the Board of County Commissioners.

8.3.4. TERMS OF MEMBERS

A. Generally.

The terms of members of the Jefferson County Planning Commission shall be two four (4). Each Planning Commissioner may be reappointed at the end of each term.

B. Vacancy.

Any vacancy in membership shall be filled for the unexpired term of the vacancy by the Board of County Commissioners of Jefferson County pursuant to the same procedure followed in the appointment of the previous member. The Board of County Commissioners may declare a member's position vacant in any of the following circumstances:

1. When a member is absent from two of three consecutive meetings of the board without providing prior notice to the Secretary of the Planning Commission. Absences from emergency or special called meetings will not be recorded against a member in counting the absences, or
2. When a member is absent rom 33 percent of the regularly scheduled meetings in a given calendar year, regardless if prior notice is provided to the Secretary of the Planning Commission.
3. In any instance where a member does not attend meetings as required herein, the Planning Official shall notify the County Coordinator's Office, which shall then send a letter to such member and request to know their intentions with regard to their continued service on the commission. The information will then be relayed to the Board of County Commissioners for consideration of whether such member should be removed and the position declared vacant.

C. Removal of Member.

The Board of County Commissioners of Jefferson County shall have the authority to remove any member of the Jefferson County Planning Commission.

D. Compensation.

All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

8.3.5. ORGANIZATION, RULES, STAFF AND FINANCES

A. Election of Chairman.

The Jefferson County Planning Commission shall elect a chairman and vice-chairman from the members recommended for appointment by the Board of County Commissioners of Jefferson County. The terms of the chairman and vice-chairman shall each be one year. The chairman and vice-chairman shall not serve consecutive terms, exceeding two (2) years.

B. Rules of Procedure.

The Jefferson County Planning Commission shall make its own rules of procedure and determine its time of Meeting; provided that its rules of procedure are in accordance with the rules adopted by the Board of County Commissioners

for all County Boards, Committees, and Commissions and its schedule of meetings shall be provided to the Board of County Commissioners of Jefferson County.

C. Meetings.

All meetings of the Jefferson County Planning Commission shall be open to the public and all records of the Planning Commission shall be public records.

D. Staffing.

The Planning Official shall provide Planning Department staff and materials as necessary to support the Planning Commission.

E. Budget.

The Planning Official shall provide a line item in the Planning Department budget for expenditures, including materials, related to Planning Commission activities.

8.3.6. FUNCTIONS, POWERS AND DUTIES

The Jefferson County Planning Commission shall have the following functions, powers, duties, and responsibilities as set forth in Chapter 163, of Florida Statutes:

A. Recommend updates, amendments, and revisions to the Jefferson County Comprehensive Plan and the Future Land Use Map in accordance with state requirements and review staff- and citizen-generated amendments for compliance and inclusion with the existing overall Goals, Objectives and Policies in the adopted Comprehensive Plan.

B. Review all Land Development Code Planning Commission-, staff-, and citizen-generated amendments and ensure that the Jefferson County Land Development Code sets forth appropriate development regulations and procedures in compliance with the Goals, Objectives, and Policies of the Jefferson County Comprehensive Plan.

C. Review and approve or make recommendations on development orders and development permit applications to the Board of County Commissioners of Jefferson County.

D. Approve location selection and site planning for public housing renewal projects, community facilities and utilities and other appropriate projects as assigned by the Board of County Commissioners of Jefferson County.

E. When requested by an applicant or other affected party through the appeals process outlined in Article 9 of this Code, the Planning Commission shall uphold or reverse the decision of the Planning Official regarding a development proposal at a public meeting after a review of the submitted development application, appropriate rules, procedures, actions, and all other pertinent data available to and utilized by the Planning Official in reaching the decision.

ARTICLE NINE - ADMINISTRATION

9.0.0. DEVELOPMENT PERMIT REQUIREMENTS

No development activity requiring any type of permit for new construction may be undertaken unless the activity is authorized by a development permit. This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits as well as the procedures for appealing decisions and seeking legislative action.

9.0.1. WITHDRAWAL OF APPLICATIONS

An application for development review may be withdrawn at any time; however, no fees shall be refunded if public notice of a public hearing has been given. Development Permits for the placing of structures or making physical improvements on a site can be withdrawn up to the date construction begins. One half of the development permit fees can be refunded if public notice or construction has not occurred.

9.0.2. PREREQUISITES TO ISSUANCE OF DEVELOPMENT PERMIT

Except as provided below, a development permit may not be issued unless the proposed development activity is authorized by a Final Development Order issued pursuant to this Code.

9.0.3. EXCEPTIONS TO REQUIREMENT OF A FINAL DEVELOPMENT ORDER

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

A. Development activity necessary to complete any final development order that has continued in good faith. Compliance with the new development standards in this Code is not required if in conflict with the previously approved plan.

B. The construction or alteration of a one or two-family dwelling on a legal or legal non-conforming lot of record.

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

D. The erection of a sign or the removal of protected trees on a previously developed site and independent of any other development activity on the site, unless specifically included as a condition of a previously approved development.

E. "Exempt" subdivisions: The subdividing of large parcels into smaller parcels provided the smallest parcel created in the Agriculture-20 District contains a minimum of 100 acres, and the smallest parcel created in all other land use categories shall contain a minimum of 50 acres.

F. Non-occupied utility support structure with less than 1000 square feet of impervious surface.

9.0.4. POST-PERMIT CHANGES

After a permit has been issued, it shall be unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit. A written record of the modification shall be entered upon the original permit and maintained in the files of the Planning Department.

9.1.0. REVIEW OF SITE DEVELOPMENT PLANS

9.1.1. PRE-APPLICATION CONFERENCE

Prior to submittal of a Development Application, the owner(s) or designated representative involved in the preparation of the development application shall meet with the Planning Official and/or staff to discuss the proposed development and the application review and approval process. The Planning Official may waive a pre-application conference for small applications not requiring notification. Applicants are also encouraged to meet with neighboring property owners as early as possible in the process, particularly those living adjacent to a site proposed for a major development to discover pertinent issues that may affect project design, including environmental issues that may not be readily apparent or other neighborhood concerns. The applicant will obtain the following information through the pre-application process: All items in the following Sections 9.1.2-9.1.5.

9.1.2. DETERMINATION OF LEVEL OF REVIEW

All developments are generally residential, non-residential, or mixed-use. Review and approval level is dependent on classification as a Minor or Major Development. The procedural steps, including any notification requirements, all application submittal requirements, and the normal application review schedule will be outlined by staff during the pre-application meeting. No comment by any staff member should be inferred to indicate the proposal will ultimately be approved or rejected.

NOTE: During the pre-application conference, some aspect of the proposed application may cause the Planning Official to require review of an application as a Major Development. The Planning Official may consult with the County land use attorney in rendering such decision.

9.1.3. SCHEDULE OF PROCESS EVENTS

The timing of all the events in the approval process will be explained in general at the pre-application meeting. Specific dates cannot be determined until the application is actually submitted, determined to be complete, and all appropriate fees are paid.

9.1.4. DESIGNATION OF PLANS AS MINOR OR MAJOR DEVELOPMENTS

The Board of County Commissioners is the final approval entity for applications requiring legislative decisions including:

- Comprehensive Plan text and map amendments, including additions to overlay districts;
- Amendments of the Land Development Code;
- Special Exception Applications; and
- Zoning Applications (upon adoption of site-specific zoning)
- Any major development application requiring dedication of property and/or facilities to Jefferson County for maintenance, operation, and/or ownership shall be approved by the Board of County Commissioners as to intent to accept such dedication.

Any development proposal for which an application has been submitted shall be designated as a minor or major development by the Planning Official based on the following criteria:

A. Minor Development.

Any development that requires a Development Order and is not otherwise designated as a Major Development is a Minor Development. A plan shall be designated as a minor development requiring final development approval by the Planning Official if it is as outlined in the following (Table 9.1.4.A.):

TABLE 9.1.4.A.	
Developments where Mailed Notice IS Required (See Section 9.3.1.)	
A **Minor Subdivision** of land into three to five (5) parcels not including any dedication to the county for right-of-way or any other purpose. Where there are adjacent lands large enough for potential future development, a 60-foot wide access/utility easement shall be created for future road connection improvement and possible dedication to the County (at no expense to the County) may be required.	
Any **multi-family residential development** of ten (10) units or less, that does not involve the subdivision or platting of properties.	
Any **non-residential development** where the aggregate gross building area of all structures totals 25,000 square feet or less.	
NOTE: When notification is required, follow procedures for Certified Mail – Return Receipt Requested as outlined in Section **9.2.1.** below.	
Developments where Mailed Notice IS NOT Required	
Existing multi-family residential developments/structures: Additions or renovations to individual buildings; addition of non-habitable accessory structures (examples: laundry room, maintenance building, "clubhouse"/meeting room, etc.)	
Existing non-residential structure: Change of use (type of business) or structural addition not classified as a major modification to a site plan, provided the aggregate gross building area of all structures does not exceed 25,000 square feet. If allowable building additions result in alterations to the site including but not limited to: additional parking spaces, driveways, alteration or expansion of stormwater management facilities, changes in landscaping, etc., the Planning Official may require mailed notice to adjacent potentially-affected residential owners.	
Any development located within the Jefferson County Industrial Park.	
Antenna - addition to an existing tower.	**Simple Lot Split**
Exempt Subdivision	**Boundary Adjustment**
Family Subdivision	**Minor Replat**

A Final Development Order may also be designated as a Development Permit if the site plan application submittals are appropriately signed and sealed site and building construction plans.

B. Major Development.

A plan shall be designated as a major development requiring public hearing(s) to obtain final development approval by the Planning Commission and, when required, the Board of County Commissioners if it is:

1. Planning Commission only (Final Approval authority):
   a. Any division of land into more than five (5) parcels.
   b. Any multi-family residential development of more than ten (10) dwelling units.
   c. Any non-residential development where the aggregate gross building area of all structures exceeds 25,000 square feet.

d. Any development that the Planning Official determines should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.
e. Any part of a phased development for which all phases, in total, would constitute a major development.
f. Any additional phase to an existing or previously approved development, when the additional phase, together with the existing or previously approved development, constitutes a major development.

2. Board of County Commissioners (Final Action authority) at a Public Hearing following a recommendation of approval, approval with conditions, or denial, by the Planning Commission Public Hearing:
   a. Any development involving dedication of lands or facilities for ownership and/or maintenance by Jefferson County.
   b. Any development involving the installation of infrastructure to support, or to be served by, large scale withdrawals of groundwater (greater than 100,000 gallons per day as a thirty (30) day rolling average) for purposes other than agriculture, irrigation, recreation, public or private utility, or construction dewatering.
   c. Any development associated with, or related to, the production of bottled water, which must also be approved by supermajority (defined as a minimum of 4 votes in favor) vote of the Board of County Commissioners.
   d. Any development categorized as a Special Exception shall be reviewed at appropriately noticed public hearing by the Planning Commission, which shall make a recommendation of approval, approval with conditions, or denial to the Board of County Commissioners who shall approve, approve with conditions, or deny the final development order.

9.1.5. RESIDENTIAL RENTAL UNITS

Any new development (notwithstanding classification as minor or major) intended primarily as rental residential units must comply with the underlying Land Use District density while meeting the following requirements:

A. No more than 2 units per acre in a development without a public or private community water and sewer system.
B. Paved drives and parking if the density is two 2 units per acre or more and a development contains more than 8 units.
C. Include sidewalks if four units or more per acre.
D. A maximum of one entrance to the development per frontage on a public or private road. A separate service entrance can be allowed if on any road frontage it has a locked gate.

9.2.0. NOTIFICATION REQUIREMENTS

All required proposed development notices shall be paid for by the applicant including: newspaper publication, mailing notice to property owners, and signs. Notice of all public hearings, which are required by a provision of this Code, shall be given as follows, unless expressly stated otherwise.

