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ARTICLE I. GENERAL PROVISIONS

DIVISION 1. GENERAL

Sec. 13-100. Title.

This chapter shall be entitled the "Sumter County, Florida, Land Development Code" and may be cited and referred to herein as the "Development Code", "code" or "chapter".

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-101. Authority.

(a) Florida Statutes. This chapter is enacted pursuant to the authority granted in and requirements of F.S. ch. 163.3202, the general powers granted in F.S. chs. 125 and 166, and the state constitution.

(b) Change in statutes. Whenever any provision of this chapter refers to or cites a section of the Florida Statutes and that section is later amended or superseded, the chapter shall be deemed amended to refer to the amended section or the section that most nearly corresponds to the superseded section.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-102. Purpose and intent.

It is the Board of County Commissioners' (BOCC) purpose to provide for the public health, safety, and general welfare of the citizens by establishing these minimum standards of development which will encourage the sound economic utilization of the land and creation of a healthful living environment for the unincorporated area of Sumter County. It is the intent of this code that the development process in Sumter County be efficient, in terms of time and expense, effective, in terms of addressing the natural resource and public facility implications of proposed development, and equitable, in terms of consistency with established regulations and procedures, respect for the rights of property owners, and the consideration of the interests of the citizens of the County.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-103. Jurisdiction and applicability.

(a) *Jurisdiction.* This chapter shall be effective throughout the unincorporated area of Sumter County, Florida, and, except as specifically provided in subsection (b), shall apply to all development. No development shall be undertaken or occur without prior authorization pursuant to this chapter. A map showing the boundaries of the County's jurisdiction shall be available for public inspection.

(b) *Applicability*.

(1) *Land use*. Subject to Division 3 (Vesting and non-conforming situations) of this article, all existing and future uses of land must be consistent with article IV (Zoning) and other provisions of this chapter.

(2) *Development*. Subject to Division 3 (Vesting and non-conforming situations) of this article, all development of land must conform to all the provisions of this chapter. No activity designed to perform non-exempt development including, but not necessarily limited to, grading, paving, road construction, drainage improvements, utility installation, excavation, mining, building or other site work shall commence prior to the applicable development permit being issued.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-104. Rules of interpretation.

(a) *Interpretation and application*.

(1) *Minimum requirements*. The provisions of this chapter shall be construed to be the minimum required by the BOCC. In the interpretation and application of this chapter, all provisions shall be liberally construed in favor of the objectives and purposes of the BOCC and deemed neither to limit nor repeal any other powers granted under State Statute.

(2) *Comprehensive plan*. The language and provisions of this chapter and the comprehensive plan shall be construed in pari materia with F.S. ch. 163.3161 et seq., and definitions provided in F.S. § 163.3164 et seq. as they apply to the interpretation of this chapter are incorporated by reference as the same may from time to time be amended.

(3) *Private property rights*. The sanctity of and the necessity of preserving private property rights shall be recognized by Sumter County and its staff and review boards.

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

(c) *Computation of time*.

(1) The time within which an act is to be done shall be computed by excluding the first and including the last day and shall be extended to the next working day is the last day falls on a holiday or weekend.

(2) Whenever a person is required to do some act, the prescribed period shall commence three (3) days after the notice or paper is mailed to allow adequate time for receipt of the notice. When the notice or paper is served by certified mail, the time period shall commence upon receipt.

(3) Failure to strictly comply with the time rules set forth in the code shall not constitute grounds for challenge by any person of any action by Sumter County, its staff or review boards. Staff, review boards and the BOCC shall liberally grant continuances upon good faith requests where a time period set forth in the code is not complied with. Provided, however, this clause shall not change the time limit for appealing any decision of any authority as set forth in section 13-360 of this code.

(d) *Delegation of authority.* The head of a department is authorized to delegate to professional-level subordinates to perform the required act or duty unless the terms of the provision or section specify otherwise.

(e) *Grammar*.

(1) When not inconsistent with the context, words used in the present tense include the future, words used in the plural include the singular, and words used in the singular include the plural.

(2) The words "shall" and "will" are always mandatory and not merely directory.

(3) The word "should" is an advisory condition or recommended but not mandatory.

(4) The word "may" is considered to denote a permissive condition.

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

(6) The word "year" shall mean a calendar year, unless otherwise indicated. The word "day" shall mean a calendar day, unless a weekday is indicated.

(f) *Boundaries.* Interpretations regarding boundaries of land use classifications, flood zones, and zoning districts shall be made in accordance with the following:

(1) Boundaries indicated as following the centerlines of streets, highways, streams or railroads shall be construed to follow such centerlines.

(2) Boundaries indicated as following lot lines, other property lines, city limits or extraterritorial boundary lines shall be construed as following such lines, limits or boundaries.

(3) Boundaries shown as following section lines, quarter-section lines or quarter-quarter section lines shall be construed as following such lines.

(4) Boundaries indicated as following natural features, such as shorelines, shall be construed as following such features, and in the event of change in the natural feature, shall be construed to follow such change.

(5) Where a land use classification on the future land use map divides a lot or parcel, the boundaries of each land use on the zoning map shall be determined by measurement, using the scales of the future land use map and zoning map.

(6) Where any right-of-way is officially vacated or abandoned, the regulations applicable to each parcel of abutting property shall apply to that portion of right-of-way added by virtue of such vacation or abandonment.

(7) Interpretations of the location of flood zone and floodway boundaries shall be made by the floodplain administrator using the best available data including but not limited to data obtained from federal or state agencies.

(g) *Relationship of specific to general provisions.* More specific provisions of this chapter shall be followed in lieu of more general provisions that may be more lenient than or in conflict with the more specific provision.

(h) *Measurement of distances between uses.* Where this chapter requires that one (1) use be separated from another use, the measurements shall be made from the property line of the lot or parcel which is nearest. A use within a multi-tenant building shall be measured from the line of the leasehold or other space actually controlled or occupied by such use which is nearest to the other use.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-105. Prohibitions.

(a) *Transfer of property.* It shall be unlawful for anyone being the owner, or agent, of any land proposed for subdivision as defined herein, to transfer, sell, or lease, or agree, in writing binding the parties, to transfer, sell, or lease, any part of such land until such subdivision, if required herein, has been submitted, approved and recorded in conformance with this chapter. This shall not prohibit the transfer, sale or lease of the entire subdivided land as one (1) parcel. Prior to the recording of a subdivision plat, it shall be unlawful to represent or to transfer, sell or lease land by reference to,

exhibit of, or other use of a plat showing the proposed subdivision unless said plat contains, in bold, legible letters, one-quarter-inch high, the following: THIS SUBDIVISION HAS NOT RECEIVED FINAL APPROVAL BY SUMTER COUNTY.

(b) *Construction*.

(1) No person shall locate, erect, construct, enlarge, extend, structurally alter, repair, move, improve, remove, convert, or demolish any building or structure within the jurisdiction of this chapter, or cause the same to be done, without full compliance with the terms of this chapter and other applicable regulations.

(2) No mobile home shall be moved onto any parcel in the unincorporated area of the County, unless and until a building permit for such move has been obtained.

(c) *Use or occupancy.* Subject to the vesting and nonconforming provisions of this article, no person may use or occupy any land or buildings or authorize or permit the use or occupancy of land or buildings under their control except in accordance with all of the applicable provisions of this chapter. For the purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land. In relation to use or occupancy, the following is expressly prohibited:

(1) No occupancy of any building subject to the requirements of this chapter is permitted until a temporary or regular certificate of occupancy has been issued for such building.

(2) No electrical power shall be supplied to any building, structure, or mobile home, constructed on, or moved to any land in the unincorporated area of the county, unless and until a final inspection has been made and electrical power approved for such installation by the department, except for temporary power for construction purposes authorized and inspected by the department, unless otherwise exempted from building code requirements.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-106. Code violations and penalties.

(a) Pursuant to F.S. ch. 125.69, any person, firm or corporation, or anyone acting on behalf of any person, firm or corporation, or other legal entity, who shall violate or fail to comply with any of the provisions of this chapter, or amendments thereto, or of conditions and safeguards established in connection with grants of a variance or special, conditional or temporary use, shall be guilty of an offense, and upon conviction thereof, may be fined not more than five hundred dollars ($500.00) or imprisoned for not more than sixty (60) days for each offense, or by both such fine and imprisonment, for each offense. Each day, after the first seven (7) days that are in violation of this chapter, that such violation continues or is permitted to exist without correction shall constitute a separate offense, and the violator may be punished as set forth in this section.

(b) In addition to the criminal penalties provided in subsection (a), the BOCC, or any person affected by any violation of any of the terms or provisions of this chapter, may institute legal proceedings in law and/or equity for damages or injunctive relief. If the person, including the BOCC, bringing such action shall be successful in such court action, such person shall be entitled to recover against the violating party all costs and expenses, including a reasonable attorney's fee, incurred in the bringing of such court action, in addition to any damages. This provision does not apply to an appeal of any final decision of the staff, any reviewing board or the BOCC as provided for in section 13-360.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-107. Relationship to comprehensive plan.

(a) *Generally.* The Sumter County Comprehensive Plan shall be the framework document for development within the unincorporated area of the county, and it is the intent of the BOCC that this chapter implement the applicable planning and development goals, objectives and policies adopted in that plan, and in other planning documents, for the unincorporated area.

(b) *Consistency presumed.* In preparing this chapter, every effort was made to implement all goals, objectives, and policies applicable to land use and development, and therefore consistency with this chapter may be considered as general consistency with the comprehensive plan. Notwithstanding this, any land use and development requirement of the comprehensive plan not included in this chapter shall be adhered to.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-108. Relationship to other codes, ordinances, rules, and materials.

(a) *References to other laws.* References to applicable laws such as Florida Statutes, the Florida Administrative Code, the United States Code, and to provisions of this chapter or the county's Code of Ordinances shall include all amendments and successor provisions thereto.

(b) *Zoning and subdivision codes.* To the extent that the provisions of this chapter are the same in substance as the previously adopted ordinances that it replaces, it shall be considered as a continuation thereof and not as a new enactment, unless otherwise specifically provided. In particular, a situation that did not constitute a lawful, nonconforming situation under previously adopted zoning and development ordinances does not achieve lawful nonconforming status under this ordinance merely by the repeal of the previous ordinances.

(c) *Other regulations and regulatory agencies.* Sumter County has no jurisdiction or responsibility of regional, state, or federal requirements. It is the responsibility of each developer or applicant for development approval to make themselves aware of the approvals and permits required by these agencies.

(d) *Technical standards manuals.* Manuals, drawings, etc. of other agencies or organizations, specified somewhere herein as containing specific required engineering standards and construction design specifications, shall be incorporated into this chapter by reference.

(e) *Maps and studies.* The following maps and studies are incorporated into this chapter by reference and declared to be a part thereof.

(1) Future Land Use Map of the Future Land Use Element of Sumter County Comprehensive Plan, as may be amended from time to time.

(2) Sumter County Official Zoning Map Series, as may be amended from time to time.

(f) *Deed restrictions.* The provisions of this chapter do not invalidate deed restrictions or restrictive covenants; however, the county accepts no responsibility for enforcing such private contractual agreements.

(g) *Florida Building Code.* This chapter is intended to be administered and enforced in conjunction with the Florida Building Code. Where section numbers of the Florida Building Code are cited, the section numbers refer to the most current adopted version of the Florida Building Code. If cited section numbers are changed in subsequent editions of the code, then the section numbers shall refer to

comparable sections. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-109—13-119. Reserved.

DIVISION 2. ABROGATION AND SEVERABILITY

Sec. 13-120. Abrogation.

This chapter is not intended to annul, interfere with, repeal, abrogate or impair any lawful easements, covenants, deed restrictions or other agreements between parties. However, where this chapter imposes a greater or more stringent restriction upon the use of land or structures than required by those documents, the provisions of this chapter shall control and prevail.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-121. Severability.

It is hereby declared to be the intention of the BOCC that the sections, subsections, paragraphs, sentences, clauses, and phrases of this chapter are severable, and if any such section, subsection, paragraph, sentence, clause, or phrase is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect any of the remaining sections, subsections, paragraphs, sentences, clauses, or phrases of this chapter since the same would have been enacted without the incorporation of such unconstitutional or invalid section, subsection, paragraph, sentence, clause, or phrase.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-122—13-129. Reserved.

DIVISION 3. VESTING

Sec. 13-130. General.

The BOCC strongly believes that property owner's rights are founded in the U.S. Constitution and the Florida Constitution and excessive governmental regulations applied to lawfully existing development violates the rights of property owners. The BOCC believes the County should make every effort to comply with state mandates concerning comprehensive planning and development regulations in a manner that equitably administers the effects of such mandates on property owners.

Sec. 13-131. Vesting

(a) *Limitations on nonconforming situations*.

(1) All development subject to presumptive or statutory vested rights and common law determinations must have been established consistent with regulations existing at the time of development or at the time of any change or expansion of such development.

(2) A vested rights determination shall run with the land.

(3) Uncompleted, vested projects which continue development must complete development in accordance with the time limitations of this code in order to preserve their vested status.

(4) Developments that qualify for statutory vesting shall not be required to comply with the concurrency requirements of the comprehensive plan. Presumptive and common law vested properties shall be required to comply with concurrency requirements.

(5) Any impact fees, special assessments or other charges related to development of property shall be determined based upon applicable ordinances without respect to the vesting status of the property.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(b) *Statutory vesting*.

(1) Lawfully existing uses and structures rendered nonconforming by changes to applicable regulations shall be statutorily vested and may expand, continue development or change use as provided in this chapter.

(2) Development projects for which development permits were issued prior to changes to the comprehensive plan or this chapter are statutorily vested and may complete development as originally approved.

(3) The following types of projects shall be statutorily vested.

a. Land uses and development standards specified in the development order of a development of regional impact (DRI) or a Florida Quality Development (FQD) approved prior to February 3, 1992 shall be statutorily vested, provided the development order has not expired at the time this chapter or an amendment thereto is adopted, and on which development activity has commenced or does commence and proceeds according to the time limits in the regulations under which the development was originally approved. If the development plan expires or is otherwise invalidated, any further development on that site shall occur only in conformance with the requirements of this chapter or amendment thereto.

b. DRI scale developments existing prior to February 3, 1992, pursuant to F.S. § 380.06, provided a valid, unexpired binding letter pursuant to F.S. ch. 380, or any successor statute to said chapter exists.

c. Property vested pursuant to Sumter County Mining Ordinance No. 90-12.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(c) *Presumptive vested rights*.

The following nonconforming parcels are presumptively vested:

(1) Any legally created parcel, individually owned by fee simple deed, and existing prior to February 3, 1992.

(2) Parcels made non-conforming by a rezoning upon which a single-family residence legally existed on February 3, 1992.

(3) All lots in subdivisions recorded and platted after February 7, 1973, shall be recognized as individual lots.

(4) Lots in platted and unplatted residential subdivisions recorded or created prior to February 7, 1973, shall be recognized as individual lots as follows:

a. Any individually owned, legally created lot existing prior to February 3, 1992, provided there are no contiguous lots of the same ownership.

b. Contiguous lots of the same ownership shall collectively constitute one (1) parcel up to the density levels of the comprehensive plan and this code, except:

1. All lots that front on a road in the county system of maintained roads shall be recognized as individual lots.
2. All lots in platted or unplatted subdivisions of nineteen (19) lots or less shall be recognized as individual lots.
3. All lots in platted or unplatted subdivisions of twenty (20) lots or more where at least twenty-five (25) percent of the total lots in the subdivision are owned by separate individuals, and in which there has been at least one (1) conveyance of an individual lot between February 4, 1987, and February 4, 1992, shall be recognized as vested individual lots.

c. For purposes of this subsection, multiple plat subdivisions shall be reviewed on a plat-by-plat basis to determine if an individual plat meets the ownership and conveyance tests set forth in the previous section.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(d) *Common law vesting*.

(1) Common law vesting shall be determined to exist in situations where a property owner has demonstrated all of the following:

a. There was a valid, unexpired act of an agency or authority of Sumter County which the applicant reasonably relied upon in good faith; and

b. The applicant, in reliance upon the valid, unexpired act of Sumter County, has made a substantial change in position or has incurred extensive obligations or expenses; and

c. It would be inequitable, unjust or fundamentally unfair to deny the development rights acquired by the applicant. In making this determination, Sumter County shall consider a number of factors including but not limited to:

1. Whether construction or other development activity has commenced and is continuing.
2. Whether the expenses or obligations incurred have been substantially utilized for a development permitted by the Sumter County Comprehensive Plan and Land Development Regulations in effect at the time of the expenditure.

(2) Common law vesting shall also be assigned based on a court ordered transfer of land (i.e., eminent domain, divorce, death etc.)

(3) The following are not considered development expenditures or obligations in and of themselves:

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

b. Taxes paid;

c. Expenditure for acquisition or the financing costs of the land.

(4) Determination of the existence of common law vesting shall afford the property owner the right to continue unto conclusion any vested development process underway on the property at the time of such determination.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(e) *Vesting determination*.

(1) *Statutory vesting.* The County Administrator or designee shall determine statutory vesting of a project or development permit pursuant to the criteria established in section 13-131(b) and no formal determination process need be used.

(2) *Presumptive vesting.* The County Administrator or designee shall determine presumptive vesting of a parcel and land use approvals and development plan approvals pursuant to the criteria established in section 13-131(c) and no formal determination process need be used.

(3) *Common law vesting.* The County Administrator or designee shall determine common law vesting of a project or development permit pursuant to the criteria established in section 13-131(d) and no formal determination process need be used.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(f) *Appeals*.

(1) *From* County Administrator or designee's *decisions.* Decisions of the County Administrator or designee as to statutory, presumptive vesting, and common law vesting determinations are appealable to the BOCC pursuant to section 13-360.

(2) *From* BOCC *decisions.* A decision of the BOCC concerning vested rights may be subjected to judicial review as determined by general law, provided, however, no appeal to the courts shall be available unless the applicant has exhausted all available administrative remedies. An appeal for judicial review must be filed within thirty (30) days of the action of the BOCC.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-132—13-139. Reserved.

DIVISION 4. NONCONFORMING SITUATIONS

Sec. 13-140. Operation and maintenance of nonconforming situations.

(a) *Operation*. Vested nonconforming uses, lots, and structures shall be permitted to continue lawful operation existing on the effective date of this chapter or its amendment. The area, intensity, or frequency of use of the property may be increased and the equipment or processes used may be changed so long as no new nonconforming situations are created.

(b) *Maintenance and repair*. Vested nonconforming uses and structures shall be permitted to be maintained and repaired and to replace buildings, structures and make improvements in compliance with current codes and permitting requirements.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-141. Replacement, restoration, alteration or expansion of nonconforming situations.

(a) Nonconforming uses.

(1) A vested use may be altered or expanded provided that use is restricted to the same parcel on which it was established, and does not create a new non-conforming use, except as provided by this chapter. Creation of new non-conforming uses shall include a change in occupancy as specified in subsection 13-341(g).

(2) All alterations and expansions of vested nonconforming uses and structures shall comply with current development standards.

(b) Nonconforming structures.

(1) Replacement and restoration of nonconforming structures.

a. All nonconforming structures destroyed or rendered unusable by fire, natural disaster or other such loss may be replaced or restored to a safe pre-disaster condition at the same location, in accordance with current building codes. Mobile homes may be replaced with the same class as was destroyed.

b. Nonconforming structures not destroyed or rendered unusable by fire, natural disaster or other such loss may only be replaced or restored in conformance with the provisions of this chapter.

(2) Alteration or expansion. A nonconforming structure may be altered or expanded provided:

a. Such alteration or expansion is restricted to the same parcel on which the structure existed when the non-conforming situation was created.

b. The alteration or expansion does not create or increase nonconformities.

c. The alteration or expansion complies with all applicable building codes.

d. If a structure has been rendered nonconforming in setback due to the acquisition of a portion of the parcel for public right-of-way, the structure shall be allowed to expand within the nonconforming setback so long as no part of the expanded structure encroaches closer to the right-of-way than the original structure.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-142. Change, abandonment and discontinuance of nonconforming situations

(a) *Nonconforming uses*. No expansion or intensification of a nonconforming use shall be permitted except as follows:

(1) *Changing a nonconforming use*.

a. A vested nonconforming use may be replaced with a different nonconforming use subject to the following. However, once a new nonconforming use is established, the property may not revert back to its original nonconforming use.

1. The proposed use must be allowed by this code.
2. The proposed use must be determined to be less intense or more compatible with adjacent and nearby uses.
3. Any additional development associated with the new use must meet all requirements of this and other applicable codes.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

b. Nonconforming uses may be changed to conforming uses without additional review or approval so long as no additional nonconformities are created by the change. Where changes of occupancy as defined by the Building Code occur, review for Building Code compliance will be required. Once conformity with this chapter is achieved, the property may not revert to its previous nonconforming status.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(2) *Abandonment and discontinuance of nonconforming uses*. When a nonconforming use is discontinued for a consecutive period of one (1) or more years, the property involved may thereafter be used only for conforming purposes. For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to this section, the following shall apply:

a. The nonconforming use of non-residential structures shall not be lost pursuant to the timeframe noted above provided such structures are maintained in good repair and are not altered such that the nonconforming use of the structure is no longer practical.

b. All buildings, activities, and operations maintained on a parcel are to be considered as a whole. For example, the failure to rent one (1) apartment on a nonconforming apartment building for one (1) year shall not result in a loss of the right to rent that apartment or space thereafter so long as the apartment building as a whole is continuously maintained.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(b) *Nonconforming Lots*.

(1) The establishment of a use on a nonconforming lot shall be allowed provided that the lot:

a. Was a legally created lot of record on the effective date of this Code; and

b. Was not part of a series of two (2) or more vacant lots which were in single ownership.

(2) Except where necessitated by government action, a lot which is nonconforming by reasons of area shall not be reduced by area, and a lot which is nonconforming by width shall not be reduced by width. No lot shall be reduced in width or area where such reduction will make such lots nonconforming, unless necessitated by government action.

(3) Nonconforming lots may be developed notwithstanding the failure of the lot to meet minimum lot area or minimum lot width requirements specified in the applicable district regulations, provided that the proposed development is a permitted use in the applicable district. All other regulations of this Code, including required yards, shall be met.

(c) *Nonconforming Structures*. Expansion, modification, or replacement of a nonconforming structure shall only be permitted in the following cases:

(1) If a nonconforming structure is damaged by a fire, flood, windstorm, or similar event, and the cost of restoring the structure to its condition immediately prior to the event is less than fifty (50) percent of the market value of the structure, the structure may be restored to its original nonconforming condition, provided that a building permit is obtained. This modification shall not exempt developments from meeting minimum floor elevation or other floodplain provisions.

(2) A nonconforming structure shall not undergo any substantial improvement or be enlarged or moved in any manner unless provided below:

a. The enlargement, movement, or alteration conforms to the requirements of this Code and the Florida Building Code; and/or such alteration or enlargement brings the structure closer to conforming;

b. The use of the structure is conforming; and

c. The property owner or developer obtains a building permit.

(3) A nonconforming structure shall not be moved in whole or in part to any other location unless every portion of such structure and the use thereof is made to conform with all requirements for the zoning district to which such structure is moved.

(4) Any nonconforming structure determined to be unsafe by the County Administrator or designee may be restored to a safe condition, subject to the regulations for nonconforming structures. Such work on any nonconforming structure shall not place it in greater nonconformity.

Secs. 13-143—13-149. - Reserved.

DIVISION 5. EMINENT DOMAIN LOTS

Sec. 13-150. Intent and purpose.

Pursuant to F.S. chs. 73 and 74, the County and other governmental or public agencies have the authority to acquire property in order to provide public improvements necessary to adequately serve the general public and citizens of the county. In certain cases, acquisition causes the parcel, structure or use on the property to become nonconforming under the county's land development regulations.

It is the intent of this article to provide exemptions from regulations as to setback, lot size, signage, landscaping/buffering and other such regulations as to lots that have been reduced in size due to condemnation action.

The recognition of such lots which have been subjected to the eminent domain process either through acquisition or negotiation a viable and fair alternative is intended to prevent any adverse impact to the lot owner's property as a result of the acquisition process and allow the continued use of the property in a manner similar to its pre-acquisition condition. By providing for such recognition, and for the acquiring authority and/or property owner to determine the remaining allowable uses of the property, the cost of acquisition of real property needed for public facility improvements would be reduced.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-151. Resultant lots.

Notwithstanding the limitations imposed by any other provisions of the county land development regulations, any lot or parcel which has been reduced in size through eminent domain acquisition, negotiated sale under threat of eminent domain action, establishment of a prescriptive right-of-way or other method of acquisition authorized by law shall continue to be recognized as a legal lot or parcel for all purposes of the county land development regulations except as otherwise provided herein. Such a lot may be designated as an eminent domain lot (EDL) and shall be considered a nonconforming use as defined in this Code with all rights and privileges as set forth in this article, chapter 13 of the county land development regulations.

(a) Building permits may be issued for such a parcel or lot to allow the erection, expansion, alteration, or replacement of any legal use together with accessory buildings as permitted within the applicable zoning classification as follows:

(1) Single-family dwellings and their accessory buildings constructed, or to be constructed, upon an EDL shall not be required to comply with the minimum setback requirements applicable in the zoning district in which the EDL is located. If possible, every effort shall be made to comply with the minimum setback requirements of the zoning district. No accessory structure in any residential district shall be permitted less than five (5) feet from a side or rear lot line and fifteen (15) feet from any road right-of-way unless approved by the County Administrator or designee. Existing single-family dwellings shall be allowed to expand, be altered or replaced, provided that such improvements do not further encroach into the established setbacks, if less than the minimum for the district in which they are located.

(2) Undeveloped commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements but shall conform to all other district regulations for the district in which the EDL is located.

(3) Developed commercial or industrial zoned EDL parcels or lots shall not be required to meet minimum lot area and/or width requirements and shall be allowed to expand, alter, or replace existing structures provided that such improvements do not further encroach into the established setbacks if less than the minimum for the district in which the EDL is located.

(4) Signage shall not be required to meet required setback provisions, provided, however, no sign shall be located so as to cause a safety hazard.

(5) Landscaping and/or buffering requirements shall not be required to meet Code requirements as to the property taken by eminent domain but any side and rear requirements shall remain in effect.

(6) If the size of any parking area is reduced, or if the parking area must be relocated because the terms and conditions of the county land development code cannot be met, a variance may be granted by the PZSM.

(b) These provisions shall be construed liberally to the benefit of the property owner consistent with the BOCC's intent to preserve private property rights and minimize the impact of public projects on private citizens.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2017-07, § 3, 6-13-17)

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ARTICLE II. DEFINITIONS

Sec. 13-200. Definitions.

(a) *General.* Unless otherwise specifically provided herein, or unless clearly required by the context, the words, terms and phrases used in this chapter shall have the meaning as indicated in this section or elsewhere in this chapter or as found in other chapters of this code. Words, terms, and phrases not defined in this section or elsewhere in this chapter or Code shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application, subject to the rules of interpretation of Section 13-104. Definitions and meanings of words ascribed thereto by other departments or agencies of county government shall not override the definitions and meanings set forth herein and the definitions set forth in this section and the interpretation rules contained in this chapter shall control over any contravening definition or interpretation found in other chapters of this code or other ordinances, policies, applications, licenses or documents utilized by any other agency, department or constitutional office of the county.

(b) *Terms defined in the Florida Building Code.* Where terms are not defined in this chapter and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(c) Specific definitions.

Abut means to physically touch or border upon; or to share a common property line.

Accessory dwelling unit means a conventionally constructed unit, attached or freestanding, allowed as accessory to a principal dwelling unit of conventional construction. The unit may have a separate kitchen, bathroom, and sleeping area, but must meet minimum and maximum size restrictions as defined in Article 5.

Accessory use or structure means a use of land or structure, or portion thereof, customarily incidental and subordinate to the principal use or structure and located on the same parcel as the principal use or structure. Accessory uses/structures include, but are not limited to, sheds, gazebos, pergolas, detached garages and carports, swimming pools, detached screen rooms (non-habitable), satellite dish antennas, and animal enclosures/cages.

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

Adjacent property means real property that shares a common boundary or whose boundary lines are only separated by a public or private road, utility or drainage right-of-way or easement.

ADT means average daily two-way volume of traffic.

Adversely affected person means any person who is suffering or will suffer an adverse effect to an interest protected or furthered by the Sumter 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; 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.

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

Agriculture means the science, art, occupation or use of land for the raising and/or maintaining of farm animals, crops and vegetation including, but not necessarily limited to, pasturage, dairying, animal and poultry husbandry, horticulture, forestry and aquaculture.

Agricultural activity means any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, fertilization of the land for the purpose of selling the crops produced or growing of grazing material, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

Agricultural classification means a property classification granted, by the property appraiser, subject to certain limitations, only to lands that are used primarily for bona fide agricultural purposes.

Agricultural housing means cluster housing for farm workers where the occupants of such housing perform agricultural work on the premises where such housing is located.

Agricultural pole barn means a nonresidential farm building in which seventy (70) percent or more of the perimeter walls are permanently open and allow free ingress and egress.

Agritourism means any agricultural-related activity consistent with an existing bona fide farm, livestock operation, or ranch or in a working forest which allows members of the general public, for recreational, entertainment, or educational purposes, to view or enjoy activities, including farming, ranching, historical, cultural, civic, ceremonial, training and exhibition, or harvest-your-own activities and attractions. "Agritourism" does not include the construction of new or additional structures or facilities intended primarily to house, shelter, transport, or otherwise accommodate members of the general public. An activity is agritourism regardless of whether the participant paid to participate in the activity. For purposes of this definition, primarily shall mean more than fifty (50) percent of the time the structure or facility is in use.

Agritourism operator means a person who is engaged in the business of providing agritourism, whether for compensation or not for compensation.

Airport means any runway, landing area, air park, or other facility designed, used or intended to be used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

Alcoholic beverage establishment means any use which involves the retail sale of alcoholic beverages for consumption on the premises. The term does not include the retail sale of alcoholic beverages for consumption on-premises if the principal use is a restaurant, hotel, or motel meeting the requirements of § 561.20(2)(a)1, F.S.; country clubs meeting the requirements of § 561.20(7)(b), F.S.; private, civic and fraternal clubs located in non-residential zoning districts and meeting the requirements of §§ 561.20(7)(a) and 565.02(4), F.S.; performing arts centers meeting the requirements of § 561.20(2)(j), F.S.; theaters with live performances meeting the requirements of § 565.02(10), F.S.; or stadiums.

Alley means a public or private right-of-way or easement providing a secondary means of access and service to the side or rear of abutting property whose principal frontage is on a public street.

Alteration of a watercourse means a dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or

any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Antenna, communication means any device or structure directly used for reception or distribution of electromagnetic waves or other means of wireless communication; including, but not limited to, microwave dishes, collinear antenna, omni-directional antennae, and directional panels.

Apartment means a suite of rooms or a room in a multifamily building arranged and intended for a place of residence of a single-family or a group of individuals living together as a single housekeeping unit.

Applicant means the legal or beneficial owner or owners of all the land subject to action required by this chapter, or their legally authorized representative, or a person having possessor right of equal dignity provided such holder or person has the consent to the action by the owners of all other interests in the land.

Aquaculture means the raising of plants or animals, such as fish or shellfish, in or under a lake, river or other body of water.

Architect means a qualified person registered and currently licensed to practice architecture in the State of Florida.

*ASCE 24*A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Assisted living facility (ALF) means a type of residential care facility, defined in Ch. 429.02, F.S., as any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, whether operated for profit or not, which through its ownership or management provides housing, meals, and one (1) or more personal services for a period exceeding twenty-four (24) hours to one (1) or more adults who are not relatives of the owner or administrator. For the purpose of this code, small ALF facilities house up to fourteen (14) residents. Large ALF facilities house more than fourteen (14) residents.

Authority means a recommending or approving person or entity as presented in article II (administration), unless specified otherwise in this chapter.

Base flood means a flood having a one-percent chance of being equaled or exceeded in any given year. The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation (BFE) means the elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD), or other datum specified on the flood insurance rate map (FIRM).

Basement means that portion of a building having its floor (subgrade) below ground level on all sides.

Bed and breakfast establishment means an owner-occupied single-family dwelling of conventional construction whose accessory use is the rental of bedrooms to overnight guests.

Beneficiation means the process whereby earthen materials are washed or sized to separate the mineral(s) with which it is naturally combined, and specifically to separate the waste materials in which a natural mineral exists in a natural state.

Best management practices are those measures or actions generally accepted or required by the Board of County Commissioners (BOCC) for site and use specific activities, that provide for the health, safety and general welfare of the public.

Bikeway means any road, path, or other facility which in some manner is specifically designated as being open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.

Biomedical waste means any solid waste or liquid waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts; laboratory and veterinary waste which contain human-disease-causing agents; discarded sharps; human blood, human blood products, and body fluids. Biomedical waste shall also include other materials and devices defined as biomedical waste in Chapter 64E-16 F.A.C., as amended.

Biomedical waste facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for storing, treating, or disposing of biomedical waste. A facility may consist of several treatment, storage, or disposal operational units.

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

Block length means the distance between the centerline of right-of-way of two (2) streets or roads intersecting another street or road, regardless of which side of the street or road they occur.

Boarding house means a residential use consisting of at least one (1) dwelling unit together with more than one (1) additional room that is rented, or is designed or intended to be rented, but which rooms, individually or collectively, do not constitute separate dwelling units. A boarding or rooming house is distinguished from a tourist home in that the former is designed to be occupied by longer term residents (at least month-to-month tenants) as opposed to overnight or weekly guests.

Boathouse means a shed at the edge of a water body used for housing boats.

Body fluids—See Chapter 64E-16, F.A.C., as amended.

Bona fide agricultural operation means, when used in connection with sludge and septage disposal and in addition to other definitions in the Sumter County Code, the use of land for growing crops or grazing livestock and the fertilization of that land for the purpose of selling the crops produced or growing of grazing material.

Bona fide agricultural purposes means good faith commercial agricultural use of the land taking in to account the length of time the land has been so used, whether the use has been continuous, the purchase price paid, size, as it relates to specific agricultural use, but a minimum acreage may not be required for agricultural assessment, whether an indicated effort has been made to care sufficiently and adequately for the land in accordance with accepted commercial agricultural practices, including, without limitation, fertilizing, liming, tilling, mowing, reforesting, and other accepted agricultural practices, whether the land is under lease and, if so, the effective length, terms, and conditions of the lease, and such other factors as may become applicable.

Bond or irrevocable letter of credit means a document that protects the County against potential contract defaults. They typically guarantee that development will proceed as approved by the BOCC or the site will be restored to its previous state.

Bottle club means a commercial establishment operated for a profit wherein patrons consume alcoholic beverages which are brought onto the premises and not sold by the establishment.

Bridge means a structure, including supports, erected over a depression or an obstruction, such as water or a highway or railway, and having a track or passageway for carrying traffic as defined in Ch. 316, F.S., or other moving loads.

Buffer means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls and/or berms, designed to limit continuously views and/or sounds between adjacent sites or properties.

Building means a structure designed and built or erected for the support, shelter or enclosure of persons, animals, chattels or moveable property of any kind, and having a fixed location on the ground, or attached to something having a fixed location on the ground.

Building (structure, excluding communications tower) height means the vertical distance from the ground level, or its equivalent, to the highest point of the underside of the beams or joists of the highest ceiling in a building measured from the existing average grade elevation at the base of each side of the structure to the average 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. That portion of rooftop equipment extending more than four (4) feet above the highest portion of the roof shall be added to the measurement of the height, except that the height of communication antennas, spires, or other superficial attachments added to the roof of a building shall not be included in measuring the height of a building.

Building official means that person appointed by the BOCC, pursuant to the building codes adopted by it, to have primary responsibility for the administration and enforcement of such codes.

Building permit means a written document authorizing the construction or erection of a structure consistent with applicable law.

Building site means a parcel, or contiguous parcels, of land in single or joint ownership meeting the size, access and zoning requirements for the use and structure to be placed thereon.

Business services mean establishments primarily engaged in rendering services to other business establishments. Typical uses include interior cleaning services, computer and data processing services, security services, and printing services, with no use or storage of noxious chemicals onsite (printing services using noxious chemicals are classified as “intensive services”).

Caliper means the trunk diameter of planted trees measured six (6) inches above the ground for trees up to and including four (4) inches in caliper and measured twelve (12) inches above the ground for trees exceeding four (4) inches in caliper. If the tree has an irregular enlarged base, then the caliper shall be taken up where the trunk has a regular circumference, but in no case higher than four and one-half (4½) feet above ground. Caliper for multi-trunk trees shall be determined by measuring each trunk immediately above the fork and adding the total caliper.

Campground (aka, camp) means overnight recreational camps, such as children's camps, family vacation camps, hunting and fishing camps, and outdoor adventure retreats, that offer trail riding, white water rafting, hiking, and similar activities, and provide accommodation facilities, such as cabins and fixed campsites, and other amenities, such as food services, recreational facilities and equipment, and organized recreational activities. If most of the camping sites are intended for recreational vehicles, the use becomes an *RV park*.

Camping site means those locations, so designated on an approved campground plan, for the occupancy of tents, cabins, lodges, and/or recreational vehicles.

Canopy tree means a self-supporting woody tree which has an average mature crown of greater than thirty (30) feet and has trunks that can be maintained with over six (6) feet of clear wood.

Carport means a roofed structure, with two (2) or more fully or partly open sides, used for vehicle parking.

Certify means that whenever this chapter requires that some person, agency or other entity certify the existence of some fact or circumstance to the approving authority, the approving authority may require that such certification be made in any manner that provides reasonable assurance of the accuracy of the certification. By way of illustration, and without limiting the foregoing, the approving authority may accept certification by telephone from some agency when the circumstances warrant it, or the approving authority may require that the certification be in the form of a letter or other document.

Church. See "house of worship."

Circulation area means that portion of the vehicle accommodation area used for access to parking or loading areas, or other facilities on the parcel. Essentially, driveways and other maneuvering areas (other than parking aisles) comprise the circulation area.

Clerk means the clerk of the Board of County Commissioners and the clerk of the county circuit court.

Closed street system means a traffic circulation system consisting of looped and/or dead-end roads, dependent upon one (1) permanent outlet point constructed to county standards, to access other roads in the county system.

Combination use means a use consisting of a combination, on one (1) parcel, of two (2) or more principal uses separately listed in Table 13-431A. Under some circumstances, a second principal use may be regarded as accessory to the first, and thus a combination use is not established—See Article V, Division 2. In addition, when two (2) or more separately owned or separately operated enterprises occupy the same parcel, and all such enterprises fall within the same principal use classification, this shall not constitute a combination use.

Commercial means of, pertaining to, or characteristic of commerce; engaged in commerce; prepared, done or acting with emphasis on salability; profit or success.

Common open space means an area of land, or combination of land and water, within the area of a planned unit development which is designated and intended primarily for the common use and enjoyment of residents of the PUD and others. Common open space may contain such recreation structures and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the development and may be of a commercial or non-commercial nature.

Community residential home. means a dwelling unit licensed to serve residents who are clients of the department of elderly affairs, the agency for persons with disabilities, the department of juvenile justice, or the department of children and families or licensed by the agency for health care administration which provides a living environment for seven (7) to fourteen (14) unrelated residents who operate as the functional equivalent of a family, including such supervision and care by supportive staff as may be necessary to meet the physical, emotional, and social needs of the residents pursuant to § 419.001, F.S.

Comprehensive plan means the Sumter County Unified Comprehensive Plan adopted February 3, 1992, and amendments thereto, that meets the requirements of Ch. 163, F.S.

Concurrency means a condition whereby the impacts of a development project do not reduce the level of service on required public facilities and services below the level of service standards adopted in the comprehensive plan.

Concurrency determination means the county's evaluation of a project for concurrency, whether as part of the review of an application for development approval or simply at the request of a potential developer.

Conditional use means a specific land use, that unless properly controlled poses potentially serious health, safety and welfare concerns for the community, and when approved, authorizes the recipient to make use of property in accordance with the requirements of this chapter, an approved operating permit, and any additional requirements imposed by the BOCC.

Conservation subdivision means a development type that includes clustering of homes or development to protect environmentally sensitive areas from encroachment. This is primarily a design approach for conserving existing natural and cultural resources, although a limited amount of active recreation is permissible (such as ballfields and neighborhood greens).

Construction and demolition debris landfill. See Ch. 62-701 F.A.C.

Maintenance agreement means a written document furnished to the BOCC by the applicant committing to the maintenance of required physical improvements until accepted by the county or until other permanent maintenance provisions are in effect.

Contiguous parcels means two (2) or more parcels of land with one (1) or more common boundaries or boundary points.

Convenience store means a one-story retail store containing less than three thousand (3,000) square feet of gross floor area that is designed and stocked to sell primarily food, beverages, and other personal and household supplies to customers who purchase only a relatively few items (in contrast to a "supermarket"). It is designed to attract and depends upon a large volume of stop-and-go traffic.

Conventional dwelling unit means a residence originally constructed on the parcel where it is/was permanently placed, to applicable codes for on-site construction, or a residence built to Florida Manufactured Buildings standards and moved to its placement site.

Copy means the linguistic or graphic content of a sign.

County means the unincorporated areas of Sumter County, or the administration of the County of Sumter County, Florida.

County engineer means a person or firm, or their duly authorized representative, employed or contracted with, to provide professional engineering services to the BOCC.

Critical protection zone (CPZ) means that area surrounding a tree within a circle described by a radius of one (1) foot for each inch of the tree's DBH. (e.g. twelve (12) inches DBH tree = twelve-foot radius or twenty-four-foot diameter CPZ).

Cul-de-sac means a dead-end street terminated by a vehicular turnaround.

Cultural resource means a site, object, structure, building or district listed on the Sumter County Survey of Cultural Resources or in the conservation element of the comprehensive plan, or on the local register of historic places.

Day care center means and includes any child or adult care arrangement or operation which provides care for more than five (5) children and/or adults, unrelated to the operator and property owner, on a regular basis for more than four (4) hours per day, and for which the owner or operator receives compensation, whether operated or not operated for profit. The following are not included:

(1) Public or private accredited schools.

(2) Any arrangement or operation where the child or adult cared for has full-time residence.

(3) Summer day camps and bible schools normally conducted during vacation periods.

(4) Summer camps having children in full-time residence.

Demolition means the tearing down or razing of twenty-five (25) percent or more of a structure's external walls.

Density or *gross density* means the total number of dwelling units, or equivalent, divided by the total site area, and is expressed in units per acre.

Department, unless specified otherwise, means the Sumter County Zoning and Building Department, or its successor(s).