9.2.1. NOTIFICATION BY CERTIFIED MAIL – RETURN RECEIPT REQUESTED:

Except for public hearings on Comprehensive Plan amendments, amendments to the text of this Land Development Code, and amendments to an Overlay Map, mailed notices shall be provided to specific real property owners whose address is known by reference to the latest approved ad valorem tax roll within five hundred (500) feet of the property subject to development review. Mailed notices are required in two categories:

A. Any Minor Development or other approval action requiring notification per Section 9.1.4.A. above, or
B. Any Major Development requiring a public hearing as listed above in Section 9.1.4.B.
   Procedures:
   1. The applicant shall obtain a certified list and accompanying map from the Property Appraiser's Office of the property owners whose address is known by reference to the latest approved ad valorem tax roll within five hundred feet (500') of the perimeter boundary of the development property. The certified list and map shall be submitted to the Planning Department as part of the development application package.
   2. Notification letters shall be prepared and mailed by Planning Department staff based upon the data provided by the applicant by Certified Mail, Return Receipt Requested, with the return receipt addressed to the Planning Department. The fee for the mailing shall be based on the current per letter cost of "Certified Mail Return Receipt Requested" plus the administrative fee in the approved fee schedule per Section 9.18.0. Letters shall be mailed not more than thirty days or less than 15 days before the appropriate public hearing or Planning Official final action.

9.2.2. NOTIFICATION BY ADVERTISEMENT IN LOCAL NEWSPAPER

Notice of all Planning Commission and/or County Commission public hearings regarding the following items shall be properly advertised in a newspaper of general circulation not more than thirty (30) days or less than ten (10) days before the date of the hearing:

- Major Developments;

- Comprehensive Plan map and/or text amendments;
- Land Development Code text amendments;
- Overlay Map or District amendments;
- Special Exception applications;
- Petitions for Abandonment of any public roads, easements, rights of way, and/or other public facilities.

9.2.3. ON-SITE NOTIFICATION SIGNAGE

A. On-Site signage shall NOT be required for the following Public Hearings:

- County-generated Comprehensive Plan map and/or text amendments;
- Land Development Code text amendments;
- Overlay Map or District amendments;
- Petitions for Abandonment of any public roads, easements, rights of way, and/or other public facilities.

B. On-site notification signage shall be required for all site plan or subdivision applications for Major Developments requiring Planning Commission review.

C. As to any matter for which notice by signage is required, one or more signs shall be posted on the subject parcel notifying residents of the area that the parcel is the subject of an application for development or change of use and providing a telephone number to contact for additional information.

1. The signs shall be posted by the applicant on the parcel a minimum of thirty (30) days before the initial public hearing.
2. The sign(s) shall be yellow-orange with black letters in Arial font type, at least twenty four inches (24") wide, and shall state **NOTICE** at the top followed by a brief description of the activity and the Planning Department telephone number.

EXAMPLES OF NOTICE SIGNS

3. A minimum of one sign at the center of the roadway frontage shall be prominently posted.
4. Additional signs may be required at the discretion of the Planning Official, particularly for large sites or sides with multiple road frontages.
5. Notice by publication and mail shall not be sent unless Planning Department staff has verified the placement of signs by site inspection on the required date the signs should be posted. Failure to post the sign(s) by the required date will cause the public hearing to be delayed by a minimum of one month.
6. Signs shall be removed within 7 days of final action (approval or denial).

9.2.4. PUBLIC INSPECTION.

A copy of the notice letter or publication of notice as required herein shall be available to the public in the Planning Department during regular business hours.

9.2.5. CONTENT OF NOTICE.

With the exception of signage, every required notice shall include the following information:

1. the date, time, and place of the hearing(s); and
2. identification of the matter to be considered; and
3. location by street address, when available, or by map including section, township, and range, of the subject property/properties of the hearing(s); and
4. identification of the body conducting the hearing(s); and
5. a statement that the hearing(s) may be continued from time to time as may be necessary.

9.3.0. MINOR DEVELOPMENT REVIEW PROCESSES

In most instances, approval of a Minor Development results in a Development Permit (DP) that also functions as a Final Development Order (FDO). For Minor Developments resulting in the subdivision of property, subdivision approval is a DP/FDO authorizing the applicant to file deeds. DP/FDO approval of a Minor Development Site Plan depends on the type of application and the level of submittal documentation. The Planning Official shall approve Minor Developments when in full conformance with the requirements of this Code as follows:

9.3.1. MINOR SUBDIVISION APPLICATIONS.

A. Minor Subdivision Application Classifications:

1. Boundary Adjustment: Technically not a subdivision, this is an application to allow the modification of one or more boundary lines between two or more adjacent parcels where the number of lots will remain the same.

2. Simple Lot Split (one parcel divided into two parcels);
3. Minor Replat [see definition in Article One, Section 1.3.0. 61)];
4. Family Subdivision (see Section 9.3.1.C. below);
5. Minor Subdivision 3-5 Lots.

B. Submittal Requirements:

The Planning Official shall consider a proposed minor subdivision as listed in A. above upon the submittal of the following materials:

1. An application form provided by the Planning Department, correctly filled out, with notarized signatures of all current property owners;
2. A copy of the deed of the subject property or properties; and
3. A map of the proposed parcels including an appropriate title block and signature block; and
4. A scaled drawing including the acreage and a meets and bounds legal description of each proposed individual lot shall be prepared by a professional land surveyor registered in the State of Florida for use as an "Exhibit A" in each new deed. The Planning Official shall have discretion to allow a "less and except" deed for a large remainder parcel to obviate the need for an extensive survey.

C. Family Member Subdivision Criteria:

The Comprehensive Plan allows for the one-time dividing of land among the immediate family members of the property owner where the number of lots being created exceeds the maximum density of the underlying land use category. Immediate family is limited to Grandparents, Parents, Brothers and Sisters, Children, and Grandchildren. The review and approval process for a Family Member Subdivision is the same as outlined above with the following additional criteria:

1. If the new parcels are to be smaller than allowed by the existing land use designation, the parcel being divided must have been a lot of record on or before December 13, 1990. Parcels created after 1990 may not be divided in a manner that exceeds the maximum density of the existing land use designation area size.
2. The division into new parcels must be done all at one time. Once a subdivision has occurred where the new lots create an area of higher than the normally-allowed density, no other divisions may be done on the new parcels.
3. When the division is processed and deeds are recorded, a certified copy of all the deeds must be filed with the Jefferson County Planning Department in order to allow development permits to be issued to the new owners.
4. The division shall not include lots or parcels to be sold. If lots are to be sold the owner must apply for a subdivision permit and meet the designated density for the area on all lots. Nothing herein is intended to nor shall prevent a subsequent sale at a later date to a third party by the family member receiving a parcel created by a family subdivision.
5. No parcel may be subdivided for transfer to a family member unless the subdivision has first received the approval of the Planning Official and it has been established that the proposed subdivision is consistent with all other applicable provisions of the Comprehensive Plan and Land Development Code.
6. No parcel in existing platted subdivision may be further subdivided for a family member.

D. Standards:

All minor replats or subdivisions shall conform to the following standards:

1. Each proposed lot must conform to the requirements of this Code.
2. Each new subdivision lot shall have fee simple ownership frontage on a public or private road in accordance with design criteria outlined in Article Five, Section 5.4.1.E.
3. If any lot abuts a street right-of-way that does not conform to the design specifications provided in, or adopted by reference in, this Code, the owner may be required to dedicate one-half (½) the required right-of-way width necessary to meet the minimum design standards for County-maintained Public Roads. If the development is on both sides of the right-of-way then the full width for the right-of-way may be requested from the developer.
4. No further division of an approved minor replat or subdivision is permitted under this Section, unless a development plan is prepared and submitted in accordance with this Article.

E. Recordation.

Upon approval of any Minor Subdivision application listed in A. above by the Planning Official, the applicant shall have all new deeds prepared. The applicant shall obtain signed and dated copies of the approved subdivision map (see item B.3. above) from the Planning Official to attach one copy to each deed as an "Exhibit B" for recording in the Public Records of Jefferson County through the Clerk of Court's office:

9.3.2. MINOR SITE DEVELOPMENT PLANS

A. The Planning Official shall consider approval of an application of a Non-Residential Minor Development Site Plan, including the following:
1. plans for construction of a non-residential development on an undeveloped site;
2. additions to an existing non-residential structure;
3. additional antennae to be added to an existing communications tower; and
4. plans for construction of a multi-family residential development of up to 10 units on an undeveloped site

B. Upon the submittal of the following materials:
1. An application form provided by the Planning Department, correctly completed, including all checklist items, with notarized signatures of all current property owners. If notification is required, the certified list shall be included in the submittal package.
2. The site plan in full compliance with the checklist in the application package. The level of detail in the application submittal will determine whether the application is approved as a Final Development Order or includes approval of a Development Permit allowing the applicant to file all construction permits.
3. Staff shall review the application for completeness and verify compliance with this Code. A copy of the application may be submitted to other departments of the County for review and comment.
4. Within ten (10) regular working days, if the application and review is deemed complete, complies with all applicable laws and ordinances, and all appropriate fees have been paid, the Planning Official shall sign the approval block on the application form as the Final Development Order, and if applicable, issue the Development Permit.
5. When notice is required, the Planning Department will send the Notice of Approval letters by Certified Mail to the appropriate property owners notifying the recipient they have thirty (30) days from the date of the Return Receipt to appeal the decision of the Planning Official.
6. If a recipient of a notification letter files an appeal of the Planning Official's decision, the Planning Official shall notify the applicant to cease and desist all construction activity until the appeal process is complete and schedule the appeal hearing at the next scheduled Planning Commission Meeting.

9.4.0 MAJOR DEVELOPMENT REVIEW PROCESS

Applications for Major Development Review shall be available at the Planning Department. A completed and notarized application shall be signed by all owners of the subject properties or their agent(s). Signatures by parties other than the owners will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation. All references herein to "applicant" shall be the current property owner(s) even though County staff may be interacting with representatives.

9.4.1. MAJOR DEVELOPMENT REVIEW APPLICATION & SUBMITTAL REQUIREMENTS

All documentation shall be submitted in paper and electronic form. The sheet size and scale of maps for submittal shall be determined by the Planning Official during the Pre-application Conference. In recognition of the costs involved in the production of information presented for approval of a conceptual plan of development, maps and drawings submitted for review of Major Developments are Preliminary depictions of proposed site plans and/or subdivisions and not final construction plans. The following information must be submitted at the time of application for each type of Major Development:

A. The applicant shall deliver the required mailing list and map of adjacent owners within 500 feet to the Planning Department as part of the application package.

B. Information for review of projects subject to Public Hearings shall be presented according to the following guidelines:
1. In subdivisions, the accuracy of the locations of significant natural features including, but not limited to, wetlands, floodplains, specimen and heritage trees, sinkholes/karst features, wildlife habitats, etc. shall be determined at the pre-application conference.
2. Statistical data should reflect final design criteria to the greatest extent possible; however:
   a) Lot dimensions in large lot (3 acres or more) subdivisions may be accurate to the nearest 10 feet while smaller lots may be accurate to 5 feet.
   b) The general size and location of stormwater management facilities may be indicated.
   c) Road layout should be accurate within one half (½) the right of way width.
3. Non-residential and multi-family site plans are usually closer to final design; however, final grading and landscape plans are not required to depict concept plan information.

C. The applicant shall pay all required fees at the time of application submittal for the application to be accepted by Planning Department staff for processing to begin.

9.4.2. MAJOR RESIDENTIAL SUBDIVISIONS

A. A general description of development including the following:

1. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
2. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
3. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
4. All calculations of density; including provisions for open space areas when using clustering.
5. A Boundary Survey prepared by a Florida Registered Land Surveyor depicting all property to be included in the proposed subdivision providing a meets and bounds legal description and indicating the total area of the property in acres.
6. A map of existing conditions depicting all existing improvements such as buildings, driveways or trails, wells, septic tanks and drain fields, topographic information, any significant or environmentally sensitive features such as wetlands, floodplains, water bodies, creeks, ravines, general indications of vegetative cover such as tree lines, and soil types. The map may be based on an aerial photograph provided all information is clearly depicted and legible.

B. A map of the proposed subdivision clearly indicating the following:

1. All individual lots and their general dimensions and areas;
2. All common open space areas and any amenities provided therein;
3. All roads, indicating right of way widths and including lengths and the total area within the roadway system;
4. All stormwater management facilities and conveyances;
5. All proposed utilities and easements;
6. All environmentally sensitive areas including the provisions of setbacks, methods of protection; appropriate mitigations and maintenance, etc.; and
7. Any and all other features of the development in accordance with the general description.
8. The adjacent owners list and map.

9.4.3. MAJOR MULTI-FAMILY RESIDENTIAL SITE PLANS

A. A general description of development including the following:

1. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
2. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
3. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
4. All calculations of density including the number and types of buildings, including the number and types of units by bedrooms per building, floor area ratios, etc..