Design flood. The flood associated with the greater of the following two (2) areas: [Also defined in FBC, B, Section 1612.2.]

(1) Area with a floodplain subject to a one-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to two (2) feet. [Also defined in FBC, B, Section 1612.2.]

Developer means any individual, partnership, corporation, or other legal entity that engages in, or proposes to engage in, any development activity regulated by this chapter, including the development review process, either as the owner of the property, agent of the owner, or other responsible party.

Development or development activity generally means any manmade change to improved or unimproved real estate, including, but not necessarily limited to:

(1) Clearing, filling, excavating, grading, paving, dredging, mining, drilling, or otherwise significantly disturbing the soil of a site.

(2) Constructing, building, installing, enlarging, replacing or substantially restoring a structure, impervious surface, or water management system, including the long-term storage of materials.

(3) Subdividing land into two (2) or more parcels.

(4) Erection of signs.

(5) Alteration of a historic property for which authorization is required under this chapter.

(6) Changing the use of a site so that the need for parking is increased.

(7) Construction, elimination or alteration of a driveway onto a public street.

(8) Change of occupancy.

Development approval means approval that stops short of actually granting the developer the right to begin physical construction of a project. Such development approval may include, but is not necessarily limited to rezoning (zoning map amendment), land use permit, and preliminary plan approval.

Development permit for purposes of this chapter, means that official county document which authorizes land alteration or construction. Development permits include site permits, building permits, operating permits and change of occupancy permits.

Development tract means one (1) or more parcels or portions thereof proposed for development activity.

Diameter breast height (DBH) means The diameter, in inches, of a tree measured at four and one-half (4½) feet above the existing grade. When a tree has grown with cluster stems at breast height, DBH shall be equal to the sum or aggregate of the individual stems measured at four and one-half (4½) feet above grade.

Disposal means, when used in connection with hazardous waste, the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or upon any land or water so that such solid waste or hazardous waste or any constituent thereof may enter other lands or be emitted into the air or discharged into any waters, including ground waters, or otherwise enter the environment. When used in connection with sludge, the discharge, deposit, spreading, injection, dumping, spilling, leaking, land application, or placing of any liquid, solid, or semisolid sludge and septage into or upon any land or water, so that any constituent thereof may enter other lands, be emitted into the air, discharged into any waters (including groundwater), or otherwise enter the environment.

Disturbed lands means the surface area of the natural land surface that has been disturbed as a result of development activity.

Domestic water means water for drinking, culinary, bathing, sanitary, and other domestic purposes.

Dripline means an imaginary line on the ground defined by vertical lines which extend from the uttermost tips of the tree branches to the ground.

Driveway means a vehicle accommodation area between a road and a lot or parcel of land and usually consists of a travel lane bounded on either side by an area that may be part of the vehicle accommodation area.

Dwelling unit means a single housing unit providing complete, independent living facilities for one (1) housekeeping unit, including permanent provisions for living, sleeping, cooking (kitchen) and eating, and sanitation. For the purpose of this code, an area shall be considered a kitchen when there is a sink and a 220-volt electrical outlet or gas line that could be used for operating a major kitchen appliance, such as a range.

Easement means any strip of land created for public or private ingress/egress, utilities, drainage, sanitation or other public uses, the title to which shall remain in the name of the property owner, subject to the right of use designated in the reservation of the servitude.

Effective date of this chapter means that whenever this article refers to the effective date of this chapter, the reference shall be deemed to include the effective date of any amendments to this chapter if the amendment, rather than this chapter as originally adopted, creates a nonconforming situation.

Electronic game equipment means any electronic or mechanical device provided by or on behalf of the operator that is used or adapted for use to conduct game play or to reveal the results of a drawing by chance conducted in connection with the sale of a consumer product or service, sweepstakes, or game promotions that display results by simulating a game or games ordinarily played on a slot machine or associated with gambling. For any server based or Internet based electronic game, each player station shall be deemed a separate electronic game equipment device.

Enclosed building means a fully walled and roofed structure for occupancy by persons and/or activities.

Enclosed living area means that portion of a structure, constructed with permanent materials, which is capable of being environmentally controlled (heating and cooling).

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Engineer means a person qualified, registered and currently licensed by the State of Florida to practice professional engineering.

Erect a sign means 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.

Excavation means reducing or lowering the natural level of ground through removal of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of any amount of dirt, sand, peat or clay and of less than one (1) fifty thousand (50,000) cubic yards of limerock or other minerals as long as blasting and lowering of groundwater in order to extract limerock are not involved.

Exempt development means development activity that does not require any review or permitting under this chapter.

Existing building means a building lawfully erected prior to the effective date of this chapter, or one (1) for which a legal building permit has been issued and activated in the time period specified. For the purposes of floodplain management, the definition of "existing building" shall be any buildings and structures for which the "start of construction" commenced before the effective date (March 15, 1982) of the county's first flood plain management code, ordinance or standard.

Exotic animal means any animal not identified in the definition of "farm animal" that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelopes, anteaters, kangaroos, and water buffalo, primates and species of foreign domestic cattle, such as ankole, gayal, and yak.

Expenditure means a sum of money paid out in return for some benefit or to fulfill some obligation. The term also includes binding contractual commitments to make future expenditures, as well as any other substantial changes in position.

Expressway means a divided arterial highway for through traffic with full or partial control of access and generally with grade separations at major intersections.

Family means one (1) or more persons living together as a single housekeeping unit.

Family day care home, large. See Section 402.302, F.S.

Family day care home, small. See Family day care definition in Section 402.302, F.S.

Farm means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

Farm animal means any domestic or exotic species of cattle, sheep, swine, goats, ostriches, llamas, or horses, which are normally and have historically been kept and raised on farms in the United States and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This term also includes animals such as rabbits, mink, and chinchilla, and alligators when they are used solely for purposes of meat, hide or fur, and animals such as horses and llamas when used solely as work and pack animals.

Farm operation means all conditions or activities by the owner, lessee, agent, independent contractor, and supplier which occur on a farm in connection with the production of farm, honeybee, or apiculture products and includes, but is not limited to, the marketing of produce at roadside stands or farm markets; the operation of machinery and irrigation pumps; the generation of noise, odors, dust, and fumes; ground or aerial seeding and spraying; the placement and operation of an apiary; the application of chemical fertilizers, conditioners, insecticides, pesticides, and herbicides; and the employment and use of labor.

Federal Emergency Management Agency (FEMA) means the federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Fertilization of land means the application of manufactured fertilizer, sludge or septage to enrich the soil for the purpose of growing crops such as watermelons, corn, tomatoes and other such crops customarily grown in Sumter County, Florida, and/or for the purpose of growing grasses for grazing pasture.

Flag lot means a lot with two distinct parts. A flag portion that is the buildable area of the site and is located behind another parcel that lies between it and the roadway; and a pole portion that connects the flag to the roadway and provides the only road access for the parcel. The pole portion is less than the minimum required lot width for its entire length. Lots within 50 feet of the radius point of a cul-de-sac street shall not be considered flag lots.

Flood or *flooding* means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters, or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair.

Flood hazard area means the greater of the following two (2) areas:

(1) The area within a floodplain subject to a one-percent or greater chance of flooding in any year.

(2) The area identified as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM) means the official map issued by the Federal Emergency Management Agency of a community on which it has delineated both special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data.

Floodplain administrator means the office or position designated and charged with the administration and enforcement of article VII (may be referred to as the floodplain manager).

Floodplain development permit or approval means an official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with article VII.

Floodway means the channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Floor area ratio (FAR) means a mathematical expression determined by dividing the gross floor area of a building or buildings by the area of the lot or parcel upon which it is located, i.e., gross floor area/parcel area = FAR.

Florida-Friendly Landscaping (University of Florida/Institute of Food and Agriculture Science) means the practices, materials, or actions that help to preserve Florida's natural resources and protect the environment. Promotes nine (9) essential principles:

(a) Right plant, right place;
(b) Water efficient;
(c) Appropriate use of fertilizer;
(d) Utilizes mulch;
(e) Attracts wildlife;
(f) Controls yard pests responsibly;
(g) Recycles organic material;
(h) Reduces stormwater runoff; and
(i) Protects the waterfront.

Floridan aquifer means the thick sequence of limestone formations of Eocene, Oligocene, and Miocene Age which act more or less as a single hydrologic unit, including those permeable parts of the Hawthorn Formation which are in direct hydrologic contact with the rest of the aquifer.

Florida Building Code means the family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Freeway means an expressway with full control of access.

Frontage means the length of the property line of any one (1) lot or parcel abutting a public or private street or easement on which it borders.

Frontage road. See street, marginal access.

Functionally dependent use means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a marina and/or fish camp. For floodplain management purposes this definition includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Future land use map means that map so designated and adopted by the BOCC as part of the Future Land Use Element of the Sumter County Comprehensive Plan.

Grade means:

(1) The inclination, with the horizontal, of a road or improved or unimproved property, etc., which is generally expressed by stating the vertical rise or fall as a percentage of the horizontal distance, or

(2) The elevation of natural ground, surface improvements and ground floors of buildings.

Grade separation means a crossing of two (2) roadways or a roadway and a railroad or pedestrian pathway at different levels.

Groundwater means water beneath the surface of the ground, whether or not it is flowing through known definite channels.

Gross density or *density* means the total number of dwelling units divided by the total site area less public right-of-way.

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

Hardscape means inanimate elements of landscaping, including masonry work, woodwork, artificial ponds/fountains, landscaping rocks, and paved features.

Hazardous means those structures, uses, materials or premises that constitute a high hazard area as defined by National Fire Protection Association Standard 101, or which produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, 42 U.S.C. s. 11001, et seq. and the Florida Emergency Planning and Community Right-to-Know Act (EPCRA) of 1988, and Ch. 252, pt. II F.S.

Hazardous material means any material or mixture of materials that requires special management techniques because of its acute or chronic effect on air or water quality, fish, wildlife or other biota, or

on the health and welfare of the public. Such material may exhibit but is not limited to the following characteristics: reactivity, corrosivity, explosiveness, flammability, toxicity and infectiousness.

Hazardous waste means solid waste, or a combination of solid wastes, which, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may cause, or significantly contribute to, an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated, or otherwise managed. Identification and listing of hazardous waste shall be made pursuant to 40 CFR Part 261, as amended.

Hazardous waste facility means all contiguous land, and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste generated off-site. A facility may consist of several treatment, storage, or disposal operational units.

Hazardous waste treatment means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize it or render it nonhazardous, safe for transport, amenable to recovery, amenable to storage or disposal, or reduced in volume or concentration. The term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it non-hazardous.

Highest adjacent grade means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

Historic site means the location of a significant event, activity, building, structure, or archeological resource where the significance of the location and any archeological remains outweighs the significance of any existing structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Home occupation means a minor commercial activity that is conducted as a second principal use on a residential property.

Homeowner's association means the owners of lots and buildings, incorporated under the auspices of articles which safeguard the rights of the owners in compliance with the laws of the State of Florida.

Horticulture means the art or science of growing flowers, fruits, vegetables and ornamental plants.

Hospital means an institution providing health services, primarily for in-patients but also for out-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, training facilities, central services facilities and staff offices.

Hotel or *motel* means a building, or part thereof, in which sleeping accommodations are offered to the public, which may or may not offer cooking facilities for use by the occupants, and in which there may be a public dining room for the convenience of the guests. This term may also include boarding houses, lodging houses, rooming houses, bed and breakfasts located in commercial districts, or apartment hotels.

House of worship means any building used for nonprofit purposes by an established religious organization holding either tax exempt status under section 501(c)(3) of the Internal Revenue Code or

under Florida's property tax law, where such building is primarily intended to be used as a place of worship and including customary accessory uses.

Imperiled Species means fish and wildlife species that meet criteria to be listed as federally endangered, federally threatened, State threatened or Species of Special Concern, as determined by U.S. Fish and Wildlife Service and by the Florida Fish and Wildlife Conservation Commission.

Impervious surface means 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 or limerock, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar surfaces.

Improvements mean physical changes made to raw land, and structures placed on or under the land surface, in order to make the land more usable. Typical improvements regulated by this chapter are, but are not limited to, grading; street, curb and sidewalk construction; water, sewer and other utility systems, drainage systems, buildings and other structures, signs, landscaping and survey monumentation.

Individual water supply means a well, spring, cistern or other similar source of water and appurtenance of piped water for human consumption and other domestic purpose excluding irrigation.

Industrial activities means all activities associated with the lawful pursuit of any permitted, special, conditional or accessory use allowed in the ID Industrial District by this chapter, including buildings and other structures.

Industry means manufacturing, fabrication, processing, assembly, treating, storage and warehousing, wholesaling and distribution and research and testing.

Irrigation means use of water for agricultural purposes, watering lawns and plants, excluding domestic water use.

Internet café means a location, site, principal structure or establishment at which simulated gambling devices or electronic game equipment, e.g. "fish games," "Internet cafés," or "sweepstakes café," are made accessible for use by a person for entertainment, amusement or prize giveaways, except those places specifically exempted from Section 13-563.

Intersection means the general area where two (2) or more streets or highways join or cross.

Kennel, commercial means any parcel of land or premises where four (4) or more dogs and or four (4) or more cats, at least three (3) months of age, are raised, kept, or boarded. The term kennel shall not include veterinary clinics or hospitals operated by a veterinarian licensed by the State of Florida, who keeps, treats or boards such animals as necessary for medical care, or pet shops. Commercial kennels used for the purpose of buying, selling, or breeding of dogs and cats is prohibited.

Land application or *land spreading* means, when used in connection with sludge, a process whereby sludge or septage is spread mechanically or incorporated into the soil.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

1. *Letter of map amendment (LOMA).* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

2. *Letter of map revision (LOMR).* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

3. *Letter of map revision based on fill (LOMR-F).* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

4. *Letter of map revision (conditional)—(CLOMR).* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at eight thousand five hundred (8,500) pounds gross vehicular weight rating or less which has a vehicular curb weight of six thousand (6,000) pounds or less and which has a basic vehicle frontal area of forty-five (45) square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(2) Designed primarily for transportation of persons and has a capacity of more than twelve (12) persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Livestock means and shall include all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals.

Living area means that portion of a residential structure equipped for year-round living by full enclosure of a substantial nature, exclusive of carports, garages, utility rooms and swimming pools. Living area will be determined by the outside measurements of a structure.

Loading and unloading area means an off-street space, area or berth on the same lot with a building or contiguous to a group of buildings, for the temporary parking of commercial vehicles while loading or unloading merchandise or materials.

Local planning agency means the Sumter County Planning and Zoning Special Master.

Lot means a portion of a subdivision of land intended as a single development or building site or as a unit for transfer of ownership, whose boundaries and identification have been clearly designated and established by a recorded or unrecorded plat or map accepted by the BOCC and recognized as a separate legal entity for purpose of transfer of title and development. Subject to the provisions of this chapter, the approving authority and the owner of two (2) or more contiguous lots may agree to regard the lots as one (1) lot if necessary or convenient to comply with any of the requirements of this chapter. Lot may include the words parcel or tract.

(1) Corner lot means a lot or parcel abutting upon two (2) or more streets at a street intersection or abutting upon two (2) adjoining and deflected lines of the same street and thereby forming an interior angle of less than one hundred and thirty-five (135) degrees.

(2) Double frontage lot means a lot or parcel having two (2) or more of its non-adjoining property lines abutting upon a public or private street or streets.

Lot area means the total area circumscribed by the boundaries of a lot or parcel.

Lot front shall mean the portion of the property which runs contiguous to the right-of-way that it borders. In the case of lots with multiple frontages, the lot front shall be the side of the lot with the narrowest dimension along the street.

Lot line means the legal boundary line of a lot.

Lot width means the distance, measured along a straight line connecting the points at which a line that demarcates the required front yard setback, intersects with lot boundary lines at opposite sides of the lot or parcel.

Low impact development (LID) is an approach to land development (or re-development) that works with nature to manage stormwater as close to its source as possible. LID employs principles such as preserving and recreating natural landscape features, minimizing effective imperviousness to create functional and appealing site drainage that treat stormwater as a resource rather than a waste product.

Lowest floor means the lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24.

Major development means development activity that requires more scrutiny than a minor development. See Section 13-312.

Mandated water supply system means a municipal owned water system with mandatory connection within the municipality which owns and operates said system and which is an integral part of that municipality's sewer system for purposes of metering and billing for both the water and sewer services.

Manufactured building. See Ch. 553, F.S.

Manufactured home. For the purposes of floodplain management, a structure, transportable in one or more sections, which is eight (8) feet or more in width and greater than four hundred (400) square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer."

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Manufacturing means a premises, or portion of a premises, occupied by an establishment primarily engaged in the processing, fabrication, assembly and treating of materials, products or personal property for sale, resale or other processing charge, normally for the wholesale market, for inter-establishment transfer, or to order for other processors, rather than for direct sale to the domestic consumer. Processing refers to the mechanical or chemical transformation of inorganic or organic substances into new products and usually includes the use of power driven machines and material handling equipment. The term manufacturing does not include the incidental and accessory minor processing operations performed by retail sale, service and repair establishments and other domestic consumer and business operation customer establishments so defined by this chapter.

Marina means a facility located on a public navigable waterway which is accessible and adjacent to the shore, and which is provided with slips and moorings for securing, servicing, repairing or sales of boats.

Market value means the price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this chapter, the term refers to the market value of buildings and structures, excluding the land and other improvements on the parcel. Market value is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction), determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the County property appraiser.

Massage means touch, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

Massage therapy means the profession in which the practitioner applies massage techniques with the intent of positively affecting the health and well-being of the client, and may adjunctively (i) apply allied modalities, heat, cold, water and topical preparations not classified as prescription drugs, (ii) use handheld tools or devices designed as t-bars or knobbies, and (iii) instruct self-care and stress management. "Manual" means by use of hand or body.

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

Mine means an area of land on which mining activities have been conducted, are being conducted, or are planned to be conducted, as the term is commonly used in the trade.

Mining means reducing or lowering the natural level of ground through removal of limerock and overburden or minerals with the exception of dirt, sand, peat or clay, for purposes other than that incidental to and on the same parcel as approved construction of in excess of fifty thousand (50,000) cubic yards of limerock or other minerals. Blasting and lowering of ground water in order to extract limerock are mining activities.

Mining activities means the extraction of minerals, ore, or other naturally occurring materials from the earth by whatever method, including the removal of overburden for the purpose of extracting and removing from site such underlying deposits, and all associated clearing, grading, construction, processing, transportation, and reclamation on the mine property, and includes the term "pre-mining activity", but shall not be deemed to include activity associated with site surveying, environmental monitoring, mineral exploration, or the sinking or operation of test wells and similar activities.

Mining site plan means the general plan describing the overall scope of the mining activities for the life of the mine, including, but not limited to, the general nature of the operations, geographic characteristics, impacts, monitoring, and reclamation.

Minor development means development activity that is not exempt from the review and permitting requirements of this chapter; however, it is reviewed with less scrutiny than a major development. See Section 13-312.

Mobile home means a structure, transportable in one (1) or more sections, which is eight (8) body feet or more in width and which is built on an integral chassis and designed to be used as a dwelling when connected to the required utilities and includes the plumbing, heating, air-conditioning, and electrical systems contained therein. Also, a mobile home means a permanently installed dwelling unit, constructed in an off-site 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 Manufactured Home Construction and Safety Standards (HUD Code) of the National Manufactured Housing Construction and Safety Act of 1974 that were in effect at the time of construction; or if manufactured prior to June 15, 1976, bears a seal certifying that it meets or exceeds the Standard For Mobile Homes, NFPA 501, ANSI 119.1, that were in effect at the time of construction.

(1) Class A mobile home means a mobile home with a model year that is not be more than five (5) years prior to the year of permitting. The home has a minimum factory constructed width of eighteen (18) feet as measured across the narrowest portion. The home has a permanent and continuous perimeter underfloor enclosure of masonry or other durable construction, unpierced except for required ventilation and access. The home is covered with an exterior material(s) customarily used on site-built dwellings in the county, to the satisfaction of the building official. The exterior covering material extends to the ground except that, when a solid concrete or masonry perimeter foundation or enclosure is used, the exterior covering material need not extend below the top of the foundation. The minimum pitch of the home's main roof is not less than one (1) foot of rise for each four (4) feet of horizontal run (3:12 pitch), or greater if required by the roofing materials used (shingles or other material customarily used on site-built dwellings in the county), to the satisfaction of the building official. After placement upon an approved foundation, all towing apparatus are removed from site.

(2) Class B mobile home means a mobile home with a model year of 1981 or later. The home has a permanent perimeter underfloor enclosure of masonry, wood, vinyl or other material constructed to provide at least fifty (50) percent opacity and continuous except for required ventilation and access, to the satisfaction of the Florida Building Code 2001.

Mobile home park means any tract, lot or parcel of land which has been planned and improved exclusively for the renting or leasing of spaces (no sales) for the placement of mobile homes for non-transient use.

Mobile home subdivision means a subdivision designed and intended for the sale of lots for mobile home residences.

Mobile treatment facility, when used in connection with hazardous waste or petroleum contaminated soil, means any treatment system or operation which is transported to a soil contamination site, treats only soil from that specific site, and remains in operation for a period not longer than ninety (90) calendar days unless otherwise approved by the BOCC.

Mobile vendor means a person who sells or offers for sale merchandise or services or both from a motor vehicle, a pushcart, wagon, mobile stand, or other moveable device or structure storing the merchandise. "Mobile vendor" does not include minor children operating lemonade or soft drink stands. "Mobile vendor" does not include operators of food, beverages, newspaper, or magazine self-service vending machines.

Motel. See hotel.

Motion picture arcade means any booth, cubicle, stall or compartment which is smaller than five hundred (500) square feet in floor area, which is designed, constructed or used to hold or seat customers, and which is used for presenting motion pictures or viewing publications for a fee by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM books, magazines or periodicals) for observation by customers therein.

Native vegetation means plants that are indigenous to the State of Florida.

New construction means for the purposes of floodplain management and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after March 15, 1982, and includes any subsequent improvements to such structures.

Newspaper of general circulation means that newspaper meeting the requirements of Ch. 163, F.S., as designated by the BOCC.

Nonconforming lot means a lot, lawfully existing on the effective date of this chapter, (and not created for the purposes of evading the restrictions of this chapter) that do not meet the minimum dimension or area requirement of the land use zone in which the lot is located.

Nonconforming sign means a lawfully existing sign that, on the effective date of this chapter, does not conform to one (1) or more regulations set forth in this chapter.

Nonconforming use or situation means a situation that occurs when, on the effective date of this chapter, a lawfully existing lot or structure, or use of an existing lot or structure, does not conform to one (1) or more of the new regulations applicable to the district in which the lot or structure is located. Among other possibilities, a nonconforming situation may arise because a lot or structure does not meet minimum size requirements, because the relationship between existing buildings and the land (in such matters as density and setback requirements) is not in conformity with this chapter, or because land or buildings are used for purposes made unlawful by this chapter. (For example, a commercial office building in a residential district may be a nonconforming use.)

Non-exempt subdivision means a subdivision classified as minor or major.

Non-hazardous means those industrial structures, uses, materials, processes or premises that do not constitute a high hazard area as defined by National Fire Protection Association Standard 101, and/or do not produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act (SARA) of 1986, 42 U.S.C. s. 11001, et seq. and the Florida Emergency Planning and Community Right-to-Know Act (EPCRA) of 1988, Ch. 252, Part II, F.S.

Nonresidential means any building or structure or portion thereof that is not classified residential in accordance with the Florida Building Code, Building (Residential Group R or Institutional Group I) and ASCE 24.]

Nonresidential farm building means any temporary or permanent building or support structure that is classified as a nonresidential farm building on a farm under § 553.73(10)(c), F.S., or that is used primarily for agricultural purposes, is located on land that is an integral part of a farm operation or is classified as agricultural land under § 193.461, F.S., and is not intended to be used as a residential dwelling. The term may include, but is not limited to, a barn, greenhouse, shade house, farm office, storage building, or poultry house.

North American Vertical Datum of 1988 (NAVD 88) means a vertical control, established in 1991, used as a reference for establishing relative elevations on the surface of the earth.

Off-site, when used in connection with biomedical and hazardous waste, means any site which is not a part of the facility where the biomedical or hazardous waste is generated.

Off-site sign. See "Sign."

On-site construction means all construction, except manufactured buildings, mobile homes and non-habitable accessory structures of not more than one hundred (100) square feet, shall be constructed in accordance with the applicable codes.

Open space means an area of land, or combination of land and water, within the area of a PUD which is designated and intended for the common use and enjoyment of residents of the PUD and others. Common open space may contain such recreation structure and improvements as are desirable and appropriate for the common benefit and enjoyment of residents of the PUD and may be of a commercial or non-commercial nature.

Operating permit means a written authorization by the BOCC, containing general and specific conditions for the conduct of an approved conditional use.

Operator means, when used in connection with an operating permit, a person or business entity designated or seeking to be designated as the operant of an approved conditional use.

Operator means, when used in connection with septage or sludge disposal, a person or business entity engaged or seeking to be engaged in a sludge disposal or land spreading operation.

Overburden means all earth and other materials overlying an ore deposit. This does not include tailings or screenings generated by the processing of the resources.

Owner means 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.

Parcel (includes lots and tracts) means an individual unit of land created by fee simple deed within legally established property lines and described on a document in the public records of Sumter County. If, however, the property lines are such as to defeat the purposes of this chapter or lead to absurd results, a "parcel" may be as designated for a particular site by the County Administrator or designee.

(1) If a public body or any authority with the power of eminent domain condemns, purchases, or otherwise obtains fee simple title to or a lesser interest in a strip of land cutting across a parcel of land, and the interest thus obtained or the road so created is such as to then effectively prevent the use of this parcel as one (1) unit, then the land on either side of this strip shall constitute a separate parcel.

(2) Subject to other provisions of this chapter, the BOCC and the owner of two (2) or more contiguous parcels may agree to regard the parcels as one (1) if necessary or convenient to comply with any of the requirements of this chapter.

(3) A parcel may consist of multiple lots.

Park trailer means a transportable unit which has a body width not exceeding fourteen (14) feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in § 320.01, F.S.]

Parking area aisles means a portion of the vehicle accommodation area consisting of lanes providing access to parking spaces.

Parking garage means a structure built for the parking of motor vehicles in connection with on-site or off-site institutional, commercial or industrial facilities, provided, however, no maintenance of vehicles shall be allowed.

Parking lot means an area of land utilized for the temporary parking of motor vehicles in connection with on-site or off-site institutional, commercial or industrial facilities, provided, however, no maintenance of vehicles shall be allowed.

Parking space means a portion of the vehicle accommodation area set aside for the parking of one (1) vehicle.

Performance guarantee means cash or a written document guaranteeing that the required improvements will be constructed and/or maintained. Such written document may be either an escrow agreement, a performance bond, letter of credit, a developers surety company completion bond or a developers cash completion bond.

Permanent sign means any sign not excluded from these regulations and not defined herein as a permitted temporary sign.

Permissible use means a permitted, special, conditional, temporary or accessory use, or any other use provided for in this chapter.

Person means any individual, trustee or trust, executor or estate, syndicate, fiduciary, corporation, firm, partnership, joint venture, association, organization or any other legal entity, including state and local governments and agencies, acting as a unit.

Personal services mean establishments primarily engaged in providing services involving the care of a person's appearance, apparel, pets, small appliances or other similar areas (not including medical), Typical uses classified as personal care service include barber shops, beauty salons, nail salons, fitness centers, weight loss centers, permanent makeup, tanning beds, tattoo parlors, garment alterations, shoe repair, pet grooming and day care, self-service laundry, laundry/dry cleaning pickup stations, health spas, dance studios, and similar uses. The term does not include massage parlors.

Petroleum contaminated soil means "excessively contaminated soil" as defined in Chapter 62-780 F.A.C., as amended.

Petroleum contaminated soil thermal treatment facility means either a stationary or mobile system designed, constructed, and permitted by the Florida Department of Environmental Protection to handle, store, and thermally treat petroleum contaminated soils.

Petroleum contaminated soil treatment means thermal or biological treatment, by either a stationary or mobile facility; which renders the soil non-contaminated.

Plan means the proposal for development in graphic and written form, including conceptual plans, preliminary plans, engineering plans, final plans, record plats, all covenants', grants of easement, and

other conditions relating to the use, location, and bulk of buildings or other development, common open space, recreation areas, and public facilities.

Planned unit development (PUD) means a land use zone comprised of a tract of land, or contiguous tracts, or adjacent tracts separated by a road, devoted by its owner to development as a single entity for a number of dwelling units or commercial uses, or a combination thereof, in accordance with a plan which does not necessarily comply with all the provisions of other articles of this chapter with respect to lot size, lot coverage, setbacks, off-street parking, bulk or type of dwelling, density, and other restrictions, and which is planned to function as a relatively self-contained development under the provisions of this chapter.

Planning and zoning special master. See Section 13-302.

Pre-mining activity means construction of all structures, equipment, and facilities required for the extraction, processing, and transporting of ore material, including construction of access roads, pipelines, recirculating water systems, beneficiation facilities, power lines, dredges, and drag lines, and site preparation such as clearing of vegetation and grading.

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

Principal structure means the primary building or other structure on a parcel, or a building that houses a principal use.

Principal use means the use of a property that is first in rank, authority, importance or degree. Commonly referred to as the "main" use.

Processing means, when related to mining, the washing, sizing, flotation, storage, drying and grinding of ore minerals and all activities reasonably related thereto except chemical processing or manufacturing of materials from the ore.

Protected tree means any tree, except undesirable trees, which are proposed to meet landscape and screening requirements. Also includes significant trees as defined below.

Protected area means an area surrounding a protected, historic, or specimen tree within which physical intrusion is prohibited in order to prevent damage to the tree, roots and soil around the tree base.

Protective barrier means a barrier forming the protected area.

Public facilities means major capital improvements, including transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational facilities as defined in § 163.3164, F.S.

Public notice means an announcement to the public of a specific government action as defined in § 163.3164, F.S., and Section 13-314 of this code.

Public utility means any publicly or privately owned utility, such as, but not limited to, electric power, water systems, sewer systems, natural gas, storm drainage system, telephone and cable TV service, whether underground or aboveground.

Public water supply system means any water supply system, furnishing potable water that has at least fifteen (15) service connections or regularly serves at least twenty-five (25) persons daily at least sixty (60) days of the year (a.k.a. public drinking water system). Such systems are regulated by the Florida Department of Environmental Protection and are further classified as "Community Water System" and "Non-Community Water System" (see Sec. 62-550.200, F.A.C., for definitions).

Reclamation means, when related to mining, the restructuring, reshaping, and revegetation of disturbed lands to a form in which the lands may be beneficially used.

Record plat means a map or drawing depicting the division of lands into lots, blocks, parcels, tracts, sites or other divisions, however the same may be designated, and meeting the requirements of Ch. 177, F.S.

Recreational vehicle means a vehicle, including a park trailer, which is: [Defined in § 320.01, F.S.)

(1) Built on a single chassis;

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

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

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

Recreational vehicle (RV) park means a tract of land designed, constructed, and commercially operated to provide camping sites and supporting facilities for the accommodation of mainly recreational vehicles, but may also include tents.

Residence means an enclosed building (site-built or modular) constructed or altered for the purpose of providing permanent living accommodations for one (1) or more persons.

(1) Single-family residence means a structure containing one (1) dwelling unit. May be attached to non-residential buildings, but not attached to any other dwelling unit by any means.

(2) Duplex residence means a building constructed for two-family residential use in which the dwelling units share a common wall (including without limitation the wall of an attached garage or porch) and in which each dwelling unit has living space on the ground floor and a separate, ground floor entrance.

(3) Multi-family residence means a residential use consisting of a building containing three (3) or more dwelling units. For purposes of this definition, a building includes all dwelling units that are enclosed within that building or attached to it by a common floor or wall (even the wall of an attached garage or porch).

Right-of-way (ROW)(R/W) means a general term denoting land, property or interest therein, usually in a strip, dedicated, deeded or otherwise acquired to be used for a street, alley, walkway, other transportation purposes, drainage or utility by the public, certain designated parties or governing bodies.

Roadway means the portion of the street right-of-way which contains the street pavement and curb and gutter or shoulders that is intended for and used primarily for vehicular movement.

Rooming house. See boarding house.

Sadomasochistic practices means flagellation or torture by or upon a person clothed or naked, or the condition of being fettered, bound or otherwise physically restrained on the part of one (1) so clothed or naked.

Rural area means a geographic region not meeting the definition of urban areas.

Salvage yard means a premises or portions thereof used for the storage, sale, keeping or buying of used and discarded materials, including but not limited to: paper, rags, metal, building materials,

appliances, household furnishings, machinery, vehicles, equipment, or parts thereof. The storage for a period of two (2) or more months of two (2) or more wrecked or partly dismantled motor vehicles, parts of dismantled motor vehicles, or the sale of parts thereof, not capable of or not intended to be restored to highway operating condition shall also constitute a salvage yard. For the purposes of this chapter, such uses as automobile reclaiming, wrecking and salvage business, and recycling centers shall be considered salvage yards.

Sawmill means a place or building where the principal activity is the sawing and/or milling/planing of timber into planks, boards, etc., by machinery or hand; however further processing of the lumber may take place as approved by the authority.

School means any public or private educational institution offering general educational programs required by the State of Florida for students in grades kindergarten through 12th grade. This definition does not include such specialized institutions as dancing schools and driving schools.

Screening means an area within a property or site, generally adjacent to and parallel with the property line, either consisting of natural existing vegetation or created by the use of trees, shrubs, fences, walls and/or berms, designed to limit continuously the view of and/or sound from the site to adjacent sites or properties.

Septage means a mixture of sludge, fatty materials, human feces, and wastewater removed during the pumping of an onsite sewage treatment and disposal system as defined in Ch. 381, F.S.

Service station means a retail place of business engaged primarily in the sale of motor fuels and supplying only those incidental goods and services which are required in the day-to-day operation of automotive vehicles.

Setback means an imaginary line on a building site, parallel to the property line at the distance prescribed by these regulations, specifying the closest point from a right-of-way line or a property line where a structure may be located. Construction or erection of a building or structure outside of the setback is prohibited.

(1) Road setbacks shall be measured from the lot line abutting a right-of-way.

(2) Rear setbacks shall be measured from the rear lot line.

(3) Side setbacks shall be measured from side lot lines.

Sewer system means any plant, system, facility or property used or useful or having the present capacity for future use in connection with the collection, treatment, purification or disposal of sewage, and, without limiting the generality of the foregoing definition sewer system embraces treatment plants, pumping stations, intercepting sewers, pressure lines, mains, and all necessary appurtenances and equipment and shall include all property, rights, easements and franchises relating to any such system and deemed necessary or convenient to the operation thereof.

Sex shop means a retail sales and services establishment that meets any of the following tests:

(1) It offers for sale items from any two (2) of the following categories: sexually oriented media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than ten (10) percent of its stock in trade or occupies more than ten (10) percent of its floor area;

(2) More than five (5) percent of its stock in trade consists of sexually oriented toys or novelties; or

(3) More than five (5) percent of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

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

Sexually explicit media means magazines, books, videotapes, movies, slides, CD-ROMs or other devices used to record computer images, or other media which are distinguished or characterized by their emphasis on matter depicting, describing or relating to "sexual conduct" or "specified anatomical areas" (separately defined).

Sexually oriented business means an inclusive term used to describe collectively: sexually oriented cabaret; sexually oriented motion picture theater; motion picture arcade; massage parlor or shop unless operated by a massage therapist licensed by the State of Florida; retail sales and services falling into the category of sex shop or sexually oriented media shop. This collective term does not describe a specific land use and shall not be considered a single use category for purposes of the zoning ordinance or other applicable ordinances.

Sexually oriented cabaret means a building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the "primary live entertainment" is distinguished or characterized by an emphasis on the exhibiting of "sexual conduct" or "specified anatomical areas" for observation by customers therein. The fact that an establishment does not serve alcoholic beverages shall not remove it from classification as a "sexually oriented cabaret" if it otherwise falls under this definition.

Sexually oriented media store means a retail sales and services establishment that rents and/or sells media, and that meets any of the following three (3) tests:

(1) More than thirty (30) percent of the gross public floor area is devoted to sexually oriented media;

(2) More than thirty (30) percent of the stock in trade consists of sexually oriented media; or

(3) It is advertised, marketed or holds itself out in any forum as "XXX," "adult," "sex" or otherwise as a sexually oriented business.

Sexually oriented motion picture theater means a cinema or motion picture theater which shows hard-core features on more than half (½) the days that it is open, or which is marketed as or offers features described as "adult", "XXX" or sexually oriented.

Sign means any writing, pictorial presentation, number, illustration, or decoration, flag, banner or pennant, or other device which is used to announce, direct attention to, identify, advertise or otherwise make anything known to persons not located on the lot where such device is located. The term shall also be considered to be a single display surface or display device containing elements organized, related, and composed to form a unit. 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.

(1) *Ground sign,* means a sign that is attached to, erected on, or supported by some structure (such as a pole, mast, frame or other structure) that is not itself an integral part of or attached to a building or other structure having a principal function other than the support of a sign. A sign that stands without supporting elements, such as a "sandwich sign", is also a freestanding sign. If

the message is removed from a structure that was originally designed and used as a freestanding sign, this structure shall still be considered a sign.

(2) *Off-site sign* means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction or other activity that is conducted, sold, or offered at a location other than the premises on which the sign is located. A sign that draws attention to a cause or advocates or proclaims a political, religious, or other non-commercial message shall also be an off-site sign.

(3) *On-site sign* means a sign that draws attention to or communicates information about a business, service, commodity, accommodation, attraction, or other enterprise or activity that exists or is conducted, sold, offered, maintained, or provided on the premises where the sign is located.

(4) *Temporary sign* means a sign that is used in connection with a circumstance, situation, or event that is designed, intended, or expected to take place or be completed within a reasonably short or definite period after the erection of such sign; or a sign that is intended to remain on the location where it is erected or placed for a period of not more than thirty (30) days. If a sign display area is permanent even though the message displayed is subject to periodic changes, that sign shall not be regarded as temporary.

(5) *Temporary displays*: Temporary displays with signs, banners, tents, tables, chairs or information pamphlets.

Sign structure means any construction used or designed to support a sign.

Significant tree means any sound tree twenty-four (24) inches in diameter at breast height (DBH) or larger.

Simulated gambling device means any device that, upon connection with an object, is available to play or operate a computer simulation of any game, where the play or operation of the device may deliver or entitle the person or persons playing or operating the device to a payoff directly or indirectly from the owner or operator of the device or that person's designee. The following rules of construction apply to this definition of "simulated gambling device:"

(1) The term device means any mechanical or electrical contrivance, computer, terminal, video or other equipment that may or may not be capable of downloading games from a central server system, machine, computer or other device or equipment. The term "device" also includes any associated equipment necessary to conduct the operation of the device.

(2) The term upon connection with means insertion, swiping, passing in range, or any other technical means of physically or electromagnetically connecting an object to a device, including by the manual input by any person of characters, numbers, or any combination thereof, or other code for the purpose of accessing or activating a device, or any other mechanism or method by which the object provides access to the device.

(3) The term object means a coin, bill, ticket, token, card, characters, numbers, or any combination thereof, other code, or any other tangible or intangible access mechanism or method, obtained directly or indirectly through payment of consideration, or obtained as a bonus or supplement to another transaction involving the payment of consideration.

(4) The terms play or operate or play or operation includes the use of skill, the application of the element of chance, or both.

(5) The term computer simulation includes simulations by means of a computer, computer system, video display, video system or any other form of electronic video presentation.

(6) The term game includes slot machines, poker, bingo, craps, keno, "fish", any other type of game ordinarily played in a casino, a game involving the display of the results of a raffle, sweepstakes, drawing, contest or other promotion, lotto, sweepstakes, and any other game associated with gambling or which could be associated with gambling, but the term "game" does not necessarily imply gambling as that term may be defined elsewhere.

(7) The term payoff means cash, monetary or other credit, billets, tickets, tokens, or electronic credits to be exchanged for cash or to receive merchandise or anything of value whatsoever, whether made automatically from the machine or manually.

(8) The use of the word gambling in the term "simulated gambling device" is for convenience of reference only. The term "simulated gambling device" as used in this part is defined exclusively by this subsection and does not incorporate or imply any other legal definition or requirement applicable to gambling that may be found elsewhere.

(9) For the purpose of determining the number of simulated gambling devices, each seat, terminal, or other interface at which a separate individual may use the device, shall be counted as a separate and distinct device, regardless of whether the device or any seat, terminal, or other interface is functional.

Site means land and all structures and articles appurtenant or attached thereto which are owned, leased, occupied or controlled by a person.

Site permit. See Section 13-340.

Sludge means solids, residuals, or any by product from any type of sewage treatment plant, either private or public, and septage from public or private septic tanks, which contains human feces or residuals of such, whether stabilized or disinfected or in any form, whether solid, liquid or gaseous.

Small quantity generator. See Part 261, Title 40, C.F.R., and Ch. 62-730, F.A.C.

Solid waste includes garbage, refuse, yard trash, clean debris, white goods, special waste, ashes, sludge, or other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, institutional or governmental operations, as defined in § 403.703, F.S., as amended.

Special public assembly event means a temporary activity for recreational, entertainment, or religious purposes which is held in a private or public location where such event is not expressly permitted or routinely conducted and for which supporting facilities may be absent or inadequate, whether or not admission is charged and whether or not the event is conducted by a business, organization or private individual. The term includes but is not limited to, circuses, fairs, carnivals, festivals, music concerts, rodeos, tent revivals, cultural festivals or other types of special events that are intended to or likely to attract substantial crowds, and are unlike the customary or usual activities generally associated with the property where the special event is to be located.

Special flood hazard area means an area in the floodplain subject to a one (1) percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A or AE.

Specified anatomical areas mean and include:

(1) Less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

Stable, public means a stable, other than a private stable, used for the care of horses, ponies, or other livestock to be used for instruction, recreation or boarding such animals.

Staging area means an area on land utilized by businesses, contractors and others for the storage, parking, and re-supplying of operable commercial motor vehicles not to exceed one and one-half (1½) tons in size, and/or cargo vans and utility trailers; for the parking of employee motor vehicles; and for the gathering of employees of such businesses and contractors at the beginning and end of the work day, provided, however, no maintenance of any of said vehicles, vans or trailers shall be allowed. This shall not include semi tractor-trailers or other similar type cargo containers.

Start of construction means actual construction of roadways, utilities or buildings in accordance with approved development plans. For the purposes of floodplain management, the definition of "start of construction" shall be the date of issuance for new construction and substantial improvements to existing structures, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within one hundred eighty (180) days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, or the construction of columns. Permanent construction does include land preparation (such as clearing, grading or filling), the installation of streets or walkways, excavation for a basement, footings, piers or foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Stationary facility, when used in connection with hazardous or biomedical waste or petroleum contaminated soil means a facility which stores, treats or disposes of biomedical or hazardous waste, or petroleum contaminated soil, transported to the facility.

Storage (use) means a building or property used for the inside or outside self-storage of goods not related to sale or use of those goods on the same lot where they are stored. Commonly referred to as "self-service storage" or "mini storage."

Street or *road* means any access way such as a street, road, lane, highway, avenue, boulevard, alley, parkway, viaduct, circle, court terrace, place or cul-de-sac and includes all of the land lying between the right-of-way lines as delineated on a plat or right-of-way map showing such streets, whether improved or unimproved. Does not include those access ways such as easements and right-of-way intended solely for limited utility purposes such as electric, gas, telephone, water, drainage and sewer lines or easements for ingress/egress.

(1) Cul-de-sac street means a dead-end street that terminates in a vehicular turnaround.

(2) Dead-end street means a road or street, or portion thereof, with only one (1) vehicular-traffic outlet.

(3) Marginal access street means a street that is parallel to and adjacent or near to an arterial street and that is designed to provide access to abutting properties so that these properties are somewhat sheltered from the effects of the through traffic on the arterial street and

designed so that the flow of traffic on the arterial street is not impeded by direct driveway access from a large number of abutting properties.

Structure means anything constructed or erected on land or attached thereto. Structures include, but are not necessarily limited to, a walled and roofed building, a manufactured home, a gas or liquid storage tank, a sign or other manmade facilities or infrastructures.

Structure, accessory means a minor building or other structure that is located on the same parcel as a principal building and that is used incidentally to a principal building, or that houses an accessory use.

Subdivision means:

(1) The process, act or land resulting from dividing, separating or splitting a parcel, lot or tract of land into two (2) or more parcels, lots, tracts, building sites or other divisions for the purpose of transfer of ownership, building or other development (whether immediate or future); or

(2) Any division of land involving the dedication of a new street or a change in existing streets, or the provision of other public facilities or improvements, whether publicly or privately owned including, but not limited to, drainage facilities and utilities; or

(3) Any resubdivision of an existing subdivision, whether recorded or unrecorded; or

(4) The development process of mobile home parks and recreational vehicle parks which involves the division of any parcel of land into two (2) or more lots, for the purpose of sale, time sharing or membership arrangements. The subdivision of recreational vehicle parks is subject to compliance with Florida Department of Health construction, operating, and permitting requirements in Ch. 513, F.S., and 64E-15, F.A.C, as required.

Substantial damage means damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the building or structure before the damage occurred.

Substantial improvement means any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds fifty (50) percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure.

Supermarket means a self-service retail market selling especially foods and household merchandise.

Surficial aquifer means the permeable hydrogeologic unit contiguous with land surface that is comprised principally of unconsolidated to poorly indurated clastic deposits.

Surveyor means a person qualified, registered and currently licensed by the State of Florida to practice land surveying.

SWFWMD means the Southwest Florida Water Management District.

Tailings means, when related to mining and excavation, waste products of beneficiation operations that may consist of solid particles including clay and sand fines, including colloidal or waste clays.

Tent means a portable shelter usually fabricated of canvas or other water-repellent and fire-resistant material.

Terminal means any location where freight originates, terminates, or is handled in the transportation business or where any trucking business originates (starts up for the day with arrival of drivers), terminates (ends day for clean out, parking and storage), or maintains operating and maintenance facilities.

Tower, communication means any structure that is designed and constructed primarily for the purpose of supporting one (1) or more antenna, including monopole (free standing), lattice (self-supporting) and guyed (anchored with guy wires or cables) towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like.

Tower height, communication means the vertical distance from ground level at the tower base to the highest point of the tower structure.

Town center means a mixed-use area within a community that is designed to optimize pedestrian activity. Town centers are characterized by having many of the following characteristics; a mix of retail, office, entertainment, institutional and sometimes residential uses; on-street parking and shared parking with parking lots often in the interior of blocks or to the rear of buildings; buildings directly abutting the sidewalk and often each other; building overhangs that extend over the sidewalk, and typically have some two- or three-story buildings. Town centers must be developed under RPUD zoning.

Tract means a parcel of land whose boundaries have been established by a recorded or unrecorded plat or map accepted by the BOCC and recognized as a separate legal entity for purpose of transfer of title.

Transfer station/facility, when used in connection with hazardous waste, means a site the primary purpose of which is to store or hold hazardous waste generated off-site for transport to a processing or disposal facility.

Transient merchant means a person who sells or offers for sale merchandise at any place in the county temporarily and who does not become a permanent merchant at such place and who, for the purpose of carrying on such business, hires, leases or occupies, either in whole or in part, a business location for the exhibition and sale of merchandise. "Transient merchant" includes the situation where a person sells or offers for sale merchandise at any place which does not have a business listing with a telecommunications firm under Federal Communications Commission regulations. "Transient merchant" does not include either an operator of a flea market or a person who conducts business out of a flea market.

Traveled way means the portion of the roadway for the movement of vehicles exclusive of shoulders.

Truck means any motor vehicle designed, used or maintained primarily for the transportation of property or freight including, but not limited to, truck-tractors, truck-tractor semitrailer combinations, dump trucks, stake-bed trucks, flatbed trucks, commercial vans and pick-up trucks of over one-ton capacity.

Understory tree means a self-supporting woody tree which has an average mature crown of greater than fifteen (15) feet and has trunks that can be maintained with over four (4) feet of clear wood.

Undesirable trees means all types of trees set forth in this chapter as undesirable, non-approved, and/or prohibited. These plants are prohibited from being planted.

Unreasonably burdened means to accomplish the tree preservation objectives herein, the desired improvements and activities cannot be located elsewhere on the property without causing an unreasonable hardship on the developer.

Urban. In urban areas (geographic regions comprising as a minimum the area inside the United States Bureau of the Census boundary of an urban place with a population of five thousand (5,000) or more persons, expanded to include adjacent developed areas as provided for by Federal Highway Administration regulations) drivers will generally accept lower speeds and levels of service. Economic constraints in urban areas are also generally more severe. Minor modifications in design criteria are, therefore, appropriate for urban streets.

Urban expansion area (UEA) means that area so designated on the Future Land Use Map of the Sumter County Comprehensive Plan.

Usable land area means the developable area of land that lies outside of the following:

(1) Easements, recorded and unrecorded, for ingress/egress, drainage, utilities, etc.

(2) All wetlands subject to mitigation and surface waters under state jurisdiction.

(3) Mean seasonal high water level.

(4) When the legal instrument creating a lot shows the boundary of the lot extending into a public street right-of-way, then the lot boundary for purposes of computing usable lot area shall be the street right-of-way line; or if the right-of-way line cannot be determined, a line running parallel to and twenty-five (25) feet from the center of the traveled portion of the street.

(5) In a residential zone, when a private road that serves more than three (3) dwelling units is located along any lot boundary, then the lot boundary for purposes of computing usable lot area shall be the inside boundary of the traveled portion of that road.

Use means the activity or function that occurs or is intended to occur on a parcel, lot or tract.

Utility facilities means any above-ground structure or facility whose principal use is in connection with the production, generation, transmission, distribution, delivery, collection or storage of water, sewer, electricity, gas, oil or electronic signals.

(1) *Community or regional utility facilities* means all utility facilities other than neighborhood facilities.

(2) *Neighborhood utility facilities* means all utility facilities that are designed to serve the immediately surrounding neighborhood and that must, for reasons associated with the purpose of the utility in question, be located in or near the neighborhood that such facilities serve or propose to serve.

Variance means a grant of permission or relief that authorizes the recipient, where specific enforcement of this chapter would result in unnecessary hardship, to do that which, according to the strict letter of this chapter, he/she could not otherwise legally do.

Variance, floodplain is a grant of relief from the floodplain management requirements, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this chapter or the Florida Building Code.

Vehicle means every device in, upon, or by which any person or property is or may be transported or drawn upon a travel way, except devices used exclusively upon stationary rails or tracks.

Vehicle accommodation area means that portion of a parcel that is used by vehicles for access, circulation, parking, loading and unloading. It comprises circulation areas, loading and unloading areas, and parking areas.

Vehicle use area means all parking spaces, aisles and access drives forming a parking lot, including drive-through lanes.

Water supply system means any plant, wells, pipes, lines, valves, meters, water main laterals, tanks, reservoirs, systems, facility, or property used or useful or having the capacity for obtaining and supplying domestic water for residential, business and industrial use.

Watercourse means a river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Wetlands mean the most landward extent of the following:

(1) Areas within the dredge and fill jurisdiction of the FDEP as authorized by Ch. 403, F.S.

(2) Areas within the jurisdiction of the ACOE as authorized by Section 404, Clean Water Act, or Section 10, River and Harbor Act.

(3) Areas within the jurisdiction of the SWFWMD pursuant to Section 40D-4 and 40D-40, F.A.C.

Wholesale sales means on-premises sales of goods primarily to customers engaged in the business of reselling, as opposed to consumers.

Yard, front means the area of the lot between the front of the principal building and the front lot line, between the side lot lines.

Zoning district means one (1) or more contiguous parcels of land with the same land use zone designation.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2016-06, § 3A, 4-26-16; Ord. No. 2018-05, § 3, 2-13-18; Ord. No. 2019-10, § 3, 5-28-19; Ord. No. 2019-18, § 3(Att. A), 8-13-19; Ord. No. 2021-10, § 3A, 10-12-21; Ord. No. 2022-01, § 3, 1-11-22; Ord. No. 2023-04, § 3, 4-11-23; Ord. No. 2023-09, § 3, 6-13-23)

Sec. 13-201. Abbreviations

Ac.	Acre
ADA	Americans with Disabilities Act
ADT	Average Daily Traffic (or Trips)
ALF	Assisted Living Facilities
ANSI	American National Standards Institute
ASCE	American Society of Civil Engineers
AUE	Animal unit equivalency

BFE	Base Flood Elevation
BOCC	Board of County Commissioners
CFR	Code of Federal Regulations
DRI	development of regional impact
FQD	Florida Quality Development
Ft.	Feet
EPCRA	Florida Emergency Planning and Community Right-to-Know Act
RCRA	Resource Conservation and Recovery Act
DBH	Diameter at Breast Height
FDEP	Florida department of Environmental Protection
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
F.A.C	Florida Administrative Code
FAR	Floor Area Ratio
FBC	Florida Building Code
FCC	Federal Communications Commission
FFPC	Florida Fire Prevention Code
FFWCC	Florida Fish and Wildlife Conservation Commission
FIRM	Flood Insurance Rate Map
FLUM	Future Land Use Map
F.S.	Florida Statutes
GFA	Gross Floor Area
HUD	US Department of Housing and Urban Development
ITE	Institute of Transportation Engineers
LDC	Land Development Code
NAICS	North American Industry Classification System
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Association
NGVD	National Geodetic Vertical Datum
ORD	Ordinance
RV	Recreational Vehicle
Sq. Ft.	Square feet
SWFWMD	Southwest Florida Water Management District

ULI Urban Land Institute

Secs. 13-202—13-299. Reserved.

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ARTICLE III. ADMINISTRATION

DIVISION 1. APPROVING AUTHORITIES

Sec. 13- 300. General.

Applications for amendments and permits are acted upon by persons or entities identified as recommending or approving authorities in this article. The purpose of this division is to establish and/or further identify and describe these authorities.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 301. Board of County Commissioners (BOCC)

(a) *Authority and duties related to this chapter.* The Sumter County Board of Commissioners (herein referred to as the BOCC) shall have the following authority and duties regarding development and growth management in their area of jurisdiction:

(1) Comprehensive plan. Acting in a legislative capacity, the BOCC shall prepare, adopt and amend the county comprehensive plan in accordance with F.S. Ch. 163. However, the BOCC shall govern the meeting in a quasi-judicial manner when a land use, variance permit accompanies a comprehensive plan amendment.

(2) *Development code.* Acting in a legislative capacity, the BOCC may amend this chapter, including zoning map amendments, and other growth management rules and regulations in conformance with its adopted comprehensive plan and state statutes.

(3) *Land use permits.* Acting in a quasi-judicial capacity, the BOCC may issue land use permits, as specified herein.

(4) *Development permits.* Acting in an administrative capacity, the BOCC may issue development permits, as specified herein.

(5) *Variances.* Acting in a quasi-judicial capacity, the BOCC may issue variances from the requirements of this chapter, as specified in this article.

(6) *Appeals*. Acting in a quasi-judicial capacity, the BOCC shall review and act upon appeals when it is alleged that there is error in any order, requirement, decision or determination made by the County Administrator or designee in the administration or enforcement of any provision of this chapter.

(7) Appointments.

a. Pursuant to F.S. Ch. 125, the BOCC may appoint other boards, agencies and hearing officers to administer specified functions in this chapter.

b. Notwithstanding the agencies and boards established in this article, the BOCC may establish independent advisory groups, committees or commissions to make recommendations on any development issue directly to the BOCC.

(b) *BOCC operation*. Unless otherwise specifically provided, the BOCC shall follow requirements for voting and other matters as set forth in this article, the Sumter County Code, Florida Statutes, and general law.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 302. Planning and zoning special master.

(a) *Establishment and purpose.* There is hereby established, pursuant to and in accordance with the provisions of Chapter 163, F.S., a Planning and Zoning Special Master (herein referred to as PZSM) whose principal functions shall be as specified in Subsection (b).

(b) *Duties and authority.* The PZSM's duties and authority shall be as follows:

(1) *Local planning agency*. To sit as the local planning agency in reviewing studies and develop recommendations to the BOCC related to comprehensive planning, ordinances, development regulations and policies, and other activities for carrying out planning in a coordinated and efficient manner.

(2) *Zoning and adjustments*. To sit as the Planning and Zoning Special Master and hold public hearings for recommending to the BOCC on applications for re-zoning or other amendments to this chapter for the following purposes:

a. To recommend or approve/disapprove applications for special, conditional and temporary use permits, all as specified in Table 13-313A.

b. To approve/disapprove applications for variances, as specified in Section 13-361.

(3) *Development regulations and policies*. To review development regulations, policies, and make recommendations to the BOCC on amendments to this chapter.

(4) *Other*. To perform any other related duties assigned by the BOCC.

(c) *Appointment and service*.

(1) The special master shall be a member in good standing with the Florida Bar for a minimum of two (2) years. Candidates for the position of special master must have knowledge and understanding of local government law. Appointments shall be made by the county administrator on the basis of experience in planning and zoning issues. Such appointments shall be submitted to the BOCC for ratification.

(2) The county administrator shall appoint a special master and an alternate special master. Any special master may be reappointed at the discretion of the county administrator, subject to ratification by the BOCC. There shall be no limit on the number of reappointments that may be given to any individual special master; provided however, that a determination as to removal or reappointment must be made for each special master at the end of each of his/her one-year terms. The county administrator shall have authority to remove a special master with or without cause. Appointments to fill any vacancy shall be for the remainder of the unexpired term.

(3) A special master shall not be a county employee but shall be compensated at an hourly rate to be established by contract.

(d) *Meetings*.

(1) *Schedule*. The PZSM shall establish a regular hearing schedule and shall meet frequently enough to expeditiously perform its duties in conformity with public notice and other applicable laws.

(2) *Conduct.* All PZSM hearings shall be open to the public and conducted in accordance with the provisions set forth in this article. The PZSM shall adopt rules and regulations governing its procedures and operations consistent with those provisions and Florida law.

(3) *Record.* All actions of the PZSM shall be public record. All hearings shall be audio-recorded and written minutes shall be prepared for all proceedings. The County Administrator or designee shall keep a properly indexed record of its actions, which shall be a public record.

(4) *Joint meetings.* The PZSM and the BOCC may hold combined public hearings and meetings on any application or other matters. Such combined meetings shall not prevent the PZSM and/or the BOCC from holding additional hearings, if deemed necessary.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Sec. 13- 303. Development staff.

(a) *County Administrator*.

(1) *Establishment and purpose.* The County Administrator or designee shall have primary responsibility for administering, interpreting and enforcing this chapter and related codes and laws, except as otherwise specifically provided for herein.

(2) *Duties.* The duties and responsibilities of the County Administrator or designee as it relates to this chapter shall include, but are not necessarily limited to, the following:

a. Review all applications for amendments and permits for completeness.

b. Schedule public hearings and meetings and cause public notice of same, as required by law.

c. Recommend or act upon applications for amendments and permits as specified in this article.

d. Collect all fees required and transmit same to the county clerk for disposition as required by law.

e. Acting as floodplain administrator, the County Administrator is authorized to administer and enforce the provisions of the Floodplain Management Ordinance contained in this code. The floodplain administrator shall have the authority to perform or delegate those duties described in Article XI.

f. Other actions pertaining to the administration and enforcement of this chapter and other related codes.

(b) *Building official*.

(1) *Establishment and purpose.* The BOCC shall employ a building official who shall have primary responsibility for administering and enforcing the building codes adopted by it, or mandated by federal or state law.

(2) *Duties.* The general duties and responsibilities of the building official shall include, but are not necessarily limited to, those specified in the adopted building codes.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-304—13-309. Reserved.

DIVISION 2. DEVELOPMENT APPROVAL PROCESS

Sec. 13- 310. General.

(a) *Purpose and intent.* The general purpose of this article is to provide for the administration of development requirements in an efficient and equitable manner. It is also the intent to set forth such administration in a clear and concise presentation that will allow the regulatory process to be easily understood.

(b) *Compliance.* After the effective date of this chapter, except as provided in Article I, General provisions, all existing and new land use and development of real property in the unincorporated areas of Sumter County shall comply with the requirements of this article.

(c) *Consistency*.

(1) Consistent land use and development. Land use and development that is permissible within the text and zoning map of this chapter may be approved as shown on Table 13-313A and as provided for in Divisions 4 and 5 of this Article.

(2) Non-consistent land use and development. Land use and development that does not comply with the text and zoning map of this chapter is prohibited, unless and until the required amendments are made as shown on Table 13-313A and as provided for in Division 3 of this article, or a variance is granted as provided for in Division 7 of this article, or such land use and development is exempt per the non-conforming provisions of Article I.

(d) *Fees.* Fees sufficient to compensate for costs of administration, review, inspection, publication of notice, monitoring and similar matters may be charged to applicants for amendments, land use and development permits, variances and appeals, and similar actions and services. These fees shall be those reasonably necessary to ensure the health, safety, and welfare of the citizens of Sumter County. A schedule of fees, including fee policies, shall be established by the BOCC, by ordinance or resolution.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 311. Development activities.

For purposes of administration, activities related to the development of real property shall be identified as follows:

(a) *Subdivision of land*. As defined in Article II.

(b) *Site development/activity*. This includes clearing, grading, paving, utility construction, and other related activities that prepare a site for building construction or other use; or the use of property for a temporary activity.

(c) *Building construction*. This includes all habitable buildings and other above or below ground structures not related to site work.

(d) *Operation*. This includes operation of selected development after site development and building construction are complete.

(e) *Change of occupancy*. Where a change of use changes the occupancy classification of a structure or premises to what is not presently approved, but permissible.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 312. Development review classifications.

To provide an appropriate level of review and approval, all proposed development shall be classified by the County Administrator or designee as either exempt, minor or major development according to the criteria below. An application for a development permit for all non-exempt development shall include sufficient information to allow the County Administrator or designee to determine the appropriate classification. This classification shall then determine which permitting procedure presented in Section 13-341 shall be required. Exempt development shall not require any review or permitting under this chapter. Classifications are defined as follows:

(a) *Exempt development.* A development activity shall be designated as exempt from the review and permitting requirements of this article if it meets the criteria contained herein, provided such exemptions are not aggregated to circumvent the purpose and intent of this chapter. Development activity exempt from permitting shall comply with the applicable land use and development standards requirements of this chapter.

(1) Site development/activity.

a. Where proposed improvements are completely interior to an existing structure and no change of occupancy occurs.

b. Mechanized land clearing and/or creation of impervious surfaces exempt from surface water management permitting by the Southwest Florida Water Management District.

c. Excavation/fill of material meeting the following criteria:

1. Excavation/fill does not violate any local, state, or federal wetland or floodplain regulations, and

2. Excavation/fill does not create any run-off or drainage onto property owned by others, and

3. Not more than two thousand (2,000) cubic yards (i.e., 75"×75"×10") per parcel is excavated.

4. Streets, roads, easements, and related construction by or for government entities, when not part of development otherwise regulated by this chapter.

5. Above or below ground electric power, telephone, telegraph, TV cable, gas, water, and sewer lines, wires or pipes (together with supporting poles, and related structures not more than one hundred (100) square feet in area and ten (10) feet high) installed by or for governmental bodies and public or private utilities, and located within a public road right-of-way for which permission for such installation has been obtained, when not part of development otherwise regulated by this chapter.

6. Repaving a lawfully existing impervious surface.

7. Site development activity by or for the BOCC and other entities having the power of eminent domain.

8. Activities filling or re-contouring land that are not within a floodplain and do not require a surface water management permit from the Southwest Florida Water Management District, excluding activities in conjunction with construction of private use racetracks for motorized vehicles.

(2) *Building construction*.

a. Construction of buildings that meet the setback requirements and are to be used for farming purposes on agricultural parcels.

b. Additions to accessory buildings that:

1. Meet the setback requirements, and

2. Do not provide enclosed sleeping area, and

3. Are not larger than one hundred (100) square feet under roof in the R2M, R2C, R4M, R4C, R6M and R6C zoning districts or two hundred (200) square feet under roof in A10, A10C, RR5, RR5C, RR2.5, RR2.5C, RR1 and RR1C.

c. Temporary construction offices and storage units on property for which a development permit for a principal structure has been issued and is currently in effect, provided they meet the code requirements for accessory structures. See Section 13-538 for temporary construction offices and Section 13-517 for storage buildings.

d. Temporary signs.

e. Permanent ground signs of not more than fifteen (15) square feet of face area provided such sign is not greater than ten (10) feet in height and does not utilize electrical devices and shall meet the requirements of Article X.

f. Building construction by or for the school board and other entities exempt from local development approval.

(3) *Agricultural classification*.

a. *Nonresidential farm buildings.* Any nonresidential farm building, farm fence, or farm sign that is located on lands used for bona fide agricultural purposes is exempt from the Florida Building Code and any provision or fee contained in this code, except for fire prevention regulations, code provisions implementing local, state, or federal floodplain management regulations; driveways, swales, and stormwater systems are not considered nonresidential farm buildings.

b. *Bona fide farm operations.* Except for applicable federal and state environmental regulations, activity of a bona fide farm operation on land designated with an "agricultural classification" by the Sumter County Property Appraiser, where such activity is regulated through implemented best management practices or interim measures developed by the department of environmental protection or the department of agriculture and consumer services, is exempt from code provisions, enacted after June 16, 2000, that prohibit, restrict, regulate, or otherwise limit the activity of the bona fide farm operation.

c. *Agritourism.* Except for applicable federal and state regulations, the regulation of substantial offsite impacts of agritourism, and any applicable declared state of emergency, agritourism on land designated with an "agricultural classification" by the county property appraiser, is exempt from code provisions that prohibit, restrict, regulate, or otherwise limit such activity.

(b) *Minor development.* Unless exempted in Subsection (a), a development activity shall be designated a minor development if it does not exceed any of the following criteria:

(1) *Subdivision of land.* The proposed subdivision meets the definition of a minor subdivision (see Division 6 of this article, Subdivision Procedures).

(2) *Site development/activity*.

a. New development generating less than seven hundred fifty (750) average daily vehicle trips as determined by Institute of Transportation Engineers (ITE) Trip Generation Manual.

b. Construction of new impervious surface less than four thousand (4,000) square feet.

c. Excavation of more than two thousand (2,000) cu. yd. but not more than ten thousand (10,000) cu. yd. (i.e. 150"×150"×12") per parcel.

d. Community water supply system wellfields, and accessory facilities, of not more than two hundred fifty thousand (250,000) gallons per day capacity.

e. Wastewater treatment facilities of not more than two hundred fifty thousand (250,000) gallons per day capacity and/or effluent disposal facilities of not more than five hundred thousand (500,000) gallons per day capacity.

f. Activities filling or re-contouring land that require a surface water management permit from the Southwest Florida Water Management District.

g. Land application of septage or sludge except for motorized vehicles.

h. Communication towers that do not exceed two hundred (200) feet in height.

(3) *Change of occupancy.* Any minor development which changes to an occupancy identified in Section 13-340.

(c) *Major development.* Unless exempted in Subsection (a) or designated a minor development by Subsection (b), a development activity shall be designated a major development if it satisfies one (1) or more of the following criteria:

(1) *Subdivision of land*.

a. Subdivisions determined to be major subdivisions per Division 6 of this article, Subdivision Procedures.

b. Any subdivision of non-residential land.

c. The subdivision of a parcel into more than two (2) lots, where such lots have the required frontage on a privately maintained road.

d. Any replat of property.

(2) *Site development/activity*.

a. New development generating more than seven hundred fifty (750) average daily vehicle trips as determined by Institute of Transportation Engineers (ITE) Trip Generation Manual.

b. Construction of new impervious surface area greater than four thousand (4,000) square feet.

c. Excavation of at least ten thousand (10,000) cubic yards, but not more than fifty thousand (50,000) cubic yards per parcel.

d. Mining as defined in Article II of the Land Development Code.

e. Community water supply system wellfields, and accessory facilities, of more than two hundred fifty thousand (250,000) gallons per day capacity.

f. Wastewater treatment facilities of more than two hundred fifty thousand (250,000) gallons per day capacity and/or effluent disposal facilities of more than five hundred thousand (500,000) gallons per day capacity.

g. Communication towers greater than two hundred (200) feet.

(3) *Change of occupancy.* Any major development which changes to an occupancy identified in Section 13-340.

(4) *Other.* Notwithstanding the other provisions of Subsections (a) or (b) or this subsection, the following development shall be classified as major:

a. Any development activity requiring a conditional use approval.

b. Any planned unit development land use.

c. Any construction and demolition debris landfill and public solid waste landfill.

d. Any development designated as a major development by the County Administrator or designee, unless specified otherwise by the BOCC, because:

1. It is part of a larger development that does not qualify as a minor.

2. It should have major development review due to its complexity, location, or potential for adverse impact to the community not otherwise specifically identified in this Article.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18; Ord. No. 2021-10, § 3B, 10-12-21; Ord. No. 2023-09, § 3, 6-13-23)

Sec. 13- 313. General development review process.

Applications for development review shall meet the following administration requirements.

(a) Pre-application meeting.

(1) *County staff.* Prior to filing for any amendment, permit or variance, according to the code, an applicant is encouraged to consult with county staff. The purpose of this pre-application consultation is for informal discussion of the schedule and requirements of the comprehensive plan and this land development code applicable to the proposed development. The dissemination of information or general affirmation by development review staff shall not be construed as development approval.

(2) *Regulatory agencies and utilities.* It shall be the responsibility of the applicant to seek out a pre-application meeting with all regulatory agencies having jurisdiction, and utility companies having existing or future facilities at the proposed development site before or immediately after the pre-application meeting with County staff.

(b) Application submission.

(1) *Filing.* A request for an amendment, permit, or variance is initiated with the submission of an application by documented authorized applicants to the County Administrator or designee

(2) *Authorized applicants*.

a. *Zoning map and LDC amendments*.

1. *Zoning map amendments.* Applications may only be submitted by an owner of record of subject property or the authorized agents. An applicant must submit evidence of his/her authority to submit an application. In addition, the BOCC is authorized to initiate a zoning map amendment on any parcel of land in the unincorporated area of the county.

2. *LDC text amendments.* Applications may be submitted to amend the text of the Land Development Code by any individual residing in or having a business located in Sumter County Florida, or by their authorized representative

b. *Land use and development permits (except building permits).* Applications may only be submitted by the owner or the owner's documented authorized agents.

c. *Building permits.* Permits may only be obtained by those persons or entities eligible to perform the work under Ch. 489, Part I, F.S., or Chapter 6, Article II of the code of ordinances, or their authorized agent.

1. Applicants seeking to qualify as owner-occupier under the above laws may be required to furnish the names of all contractors to be used prior to issuance of the permit or prior to a certificate of occupancy being issued.

2. Agents for licensed contractors shall only be accepted after presentation of a notarized affidavit by said contractor.

(3) *Application fees.* Application fees shall be set by the BOCC via resolution at its sole and absolute discretion.

(4) *Application materials.* An application form, in a format provided by the County, and other materials are required for each amendment or permit application. The burden of presenting a complete application shall be upon the Applicant. An application is presumed complete when it contains all the information required by the application and this code. The authority may allow less information or require more information to be submitted according to the needs of the particular application.

(5) *Application amendments.* An application may be amended after it has been noticed for public hearing; however, such amendment may result in a delay or cancellation of the application's scheduled hearing.

(6) *Application withdrawal.* Applications may be withdrawn by the applicant at any time. A refund of the application fee may be issued if staff has not commenced the review, or the application has not been scheduled for a hearing.

(7) *Application abatement.* Applications will be abated after one (1) year of inactivity from the date of the last comment letter submitted by staff. The County Administrator or designee may extend this timeframe, if there are peculiar circumstances related to the site.

(c) Application processing.

(1) *Application identification.* Upon filing, an application shall be assigned a unique identification number.

(2) *Expeditious processing.* County staff shall make every reasonable effort to process all applications as expeditiously as possible, consistent with State Statute requirements and any

public notice requirements of Division 2 of this article and ensure that all approvals conform to the requirements of the comprehensive plan and this chapter and are in the best interests of the citizens of Sumter County.

(3) *Sufficiency.* The burden of presenting a sufficient application to the authority shall be upon the applicant. An application is sufficient when it contains all of the information necessary for the authority to decide, at that level of review, whether the development complies with the code. The County Administrator or designee shall determine if the application is sufficient and shall specify the particular type of information lacking and/or the particular requirement with respect to which the application is insufficient.

(4) *Application completeness review*.

a. *Completeness review.* Upon receipt of an application, the County Administrator or designee shall review it for completeness within the time limits specified.

b. *Request for additional information*.

1. The County Administrator or designee shall notify the applicant of any apparent errors or omissions and request any additional information.

2. Failure to correct an error or omission or to supply additional information shall not be grounds for dismissal of an application, except that this does not prevent the authority from denying an application if it does not possess sufficient information to ensure the request meets code.

(5) *Application review*.

a. *Review set.* Upon determination of completeness, or notification that no additional information is forthcoming, the County Administrator or designee shall set the application for formal review and action by the authority as presented in Table 13-313A.

b. Consistency. In deciding whether to approve an application, the central issue before the authority is whether the proposed change is consistent with the Goals, Objectives and Policies of the Sumter County Comprehensive Plan, requirements of this chapter, other applicable laws, previously approved plans and permits, and advances the public health, safety or welfare.

(6) *Action on application.* Recommending and approving authorities shall take action on applications as follows:

a. *Approve as presented.* A motion or action to approve the application as presented shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this chapter or other applicable laws with respect to which the application complies.

b. *Approve with conditions.* Where authorized in this chapter, the application may be approved subject to conditions. The nature of the required conditions shall be indicated in writing on the records of the authority and furnished to the applicant. The action and conditions may be appealed as provided in Division 7 of this article. An appealed decision of one (1) or more of the required conditions shall be considered a rejection of the application approval and such approval shall expire.

c. Disapproval.

1. A motion to approve the Applicant's requested action that fails to obtain an affirmative majority vote shall be considered an action for disapproval.

2. A motion or action for disapproval shall specify the specific goals, objectives or policies in the comprehensive plan, sections of this chapter or other applicable laws with respect to which the application does not comply. If such a motion fails, it shall be conclusively presumed that the application complies with all laws. If the application is disapproved, the authority shall provide the reasons for disapproval in writing on its records and furnished to the applicant. While adherence to the requirements of the comprehensive plan, this chapter and other laws is mandatory, all recommending and approving authorities shall make reasonable attempts to facilitate a resolution of the non-compliance issues upon which a disapproval is proposed or given, when alternative methods of compliance are apparent.

   Nothing herein shall prevent an applicant who has received approval with or without conditions from applying for an amendment to any action by Sumter County, its staff or reviewing boards for an amendment to such approval.

d. *Table (or continue) the application.* If the authority determines that information for the proper evaluation of the application is not available at the time of review, it may postpone its decision until a future date to provide the opportunity for such to be furnished.

e. *Return application.* At the discretion of the approving authority, the application may be returned to the recommending authority for further consideration where additional material information, which was not reasonably available at time of recommendation hearing, has become known.

(d) Reapplication.

(1) *Amendments and use permits.* Whenever the authority disapproves an application for an amendment or use permit, a reapplication for the same amendment or use permit may not be submitted except in conformance with the following:

a. *Disapproval.* Unless specified otherwise in the disapproval, denied applications may be resubmitted to the County Administrator or designee any time after a period of twelve (12) months from date of denial.

b. *Waiver of time.* Notwithstanding Subsection a, whenever an application is denied on a basis other than the failure of the applicant to submit a complete application, a reapplication may be allowed by the County Administrator or designee at any time as follows:

1. Where the applicant clearly demonstrates that circumstances affecting the property that is the subject of the application have substantially changed since the denial; or

2. Where new material information is available that could not with reasonable diligence have been presented at a previous hearing.

3. A request to be heard on the basis of Subsection 1. or 2. may be filed with the County Administrator or designee at any time. However, such filing does not extend the time period within which an appeal must be taken. Although an application may be accepted by the County Administrator or designee, the final determination for meeting the conditions of Subsection 1. or 2. rests solely with the authority.

c. *New application.* Notwithstanding Subsections a., b. and c., new applications affecting the same property previously denied may be submitted. A new application is one (1) that differs substantially from one (1) previously considered. Although an application may be accepted by the County Administrator or designee, the final determination for meeting the conditions of a new application rests solely with the authority.

(2) *Development permits.* Disapproved applications for development permits may be resubmitted at any time.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

(e) *Review authorities.* Review and approval procedures are charted in Table 13-313A.

TABLE 13-313A DEVELOPMENT REVIEWS AND APPROVALS

Application/Permit Type	Section	Staff	County Administrator or designee	PZSM	BOCC
SITE PLANS					
Preliminary Plan	13-340	Yes	Yes	No	No
Engineering Plan	13-340	Yes	Yes	No	No
SUBDIVISIONS					
Subdivisions exempt from platting	13-350	Yes	Yes	No	No
Preliminary Plat (optional)	13-351	Yes	Yes	No	No
Final Plat	13-354	Yes	Yes	No	Yes
COMP PLAN/FLUM/ZONING MAP AMENDMENTS					
Comprehensive Plan/Future Land Use Map Amendment		Yes	Yes	Yes	Yes
Zoning Map Amendment	13-321	Yes	Yes	Yes	Yes
Zoning Map Amendment to PUD including preliminary development plan	13-321	Yes	Yes	Yes	Yes
LDC Amendments (Text)	13-321	Yes	Yes	Yes	Yes
USE PERMITS					
Minor Development					
- Permitted	13-341	Yes	Yes	No	No
- Special	13-331	Yes	Yes	Yes	No
- Temporary (short)[1]	13-331	Yes	Yes	No	No
- Temporary (long)[1]	13-331	Yes	Yes	Yes	No
Major Development					
- Permitted	13-341	Yes	Yes	No	No
- Special	13-331	Yes	Yes	Yes	Yes
- Conditional Use	13-341	Yes	Yes	Yes	Yes

Application/Permit Type	Section	Staff	County Administrator or designee	PZSM	BOCC
- Temporary (short)	13-331	Yes	Yes	Yes	Yes
- Temporary (long)	13-331	Yes	Yes	Yes	Yes
OTHER					
Building Permit	13-341	Yes	No	No	No
Operating Permit	13-341	Yes	Yes	No	Yes
Change of Occupancy	13-341	Yes	No	No	No
Development Agreement	13-321	Yes	Yes	No	Yes
Deviation	13-344	Yes	No	No	No
Variance	13-371	Yes	Yes	Yes	No
Floodplain Variance	13-372	Yes	Yes	Yes	No

PZSM = Planning and Zoning Special Master; BOCC = Board of County Commissioners; PUD = Planned Unit Development

[1] Temporary use (short and long) permits require PZSM approval, if first denied by staff. All temporary use (long) permit renewals require PZSM approval.

Sec. 13- 314. Public notice.

As specified in this article, all applications for rezonings, variances, operating, use and development permits requiring review and action by the BOCC and/or PZSM shall be considered in public hearings which shall be noticed and conducted as required herein.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

(a) BOCC *and PZSM*. Amendments, variances and operating and use permits requiring review and action by the BOCC and/or PZSM.

(1) Publication.

a. *Contents of notice.* When publication is required, advertisement shall be in the legal notice section of the paper, unless specified otherwise, and shall include, in addition to the general intent or purpose of the hearing, and the date, time and place of hearing, the following information on each application to be heard:

1. Application identification number.
2. Applicant's name.
3. The requested action.
4. The general location and legal description of the property involved.
5. The size of the property on which action is requested.

b. *Rezonings.* For rezonings and land development code amendments, public notice pursuant to F.S. § 125.66 shall be given.

c. *Variances and use permits requiring review and action by the PZSM and/or* BOCC*.* Public hearings shall be advertised in at least one (1) newspaper of paid general circulation within Sumter County as follows.

1. The legal advertisement shall comply with all statutory advertising requirements for the particular action. Every effort shall be made to advertise not less than five (5) days prior to the hearing; however, as long as a legal advertisement is accomplished prior to a hearing, failure to advertise five (5) days prior to the hearing shall not be grounds for challenging any action taken on the application.

2. For conditional use permits, legal advertisements shall describe the geographic area involved, a descriptive name of the facility and a general, non-technical description of the activities planned to be conducted at the facility.

(2) *Posting.* All properties for which applications require public hearings before the PZSM or BOCC shall be posted by the applicant with plaques furnished by the County Administrator or designee. Such plaques shall identify the application, the requested action, and the date, time and place of hearing. Plaques shall be sufficiently conspicuous in terms of size, location, and content to provide reasonably adequate notice to potentially interested persons of the matter that will appear on the authority's agenda. Such notices shall be posted at least seven (7) days prior to the first hearing at which the subject property will be considered, at locations specified by the County Administrator or designee.

(3) *Notice to affected property owners*.

a. *When required.* the department shall notify by first class mail the owners of all property lying within five hundred (500) feet of the perimeter of the parent tract of the parcel described in the application, except that:

1. *Conditional uses:* For applications for conditional use permits, each unit of local government within three (3) miles of the proposed conditional use and any school district with a facility within three (3) miles of the proposed conditional use shall be mailed the same notice.

2. *Special uses:* For applications for special use permits for community water system wellfields, the owners of all property lying within five hundred (500) feet of the proposed wellfield area will be notified. Such notice will include the restrictions on the use of their property if the special use is granted.

3. *Rezonings:* Where a zoning map amendment of one (1) or more parcels is proposed by the BOCC, the County Administrator or designee shall notify the owners of all properties whose zoning classification is to be changed by the proposed amendment, unless such amendment is comprehensive and county-wide in effect, in which case such notice shall consist solely of notice published in a newspaper of paid general circulation within Sumter County.

b. *Notice requirements.* Notices shall be mailed at least ten (10) days prior to the first hearing date to owners of real property listed on the current county tax roll or other source of

current ownership. Evidence of mailing to affected property owners shall be available at the hearing. Notices required herein shall:

1. State the application's identification number and applicant's name.
2. State the date, time and place of the public hearing.
3. Reasonably identify the property proposed for change and summarize the nature and character of the proposed change.
4. State that the full extent of proposed changes may be obtained from the department and provide its telephone number and address.

(4) *Exception.* County staff and all reviewing agencies shall make every reasonable effort to comply with the notice provisions set forth in this code. However, it is the BOCC's intent that failure to strictly comply with the notice provisions of Subsections (2) and (3) of this section shall not render any final action by staff, any review board or authority or the BOCC invalid and shall not constitute grounds for challenge by any person of any final action. When an application is tabled by any reviewing authority to a time and date certain, no additional publication or notice as set forth in this section is required. Failure of any person to object during the hearing to any defect in any type of notice set forth herein shall constitute a waiver of any objection as to any lack of compliance.

(b) *Other notification.* Upon receipt of any application, in addition to the public notice requirements of this section, the County Administrator or authority may determine the possible involvement or interest of other government agencies or private organizations in the proposed development and may notify same.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Sec. 13- 315. Public hearings.

(a) Applicant's appearance.

(1) *Public notice adhered to.* Except as provided in Subsection (a)(2) of this section, all applications shall be considered at the date and time specified in the public notice issued by the County Administrator or designee. The applicant or authorized agent is required to appear at the scheduled hearings before the PZSM and/or BOCC, to present the application, unless for good cause, the applicant or authorized agent cannot be present at the hearing.

(2) *Request for delay.* The applicant may request a delay or continuance of the scheduled public hearing provided such request is filed in writing with the County Administrator or designee prior to the scheduled hearing. The request shall be granted only for good cause as determined by the County Administrator or designee. The applicant shall be required to pay all additional costs incurred by the BOCC related to republication and mailing. If the continuance is granted, all interested parties, including the applicant and noticed property owners shall be given due notice of the delay and of the new hearing date and time.

(3) *Failure to appear*.

a. Public hearing on applications for rezonings, use permits or variances requiring review and action by the PZSM. The applicant's failure to appear in person, or by an authorized agent, to

present the application, or to have submitted a detailed written narrative presenting the application and stating the reason why they cannot be present, shall:

1. Cause the application to be placed on the agenda of the authority's next regularly scheduled meeting. Such action shall be publicly announced at the hearing and the applicant shall be notified in writing.
2. If the applicant fails to appear for the rescheduled hearing, the application shall automatically be denied by the PZSM; however, the applicant may refile at any time.
3. If, after reapplication, the applicant again fails to appear at the scheduled public hearing(s), the application shall automatically be denied by the PZSM and the applicant may not refile for three (3) months.

b. Public hearing on applications for development permits requiring review and action by the BOCC. The applicant's failure to appear in person, or by duly authorized agent, to present the application at the public hearing shall not prohibit or delay hearing of said application. However, the BOCC, at its discretion, may hold said application and request the presence of the applicant if necessary for due consideration of the application.