B. A Boundary Survey prepared by a Florida Registered Land Surveyor depicting all property to be included in the proposed subdivision providing a meets and bounds legal description and indicating the total area of the property in acres.

C. A map of existing conditions depicting all existing improvements such as buildings, driveways or trails, wells, septic tanks and drain fields, topographic information, any significant or environmentally sensitive features such as wetlands, floodplains, water bodies, creeks, ravines, general indications of vegetative cover such as tree lines, and soil types. The map may be based on an aerial photograph provided all information is clearly depicted and legible.

D. Proposed Development Activities and Design

1. Generally
   a. Area and percentage of total site area to be covered by an impervious surface.
   b. Grading plans specifically including perimeter grading.
   c. Construction phase lines and schedule.
2. Buildings and Other Structures

a. Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
b. Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
c. Minimum flood elevations of buildings within any 100-year flood plain.

3. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
4. Exact locations of on-site and nearby existing and proposed fire hydrants.
5. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
6. Streets, parking and loading
   a) The layout of all streets, bike paths, and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
   b) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.
   c) The location of all exterior lighting.
   d) The location and specifications of any proposed garbage dumpsters.
   e) Cross sections and specifications of all proposed pavement.
   f) Typical and special roadway and drainage sections and summary of quantities.
7. Tree removal and protection
   a) All protected trees to be removed and a statement of why they are removed.
   b) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
   c) A statement of the measures to be taken to protect the trees to be retained.
   d) A statement of tree relocations and replacements proposed.
8. Landscaping
   a) Location and dimensions of proposed buffer zones and landscaped areas.
   b) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

E. The adjacent owners list and map.

9.4.4. MAJOR NON - RESIDENTIAL SUBDIVISIONS AND SITE PLANS

A. A general description of development including the following:
1. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
2. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
3. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
4. General calculations of intensity, including provisions for open space areas and addressing the methods of protection, maintenance, and conservation of environmentally sensitive areas, the use of common open space areas, and any proposed common area amenities.

B. A Boundary Survey prepared by a Florida Registered Land Surveyor depicting all property to be included in the proposed subdivision providing a meets and bounds legal description and indicating the total area of the property in acres.

C. A map of existing conditions depicting all existing improvements such as buildings, driveways or trails, wells, septic tanks and drain fields, topographic information, any significant or environmentally sensitive features such as wetlands, floodplains, water bodies, creeks, ravines, general indications of vegetative cover such as tree lines, and soil types. The map may be based on an aerial photograph provided all information is clearly depicted and legible.

D. Proposed Development Activities and Design
1. Generally
   a) Area and percentage of total site area to be covered by an impervious surface.
   b) Grading plans specifically including perimeter grading.
   c) Construction phase lines and schedule.
2. Buildings and Other Structures

a) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
b) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
c) Minimum flood elevations of buildings within any 100-year flood plain.

3. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
4. Exact locations of on-site and nearby existing and proposed fire hydrants.
5. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100) feet of the proposed development boundary.
6. Streets, parking and loading
   a) The layout of all streets, bike paths, and driveways with paving and drainage plans and profiles showing existing and proposed elevations and grades of all public and private paved areas.
   b) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.
   c) The location of all exterior lighting.
   d) The location and specifications of any proposed garbage dumpsters.
   e) Cross sections and specifications of all proposed pavement.
   f) Typical and special roadway and drainage sections and summary of quantities.
7. Tree removal and protection
   a) Indicate all protected trees to be removed and a statement of why they are removed.
   b) Proposed changes in the natural grade and any other development activities directly affecting trees to be retained.
   c) A statement of the measures to be taken to protect the trees to be retained.
   d) A statement of tree relocations and replacements proposed.
8. Landscaping
   a) Location and dimensions of proposed buffer zones and landscaped areas.
   b) A general description of existing trees and plant materials to remain, areas where supplemental plantings may be necessary, and where additional trees and other plantings may be planted in buffer zones and landscaped areas. Final landscape design criteria will be required for construction permitting.

E. The adjacent owners list and map.

9.4.5. PROCEDURE.

A. The applicant shall submit the all development plans, applicable fees and supporting documentation to the Planning Department by the end of the first (1st) work day of each month.
1. After receipt of the above, the Planning Department shall have ~~fifteen (15)~~ five (5) working days to:
2. Determine that the application is complete and proceed with the review; or
3. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application, correcting the deficiencies.

B. An application shall be deemed withdrawn if inactive for forty-five (45) days unless granted an extension by the Planning Official.

C. The Planning Department shall complete the review of the application package and the Planning Official shall prepare a general evaluation of compliance with this Code and a recommendation for the disposition of the application, including any conditions of approval or reasons for a recommendation of denial. The evaluation/recommendation shall be added to the application documentation and incorporated in the agenda package for the Planning Commission Public Hearing. The agenda package shall be delivered 10 working days prior to the Public Hearing.

D. The Planning Commission shall consider the application at a scheduled public hearing, which has been noticed pursuant to the requirements herein. In reviewing the application, the Planning Commission shall consider the written recommendation of the Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Planning Commission shall make the following recommendation to the Board of County Commissioners to: approve, approve with conditions, or deny the application.

E. Written notification of the Planning Commission decision including factual and legal basis therefore shall be mailed to the applicant and filed with the Planning Department.

F. The Board of County Commissioners shall consider the application at a regularly scheduled public hearing, which has been noticed pursuant to the requirements herein. In reviewing the application, the Board shall consider the

recommendations of the Planning Commission and Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Board of County Commissioners shall approve, approve with conditions, or deny the application.

G. Notification of the Board of County Commissioner's decision including factual and legal basis therefore shall be mailed to the applicant and filed with the Planning Department.

9.4.6. REVIEW FOR MAJOR OR PHASED DEVELOPMENT

A Master Planned or Planned Unit Development (MPD/PUD) Concept Plan for the entire proposed development site must be submitted for approval for any major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the development plan for the first phase of the development and must be approved prior to approval of the plan for the first phase. The Board of County Commissioners will be the final approval body of the Concept Plan and initial preliminary plat and/or site plan. A final development plan must be approved for each subsequent phase of the development prior to the approval of constructions/building permits under the procedures for development review prescribed above. The Planning Commission shall be the final approval body for each subsequent phase. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases. In addition, an application for a major or phased development plan shall adhere to the following procedure:

A. Submit any proposed ordinance(s) where the approval of the application requires amendment of the FLUM.

B. After receipt of the above ordinance(s), the Planning Attorney shall have fifteen (15) working days to review any submitted proposed ordinances and issue a written review to the Planning Department to be submitted with the development proposal.

C. Based upon the review by the Planning Attorney and requirements of this Code, the Planning Official shall issue a written recommendation for approval, approval with conditions or denial of the application. In the case of an application for amendment of an Overlay Map, the recommendation shall be only for approval or denial and the procedures shall follow those for a LDC Text amendment.

D. The Planning Commission shall consider the application at a scheduled public hearing, which has been noticed. In reviewing the application, the Planning Commission shall consider the recommendation of the Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Planning Commission shall approve, approve with conditions, or deny the application. The decision on the application shall be forwarded to the Board of County Commissioners for final action.

E. The Board of County Commissioners shall consider the application at a regularly scheduled public hearing, which has been noticed. In reviewing the application, the Board shall consider the recommendations of the Planning Commission and Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Board of County Commissioners shall approve, approve with conditions, or deny the application.

F. Notification of the Board of County Commissioner's decision including factual and legal basis therefore shall be mailed to the applicant and filed with the Planning Department.

9.4.7. FINAL APPROVAL AND RECORDING OF FINAL SUBDIVISION PLAT

A. Final Plat Submittal:

Upon completion of construction of all infrastructure (roads, stormwater management facilities, etc.) planned for dedication to the County and/or a Private Entity, the developer shall submit a Final Subdivision Record Plat for recording in the Public Records Plat Book of Jefferson County. The Record Plat shall indicate a unique name of the completed development indicating any unit or phase number if the subdivision is multi-phased. The Plat shall provide clear indication of ownership and maintenance of all public and/or private infrastructure and individual parcels to be sold indicated by appropriate lot and block. The submittal of the Plat to the Planning Department shall be within two (2) years of Development Plan approval; however, submittal may be extended for 12 month periods if requested within 90 days of expiration. The Planning Official may allow modification of the general schedule of submittal for multi-phase developments when necessary to accommodate unforeseen schedule adjustments.

B. Planning Department Review:

The Planning Department shall, within fifteen (15) working days of receiving the plat, determine whether the plat conforms to the approved development plan. The Planning Official shall consult with the County or consulting surveyor and County or consulting engineer to review the proposed Final Plat for conformance with the following parameters:

1. **Roads:** The County or consulting engineer shall verify that the construction of roads is in compliance with the county standards for construction base on the type of road.

2. **Stormwater Management Plan:** The county or consulting engineer shall verify the construction of all stormwater management facilities and verify that
   a) the stormwater management maintenance schedule includes the entity responsible for maintenance of facilities; and
   b) final construction that of the facilities have been approved by the proper approval entity (Florida Department of Environmental Protection, Suwannee River Water Management District or Northwest Florida Water Management District).
3. **Chapter 177:** The County or consulting surveyor shall review the proposed Record Subdivision Plat to verify it meets the requirements of Chapter 177, Florida Statutes, regarding the placement of all monuments. In addition, a minimum of two (2) permanent reference monuments (PRM's) on the subdivision boundary shall be tied to the National Spatial Reference System. The coordinate values of these PRM's shall be shown and referenced to the Florida State Plane Coordinate System North American Datum of 1983 (NAD83[NSRS 2007]) as derived.
4. **NSRS:** The final plat shall have a statement that indicates the ties to the National Spatial Reference System were made in accordance with the above requirements.

If the Planning Department determines that the plat conforms to the above criteria, it shall place the plat on the next available agenda of the Board of County Commissioners allowing for required notice. If it does not conform, the Planning Department shall issue by certified mail a written explanation of deficiencies in the plat to the developer and inform him/her that a corrected plat may be resubmitted for approval.

C. BOCC Approval:

The Board of County Commissioners shall approve the final plat upon verification by the Planning Official of conformance to the above criteria. Once approved by the BOCC, the plat shall be recorded in the Public Records of Jefferson County, Florida, and evidence of recording shall be returned to the Planning Official.

9.4.8. INTERGOVERNMENTAL REVIEW

Should a proposed development impact adjacent jurisdictions as determined by the Planning Official, the impacted jurisdictions will be notified in writing of the proposed development and given an opportunity to identify specific issues of concern. Such correspondence shall be submitted, along with the Planning Official's recommendation, to the appropriate board approving such development action. If a development is determined to constitute a Development of Regional Impact, the review shall comply with the requirements of Section 380.06, Florida Statutes.

9.5.0. PLANNED UNIT DEVELOPMENT DISTRICT (PUD)

9.5.1. REQUIREMENTS.

A. Intent: The intent of a Planned Unit Development (PUD) is to allow an applicant to submit a master plan establishing a mixed-use development where the design is consistent with the Land Use Objectives of the Jefferson County Comprehensive Plan while promoting flexibility of design and allowing planned diversification and integration of uses and structures. Development within a PUD shall provide a mixture of integrated uses (i.e., residential, commercial, office, light industrial, public open space, recreation) that are interdependently self-supporting, essentially functioning as an independent community. Pedestrian mobility and transportation alternatives shall be emphasized throughout the development. The approval of a planned development master plan may result in a FLUM Amendment to expand an existing or create a new Mixed Use Land Use District. Development standards within an approved PUD may vary from those in this Code provided they are consistent with the Goals, Objective and Policies of the Comprehensive Plan and other applicable jurisdictions, such as water management district(s), State, and/or Federal regulations. Design of a proposed PUD is intended to:

1. Promote more efficient and economic uses of land.
2. Provide flexibility to meet changing needs, technologies, economics, and consumer preferences.
3. Encourage uses of land which reduce transportation needs and which conserve energy and natural resources to the maximum extent possible.
4. Preserve to the greatest extent possible, and utilize in a harmonious fashion, existing landscape features and amenities.
5. Provide for more usable and suitably located recreational facilities, open spaces and scenic areas, either commonly or publicly owned, than would otherwise be provided under a conventional land use district.
6. Lower development and building costs by permitting smaller networks of utilities and streets and the use of more economical building types and shared facilities.
7. Permit the combining and coordinating of land uses, building types, and building relationships within a planned development, which otherwise would not be provided under a conventional zoning district.