(b) *Conduct of hearing.* Public hearings shall be conducted in accordance with the following and other applicable laws:

(1) *Public participation.* All hearings shall be open to the public and the agenda of the meeting shall be made available at least three (3) days prior. All hearings shall be conducted so as to promote full and free exchange of information necessary to the subject at hand. Irrelevant or immaterial information shall not be allowed nor shall duplication of testimony or argument by either side of the matter. All affected or interested persons shall be given an opportunity to present evidence and arguments and ask pertinent questions.

(2) *Evidence and arguments*.

a. *All evidence heard.* All pertinent testimony and evidence, favorable or unfavorable to the application, shall be heard; however, the authority may place reasonable limitations on the presentation of evidence and arguments and the cross examination of witnesses so that the matter at issue may be decided without undue delay.

b. *Record of evidence.* All physical evidence presented at a quasi-judicial hearing shall be made a part of the record of the proceedings and retained as required by law.

c. Evidence introduced at scheduled hearing. Public hearings on applications for amendments, development and use permits and variances requiring review and action by the BOCC or PZSM. Documents, plans, memorandum or other materials which have not been filed with the authority at least five (5) days prior to the hearing shall be considered at the authority's discretion. Consideration of such materials must be by majority vote of the authority. The presentation of any such material shall constitute good cause for a continuance if requested.

d. *Evidence required by authority.* In the event the authority requests additional information or research, the hearing shall be continued at least five (5) days after such information or evidence is filed with the authority.

e. *Findings.* All findings and conclusions necessary to the issuance or denial of the requested action shall be based upon competent, substantial evidence. Competent, substantial

evidence (evidence admissible in a court of law) shall be preferred whenever reasonably available. In no case shall incompetent evidence be the sole basis of quasi-judicial findings, unless competent, substantial evidence is not available.

(3) *Application modification.* In response to questions or comments by persons at the hearing or suggestions by authority members, the applicant may modify the application at the hearing, including any plans and specifications submitted, provided:

a. Such modification does not constitute a change in the nature or extent of the requested action severe enough to require new public notice.

b. When such modification is so substantial that the authority cannot reasonably be expected to perceive the nature and impact of the proposed changes without revised plans or other information before it, the authority may table the request until such information is presented.

(4) *Continuance.* The authority may continue a hearing to a subsequent time to receive additional information prior to the point a final decision is made. No further notice of a continued hearing need be made, provided the continuance date, time and place is announced when such continuance is made.

(c) *Decision of authority.* Actions of the authority concerning an application shall be included in the written minutes. Rezoning approvals formally granted by the BOCC shall be memorialized by formal resolution.

(d) *Record of hearing.* The record of a hearing shall be made in accordance with F.S. § 286.011.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Secs. 13-316—13-319. Reserved.

DIVISION 3. LDC AND ZONING MAP AMENDMENTS

Sec. 13- 320. Purpose and intent.

It is the purpose and intent of this division to establish required procedures for the review and approval of proposed zoning map and text amendments.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 321. Review and approval procedure.

(a) *Public notice and hearing requirements observed.* All applications for amendments shall be reviewed and acted upon by the authority in a public hearing which has been noticed and conducted as specified in Division 2 of this article.

(b) *Application for LDC and zoning map amendments.* The applicant shall submit a completed application on a form provided by the County (see Section 13-322 for rezonings to PUD). Upon completeness of the application, the following shall occur:

(1) *Staff review.* Staff shall review the application and provide recommendations to the PZSM five (5) days prior to the PZSM hearing, if possible.

(2) *PZSM.* The application shall be set for a public hearing before the planning and zoning special master at its next scheduled meeting consistent with public notice requirements. The PZSM shall review and forward a recommendation to the BOCC.

(3) BOCC. The application shall be set for a public hearing before the BOCC at its next scheduled meeting consistent with public notice requirements.

(c) Post approval action. For approved zoning map amendments, the County Administrator or designee shall update the Sumter County Official Zoning Map to reflect the approved zoning designation and boundary and shall file the application and related documents in an orderly manner.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 322. Application for planned unit development (PUD).

The applicant shall submit a completed application the content and form of which shall be specified by the County Administrator or designee. Upon completeness of the application, the following shall occur:

(a) *Planned unit development approval procedures*.

(1) *Staff review.* Staff shall review the application and provide recommendations to the PZSM five (5) days prior to the PZSM hearing, if possible.

(2) *PZSM.* The application shall be set for public hearing before the PZSM. The PZSM shall forward a recommendation to the Board of County Commissioners five (5) days prior to the BOCC hearing if possible.

(3) BOCC. The application shall be set for a public hearing before the BOCC at its next scheduled meeting. The staff report shall be recorded in public records.

(b) *Submittal requirements*. The application shall contain the following information in addition to the form provided by the County Administrator or designee.

(1) A proposed preliminary development plan detailing development layout, dimensional standards and design features, numbers of lots, allowable uses, location of open space, preservation areas, and other relevant information.

(2) Traffic analysis

(3) A development agreement between the developer and the board specifying the details on the responsibility for the provision of infrastructure and its maintenance.

(4) Contracts, conservation easements, and any other legal documents as deemed appropriate by the board to implement the agreement for the MPD.

(5) Areas of the planned development that are designated as preservation areas, for habitat enhancement, wetland enhancement, or as expansion of an existing wildlife corridor, must be subject to a conservation easement as defined in F.S. § 704.06, with a third-party entity approved by the board. The third-party entity may be a public agency or a non-profit agency with long term experience in maintenance of conservation areas.

(6) Plans for habitat enhancement, wildlife management programs, and wetlands enhancements must be designed by a certified biologist, must use best management practices, and meet the approval of the state agency with general or specific authority, jurisdiction and permitting over the usage.

(7) Uses proposed in the "PUD" district.

(8) Performance standards for operation of the permitted uses.

(9) Buffering, screening, setbacks, days and hours of operation, and other methods of creating compatibility with surrounding uses.

(10) The requirement that any transfer of ownership or lease of any or all of the property in question shall include in the conveyance or lease agreement a provision making the purchaser or lessee aware of the conditions pertaining to the particular "PUD" planned unit development and a provision wherein the purchaser or lessee agrees to be bound by said conditions of the ordinance authorizing the establishment of the particular "PUD" planned unit development.

(c) *Term of development*.

(1) The approved PUD shall remain valid as long as engineering approval is obtained within a period of one (1) year. Thereafter, construction must begin within one (1) year of engineering approval. A one-year extension may be obtained for good cause shown. The time limits set forth above may be modified pursuant to the adoption of a development agreement, pursuant to F.S. § 163.3220, between the applicant and the BOCC.

(2) In the event development has not commenced in accordance with the time limits set forth above, the site shall revert to the prior zoning classification and any development which takes place thereafter shall comply with development standards then in effect.

(d) *Modification*. Approved PUD development plans may be modified as follows:

(1) *Minimal adjustment*. Minimal adjustment is defined as a change which is limited to a specific location within the development and which relates to the placement, configuration or use of a structure, road, parking area or other such improvement which has no potential external impact beyond the site, minimal interior impact to the development site and no impact to project intensity. The County Administrator or designee shall determine when a proposed change constitutes a minimal adjustment. Such determination shall constitute approval of the requested minimal adjustment.

(2) *Minor modification*.

a. A minor modification is defined as a change in the site design, layout or proposed use which may impact the development as a whole, but which does not significantly change the character or intensity of the approved project and which does not significantly affect proposed stormwater management infrastructure or public utilities. The County Administrator or designee shall determine whether a proposed change constitutes a minor modification.

b. A minor modification may be approved by motion of the BOCC upon consideration of staff review of the request. Application for a minor modification shall include a site plan showing the approved layout and the proposed design changes and/or information concerning proposed changes in use. Minor modification shall not be subject to the public notice requirements of this code.

(3) *Major modification*.

a. A major modification is defined as a substantial change in the project design or the type or intensity of the approved uses, or a change which has significant impact on stormwater

management infrastructure or public utilities. The County Administrator or designee shall determine whether a proposed change constitutes a major modification.

b. A major modification shall require the same review and approval procedures as the original application.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Sec. 13- 323. Review criteria for LDC and map amendments

For LDC and Zoning Map amendments, including amendments to PUD, considerations shall include, but are not necessarily limited to:

(a) Change of conditions, or absence of changed conditions.

(b) Community need, or lack of community need.

(c) Whether the entire range of permitted uses in the requested zoning district is more appropriate than the range of permitted uses in the existing district.

(d) The rights of the applicant are balanced with the impact of the proposed changes on the public at large.

Secs. 13-324—13-329. Reserved.

DIVISION 4. USE PERMITS

Sec. 13- 330. General.

(a) *Purpose and intent.* Upon the effective date of this chapter, all uses of land must comply with this code, except where provided for in Article I, General Provisions. To ensure compliance of all new uses of land, it is the purpose and intent of this division to establish permits and permit procedures required for each use of land established in Article IV.

(b) *Use permits established.* The following use permits are established for the purpose of administering the permissible land uses established in Article IV (Zoning):

(1) *Permitted use permit.* This permit is applicable to a use that is indicated as a permitted use in Table 13-431A.

(2) *Special use permit.* This permit is applicable to a use that is indicated as a special use in Table 13-431A.

(3) *Conditional use permit.* This permit is applicable to a use that is indicated as a conditional use in Table 13-431A.

(4) *Temporary use permit.* This permit is applicable to a use that is indicated as a temporary use in Article V, Division 3. The following two (2) types of temporary use are based on the proposed length of use:

a. *Short.* Short-term temporary use of up to sixty (60) days. For good cause, this use may be renewed for a period of not more than thirty (30) days by the approving authority.

b. *Long.* Long-term temporary use of more than sixty (60) days, but not more than as provided in Article V, Division 3. For good cause, one (1) or more extensions of time may be granted

by the approving authority. Each extension shall not exceed the length of time originally granted.

c. Special public assembly event. See Article II for definition and Section 13-356 for standards.

(c) Use permits required.

(1) *Prohibition.* Upon the effective date of this chapter, except where provided for in Article I (General provision) or exempted as provided for in Section 13-312, no use of land shall continue or be established unless permitted by a use permit issued pursuant to this division.

(2) *Existing land uses.* Upon the effective date of this chapter, existing land uses that do not conform to it shall be regarded as follows:

a. When the existing land use was lawfully permitted prior to the effective date of this chapter, it shall be regarded as a non-conforming use and subject to Article I (General Provisions).

b. When the existing land use was not lawfully permitted, but Article IV (Zoning) allows such use as a permissible use, the approval and permit for such use shall be obtained pursuant to the requirements of this division.

c. When the existing land use is not lawfully permitted, and Article IV (Zoning) does not allow such use as a permissible use, a Chapter 13 amendment pursuant to Division 2 of this article, or other available remedies are required to correct the violation.

(3) *Proposed land uses.* Article IV (Zoning) specifies permissible uses, which require the approval and permit for such use. When a use is not specified, other remedies may be available.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 331. Application review and approval procedure.

(a) *Public notice and hearing requirements observed*. All applications for use permits shall be classified as minor or major development (see Section 13-312) and, except when acted upon by the County Administrator or designee, shall be reviewed and acted upon by the authority in a public hearing which has been noticed and is conducted as specified in Division 2 of this article.

(b) *Minor development.* Upon completeness of the application, the following shall occur:

(1) *Permitted use*. The application shall be reviewed and acted upon by the County Administrator or designee within five (5) days.

(2) *Special use*.

a. County Administrator or designee. The application shall be reviewed by the County Administrator or designee who shall forward a recommendation to the planning and zoning special master a minimum of five (5) days prior to its hearing.

b. *PZSM.* The application shall be set for a public hearing before the PZSM at its next scheduled meeting consistent with public notice requirements.

(3) *Temporary use*.

a. *Short.* The application shall be reviewed and acted upon by the County Administrator or designee within five (5) days of completeness. An application not approved by the County Administrator or designee shall be processed pursuant to Subsection b.3.

b. *Long*.

1. The application shall be reviewed and approved or denied by the County Administrator or designee within five (5) days of completeness. An application not approved by the County Administrator or designee shall be processed pursuant to Subsection b.3.

2. Renewal of a temporary (long) use permit shall be reviewed by the County Administrator or designee who shall forward a recommendation to the PZSM a minimum of five (5) days prior to its hearing.

3. The application shall be set for a public hearing before the PZSM at its next scheduled meeting consistent with public notice requirements.

(c) *Major development.* Upon completeness of the application, the following shall occur:

(1) *Permitted use*. The application shall be reviewed and acted upon by the County Administrator or designee.

(2) *Special, conditional, and temporary use*.

a. *Staff review*. The application shall be reviewed and considered by staff and a recommendation forwarded to the PZSM.

b. *PZSM*. The application shall be set for public hearing before the PZSM at a meeting consistent with public notice requirements and the time required for prior staff consideration and recommendation. The PZSM shall consider the application and make a recommendation to the BOCC.

c. BOCC. The application shall be set for public hearing before the BOCC for their consideration at a meeting consistent with public notice requirements and the time required for prior review and recommendation.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19; Ord. No. 2019-10, § 3, 5-28-19)

Sec. 13- 332. Application review criteria for use permits.

(a) Review criteria.

(1) *General*. The application shall include an appraisal by the authorities of the difficulties the applicant might encounter in further developing his/her project to comply with the requirements of this chapter. The following criteria must be considered in reviewing applications for use permits.

a. The use must be in harmony with the purpose and intent of this chapter.

b. The use must be compatible with surrounding existing and anticipated uses.

c. The use must not adversely affect the public interest. Adequate traffic circulation, sanitary, utility, drainage, refuse management, emergency services and similar necessary facilities and services shall be available for the use. A use shall not create hazardous vehicular or pedestrian traffic conditions, or parking congestion, or generate traffic that exceeds the capability of roads and streets serving the use, or otherwise affect public safety.

d. The site must be suitable for the proposed use, considering flood hazard, drainage, soils, and other conditions which may pose a danger to life, health, or property.

e. The development of the use shall have no more than a minimal adverse effect on the environment, public health, safety, and welfare.

f. Proposed improvements and the level of cooperation by the developer shall be considered.

g. Unless specifically provided otherwise, the use shall comply with this code.

h. The rights of the applicant are balanced with the impact of the proposed changes on the public at large.

(2) *Special, conditional, and temporary uses.* In addition to the criteria listed in Subsection (1) above, the following requirements must be considered in reviewing applications for special, conditional, and temporary use permits. Additional standards or different standards for specific uses may be required or allowed in other sections of this code.

a. The use must not be detrimental to the neighborhood environment or unduly infringe on the rights of surrounding property owners.

b. A vehicular parking or traffic problem must not be created, and the vehicular average daily traffic created on local roads must not be increased in such a manner as to degrade the established function of the roadway or create hazards to public health or safety. The BOCC and staff may rely on input from the Florida Department of Transportation, the Florida Highway Patrol and the sheriff's office in making this determination.

c. Screening and buffering sufficient to minimize interference with the enjoyment of surrounding properties may be required.

(b) *Action on application*. All actions of the applicable reviewing authority shall be recorded as follows:

(1) *Approved uses*.

a. *Permitted and short temporary uses.* A use permit shall be issued by the approving authority for all approved applications.

b. *For special, conditional, and long temporary uses.* A use permit shall be issued by the approving authority for all approved applications. The use permit shall be recorded by the County Administrator or designee with the Sumter County Clerk of Circuit Court prior to any development permits being issued pursuant to the use permit.

c. *Conditions.* In recommending or granting all use permits, except permitted uses, the authority may, upon consideration of review criteria and the purposes of this chapter, impose such reasonable and appropriate conditions and safeguards as will ensure that the use of the property to which the application applies will be as compatible as practicable with the surrounding properties and further the purposes of this chapter. Therefore, the approving authority may require design, construction, and operation standards above what is specified in this chapter if it finds that such additional standards are necessary. In addition to the findings of fact, conclusions of law and language specifying the nature of the use and the action taken, the use permit shall contain any prescribed conditions and safeguards imposed by the approving authority. All conditions attached to the use permit are enforceable in the same manner as any other applicable requirements of this chapter and such use shall be limited by whatever restrictions the approving authority places on the approval. A use permit may be issued for an indefinite or specified duration in compliance with other provisions of this chapter.

(2) *Disapproved uses.* Disapproved applications shall be included in the written minutes and shall be deemed final for purposes of appeal on the date the action is taken.

(3) *Wellfields.* All property owners within a wellhead protection zone shall be notified of an approved special use permit for a community water supply system wellfield. Documents identifying the encumbered land and the encumbrances shall be recorded with the clerk of the courts.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 333. Post-approval actions.

(a) *Development permit.* Upon issuance of any use permit, the applicant may submit an application for a development permit. If a required subsequent permit or plan, or partial subsequent plan if the development is phased, is not approved within two (2) years of the date of the use permit approval, and an extension of time has not been granted by the authority, the use permit shall expire.

(b) Renewal or extensions. At the end of the time period for which a use permit was issued, including any renewal or extension periods, the use shall be discontinued, and all temporary structures involved shall be removed. Failure to comply with this requirement shall be a violation of this code. Prior to the expiration of a use permit, the applicant may request an extension upon demonstration of good cause, which may include the changing or ownership of the land, as noted below. See Division 6 of this article for Operating Permits.

(1) *Permitted,* special, and conditional use permits. Requests for extensions may be made to the same authority initially approving it. Up to 2 extensions of one (1) year each may be approved. Such extension(s) are subject to the same review as the original application.

(2) *Temporary use permits.* Temporary use permits are approved for a specified length of time. Requests for renewal of a short temporary permit may be approved by the County Administrator or designee. Long temporary permit renewals require PZSM approval, whether initially approved by the County Administrator or designee or the PZSM. Such renewal may be granted, subject to the standards herein. The County Administrator or designee may only renew a short temporary use permit one (1) time for a maximum of thirty (30) days.

(c) *Use permit amendment*. Applications for substantial amendments to approved use permits shall be reviewed and acted upon in the same manner as the existing use permit.

(d) *Violations, penalties.* All temporary, special, and conditional use permits are issued subject to the conditions contained in the permit. The continuance of such permits for the permit period requires compliance with all conditions of the permit and other applicable provisions of this code.

(e) Permit suspension/revocation.

(1) Permits may be suspended or revoked by the approving authority for, but not necessarily limited to, the following causes:

a. Submission by the holder of false or inaccurate information in the permit application.

b. A substantial, or repeated violation of the terms and conditions of the approved permit, or any other ordinance, regulation, or law, including any state or federal rule or regulation.

c. Refusal by the holder to allow lawful inspections of the permitted facility.

d. When necessary to protect the public health, safety, welfare, or the environment.

(2) When the approving authority has cause to believe that grounds for suspension or revocation exists, it shall notify the property owner in writing, by certified mail, stating its intent to suspend or revoke the operating permit and the reason for such action. The owner may request a hearing before the approving authority on the intent to suspend or revoke. Such request must be in writing and received within fifteen (15) days from receipt of such notice. If a request for a hearing is made, it shall be held before the authority within forty-five (45) days of receipt of the request. If no written request for a hearing is received within the time specified, the permit approval shall be deemed suspended or revoked. Upon suspension or revocation, the authority shall notify the owner in writing, by certified mail, of such action and, upon receipt of that notification, no further operations shall occur, except as specified in the suspension or revocation action. Operations shall not resume until and unless the suspension or revocation is removed.

(3) Notwithstanding the provisions of Subsection b., upon determination by the approving authority that any of the activities conducted under the use permit have created, or will likely create, a hazardous condition threatening the public health, safety or welfare, and that an emergency situation exists, the authority may reduce the request for hearing time period, as appropriate to the situation.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Secs. 13-334—13-339. Reserved.

DIVISION 5. DEVELOPMENT PERMITS

Sec. 13- 340. General.

(a) *Purpose and intent.* All new development of land shall comply with this chapter, except where provided for in Article I, Division 4 (Non-Conforming Situations), and elsewhere in this code. It is the purpose and intent of this division to establish permit procedures for approving non-exempt development activities.

(b) *Development permits established and required.* The following permits are hereby established and required as specified. No non-exempt subdivision of land or substantial grading, excavation, paving, utility installation or other site work, or construction, erection, movement, improvement, alteration or demolition of any building or other structure, or operation of a conditional use, or change of occupancy shall occur without a development permit issued pursuant to this division.

(1) *Site permit*.

a. *Established.* There is hereby established a site permit which allows the applicant to perform substantial grading, paving and excavation and to construct drainage, utilities and other site work in compliance with approved plans.

b. *Permit required.* No work shall be performed on any development prior to obtaining a site permit. No other development permit shall be issued for any portion of a proposed development, nor shall any public or private facility or improvement be constructed until a site permit has been issued, except the approving authority may permit limited construction of improvements before site permit issuance, provided that the principal benefit of such construction is not to establish an irrevocable vested interest in the permit, but rather to

benefit the timely construction of public facilities not totally oriented to the proposed development.

c. *Site permit plans.* All proposed development of land must comply with this chapter. Therefore, as an integral part of the permitting process, all proposed site improvements for major development must be approved for compliance with these standards through reviews of one (1) or two (2) development plans, namely preliminary plan and engineering plan, as described below and required herein.

1. *Preliminary plan.* This plan shows an extensive amount of information concerning the property and the development proposed thereon. An application with specific requirements for preliminary plans will be furnished by the County.

2. *Engineering plan.* This plan includes the detailed engineering information necessary for the construction of all required physical improvements designed to serve the development. An application with specific requirements for engineering plans will be furnished by the County.

(2) *Record plat*.

a. *Established.* There is hereby established a record plat which allows the applicant to sell or otherwise convey real property created by subdivision. No transfer of subdivided property shall occur except in conformance with this chapter.

b. *Record plat.* All subdivision of residential property for major development or recreational vehicle park subdivisions shall be required to prepare, and file with the county clerk, a record plat of the development in accordance with F.S. Ch. 177. See F.S. Ch. 177 and Division 6 of this article for specific requirements for record plats.

(3) *Building permit*.

a. *Established.* There is hereby established a building permit which allows the applicant to construct, erect, move, improve or substantially alter buildings or other structures in compliance with approved plans. Building, electrical, plumbing, mechanical, gas and all other permits required by the building codes are included in this type. This permit grants no authority to violate any applicable code, except where such is specifically given by the approving authority.

b. *Permit required.* All non-exempt on-site construction, erection, addition to, alteration, repair and demolition of buildings and other structures, and the installation of manufactured buildings and mobile homes for minor and major development shall require a written building permit.

c. *Building permit plans.* This plan is drawn to scale and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that it will conform to the provisions of all applicable codes.

(4) *Operating permit*.

a. *Established.* There is hereby established an operating permit for land uses approved as conditional uses under this code, which, because of their increased potential for adverse effects on public health, safety, welfare and the environment warrant a degree of permitting, monitoring and other controls not necessary for permitted, special or temporary uses. An

operating permit is not a permit of right and shall allow operation of the usage only so long as it is conducted in compliance with all local, state, and federal laws and permit conditions and only so long as the operation does not create a danger to the public health, safety, and welfare. There is no presumption that an operating permit will be issued or renewed.

b. *Permit required.* No conditional use, as specified in this chapter, shall be operated prior to obtaining an operating permit.

c. *Permit authority.* An operating permit shall allow the applicant to operate a conditional use in compliance with approved plans and conditions. It shall set forth in writing all general and specific conditions, safeguards, and stipulations upon which the conditional use development and operation approval is granted. An operating permit constitutes authorization to commence specified activities and utilize the site or location of said use in the manner specified in the conditions, safeguards, stipulations, and authorization of said permit, for a specified period of time.

(5) *Change of building occupancy permit*.

a. *Established.* There is hereby established a change of occupancy permit which allows the applicant to use a structure for an occupancy permissible in this chapter but for which the structure is not presently approved.

b. *Permit required.* No change of occupancy from one (1) classification to another, as described herein, shall be made in any minor or major development prior to obtaining a change of occupancy permit and development approval.

(6) *Floodplain development permit*.

a. Any owner or owner's authorized agent who intends to undertake any development activities which are wholly within or partially within any flood hazard area shall obtain the required permits and approvals consistent with Article XI, floodplain management. Floodplain development permits or approvals may be incorporated, or combined, with other development permits and approvals.

b. Depending on the nature and extent of proposed development that includes buildings or structures subject to Florida Building Code standards, the floodplain administrator may determine that a floodplain development permit or approval is required as part of a building permit.

c. Submission materials. An application, in a format provided by the floodplain administrator, and other materials as necessary to demonstrate compliance with floodplain management standards, are required for each permit application.

d. The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with floodplain development standards contained in this code.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 341. Review and approval procedure.

(a) *General*.

(1) *Set for review.* Upon determination of completeness, or notification that no additional information is forthcoming, the County Administrator or designee shall set the application for formal review and action by the authority as presented herein and in Table 13-313A.

(2) *Development classified for review.* All applications for development permits shall be classified as minor or major development (see Section 13-312). Table 13-313A lists the approving authorities for each type of application.

(b) *Site permit.* Where a site permit is required, the following review and approving procedures shall be followed in the order prescribed.

(1) *Preliminary plan*. Upon completeness of the materials submitted, the following shall occur:

a. The plan shall be reviewed by relevant staff and agencies for consistency with applicable standards and regulations.

b. The application shall be approved by the County Administrator or designee, or returned with comments detailing the reasons for approval being withheld.

(2) *Engineering plan.* Upon completeness of the materials submitted, the following shall occur:

a. The plan shall be reviewed by engineering staff who shall forward a recommendation to the County Administrator or designee.

b. Upon approval, the County Administrator or designee shall issue a site permit for the development which authorizes the applicant to commence construction on the approved project improvements.

(3) *Disputes.* To aid in the prevention of disputes, it is hereby established as a policy of the BOCC, that the County Administrator or designee, shall decide all questions, difficulties, and disputes which may arise relative to major developments and shall be final, unless overruled by the BOCC upon appeal of the applicant as provided for herein. The County Administrator or designee shall have the authority to approve plans provided they do not contain requests for significant variances or deviations. Requests for variances shall be addressed as provided for herein.

(c) *Building permit*.

(1) *Review/approving authority.* The reviewing and approving authority for all applications for building permits for building construction shall be the building official. The building official may inspect any property for which an application for a building permit has been received prior to issuance of the permit, and may also inspect any building for which an application has been received for a permit to alter any building prior to permit issuance.

(2) *Procedure.* Upon completeness, applications shall be reviewed and acted upon by the building official.

(3) *Permitting.* Upon approval of the building plans and other application materials, a building permit shall be issued by the building official.

(d) *Operating permit.* Where an operating permit is required, the following review and approving procedures shall be followed in the order prescribed.

(1) *Staff review*. Upon completeness of the materials submitted, the application shall be reviewed by staff and a recommendation forwarded to the BOCC five (5) days prior to the BOCC hearing, if possible.

(2) *Public hearing*. The application shall be set for public hearing before the BOCC at a meeting consistent with public notice requirements and the time required for prior review and recommendation.

(3) *Term*. An operating permit approval shall be for a specified period of time, which shall not exceed ten (10) years. The approved period shall commence with the issuance of the permit.

(e) *Change of occupancy permit.* Where a change of occupancy permit is required, the following review and approving procedures shall be followed:

(1) *Minor development.* The reviewing and approving authority for all applications for minor development changes of occupancy shall be the building official. Upon completeness, the building official shall review and act on the application within five (5) days and may inspect any property, for which an application for a change of occupancy has been received, for site and structure conditions, prior to issuance of the permit.

(2) *Major development.* The reviewing and approving authority for all applications for major development changes of occupancy shall be the County Administrator or designee. Upon completeness, they shall review and act on the application within fifteen (15) days and thirty (30) days, respectively. They may require and review any necessary plans and inspect any property for which an application for a change of occupancy has been received for site and structure conditions prior to issuance of the permit.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 342. Application review criteria and action.

(a) *Review criteria.* In addition to the provisions of this chapter, development permits will be reviewed for compliance with other applicable codes and standards.

(b) *Action*. A development permit shall be issued in the name of the applicant, shall identify the property involved and the proposed use, shall incorporate by reference the plans submitted, and shall contain any special conditions or requirements lawfully imposed by the approving authority. Development permits are issued only when the development complies with the provisions of prior approvals and this code. All development shall occur strictly in accordance with approved applications and documents, which are incorporated into an issued permit.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 343. Post-approval action/requirements.

(a) *Site permit*.

(1) *Preliminary plan.* Upon approval of a preliminary plan, the applicant may submit engineering plans required by Table 13-313A. An applicant shall have two (2) years from the date of preliminary plan approval in which to obtain engineering plan approval. The preliminary plan approval shall expire if an applicant has not been granted by the approving authority an extension of time, not to exceed one (1) year, for good cause.

(2) *Engineering plan.* Upon approval of the engineering plan and issuance of a site permit, the following shall apply:

a. *General*.

1. A site permit shall automatically expire if construction of on-site improvements is not started within one (1) year of its issuance. Start of construction shall mean actual construction of roadways, utilities or buildings in accordance with approved development plans. Clearing, grubbing, and other preliminary site preparation activities shall not constitute start of construction for the purpose of this section. The approving authority may grant an extension of time, not to exceed one (1) year, for good cause.
2. Upon issuance of a site permit, a building permit may be issued for any structure providing public services to the development, however, a certificate of occupancy shall not be issued until all required improvements serving that structure are completed, inspected, and approved.

b. *Non-platted development*.

1. Upon issuance of a site permit, the applicant may submit applications for any additional permits required by Table 13-313A.
2. An applicant shall have two (2) years from the date of site permit issuance to complete the site improvements. If improvements are not completed, and an extension of time, not to exceed one (1) year, has not been granted by the approving authority for good cause, the site permit shall expire.
3. Upon completion of the site improvements, the developer shall submit a letter from the project engineer certifying that the improvements have been completed in substantial compliance with the approved plans along with signed and sealed record drawings to the County Administrator or designee. Upon receipt of same, the county engineer shall inspect such improvements for compliance with the approved engineering plan.
4. Upon inspections by county engineer that all required site improvements have been constructed according to approved plans, the County Administrator or designee shall release the development for certificates of occupancy upon approval by the building official.

c. *Platted development*.

1. *Maintenance of improvements.* After a site permit has been issued, the applicant shall construct and maintain all streets and other improvements until such time as the improvements are dedicated to the public and accepted by the BOCC or until the responsibility of such improvements is placed with a maintenance entity acceptable to the BOCC.
2. *Platting time limit.* When platting is required, an applicant shall have two (2) years from issuance of a site permit in which to obtain final plat approval. If an applicant has not obtained final plat approval within this time period, and if an extension of time, not to exceed one (1) year, has not been granted by the approving authority for good cause, the site permit shall expire.

(b) *Building permit*.

(1) *Placard posting.* When issued, the building permit and recorded notice of commencement, if applicable, shall be conspicuously visible from the road on the job site prior to construction within a weatherproof display. If lost or destroyed a replacement can be secured from the building official.

(2) *Inspections.* Permit inspections shall be requested by the holder and performed by the building official.

(3) *Permit time limit.* Time limits on all building permits shall be as follows:

a. Unless specified otherwise by the building official at time of permitting, permits are valid for six (6) months from date of issuance, subject to revocation as provided herein. Upon application, and before expiration, permits may be renewed for one (1) additional year.

b. Work for which permits have expired shall be re-permitted as new work.

(4) *Certificate of occupancy.* Upon approval of the final building inspection, the building official shall issue the certificate of occupancy for subject building.

(c) *Operating permit*.

(1) *Permit issuance.* Upon approval of the operating permit, payment of the required monitoring fee and satisfaction of other applicable requirements such as bonding and insurance, the permit shall be issued by the County Administrator or designee. Upon issuance, the property owner and operator of record each individually and collectively assume full responsibility for compliance with all stipulations and conditions of the permit. No operation of any conditional use shall occur prior to the issuance of the operating permit.

(2) *Inspections and reports*.

a. *Inspections.* By seeking and obtaining an operating permit, the operator shall be deemed to have consented to inspections, upon reasonable notice and presentation of proper credentials as determined appropriate by the BOCC, or as complaints arise concerning the use.

b. *Reports.* The holder of an operating permit shall submit copies of all tests and monitoring reports required by state agencies, to the County, within ten (10) days after their submission to such agency.

(3) *Annual requirements*.

a. *Progress report.* Each holder of a county operating permit shall submit to the County an annual progress report, in writing, within forty-five (45) days after the anniversary date of the permit issuance. This report shall include any information required in the application. Upon submission, staff shall review the report and submit to the BOCC any concerns or recommendations. Failure to file a report shall be grounds for suspension or revocation of the permit. An extension of time may be granted by the BOCC upon request and for good cause.

b. *Fee.* An annual monitoring fee shall be submitted with the annual progress report.

(4) *Renewal.* An operating permit may be renewed for periods not exceeding ten (10) years each, or less if specified by the BOCC. A renewal request must be submitted in writing, between ninety (90) and one hundred eighty (180) days prior to the permit's expiration date. The request shall be reviewed by staff who will submit recommendations to the BOCC. A conditional use shall be suspended until a renewal is obtained. A filing extension may be granted by the BOCC upon request and for good cause.

(5) *Amendment of operating permit.* An operating permit may be amended, upon request by the applicant, if such modification is not in violation of this code. Any substantial expansion, alteration or change in the conditional use authorized in the original operating permit, as determined by the BOCC, must be reviewed by it in the same manner as the original permit application. The holder of the operating permit shall initiate the application for an expansion, alteration or change. The BOCC may also initiate the amendment process if it finds an amendment necessary to enable the facility to remain in compliance with this code.

(6) *Transfer of operating permit.* The transfer of an operating permit between entities must be reviewed and approved by the BOCC. The existing property owner and prospective operator, or vise-versa, as the case may be, shall apply for the transfer, in a format provided by the County Administrator or designee. All owner/operator information required in the original permit application shall be provided. Applications for transfer shall be reviewed by staff and forwarded to the BOCC with a recommendation.

(7) *Violations, penalties.* All operating permits are issued subject to the conditions contained therein. The continuance of such permit for the permit period requires compliance with all conditions of the permit and other applicable provisions of this code.

(8) *Permit suspension/revocation*.

a. Permits may be suspended or revoked by the BOCC for, but not necessarily limited to, the following causes:

1. Submission by the holder of false or inaccurate information in the permit application.
2. A substantial, or repeated violation of the terms and conditions of the approved operating permit, or any other ordinance, regulation, or law, including any state or federal rule or regulation.
3. Refusal by the holder to allow lawful inspections of the permitted facility.
4. Failure to file the required annual progress report and monitoring fee with the County.
5. Failure to file copies of tests and monitoring reports required by state agencies with the County.
6. Failure to maintain the required insurance and bonding.
7. When necessary to protect the public health, safety, welfare or the environment.

b. When the BOCC has cause to believe that grounds for suspension or revocation exists, it shall notify the operator in writing, by certified mail, stating its intent to suspend or revoke the operating permit and the reason for such action. The owner or operator may request a hearing before the BOCC on the intent to suspend or revoke. Such request must be in writing and received within fifteen (15) days from receipt of such notice. If a request for a hearing is made, it shall be held before the BOCC within forty-five (45) days of receipt of the request. If no written request for a hearing is received within the time specified, the operating permit approval shall be deemed suspended or revoked. Upon suspension or revocation, the BOCC shall notify the operator in writing, by certified mail, of such action and, upon receipt of that notification, no further operations shall occur, except as specified in the suspension or revocation action. Operations shall not resume until and unless the suspension or revocation is removed.

c. Notwithstanding the provisions of Subsection 2., upon determination by the BOCC that any of the activities conducted under the operating permit have created, or will likely create, a hazardous condition threatening the public health, safety or welfare, and that an emergency situation exists, the BOCC may reduce the request for hearing time period, as appropriate to the situation.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 344. Deviations.

(a) *Purpose and intent.* The purpose of this section is to set forth the procedures for requesting deviations from the code during the site development approval process. Deviation requests are intended to allow for flexibility in the administration of this chapter because of the individual characteristics of any given development, flexibility in the application of minimum requirements may be warranted in certain situations. The approving authority may, therefore, grant deviations from the minimum requirements of this code whenever it finds such deviations will fulfill the intent of this code. If an application requests multiple deviations, each deviation shall be evaluated independently. Any deviations from the minimum requirements of this code must be specified and justified as mitigation may be required.

(b) *Approval authority.* The approval authority for deviations shall be the same as the authority recognized in Section 13-313 for the specific development approval requested by the applicant. If the deviation is calculated as thirty (30) percent or greater of the minimum requirements of this code, it shall require BOCC approval.

(c) *De minimis deviations*. Deviations from code that account for ten (10) percent of the requirement or less are deemed to be de minimis and are not required to meet the approval criteria stated below. However, de minimis deviations shall not be approved for ADA accessibility requirements, density, roadway or sidewalk standards, and provisions regulated/enforced by other agencies (e.g., wetland and floodplain regulations).

(d) *Criteria for approval.* Criteria for approving a deviation from the minimum requirements in this code shall be as follows:

(1) *Existence of special conditions*. Special conditions or circumstances exist which are peculiar to the land, structure or building involved.

(2) *Compatibility.* The proposed deviation's scale and intensity is compatible with and will not adversely impact land use activities on adjacent properties.

(3) *Proper use of mitigative techniques.* The proposed development project has been designed to incorporate mitigative techniques needed to prevent adverse impacts to adjacent land use activities.

(4) *Protection of environmentally sensitive areas.* The proposed deviation is necessary to conserve and protect the natural environment including wetlands, natural habitat, protected trees, drainage corridors, flood prone lands, and other environmentally sensitive lands.

(5) *Minimum deviation.* That the proposed deviation is the minimum necessary.

(6) *Open space and other facilities.* The proposed deviation provides for more useable and suitably located open space and other public and common facilities than would otherwise be provided under strict application of the minimum code requirement.

(7) *Non-conforming use of other properties.* No nonconforming use of neighboring lands, structures, or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a deviation.

(8) *Other information.* The applicant may provide other information in addition to that listed above to justify a request for a deviation to a minimum code requirement and demonstrate that granting the proposed deviation will fulfill the intent of this code.

(e) *Burden of proof.* The burden of presenting evidence sufficient to allow the approving authority to reach the determination, as well as the burden of persuasion on those issues, remains with the applicant seeking the deviation.

(f) *Approval conditions.* In granting deviations, the approving authority may impose such reasonable conditions as will ensure that the use of the property to which the deviation applies will be reasonably compatible with the surrounding properties, including visual screening, and may also prescribe a reasonable time limit within which construction or occupancy of the premises for the proposed use shall have begun or have been completed or both. All such conditions are enforceable in the same manner as any other applicable requirement of this code.

Notwithstanding the foregoing, no deviation may be granted that would otherwise impact the county's standing under the federal flood insurance program or any similar program.

(g) *No deviations for anything prohibited by the code.* No deviation may be granted for use of land or building or structure that is prohibited by this code.

(h) *Deviation attached to development order or permit.* A granted deviation, and any conditions attached to it, shall be entered on the face of or attached to the development order or permit and development plan/site plan.

(i) *Modification to an approved deviation.* A proposed modification to an approved deviation from a minimum code standard shall be added to the approved deviation and considered in the aggregate.

Secs. 13-345—13-449. Reserved.

DIVISION 6. SUBDIVISION PROCEDURES

Sec. 13- 350. General.

(a) *Purpose and intent.* The purpose of this section is to set forth the procedures for subdividing land, reviewing and approving subdivision plats and replats consistent with F.S. Ch. 177.

(b) *Subdivision approval required.* No person, firm, or corporation shall create a subdivision of any land, or proceed with the improvement of lots in a subdivision or the construction of streets, or the installation of utility services therein until the appropriate subdivision plat and engineering plan drawings, if applicable, are approved by the county. Replats are required to follow the same procedures as a new subdivision.

(1) There are two (2) levels of subdivision review based on the nature and size of the subdivision, as follows:

a. *Minor subdivision* shall mean a subdivision resulting in six (6) or less residential lots that meet the required site dimensional requirements for the zoning district, does not require new streets to access the site, does not include the provision of infrastructure, and does not include non-residential subdivisions.

b. *Major subdivision* shall mean a subdivision resulting in seven (7) or more residential lots, division of lands to establish any new street, and any non-residential subdivision.

(2) Required process by subdivision type.

Type	Preliminary Plat	*Engineering Plans*	Final Plat
Minor Subdivision	Required	Not required	Required
Major Subdivision	Required	Required	Required

(c) *Exempt from platting.* The following division of land may be exempt from platting. The requests, however, shall be submitted on an application furnished by the County and are subject to approval by the County Administrator or designee.

(1) *Lot line adjustments and lot splits.* Subdivisions that result in the same number of lots (lot line adjustment) or create no more than one (1) additional lot (lot split) may be exempt from platting under the following conditions.

a. The subdivision shall result in no more than one (1) additional lot.

b. New lots may be accessed by easement. Access to the lot must meet the standards of Section 13-700.

c. Flag lots shall meet the requirements of Section 13-700.

(2) *Large rural lots*. Subdivision of land into any number of parcels ten (10) acres or larger each provided, however, that parcels created hereunder shall front on a paved private road, a publicly maintained road, or an easement. If a private easement is involved, it shall meet the standards of Section 13-700(b)(4), Access Easements.

(3) *Lineal descent subdivisions.* The subdivision of a parent tract of property solely utilized as a homestead for qualified family members, notwithstanding the density or intensity of use assigned to the parcel for the zoning in which it is located, may qualify for an exemption from platting if the subdivision meets the standards of Section 13-414.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 351. Preliminary plat review process (optional).

(a) *Purpose*. The purpose of a preliminary plat review is to afford the applicant the option to apply for the review of a major subdivision prior to the developer preparing construction site plans and a final subdivision plat.

(b) Process.

(1) *Application submittal.* Requests for preliminary plat review shall be submitted to the County Administrator or designee for review and approval in accordance with the requirements of this chapter.

(2) *Preliminary plat document.* The preliminary plat shall be clearly and legibly drawn to scale showing sufficient information about the subdivision for the preparation of the engineering plan and final plat. Such information shall address in sufficient detail all the items required by code. In addition, the general information required to be submitted as part of the preliminary subdivision

plat shall include the location. A preliminary subdivision plat shall be prepared as required by F.S. Ch. 177.

(3) *Phasing.* All projects shall identify phasing on their plats.

(4) *Staff review.* Staff shall review the request in accordance with the provisions prescribed in the application prepared by the County.