B. Eligibility: A PUD is designed to allow an applicant to submit a proposal for a mixed-use development in any land use district or any combination of land use districts, excluding existing Conservation land use categories and/or existing conservation easements, that is designed to be consistent with the goals and objectives of the comprehensive plan. PUD internal standards and regulations may differ from the requirements in this Code, provided they are consistent with the goals and objectives of the comprehensive plan and meet all other agency regulations. The Board of County Commissioners could approve any proposal which it determines to be in the best interest of the public health, safety, and welfare, along with any conditions, requirements, or limitations thereon which the Board of County Commissioners deems advisable. Approval of PUD requests will usually result in Board of County Commissioners initiation of a Comprehensive Plan amendment to an appropriate Mixed Use Land Use Category, including the creation of new categories. However, no designation of a PUD shall be eligible for approval unless the following minimum conditions are met:

1. **Minimum area for a PUD:** The minimum area required for an application to create a PUD is one hundred sixty (160) acres.
2. **Configuration of the PUD:** The tract(s) of land for which the PUD is made shall be contiguous with sufficient width and depth to accommodate the proposed uses. Since PUD's are intended to be designed for self-sufficiency, there should be a minimum of three types of uses, not including open space areas. Types of uses should be categorized as residential (single- and/or multi-family), retail commercial, business offices and/or services, light industrial, outdoor recreational, indoor recreational, or public service facilities.
3. **Unified control/ownership:** All land included for the purpose of development within a PUD shall be owned by or be under the complete control of the applicant for such designation, whether the applicant be an individual, partnership, corporation, other entity, group, or agency. The applicant shall provide the county all of the necessary documents and information that may be required by the county attorney to assure the county that the development project may be lawfully completed according to the plans sought to be approved. No application shall be considered until the requirements of this section have been fully complied with.

9.5.2. PROCEDURES

A. Review process.

An application for a PUD shall consist of a PUD concept plan. A PUD is established when the PUD concept plan is approved by the Board of County Commissioners. If a Comprehensive Plan map and/or text amendment is required upon approval of the concept plan, the BOCC shall direct Planning staff to initiate said amendment. A PUD Final Development plan may be filed upon approval of the PUD Concept Plan; however, a Development Permit shall not be issued prior to final approval of any required Comprehensive Plan amendment.

1. ***PUD Concept Plan.*** A PUD concept plan is a generalized plan which shows the proposed land uses and maximum density or intensity of all lands within a PUD zoning district in accordance with the information set forth in subsection B of this section. Once a PUD concept plan is approved by the county, the subject properties will be designated PUD on the official zoning map of the county.
   a. **Pre-application conference.** An application for a pre-application conference shall be submitted to the county in accordance with established policies and procedures.
   b. **PUD concept plan application.** A PUD concept plan application shall be submitted in accordance with the submittal requirements set forth in subsection (d) of this section.
   c. **Public notification.** Public notice of the PUD concept plan shall be provided by publication in a newspaper of regular and general circulation. In addition, written notice shall be mailed to the current address of each property owner within 500 feet of the project.
   d. **Planning Official Review.** The Planning Official shall review a PUD concept plan application to determine if the application complies with the comprehensive plan and other applicable land development regulations adopted by the county and shall prepare an itemized list of written findings of fact which supports a recommendation of approval, approval with conditions, or denial of a PUD concept plan. The written findings shall be forwarded to the planning commission.
   e. **Planning Commission Review.** The planning commission shall review the PUD concept plan, the written findings of fact of the Planning Official, and conduct a public hearing in order to formulate a recommendation to the Board of County Commissioners on approving, approving with conditions, or denying a PUD concept plan. The recommendation of the planning commission shall be supported by written findings of fact. Meetings of the planning commission shall be conducted in accordance with established policies and procedures.
   f. **Board of County Commissioners review.** The BOCC shall review the PUD concept plan, the recommendation and written findings of the Planning Official and the planning commission, and conduct a public hearing. The BOCC will then approve, approve with conditions, or deny the PUD

concept plan. The decision of the BOCC shall be final. Meetings of the BOCC shall be conducted in accordance with established policies and procedures. Should a Comprehensive Plan Future Land Use Map Amendment be required as a result of the approval of a PUD concept plan, the developer of the PUD shall submit a FLUM Amendment application, which must be initiated prior to submittal of a PUD Final Development Plan. The FLUM Amendment approval shall be complete and adopted by the BOCC prior to final approval of a Final Development Plan.

g. **Amendments to PUD concept plan.** Any amendments to the PUD concept plan shall be reviewed as a new PUD concept plan. Notwithstanding this provision, the Planning Official or designee may approve amendments to the PUD concept plan during the review of a PUD final development plan if said amendments are substantially minor in nature and do not affect the overall character of the PUD concept plan. The criteria that the Planning Official or designee shall use to determine if the proposed changes effect the overall character of the PUD include, but are not limited to an increase in the overall number of residential dwelling units or non-residential building square feet; a substantial decrease in the amount of acres devoted to common open space and/or natural area; and a substantial change in the general location of the proposed land uses, including the common open space and/or natural areas.

2. ***PUD Final Development Plan.*** A PUD final development plan is a detailed site development plan prepared to scale showing accurately and with complete dimensioning the boundaries of the site and the location of all buildings, structures, land uses, and principal site development features proposed. Since the PUD Concept Plan has been reviewed and approved through the public processes by the Board of County Commissioners, the submittal requirements, review process, and minimum standards that apply to a PUD final development plan are the same as a minor site development plan submitted for review, approval and issuance of a Development Permit by the Planning Official.

B. Submittal requirements.

1. ***PUD Concept Plan.***

A PUD concept plan shall consist of the graphic and/or textual information itemized below. Adjustments to this information can be made at the pre-application conference.

a. A conceptual site plan map depicting the use of all lands within the proposed PUD. Such plans shall indicate the general location of residential areas (including density and unit types), open space, parks, passive or scenic areas, stormwater management areas, and non-residential areas (including maximum building square footage and maximum height).
   1. Residential areas shall indicate general street configurations and proposed lot sizes in areas to be subdivided or overall development areas for multi-family structures such as apartments.
   2. Non-residential areas shall indicate general street configurations and proposed lot sizes in areas to be subdivided or overall development areas indicating building pad areas and parking, loading, and driveway circulation areas.
   3. A general stormwater management plan indicating existing and future drainage ways and easements.

b. A plan of vehicular and pedestrian circulation showing the general locations and right-of-way widths of roads, sidewalks, the capacity of the system and access points to the external and internal thoroughfare network.

c. Quantitative summary of land uses (maximum acres, maximum nonresidential building square feet, and maximum number of residential dwelling units) in a report that includes a statement indicating how the proposed development complies with the comprehensive plan and a general description of the proposed development including:
   1. The total acreage of the project.
   2. The number of acres proposed to be developed in the various categories of land shown on the concept plan; the percentage of total acreage represented by each category of use and each component of development; and an itemized list of uses proposed for each of the components which shall be the range of uses permitted for that section of the PUD.
   3. The number and type of dwelling units proposed for the overall site and for its components, including dwelling unit per acre calculations and population projections for each or for non-residential projects, gross square footage devoted for each land use.
   4. The establishment of minimum design standards which shall govern the site and development such as lot shape and size, internal streets and pedestrian ways, open space provisions, off-street parking requirements, buffers and landscape areas. Design standards that differ from the standards and requirements of this Code shall be specifically emphasized to ensure compliance with approved PUD standards at the time of construction permitting.

5. A binding commitment to develop the property in accordance with the approved concept plan and conditions of approval. The commitment shall bind all subsequent owners.

d. A boundary survey with legal description signed and sealed by a registered Florida land surveyor.

e. A site existing conditions map which includes:

1. Name of the PUD and the name, address, and phone number of each of the following:
   a) Owner and/or applicant; and
   b) subdivider/lessee/optionee (if applicable); and
   c) surveyor and engineer of record; and
   d) date of drawing.
2. Scale, date, north arrow, and general location map showing relationship of the site to external uses, structures, and features.
3. Boundaries of the subject property, all existing streets, buildings, water courses, easements, section lines, and other important physical features.
4. Existing topography based on either the latest U.S. Department of the Interior Geological Survey or a field topographic survey.
5. The location and size of all existing drainage facilities and a utility concept plan.
6. Information about the existing vegetative cover and general soil types, and their appropriateness for the proposed project.

2. *PUD Final Development Plan.*

A PUD Final Development Plan shall consist of the graphic and/or textual information itemized in an application for Major Development Review as outlined in Article 9 and should include all information pertinent to all areas of the development such as residential, non-residential, and open space. Adjustments to this information can be made at the pre-application conference with the Planning Official. Final Development Plans may include permit-level, engineer-signed and sealed Site Construction Plans for any non-residential sites, any multi-family residential sites, and any subdivision areas (roadway plans, stormwater facilities plans, etc.) within the PUD including any development timetables if the project is to be phased over time.

C. Review criteria.

In evaluating a proposed PUD, the county shall consider the criteria established below. The consideration of each criterion by the county shall be documented by written findings.

1. *Consistency with the comprehensive plan.* The proposed PUD shall be consistent with the comprehensive plan. An application for a PUD shall include a narrative indicating how the proposed PUD is consistent with the comprehensive plan.
2. *Consistency with other ordinances.* The proposed PUD shall be consistent with all other ordinances adopted by the county, including but not limited to the applicable environmental and concurrency management ordinances.
3. *Consistency with purpose and intent of PUD.* An application for a PUD shall include a narrative indicating how the proposed PUD meets the purpose and intent of the PUD. The narrative shall specifically address the seven statements itemized in subsection A.

D. Status of previously approved PUDs.

Any previously-approved project that could/would be considered a PUD that was approved prior to the current designation as outlined above in this section shall continue to be governed by the approved development plan and any agreements, terms, and conditions to which the approval may be subject. Whenever any application is made to substantially modify a previously-approved project which meets the criteria of designations as a PUD, or to undertake a new development on part or all of the property, the application shall be made under the terms and procedures of the PUD set forth herein. Notwithstanding this provision, the Planning Official or designee may approve amendments to undeveloped areas of a previously-approved concept plan during the review of a final development plan if said amendments are substantially minor in nature and do not affect the overall character of the concept plan.

9.6.0. PUBLIC HEARINGS

9.6.1. SETTING THE HEARING.

When the Planning Official determines that an application is complete, he/she shall notify the appropriate decision making body so a public hearing may be set and notice given in accordance with Section ~~9.02.07~~ **9.2.0.** of this Code.

9.6.2. EXAMINATION AND COPYING OF APPLICATION AND OTHER DOCUMENTS.

Any time after the provision of notice, any person may examine the application or petition in question, and the material submitted in support or opposition to the application or petition in the Planning Department during regular

business hours. Any person shall be entitled to obtain copies of the application or petition and other materials upon reasonable request and payment of a fee to cover the actual costs of providing such copies.

9.6.3. CONDUCT OF THE HEARING.

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

B. Continuance of Hearing. The body conducting the hearing may continue the hearing to a fixed date, time and place.

9.6.4. RECORD OF THE HEARING.

A. The transcript of testimony, when and if available, the minutes of the Secretary, all applications, exhibits, documents, materials, and papers submitted in any proceeding before the decision making body, the report of the Planning Official and the decision and report of the decision making body shall constitute the record.

B. The body conducting the hearing shall record the proceedings by any appropriate means; upon request of any person to the Planning Official and payment of a fee to cover the cost of transcription, the record may be transcribed and a copy provided to that person. If a sound recording is made, any person shall be entitled to listen to the recording at any reasonable time, or make copies at his/her own expense, at the Planning Department.

C. Any person shall be entitled to examine the record, at a reasonable time, or make copies at his own expense, at the Planning Department.

D. Any person who has standing in the hearing and may need an official transcript of the hearing must provide their own stenographer and/or recording. The copy in the Planning Office cannot be guaranteed to be of a quality for further official use.

9.6.5. ACTION BY DECISION-MAKING BODY.

The decision making body shall render its decision within a reasonable time, unless stated otherwise in this Code. If the application is denied, the decision-making body shall enter an Order stating the factual and legal basis for such action.

9.6.6. NOTIFICATION OF DECISION.

Notification of the final decision on an application shall be mailed to the applicant. A copy of the final decision shall be filed in the Planning Department

9.7.0. REQUIRED CONTENTS OF DEVELOPMENT ORDERS

9.7.1. PRELIMINARY DEVELOPMENT ORDER.

A preliminary development order shall contain the following:

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

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

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

D. With regard to the concurrency management requirements in Article Three:

1. The determination of concurrency.
2. The time period for which the preliminary development order is valid.

9.7.2. FINAL DEVELOPMENT ORDER.

A final development shall contain the following:

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

B. An approved final development plan with findings and conclusions.

C. A determination that all conditions of the preliminary development order have been met.

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

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

9.8.0. MODIFICATIONS TO A FINAL DEVELOPMENT ORDER

Occasionally, there may be some unforeseen circumstance discovered during permitting resulting in the need for the modification of some element in a Final Development Order. When modifications to a Final Development Order constitute either a Major or Minor Modification the following regulations establish the procedure for processing such deviations.

A.. Modifications, which have been determined as Minor Modifications, shall necessitate a formal amendment of such Order. Such an amendment shall be reviewed and processed administratively by the Planning Official who has decision making authority as to such modifications. When the Planning Official deems necessary, such amendments shall be reviewed and approved pursuant to the requirements of a Minor Development.

B.- Major Modifications to an existing Final Minor Development Order shall be reviewed and processed pursuant to the requirements of a Minor Development. However, should the modification satisfy any of the criteria set forth in the definition of major development when combined with the initial approval and any other authorized deviations, the modification shall then be reviewed and processed pursuant to the requirements for a Major Development.

C.- Major modifications to an existing Final Major Development Order shall be reviewed and processed pursuant to the requirements of Major Development.

9.8.1. MINOR MODIFICATIONS

A Minor Modification falls within the following limits and is necessary in light of technical or engineering considerations first discovered during or before actual development and not reasonably anticipated during the initial development application process:

A. Alteration of the location of any walkway, landscaping, or structure in a manner consistent with the Comprehensive Plan and Land Development Code, or

B. Alteration of the location of the road right-of-way, or

C. Reduction in the total amount of open space by not more than five percent, or reduction in the yard area or open space associated with any single structure by not more than five percent, provided such reduction does not permit the required yard are or open space to be less than required by this code or otherwise specifically conditioned by the original approval process, or

D. An increase in the use of the site or building(s), provided such change does not increase the overall demand for concurrency capacity for sanitary sewer, solid waste, drainage, potable water, recreation, open space, by more than three percent, or

E. Any change in the use of the site, provided such change does not increase the demand of concurrency capacity for sanitary sewer, solid waste, drainage, potable water, recreation, open space or roadways, or

F. Any change that increases the height of the structure by less than ten percent. , or

G. Any relocation of lot lines or change in the configuration of the lots and blocks on an approved subdivision plat, prior to final approval for recording in the public records, so long as the gross density is the same or less than originally approved, the change does not involve clustering where the original plat did not involve clustering, all other applicable code requirements are satisfied, and no changes to the specific conditions of the development order are required.

9.8.2. MAJOR MODIFICATIONS

Major Modifications are determined to exceed characteristics of a minor modification, including but not limited to, any request to change to a condition in the Final Development Order that was expressly imposed by the Planning Commission or Board of County Commissioners; or any change that adversely affects the compatibility or concurrency of the proposed project as determined the Planning Official, or a designee, determines should be reviewed by the Planning Commission and/or the Board of County Commissioners due to the community impact of the proposed change.

9.9.0. GUARANTEES AND SURETIES

9.9.1. APPLICABILITY.

A. The provisions of this Section apply to all proposed developments in Jefferson County, including private road subdivisions.

B. Nothing in this Section shall be construed as relieving a developer of any requirement relating to concurrency in Article Three of this Code.

C. This Section does not modify existing agreements between a developer and the County for subdivisions platted and final development orders granted prior to December 13, 1990, providing such agreements are current as to all conditions and terms thereof.

9.9.2. IMPROVEMENTS AGREEMENTS REQUIRED.

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

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

B. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. The term shall not exceed five (5) years from the recording of the plat or thirty percent (30%) occupancy of the development, whichever comes first. Not complying means the Development Permit is null and void for the portion of the development that has not had the improvements built.

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

1. Estimate signed and sealed by the applicant's professional engineer registered to legally practice in Florida.
2. A copy of the executed construction contract provided.

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

E. Agreement that upon failure of the applicant to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.

F. Provision of the amount and type of security provided to ensure performance.

G. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the County Engineer.

9.9.3. AMOUNT AND TYPE OF SECURITY.

A. The amount of the security listed in the improvement agreement shall be approved as adequate by the County Engineer.

B. Security requirements may be met by but are not limited to the following:

1. Cashier's check
2. Certified check
3. Developer/Lender/County Agreement
4. Interest Bearing Certificate of Deposit
5. Irrevocable Letters of Credit
6. Surety Bond

C. The amount of security shall be one hundred and ten (110%) percent of the total construction costs for the required developer-installed improvements. The amount of security may be reduced commensurate with the completion and final acceptance of required improvements. In no case, however, shall the amount of the bond be less than one hundred and ten (110) percent of the cost of completing the remaining required improvements.

9.9.4. COMPLETION OF IMPROVEMENTS.

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

B. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section **9.9.3.C** above.

9.9.5. MAINTENANCE OF IMPROVEMENTS.

A. A maintenance agreement and security shall be provided to assure Jefferson County that all required improvements shall be maintained by the developer according to the following requirements:

1. The period of maintenance shall be a minimum of three (3) years.
2. The maintenance period shall begin with the acceptance by the County of the construction of the improvements.
3. The security shall be in the amount of fifteen percent (15%) of the construction cost of the improvements.
4. The original agreement shall be maintained by the Planning Department

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

1. When the proposed development is to be organized as a condominium under the provisions of Chapter 718, F.S., common facilities and property shall be conveyed to the condominium's association pursuant to that law.
2. When no condominium is so organized, an owners' association shall be created and all common facilities and property shall be conveyed to that association. The Owners Association shall be required to maintain a non-profit corporation, which shall:
   a. Have a method for calling meetings and a system to make a decision if a majority of the members cannot be properly assembled.
   b. Have a fee schedule for the conducting of its activities.
   c. Have an organizational structure for the association.
3. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the Planning Attorney.

C. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to Jefferson County shall be created by covenants running with the land. Such covenants shall be included with the final plat. Such organization shall not be dissolved nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County. Organization documentation shall include, but not be limited to:

1. Covenants and restrictions;
2. Maintenance responsibilities for roads and/or stormwater management facilities;
3. The methods of protection, maintenance, and conservation of environmentally sensitive areas, the use of common open space areas, and any proposed common area amenities.
4. Any preferred architectural controls such as minimum square footage, etc.;
5. A schedule for the payment and amount of dues, including:
   a. Provisions for special assessments to fund emergency repairs should unforeseen events occur;
   b. Provisions to allow periodic increases in dues or assessments to adequately cover all maintenance and improvement expenses;
   c. A provision for penalties for delinquencies or non-payment;
6. A process for enforcement of covenants and restrictions; including penalties, fines, etc.
7. Provide for a Board of Directors, periodic elections, establishment of Board responsibilities and powers, etc.

9.10.0. PRIVATE UNRECORDED SUBDIVISIONS

Any subdivision of land made prior to the effective date of this ordinance is considered vested from the subdivision requirements hereof and may be utilized and permitted for any legal purpose allowable by this code. Any subdivision of land which did not receive an approval required by the subdivision standards of this code, and is not otherwise allowed or vested by another provision hereof, is considered an illegal subdivision of land. No permits or approvals of any kind shall be issued by the County for any lot or parcel created by an illegal subdivision of land, until such subdivision is approved in accordance with the subdivision requirements of this code. Nothing herein shall be construed as relieving any vested subdivision of land from any other legal requirement of this code, and any development on such vested parcels, including the further subdividing thereof, shall be strictly in accordance with the requirements of this code.

9.11.0. DEDICATION OF RIGHT-OF-WAY AND COMMON LANDS

Approval of subdivision plans and plats by the Planning Official or the Planning Commission shall not constitute or effect an acceptance of the dedication of any street or any other ground shown upon the plat. The authority to accept dedications of land for any purpose shall be exercised exclusively by the Board of County Commissioners.

9.12.0. RIGHT OF WAY ABANDONMENT AND PLAT VACATION

9.12.1. AUTHORITY AND APPLICABILITY

A. The provisions of this Section shall apply to all plats, rights-of-way, easements, or other instruments of dedication or conveyance under the jurisdiction and control of the Board of County Commissioners.

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

9.12.2. PETITIONERS

A. Petitioners for Abandonment of Plats. Any person, governmental entity or business entity desiring to abandon a plat, or any portion thereof, including public easements, shall be required to make application to the County pursuant to Section 177.101, F.S., and the provisions of this Section. The application shall be on a petition form prescribed by the Planning Department and the information contained therein shall be verified by the petitioner under oath. Unless initiated by the County, the petition shall be signed by all owners of any portion of the petition site.

B. Petitions for Abandonment of Rights-of-Way. Any person, governmental entity or business entity desiring to abandon the public's interest in and to any right-of-way shall be required to make application to the County pursuant to this Section. Unless initiated by the County, any petition for abandonment of rights-of-way shall be signed by all owners of abutting property.

C. Application Fee. The application fee shall be determined in accordance with Section 9.13.00.

9.12.3. ACCESS TO WATER

No right-of-way, road, street, or public access way giving access to any publicly accessible waters in the County, shall be closed, vacated or abandoned except in those instances wherein the petitioner(s) offers to trade or give to the County comparable land or lands for a right-of-way, road, street or public access way to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the Board of County Commissioners.

9.12.4. NOTICE OF INTENT TO FILE PETITION TO VACATE A PLAT

Immediately prior to filing the petition to vacate a plat with the Planning Department, the petitioner shall cause to be published a notice of intent in a newspaper of general circulation n the County once weekly for two (2) consecutive weeks. Such notice of intent shall state the intent of the petitioner to file a petition pursuant to this Section and in Chapter 177, F.S.

9.12.5. PETITION APPLICATION PROCEDURES

In addition to any other information, the petition shall contain the following:

A. Legal Description of Petition Site: A complete and accurate legal description of the petition site.

B. Type of Petition: A statement identifying the type of petition, the source of the County's or public's interest, together with a reference to the recording information for the petition site. The type of petition may be for abandonment of:

1. A plat;
2. A portion of a plat;
3. A County right-of-way;
4. The public's interest in a private right-of-way; or
5. A public easement.

C. Location Map: A drawing measuring not less than eight (8) inches by fourteen (14) inches and not larger than eleven (11) inches by seventeen (17) inches which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way, including the petition site, and all affected properties. The location map may be located on the survey in a separate block.

D. Access to Affected Property: The petition shall contain a statement that to the best of the petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

E. Federal or State Highway Statement: The petitioner shall certify that the petition site, or any portion thereof, is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes.

F. Evidence of Title: The petition shall state the source of petitioner's ownership or interest in and to the petition site, and a reference to the recording information for same. A copy of the source instrument shall be certified by the Clerk of the Circuit Court and attached to the petition.

G. Evidence of Taxes Paid: The petition shall state that all state, municipal and County taxes on the petition site have been paid. The certificate(s) of the Tax Collector's Office showing payment of same (as payment is defined in Section 177.101.4, F.S.) shall be attached to the petition. If the petition site or any portion thereof is tax-exempt, the petition shall so state and a copy of the tax roll from the Tax Collector's Office which shows such exemption shall be attached to the petition.

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

I. Fees: The petition shall state whether the petition site is subject to the application fee, the amount of the fee, and that the fee is submitted herewith.

J. Justification: The petition shall detail the relevant reasons in support of the request and granting of the petition.

9.12.6. REVIEW OF PETITION

A. Review and Notification. Each petition shall be reviewed by the Planning Official and any governmental agency or affected County Office. Upon receipt, the Planning Official shall distribute the petition to the reviewing departments and agencies. Within twenty (20) days of receipt of the petition, the reviewing departments and agencies shall submit a written report containing its findings and recommendations to the Planning Administrator. Upon receipt of all written reports, the Planning Official shall review the petition and reports and shall notify the petitioner in writing of any reasonable conditions to be performed prior to forwarding the petition and reports pursuant to paragraph (B) below. Within sixty (60) days of receipt of the Planning Official's notification, the petitioner shall comply with, agree and commit in writing to the conditions, or disagree in writing to the conditions. Failure to respond to the Planning Administrator's notification may result in a recommendation to deny the petition by the Planning Administrator.