(5) *Review by the* County Administrator or designee. The County Administrator or designee shall review and approve, approve with conditions, or disapprove the preliminary plat, furnishing the developer a statement in writing of its reasons for any disapproval. The acquisition of necessary rights and the presentation of complete and correct information to the County Administrator or designee are responsibilities of the applicant and the failure to do so, including the failure or inability to obtain all necessary permits, licenses, releases or rights may constitute a reason for disapproval and/or rescission of approval of the prepared subdivision plat.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(c) Effect of approval. Approval of a preliminary plat by the County Administrator or designee shall not constitute approval of the final plat, nor authorize recording of the plat, nor effect the acceptance of any land or improvements proposed to be dedicated to the county. Upon approval or approval with conditions, the applicant may proceed to the engineering plans and final plat approval stages.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(d) Expiration of preliminary plats. Preliminary plats shall expire after three (3) years if a final plat has not been approved by the board.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 352. Final plat review process.

(a) *Purpose*. The purpose of final plat review is to determine whether the final plat is in compliance with the standards of this code and, if a preliminary plan was previously processed, with the approved preliminary plat.

(b) Process.

(1) *Application submittal.* Requests for final plat review shall be submitted to the County Administrator or designee for review and approval in accordance with the requirements included in the application provided by the County Administrator or designee, and this chapter.

(2) *Plat document.* The final plat shall comply with the requirements of the Florida Statutes, this code and any previously approved development orders and approvals. All required fees or charges have been paid, dedications accepted, and any required escrow arrangements have been established.

(3) *Phasing.* All projects shall identify phasing on their plats.

(4) *Staff review.* Staff shall review the request in accordance with the provisions prescribed in the application prepared by the County.

(5) *Review by the* County Administrator or designee. The County Administrator or designee shall review the application in accordance with this chapter and shall submit the application and recommendations to the BOCC for approval.

(6) *Review and action by the* BOCC*.* Upon receipt of the recommendations from the County Administrator or designee, the BOCC shall review the application in accordance with the provisions Section 13-315.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(c) Dedications and reservations. In connection with the approval of a final plat, the developer shall be required to dedicate or reserve any lands and required improvements according to the provisions of this code, and may be required to dedicate or reserve other land and improvements as provided by the comprehensive plan, to provide for circulation, stormwater management, drainage, utilities, open space, lighting, schools, fire service, public safety and law enforcement protection, park land and other appropriate public needs related to the development.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(d) Required improvements agreement. In connection with the approval of any final subdivision plat where the developer intends to install the required improvements after such approval, a required improvements agreement or surety agreement, in substantial conformance with the model agreement set forth by the county, shall be executed. All required improvements agreements shall be recorded with the approved final subdivision plat.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(e) *Recording*. Upon approval of the final plat by the BOCC, it shall be forwarded to the clerk of the courts for recording together with any related legal documents as the county attorney or other county departments may require for recording.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(f) Effect of approval. Approval of a final plat by the BOCC shall authorize the recording of the plat for all purposes under state law, and shall constitute acceptance of all public ways, streets, walks, thoroughfares, parks, public use areas, and other easements shown on the final plat, except such areas and facilities which are specifically reserved or which are specifically refused in writing by the county in connection with the approval of the plat.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(g) Expiration of final plats. An approved final plat for a subdivision shall expire if it is not recorded within forty-five (45) days of final plat approval; or the subdivision improvements for major subdivision are not installed and approved within three (3) years from the preliminary plat approval for such subdivision or approved phase.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(h) Modifications of approved final plat. No changes, erasures, name changes, modifications, phase lines, or revisions shall be made on any final plat after approval has been given, unless the plat is resubmitted for a new approval to the BOCC. This shall not affect the right to file an affidavit confirming an error on a recorded plat, as provided by law.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 353. Vacation of plat.

In accordance with F.S. Ch. 177.101, the BOCC may, by resolution, vacate a plat or right-of-way at its discretion.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 354. Installation of improvements.

(a) *Responsibility for construction.* All required physical improvements shall be provided by the developer at no expense to the BOCC, unless otherwise agreed to by the BOCC. The developer, and his engineer or architect where applicable, shall be responsible for the satisfactory construction of all permitted improvements. Except for minor development, all infrastructure improvements (including water and sewer systems) shall be installed under the direction, supervision, and coordination of the developer's engineer. The engineer shall have available, when necessary, a qualified survey party for the purpose of setting lines and grades for improvements and an approved testing program using qualified persons. It shall be the responsibility of the developer's engineer to ensure that sufficient surveys, inspections and tests are performed during construction so that the required certification(s) can be provided upon completion of the improvements.

(b) Quality control.

(1) *Inspections.* The county engineer may inspect all construction of permitted improvements and is authorized to call to the attention of the contractor any failure of work or materials to conform to the plans and specifications. To secure corrective action, county engineer may bring the failure to the attention of the developer and engineer/architect. The county engineer may reject materials and work when not in conformity with the approved codes, plans, and specifications.

(2) *Testing.* Laboratory or field tests and measurements, for width, depth, stability, density and other performance criteria, are required for all construction, as is normal for the industry. When required, these shall be made by a duly licensed engineering testing laboratory, at the developer's expense. All test results or measurements not in conformance with the plans and specifications shall be reported to the County Administrator or designee. Minimum requirements for tests are as specified herein.

(3) *Certification.* Upon completion of development, the developer's engineer shall submit the following to the County Administrator or designee:

a. As-built drawings.

b. A certificate of completion which shall include a statement that the methods of construction, materials used, and the results of tests and measurements of the project substantially meet the requirements of all applicable codes and the approved plans and specifications.

(4) *Final inspection.* Upon receipt of as-built drawings and certification, the approving authority shall perform a final inspection of the permitted improvements for compliance with all applicable codes and the approved plans and specifications. If satisfied as to the acceptability of the improvements, the approval authority shall so notify the BOCC.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

(c) Private improvements.

(1) *Homeowners' association.* A homeowners' association, or similar legal entity, that, pursuant to other sections of this chapter, is established to be responsible for the maintenance and control of roadways, utilities, drainage, common open space and other facilities shall be established in such a manner that:

a. Provision for the establishment of the association or similar entity is made before any lot in the development is sold or any building occupied.

b. The association or similar legal entity has clear legal authority to maintain and exercise control over such facilities.

c. The association or similar legal entity has the power to compel contributions from the residents of the development to cover their proportionate shares of the costs associated with the maintenance and operation of such facilities.

d. The incorporation document shall institute a system of representative government by the assembly of the owners maintaining prerogatives for the developer greater than that of the owners only during the period of sale. The document shall:

1. Set standards for construction and maintenance on private lots;

2. Provide for maintenance on public tracts;

(2) *Unsubdivided development.* all streets, drives, parking areas and other traffic circulation elements that are required site improvements in unsubdivided residential and non-residential development shall be owned and maintained by the developer or his successor or assigns.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-355—13-359. Reserved.

DIVISION 7. APPEALS AND VARIANCES

Sec. 13- 360. Appeals.

(a) *County Administrator of designee*.

(1) *Authority.* In exercising its powers, the BOCC may hear and decide appeals when it is alleged that there is error in any order, requirement, decision or determination made by the County Administrator or designee in the performance of their duties.

(2) *Appellant.* Appeals may be taken by any adversely affected person or official aggrieved by such order, requirement, decision or determination.

(3) *Procedure.* Appeals shall be processed subject to the following:

a. *Written order.* Any adversely affected person aggrieved by any decision of the County Administrator or designee shall be furnished such decision in writing over the official's signature. Such document must be furnished to the aggrieved person within ten (10) days of such request.

b. *Notice of appeal.* An appeal is taken by filing with the BOCC a notice of appeal and a copy of the County Administrator or designee's written order, requirement, decision or determination. Such appeal shall be in writing, on a form provided by the BOCC, and shall include such information as the date of appeal, parcel identification number of the property

involved, grounds upon which the appeal is made and other applicable information. It shall include all information necessary for a complete understanding of the situation by the BOCC. Appeals must be filed within thirty (30) days of receipt of the County Administrator or designee's written order, requirement, decision or determination. A notice of appeal shall be considered filed with the BOCC when delivered to the BOCC's office and date stamped. The County Administrator or designee from whom the appeal is taken shall, upon notification by the BOCC's office of the filing, forthwith transmit to the BOCC all the documents, plan, papers, or other materials constituting the record upon which the action appealed was taken.

c. *Work stayed.* An appeal to the BOCC stays all work on the premises and all proceedings in furtherance of the action appealed, unless the County Administrator or designee from whom the appeal was taken certifies to the BOCC that (because of facts stated in the certification) a stay would, in his/her opinion, cause imminent peril to life or property. In that case, proceedings or work shall not be stayed except by a restraining order of the BOCC or by a court of record on application and notice to the County Administrator or designee from whom the appeal is taken and on due cause shown.

d. *Expeditious hearing.* Appeals shall be heard as expeditiously as possible. The county administrator shall place the matter on the next open BOCC agenda and transmit to its members copies of all documents constituting the record relating to the action appealed from. The county administrator shall also provide due notice to all known parties in interest.

e. *Burden of evidence.* When an appeal is taken to the BOCC in accordance with this section, the County Administrator or designee from whom the appeal is taken shall have the initial burden of presenting to the BOCC sufficient evidence and argument to justify decision appealed. The burden of presenting evidence and argument to the contrary then shifts to the appellant, who shall also have the burden of persuasion. Any affected party may appear in person, or by agent or attorney, and be heard.

f. BOCC *action.* The BOCC may affirm or reverse, wholly or partly, or modify, any order, requirement, decision or determination made by the County Administrator or designee in the performance of his/her duties, and may make any necessary order, requirement, decision or determination, and to that end shall have all the powers of the County Administrator or designee from whom the appeal is taken.

    1. A motion to affirm, reverse or modify the order, requirement, decision or determination appealed shall include, insofar as practical, a statement of the specific reasons or findings of facts that support the motion. The concurring vote of a majority of all members of the BOCC shall be necessary to reverse any order, requirement, decision or determination of the County Administrator or designee or to decide in favor of the appellant on any matter upon which the BOCC is required to pass under this section.

    2. If a motion to reverse or modify is not made, or fails to receive a majority vote, then a motion to uphold the order, requirement, decision or determination appealed from shall be in order.

(b) *Planning and zoning special master action.* Any adversely affected person, or the BOCC, aggrieved by any final decision of the planning and zoning special master, may appeal any such final action to the

Circuit Court for Sumter County, Florida. The appeal shall be by petition for writ of certiorari and must be filed within thirty (30) days after the date of the decision.

(c) BOCC *action.* An appeal from a decision of the BOCC shall be by petition for writ of certiorari to the Circuit Court of the Fifth Judicial Circuit within thirty (30) days from the date of final action by the BOCC.

(d) *Judicial review.* Notwithstanding Subsections (a), (b) and (c), any adversely affected person aggrieved by any decision of the County Administrator or designee, Planning and Zoning Special Master, or BOCC, may appeal any such final action to the Circuit Court for Sumter County, Florida. The appeal shall be by petition for writ of certiorari and must be filed within thirty (30) days after the date of the decision.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Sec. 13- 361. Variances.

(a) *General.* Variances from the requirements of this chapter may be granted by the planning and zoning special master. Variances may only be granted if it is concluded that strict enforcement would result in practical difficulties or unnecessary hardships for the applicant and that, by granting the variance, the spirit of this chapter will be observed, public safety and welfare secured and substantial justice done.

(b) *Application submission and review.* Requests for variances shall be specified in the materials presented in applications for use and development permits. In addition to the application requirements, the applicant shall fully explain why compliance with the requirements of this chapter would result undue hardships for him/her, and how by granting the variance, the spirit of this chapter will be observed, public safety and welfare secured, and substantial justice done.

(c) *Review criteria*.

(1) *General.* A variance may be approved if, due to conditions beyond the control of the applicant, enforcement of this chapter would result in undue hardships for the applicant. This conclusion may only be reached if it is found that all of the following statements are true:

a. Strict application of the provisions of this chapter will prevent reasonable use of the property.

b. The hardship is unique, or nearly so, rather than one (1) shared by many surrounding properties. This shall be determined if special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structure or buildings in the same land use zone, and if the literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other properties in the same land use zone. The special conditions and circumstances of the hardship for which the applicant seeks relief must be suffered by the applicant and not by neighbors or the general public.

c. The special conditions and circumstances of the hardship relate to the applicant's land, building or other structure rather than personal circumstances. The approving authority must determine that the land contained within the area to be developed is of such size, shape, topography, location or condition, or subject to such title limitations, adaptive reuse of structures, redevelopment of a site within an area designated as blighted, or subject to

such other limiting circumstances as to render it impractical or impossible for the applicant to conform to the requirements of this chapter without placing an undue hardship on him.

d. The special conditions and circumstances creating the hardship are not the result of the applicants' own actions.

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

f. The variance granted will be in harmony with the general intent and purpose of this chapter and that such variance will not be injurious to the area involved or otherwise detrimental to the public welfare.

g. The variance requested will neither result in the extension of a non-conforming situation in violation of Article I, Division 4, nor authorize the initiation of a non-conforming use of land.

h. The variance granted will not permit a use not permissible in Table 13-431A for the applicable land use zone, or any use expressly or by implication prohibited by this chapter.

i. No nonconforming use of neighboring lands, structures, or buildings in the same land use zone, and no permitted use of lands, structures and buildings in other land use zones have been considered grounds for the authorization of the variance.

(2) *Flood hazard areas.* Variances from the requirements of floodplain protection standards shall meet the requirements of Article XI of this chapter.

(3) *Setbacks.* In addition to the criteria of Subsection (1), the following concerns are to be considered for approval of a variance from the setback requirements of this chapter.

a. When the use proposed for a nonconforming parcel is one that is conforming in all other respects but the applicable setback requirements of Section 13-413, and these cannot reasonably be complied with, then the authority may allow deviations from the applicable setback requirements if it finds the following:

1. The property cannot reasonably be developed for the use proposed without such deviations, and

2. These deviations are necessitated by the size or shape of the nonconforming parcel, and

3. The property can be developed as proposed without any significantly adverse impact on surrounding properties or roadways, or the public health, safety or welfare.

b. For purposes of Subsection a, compliance with applicable setback requirements is not reasonably possible if a building that serves the minimal needs of the use proposed for the nonconforming parcel cannot practicably be constructed and located on the parcel in conformity with such setback requirements. However, mere financial hardship does not constitute grounds for finding that compliance is not reasonably possible.

(d) *Action on application*.

(1) *Actions for approval*.

a. Before granting a variance, the approving authority must make an affirmative finding on each of the applicable criteria set forth in Subsection (c). Insofar as practical, an action to

make an affirmative finding shall include a statement of the specific reasons or findings of fact that support it. Variances shall only be issued upon:

1. A showing of good and sufficient cause.
2. A determination that failure to grant the variance would result in exceptional hardship, and;
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws.

b. In granting variances, the approving authority may, upon consideration of the factors listed above, and the purposes of this chapter, impose such reasonable and appropriate conditions and safeguards, in excess of what is specified in this chapter, as will ensure that the use will be as compatible as practicable with the surrounding properties and further the purposes of this chapter. All conditions attached to a variance are enforceable in the same manner as any other applicable requirements of this chapter.

(2) *Actions for denial.* An action to deny a variance shall include a motion with specific reasons and may be made on the basis that any one (1) or more of the criteria set forth in Subsection (c) are not satisfied or that the application is insufficient.

(3) *Actions in writing.* All actions of the authority shall be recorded in accordance with F.S. Ch. 286. Approved variances shall be recorded in the public records by the County Administrator or designee.

(e) *Revocation of variance.* Violation of the conditions of approval, as specified in the staff report, shall be deemed a violation of this chapter. At a public hearing, upon proof of deliberate disregard and violation of such conditions, the approving authority may revoke the variance.

(f) *Prohibited variances.* No lot created after the effective date of this chapter that is less than the required area or width shall be entitled to a variance from any building area or setback requirement.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Sec. 13- 362. Floodplain variances.

(a) *Authority to grant floodplain variances.* The planning and zoning special master shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in Subsection (d) below, the conditions of issuance set forth in Subsection (e) below, and the comments and recommendations of the floodplain administrator and the building official. The planning and zoning special master has the right to attach such conditions as it deems necessary to further the purposes and objectives of this chapter.

(b) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in Article XI.

(c) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement or rehabilitation will not preclude the

building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(d) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as defined in this chapter, provided the variance meets the requirements of Subsection 13-362(b), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(e) *Considerations for issuance of variances.* In reviewing requests for variances, the planning and zoning special master shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this chapter, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public infrastructure and utilities.

(f) *Conditions for issuance of variances.* Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this chapter or the required elevation standards;

(2) Determination by the planning and zoning special master that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) The variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19; Ord. No. 2019-18, § 3(Att. A), 8-13-19)

Secs. 13-363—13-369. Reserved.

DIVISION 8. CONCURRENCY MANAGEMENT

Sec. 13- 370. General.

(a) *Requirement and purpose.* Pursuant to policies of the Sumter County Comprehensive Plan, issuance of development permits is contingent upon the availability of public facilities and services at the levels of service adopted in the plan. To successfully implement this requirement, the following procedures are established as Sumter County's Concurrency Management System.

(b) *Public facilities and services for which concurrency is required.* A concurrency test will be made of the following public facilities and services, for which level of service standards have been established in the comprehensive plan and also specified in this chapter.

(1) Potable water;

(2) Sanitary sewer;

(3) Solid waste;

(4) Drainage.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 371. Concurrency standards.

To be determined concurrent, a project shall not lower the existing levels of service of public facilities and services below the adopted levels of service of the comprehensive plan for potable water, sewer, solid waste, and drainage. A project will be deemed concurrent if one (1) of the following standards is met:

(a) The necessary facilities and services are in place at the time a development permit is issued; or

(b) A development permit is issued subject to the condition that the necessary facilities and services will be in place when the impacts of the development occur; or

(c) The necessary facilities are under construction at the time a permit is issued; or

(d) The necessary facilities and services are guaranteed, in an enforceable development agreement, to be in place when the impacts of the development occur.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 372. Concurrency determination.

(a) *Level of service.* Sumter County will provide level of service information for all required public facilities and services as set forth in the Sumter County Comprehensive Plan.

(b) *General concurrency test*.

(1) *Capacity accounting.* In general, the concurrency test for public facilities and services will compare the public facility capacity needs of a proposed development to the available capacity of public facilities. The following "capacity accounting" sequence shall be used:

a. *Step A:* Determine total capacity = current capacity plus programmed capacity (at time of impact of development).

b. *Step B:* Determine capacity available for new development = total capacity minus current demand and minus capacity reserved, but not yet used (development permits, vested development).

c. *Step C:* Determine surplus (concurrent capacity) or deficit (not concurrent capacity) = capacity available for new development minus capacity required for specific applicant.

(2) Determination.

a. If the concurrency test information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service is available at the date of determination.

b. If the concurrency test indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service is not available at the date of determination.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 373. Concurrency management procedures.

In response to the need to ensure that development permits will only be issued when public facilities and services at adopted level of service are available concurrent with the impacts of such development, the County Administrator or designee, in cooperation with other county officials, as appropriate, shall establish systems and procedures for monitoring capacity and levels of service for all required public facilities and services, and for review of all proposed development for concurrency. Such measures shall include:

(a) *Monitoring*.

(1) *Minor development.* Individual minor development projects shall not be subject to a concurrency test, however, all required public facilities and services shall be annually monitored

for current capacity, use and level of service. Minor developments will be permitted when existing levels of service allow it.

(2) *Major development.* Upon receipt of application for preliminary plan approval, all major development will be reviewed for concurrency on an individual basis.

(b) *Concurrency determinations*.

(1) At any time, by request to the County Administrator or designee, a developer may determine if there is sufficient capacity to accommodate his/her project. For planning purposes, the County Administrator or designee shall make an informal non-binding determination of the levels of capacity for public facilities.

(2) At time of application for land use permit, if requested, a non-binding concurrency determination will be furnished to the applicant of adequate facility capacity and level of service is or is not available at date of application approval.

(3) At time of application for preliminary plan approval, the County Administrator or designee shall make a binding determination of what public facilities and services are currently available for the project.

(4) At time of application for engineering plan approval, the County Administrator or designee shall make a concurrent or non-current determination for all public facilities and services.

(5) The County Administrator or designee shall make a concurrency determination for any proposed amendment to the future land use element.

(6) All determinations shall be made in writing, in a timely manner, with findings of deficiencies explained in detail.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 374. Constraints and adjustments to facility capacity.

(a) *Capacity allocation.* No project shall be allowed more than fifty (50) percent of the existing excess capacity of a facility or service.

(b) *Capacity reservation.* Capacities for vested developments may be reserved at less than one hundred (100) percent, but not less than seventy-five (75) percent.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 375. Exceptions to concurrency requirement.

Those developments having statutory vested rights on February 3, 1992, shall be exempt from concurrency requirements for issuance of development permits. However, facility needs of these developments shall be included in the reserved capacity of Step B of the general concurrency test.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-376—13-399. Reserved.

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ARTICLE IV. ZONING

DIVISION 1. GENERALLY

Sec. 13- 400. Comprehensive plan

The future land use element of the Sumter County Comprehensive Plan establishes a future land use category for all parcels of land within the unincorporated area of Sumter County, and the cities of Coleman, Center Hill and Webster. The purpose of this article is to set forth the regulations required to implement such future land use categories and requirements, and supplemental land use regulations determined necessary by the BOCC. All land use within the unincorporated area of Sumter County shall comply with this article unless exempted pursuant to Article I (General provisions).

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 401. Official zoning map.

(a) *Map adopted.* There shall be a map established, drawn and maintained pursuant to Sumter County Ordinance 73-1, as amended from time to time, known and designated as the Sumter County Official Zoning Map (herein referred to as zoning map). It shall be prepared and maintained by the County Administrator or CA designee and shall show the boundaries and identifications of all zoning districts within the unincorporated areas of Sumter County. This map shall be published on-line using the BOCC's Geographic Information System (GIS) and to show the current zoning of all parcels of land within the BOCC's jurisdiction.

(b) Applicability to existing parcels.

(1) Lots divided by zoning district lines. Whenever a single parcel is located within two (2) or more different zoning districts, the larger of the two shall prevail, until such time as a single zoning district is adopted.

(2) *Allowable zoning districts within land use categories.* Table 13-401A identifies one or more zoning districts allowed within each land use category on the FLUM of the comprehensive plan. Planned Unit Development (PUD) zoning may be used in any future land use category as long as the provisions of Division 3 are met.

TABLE 13-401A FUTURE LAND USE AND ZONING DISTRICT CORRELATION

Future Land Use Category	Zoning Districts
Agriculture	
1 dwelling unit/10 acres	A10, A10C, PUD
1 dwelling unit/5 acres	RR5, RR5C, PUD
1 dwelling unit/3 acres	PUD (Conservation Subdivision)
Rural Residential	
1 dwelling unit/acre	RR1, RR1C
2 dwelling units/acre	R2C, R2M, R4C, R4M
Urban Residential	RR2.5, RR2.5C, RR5, RR5C, R2C, R2M, R4C, R4M, R6C, R6M, CN
High Density Residential	HDR-12, HDR-24, CN
Mixed Use	PUD
General commercial	CL, CH, CR, CN, PUD
Industrial	ID, CN

Future Land Use Category	Zoning Districts
Public/Institutional	PIE
Conservation	CV

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18; Ord. No. 2018-20, § 3(Att. A), 7-10-18)

Secs. 13-402—13-409. Reserved.

DIVISION 2. ZONING DISTRICTS

Sec. 13- 410. Zoning districts established.

To accommodate the future land use categories and associated densities and intensities established in the comprehensive plan, and to protect and preserve property values from the encroachment of detrimental or adverse use of the land, the following zoning districts are hereby established by category, and generally described.

District Abbreviations	District Name
Agriculture	
A10 and A10C	General Agricultural
Residential	
RR5 and RR5C	Low Density Rural Residential
RR2.5 and RR2.5C	Medium Density Rural Residential
RR1 and RR1C	Rural Residential
R2M and R2C	Low Density Residential
R4M and R4C	Medium Density Residential
R6M and R6C	High Density Residential
HDR-12	High Density Residential Multi-Family 12 Units Per Acre
HDR-24	High Density Residential Multi-Family 24 Units Per Acre
Commercial	
CN	Neighborhood Commercial
CL	Light Commercial
CH	Heavy Commercial
CR	Regional Commercial
Industrial	
ID	Industrial
Recreation	
REC	Public/Institution/Education
Public/Institutional	
PIE	Public/Institution/Education
Conservation	
CV	Conservation
Planned Development	
PUD	Planned Unit Development

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-20, § 3(Att. A), 7-10-18)

Sec. 13- 411. Intent of zoning districts

(a) *Conservation Zoning District (CV)*. The purpose and intent of the CV (Conservation) zoning district is to designate and preserve lands which are owned or maintained by federal, state, regional and local agencies for purposes of environmental protection, conservation, and stormwater management. Public or private use or development in this district is prohibited except when consistent with the controlling agency's policies and regulations and the Sumter County Comprehensive Plan. Principal uses shall be limited to those approved by the controlling agency.

(b) *Agricultural Zoning Districts (A10, A10C, AC)*. This category identifies and provides for lands which are to be protected for the continuation or establishment of agricultural activities. These districts are intended to allow all agricultural, aquaculture, forestry and horticulture activities as noted in Table 13-341A and, depending on the district, may allow one (1) conventional or mobile home dwelling unit per parcel as a permitted use. In addition, accessory uses and other special or conditional uses are allowed when specified in this article.

(c) *Residential districts.* These districts identify and provide for lands which are suitable for residential uses. Unless specified otherwise in this chapter, in rural residential zoning districts, the numeric value in the district title generally denotes the minimum parcel size allowed, in acres. In residential zones, the numeric value denotes the maximum number of dwelling units allowed per gross acre. The letter "C" following the designation denotes that only conventional construction and class A manufactured homes are allowed. The letter "M" denotes that class A and B manufactured homes are allowed in addition to conventional construction. See Table 13-431A for permitted uses.

  (1) *Rural Residential Districts (RR5, RR5C, RR2.5, RR2.5C, RR1, RR1C).* The purpose and intent of the single-family rural residential zoning districts is to provide a range of densities, promote a rural residential atmosphere where families, depending on the district, may reside in one (1) conventional or Class A or B mobile home dwelling unit per parcel and grow food and keep livestock for domestic use, and also to provide a buffer between agricultural and higher density residential uses.

  (2) *Suburban Residential Zoning Districts (R2M, R2C, R4M, R4C, R6M, and R6C).* The purpose and intent of the suburban residential zoning districts is to provide a range of suburban densities, residential atmosphere where families, depending on the district, may reside in one (1) conventional or Class A or B mobile home dwelling unit per parcel or a multifamily building, and to provide a buffer between districts of lower and higher residential densities, commercial or other more intensive zoning districts.

  (3) *High Density Residential Districts (HDR-12, HDR-24).* The purpose and intent of the high density residential zoning districts is to provide higher density, residential atmosphere where families may reside in a multifamily building, and to provide a buffer between districts of lower and higher residential densities, commercial or other more intensive zoning districts.

(d) *Commercial Zoning Districts.* These districts provide for lands which are suitable for commercial uses. The properties on which such land use is located should be of such size, shape and location as to permit development of well-organized commercial facilities with proper access roads, ingress and egress, off-street parking, loading space and other necessary requirements and amenities. See Table 13-431A for allowable uses.

  (1) *CN (Neighborhood Commercial) Zoning District*. The purpose and intent of this zone is to provide for limited retail sales and services necessary to meet the immediate needs of the neighborhood

from a location that is central, convenient, safe, and harmonious to existing and proposed development.

a. Neighborhood commercial may be allowed within the Residential and Agricultural future land use categories, provided the site is located within the UDA.

b. Parcels zoned CN shall front on a road designated as arterial or collector on comprehensive plan Map 2-2 Existing Road Network—Functional Classification, or on another paved and publicly maintained road at a location with direct access to an arterial or collector road.

(2) *CL (Light Commercial) Zoning District*. The purpose and intent of this zoning district is to provide for harmonious retail and wholesale sales and services necessary to meet the general needs of a community, in which the principal activities are conducted entirely within an enclosed structure. This zoning district allows moderate processing of products as an accessory use to sales and services. Light commercial districts shall only be allowed within areas designated as commercial on the FLUM.

(3) *CH (Heavy Commercial) Zoning District*. The purpose and intent of this zoning district is to provide for harmonious retail and wholesale sales and services necessary to meet the general needs of a community, in which the principal activities are conducted both inside and outside of an enclosed structure. Uses in this zoning district typically require outdoor storage or activities, have higher trip generation rates, or have the potential for greater nuisance effect on adjacent properties due to noise, light and glare, or typical hours of operation, than neighborhood and light commercial uses. This zoning district also allows moderate processing of products as an accessory use to sales and services. Heavy commercial districts shall only be allowed within areas designated as commercial on the FLUM.

(4) *CR (Regional Commercial) Zoning District*. The purpose and intent of this zoning district is to provide for those retail and wholesale sales and services necessary to meet the needs of several communities, as well as intrastate or interstate visitors and commerce, and to allow a moderate amount of processing of products. Regional commercial districts shall only be allowed within the commercial future land use category and in an Economic Activity Center as outlined in the Economic Element of the Sumter County Comprehensive Plan. This zoning district shall cluster in depth at intersections of federal, state or county arterial or collector roads.

(e) *ID (Industrial) Zoning District.* This district provides for lands that are suitable for manufacturing and industrial activities, and limited retail sales, provided such uses do not present a threat to the public health, safety and welfare through air, water and noise pollution and other impacts. The properties on which such land use is located should be of such size, shape and location as to permit development of well-organized industrial facilities with proper access roads, ingress and egress, off-street parking, loading space and other necessary requirements and amenities. It is not the intent of this Article to assign the various industrial activities to specific industrial districts according to what is manufactured, fabricated, processed, assembled, stored, warehoused, wholesaled, distributed or otherwise handled. Rather, the intent is to permit industrial activities on the basis of their exposure to, and effect on, adjoining industrial and non-industrial uses and on the general community. See Table 13-431A for permitted uses. The intent of the district is to:

a. Provide for, by either permitted, special or conditional use, such industrial activities, as provided in Table 13-431A, that have no more than a moderate adverse impact on adjoining non-industrial properties.

b. Provide for limited retail sales, including retail goods that include on-site production, those that involve significant truck traffic and those that may have significant secondary effects on other, more sensitive, land uses.

c. Prohibit uses within the zoning district which could interfere with development of industrial uses.

d. Prohibit uses within the zoning district which could have serious adverse effect on the surrounding area.

e. Consistent with Policy 8.1 of the Sumter County Economic Element, functional locations for industry and commerce will provide lands for intensive development intended for the County's economic initiatives.

(f) *PIE (Public Uses, Institutional and Educational) Zoning District.* This district identifies and provides for lands which are suitable for conducting public services provided by public, quasi-public and semi-public entities. The properties on which such land use is located should be of such size, shape and location as to permit development of well-organized facilities with proper access roads, ingress and egress, off-street parking, loading space and other necessary requirements and amenities. The purpose and intent of this zoning district is to provide lands which are suitable for government offices, educational, health, social services, religious, active and passive parks, utility, transportation, correctional (prison) and other public type facilities.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 412. Dimensional standards – General

(a) *Setbacks (side and rear).* The setback distances in Tables 13-423A and 425A shall be the minimum setback distances from side and rear lot/parcel lines for all substantial above ground structures, including accessory structures, and in or below ground structures, unless specified otherwise in this Land Development Code.

(b) *Setbacks from water bodies*. The required building setback from on or off-site ditches and canals shall be ten (10) feet, measured from the normal high-water elevation contour of the adjacent water body. See Section 13-901 for other provisions applicable to properties abutting surface water bodies. Nothing in this section shall prohibit erection and maintenance of any boathouse on a water shoreline, provided such boat house meets the minimum side setbacks for accessory structures.

(c) *Setbacks from rights-of-way.* No portion of any building or other substantial above or below ground structure may be located on any lot or parcel closer to any street right-of-way line or centerline or lot line than is authorized in this section. For railroad rights-of-way, the side and rear setbacks shall apply.

(1) *Applicability*. As used in this section, the terms "building" or "structure" includes any substantial structure which by nature of its size, scale, dimensions, bulk, or use tends to constitute a visual obstruction or generate activity similar to that usually associated with a building. Purely aesthetic, non-habitable features such as stacked stone, knee-walls or other similar structures shall not be subject to these provisions so long as they are of limited scale and obtrusiveness. Sign structure setbacks shall be governed by the laws of the State of Florida and by other sections of this Code. Without limiting the generality of the foregoing, the following structures shall be deemed to fall within this description:

a. Gas pumps and overhead canopies or roofs.

b. Fences running along lot lines adjacent to public street rights-of-way if such fences, by reason of their height or opaqueness, constitute a threat to public safety and welfare.

(2) *Measurement*.

a. Setback distances shall be measured from the lot line or street rights-of-way line as follows:

1. If the street right-of-way line is deeded right-of-way (by reference to a recorded map, deed or plat), the setback shall be measured from such right-of-way line.

2. If the right-of-way line is the edge of a prescriptive easement, the setback shall be measured from the centerline of the easement.

b. Setback distances shall be measured to the building or structure as follows:

1. Measurement shall be to the nearest vertical wall or support of the building or structure, provided any above ground extension of the building does not encroach into the required setback more than two (2) feet, or onto adjoining property.

2. Any above ground encroachment of more than two (2) feet into the required setback will require a compensating setback increase in the structure's wall or support.

(3) *Setbacks from roads and access easements*.

a. Minimum setback. The distances in Table 13-440A shall be the minimum setback for all above or below ground structures, including accessory structures, unless otherwise specifically provided in Article V. The setback providing the greatest distance from the road centerline shall be used.

TABLE 13-440A BUILDING SETBACKS FROM ROADS

Roads in or proposed for inclusion in the state/county system of maintained roads	Setback (ft.)		Roads excluded from the state/county system of maintained roads	Setback (ft.)	
	From R/W	From C/L		From R/W	From C/L
Minor local road	25	55	Easements for vehicle use*	25	50
Major local road	30	65	Alley	15	20
Minor collector in Urban Expansion Area	35	60	Minor local road**	20	25
Minor collector out of Urban Expansion Area	35	70	Major local road	25	35
Major collector in Urban Expansion Area	50	115	Minor collector	30	60
Major collector out of Urban Expansion Area	50	85	Major collector	35	70
Minor arterial in Urban Expansion Area	75	115			
Minor arterial out of Urban Expansion Area	75	120			
Principal arterial in Urban Expansion Area	75	140			
Principal arterial out of Urban Expansion Area	75	150			
Freeway (limited access)	25				

* Applies to access easements or private roads that serve three (3) or more lots, or more than three (3) dwelling units, or that serve any nonresidential use tending to generate traffic equivalent to three (3) or more dwelling units.

** The authority may reduce the building setback along minor local roads in a recreational vehicle park when the plan proposes an efficient and safe design (must be done as part of the site plan approval). Notwithstanding the above, the sum of the road right-of-way, plus the adjacent front setbacks from street right-of-way lines shall not be less than fifty (50) feet.

b. *Exception to Table 13-440A.* Notwithstanding the requirements of Table 13-440A, where deemed necessary to allow reasonable use of the property for placement of a principal structure, the applicable setback on corner lots established prior to the effective date of this chapter and having less than seventy-five (75) feet road frontage may be reduced by one (1) foot for every road frontage foot less than seventy-five (75) feet, but in no case may the setback be less than fifteen (15) feet.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18)

(d) *Lot front*:

(1) The front of a lot with frontage on more than one road or accessway shall be the shortest distance along the road/accessway.

(2) On a through lot, both yards facing a roadway shall be deemed lot fronts.

(3) Combining existing platted lots of record without replatting (through the Property Appraiser) shall not change the lot frontage due to location of a corner.

(e) *Building height limitations/requirements*. The maximum height for habitable structures shall be as provided in Section 13-413 and Section 13-414.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18)

Sec. 13- 413. Residential dimensional standards.

Table 13-423A contains the dimensional requirements for residential zoning districts. Dimensional standards for PUDs are determined during the rezoning approval process.

Table 13-423A: Residential zoning districts dimensional standards

	RR5, RR5C	RR2.5, RR2.5C	RR1, RR1C	R2M, R2C	R4M, R4C	R6M, R6C	HDR-12, HDR-24
Min. lot area	5 ac	2.5 ac	1 ac	21,780 Sq. Ft.	10,890 Sq. Ft.	7,260 Sq. Ft.	21,780 Sq. Ft.
Min. lot width (ft.)	225	165	100	75	60	50	100
Min. setback from road right of way	See Section 13-412(c)						
Min. side and rear setbacks	15	15	15	10	10	10	15
Max. building height by right	35	35	35	35	35	35	60

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-20, § 3(Att. A), 7-10-18)

Sec. 13- 414. Lineal descent provisions

(a) *Purpose*. The density and lot size provisions contained in this article may be adjusted to accommodate the division of a property solely utilized as a homestead for distribution to qualified family members (i.e., grandparent, parent, stepparent, adopted parent, child, stepchild, adopted child, grandchild, or sibling).

(b) *Minimum requirements*. The following provisions and the overlay zone requirements (see Division 4 of this article) shall be met.

(1) The grantor shall have a homestead exemption granted by the Sumter County Property Appraiser for a period of not less than five (5) consecutive years. This requirement does not apply to a parent parcel owned as of September 30,2006.

(2) No building permit shall be issued to any person other than the family member to whom the property was conveyed, or their inheritors, for a period of three (3) years after the conveyance.

(3) No transfer shall be allowed to a family member who has not attained age eighteen (18).

(4) A property owner may transfer only one (1) parcel of land to each family member set forth above. The maximum number of parcels that may be created from a parent tract under this section is six (6).

(5) Parcels created and remainder parcels in areas designated as agricultural on the FLUM shall have a minimum area of two (2) acres each. Parcels created and remainder parcels in other residential categories shall each have the minimum area required by the parent tract's land use category on the FLUM.

(6) Parcels created hereunder shall front on a paved private road, a publicly maintained road, or an easement. If a private easement is involved, it shall meet the standards of Section 13-700(c)(4), Access Easements.

(7) Flag lots are only permitted on parcels ten (10) acres or greater within the Agricultural Future Land Use. See standards for flag lots in Section 13-700.

(8) This section shall not apply to lots in platted subdivisions.

(9) Parcels not served by public potable water and sanitary sewer must contain a minimum of one (1) acre of usable land appropriate for siting of a residential structure, private well, and septic system. Parcels served by public potable water, but not sanitary sewer, must contain a minimum of one-half acre of usable land appropriate for siting a residential structure and septic system.

(10) The deed of conveyance shall include the following on the face of the deed and no re-zoning of the parcel to implement the provisions of this section shall be processed without a copy of the recorded deed being provided to the county, to-wit: "This conveyance creates a family exemption parcel which is subject to all regulations and restrictions as set forth in Section 13-414 of the Sumter County Code."

Sec. 13- 415. Conservation subdivisions / density bonus.

(a) *Purpose and intent*. Conservation subdivision design is encouraged to provide housing in a manner that preserves agricultural and forestry lands, natural and cultural features, scenic viewsheds, and rural community character that would be at great risk of becoming lost through conventional development approaches. Conservation subdivisions should be incorporated, to the greatest extent practicable, into an interconnected network of permanent greenway conservation lands adding both economic and environmental value to the proposed development and to the broader community. In addition, conservation subdivisions shall allow for a diversity of lot sizes, housing choices, and building densities.

(b) *Eligibility*. Conservation subdivision provisions may be applied at the request of a landowner within the Agricultural Future Land Use category where the project site shall have a minimum of fifty (50)

acres. In addition, the subject property for the Conservation Subdivision shall be located on or no farther than one-half (1/2) mile from an arterial or collector road. Any proposed development shall be required to make any access and improvements required to bring substandard roads to standard conditions and to assure the safe operation of the road. Any traffic study done by the County using consultants to verify needed road and access improvements shall be paid for by the developer.

(c) *Procedures and review*.

(1) *Pre-application meeting.* Applicants shall be required to participate in a pre-application meeting with County staff prior to submitting an application for a conservation subdivision. At least five working days prior to the meeting, the applicant shall provide the land preservation plan, and the site's geographic features and land use map as described below.

(2) *Rezone to PUD*. Conservation subdivisions shall be processed through the Planned Unit Development (PUD) rezoning process. In addition to submittals required under other provisions of this code, the following submittals shall also be required. The required plans and maps shall be prepared and sealed by a licensed architect, engineer, or landscape architect, as appropriate.

a. A land preservation plan with conservation easement language, showing all existing vegetation and proposed changes and new plantings, if any.

b. A geographic features and land use map of all land within five hundred (500) feet of the site showing floodplains, area hydrography, publicly or privately managed parks or preserves, and adopted or proposed greenways.

(d) *Density.* In the Agriculture Future Land Use category, the maximum density within the development area (defined in subsection (f)) of a conservation subdivision shall be one (1) dwelling unit per three (3) gross acres, not to exceed one hundred (100) lots.

(e) *Minimum lot size.* The individual lot sizes shall be as follows:

(1) Where no central water and sewer is provided: one (1) acre minimum lot size.

(2) Where central water and septic tank or central water and sewer is provided: one-half (1/2) acre minimum lot size.

(f) *Design standards.* Conservation subdivisions shall be made up of two distinct areas, the reserve area and the development area, which combined comprise the total conservation subdivision parcel. The total parcel shall be contiguous in location and configuration, except that new roads, utility easements or other similar linear infrastructure features may traverse it.

(1) *Reserve area*.

a. The acreage that comprises the reserve area shall comprise no less than fifty (50) percent of the total parcel; shall be designated as permanent open space via agricultural and conservation easements; shall be continuous and contiguous to the greatest extent practicable with other portions of the site including the reserve area; shall be contiguous with or proximal to existing or planned public or private greenspace to the greatest extent practicable, and shall be of sufficient size and buffered to accommodate authorized uses and ensure the protection of all critical on-site resources that are to be preserved. The intended usefulness of such easements shall not be impaired, shall remain in perpetuity, or until release by law, and shall be recorded as such in the records of Sumter County prior to a development permit being issued for the project.

b. Preservation areas and viewshed areas within designated protection zones for canopy roads shall be incorporated into the reserve area; conservation areas, wetlands, 100-year floodplains, archaeological sites, agriculture and silviculture, rural roads, and other open space shall be incorporated into the reserve area to the greatest extent practicable.

c. The reserve area shall adjoin any existing or planned adjacent areas of open space, or natural areas that would be potential sites for inclusion as part of a future area of protected open space.

d. Within the Agriculture Future Land Use, reserve area land shall be reserved permanently by easement for natural open space, passive recreation uses (e.g., greenbelts, trails, picnic areas or open fields), or environmental purposes, but may contain accessory structures such as barns or utility sheds, provided they are not habitable.

e. Reserve areas can be used for agriculture (no mining), provided that the area is not classified as a naturally forested area, conservation or preservation area. Existing agricultural, grazing, and horticultural uses of the property may continue, provided that all such activities be designed to prevent soil erosion; to protect water quality and wetlands; and to maintain the scope of traditional or existing agricultural activities under best management practices thereof. Reclaiming planted forested sites not classified as "naturally forested" to fields, pastures, orchards, groves, and turning open sites to forests is allowed. Usage on open, non-forested sites may be rotated.

f. If a reserve area is to be used for agricultural purposes, the applicant shall establish a buffer between common pastures, animal enclosure areas or croplands and residential lots adjacent to but not part of the conservation subdivision. Such buffers may be considered as part of the reserve area for purposes of meeting the minimum relative size requirement of the reserve area. The applicant may also be required to establish appropriate easements to address common impacts of normal agricultural operations (e.g., noise, dust or odors).

g. Reserve areas can be used for silviculture, provided that the area is not classified as a naturally forested area, a conservation area, or a preservation area. Selective thinning of existing planted pines shall be permitted in conservation and preservation areas on a case-by-case basis if managed to promote a native forest stand. All other existing silviculture operations in proposed reserve areas shall employ all best management practices (BMPs) as may be adopted or updated by the state division of forestry from time to time.

h. The reserve area shall be placed under a permanent easement that runs with the land. Subject to approval by the County, the easement may be assigned to the local government or to an existing land trust that is a 501(c)(3) organization for which conservation of resources is a principal goal and which can provide reasonable assurance it has financial and staff resources to monitor and manage the easement.

i. Stormwater management facilities which are otherwise permissible are allowed in the reserve area, provided that the facilities are located outside of preservation areas, canopy road protection zones, naturally forested areas, and meet one of the following two standards:

    1. Wet detention ponds shall have side slopes of 6:1 or flatter with appropriate wetland tree and aquatic plants species that visually integrate the stormwater facility into the overall reserve area.

2. Retention ponds shall have side slopes of 4:1 or flatter with appropriate tree and plant species that visually integrate the stormwater facility into the overall reserve area.

j. All applicants for a conservation subdivision shall submit a management plan describing how the reserve area land will be maintained in perpetuity, including provision of a dedicated source of funds approved by the local government, to finance the timely and consistent execution of the plan. If the Open Space is not properly maintained, the County may assume responsibility of maintenance and charge the property owner or homeowners association a fee which covers maintenance and administrative costs.

(2) *Development area.* The development area shall include that portion of the parcel proposed for development at the density established for the land use category and base zoning applicable to the subject property. The development area shall; be located on the least environmentally or otherwise significant portions of the total conservation subdivision; comprise no more than 50 percent of the total conservation subdivision parcel; be contiguous and configured in such a manner as to not adversely interfere with continued farming or silviculture uses in the reserve area; and allow maximum open space to be easily maintained in the reserve area. Design of the development area shall follow the procedural steps set forth below.

a. Manufactured homes (mobile homes class A or B) are prohibited; all homes must meet Florida Building Code construction standards.

b. Delineate areas of the site to be reserved due to their significant features and value to the area's continued natural character;

c. Determine the number of allowable lots desired;

d. Locate potential development sites on the area of the tract not delineated as reservation areas, with due consideration for topography, soil suitability for construction and septic system use, and efficient service by public or central water and/or sewerage systems, as applicable;

e. Align streets to serve house sites, with due consideration for topography and connections to existing, planned or potential streets in adjacent areas, and align pedestrian trails if planned; and

f. Delineate boundaries of individual residential lots where lot sizes and shapes, block sizes and shapes, and street networks and alignments shall be designed in accordance with accepted planning practices to produce a rational and economical system without undue clearing or grading. The lot arrangement, design and orientation shall be 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;

g. Specific development and locational standards shall be subject to the established standards of the Planned Development (PD) zoning district and shall be established at the time of development plan submittal.

Sec. 13- 416. Non-residential dimensional standards.

Table 13-425A contains the dimensional requirements for non-residential zoning districts. Dimensional standards for PUDs are determined during the rezoning approval process.

Table 13-425A: Non-Residential zoning districts dimensional standards

	A10, A10C	CN	CL	CH	CR	ID	PIE
Min. lot area[1]	10 ac	7,500 Sq. Ft.	10,000 Sq. Ft.	15,000 Sq. Ft.	1 ac	1 ac	-
Min. lot width (ft.)	330	50	75	100	200	150	-
Min. setback from road ROW	See Section 13-412(c)						
Min. side and rear setbacks	20	10	10	15	20	20	20
Max. building height	35	20 single use; 35 vertical mixed use	50	50	50	35	50

[1] In agricultural districts, lots which do not meet the minimum lot area or lot width requirements may be utilized for permitted agricultural activities, including the construction of agricultural-exempt structures.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 417. Land uses

The presumption established by this chapter is that, unless expressly prohibited, all legitimate uses of land may be allowed as either a principal, temporary, or accessory use within at least one (1) zoning district in the BOCC 's jurisdiction. See Article V for standards applicable to temporary and accessory uses.

(a) *Principal uses.* Principal uses shall be allowed as one of the following:

(1) *Permitted use (P).* Uses that are allowed by right if they are in compliance with the requirements of this chapter.

(2) *Special use (S).* Special uses are those not normally permitted in the various zoning districts but may be allowed under certain circumstances. A special use is not allowed by right and there is no presumption that Special Use approval will be granted.

(3) *Conditional use (C).* Conditional uses are those that, because of their unique characteristics, are not permitted as a matter of right or through special use. Such conditional uses, unless properly controlled, pose potentially serious health, safety or welfare concerns for the community. Therefore, it is the intent of the BOCC to ensure, through available and reasonable methods, that the location, construction, operation, and maintenance of a conditional use produces minimal adverse effect on the environment and public health, safety, and welfare, and to fully balance the need for such conditional use with the broad interests of the public. A conditional use permit is not a permit of right and there is no presumption that such a permit will be granted.

(b) *Table of principal uses*.

(1) Table 13-431A lists the various principal land uses and indicates in which zoning districts the uses are permissible as permitted (P), special (S), or conditional (C) uses. This table should be read in close conjunction with Section 13-200 Definitions, Section 13-312(a) Exempt development, (3) Agricultural classification, the provisions applicable to the specific use (referenced in the “See

Section" column), and the other interpretative provisions set forth in this code. Uses not listed in the table are prohibited.

(2) Because the list of uses set forth in Table 13-431A cannot be all inclusive, those uses that are listed shall be interpreted liberally to include other uses that are similar in nature, size and effect on the community. The County Administrator or designee shall have the authority to classify uses not included in this table.

(c) *Prohibited uses*. In addition to the uses not specifically listed in Tables 13-431A, the following land uses are specifically prohibited in all zoning districts:

(1) Hazardous materials.

a. Handling, storing, transferring, or processing of waste radioactive materials, except on-site by generators.

b. Landfills or other land disposal facilities for biohazardous or hazardous wastes, or petroleum contaminated soil.

c. Handling, storing, transferring, or processing of waste gases which debilitate or destroy human biological systems, except on-site by generators.

d. In addition to the above, any uses, operations or structures involving waste materials which pose potentially serious health, safety or welfare concerns for the community, which are not specifically, provisionally, or by reasonable implication authorized in Table 13-431A, or in any other section of this chapter, are expressly prohibited. The County Administrator or designee shall be responsible for denying any application submittals for uses not provided for herein; however, any such denial may be appealed to the BOCC, as provided for in Section 13-360.

(2) *Pre-Housing and Urban Development (HUD) mobile homes.* Mobile homes constructed prior to June 15, 1976.

(3) *Wellfields for exportation of water.* Wellfields supplying ground water to other counties, unless approved by the BOCC and the Withlacoochee Regional Water Supply Authority.

(4) Sludge and septage.

a. Stockpiling of sludge or septage for land spreading, except as specifically approved.

b. Disposal of sludge or septage which causes a nuisance.

(5) *Massage parlors or massage establishments* operated by any person not licensed by the State of Florida to provide massage services;

(6) Motion picture arcades or arcade booths.

(d) *North American Industry Classification System (NAICS) numbers*. Tables 13-431A include references to the current edition of the North American Industry Classification System (NAICS). These codes, as may be amended from time to time, shall be used to determine the classification of use groups. A four (4) digit NAICS group number shall override a three (3) digit number, and a three (3) digit group number shall control and override a two (2) digit group number.

(e) *Change in principal use*. A substantial change in the principal use of property occurs whenever the essential character or nature of the activity conducted on the property changes to the extent that:

(1) The new principal use is not a permitted use, or

(2) The new principal use is permitted, but substantially different than the original use, or

(3) The new principal use is a different special or conditional use than the one (1) previously approved.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Table 13-431A: Schedule of Uses

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
AGRICULTURAL USES																								
Animal production and aquaculture	112																							
Alligator Farming per Ch. 68A-25.004, FAC.	112519		P	P	S	S	S	S	S	S														
Aquaculture production of water animals	11251		S	S																				
Aquaculture production of water plants with or without processing and support services for all aquaculture uses	112519		P	P																				
Livestock* (low intensity) unconfined at no more than 3 animal unit equivalency (AUE) per acre	various	13-561	P	P	P	P	P	P	P	P														
Livestock* (medium intensity)—confined at no more than 3 AUE per acre	various	13-561	P	P	S	S	S	S																
Livestock* (high intensity)—confined at more than 5 AUE per acre	various	13-561	S	S																				
Fowl* (low intensity)—up to 10 per acre	1123	13-561	P	P	P	P	P	P	P	P														
Fowl* (medium intensity)—up to 30 per acre	1123	13-561	P	P	S	S																		
Fowl* (high intensity)— more than 30 per acre	1123	13-561	S	S																				
Keeping, breeding, training, sale, exhibiting, entertaining the public with or rehabilitating non-farm animals or exotic animals pursuant to Chapter 68A-6.002, FAC.	11299	13-560 13-561	S	S	S	S																		
Crop production	111																							
Crop production for domestic consumption and selling on site	111		P	P	P	P	P	P	P	P														
Commercial crop production	111		P	P																				
Horticulture and floriculture production with or without on-site retail sales	11142		P	P	P	P	P	P	P	P														
Agriculture support uses and services																								
Caretaking facilities and operations	115		P	P																				
Roadside produce stand for sale of products produced off site																			P	P	P	P		
RESIDENTIAL USES																								
Agricultural housing	---		S	S													S	S						
Assisted living facility, large	---																							

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Assisted living facility, small	---																							
Community residential home with 7 or more residents	---	13-556	S	S	S		S		S	S	S	S	S	S	S	S	S	S	S	S				
Community residential home with maximum of 6 residents	---	13-556	P	P	P	P	P	P	P	P	P	P	P	P	P	P								
Duplex	---											P		P		P								
Mobile home (Class A)	---		P	P	P	P	P	P	P	P	P		P		P									
Mobile home (Class B)	---		P		P		P		P		P		P		P									
Multi-family residential units	---											P		P		P	P	P						
Single-family detached	---		P	P	P	P	P	P	P	P		P	P	P		P								
COMMERCIAL USES AND SERVICES																								
Food services and drinking places	722																							
Alcoholic beverage establishment:	722410	13-551																						
1 COP & 2 COP, COP SRX lic.																			S	P	P	P		
COP S lic.																			S	S	S	S		
COP Quota lic.																				S	S	S		
Bottle club																					S	S		
Commercial kitchen	722320	13-551																		P	P	P		
Night clubs, private for-profit clubs and dance halls	722410	13-551																			P	P		
Restaurant, full service with dancing or live entertainment	722513	13-551																						
Restaurant, full service with **no** dancing or live entertainment	722511	13-551																	P	P	P	P		
Restaurant with drive-in or drive-through service; dancing or live entertainment, in or outdoor dining	722513	13-551																		P	P	P		
Lodging [721 Accommodation]	721																							
Bed & breakfast (up to 4 guests at any given time)	721191	13-552	P	P	S	S	S	S	S	S	S	S	S	S	S	S			S					
Bed & breakfast (up to 8 guests at any given time)	721191	13-552	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S					
Campground	72111		S	S	S	S																		S
Hotels, motels	721214																			P	P	P		
Recreational vehicle parks – **only** allowed in PUDs.		13-569																						
Business uses and services																								
Financial institutions																				P	P	P		
General Offices (professional, technical, not medical)	Varies																			P	P	P		

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Photography studio	54192																			P	P	P		
Radio or TV broadcasting studio	516110		S	S																P	P	P	P	
Healthcare																								
Emergency medical aid and transport station (Ambulance service)					S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	P
Nursing home																					S	S		
Hospital/trauma center	622																				S	S		
Massage parlor		13-564																		S	S	S		
Medical and dental supplies and equipment, dental laboratories	339116; 6215																			P	P	P	P	
Medical office (not more than 2,000 s.f.)	621																		P	P	P	P		
Medical office (more than 2,000 s.f.)	621																		S	P	P	P		
Veterinarian clinic, large animals	541940		P	P	P	P																	P	
Veterinarian, small animals	541940																			P	P	P		
Personal Services																								
Funeral Home, mortuary, crematory	812210-20																		S	P	P	P		P
Personal services, general	8121																		P	P	P	P		
Heavy commercial																								
Building and heavy construction contractors, well drilling contractors																					P	P	P	
Dry cleaning plant, industrial laundry & linen supply	8123																					P	P	
Kennel, commercial	812910	13-554	S	S	S	S															S	S		
Motor vehicle/equipment salvage yard																							S	
Newspaper printing plant	51311																				P	P	P	
Salvage yard		13-571																					S	
Sawmill	321113		S	S																			P	
Service station (with or without repairs)																				P	P	P	P	
Storage, indoor																				P	P	P	P	
Storage, indoor and outdoor																					P	P	P	
Vehicle rental agency																					P	P		
Vehicle sales, new & used	4411-4412																				P	P		

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Wrecker service (vehicle towing services)	488410																				P	P	P	
Retail																								
Beer & wine store (1 APS & 2 APS lic.)	44532	13-551																	P	P	P	P		
Chemical supplies dealer																					S	S	P	
Commercial and industrial equipment and machinery sales (not including automotive, appliance, and electronics)	811310																				P	P	P	
Electronics & appliance sales	4492																			P	P	P		
Fire alarm & security systems dealer, locksmith shop	56162																			P	P	P		
Flea market (merchandise sold outside of enclosed building); auction house																					P	P		
Home improvement store	4441																			P	P	P		
Liquor stores with drive-through sales	---	13-551																		P	P	P		
Liquor stores (3 PS lic.)	4453	13-551																	S	S	S	S		
Lumber yard, building, plumbing & electrical supplies, cabinet & carpentry shop, awning shop, sheet metal shop, sign shop, furniture refinishing, propane gas dealers	444180																			P	P	P	P	
Marine motors & equipment, bait & tackle shop	various																				P	P		
Mobile home & recreational vehicle dealers	459930																				P	P		
Vehicle parts & equipment sales (new, without installation or repairs)																				P	P	P		
Nursery, garden center, and farm supply retailer	444240																				P	P		
Retail, general	455																		P	P	P	P		
Pest control service, swimming pool equipment, supplies/service, janitorial supplies & service	various																			P	P	P	P	
Petroleum products distributor, bulk propane gas distributor	424720																					S	S	
Precious metals dealer	423940																			P	P	P		
Restaurant supplies & equipment, vending machine equipment	423440																			P	P	P	P	
Sale of headstones, monuments & burial vaults	45999																				P	P		
Sale of storage buildings																					P	P		

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Sex shop, sexually oriented media shop, sexually oriented motion picture theater, or sexually oriented cabaret		13-570 13-572 13-573 13-574																					P	
Repair and maintenance establishments																								
Appliance repair and maintenance	811412																							
Automotive repair and maintenance	8111																				P	P	P	
Boat repair and maintenance	811490																							
Car wash as principal use (self & full service)	811192																							
Commercial and industrial machinery and equipment (except automotive and electronic) repair and maintenance	811310																							
Electronic and precision equipment and maintenance	811412																			P	P	P		
Home and garden equipment repair and maintenance	811411																							
Reupholstery and furniture repair	811420																							
Service station (with or without repairs)	4571																			P	P	P	P	
INDUSTRIAL USES																								
Excavation and Mining																								
Excavation of at least 2,000 cu. yds., but not more than 10,000 cu. yds.		13-566	P	P	P	P	P	P	P	P	S	S	S	S	S	S								
Excavation of more than 10,000 cu. yds.		13-566	S	S	S	S		S																
Excavation of at least 2,000 cu. yds., but not more than 50,000 cu. yds. of limerock or other minerals		13-566	S	S	S	S	S	S	S	S														
Mining of more than 50,000 cu. yds. of overburden and limerock	213	13-566	C	C																				
Hazardous materials																								
Bio-hazardous waste transfer, storage, treatment or disposal		13-562	C	C																			C	
Facilities or operations involving recycling of materials containing hazardous materials	562	13-562	C	C																			C	
Facilities or operations that produce, use or store hazardous materials at or above established threshold amounts listed in Title 40 CFR		13-562																					S	

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Facility for thermal treatment of petroleum contaminated soil – stationary	562	13-562	C	C																			C	
Facility for thermal treatment of petroleum contaminated soil - mobile	562	13-562	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C
Facilities or operations involving transfer, storage, treatment or disposal of hazardous or biohazardous waste or petroleum contaminated soil (except small quantity generators)	562	13-562																					C	
Hazardous waste stationary facility	562	13-562	C	C																			C	
Hazardous waste mobile facility	562	13-562	C	C	C	C	C	C	C	C	C	C	C	C	C	C			C	C	C	C	C	C
Research & testing lab for non-hazardous materials	Various																			P	P	P	P	
Research & testing lab for hazardous materials	Various																			S	S	S	S	
Manufacturing																								
Manufacture, storage or distribution of flammable or explosive materials in bulk quantities	32592																						S	
Manufacturing activities conducted within fully enclosed buildings																							P	
Manufacturing activities, conducted outside of fully enclosed buildings, (>300' from a parcel zoned residential)																							P	
Manufacturing activities conducted outside of fully enclosed buildings (<300' from a parcel zoned residential)																							S	
Manufacturing activities conducted in conjunction with commercial uses (activities constitute more than 20% but less than 50% of the commercial uses)																					S	S		
Warehousing, wholesale distribution																								
Warehousing, wholesale and distribution where all activities are conducted entirely within enclosed buildings	Various																						P	
Warehousing, wholesale and distribution where some activities, including storage and work areas, are conducted and located outside of fully enclosed buildings (>300' from a parcel zoned residential)	Various																						P	

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Warehousing, wholesale and distribution where some activities, including storage and work areas, are conducted and located outside of fully enclosed buildings (<300' from a parcel zoned residential)	Various																						S	
PUBLIC, SEMI-PUBLIC AND INSTITUTIONAL FACILITIES																								
Art gallery, art center and similar uses (including associated instructional activities)																			S	P	P	P		P
Art, music or dancing school																				P	P	P		P
Civic, social, fraternal organization, club, union hall, and similar uses	8134		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P		
Family day care home, small			P	P	P	P	P	P	P	P	P	P							P	P	P	P		
Family day care home, large			S	S	S	S	S	S	S	S							S	S	S	P	P	P		
Library, museum	various																		S	P	P	P		P
Private or parochial non-profit schools, (accredited) including associated grounds and facilities such as athletic buildings and dormitories	611																			S	S	S		P
Public schools, colleges, universities (accredited) including associated grounds and facilities such as athletic buildings and dormitories	6113		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P
Trade or vocational school																				S	P	P	S	P
Transportation																								
Airport, public or private	481		S	S																	S	S		
Bus station / multi-modal transfer station	485																			S	P	P		P
Parking garage or lot, public or privately owned	81293																			P	P	P	P	P
Railroad station, railroad switching yard	482																						S	
Regional distribution center, Intra/Interstate truck terminals	484																				P	P	P	
Truck stop	484																				P	P	P	
Truck terminal	484																				P	P	P	
Utilities and Services																								
Communication towers		13-555	S	S	S	S											S	S		S	S	S	S	S
Construction and demolition debris landfill		13-557	C	C																	C	C	C	C

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Detention facilities (adult)																								S
Detention facilities (juvenile)																								S
Distribution electric substation			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Electric & gas transmission station and major distribution lines			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Government buildings used to conduct business with the public	921				S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	S	P
Other public utility uses not specifically listed.			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Police and fire departments operations and training facilities, except firing ranges					S	S	S	S	S	S	S	S	S	S	S	S			S	P	P	P	S	P
Police and fire departments operations and training facilities, with firing range	713990	13-575	S	S																				S
Post office																			P	P	P	P		P
Recycling center for household waste		13-571																					S	
Sanitary landfill, solid waste recycling operations and transfer station		13-571	C	C																	C	C	C	C
Sewage treatment plants effluent disposal (sludge)			S	S																				
Wastewater treatment plants owned and operated by governmental bodies			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	P	
Wastewater treatment plants owned and operated by private entities			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Well fields for community water systems, water treatment plants			S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S
Other																								
Cemetery, crematory, mausoleum	812220	13-553	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S	S	S	S		P
Churches, synagogues, temples and accessory buildings including elementary or secondary school buildings & residential structures for religious personnel	8131		S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P
Detention facilities (adult)	92214																							
Detention facilities (juvenile)	92214																							

PRINCIPAL USES	NAICS	See Sec.	A10	A10C	RR5	RR5C	RR2.5	RR2.5C	RR1	RR1C	R2M	R2C	R4M	R4C	R6M	R6C	HDR-12	HDR-24	CN	CL	CH	CR	ID	PIE
Private, nonprofit organizations providing food, clothing or other material items, and schooling, training or other self-improvement programs			S	S	S	S	S	S												S	P	P	S	S
RECREATION																								
Commercial Recreation																				P	P	P		
Horseback riding academy, stables and trails	713990		P	P																				
Automobile, motorcycle, horse and dog racing track	711212		S	S																				
Sport shooting range	713990	13-575	S	S																				S
Recreation building, sports arena, armory, auditorium, stadium, convention hall																				S	P	P		P
Marinas	7139		S	S	S	S	S	S	S	S	S	S									P	P		P
Golf courses	71391		S	S	S	S																		S
Golf courses with driving range	71391		S	S																	P	P		
Internet café	561439	13-563																				C	P	
Public parks, open spaces & passive recreational facilities			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

P = Permitted Use, S = Special Use, C = Conditional Use

* These uses are allowed as secondary uses in residential district when the property owner develops a portion of the site with another permitted use in the district but wishes to preserve the agriculture function on a portion of the site.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2016-06, § 3B, 4-26-16; Ord. No. 2018-05, § 3, 2-13-18; Ord. No. 2018-20, § 3(Att. A), 7-10-18; Ord. No. 2021-10, § 3C, 10-12-21; Ord. No. 2022-01, § 4, 1-11-22)

Secs. 13-418—13-419. Reserved.

DIVISION 3. PLANNED UNIT DEVELOPMENT DISTRICT (PUD).

Sec. 13- 420. . Purpose and Intent.

The purpose and intent of the PUD zoning district is to provide lands which are suitable for well-designed residential, commercial, industrial, or mixed-use developments on appropriately sized tracts of land under unified ownership or control, while encouraging coherent, flexible, and creative concepts of site planning which:

(a) Accomplishes a more desirable community and environment than would be possible through the strict application of standard zoning requirements.

(b) Provides a stable community and environmental character compatible with surrounding areas.

(c) Creates functional and attractive developments.

(d) Preserves the natural amenities of the land by providing scenic and functional and interconnected open areas.

(e) Provides for an efficient use of land resulting in a smaller network of utilities and streets and thereby minimizing infrastructure and development costs.

(f) Promotes the establishment of communities that support civic pride and responsibility.

(g) Includes a variety of residential products if residential use is proposed.

(h) Includes substantive features or amenities that result in a direct community/municipal benefit. Examples may include but are not limited to:

  (1) Accessible open space.

  (2) Playground equipment/ Trail Systems.

  (3) Vehicular and pedestrian connectivity (internal and external).

Sec. 13- 421. Applicability.

(a) PUDs may be allowed in any land use category as specified in this section.

(b) Rezoning to PUD is optional unless the proposed development meets any of the following characteristics, in which case rezoning to PUD is mandatory.

  (1) The property is designated Mixed-Use in the Future Land Use Map.

  (2) The proposed development includes more than one hundred fifty (150) dwelling units within the UDA, or one hundred (100) units outside the UDA.

  (3) The proposed development includes industrial land use and encompasses fifty (50) acres or more.

  (4) The applicant proposes to utilize a density bonus per Section 13-415.

(c) *RPUD, RVPUD, CP, IP AND MPD Properties***.** The Residential PUD (RPUD), Recreational Vehicle PUD (RVPUD). Commercial Planned (CP), Industrial Planned (IP), and Master Planned Development (MPD) districts have been consolidated with the Planned Unit development (PUD) district. Properties previously zoned to any of those districts are now deemed to have a PUD zoning designation. The

approved Development Orders shall remain in effect as approved. Any proposed changes to those approvals shall be processed based on the requirements of this section.

Sec. 13- 422. PUD Standards

The PUD concept allows for deviations from the development standards of specific zoning districts. However, the purpose of providing flexibility in PUDs is to encourage quality development, superior design, and innovative development techniques. Therefore, the development shall meet the following standards:

(a) *Minimum site size:* The property on which a PUD is proposed shall be of such size, shape, and location as to permit development of well-organized facilities with proper access roads, ingress and egress, open space and other necessary requirements and amenities. The minimum development size shall be:

(1) Inside an urban development area: Ten (10) acres, which may be reduced to five (5) acres if the development qualifies as low-income housing. If located in a Commercial future land use category, the development size may be five (5) acres, or two and one half (2 ½) if the development qualifies as low-income housing.

(2) Outside an urban development boundary, the minimum development size shall be fifty (50) acres.

(b) *Location.* PUDs shall be accessed by a road designated as arterial or collector by the County, State or City. In the case of residential or mixed-use PUDs, they may also be located on a paved and county maintained local road at a location with direct access of not more than one-quarter (¼) mile in length to an arterial or collector road. Access points into the development must be paved.

(c) *Development density and intensity*. PUDs must be consistent with the public health, safety and welfare and not exceed the gross density allowed by the future land use category of the site, unless utilizing a density bonus. Per Policy 1.4.4 of the Future Land Use Element of the Comprehensive Plan, PUDs are required to cluster development in order to preserve open space area and to protect and enhance environmentally sensitive areas. The approving authority may require a density below the maximum allowed by the land use category when conditions warrant. Factors such as site and location characteristics, roadway conditions, or any other factor which makes more intense development inappropriate, shall be considered. The properties on which such land use is located should be of such size, shape and location as to permit development of well-organized facilities with proper access roads, ingress and egress, off-street parking, loading space, open space and other necessary requirements and amenities.

(d) *Land uses*. The uses proposed within a PUD shall be consistent with the allowable uses within the underlying future land use category of the site. A comprehensive plan amendment to a mixed use category may be required to combine a wider variety of uses on the PUD site. In addition to density/intensity requirements in other sections of this chapter, the following minimum and maximum commercial and residential gross floor area requirements shall apply:

(1) Land use mix.

a. Within residential future land use categories, the commercial floor area shall not exceed ten (10) percent of the residential gross floor area approved for occupancy.

b. Within the commercial future land use category, the residential floor area approved for occupancy shall not exceed the commercial gross floor area approved for occupancy.

c. Within the agricultural future land use category, there must be at least twenty (20) square feet but not more than seventy (70) square feet of commercial floor area approved for occupancy for every dwelling unit approved for occupancy.

d. Within the industrial future land use category, the gross floor area of the commercial or office uses shall not exceed twenty-five (25) percent of the total gross floor area of the entire project.

(2) *Open space.* PUDs shall provide common, undivided open spaces, which may include active and passive recreational facilities. Open space may include agricultural uses outside the UDA boundary; however, where public access limitations are necessary for the conservation of listed species or preservation of regulated wetlands, that area may still be counted towards required open space acreage. While open space may be used for passive drainage, the primary goal is to be used as natural areas to maintain or restore native habitats and recreation for the residents. The open space shall be configured to provide connections to native habitats off-site to create a larger contiguous open space/wildlife network. Residential PUDs shall provide the following common open space at minimum:

a. Within a UDA: Twenty-five (25) percent of the development tract.

b. Outside of UDA: Fifty (50) percent of the development tract.

(3) *Recreation.* Residential PUDs of one hundred fifty (150) or more residential units shall provide recreational facilities appropriate to the area.

(e) *Setbacks*. The setbacks shall generally follow those applicable to the equivalent zoning districts under the same future land use category but may be modified through the PUD approval process. See Table 13-513A for additional setback requirements.

(f) *Screening and buffering requirements.* Generally, buffering and/or screening is required between incompatible land uses to protect adjoining uses from negative impacts. For specific information on buffering and screening requirements between land uses, see Article VIII.

(g) *Street standards.* Street design shall be determined based upon the proposed land use and transportation needs. See Article VI for right-of-way widths.

(h) *Parking requirements.* Off-street parking and loading requirements shall be determined individually on each specific application and depend upon the requested land use and its potential intensity. All parking and loading areas shall be properly screened.

(i) *Lot coverage:* Maximum lot coverage shall be determined through the PUD rezoning process. However, for commercial and industrial PUDs, it shall not exceed eighty (80) percent.

(j) *Building height:* Maximum building height shall be determined through the PUD rezoning process. However, in no event shall building height exceed sixty (60) feet.

(k) *Lot size and layout*. The lots within a residential or mixed-use PUD are encouraged to be clustered on uplands, in a manner to preserve the function and integrity of the site's natural areas and environmental systems. Flexibility of minimum lot widths and size is allowable and can be determined during the PUD approval process. Lots must be of sufficient size and width to accommodate structures. Lot layout and design must be compatible with the design and layout of the overall site. The location of lots shall be arranged in a manner sensitive to the natural areas of the site and shall seek to provide lots with a view of the natural areas or access to the natural areas.

The design of the site shall provide for potential future roadway connections to surrounding properties.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18; Ord. No. 2018-20, § 3(Att. A), 7-10-18)

Secs. 13-423—13-429. Reserved.

DIVISION 4. OVERLAY ZONES.

The overlay zone regulations contained in this division are supplemental to the underlying zoning district classifications established by Sumter County. The provisions of this section shall be overlaid and imposed in addition to underlying development regulations.

Sec. 13- 430. Environmental overlay zones.

(a) *Established*. The following areas, as defined and determined to be environmentally sensitive in Policy 4.8.4 of the Conservation Element of the comprehensive plan, are hereby established as "environmental" overlay zones meaning that these zones may be used in a manner permitted in the underlying future land use category only if such use is permitted in the applicable overlay zone.

(1) Wetlands. Wetland areas shall be as determined by SWFWMD, and such determined wetland areas shall be considered "environmental" overlay zones.

(2) Natural reservations as identified in policy 4.9.2 of the conservation element of the comprehensive plan.

(3) Local areas of environmental concern as identified in the conservation element of the comprehensive plan.

(b) *Density/intensity/use limitations.* Notwithstanding the base and potential for increased densities per Sections 13-414 and 13-415, development densities and intensities and uses within the environmental overlay zones shall be subject to the following:

(1) Development within the agricultural category shall be reduced to one (1) dwelling unit per ten (10) acres unless mitigation measures to overcome the development constraints are provided, including central water and central sewer.

(2) Development within an urban development area and in other residential categories shall be reduced as follows:

a. Developments without central water or central sewer shall be limited to one (1) dwelling unit per five (5) gross acres.

b. Developments with central water and individual septic tanks shall be limited to one (1) dwelling unit per two and one-half (2½) acres.

c. Developments with both central water and central sewer shall be limited to the density/intensity/use limitations allowed by the applicable zoning district.

(3) Notwithstanding the uses permitted by this chapter, development activity shall comply with regional, state, or federal regulatory agency having authority in wetlands.

Sec. 13- 431. Constrained lands overlay zone.

(a) *Established*. Areas with soils that have severe limitations for septic tank use, as described in Policy 3.2.1.6 of the Infrastructure Element of the comprehensive plan, and/or belong to the hydrologic group "D" are hereby established as "constrained" overlay zones, meaning that these zones are overlaid upon future land use categories and the lands may be used in a manner permitted in the underlying zoning district only if and to the extent such use is also permitted in the applicable overlay zone.

Notwithstanding the presumption above, a property owner may prepare the necessary studies to rebut the finding that his property has the constraints indicated in Policy 3.2.1.6 of the Infrastructure Element. Such studies shall include verification of soil types by a soil scientist or geologist. The results of a study shall be utilized as follows:

(1) If the total of the actual constrained area plus the wetlands and 100-year floodplain area is less than fifty (50) percent of the proposed development tract, the development will not be subject to the density and minimum lot size adjustments of Subsection (b), provided all proposed development occurs on the unconstrained portion of the development tract.

(2) If the total of the actual constrained area plus the wetlands and 100-year floodplain area is fifty (50) percent or more of the proposed development tract, the development shall be subject to the density and minimum lot size adjustments of Subsection (b).

(b) *Density/intensity/use limitations.* Notwithstanding the base and potential increased densities of Sections 13-414 and 13-415, development intensities within the areas determined to be constrained overlay zones shall be subject to the following. The maximum densities shown below may not be attainable, however, due to limitations imposed by environmental agencies.

(1) In the agricultural future land use category.

a. Where gross development density is not more than one (1) dwelling unit per ten (10) acres, the minimum parcel size shall be as follows:

1. Where no central water and sewer system are provided—Five (5) acres.

2. Where central water and sewer system are provided, and:

a) One (1) to four (4) lots are created—Two and one-half (2.5) acres.

b) Five (5) to one hundred (100) lots are created—One (1) acre.

b. Where gross development density is between one (1) dwelling unit per five (5) acres and one (1) dwelling unit per ten (10) acres, the minimum parcel size shall be as follows:

1. Where no central water and sewer system are provided—Five (5) acres.

2. Where central water system and individual septic tanks are provided—Two and one-half (2.5) acres.

3. Where central water and sewer system are provided—One-fourth (¼) acre.

(2) In rural and low, medium and high-density residential categories:

1. Where no central water and sewer system are provided: Five (5) acres.

2. Where central water system and individual septic tanks are provided: Two and one-half (2.5) acres.

3. Where central water and sewer system are provided: As allowed by the FLUM category.

Sec. 13- 432. Wellfield and aquifer protection zones.

(a) *Established*. As directed by Policy 4.5.2 of the Conservation Element of the comprehensive plan, wellfield and aquifer protection zones shall be created around existing and future wellfields for public water supply systems, as defined in Chapter 62-550.200, F.A.C, to protect such wellfields from possible contamination. The following "wellfield protection" overlay zones are hereby established:

(1) *Primary zone*—The area within a 200-foot radius circle around each wellhead.

(2) *Secondary zone*—The area within a 500-foot radius circle around each wellhead, less the primary zone.

Land within the wellhead protection zones may be used in a manner permitted in the underlying future land use category only if such use is permitted in the applicable overlay zone.

For wellfields where individual wellhead protection areas overlap due to clustering, single combined primary and secondary zones will be assigned.

For purposes of implementing this subsection, the County Administrator or designee shall prepare and maintain a wellfield protection map identifying all public water supply system wellfields protection zones.

(b) *Density/intensity/use limitations.* Notwithstanding the base and potential increased densities of Sections 13-414 and 13-415, development densities and intensities within the wellfield protection overlay zones shall be subject to the following:

(1) The following uses shall be prohibited within the Primary and Secondary zones:

a. Sanitary landfills.

b. Industrial landfills or other surface impoundments.

c. Wastewater treatment facilities such as plants, treatment ponds, and RIBs. However, sanitary collection systems and force mains, and distribution lines for reclaimed water meeting FDEP treatment requirements may be allowed as long as they meet the setback distances required by FDEP. Irrigation areas using reclaimed water meeting FDEP treatment requirements are exempt.

d. Facilities that produce, use or store hazardous materials at or above established threshold amounts listed in Title III of the Superfund Amendments and Reauthorization Act of 1986, 42 U.S.C. s. 11001, et seq. (SARA) and the Florida Hazardous Materials Emergency Response and Community Right-to-Know Act of 1988, F.S. Ch. 252, Pt. II.

e. Petroleum storage and dispensing facilities.

f. Junkyards or salvage operations.

g. Mines.

h. Airport refueling facilities.

i. Railroads and pipelines that may be used to transport pollutants or contaminants.

j. Excavation of waterways or drainage facilities that intersect the water table. Stormwater management systems constructed under SWFWMD permits and not discharging contaminants are exempt.

k. Proposed, existing or potential sanitary hazards (as defined in 62-550.200 FAC), or other conditions which may adversely impact the ambient groundwater water quality of the existing and proposed wells.

(2) For future wellfields, the owner of the wellfield (or a utility or governmental or quasi-governmental body) shall own or legally control all of the land within the Primary zone. The land uses within the Secondary zone shall be controlled by the owner of the wellfield (or a utility or governmental or quasi-governmental body) either through direct ownership or legal control or easements, or if the well is a part of a unified development, through use and site development approval and deed restrictions. Land uses within the Secondary zone shall be controlled during the zoning process for the wellfield and for subsequent land use changes or development permits that may occur within this zone.

(3) Existing uses within the wellhead protection zones that violate this policy shall be evaluated by the county with advice from the SWFWMD to determine any risk to health, safety and welfare from possible contamination of the water source The county shall determine necessary action, if any, for each wellfield.

Sec. 13- 433. Flood hazard area.

(a) *Established.* Flood hazard areas are lands hereby established as follows:

(1) The term flood hazard area refers to certain areas whose boundaries have been established by The Flood Insurance Study for Sumter County, Florida, and Incorporated Areas dated September 27, 2013, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps.

(2) Parcels designated as being located in a flood hazard area pursuant to subsection a. may only have such designation removed when an official determination issued by FEMA that amends or revises the effective flood insurance rate map or flood insurance study.

(b) Density/intensity/use limitations. Notwithstanding the base and increased densities of Sections 13-414 and 13-415, development densities, intensities and uses within the floodplain overlay zones shall be subject to the following:

(1) For development in the 100-year floodplain within the urban development area density shall be limited to one (1) residential unit per five (5) acres unless an adequate site plan and mitigation measures to overcome the development constraints is provided or a FEMA letter of map revision indicates that the area is no longer within the flood hazard area.

(2) For development in the flood hazard area within the agricultural category—Gross density shall be limited to one (1) residential unit per ten (10) acres unless an adequate site plan and mitigation measures to overcome the development constraints is provided.

(3) As Outstanding Florida Waters, the quality of the waters of the Withlacoochee River and Little Withlacoochee River shall be protected. Development within the Withlacoochee River and Little Withlacoochee River riverine floodplain, as depicted on the flood insurance rate maps, shall be regulated to reduce or eliminate adverse impacts to the existing water quality of the rivers as follows:

a. Gross density shall not be permitted at more than one (1) dwelling unit per ten (10) acres.

b. New lots within the flood hazard shall be a minimum of ten (10) acres and contain adequate uplands to accommodate development.

c. Clustered development must occur outside the flood hazard area.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 434. Economic Activity Center (EAC) overlay zones.

(a) *Purpose and Intent*. The purpose of the Economic Activity Center (EAC) is to encourage mixed used development, including industrial, commercial, office, educational, civic, institutional, and residential uses in areas appropriate for intensification based on the presence of existing or planned public services and utilities. Promoting compact and centralized growth will attract major employers to the area while preserving the rural and agricultural character of the County. The County's Economic Activity Centers have been divided into three Primary areas and two Secondary areas. Primary EACs are located near high priority roadways within Florida's Strategic Intermodal Systems while Secondary EACs are generally located on arterial roads near major intersections. Primary EACs focus on large-scale employment that fulfills regional needs while secondary EACs focus on smaller scale employment concentrations.

(b) *Applicability*. The provisions of this section apply to the following EACs (for official boundaries, refer to Maps 8-1 through 8-5 of the Sumter County Comprehensive Plan.

(1) Primary EAC 1 is generally located at the intersection of the Florida Turnpike, Interstate 75 and SR 44, northeast of Lake Panasoffkee.

(2) Primary EAC 2 is generally located between Interstate 75 and US 301, with CR 470 connecting the two highways.

(3) Primary EAC 3 is generally located in the northeast corner of the County, east of US 441.

(4) Secondary EAC 1 is generally located at the intersection of CR-48 and SR 471, with the bulk of the Center south of CR-48.

(5) Secondary EAC 2 is generally located at the intersection of SR 50 and SR 471.

(c) *Densities/intensities*. The applicant within an EAC may elect to rezone to a conventional zoning district or to PUD. In either case, the development densities and intensities allowed by Table 1.1 of the comprehensive plan shall apply:

Future Land Use Category:	Primary EAC	Secondary EAC
General Commercial	0.7 FAR	0.5 FAR
Industrial	0.7 FAR	0.5 FAR
High Density Residential	24 units per acre	NA

(d) *Minimum standards*. Policy 1.6.3 of the Sumter County Comprehensive Plan contains the minimum requirements for changing a site's future land use designation to General Commercial or Industrial. Those standards, listed below, shall be reflected in the approved development:

(1) New commercial and industrial land uses shall gain access from a collector or arterial roadway;

(2) New commercial or industrial sites shall have few environmental constraints, or the impacts shall be mitigated.

(3) The project site must be of sufficient size to meet land development regulations, including road access, internal circulations, parking, drainage, and setback/buffers (unless modified standards are approved per subsection (e) below);

(4) New industrial and commercial land uses within a designated utility service area shall connect to available public facilities or have a service agreement with the utility provider addressing future connection; and

(5) Necessary facilities and services shall be available or planned to support the commercial or industrial use.

(e) *Development incentives.*

(1) *Concurrent review of applications*. Applicants in an Economic Activity Center are eligible to have their zoning and site plan applications processed concurrently.

(2) *Expedited review*. Applicants for development in an Economic Activity Center are eligible to have their site plan reviewed administratively (unless it is rezoned to PUD).

(3) *Modified standards*. The approving authority (BOCC if processed as a PUD or the County Administrator or designee if no BOCC review is required) may approve reduced setbacks, parking, landscaping, buffer, and/or open space standards based on the following concessions by the applicant. The extent of the modification shall be determined on a case-by-case basis, depending on site specific situations and development compatibility with surrounding areas.

a. Applications for developments that result in at least 10 net new full-time jobs or increase employment by at least 10 percent of countywide employment in the following targeted industries:

- Manufacturing
- Agribusiness research and development
- Distribution

b. Applications for development that create at least 10 net new full-time jobs that pay an average annual wage that is at least 115 percent of the local average wage for Sumter County.

c. Mixed-use developments with at least 25% of its residential units certified as "Affordable Housing" by Sumter County. Such units will be subject to an agreement to ensure the units remain affordable for a period of no less than 30 years.