B. Review by Board of County Commissioners. After expiration of the sixty-day period above or sooner, if conditions are not imposed, or, if imposed, are responded to by the petitioner in the manner set forth above, the Planning Official shall forward the petition together with his/her findings and recommendations of same to the Board of County Commissioners for their review in accordance with this Section. The Planning Administrator shall set the petition for public hearing in accordance with Section **9.6.1.** unless the petition is not subject to a public hearing. If a public hearing is not required, upon its review, the Board shall adopt a resolution either approving or denying the petition. The Board may reject a petition if a petition covering the same lands had been considered at any time within six (6) months of the date the later petition is submitted.

9.12.7. ABANDONMENT OF COUNTY RIGHTS OF WAY/PUBLIC EASEMENTS FOR DRAINAGE

A. Generally. Pursuant to Section 336.10, F.S., a public hearing shall be held for any petition for abandonment which affects County right-of-way and public easements for drainage, which service a County right-of-way.

B. Time and Place of Hearing. The Board of County Commissioners hereby exercises their authority, as set forth in Florida Statutes Section 336.09, by authorizing and directing the Planning Administrator to establish a definite time and place to hold the public hearing required by Section 336.10, F.S. and this Section and to publish the notice of the hearing.

C. Publication of Notice of Public Hearing. Advertisement of such public hearing shall be as set forth above in Section **9.1.2.**

D. Posting of Notice of Public Hearing. The Planning Administrator shall notify the petitioner of the date and time of the public hearing and shall direct the petitioner to post the property with a notice of petition to vacate. The petitioner shall place the notice in a conspicuous and easily visible location, abutting a public thoroughfare when possible, on the subject property at least ten (10) days prior to the public hearing.

E. Mailing of Notice of Public Hearing. The petitioner shall mail a copy of the notice of public hearing to all affected property owners as described above in Section **9.1.2.**

F. Notice of Adoption of Resolution. If the County Commission shall, by resolution, grant the petition, notice thereof shall be published one (1) time within thirty (30) days following the date of adoption of such resolution in a newspaper of general circulation published in the County. The proof of publication of the notice of public hearing, and the proof of publication of the notice of the adoption of the resolution, and a copy of the resolution shall be recorded in the Public/Official Records.

9.12.8. RECORDATION OF RESOLUTION

Upon adoption of a resolution approving a petition, a certified copy of same shall be filed in the Public Records in accordance with Section 177.101 or Section 336.10, F.S., whichever is applicable.

9.12.9. EFFECT OF RECORDING RESOLUTION OF ABANDONMENT

A. For County rights-of-way, upon the recordation of the proof of publication of notice of public hearing, proof of publication of the notice of adoption of the resolution, and a copy of the resolution in the Public Records, the interest of the right-of-way so closed shall be vested in accordance with provisions of Section 336.12, F.S.

B. For plats, or portions thereof, recordation in the Public Records of resolutions approving abandonment of a plat or a portion thereof shall have the effect of vacating all streets and alleys in accordance with Section 177.101(5), F.S., and shall either return the vacated property to the status of unplatted acreage or shall vacate the first plat in accordance with Section 177.101(1) or (2), F.S., as applicable.

9.13.0. BUSINESS PERMITS

Commercial businesses shall be required to obtain a Final Development Order to operate in Jefferson County. Final Development Orders are obtained through application and approval of a Site Plan as a Major Development, a Minor

Development, or a Business Permit. Any person desiring to conduct a commercial business use including a home business shall first apply to the Planning Department 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:

9.13.1. HOME BUSINESS PERMIT - GENERAL REQUIREMENTS.

Produce stands and other bona fide Silviculture and Agriculture activities are exempt from these requirements.

Home Businesses are permitted in all residential and agricultural districts. Any person desiring to conduct a home business shall first apply to the Planning Department for an annual permit, based on the County's fiscal year which begins on October 1, in accordance with the following conditions, limitations, and requirements:

A. The application shall be on such form as may be required by the Planning Official and shall include, at a minimum, the following information:
1. The name of the applicant.
2. The mailing address of the dwelling unit in which the home business is to be conducted.
3. The nature of the home business for which approval is requested.
4. The total floor area of the dwelling unit.
5. The floor area of the room or rooms (and, in agricultural districts, any accessory structure) in which the home occupation is to be conducted.
6. A sketch of the site area and floor plan of the dwelling unit depicting those areas where the business activities will be conducted and depicting the location of all driveways, parking, loading areas, storage areas, and lighting to be used in association with the home business.
7. 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.
8. The number, size and location of all parking spaces provided.

B. The initial application and subsequent renewals must be accompanied by the appropriate permit fee, as established by the Board of County Commissioners by Resolution. For late renewals, the fee shall be increased by a penalty of five percent (5%) for each full month, or fraction thereof, by which the application is late.

C. The Planning Official shall issue the permit for the home business if:
1. 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 hazard dangerous to the public health, safety or welfare; and
2. 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
3. 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
4. There does not exist, on the premises for which the permit is requested, any continuing violation of any County ordinance; and
5. Any required State of Florida occupational license tax for the home occupation has been obtained; and
6. The home business is clearly incidental to the principal use of the premises as a dwelling unit.
7. Any home business that involves animals must provide adequate containment to keep those animals from escaping the owner's property.
8. If not in a residential area, the following additional provisions apply:
   a) The home business activity may be conducted within an accessory structure separate from the residence provided the accessory structure is limited to **2,000** square feet in size and the home business is clearly incidental to the principal use of the premises as a dwelling unit.
   b) Any accessory structure in which the home business is to be conducted 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. Notwithstanding this requirement, a setback of no less than one hundred **(100)** feet shall apply to such accessory structures located in Agriculture 5 and Agriculture 3 Land Use Districts on parcels too small to meet the 200-foot setback.
   c) The home business shall be limited to a total of three **(3)** employees.
   d) Landscape visual and/or aural/sound buffers, fencing, structural design and/or other methods shall be utilized to mitigate possible adverse impacts on neighboring property owners, residents and businesses due to odors or other types of effects of the home business activities.
9. Other than a single, non-illuminated sign that does not exceed two (2) square feet, there shall be no display of goods or other evidence of the home business outside of the residence.
10. Deliveries or shipments shall be limited as follows:

a. Timing: Should not exceed one delivery and one shipment per day.
b. Delivery hours: Between hours of 8:00 AM and 6:00 PM.
c. Vehicle Size: Large van or small delivery truck (average approx. 15' body length).

11. No home business shall consist of, or include, outdoor retail sales or a public dining facility or transient guest quarters other than as related to a bed and breakfast establishment meeting the standards herein or a permitted special events venue or establishments providing hunting plantation style outdoor recreation.
12. Automotive and/or small engine equipment or other outdoor repairs of a similar nature are allowed with the following additional restrictions:
    a. All activities, including all areas where repairs are made and /or materials are stored, shall be screened from the road and all adjacent properties by natural or planted vegetation or a fence, and home businesses conducting such activities shall not allow the accumulation of unsightly junk, debris, parts, tools, vehicles, supplies or materials;
    b. All chemicals, liquids or other materials with potential for contamination such as oil, gasoline, anti-freeze, cleaning agents, etc., shall be properly disposed of periodically to prevent storage of large amounts of flammable or contaminable agents.
    c. Reasonable measures shall be taken to prevent leaks, spills or other unlawful discharge of hazardous materials and substances.
13. A barber or beauty shop is allowed, limited to two (2) chairs.
14. Any home businesses that negatively affects nearby properties due to increased traffic, noise, light, or any other activity detrimental to the other owners and occupants in the immediate vicinity, shall be either moved to a commercial property or completely cease operation on the subject property.
15. During site plan review of any commercial or business activities not requiring Special Exception review, the Planning Official may require the applicant to address issues that may not be otherwise specified herein such as animal waste disposal or visual and/or sound buffering, etc.

D. In the Residential districts, including residential subdivisions in mixed use districts, home businesses shall also 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, fortune telling, automotive repairs, outdoor repairs of any kind, or a barber or beauty shop having more than two (2) chairs.
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.
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.

9.13.2. BED AND BREAKFASTS.

A Bed and Breakfast is any existing or newly-constructed residential structure designed to house a single family in which the owner has extra bedrooms that are rented to guests. Bed and Breakfast establishments limited to a maximum of 8 rooms for rent are permitted as a Home Business in residential and agricultural districts provided the following conditions are met:

A. The bed and breakfast lot or parcel must have frontage on a collector (through) street.
B. On-site parking for all guests must be provided in the ratio of one parking space per bedroom.
C. The owner or operator of the bed and breakfast establishment must reside on the premises.
D. 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.

E. One (1) bedroom must be reserved for the owner or operator of the establishment and cannot be rented.

9.13.3. ANTIQUE SHOP.

Antique shops are permitted as a Home Business in residential and agricultural districts, provided the following conditions are met:

A. The lot or parcel on which the antique shop is located must have frontage on an arterial or major collector street.

B. The owner of the antique shop must reside on the premises.

9.13.4. COMMERCIAL USES – BUSINESS PERMITS REQUIRED

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 in accordance with the following requirements:

A. The application shall be on such form as may be required by the Planning Department.
   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.

B. The application must be accompanied by the appropriate permit fee, as established by the Board of County Commissioners by Resolution. For late renewals, the appropriate fee shall be increased by a penalty of five percent (5%) for each full month, or fraction thereof, by which the renewal is late.

C. The Planning Official shall issue the permit for the commercial business use if:
   1. The proposed business is in compliance with a Final Development Order/Permit issued in accordance with this Code; or
   2. The application is for an existing site/structure and includes:
      a. The name of the applicant; the nature of the commercial business for which approval is requested, and a general description of the activities involved in conducting the business; and
      b. The specific location at which the commercial business use is conducted; and
      c. The commercial business for which approval is requested is a permitted commercial use or an existing lawful non-conforming use of the premises on which it is proposed to be conducted; and
      d. The floor plan, including dimensions; and
      e. A drawing of proposed signage meeting the requirements of Article Six of this Land Development Code, and identifying the size, materials, and location; and
      f. 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
      g. 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
      h. 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
   3. There does not exist, on the premises for which the permit is requested, any continuing violation of any County ordinance; and
   4. Any required occupational license tax for the commercial business use has been paid.

9.13.5. COMMERCIAL USE STANDARDS.

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

A. The commercial use shall not cause any danger, health hazard, or unreasonable inconvenience to any person and shall not damage any public or private property.

B. When activities which include the use and storage of flammable and/or explosive materials or products~~,~~ are associated with the proposed commercial use, there shall be adequate safety devices against the hazards of fire and explosion, including fire-fighting and fire suppression equipment, as prescribed by all applicable fire prevention laws, ordinances, and regulations.

C. No commercial use shall involve any activity 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.

D. No activity shall be conducted in conjunction with the commercial use, which will cause any of the following beyond the premises on which the use is conducted:
1. perceptible earth vibrations; or
2. continuous noise above 90 decibels at the property line; or
3. any noxious or offensive odors; or
4. any adverse effect on the temperature, motion, or humidity of the atmosphere.

E. If the commercial use adjoins residential parcels, noise cannot exceed 60 decibels measured at the property line.

9.13.6. 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 Article 5 of this Code, 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 Article 6 of this Code 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 Article 5 of this Code. All outside areas of the site shall at all times present a neat, clean, orderly and well maintained appearance;

L. The Planning Official shall have the authority to order additional measures as necessary to insure that the establishment is not incompatible with adjacent uses.

9.13.7. PERMIT REVOCATION.

The Planning Official or Code Enforcement Officer may revoke any business use permit issued hereunder for non-compliance with any requirement of Sections 9.13.0 – 9.13.6 above, whether set out specifically or referenced herein. Revocation may be appealed to the Planning Commission. 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.