Secs. 13-435—13-499. Reserved.

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ARTICLE V. ACCESSORY, TEMPORARY AND SPECIFIC USE STANDARDS

DIVISION 1. GENERAL

Sec. 13- 500. Purpose.

The purpose of this article is to provide development standards relating to specific land uses that are allowable as accessory uses or structures, temporary uses, or as permitted uses subject to additional standards as noted in Table 431A. The regulations of this article are intended to supplement, rather than supersede, the district regulations found in Article IV of this chapter.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 501. Applicability.

The standards and regulations of this article shall apply generally to all applications for development approval.

(a) Unless otherwise expressly stated or as otherwise provided in Section 312(a)(3), accessory structures and uses and specific uses shall comply with all applicable regulations of this code.

(b) All accessory uses and structures and specific uses shall comply with the use limitations applicable in the zoning district in which they are located.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2021-10, § 3D, 10-12-21)

Secs. 13-502—13-509. Reserved.

DIVISION 2. ACCESSORY USE & STRUCTURES

Sec. 13- 510. General.

(a) *Established.* This division is hereby established to allow activities and structures which are customarily incidental to the principal use, provided they meet the following general requirements:

  (1) An accessory use is a use of right after a principal use is established on the property. Unless otherwise provided, no accessory use or structure is permitted on a parcel that does not contain the principal use or structure, except that permitted accessory agricultural uses may be established on agricultural property prior to a principal use being established.

  (2) Accessory uses are intended to be for the principal use of residents, occupants, and guests, and employees of the development on which they are located and not for use by the general public, unless specifically allowed in this article.

(b) *Setbacks.* Accessory uses must comply with setback standards pertaining to the principal use except as noted s in the sections that follow. The exceptions listed, however, shall not apply to road setbacks contained in Table 13-440A.

  (1) In residential zoning districts, accessory buildings of not more than one hundred (100) square feet shall be required to observe a one (1) foot setback from lot lines, provided such building does not exceed ten (10) feet in height. Accessory structures with reduced setbacks shall not be located within the front yard.

(2) Underground storage tank setbacks shall be ten (10) feet to any wall or surface of the tank, excluding piping. Front setback from a maintained road right-of-way may be administratively reduced by the County Administrator or designee upon demonstration of compliance with the Florida Building Code and good cause.

(c) *Number*.

(1) Agriculture and rural residential districts: There is no limit on the number of accessory structures allowed. However, the aggregate size of all accessory buildings shall not exceed the size of the principal building. Bonafide agricultural sites are exempt from this provision.

(2) All other districts: There shall be no more than three (3) accessory structures on a site. The aggregate size of all accessory structures shall not exceed sixty (60) percent of the size of the principal building. Permeable garden features such as pergolas, arbors, and trellises shall not be included in this calculation.

Sec. 13- 511. Accessory dwelling units

Accessory dwelling units (ADUs), as defined in Article II, shall be allowed in agricultural and residential zoning categories, subject to the following standards and shall not count as a dwelling unit for density purposes.

(a) No more than one (1) principal dwelling unit and one (1) ADU shall be permitted on any lot or parcel.

(b) The property shall be a minimum of one-half (½) acre in size. Lots may be aggregated to meet the size requirement if, prior to the date that a building permit is issued, the owner executes and the county records in the public records of the county, at the owner's expense, a legal document prohibiting the future subdivision of the aggregated lots.

(c) The living area of an ADU shall be at least four hundred (400) square feet in size and may be a maximum of forty (40) percent of the gross floor area of the principal residential structure

(d) Both the principal dwelling unit and the ADU must be site-built structures.

(e) Neither the principal dwelling unit nor the ADU may be a townhouse if located outside an urban development area.

(f) The ADU must be designed and located to be compatible with the appearance of the principal dwelling unit.

(g) The construction of an ADU must not create parking or drainage problems and must conform to all setback provisions of this code.

(h) The principal dwelling unit and the ADU shall share the same driveway.

(i) The ADU shall not be sold, transferred, or conveyed as a residential unit separate and apart from the principal dwelling unit.

(j) Notwithstanding the above, the renting out of one (1) room and bath within a single-family residence (which room does not in itself constitute a separate dwelling unit) to not more than two (2) persons is permitted in all residential districts except where deed restrictions may prohibit it.

Sec. 13- 512. Accessory uses and structures in RV park.

(a) The following uses and structures are allowed in recreational vehicle (RV)_parks:

(1) Accessory structures and buildings for park operations such as park office, maintenance shops, storage buildings, dump stations, and recreational facilities for exclusive use of park residents and guests (e.g. community/recreation centers, game room, golf course, club house, swimming pool, and other indoor and outdoor recreation facilities).

(2) Convenience establishments, described as establishments for sale or rental of supplies and provision of services for daily or frequent needs of occupants of the RV park. Such establishments include but are not necessarily limited to those providing groceries, ice, sundries, self-service laundry, and bottled gas.

(3) One (1) conventional dwelling, mobile home, or RV for personal residence of owner/manager or caretaker per RV park.

(4) Storage areas for RVs, boats, etc.

(5) Tents and cabins, provided they are subordinate to the number of RVs on the site and not located within occupied RV sites.

(b) Accessory structures on RV sites may include enclosed living areas, carports, screen rooms, porches, and storage rooms of conventional construction, subject to the following:

(1) Accessory features must meet the land use and development standards contained elsewhere in this chapter including setbacks.

(2) In areas of special flood hazard, porches, screen rooms, and other additions shall not be permanently attached to an RV or otherwise impede the relocation of the RV during flood warnings.

(3) Accessory structures on RV lots shall not be occupied independently of occupancy of an RV on the lot.

(4) Additions to the RV shall not extend lengthwise beyond the front or rear of the RV to which they are attached.

(5) The aggregate of all additions providing enclosed living area and accessory structures shall not exceed the square footage of the RV itself.

(6) No structure shall be located within any required yard setback, any perimeter buffer strip, any park road or any utility or drainage easement.

(7) Building permits for non-exempt construction may only be obtained after approval by the park operator.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 513. Home-based business.

(a) *Purpose and intent.* It is the purpose of this section to recognize the need for reasonable latitude in allowing citizens to pursue economic goals pursuant to the rights and limitations provided in § 559.955, F.S., and this section.

(b) *Allowed.* Home-based businesses are permitted in all agriculture and residential zoning districts as an accessory use, provided they meet the provisions of Ch. 559.955, F.S., and this section.

(c) *Neighborhood impact.* Any negative impact of the home-based business on the appearance of the subject parcel and surrounding neighborhood shall be minimized.

(1) Outdoor display of goods is prohibited.

(2) One sign, not to exceed ten (10) square feet in area and without illuminations, shall be allowed.

(3) Any storage of equipment, materials or goods shall be inside of a fully enclosed building or fully enclosed by a durable, one hundred (100) percent opaque material to a height sufficient to completely screen the stored items. This screening shall be maintained in good repair and appearance at all times. Equipment and materials related to the agricultural operation of a site zoned for that purpose shall be exempt from this provision.

(4) All equipment, tools, and processes used to conduct the home-based business must be maintained in proper working order to minimize noise, fumes, dust, odor, vibration, glare, or electrical interference.

(5) Any accessory structures or areas used to conduct the home-based business must be maintained in good appearance at all times.

(6) Where the home-based business is conducted totally within a fully enclosed building, the setbacks of the zoning district of the subject property shall apply.

(7) The minimum parking requirements for the principal use shall be met. No more than two (2) dedicated parking spaces for the home-based business shall be provided.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19; Ord. No. 2023-08, § 3, 6-13-23)

Sec. 13- 514. Institutional accessory uses.

(a) *General.* Dining rooms, cafeterias, snack shops, bookstores and fitness centers for the primary use of institutional employees, clients and guests, and not open to the general public.

(b) *Churches.*

(1) One (1) residential unit (conforming to the requirements of the parcel's zoning district) for ministers/clergy or security purposes, per two hundred (200) sanctuary seats.

(2) Multi-use buildings for worship and church provided counseling, recreation and fellowship activities.

(c) *Civic or social organization.* One (1) residential unit (conforming to the requirements of the parcel's zoning district) for caretaker or security purposes, per parcel.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 515. Racetracks for motor vehicles accessory to residential uses.

(a) A minor special use approval must be obtained prior to construction of a private use racetrack when designed and constructed for specific use as a motorized vehicle practice or racing facility.

(b) Construction of the racetrack must not create a drainage problem and must meet floodplain management standards of Article XI of this chapter, if applicable.

(c) Construction and use of the racetrack must meet the requirements of Chapter 16, Article VI, noise control, and shall not create a noise disturbance.

(d) Use is restricted to private, non-commercial use by the landowner and their guests. Commercial use and events open to the public are prohibited on tracks constructed under this section.

(Ord. No. 2018-05, § 3, 2-13-18)

Sec. 13- 516. Retail Accessory to industrial.

Retail sales and service accessory to an industrial use are allowed on the same parcel, provided:

(a) Such parcel has frontage on a paved, publicly maintained road.

(b) Any product line offered for sale on the parcel must have at least sixty (60) percent of its total manufactured costs incurred on the property.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 517. Storage buildings.

(a) Storage buildings accessory to a conventionally built residential unit shall meet the following standards:

  (1) The accessory building shall not exceed one thousand (1,000) square feet.

  (2) Use of the storage building shall be limited to the storage of materials and equipment during construction, or for the storage of the property owner's personal items.

  (3) The building permit for the principal structure must be obtained prior to the placement or construction of the accessory building.

  (4) Building permits must be obtained for the accessory building, even if that unit is exempt under other sections of this code.

(b) The use of vehicles, mobile homes, travel trailers, semitrailers, shipping or storage units, boats, tents, tanks, mobile units (which are structures transportable in one (1) or more sections built on an integral chassis and generally are designed to be used as an office, classroom studio or other similar use and which are not permanently affixed to a foundation or slab), and any similar item as storage buildings, utility buildings, pump houses, and similar uses is prohibited, except as follows:

  (1) Over the road semi-trailers and shipping or storage containers may be used as a non-residential farm building classified as exempt development pursuant to Section 13-312, on parcels of land of not less than ten (10) acres which is zoned agricultural and as long as all applicable setbacks are complied with. Shipping and storage units shall not be stacked. There shall be no more than two (2) such shipping or storage units utilized per parcel.

  (2) Semi-trailers and shipping or storage units may be used temporarily on commercial, industrial and institutional parcels for no more than thirty (30) days in any six-month period. Shipping and storage units shall not be stacked.

  (3) Semi-trailers and shipping or storage units may be used for storage of construction materials relating to new construction or remodeling projects for up to thirty (30) days after issuance of the certificate of occupancy. Shipping and storage units shall not be stacked. Shipping containers shall not be used as a residential structure.

Sec. 13- 518. Swimming pools and enclosures.

(a) Setbacks for in ground and above ground swimming pools/spas and screen enclosures shall be no less than five (5) feet, provided adjacent property is protected from damage due to excavation. In-ground swimming pool setback shall be measured to the inside face of the pool's vertical wall.

(b) Pool enclosures with walls or roofs of more solid or durable material than screening shall comply with principal building setbacks.

(c) No swimming pool, spa, deck, or screen enclosure shall be located within an easement or drainage swale.

Secs. 13-519—13-529. Reserved.

DIVISION 3. TEMPORARY USES AND STRUCTURES

Sec. 13- 530. General.

This division establishes temporary uses and activities not normally permitted in standard zoning districts, or activities for which permanent use is not desired. A temporary use (or activity) is not a use by right and there is no presumption that it will be granted. No temporary use specified herein shall commence prior to receiving a use permit pursuant to Article III, of this code, and all development permits required for the installation of temporary structures or facilities.

No operator of temporary activities not otherwise expressly addressed by the provisions of this code shall:

(a) Use or occupy any portion of any county public park, street or alley, unless authorized by the BOCC.

(b) Stop passersby.

(c) Yell or making loud noise to attract persons to the place of business.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 531. Agricultural uses.

Grazing by farm animals, at densities not exceeding those specified in this chapter for permitted uses, and production of trees for timber are allowed as temporary uses in all zoning district, until development pursuant to the parcel's assigned zoning district occurs.

Sec. 13- 532. Care giver residence.

A temporary RV or mobile home may be allowed on a parcel of record in cases of extreme medical hardship to house a caregiver or care receiver for a relatively short period of time.

(a) The County Administrator or designee may approve a temporary residence in the case of extreme medical hardship for a maximum period of one (1) year. Renewals shall require a public hearing before the PZSM.

(b) The temporary residence must be removed from the property within the time set forth in the temporary use permit as approved, but in no event later than ninety (90) days of the expiration of the temporary use permit, or not later than ninety (90) days after recovery or relocation of the person receiving care, whichever occurs first.

(c) The caregiver and care receiver must reside on the property on a full-time basis during the period prescribed herein. Occupants of the temporary residence shall be restricted to the caregiver or care receiver and their families (including but not limited to spouse or partner, minor children, parents and in-laws).

(d) A signed letter from a Florida licensed medical doctor, doctor of osteopathy, or advanced practice registered nurse (APRN), which shall include his or her medical license number, stating the requirement for continuous necessary medical care and oversight of the care receiver must accompany the application for recognition of hardship under this section.

(e) Any permits required for the installation or use of the temporary structure shall be obtained prior to commencement of the use.

Sec. 13- 533. Federal Emergency management Agency (FEMA) Temporary emergency relief housing.

This provision shall only apply upon enactment of a local, state, or federal declaration of emergency or disaster.

(a) Notwithstanding any other requirement of this code, a recreational vehicle, travel trailer, mobile home, or other temporary housing (temporary emergency housing) provided FEMA may be placed on a parcel of land to provide temporary shelter for county citizens caused by a natural disaster.

(b) Temporary emergency housing provided by FEMA may remain on a parcel of land until it is required to be removed by FEMA or upon a finding by the BOCC that the presence of such housing constitutes a danger to the public health or welfare or constitutes a public nuisance as determined by the board at a noticed, public hearing.

(c) Temporary emergency housing shall not be placed on the parcel of land in a manner that hinders roadway access, encroaches onto an adjacent property, or causes a public safety concern.

(d) Temporary emergency housing shall be located in a manner that does not interfere with on-site or adjacent property utilities.

(e) The permit will assure that the placement of the temporary emergency housing is related to the impact of a declared disaster. Permits shall expire six (6) months after issuance unless extended by the PZSM upon a finding that there remains a need for the temporary emergency housing. Normal setback requirements may be waived if the condition of the property requires a waiver in order to locate the housing on the subject property.

(f) The county shall waive all permitting and inspection fees for temporary emergency housing.

(g) The county's impact fees shall not be assessed for temporary emergency housing.

Sec. 13- 534. RV as temporary dwelling.

The use of one recreational vehicle as a temporary second residence is allowed on a parcel for a period of not more than five (5) days in any sixty-day period. The RV shall not connect to any of the water or sanitary systems serving the principal residential unit.

Sec. 13- 535. Security.

Temporary structures to be used to house security personnel in excess of that allowed as an accessory use, including the use of mobile homes or recreational vehicles.

(a) The temporary structure must be located on the same parcel as the activity or use to be protected and occupied by persons who will provide the security.

(b) The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to continue the required level of protection.

(c) Any permits required for the installation of the temporary structure shall be obtained prior to commencement of the use.

(d) The temporary structure must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after the activity or use protected ceases, whichever occurs first.

Sec. 13- 536. Special public assembly events.

(a) *Minimum requirements*:

(1) The maximum period for which approvals may be given for special public assembly events, as defined in Article II, is fourteen (14) days per calendar year, per event site.

(2) The event site shall include all properties, parcels or tracts which support the event.

(3) Multiple events may be permitted so long as the total number of event days does not exceed fourteen (14) per calendar year.

(4) Events shall end no later than 10 pm.

(b) *Submittal requirements*: A temporary use permit shall be obtained for each event. The following information shall be submitted with the application.

(1) A written summary of all proposed activities, including a schedule of proposed events.

(2) A site plan drawn to scale that identifies the event site, event uses and all existing or proposed structures and infrastructure.

(3) A parking and traffic management plan drawn to scale, including the location of all proposed parking areas and ingress and egress from the site.

(4) Details of all arrangements made for the provision of public sanitary facilities.

(5) Details of proposed waste and litter control and post-event clean up.

(6) Details of all arrangements for security, fire/rescue safety and response, and policing of the event(s).

(c) *Review process*:

(1) Unless BOCC review or approval is required, the County Administrator or designee shall complete review of all application materials of a properly completed application and shall approve the special public assembly event unless good cause can be shown as to why such approval is detrimental to the public health, safety or welfare. The County Administrator or designee may propose reasonable conditions to address issues identified in the course of review and shall approve the proposed event if the applicant agrees to the proposed conditions. Specified reasons for denial must be provided in writing to the applicant.

(2) If BOCC review or approval is required, upon recommendation of staff, the BOCC may require the posting of a bond to insure compliance with any conditions of approval.

(3) Requested county services in support of proposed event(s) beyond those customarily provided must have prior approval of the BOCC and may be subject to a fee adequate to recover county costs.

(4) Applicants may appeal denial of the issuance of a special public assembly event permit in accordance with the provisions of Section 13-360.

(d) *Exempt activities*: Special public assembly event permits shall not be required for events held at the Sumter County Fairgrounds or on property owned or controlled by the Sumter County School Board. Special public assembly event permits shall not be required for those facilities which are designed, permitted and constructed for use as places of special public assembly, including those identified for such use in approved Planned Unit Developments or Developments of Regional Impact.

Sec. 13- 537. Temporary commercial activities and uses.

Transient merchants, mobile vendors and other temporary commercial uses may operate on parcels with an adopted future land use of commercial, mixed use or industrial under the Sumter County Comprehensive Plan, or a vested commercial or industrial zoning use as recognized pursuant to this code. Such use may only take place via written lease with the landowner, or with other proper authorization. A detailed site plan to scale must be provided to the county indicating boundaries of intended use, structures (including, but not limited to, tents), appropriate sanitation, parking areas and appropriate vehicular and pedestrian access, as determined by staff on a case-by-case basis. Vehicular access must be approved in writing by the Florida Department of Transportation if a state-maintained road is utilized. If a Sumter County maintained road is used for access, approval must be obtained in writing from Sumter County Public Works. If the transient merchant utilizes a tent or other structure or utilizes electricity in any manner, then they must obtain the proper permits from Sumter County. Transient merchants, upon submittal of written proof from a church or school of permission to operate on church or school property, may operate on such property regardless of the property's designated future land use category.

(a) *Operators of temporary vehicle and watercraft sale lots.* A parcel or contiguous parcels may be used for the sale of vehicles by the operator or any related entity for up to fourteen (14) consecutive days, up to four (4) times per calendar year. Operators shall be allowed two (2) "set up" and two (2) "shut down" days prior to and subsequent to the fourteen-day sale period. The "set up" and "shut down" days shall not count against the allotted fourteen-day sale period described herein. No vehicle may be sold on the parcel or parcels at issue during the "set up" or "shut down" periods described herein.

(b) *Transient merchant seasonal sales of holiday items.* The sale of items by transient merchants for holidays may be conducted during the following time periods:

(1) Holiday items: Monday of the week of Thanksgiving to December 24.

(2) Fall celebration items: October 1 to October 31.

(3) Fireworks: June 20 to July 5 and December 10 to January 2 (§ 791.01, F.S.).

(c) *Mobile vendors.* Mobile vendors may operate on parcels with an adopted future land use of commercial, mixed use or industrial under the Sumter County Comprehensive Plan, or parcels

designated as vested commercial or industrial, and shall operate only between 8:00 a.m. and 9:00 p.m. and must remove all equipment, inventory and evidence of operation daily upon close of business.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-10, § 3, 5-28-19)

Sec. 13- 538. Temporary structures or facilities due to construction or reconstruction.

(a) Temporary structures or facilities to be used as a residence, or office for public use, during construction, repair or renovation of principal structure, including the use of mobile homes or recreational vehicles.

(1) No temporary use shall commence unless and until a valid building permit has been issued to construct, repair or renovate the principal structure on the property where the temporary structure is to be placed, except in cases of extreme personal hardship, such as where a residence has been damaged or destroyed by fire or other disaster to an extent which makes such dwelling uninhabitable, and such dwelling is to be rebuilt or repaired. In this case, the use may commence upon a use permit being issued but shall not be valid for more than ninety (90) days unless a valid building permit has been obtained to re-construct or repair the residence or other structure.

(2) The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to allow the proposed occupants of the principal structure to complete the construction, repair or renovation work necessary to make such building habitable.

(3) The temporary structure or facility must be located on the same parcel as the structure under construction and occupied by the residents of the primary structure.

(4) Any permits required for the installation of temporary structures or facilities shall be obtained prior to commencement of the use.

(5) The temporary structure or facility must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after occupancy of the principal structure. A temporary use permit will be considered terminated if at any time the principal structure building permit becomes invalid.

(6) Temporary use permits for the temporary use of mobile homes, trailers or recreational vehicles utilized due to construction activities shall be approved by the County Administrator or designee.

(b) Temporary construction yards, asphalt and concrete plants, petroleum contaminated soil treatment by biological means.

(1) The maximum period for which approval may be given is one (1) year. Renewals shall only be approved as is reasonably necessary to allow the original intended purpose to be completed.

(2) Any permits required for the installation of the temporary structure or facility shall be obtained prior to commencement of the use.

(3) Any temporary structures or facilities must be removed from the property within thirty (30) days of the expiration of the temporary use permit, or not later than thirty (30) days after conclusion of the activity for which the temporary permit was issued, whichever occurs first.

Sec. 13- 539. Yard or garage sales

Yard/garage sales are allowed, unless otherwise limited by deed restrictions, and provided such sales are not conducted on the same lot for more than three (3) days during any thirty-day period.

Secs. 13-540—13-549. Reserved.

DIVISION 4. SPECIFIC USE STANDARDS

Sec. 13- 550. General.

The following sections establish criteria for additional standards for uses that are allowed by right or as a special use per Table 13-431A. In addition to the criteria for approval set forth in this code, each specific use shall also comply with the approval criteria in this article. The intent of this division is to ensure that certain uses shall only be permitted where the proposed use may be adequately accommodated without generating adverse impacts on properties and land uses within the immediate vicinity. Unless specifically addressed in this division, all Specific Uses must comply with all sections of the Code.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 551. Alcoholic beverages.

Standards. Retail sales of alcoholic beverages with COP and 3PS Quota Licenses, as defined by the Florida Division of Alcoholic Beverages and Tobacco, may be allowed provided all of the following standards are met:

(a) Separation requirements. Except as provided in subsection (c), no parcel shall be utilized, and no structure shall be erected or altered on that parcel for the purpose of uses on Table 13-431A if the nearest point of said parcel is within a five hundred (500) foot radius of any portion of a parcel being used or reserved for use for any of the following purposes:

  (1) Schools, childcare or day care centers.

  (2) Hospitals.

  (3) Churches.

  (4) Public parks, playgrounds and libraries.

(b) A parcel shall be deemed to be reserved for any of the above uses if a valid land use permit has been issued for such use.

(c) Existing establishments. No existing, approved alcoholic beverage establishment shall become nonconforming through subsequent establishment of the uses specified in subsection (a).

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18)

Sec. 13- 552. Bed and breakfast.

(a) The owner must reside on site. For the purpose of this section, an owner shall be an individual who owns a fifty (50) percent or greater interest in the real property on which the establishment is located.

(b) The maximum number of guest rooms in a bed and breakfast shall be six (6). This number may be exceeded only if the planning and zoning board makes a specific finding that due to the size of the

property, the number of existing bedrooms, and the relationship to surrounding residential structures, additional guests will not adversely impact the neighborhood. Under no circumstances shall the number of guests supported exceed sixteen (16).

(c) All applications for a bed and breakfast establishment shall require site plan approval by staff.

(d) All bed and breakfast establishments shall comply with all applicable state rules and regulations and permitting and shall meet all applicable building codes and county regulations as well as all life safety and accessibility for persons with disabilities, rules and regulations.

(e) Meals may only be served to residents and guests. In commercial zoning districts, meals may be served to guests and the general public when the establishment obtains all necessary permits and licenses.

(f) The bed and breakfast establishment shall be a single-family residential dwelling of conventional construction. All guest rooms shall be contained within the primary structure and shall be accessed from within the primary structure, except for required emergency access. No kitchen facilities shall be allowed in a guest room.

(g) A bed and breakfast establishment may have employees who do not reside on-site only if approved as part of the special use application.

(h) bed and breakfast establishment may have one (1) on-site sign with a face no larger than nine (9) square feet. The sign may be illuminated with unobtrusive lighting that does not interfere with the use and enjoyment of neighboring properties. Signage and lighting plans shall be submitted as part of the site plan approval process.

(i) Each bed and breakfast establishment shall provide for off-street parking, with a maximum of two (2) spaces for the owner/occupant and one (1) space for each guest bedroom. Handicapped accessible parking rules and regulations shall be complied with. Guest parking areas may not be located in the front of the structure when observable from adjacent properties or public roads. Parking areas must be screened from view of adjacent properties.

(j) The only activity allowable in a bed and breakfast establishment is the renting of guest rooms to transient visitors for periods of up to sixty (60) consecutive days. Special activities, such as the use for social events, reunions, weddings, and parties are expressly prohibited.

(k) All bed and breakfast establishments shall comply with all safety codes, building codes, state regulations and accessibility codes. All required licenses shall be obtained prior to commencing operation and copies shall be filed with the division.

(l) The granting of a special use permit is specific to the original applicant. The sale or transfer of the property, or the vacation of the premises by the original owner/applicant terminates the permit. Any new owner shall apply for a new special use permit to be authorized to use the premises for a bed and breakfast establishment.

(m) Bed and breakfast facilities determined to fall under the agritourism category are exempt from this section.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18)

Sec. 13- 553. Cemetery, crematory and mausoleum.

(a) Adequate means of ingress/egress shall be provided for vehicles so as not to unduly impede or cause congestion of traffic on adjacent public streets when funeral processions are entering or leaving the property.

(b) Grave lots setbacks from public rights-of-way shall be the same as those specified for buildings.

(c) Setbacks for grave lots from property lines of adjoining property shall be twenty-five (25) feet.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 554. Commercial kennels.

(a) *Types of kennels.* For purposes of applying standards, kennels shall be classified as either class A or class B:

(1) A class A kennel is one in which, between 10:00 p.m. and 6:00 a.m., all animals are confined in a sound- and odor-proof kennel building that is completely enclosed and air-conditioned, or in a sound- and odor-restricted kennel building whose total open area (doors and windows) shall not exceed twenty (20) percent of the floor area of the building. During all other hours, the animals may be confined in open fenced yards, pens, runs, etc., in conformance with the locations prescribed in this article.

(2) A class B kennel is one where, at any time, animals may be confined in open fenced yards, pens, runs, etc., in conformance with the locations prescribed in this article.

(b) *Standards.* Commercial kennels, including all kennel buildings, exercise yards, pens, runs, etc., where animals are contained at any time, may be allowed provided all of the following requirements are met.

(1) *Effects.* A commercial kennel shall be developed and operated to minimize noise, odor, and other objectionable effects on the area in which it is located.

(2) *Parcel size.* The minimum parcel size requirement shall be as follows:

a. For a class A kennel, five (5) usable acres.

b. For a class B kennel, ten (10) usable acres.

(3) *Location*. The minimum setbacks from the parcel's property lines for all kennel facilities shall be based on the maximum number of animals, excluding pups less than three (3) months of age, proposed to be kept on the parcel and are as follows. The Planning and Zoning Special Master may provide relief from the setback requirements for Type A kennels when there is reason to believe there will be minimal adverse impact on adjacent residents.

a. *Class A kennel*:

1. From adjoining agricultural or other non-residential zones—Five (5) feet per animal, and

2. From adjoining residential zones—Ten (10) feet per animal, and

3. From an existing residence—Fifteen (15) feet per animal.

4. Kennel buildings that are sound- and odor-restricted but not completely enclosed, air-conditioned and sound- and odor-proof shall observe the setback requirements for a class B kennel.

b. *Class B kennel*:

1. From adjoining agricultural or other non-residential zones—Ten (10) feet per animal, and

2. From adjoining residential zones—Fifteen (15) feet per animal, and

3. From an existing residence twenty (20) feet per animal.

(4) *Construction*. Sound- and odor-proof or restricted kennel buildings shall be built to county building codes. Sound- and odor-proof buildings shall be adequately constructed so that there will be no emission of noise or odor detrimental to other property in the area.

(5) *Nuisances.* Chapter 4 of this Code of Ordinances shall apply to all animal nuisance complaints except those related to noise and odor from regulated kennels, which shall be subject to the specified conditions of their approved special use permit.

(6) *Effect of zoning changes.* At the time a commercial kennel is established, or enlarged, the location of the kennel facilities and number of animals allowed will be determined by the type of kennel and the existing zoning and use of adjacent property. Changes in zoning or use of adjacent land after the kennel is legally established or expanded shall not require existing kennel facilities to be relocated or the number of animals to be reduced.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2023-04, § 3, 4-11-23)

Sec. 13- 555. Communication towers and antennas.

(a) *Purpose and intent*.

(1) *Purpose.* Communication towers and antennas are permissible as permitted or special uses where indicated by Table 13-431A. In addition to the other provisions of this chapter, it is the purpose of this section to direct the location, design and construction of communication antenna and towers in the county so as to protect neighboring land uses from potential adverse impacts, such as, but not necessarily limited to, visual and aesthetic impacts, and tower failure. All new communication antenna and towers shall be subject to this section and other provisions of this code. In the event of any conflict between other land development regulations and this section, the provisions of this section shall prevail, unless otherwise specified.

(2) *Intent.* It is the intent of this section to provide standards necessary to accomplish the purposes specified herein in a manner which will assure the least possible adverse impact to the community, while maintaining the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently.

(b) *Communication towers*.

(1) *New towers*.

a. *Co-location.* The necessity for a new tower site must be documented by the applicant prior to approval.

1. The following shall be demonstrated by an engineer, with appropriate technical material:

a) No existing or approved tower/structure is in the geographic location area that meets applicant's engineering requirements, or

b) Existing or approved towers/structures do not meet structural requirements, including height, and cannot be reinforced or heightened to accommodate planned equipment at reasonable cost, or

c) Proposed antenna equipment would cause electromagnetic interference with other existing or planned equipment for that tower/structure, and the interference cannot be prevented at a reasonable cost, or

d) There exist other technical reasons that make the costs of co-location or adaptation unreasonable.

2. If it cannot be demonstrated by the applicant that an existing tower/structure site in the required geographic area is technically inadequate, the applicant shall inquire of the owners of such existing or approved tower/structure sites as to i) the ability of said tower/structure to accommodate the applicants proposed equipment, and ii) when a tower/structure has the ability, the owner's willingness to allow such use. Such responses shall be provided by the tower/structure owners, on their letterhead, and submitted by the applicant. The responses shall address the following:

a) Proposed equipment would or would not exceed the structural capacity of an existing or approved tower/structure, considering existing and planned use, and existing or approved towers can or cannot be reinforced to accommodate planned or equivalent equipment at a reasonable cost.

b) Proposed equipment will or will not cause Rapid Frequency (RF) interference with other existing or planned equipment for that tower/structure, and the interference can or cannot be prevented at reasonable cost.

c) Existing or approved towers/structures do or do not have space on which proposed equipment can be placed so it can function effectively and at least in parity with other similar equipment in place.

d) Other reasons that would make it impracticable to place the proposed equipment on existing or approved towers/structures.

e) In conclusion, the responses shall indicate approval or disapproval by the tower/structure owner.

3. Decisions requiring co-location shall only be made if it is determined that such action is feasible, practical and economical.

b. *Tower separation.* No single-user tower more than two hundred (200) feet in height shall be located within one-half (½) mile of another existing or approved single-user tower over two hundred (200) feet in height.

c. *Tower siting.*

1. The tower owner shall own or control, at the time of permitting and thereafter, the parcel of land upon which the tower is located. The parcel required shall be of sufficient

size and dimensions to contain all tower-related structures and provide the required setbacks to the boundaries of the parcel owned or controlled by the operator.

2. Setbacks for towers and related structures shall be as follows:

   a) The center of the tower's base shall be located a minimum distance equal to one-half (½) of the tower's height from the parcel boundaries. This requirement may be reduced by up to twenty (20) percent by the County Administrator or CA designee upon presentation of engineering certification that the tower is designed to fail in such a manner that it will fall completely within the reduced radius.

   b) In addition to the above, all tower related structures shall meet the setback requirements for the applicable zoning district.

   c) Notwithstanding the above, ham radio mast/antenna, not exceeding seventy-five (75) feet in height, shall only be required to meet the setback requirements for a principal structure in the applicable zoning district.

d. *Structural design.* All towers and related facilities shall meet the design criteria, as applicable, specified below. Plans and specifications for each tower shall be signed and sealed by an engineer, certifying that the design is in accordance with the same.

   1. Each tower shall be designed so that, in the event of collapse, it will fall entirely within the parcel upon which it is located.

   2. Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) standards.

   3. Current edition of the TIA 222-E Standards "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures", published by the Electronic Industries Association.

   4. County construction/building codes, as amended.

e. *Construction*.

   1. *Engineer seal.* Upon completion of construction and prior to issuance of a certificate of occupancy, the applicant shall provide the county with an engineer's certification that the tower was properly inspected and constructed in substantial compliance with the approved design and specifications.

   2. *Color.* Towers not requiring FAA painting/marking shall have either a galvanized finish or painted a non-contrasting dull blue, gray, or black finish. *All tower related structures* should be of a neutral color compatible with the surrounding area.

   3. *Lighting.* Communication towers shall not be lighted except when required by the FAA. When required, lighting shall be with the least obtrusive lighting scheme then available and approved by FAA and FCC. When residential property is located within a distance of one-half (½) mile of the tower, dual mode lighting, or medium intensity strobe lighting with nighttime option, shall be used when approved by FAA.

   4. *Signage.* Towers shall not be used for the purpose of displaying signs, other than those required for human safety or required by law.

5. *Fencing.* A chain link fence, or wall, not less than six (6) feet in height shall be provided around the base of each tower whose height exceeds seventy-five (75) feet. Barbed wire shall be installed along the top of the fence or wall and access to the tower shall only be through a locked gate. At its discretion, the authority may approve other means of restricting access to the tower.

6. *Landscaping.* When within one thousand (1,000) feet of nonagricultural property or public road right-of-way, Type B screening shall be provided, either around each tower base or at other locations on the parcel which achieve equivalent screening for nonagricultural property or public road right-of-way.

(2) *Existing towers*.

a. *Tower modification/reconstruction.* An existing communication tower may be modified or reconstructed to accommodate the co-location of additional communication antenna as a permitted use provided it has not been modified/reconstructed previously and the following is observed:

1. *Modification*.

a) The tower type shall remain the same.

b) The tower height is not increased more than twenty-five (25) feet.

c) The tower's premodification height shall continue to be used for purposes of tower separation and setbacks.

2. *Reconstruction*:

a) The tower may be moved onsite provided such movement does not increase any nonconforming setback by more than fifty (50) feet.

b) The reconstructed tower height may be increased up to twenty-five (25) feet.

c) After a tower is reconstructed, it shall be the only tower to remain onsite unless approved otherwise.

d) The tower's pre-reconstruction location and height shall continue to be used for purposes of tower separation and setbacks.

3. *Modification/reconstruction* exceeding the above limits shall be approved as a new tower, except that the co-location evaluation need not be addressed.

(3) *Tower removal.* In the event the use of any communication tower has been discontinued for a period of one (1) year, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the County Administrator or designee who shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon notice of such abandonment by the County Administrator or designee, the owner/operator of the tower shall have an additional one (1) year to i) reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower, or ii) dismantle and remove the tower. At the earlier of one (1) year from the date of notice of abandonment without reactivation or upon completion of dismantling and removal, whichever occurs first, any permitted or special use approval shall automatically expire.

(c) *Communication antennas*.

(1) Antenna shall comply with all applicable FCC regulations.

(2) Communication antenna may be attached to any structure that is designed and constructed, in accordance with applicable building codes, to accommodate said antenna. Communication towers, commercial/industrial/multi-family buildings, water towers and power line poles/towers are some examples of antenna locations.

(3) Co-location. Co-location of communication antennas by more than one (1) carrier on existing or proposed communication towers or other structures shall take precedent over the construction of new single-use towers, as provided in subsection (b)(2)a. Such co-location will be allowed as an exempt or minor permitted use.

(d) *Nonconforming situations.* All communication antenna and towers existing or approved on January 1, 1997, shall be allowed to continue to be used as they presently exist or to be constructed as presently approved. Routine maintenance or minor modifications to accommodate the co-location of additional antenna shall be permitted in accordance with other provisions of this section.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 556. Community residential homes.

(a) *Intent and purpose.* In addition to the other provisions of this chapter, it is the intent and purpose of this section to provide for housing for unrelated persons who operate as the functional equivalent of a family and who might otherwise have difficulty finding adequate housing, while protecting property values and the residential character of neighborhoods where such housing is located.

(b) *Standards.* Community residential homes may be allowed as indicated in Table 13-431A provided all of the following requirements are met:

(1) *State requirements.* As a minimum, the requirements and standards set forth in the Florida Statutes shall be met. A copy of the license shall be supplied to the department prior to commencing operation as a community residential home.

(2) *Lot size.* The minimum lot size for the zone in which the home is located shall be adjusted upward for every resident (any person who resides there) at the rate of ⅛th of the zone's required lot area for each resident in excess of six (6).

(3) *Living area.* The minimum living area for the zone in which the home is located shall be adjusted upward for every resident (any person who resides there) at the rate of one-sixth (⅙) of the zone's required living area for each resident in excess of six (6).

(4) *Architectural characteristics.* Community residential homes shall not have external features distinguishing the home from existing residential structures in the neighborhood.

(5) *Buffers.* Each community residential home housing more than six (6) persons shall provide a twenty-foot-wide separation strip and a Type B screen, as specified in Section 13-802, along each property line adjoining a developed residentially zoned parcel. However, if the applicant can provide alternatives producing equivalent protection of adjacent properties from undesirable views, lighting, noise, etc., the required screening may be reduced or eliminated.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 557. Construction and demolition debris landfill (CDDL).

(a) *Purpose and intent.* This section applies to privately owned or leased solid waste disposal facilities for construction and demolition debris as defined, established and operated in accordance with Chapter 62-701, Florida Administrative Code (F.A.C.) and other provisions of this chapter. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) *State standards.* As a minimum, these landfills shall be established and operated in conformance with the requirements and definitions of Chapter 62-701, F.A.C., unless otherwise specified in this chapter.

(c) *Location standards.*

(1) *Flood zone/water table.* CDDL sites shall not be located within:

a. Areas subject to frequent flooding or the 100-year floodplain, unless the applicant can show, to the satisfaction of the board, that site modifications and mitigation can be provided to protect the landfill area from frequent flooding and provide compensating floodplain storage. The site modification and mitigation shall be designed and sealed by a Florida Professional Engineer.

b. Areas where the seasonal high water table is within ten (10) feet below existing ground surface, unless the applicant can show, to the satisfaction of the board, that site modifications or mitigation can be provided to ensure safe usage of the facility and protection of natural systems and resources. The site modifications or mitigation shall be designed and sealed by a Florida Professional Engineer or Florida Professional Geologist.

(2) *Future land use.* CDDL sites shall only be located in areas that are surrounded by lands that are designated as agriculture, industrial, or public/institutional/education on the Future Land Use Map of the Comprehensive Plan.

(3) *Water bodies.* The disposal footprint of CDDL sites shall not be located within:

a. Three thousand (3,000) feet from Class I water bodies, as defined by the FDEP.

b. Three hundred (300) feet from any other body of water, except bodies of water that are contained within the facility site which do not discharge from the site or are temporary or intermittent.

(4) *Geologic features.* CDDL sites shall not be located within:

a. A limestone pit or any other excavation which has penetrated the Floridan aquifer.

b. Three hundred (300) feet of an existing sink hole or in an area where geologic formations or subterranean features would not support the facility.

c. Any area containing hydric soils, as specified in the soil survey, where such soils may affect the environmentally safe use of the landfill unless the applicant can show to the satisfaction of the board that site modifications or mitigation will be made to ensure the safe use of the facility and protection of natural systems and resources. The site modifications and mitigation shall be designed and sealed by a Florida Professional Engineer or Geologist.

(5) *Potable water supply wells.* The disposal footprint of CDDL sites shall not be located within:

a. One thousand (1,000) feet from any existing or approved public water supply well.

b. Five hundred (500) feet from any private potable water well not on the CDDL parcel.

(6) *Adjacent properties*.

a. *Existing excavations.* Any part of a CDDL utilizing an excavation existing on the effective date of this chapter shall be a minimum of fifty (50) feet from any adjacent property line.

b. *New excavations.* Any part of a CDDL utilizing a new excavation shall be a minimum of one hundred (100) feet from any adjacent property line.

c. Notwithstanding subsection a. and b., all deposits of construction and demolition debris shall be a minimum of two hundred (200) feet from any residence.

d. *Deposit areas.* Any area used for the temporary storage of solid waste shall be a minimum of three hundred (300) feet from any adjacent property line.

e. *Accessibility.* CDDL sites shall be located so as to provide access by roads suitable for the traffic anticipated by the facility. Speed and weight of traffic to the CDDL may be regulated to achieve suitability.

(d) *Site development*.

(1) *Disposal areas.* All deposits of construction and demolition debris may be below natural ground in excavated areas or cells, within naturally depressed areas which can be restored pursuant to this section, or above grade.

(2) *Disposal cell height.* Disposal cell height shall be limited by the following factors:

a. Maximum side slope of the disposal cells of three (3) feet horizontal to one (1) foot vertical;

b. Loading limitations of the geologic characteristics of the disposal areas;

c. Maximum disposal cell height of fifty (50) feet above grade unless the applicant can provide sufficient documentation, acceptable to the board, that additional height will have no adverse visual impact on surrounding properties and is compatible with the uses and characteristics of the surrounding area;

d. In no instance shall the disposal cell height exceed the distance of the disposal cell to the nearest property line; and

e. The board may further restrict the disposal cell height upon a finding that the additional height restriction is necessary to protect the safety, health, and welfare.

(3) The bottom of any excavated or naturally depressed area to be used for such landfill shall not be lower than five (5) feet above the seasonal high water elevation for that location.