9.13.8. PERMIT RENEWALS.

All types of Business Permits must be renewed annually by October 1, with any change to information originally provided in the permit application reported to the Planning Department. Renewals may be denied if the applicant is not in compliance with all parts of the Code. Reiterating above information regarding late renewals, **the fee shall be increased by a penalty of five percent (5%) for each full month, or fraction thereof, by which the application is late.**

9.14.0. TEMPORARY USE PERMITS

Temporary uses and structures are allowed provided that a permit for such use or structure is obtained from the Planning Department. Applications for temporary uses or structures shall be submitted to the Planning Department on the appropriate application. The Planning Official shall approve, approve with conditions, or deny the application based on the application's consistency with the Comprehensive Plan, the general intent and provisions of this Code and generally not detrimental the overall health, safety and welfare of the citizens of Jefferson County. Approved permits may be issued for the following:

9.14.1. TEMPORARY STRUCTURE PERMITS:

A. Temporary real estate sales offices and construction trailers located on the same parcel as the development may be approved as part of a Building Permit application. Construction trailers shall be removed upon completion of principal and accessory structures on the site and shall be removed as a result of final site cleanup. Trailers used for sales offices shall be removed with construction trailers on commercial sites and upon sale of the last lot in subdivisions.

B. Temporary sales offices in new subdivisions must comply with the Standard Building Code and the parking area must comply with the off-street parking space requirements for offices (based on gross floor area of the building) and landscaping regulations of this Code. If the structure will be sold as a residence, the allocated parking may be gravel or grass; however, at least one paved handicap access space must be provided.

C. One or more construction trailers may only be permitted for a specified period of time provided they are located off the public right-of-way. Construction trailers are not required to comply with Building Code requirements. However, the building must provide reasonable safety for the intended use and additional permits for electrical or plumbing shall be obtained as necessary to serve the temporary building.

D. Temporary use of a recreational vehicle as a residence while a permanent residence is under construction is allowable with a connection to the permanent residence septic tank; however, a Certificate of Occupancy will not be issued unless the temporary connection for the RV is removed and permanently capped.

E. Temporary use of recreational vehicles on agricultural properties for use as hunting or fishing camps or similar outdoor recreational activities shall not be required to obtain temporary use permits; however, if the recreational vehicle remains on a property having no other permanent structure, it shall be totally screened from view from a road or an adjacent property by a 100% opaque fence or vegetation or in a building permit constructed structure.

9.14.2. TEMPORARY USE - ACTIVITIES REQUIRING PERMITS:

A. Christmas tree sales provided that no such use shall exceed sixty (60) days.

B. Indoor and outdoor art and craft shows, bazaars, carnivals, revivals, musical performances, circuses, sports events, and exhibits provided that no more than six (6) events of a maximum of five (5) days each are conducted on the same property during any calendar year.

C. Other temporary uses, events, and activities which are, in the opinion of the Planning Official, consistent with the Comprehensive Plan and the provisions of this Code.

9.14.3. TEMPORARY USE PERMIT APPLICATION REQUIREMENTS:

Temporary Use Permits are approved and issued by the Planning Official. A Permit should be approved and issued to the applicant a minimum of 15 days before the event or, prior to public advertisement of the event, particularly if it is a first-time or non-recurring event.

A. The following information shall be provided:
1. Name, address, telephone number, of the owner and sponsor of the event property; and
2. Proof of ownership (copy of deed), Land Use Category and physical (911) address of the event property; and
3. A thorough description of the proposed use, all associated activities, and the date(s) and hours of operation of the proposed event; and

B. Temporary Use Permit applicants shall address the following:
1. Proof of $1,000,000 Liability Insurance for the proposed event.
2. Security and traffic control: Availability? & Method?
3. Health & Sanitation Provisions:
   a. Potable Water: Availability? & Method?
   b. Sanitary Sewer: Availability? & Method?
   c. Food (if available): Sales? & Provider/License?
   d. Alcoholic Beverages (if available) : Sales? & Provider/License?
4. Special provisions regarding control of Sound and/or Lighting during activities.
5. Notification of event & location to Sherriff's Dept. & Fire/Rescue Dept.

C. The application requires notarized signatures of the owners of the following acknowledgement: *"The undersigned fully understand(s) that this approval is for a one-time event on the date(s) listed and all subsequent events to occur at the above location will be required to submit a new temporary use permit in accordance with the Jefferson County Land Development Code (LDC) for each individual event (limited to six occurrences in each 12-month period)".*

D. The fee for the permit application is listed in the general fee schedule adopted by the BOCC.

9.15.0. SPECIAL EXCEPTIONS

During a pre-application conference, the Planning Official may make a determination to require Special Exception review for a use meeting criteria defined in Article 1 of this Code. The application for Special Exception shall be

submitted concurrently with a development plan (whether major or minor) and shall include all standard submittal requirements, additionally addressing the Performance Standards listed below:

9.15.1 DESIGNATION OF SPECIAL EXCEPTIONS

For purposes of these review procedures, all special exceptions shall be designated by the Planning Official. The Planning Official's determination shall be supported by written findings.

9.15.2. PRE-APPLICATION CONFERENCE

The Planning Official determines that an application for a development should be reviewed as a Special Exception as part of the initial discussion during the normal pre-application process. No person may rely upon any comment concerning a proposed special exception, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form.

9.15.3. APPLICATION AND SUBMITTALS

A. Application.

Applications for special exception review shall be available at the Planning Department. A completed application shall be signed by all owners, or their agent(s), of the project subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by owners. In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation, and embossed with the corporate seal.

B. Submittals.

An application for special exception shall be submitted concurrently with a development plan and shall include all submittal requirements of this Code, including the performance standards listed below.

9.15.4. PERFORMANCE STANDARDS

A. Traffic Impact Study

Traffic impact studies shall, to the maximum extent possible, use the ITE report entitled: "Traffic Access and Impact Studies for Site Development: A Recommended Practice" (as may be amended) as a guide in the preparation of such studies; however, any deviation from this guide, especially as it relates to report format and contents, shall be approved by the Planning Official.. Ingress and egress issues shall be addressed in the traffic impact study.

B. Drainage.

The site plan shall depict the improvements to be constructed to meet the requirements of the appropriate water management district and FDEP jurisdiction.

C. Water Quality.

Special Exception applications shall demonstrate compliance with the requirements of this Code regarding water quality issues. In addition, the applications shall comply with any state provisions related to water quality and monitoring including, but not limited to 17-25 and 17-61, F.A.C. and any amendments thereto.

D. Visual Appearance.

All proposed projects may be required to provide additional buffering where necessary to provide mitigation for incompatibilities with adjacent properties.

E. Mitigation and Avoidance of Environmentally Sensitive Lands.

Where environmentally sensitive lands are encountered, such lands shall be identified and the plans for development shall indicate the methods to be utilized to meet the requirements of Article Four of this Code. Special exception projects shall be designed in a manner to avoid impacting environmentally sensitive lands. Some applications, especially involving commercial outdoor recreational activities, may have activities that take place wholly or partially in environmentally sensitive lands as allowable uses with some permissible by FDEP or the water management district(s), with or without a permit, depending on the proposed use. If impact is unavoidable, compensatory mitigation may be required by the permitting agency.

F. Noise.

As a condition for approval of the special exception, a statement shall be incorporated as part of the development order to the effect that activities sound levels emanating from the site shall not exceed a level of 55 decibels between 10 p.m. and 6 a.m.

G. Air Quality.

All sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40), and the Florida Department of Environmental Regulations (Chapter 17-2, F.A.C.).

H. Compatibility.

The applicant shall identify all surrounding land uses and structures within five hundred (500) feet of the proposed development as to which the special exception is requested. Uses which may, in the judgment of the County, come into conflict over time, or which may, in the judgment of the County, have an adverse effect on property values, may

be regarded as incompatible. The County may deny any special exception use, which the County determines, is potentially incompatible with adjacent and surrounding land uses, if such potential incompatibility is not adequately mitigated.

I. Additional Conditions.

In the granting of any Special Exception, the County may order such additional conditions, which the County determines to be reasonably necessary to protect the public health, safety or welfare.

9.15.5. REVIEW PROCEDURE

A. The applicant shall submit the special exception application simultaneously with the development plan and supporting documentation.

B. After receipt of the above, the Planning Department shall have five (5) working days to:

1. Determine that the application for special exception is complete and proceed with the review; or
2. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within thirty (30) days, to proceed with the review.

C. The Planning Department shall then route the application to any applicable County agency and/or other agencies that may have permitting authority for review and comment response within fifteen (15) working days.

D. The Planning Department shall review the special exception application for compliance with this Code and note other agency comments/responses within thirty (30) days. Upon completion of the review, the Planning Official shall issue a recommendation to the Planning Commission of approval, approval with conditions, or denial of the application based upon the requirements of this Code.

E. The Planning Commission shall consider the application at a regularly scheduled and advertised public hearing and shall make a recommendation to the Board of County Commissioners to approve, approve with conditions, or deny the application. The approval may concur with the Planning Official's recommendation, it may be a modification thereof, or completely different. The major or minor development plan and the special exception shall be reviewed as one entity with approval, conditions, and/or denial applicable to the whole as one unified development. The decision on the application shall be forwarded to the Board of County Commissioners for final action.

F. The Board of County Commissioners shall consider the application at a regularly scheduled public hearing, which has been noticed pursuant to the requirements of Section 9.1.2. In reviewing the application, the Board shall consider the recommendations of the Planning Commission and Planning Official and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Board of County Commissioners shall approve, approve with conditions, or deny the application.

G. Notification of the Board of County Commissioner's decision shall be mailed to the applicant and filed with the Planning Department.

9.15.6. EXPIRATION.

At the time of granting a special exception, a time shall be set in which the development shall be commenced or finished or both. Extensions of such time or times shall be granted upon due cause shown.

9.15.7. APPEALS

Appeals from decisions of the Planning Department, Planning Commission or Board of County Commissioners shall be made pursuant to the provisions of Section **9.16.0.** of this Code.

9.16.0. DEVELOPMENT PERMITS

A Development Permit must be issued prior to submittal of an application for any type of building or construction permit. An application for a development permit shall be made to the Planning Department on the appropriate form provided and may be acted upon by staff without public hearing or notice.

9.16.1. BUILDING AND SIGN PERMITS

The erection, alteration, or reconstruction of any building or structure, including signs, shall not be commenced without obtaining a Building Permit from the Building Official or a determination from the Building Official that no permit is required. The erection, alteration, reconstruction, or conversion of any sign shall not be commenced without obtaining a Sign Permit where applicable.

A. Building Permits can only be issued after:

1. It is determined by the Planning Department that the structure is to be built in the proper Land Use Area.
2. A copy of the Septic Tank Permit is on file if no public sewer is available.
3. A Drive Permit or waiver has been issued.
4. A registered Professional Engineer or Surveyor has set a base flood elevation for the site if in a flood prone area.
5. An approved Development Permit has been issued by the Planning Department.

6. It is determined by the Building Department that the building plans satisfy requirements of the Florida Building Code and the development order issued by the county.

B. A Certificate of Occupancy for the development cannot be issued unless:
1. The Health Department has certified that the septic system is complete.
2. A Certificate of Elevation is on file if in a flood area.

C. Time Limitation of Building and/or Sign Permits.
1. Building Permits shall expire and become null and void if work authorized is not commenced in accordance with building code requirements, except that the time may be extended by the Building Official in accordance with building code provisions.
2. In order to continue construction once a Building Permit becomes null and void or expires, the permittee shall reapply and obtain a new Building Permit covering the proposed construction before proceeding with construction. The permittee shall comply with all regulations in existence at the time application is made for a new Building Permit.
3. Signs must be placed within six (6) months of obtaining the permit or the permit is voided and a new permit must be issued unless the permit is extended by the Building Official. Final inspection must be called for by the applicant within the six (6) month time period, or the permit is voided. Identification numbers issued with Sign Permits must be displayed on the sign itself. Sign permits need not be renewed as long as the sign exists in its approved form in the same location.

9.16.2. DRIVEWAY PERMITS

Any person seeking to construct or reconstruct any curb cut or driveway on any County maintained public road in the unincorporated areas of the County shall submit a permit application to the Planning Department as part of the Development Permit Application. Development permits will not be issued for properties on any County-maintained public road unless the submitted driveway permit application has received approval from the Road Department. When property driveway access will be on a state road, an approved FDOT Driveway Permit is required in the submittal of an application for a Development Permit.

9.16.3 TREE REMOVAL PERMITS

Any person seeking to remove a protected tree or trees for any purpose except an immediate emergency shall obtain a tree removal permit from the Planning Department unless exempt under the provisions of Article 5.2.1. of this Code. Removal of a protected tree(s) not part of a bona fide agricultural or silvicultural activity is a violation of this Code. Tree removal permit applications shall contain the following information:

A. Name, address, and telephone number of the applicant.

B. The number, sizes and species of trees to be removed and the reasons for removal.

C. If the permit is part of the construction permit package for a Development Site Plan, the tree replanting schedule meeting the requirements outlined in Article 5 or as required by the approved Final Development Order.

9.16.4. UTILITY PLACEMENT PERMIT IN COUNTY ROAD RIGHT OF WAY

A Utility Placement Permit shall be required prior to the commencement of construction of any type of above-ground or below-ground utilities within a county road right of way.

A. The contractor shall submit construction plans, a construction schedule, and contact information to the Planning Department. The contractor shall be responsible for the repairs or replacement of any damaged infrastructure including, but not limited to, driveways, mailboxes, fences, drainage structures, or existing utilities within the rights of way

B. The Planning Department shall send copies of the plans to the County Road Superintendent for review and approval by the Utility Coordinating Committee.

C. A tree permit shall be required for trimming or removal of any trees within the rights of way. The County Road Superintendent shall sign off on any tree removal permit to ensure any proposed tree removal will not undermine road integrity.

D. When the permit is for construction on a canopy road, the contractor shall comply with the following:
1. The Planning Official shall arrange an initial field meeting with the contractor, the County Forester, the County Road Superintendent, the County Engineer, and the Planning Official to ride the length of the construction area to determine construction methods with maximum preservation of canopy trees and the general areas where ditching or boring will be utilized.
2. Prior to commencement of actual construction the contractor shall flag the begin/end points of ditching and boring, notify the Planning Department and at least two of the above-named officials shall inspect and approve the construction plan.
3. Upon Utility Coordinating Committee review and County Road Superintendent approval, The Planning Official shall issue the Utility Placement Permit and construction can begin.

9.17.0. COMPREHENSIVE PLAN AND CODE AMENDMENTS

The procedures in this part shall be followed in amending this Code and the Comprehensive Plan. This part supplements the mandatory requirements of state law, which must be adhered to in all respects.

9.17.1. AMENDMENTS TO OVERLAY MAP AND CODE TEXT.

Notwithstanding anything in this Section to the contrary, hearings before the Board of County Commissioners on amendments to an Overlay Map, with no change to the underlying Land Use District, shall be held, and notice shall be given, in accordance with the requirements of Florida Statutes, Section 125.66(6).

9.17.2. COMPREHENSIVE PLAN AMENDMENTS.

Notwithstanding anything in this Section to the contrary, hearings before the Planning Commission and Board of County Commissioners on County government-initiated amendments to the Comprehensive Plan, including the Future Land Use Map, shall be held, and notice shall be given, in accordance with the requirements of Florida Statutes, Section 163.3184 (15). All other amendments to the Comprehensive Plan, including the Comprehensive Plan Future Land Use Map, shall be subject to all notice requirements of this Section in addition to the notice requirements of Florida Statutes, Section 163.3184(15), and, in addition, the published notice of public hearings before the Planning Commission concerning such amendments shall also include a geographic location map as described in Florida Statutes Section 125.66(4)(a)2 in the same manner as is required for public hearings on Comprehensive Plan amendments before the Board of County Commissioners.

9.17.3. APPLICATION

Any person, board or agency may apply to the Planning Department to amend this Code or the Comprehensive Plan in compliance with procedures prescribed by this Code.

A. Amendments to Comprehensive Plan or Land Development Code

The application shall include the following information:

1. The applicant's name and address;
2. If the application requests an amendment to the text of this Code, the precise wording of any proposed amendments to the text of this Code shall be provided;
3. A statement describing any changed conditions that would justify an amendment;
4. A statement describing why there is a need for the proposed amendment;
5. A statement describing whether and how the proposed amendment is consistent with the Jefferson County Comprehensive Plan;
6. A statement outlining the extent to which the proposed amendment:
   a. Is compatible with existing land uses;
   b. Affects the capacities of public facilities and services;
   c. Affects the natural environment;
   d. Will result in an orderly and logical development pattern.
7. If the application requests an amendment to the Future Land Use Map, the applicant shall include:
   a. the street address and legal description of the property proposed to be reclassified;
   b. the applicant's interest in the subject property;
   c. the owner's name and address, if different than the applicant;
   d. the current land use district classification and existing land use activities of the property proposed to be reclassified;
   e. the area of the property proposed to be reclassified, stated in square feet or acres;
8. Such other information or documentation as the Planning Official may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

B. Special Provisions for Amendments to Traffic Circulation Element.

A statement of findings shall be submitted as part of the application package for an amendment to the Traffic Circulation Element of the Jefferson County Comprehensive Plan. Such statement shall support the requested change. The contents of such statement shall be determined in a pre-application conference with the Planning Official.

9.17.4. STANDARDS FOR REVIEW

In reviewing the application of a proposed amendment to the text of this Code or an application for a proposed amendment to the Jefferson County Comprehensive Plan, the Board of County Commissioners and the Planning Commission shall consider:

A. Whether the proposed amendment is in conflict with any applicable provisions of this Code;
B. Whether the proposed amendment is consistent with all elements of the Jefferson County Comprehensive Plan;
C. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;
D. Whether there have been changed conditions that require an amendment;

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

F. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;

G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;

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

I. Whether the proposed amendment would be in conflict with the public interest, and in harmony with the purpose and interest of this Code; and

J. Any other matters that may be deemed appropriate by the Planning Commission or the Board of County Commissioners, in review and consideration of the proposed amendment.

9.17.5. REVIEW BY PLANNING DEPARTMENT

A. Submission and Completeness.

Within twenty (20) days after an application for an amendment to the text of this Code or an application for an amendment to the Jefferson County Comprehensive Plan is submitted, the Planning Official shall determine whether the application is complete. If the application is not complete, he/she shall send a written statement specifying the application's deficiencies to the applicant by mail. The Planning Department shall take no further action on the application unless the deficiencies are remedied.

B. Review.

When the Planning Official determines an application for an amendment to the text of this Code or an application for an amendment to the Jefferson County Comprehensive Plan is complete, he/she shall review the application, make a recommendation to the Planning Commission and Board of County Commissioners, place the required notice in the newspaper, and add the application to the agenda of the next regularly-scheduled Planning Commission and Board of County Commissioners public hearings.

9.17.6. ACTION BY PLANNING COMMISSION

A. Public Hearing.

In recommending the application to the Board of County Commissioners, the Planning Commission shall consider the Planning Official's recommendation and the standards for review above.

B. Final Action by Planning Commission.

At the conclusion of the public discussion, the Planning Commission shall make a recommendation to grant or deny the application for amendment to the Board of County Commissioners. Such recommendation shall:

1. Identify any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describe how the proposal relates to them.
2. State factual and policy considerations pertaining to the recommendation.
3. In the case of proposed amendments to this Code, include the written comments, if any, received from the Planning Official.

9.17.7. FINAL ACTION BY BOARD OF COUNTY COMMISSIONERS

A. In making a decision on the application, the Board of County Commissioners shall consider the Planning Official's recommendation, the recommendation of the Planning Commission and the standards in Section **9.17.4.** above.

B. At the conclusion of the public discussion, the Board of County Commissioners shall either grant, modify or deny the application for a proposed amendment.

C. Notification of the Board of County Commissioners' decision shall be mailed to those parties requesting a copy and the decision shall be filed in the Planning Department.

9.17.8. TIME LIMITATION FOR RESUBMISSION

A. After a decision or recommendation denying a proposed amendment to the text of this Code or a proposed amendment to the Jefferson County Comprehensive Plan, the Board of County Commissioners and the Planning Commission shall not consider an application for the same amendment for a period of two (2) years from the date of the action.

B. The time limits of this Section may be waived by the affirmative vote of four (4) members of the Board of County Commissioners when such action is deemed necessary to prevent injustice or facilitate the proper development of the County.

9.18.0. APPEALS

An appeal is a process for requesting a formal change to an official decision. The decision of the prior decision maker is challenged by arguing that he or she misapplied the law, came to an incorrect factual finding, acted in excess of his jurisdiction, abused his powers, was biased, considered evidence which he should not have considered or failed to consider evidence that he should have considered. This section outlines the processes for citizens to appeal a final decision made by the Planning Official, the Planning Commission, or the Board of County Commissioners. **All appeals shall be submitted in writing and shall include the specific grounds for the appeal including a description of the requested relief.**

9.18.1. APPEALS FROM DECISIONS OF THE PLANNING OFFICIAL

A developer or any adversely affected person may appeal an order, decision, determination, or interpretation of the Planning Official, specifying the grounds for the appeal. Appeals are made to the Planning Commission by filing a notice of appeal with the Planning Department within thirty (30) days of the Planning Official's decision.

9.18.2. APPEALS FROM PLANNING COMMISSION OR BOARD OF COUNTY COMMISSIONERS DECISIONS

A developer, an adversely affected party, or any person who appeared orally or in writing before the Planning Commission or Board of County Commissioners and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision of the Planning Commission or Board of County Commissioners to the Circuit Court as provided below.

9.18.3. RECORD

The record to be considered on appeal shall be all written materials considered during the initial decision, any additional written material submitted by the appellant to the County, and any testimony considered on the hearing of the appeal.

9.18.4. EFFECT OF FILING AN APPEAL

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Planning Official certifies to the Planning Commission that by reason of certain facts, a stay would pose an imminent peril to life or property; in such case the appeal will not stay further proceedings except by a restraining order.

9.18.5. PROCEDURE

A. The Planning Commission shall hold a hearing on the appeal within a reasonable time after a notice of appeal is filed. The appellant shall be notified by the Planning Official of the time, date and place of the public hearing by certified mail, return receipt requested. The Appellate Board shall reverse the order, decision, determination or interpretation only if there is substantial competent evidence in the record that an error was made in the decision being appealed from that fails to comply with the requirements of this Code. In so modifying such decision, the Appellate Board shall be deemed to have all powers of the officer or board from whom the appeal is taken, including the power to impose reasonable conditions of approval requiring compliance by the applicant.

B. The decision of the Appellate Board shall be mailed to the appellant and others requesting copies by the Planning Official.

9.18.6. APPEALS TO CIRCUIT COURT

Any person, firm, organization or agency claiming to be injured or aggrieved by any final action of the Planning Commission or Board of County Commissioners arising from the decision-making or administration of this Code may present to the Circuit Court of Jefferson County a petition for a writ of certiorari to review such final action as provided by the Florida Appellate Rules. Such action shall not be taken until the litigant has exhausted all the remedies available in this Code. Such petition shall be presented to the Court within thirty (30) days after the date the litigant has exhausted all such Code remedies.

9.18.7. DEVELOPMENT ORDERS AND PERMITS UNDER APPEAL

When a development order and/or permit is under appeal, the time required for final disposition of such appeal shall not be construed adversely to the holder of the development order and/or permit.

9.19.0. ENFORCEMENT OF DEVELOPMENT ORDERS AND PERMITS

9.19.1. ON-GOING INSPECTIONS

A. Inspection.

The Planning Official shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the development permit.

B. Minor Deviations.

If the work is found to have one or more minor deviations, the developer shall apply for approval to amend the Final Development Order and/or Development Permit to conform to actual development. The Planning Official may refer any minor deviation that significantly affects the development's compliance with the intent of this Code to the Planning Commission for treatment as a major deviation.

C. Major Deviations.

1. If the work is found to have one or more major deviations, the Planning Official shall:
   a. Require that the developer apply for a modification to the approved Final Development Order and/or Development Permit.
   b. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Planning Official determines that work or occupancy may proceed pursuant to the decision of the Planning Commission.
   c. If it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board, it shall be referred to that Board.
2. The Planning Commission shall hold a public hearing on the matter and shall take one of the following actions:
   a. Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
   b. Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
   c. Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.
   d. Institute proceedings to revoke the permit or development order.

D. Action of Developer after Revocation of Development Order.

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

9.19.2. APPLICATION FOR CERTIFICATE OF OCCUPANCY

Upon completion of work authorized by a development order or permit, and before the development is occupied, the developer shall apply to the Building and Planning Department for a Certificate of Occupancy. The Building Official shall inspect the work and issue the Certificate if found to be in conformity with the permit or order.

9.20.0. FEES

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