(4) The application shall contain the proposed height and slope of the finished landfill and a topographic rendering of the finished landfill and surrounding area at a distance of at least 0.5 miles or greater if requested by staff or the board.

(5) Permitted boundaries of the disposal site shall be clearly delineated. Construction and demolition debris shall not be disposed or stored outside the permitted disposal area.

(6) *Security*. All disposal sites shall be fenced or otherwise secured and gated to prevent unauthorized or uncontrolled access. Only one (1) entrance to the site shall be allowed unless otherwise approved and attended. Hours of operation shall be limited to daylight hours only, unless otherwise approved.

(7) *Screening*. Any part of the CDDL open to view from public or private roads, or from an off-site residence or residentially designated property within six hundred (600) feet shall be screened with a Type A screen. See Section 13-802.

(e) *Operation*.

(1) *Dust control.* Those portions of interior access roads that lie within two hundred (200) feet of an off-site residence or other habitable structure shall be maintained to minimize dust.

(2) *Odor control*.

a. The CDDL shall be operated to control objectionable odors. The county shall coordinate with FDEP in addressing odor concerns. If gas concentrations cause objectionable odors beyond the CDDL property boundary, the CDDL owner or operator shall implement a routine odor monitoring program to determine the timing and extent of any off-site odors.

b. If the monitoring program confirms the existence of objectionable odors, then an odor remediation plan for the gas releases must be prepared by the owner or operator of the CDDL. The plan shall describe the nature and extent of the problem and the proposed remedy. The remedy shall be prepared by a qualified landfill gas expert and may include, but not be limited to, Hydrogen Sulfide (H_2S) gas collection systems, limitation or prohibition of the acceptance of materials to the CDDL such as gypsum wallboard and other sulfide containing debris, and changes to the operational characteristics such as prohibiting the use of ground-up debris for use as daily or interim cover. The remedy shall be reviewed and approved by the county and FDEP and implemented within thirty (30) days of approval. The board may extend the thirty (30) day implementation period by a finding of the board that the owner or operator is working in good faith to resolve the odor problem and the additional time will not cause any additional burden to the public health, safety, or welfare. FDEP must also consent to extending the thirty (30) days implementation period.

(3) *Disposal of materials*.

a. A trained operator, as defined by the FDEP, shall be available onsite at all times that the CDDL site is operating. A trained spotter, as defined by FDEP, shall be available onsite at the location of current operations delivery inspection area whenever debris is received at the facility.

b. Prior to disposal of any construction and demolition debris at the disposal site, a properly trained operator or spotter shall:

1. Inspect all waste brought to the site.

2. Only allow disposal of construction and demolition debris.

3. Reject any other type of solid waste brought to the disposal site, including construction and demolition debris contaminated with other types of solid waste.

c. After disposal in the cell:

1. Inspect all deposited material daily.
2. Remove all unauthorized solid waste which may have been disposed of in the cell.

d. Unauthorized solid waste shall be stored in a water-tight, nonabsorbent bulk container maintained on the disposal site and deposited at a permitted solid waste disposal site weekly unless approved otherwise by the authority.

e. Burning shall be prohibited unless permission is obtained from the FDEP and other applicable agencies.

(4) *Prohibited disposal.* The following shall be violations of this chapter:

a. Disposal of construction and demolition debris and/or other solid waste at an unpermitted disposal site.

b. The intentional acceptance of prohibited waste by owners/operators of a construction and demolition debris disposal site.

c. The intentional disposing of prohibited waste at a construction and demolition debris disposal site.

(5) *Annual report.* The owner/operator shall file an annual report for each year within thirty (30) days of the operating permit anniversary. This report shall contain an estimate of the total quantity of construction and demolition debris deposited for the past year, an estimate of existing unused capacity and an estimate of construction and demolition debris expected to be deposited during the next year.

(6) *Inspection.* Detection of disposed material other than construction and demolition debris may, upon determination by the BOCC, constitute sufficient grounds for risk assessment action by the owner and/or operator. This action may include, but is not necessarily limited to: trenching, borings, and/or ground water monitoring as determined by the nature and severity of the contaminant materials. Such action will be based on acceptable risk assessment procedures, coordinated with the appropriate state agency and specified in writing.

(7) *Local mitigation fund*.

a. In addition to any other county, state, or federal required proof of financial responsibility for the closure, monitoring and maintenance of the CDDL, including, but not limited to, the proof of financial responsibility addressed in 62-701, F.A.C., the owner or operator shall establish a local mitigation fund to mitigate any adverse environmental impacts that directly result from the operation of the CDDL. The local mitigation fund shall be established prior to issuance of the operating permit for the CDDL. The purpose of the local mitigation fund is to provide for mitigation of adverse environmental impacts resulting directly from the operation of the CDDL, but not to address claims based upon diminishing property value by virtue of proximity to the CDDL.

b. In the event it is determined by the county with credible evidence that the operation of the CDDL has polluted surface or ground water, air, or land, then the county will immediately investigate the allegation by referring the complaint to FDEP, county department of health, the county's hydrogeological consultant, and other investigative agencies. Claims may be initiated by affected landowners, county, state, or federal agencies.

c. It is not the intent of this subsection to allow the harassment of the owner or operator of the CDDL by an affected landowner. If a landowner has filed a previous claim which proved to be baseless, the costs of any further claims shall be borne by the landowner, subject to reimbursement by the owner or operator of the CDDL if the subsequent claims prove valid.

(8) *Letter of credit*.

a. The local mitigation fund shall be comprised of and backed by an irrevocable letter of credit, bond, or liability insurance from an issuer acceptable to the county provided by the owner or operator of the CDDL. The amount shall be at least one million dollars ($1,000,000.00) and shall remain in effect for not less than twenty (20) years from the closure of the CDDL. The amount shall be adjusted on each anniversary after establishment to reflect changes in the Consumer Price Index-Southeastern Region, as issued by the U.S. Department of Labor. However, once the adjustment of the amount reaches three million dollars ($3,000,000.00), no further adjustments shall be required.

b. Upon any payment of claims made against this fund resulting in a partial or complete draw against the letter of credit, bond, or liability insurance, the owner or operator shall amend or otherwise reinstate the original amount of the letter of credit, bond, or liability insurance within forty-five (45) days of the county's written demand to do so. Failure to reinstate the original amount of the letter of credit, as required herein, shall, in addition to other remedies available to the county, authorize a complete draw against all available funds under the letter of credit, bond, or liability insurance. The county shall return these funds to the owner or operator with interest earned and available to the county, less any proper claims, at such time as the owner or operator provides another letter of credit, bond, or liability insurance meeting the requirements of this subsection.

c. In the event that any state or federal agency or authority shall require the owner or operator to maintain a similar mitigation fund for the CDDL facility, then the owner or operator shall be permitted to reduce or terminate the letter of credit, bond, or liability insurance as may be necessary to establish the alternate fund. If such state or federal authority or agency ever removes such requirement, then the owner or operator shall within thirty (30) days thereafter provide a letter of credit, bond, or liability insurance pursuant to this subsection.

(f) *Closure*.

(1) *Performance assurance.* Prior to issuance of an operating permit for a construction and demolition debris landfill, the operator shall submit to the BOCC proof of financial responsibility sufficient to cover one hundred twenty-five (125) percent of an engineer's certified cost estimate for the costs of closure of the disposal facility, or phase thereof, based on standard engineering practices. This performance assurance document and the cost estimate must be acceptable to the county attorney and engineer, respectively. Evidence of financial responsibility shall be kept in force at all times during the period of the operating permit, including any closure period.

(2) *Cover material*.

a. Final cover material must be placed on each cell within sixty (60) days after final receipt of debris. Final cover shall consist of not less than a twenty-four (24) inch thick soil layer, the upper six (6) inches of which must be capable of supporting vegetative growth. The cover shall be graded to eliminate ponding, promote drainage, and to minimize erosion.

b. Initial grading shall be done so that good drainage will be maintained after final settlement, however initial or final grading shall not exceed a three (3) to one (1) slope.

(3) *Vegetation.* Within six (6) months of receiving final cover, a cell, or portion thereof, for which no future vehicular traffic is anticipated, shall be planted with grass or other acceptable cover vegetation to minimize infiltration, erosion and dust.

(4) *Notification/inspection*.

a. Written notification of construction and demolition debris disposal site closure shall be submitted to the department at least ninety (90) days prior to the expected closure date.

b. Inspection of a completed construction and demolition debris disposal site shall be made by the department before the earth moving equipment is removed from the site. Any corrective work shall be performed before the facility or phase thereof is accepted by the BOCC as a closed unit. A copy of the closure construction certification required by the FDEP shall be submitted to the county.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 558. Dogs within outdoor portions of public food establishments.

(a) *Local exemption authorized.* There is hereby established a local exemption procedure to certain provisions of the Food and Drug Administration (FDA) Food Code, as currently adopted by the state division of hotels and restaurants, in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(b) *Limitations on exemption; permit requirements.*

(1) This exemption shall only provide a variance to those portions of the currently adopted FDA Food Code in order to allow patrons' dogs within certain designated outdoor portions of public food service establishments.

(2) In order to protect the health, safety, and general welfare of the public, participating public food service establishments shall apply for and receive a permit from the County Administrator or designee before allowing patrons' dogs on their premises. The department shall establish a fee schedule for such permits. The application for the permit shall include the following information:

a. The name, location, and mailing address of the public food service establishment.

b. The name, mailing address, and telephone contact information of the permit applicant.

c. A diagram and description of the outdoor area to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor area; the boundaries of the designated area and of other areas of outdoor dining not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information reasonably required by the county. The diagram or plan shall be accurate and to scale but need not be prepared by a licensed design professional.

d. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor area.

(3) In order to protect the health, safety, and general welfare of the public, the following regulations and limitations shall apply to establishments which obtain such a permit:

a. Employees shall be prohibited from touching, petting, or otherwise handling dogs while serving food or beverages or handling tableware or before entering other parts of the public food service establishment. All public food service establishment employees shall wash their hands promptly after touching, petting, or otherwise handling dogs.

b. Patrons in a designated outdoor area shall be advised that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor area.

c. Employees and patrons shall be instructed that they shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved in food service operations.

d. Patrons shall keep their dogs on a leash at all times and shall keep their dogs under reasonable control. All dogs shall have all required licensing.

e. Dogs shall not be allowed on chairs, tables, or other furnishings.

f. All table and chair surfaces shall be cleaned and sanitized with an approved product between seating of patrons. Spilled food and drink shall be removed from the floor or ground between seating of patrons.

g. Accidents involving dog waste shall be cleaned immediately and the area sanitized with an approved product in accordance with the FDA Food Code. A kit with the appropriate materials for this purpose shall be kept near the designated outdoor area.

h. A sign or signs reminding employees of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

i. A sign or signs reminding patrons of the applicable rules shall be posted on premises in a manner and place as determined by the local permitting authority.

j. A sign or signs shall be posted in a manner and place as determined by the local permitting authority that places the public on notice that the designated outdoor area is available for the use of patrons and patron's dogs.

k. Dogs shall not be permitted to travel through indoor or non-designated outdoor portions of the public food service establishment, and ingress and egress to the designated outdoor portions of the public food service establishment must not require entrance into or passage through any indoor area of the food establishment.

(4) A permit issued pursuant to this section shall not be transferred to a subsequent owner upon the sale of a public food service establishment but shall expire automatically upon the sale of the establishment. The subsequent owner shall be required to reapply for a permit pursuant to this section if the subsequent owner wishes to continue to accommodate patrons' dogs.

(c) *Violations.* A violation of any of the permit requirements may result in suspension or revocation of the permit.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 559. Excavation.

(a) *Permittee.* Special use excavation permits are issued jointly to the property owner and the excavator. A change in owner or excavator shall be reported to the County Administrator or designee, in writing, by certified mail, within thirty (30) days of such change by the new owner or excavator.

(b) *Development standards.*

(1) Buffers.

a. *Separations.* Unless specified otherwise in the use permit, no excavation shall occur within fifty (50) feet of adjoining property owned by others or the right-of-way of any public road or street, except no setback is required where a mound of earth is removed to bring the level of the property into conformity with the natural elevations of the surrounding area.

b. *Screening.* The authority may impose appropriate screening requirements in the use permit.

(2) *Side slopes.* The area being lowered shall be sloped at a rate of not more than one (1) foot vertically to three (3) feet horizontally.

(3) *Reclamation.* Upon completion, each excavation shall be reclaimed so as to permit use of the land in conformity with the existing zoning district and usage of the surrounding area.

a. At a minimum, excavation activities, including location of pits, depths, cubic yards excavated and time constraints shall conform to any applicable FDEP Reclamation Plan.

b. Additional reclamation requirements may be specified by the authority in the use approval.

(c) *Notification of change.* The County Administrator or designee is to be promptly notified of any significant change in any excavation operation which has received special use approval.

(d) *Improper activity.*

(1) *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the excavation limit requirements of this chapter is specifically prohibited.

(2) *Dumping.* Dumping of debris, trash, garbage, hazardous or contaminated materials is prohibited in any excavation not permitted for such under local and state laws and said dumping shall be cause for suspension or revocation of a permit pursuant to sections 13-333 and 13-343.

(3) *Blasting.* Blasting is considered a mining activity and is expressly prohibited as an excavation activity.

(4) *Pumping.* Lowering the groundwater levels by pumping is considered a mining activity and is expressly prohibited as an excavation activity.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 560. Exotic animals and wildlife.

It is the intent and purpose of this section to provide for the production, keeping, breeding, sale, training, exhibiting, entertaining the public with, or treating of exotic animals and wildlife in a manner which will have the least possible adverse impact to the community. Therefore, in addition to the other provisions of this chapter, such activities shall meet all applicable requirements of state and federal

agencies. Persons possessing wildlife as pets shall file a copy of their Florida Game and Freshwater Fish Commission permit as provided in Chapter 68A-6.002, F.A.C, with the department.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 561. Farm and non-farm animals.

The following standards apply to agricultural and rural residential zones

(a) *Intent and purpose.* Farm and non-farm animals in agricultural and residential zones are permissible as indicated in Table 13-431A subject to the exemptions and limitations of section 13-312(a)(3). In addition to the other provisions of this chapter, it is the intent and purpose of this section to provide for such animals in a manner which will benefit agricultural uses while having the least possible adverse impact to other land uses.

(b) *Animal Unit Equivalency (AUE).* For the purpose of this code, livestock density is measured using Animal Unit Equivalency where one (1) AUE equals:

- One (1) mature horse, donkey, mule, llama, cow, steer, bull or swine.
- Three (3) miniature horses, miniature donkeys, miniature cattle, alpacas, goats, and/or sheep (300 lb. and under each animal).
- Five (5) miniature goats

(c) *Densities*. The following provisions shall apply to sites with less than ten (10) acres.

(1) For purposes of computing densities of animals, the land area in which the animals are confined shall be used rather than the gross area of the parcel upon which the animals are located.

(2) Offspring of any of the permitted animals shall not be computed initially as additional animals; provided however, that when any such offspring reach a stage where they are capable of sustaining life independently of the mother animal, or when they become three (3) months old, whichever occurs first, they must be relocated to other eligible sites within thirty (30) days unless the size of the confining area permits the number of animals to be accommodated without exceeding the density allowed.

(3) In no event shall livestock or fowl be kept on a site with less than one (1) acre of fenced pasture/pen, unless it is a bona fide agriculture operation exempt from local regulations by state statutes.

(d) *Buffers*.

(1) Where animals are confined at densities which require special use approval, a minimum buffer distance of fifty (50) feet shall be provided between the animal confinement area and the property lines of adjoining residential, commercial and institutional parcels. This buffer may be increased by the special use approving authority.

(2) Shelters, pens or corrals (except loading pens) temporarily housing more than five (5) livestock or ten (10) fowl shall be located a minimum of two hundred (200) feet from any residence on adjoining property and one hundred (100) feet from the property line of any adjoining property designated residential, commercial or institutional.

(e) *Exemptions.* The provisions of this section shall not apply to household pets. Alligators shall also be exempted when farmed in accordance with the FAC Chapter 68A-25.004, as may be amended, "Regulations Governing the Operation of Alligator Farms."

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2016-06, § 3C, 4-26-16; Ord. No. 2021-10, § 3E, 10-12-21)

Sec. 13- 562. Hazardous waste treatment.

(a) *Parcel size and location standards*.

(1) *Stationary facilities.* Stationary facilities and operations which store, treat or dispose of biohazardous or hazardous waste and petroleum contaminated soil shall be on parcels of such size, shape and location as to permit development of well-organized facilities able to meet all requirements of this chapter, as follows:

a. Parcel size.

1. Parcels with a minimum usable land area of not less than the following are required:

a) Where only storage or transfer operations are conducted five (5) acres.

b) Where treatment or disposal is conducted ten (10) acres.

2. Parcels shall have a minimum width of three hundred and thirty (330) feet.

b. Location.

1. For facilities which store, or treat or dispose without incineration:

a) The distance from any property line of the parcel upon which the proposed facility is to be located shall not be less than as specified from the following existing facilities or features:

1) To any Pre -K—12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year—One-half (½) mile.
2) To any residential development of ten (10) or more home sites with a gross density of one dwelling unit per acre or greater—One-half (½) mile.
3) To any lake, stream, spring or canal—One-half (½) mile.
4) To any existing or proposed community water system well or proposed regional water supply well—Five hundred (500) feet.

2. For facilities which treat or dispose by incineration:

a) The distance from any property line of the parcel upon which the proposed facility is to be located shall not be less than as specified from the following existing facilities or features:

1) To any urban expansion area designated on the County Future Land Use Map—Three (3) miles.
2) To any K-12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year—Three (3) miles.

3) To any residential development of ten (10) or more home sites with an average gross density of one (1) dwelling unit per acre or greater—Three (3) miles.
4) To any lake, stream, spring or canal—One (1) mile.
5) To any existing or proposed community water system well or regional water supply well—Five hundred (500) feet.

3. The facility shall be located so as to provide for direct access to arterial or collector roads, as identified in the County Comprehensive Plan, without use of local roads or streets.

(2) *Mobile facilities.* Mobile treatment facilities and operations for hazardous waste or petroleum contaminated soil shall be located so the distance from any property line of the parcel upon which the facility is to be located is not less than as specified from the following existing facilities or features:

a. For mobile hazardous waste treatment facilities and operations:

1. To any public or private K—-12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year—One-half (½) mile.

2. To any residential development of ten (10) or more home sites with a gross density of one dwelling unit per acre or greater—One-half (½) mile.

b. For mobile petroleum contaminated soil thermal treatment facilities and operations, the distance to any public or private K-12 school, college, day care center or senior services meal site, where more than twenty (20) persons participate on a daily basis at least one hundred eighty (180) days per year—One thousand (1,000) feet.

c. For mobile petroleum contaminated soil biological treatment facilities and operations acceptability of proposed location will be determined by the BOCC during application review.

(b) *Site standards*.

(1) *Floor-area ratio.* All buildings and areas used for loading or unloading, storing, treating or disposing of materials shall not occupy more than thirty (30) percent of the parcel they are located upon unless it can be demonstrated that provisions for environmental protection, drainage, parking, storage, public safety and buffering are adequate.

(2) *Setbacks.* Setback requirements for all stationary facilities shall be as follows:

a. All buildings, other structures, and areas used for loading or unloading, storing, treating or disposing of biohazardous or hazardous waste materials shall be setback from the property lines not less than one hundred (100) feet.

b. All other buildings and structures shall be setback from the property line in accordance with section 13-802.

c. Notwithstanding subsections a. and b., all buildings, other structures, and areas used for loading or unloading, storing, treating or disposing of biohazardous or hazardous waste materials shall be setback from any existing off-site residence or commercial establishment five hundred (500) feet.

(3) *Flood areas.* If in an area of special flood hazard, the floors of all buildings or other structures, and the ground areas used for loading or unloading, storing, treating or disposing of regulated materials must be at least one (1) foot above the 100-year flood elevation.

(4) *Screening.* Facilities shall meet the screening requirements for the industrial zoning district.

(c) *Operation*.

(1) *Financial responsibility.* The holder of an operating permit for a biohazardous or hazardous waste facilities or petroleum contaminated soil treatment facility is responsible for personal, property and environmental damage caused as a result of the operation. To provide some indication that the operator is in a position to assume this responsibility, the permit holder shall, prior to the issuance of an operating permit for the facility, submit to the BOCC. a general liability bond or insurance policy and a performance bond or letter of credit, in an amount not less than one million dollars ($1,000,000.00). The required amount may be greater, as determined by the BOCC, based on the activities proposed for the property. Upon annual renewal of the operating permit, the BOCC may adjust the amount of assurance required, based upon the operator's previous performance.

a. The bond or letter of credit shall be conditioned or drafted so that the county can call upon the bond or letter of credit to provide funds to clean up and correct environmental damage caused by any accident, incident or event arising out of the activities of the holder of an operating permit, whether such damage is limited to the confines of the operator's property or extends on to public or private property outside his boundaries.

b. The bond or letter of credit shall contain a thirty (30) day notice of cancellation provision to the BOCC. Cancellation of any such bond or liability insurance shall cause immediate revocation of the operating permit and all operations (other than those essential to maintaining safety and stability of treatment or storage of materials on hand) shall cease until the bond, letter of credit or liability insurance is renewed.

c. The required bond or letter of credit shall be maintained in full force and effect during the term of any existing operating permit and thereafter until the property is certified free from contamination of all hazardous wastes.

d. To provide coverage for any claim of liability that may arise after the operations cease, the operator shall, to the extent commercially available, provide "tail" coverage prior to the issuance of the operating permit. In any event, upon termination of the operation, the operator shall provide said tail coverage. The tail coverage shall be for an amount equal to the bond or liability insurance determined by the BOCC.

(2) *Operating standards.* A biohazardous or hazardous waste facility, or a petroleum contaminated soil treatment facility shall be operated to conform to the following standards:

a. All operational employees shall complete training as required by the Occupational Safety and Health Act, the Resource Conservation and Recovery Act and state law. Additional training in personal and public safety, emergency measures, properties of the waste and such other subjects as the BOCC deems necessary for the facility may be required, as specified in the operating permit.

b. A hazardous waste facility shall recycle hazardous wastes to the greatest extent economically practical, taking into account human safety and environmental protection.

c. Transportation routes for biohazardous or hazardous waste, or for petroleum contaminated soil shall be as designated in the conditional use approval and operating permit.

d. The BOCC has the authority, at the owner's and operator's expense, to remove or dispose of any hazardous or contaminated substance which has become an imminent hazard, or take any other emergency action, when the owner or operator of a facility does not take appropriate action to abate or neutralize a hazard.

e. Operating permits for mobile facilities and operations shall be issued for not more than thirty (30) calendar days. Upon application to the BOCC, and for good cause, the BOCC may grant a maximum of two (2) thirty-day extensions of the permit; except for biological treatment of contaminated soil which may be allowed extensions as permitted by the BOCC.

f. Hours of operation for mobile facilities which do not meet the location requirements of stationary facilities shall be limited to the period from one-half (½) hour after sunrise to one-half (½) hour before sunset. Operation shall include the firing, running or movement of any treatment facilities, vehicles or machinery, except for dewatering pumps when absolutely necessary.

(3) *Annual progress report*. The annual progress report of each holder of an operating permit for a biohazardous or hazardous waste facility, or petroleum contaminated soil treatment facility shall include the following:

a. A review of the facility's storage, treatment and disposal activities for the year preceding the anniversary date, with particular emphasis on permit compliance problems.

b. A statement of any anticipated change in storage, treatment or disposal operations that would require an amendment to the existing operating permit or conditional use approval.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 563. Internet cafés.

(a) *Purpose and intent.* Internet cafés are permissible as either a permitted use or conditional use where indicated by Table 13-431A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner that will have the least possible adverse impact to the community.

(b) *Use permittee.* Conditional use Internet café permits are issued jointly to the property owner and Internet café operator designated therein. A change in property owner or Internet café operator shall be reported to the county, in writing, by certified mail, within thirty (30) days of such change by the new property owner or Internet café operator. A change in property owner or Internet café operator with a conditional use permit shall require a new operating permit.

(c) *Parcel location standards/separation requirements.* Internet café businesses shall be allowed only in the zoning districts in which Internet café is listed as either a permitted use or conditional use under table 13-431A. Regardless of whether the Internet café is a permitted use or conditional use, the separation standards established in this section shall require the separation of Internet café businesses from any uses listed in this section and located in the county, regardless of whether such

other uses are located in the unincorporated part of the county or in one (1) of the cities within the county. Any Internet café business, established or expanded after January 11, 2022, in such a district shall be separated by at least the number of feet set forth as to the following uses:

(1) *Residential property.* The distance from this use shall be one thousand (1,000) feet. For purposes of this section only, "residential property" shall mean land that is:

a. Located in a residential planned unit development or residential zoning district beginning with an R; and

b. Designated as a residential future land use category on the adopted future land use map of the county or city within Sumter County or an exclusively residential planned development.

(2) *Other uses.* The distance from these uses shall be two thousand five hundred (2,500) feet:

a. Public or private schools, childcare or day care centers licensed as such by the State of Florida;

b. Houses of worship; and

c. Government-owned parks, playgrounds and libraries.

d. A parcel shall be deemed to be used for any of the above purposes if a valid land use permit has been issued for such use and such use is either actively conducted on the property or there has been measurable, good faith progress in implementation of such use at that location in accordance with the permit.

(3) *Exemptions.* No Internet café business shall become nonconforming through subsequent establishment of the uses specified in subsection (e), nor shall a permit for an Internet café business be denied based on the issuance of a land use permit for one (1) of the uses listed in subsection (e) if the application for such permit was filed after the filing of the application for the permit for the Internet café business. No Internet café lawfully operating as of January 11, 2022, shall be denied an operating permit solely on the basis that is a nonconforming use under the amended schedule of uses table or that its current site is nonconforming with the parcel location standards/separation requirements of this subsection (c). No Internet café business shall become nonconforming in the event the business closes due to the death of the owner, provided however, the Internet café business must resume normal operations within ninety (90) days of its initial date of closure.

(d) *Operating permit required.* Notwithstanding any provision of chapter 13 of the Sumter County Code that may be provide otherwise, an operating permit shall be required for any existing or new operator of an Internet café to operate an Internet café within the county; and any existing or new operator of an Internet café must comply with the site standards of subsection (e) and operating standards of subsection (f) set forth in this section. The following are exempt from the requirements of this subsection:

(1) An individual's personal, recreational, and non-commercial ownership, possession, play, operation or use of a device that could be construed to be a simulated gambling device.

(2) A religious or charitable organization conducting a fund-raising activity involving gaming provided the religious or charitable organization conducts such activity in compliance with all applicable laws.

(3) Pari-mutuel facilities, operated by a holder of a pari-mutuel permit issued pursuant to Ch. 550, F.S., and Florida Administrative Code 61D, or to any devices or games therein.

(e) *Site standards.* The site and principal structure on which an Internet café business is operated shall comply with the following standards:

(1) *Exterior premises lighting.* The exterior and parking area of the site or principal structure in which an Internet café is operated shall contain the number and type of lighting fixtures necessary to produce a sufficient intensity of light so as to have no exterior or parking area of the site or principal structure that is dark, dim, shadowy or otherwise unlit.

(2) *Signage.* Exterior signage shall be limited to the advertisement of the consumer product or service sold on the premises, and the name of the Internet café. No signs shall be posted on the exterior of the premises that suggest gambling takes place on the premises or displays any image commonly associated with gambling. All signage shall be subject to any other applicable requirements of the Sumter County Code.

(f) *Operating standards.* An Internet café business shall be operated to conform to the following standards:

(1) *Days/hours of operation.* Internet cafés shall not operate between the hours of 12:01 a.m. to 8:00 a.m.

(2) *Safety and security requirements.* The following safety and security standards devices and standards shall be maintained:

a. A cash management policy and practice limiting cash on hand including the use of a drop safe or cash management device for restricted access to cash receipts;

b. Height markers displaying height measures at all exits of principal structure;

c. A silent alarm system capable of notifying law enforcement;

d. During designated business operation hours as set forth in the permit, staff at least one licensed, armed security guard after 5:00 p.m. until closing; and,

e. A security camera system during business hours capable of recording and retrieving an identifiable image for both the interior and exterior of the premises, including the parking area.

(3) *Criminal background screening.* Internet café operators shall require and ensure that a criminal background check is conducted, within thirty (30) days of hire, for all employees working on site or in the principal structure, and shall ensure that documentation of the criminal background check is maintained on at the business location.

(4) Signs, postings, and disclosure notices.

a. Internet café operator shall post a notice at all public entrances to principal structure stating cash register contains limited amount of cash and that the personnel on site do not have access to the safe;

b. Internet café operator shall post notice that the principal structure is under surveillance;

c. c. Internet café operator shall establish and maintain a written set of rules for the operation of the simulated gambling devices and electronic game equipment, and the

participation in any contest, sweepstakes, or drawing and award of any prize. A complete copy of the rules, prizes, and odds of winning shall be made available upon request without cost;

d. Internet café operator shall affix signage to each simulated gambling device or electronic game equipment, and shall conspicuously post signage in the principal structure, that includes the following language: "The video displays are for amusement and entertainment only. The video displays do not determine the result of your sweepstakes entries;"

e. Internet café operator shall include in its rules and shall conspicuously post a sign containing the following language: "State and local law prohibits this establishment from requiring an entry fee, payment, or proof of purchase as a condition of participating. No donation or contribution is required. You may obtain free entries upon request from any employee on the premises;"

f. Internet café operator shall conspicuously post the operating permit at the entrance or main counter; and

g. Internet café operator shall also post the name of the Internet café operator and permit holder, a description of all products and services sold with their corresponding price, and the complete rules for all drawings, sweepstakes or game promotions at the premises' front or main counter.

(5) Additional requirements and limitations.

a. Entries that are available without purchase or financial donations shall be made available to customers on request. Internet café operators shall not impose any condition on the provision of such entries other than proof of identity by a government issued identification from any state. The Internet café operator shall not limit the number of such entries offered per day per individual to less than the equivalent number of entries that Internet café operator provides individuals who make a donation, or purchase of a product or service valued at least one dollar ($1.00).

b. An Internet café operator conducting a drawing by chance in connection with the sale of a consumer product or service, sweepstakes or game promotion shall be required to:

1. Maintain a list of names and addresses of all persons who have won prizes which have a value of more than twenty-five dollars ($25.00) for one (1) year; and

2. Maintain a trust account or bond in an amount equal to the total announced value of the prizes offered or fifty thousand dollars ($50,000.00) whichever is less.

c. Internet café operators shall not sell or permit any individual to consume or possess any alcoholic beverages on the premises.

d. Internet café operators shall not sell tobacco or vaping products on the premises.

e. Internet café operators shall not permit minor persons to enter the premises.

(g) *Inspection of premises.* During operating hours, the county, or other authorized authority including the Sumter County Sheriff, or their respective agents may enter the premises for purposes of inspecting all areas of the premises otherwise accessible to the general public to assess compliance with the provisions of this section, the use and operating permits for the premises, or any other

ordinances within their authority, including but not limited to the right to enter the premises and to select any electronic game equipment or simulated gambling device to inspect, test and have tested to determine compliance with this Section. An operator may be issued a show cause order requiring the production on premises of documents or data relating to its operations, electronic game equipment or simulated gambling device. Within three (3) days of receipt of a show cause order the operator shall produce all requested records and inventory. Production of records or inventory shall only be for inspection and review to determine compliance with this section.

(h) *Initial operating permits for existing operations.* Within sixty (60) days of January 11, 2022, those operators that have been operating an Internet café as of January 11, 2022, at a site or principal structure, and which apply for, facially qualify for in accordance with the operating standards set forth herein, and pay required fees for an operating permit, shall be granted an operating permit for the site and principal structure as provided for in this section. Each such operator shall, in addition to the requirements set forth herein as part of the application, to achieve the facially qualified status, provide proof satisfactory to the county that the operator was lawfully operating an Internet café as of January 11, 2022 which such evidence may include a current and valid lease, rental agreement, purchase and sale contract, bill of sale or receipt indicating the purchase, lease or use of the site or principal structure for an Internet café, or other certificate, permit, license or receipt issued by the U.S. Federal government, State of Florida, or local government within the corporate limits of Sumter County.

(Ord. No. 2022-01, § 5, 1-11-22)

Sec. 13- 564. Massage therapy.

(a) Massage therapy as a permitted use or activity shall be permitted only when operated in accordance with applicable licensing laws of the State of Florida (§ 480.031 et seq., F.S.).

(b) *Standards.* The county shall not issue a permit for a massage parlor or similar establishment unless the applicant has been licensed by the board of massage therapy or the applicant provides the name(s) and or licensing information of one or more persons who are so licensed and who will provide massage therapy at the establishment.

(c) A massage establishment shall maintain posted on its premises copies of the license(s) of the licensed massage therapists who provide services at the establishment. There shall be a rebuttable presumption that any massage parlor or similar establishment operated by a person who is not a licensed massage therapist and that does not have posted on its premises one or more licenses of massage therapists who provide services there is operating in violation of this chapter and is subject to enforcement action and penalty under this chapter, in addition to any violation of the Massage Practice Act.

(d) Nothing in this section shall be construed to limit the operation of a massage school in accordance with the applicable provisions of the Massage Practices Act or the provision of clinical experience to students of a massage school in a setting consistent with the provisions of the Massage Practices Act.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 565. Medical cannabis dispensaries.

(a) New medical cannabis dispensaries are prohibited in Sumter County as provided for in Ch. 232(11)(b)(1), F.S.

(b) Medical cannabis dispensaries approved prior to the date of this ordinance [from which this section is derived] may continue to operate, including the renewal of certificates of appropriateness and premises authorizations as provided for in Sumter County Ordinance 2017-01 adopted January 10, 2017.

(Ord. No. 2017-20, § 3, 8-8-17)

Editor's note(s)—Ord. No. 2017-20, § 3, adopted Aug. 8, 2017, repealed the former § 13-654, and enacted a new § 13-654 as set out herein. The former § 13-654 pertained to cannabis dispensaries and derived from Ord. No. 2017-01, § 3, adopted Jan. 10, 2017.

Sec. 13- 566. Mining.

(a) *Purpose and intent.* Mining is permissible as a special or conditional use where indicated by use Table 13-431A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) *Permittee.* Special and conditional use mining permits are issued jointly to the property owner and mine operator designated therein. A change in owner or mine operator shall be reported to the county, in writing, by certified mail, within thirty (30) days of such change by the new owner or mine operator. A change in owner or operator of a mining permit may require a new operating permit, as determined by the BOCC.

(c) *Development standards.*

(1) Buffers.

a. *Separations.* Unless specified otherwise in the approval, the following shall apply:

1. Except for monitoring wells and wildlife relocation activities, all mining activities shall maintain an activity separation as follows:

a) For limerock mining one hundred (100) feet from any public right-of-way or public or private easement for drainage, utility or road purposes; two hundred (200) feet from churches, schools, parks, hospitals, and/or similar public uses; and one hundred (100) feet from all other property lines.

b) For other materials one hundred (100) feet from any public right-of-way, or public or private easement for drainage, utility or road purposes, two hundred (200) feet from churches, schools, parks, hospitals, and/or similar public uses; and fifty (50) feet from all other property lines.

2. Separations established by the approved development plan shall be marked in a manner acceptable to the county prior to initiation of any active phase of mining. Such markers shall remain until mining activities are concluded.

3. Where two (2) or more mines are contiguous, separation requirements may be waived provided that a reciprocal agreement between the affected property owners is executed, and the waiver of activity separation requirements are not contrary to the public health, safety and welfare. The agreement shall be reviewed and approved by the county attorney and recorded in the official records of the county.

b. Screening.

1. Mining activities conducted within one thousand (1,000) feet of a public road shall be screened from view from that road by an earth berm or other suitable device, installed by the mine operator, sufficient to provide one hundred (100) percent opacity to a minimum height of ten (10) feet.

2. When earth berms are used, the toe of slope nearest the public road shall be at least twenty-five (25) feet from said road right-of-way, or fifty (50) feet from the road C/L, whichever is greater.

3. Earth berms within three hundred (300) feet of a public road shall be constructed with slopes gentle enough 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. Berms will be maintained in such condition for the duration of the mining activity.

(2) *Aquifer drawdown.* When dewatering is proposed, unless specified otherwise in the approval, the following aquifer protective measures shall be required for mining operations.

a. Drawdown in the Upper Floridan Aquifer at property lines common with non-mine property shall be limited to not more than ten (10) feet below the normal (baseline) seasonal water levels.

1. During the review process and prior to issuance of the special use or operating permit, the applicant will be required to demonstrate that sufficient quantities of water will be reintroduced into the aquifer to accomplish this.

2. To monitor the drawdown, the following is required:

a) Monitoring wells and reports to adequately determine pre-mining and current mining ground water levels for the life of the mine.

1) These wells shall be installed into the Upper Floridan Aquifer and monitored at least six (6) months prior to any dewatering to obtain the baseline seasonal water levels. Generally, they shall be located between the active pit and the closest property boundaries and at other locations as directed by the county hydrogeologist. They shall be completed to depths capable of intercepting the affected aquifer for the purpose of monitoring drawdown at the mine's boundary.
2) Simultaneous with the submission of a water use permit application for dewatering to SWFWMD, the number, location, size, depth (not less than the lowest drawdown levels), construction details and reporting requirements of proposed monitoring wells in the application shall be submitted to the county hydrogeologist for approval.
3) The top of casing and/or measuring point of each well will be surveyed to the nearest 0.01-foot elevation, referenced to North American Vertical Datum (NAVD).
4) After installation and prior to dewatering, water levels in the monitor wells shall be recorded at least monthly. After dewatering commences, water levels shall be recorded no less than twice per month, unless specified otherwise in the

approval. Automated recorders will be acceptable. All monitor well readings shall be reported to the nearest 0.1 foot on NAVD.

b) A staff gauge shall be installed in each active pit, referenced to NAVD, and read weekly to nearest 0.1 foot.

c) A totalizing, non-resettable flow meter shall be installed at each dewatering discharge point and read on the last working day of each month.

d) Water levels in monitoring wells and active pits, and flow meter readings, shall be reported to the BOCC on a monthly basis, within ten (10) days of the end of each month.

b. Off-site wells shall be protected as follows:

1. Prior to commencing dewatering in any pit, all existing wells within 1/2 mile of the proposed perimeter of such pit shall be inventoried and cataloged, utilizing SWFWMD records and other means. Inventory shall be in accordance with SWFWMD regulations and furnished to the BOCC prior to dewatering. An inspection report shall also be furnished, by certified mail, to the respective property owner with instructions to report any disagreement with the report to the county.

2. All complaints regarding mining impacts to off-site wells within one-half (½) mile of the property shall be investigated by the operator within five (5) days of notice and the results reported to the BOCC within five (5) days of investigation.

3. In the event that the drawdown exceeds ten feet at the property boundaries, and upon the BOCC's determination of mining impact to an off-site well attributed to the increased drawdown, the operator shall immediately take corrective action to eliminate the cause of the mining impact and also shall restore the affected well to the pre-mining impact condition or better, at his expense. Such restoration shall be within twenty (20) days of the BOCC's determination.

(3) *Surface water management.* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

a. All dewatering operations shall be conducted to maximize recharge to the aquifer via on-site methods, and in compliance with SWFWMD regulations. For this purpose, on-site means property described in the operating permit, or other contiguous property owned or controlled by the operator, where such discharge is permissible.

b. A minimum fifty (50) foot undisturbed buffer shall be maintained around all jurisdictional wetlands requiring protection or mitigation, in which no mining activities may occur, except where said wetlands are mitigated in compliance with all permitting agencies' requirements.

c. Mining operations shall not result in any significant off-site increase/decrease in surface water levels. Impacts to off-site wetlands will be limited to that approved by permitting agencies.

(4) *Traffic circulation.* Unless specified otherwise in the special use or operating permit, the following requirements shall apply:

a. Adequate ingress and egress areas shall be provided on-site so that loading operations, etc. do not require standing or stopping on public road rights-of-way.

b. Any haul road connection to any public road is to be constructed and maintained to the satisfaction of the applicable governing agency.

c. Interior devices or procedures shall be used to reduce the accumulation of limerock material and water on public roads, to the satisfaction of the applicable governing agency. Whenever, upon notice from the applicable governing agency, an accumulation of material or water from the mining operation renders the condition of a public road unacceptable, the operator shall promptly correct such condition, at his expense, in a manner acceptable to the applicable governing agency.

d. In addition to sub-section c., whenever, upon notice from the county's public works director, an accumulation of material, water, equipment, debris and other matter associated with the mining operation renders the condition of any portion of a county road within one-quarter (¼) mile of a mine's access point unacceptable because of safety or nuisance concerns, the mine operator shall, within forty-eight (48) hours, or within the time limit set by the director, correct such condition at the operator's expense. In the event conditions are classified as an emergency situation by the director, then such corrections shall take place immediately, or within the time limits set by the director. Corrective actions shall be to the satisfaction of the director. Requirements of the director may be appealed to the BOCC.

(5) *Air pollution.* Mining equipment shall be properly maintained and operated, and mining operations shall be conducted, to minimize air pollution.

(6) *Days/hours of operation.* The approving authority may restrict the days and/or hours of mining activity as necessary to achieve compatibility with surrounding land uses.

(7) *Mine safety and security.* Unless specified otherwise in the special use or operating permit, excavated areas shall be secured from the public on all sides by adequate fencing or other means.

(8) *Reclamation.* Mined and other disturbed areas shall be reclaimed pursuant to the plan and schedule specified in the use and operating permits.

a. At a minimum, mining activities, including location of pits, depths, cubic yards excavated and time constraints shall conform to any applicable FDEP reclamation plan.

b. Additional reclamation requirements may be specified by the BOCC in the conditional use and operating permit approvals.

c. Reclamation shall be deemed completed after the BOCC's determination that the disturbed areas have been reclaimed in accordance with its approvals.

(d) Limerock mining location and allocation. All lands approved for limerock mining activity after February 3, 1992, shall be adjacent to existing, legally permitted mine sites with no intervening non-compatible uses. For purposes of this section, "existing, legally permitted mine sites" shall mean those properties on which all required use and operating approvals and permits are in full force and effect. For purposes of this section, adjacent shall mean:

(1) Parcels sharing a common boundary point or line, or

(2) Parcels separated only by the width of an existing or former public or private transportation or utility rights-of-way or corridors. Said rights-of-way or corridors, or other such strips of land, shall not otherwise be used to qualify parcels as adjacent.

(e) Improper activity.

(1) *Circumvention.* Subdivision of property for the purpose of circumventing the intent of the mining thresholds of this chapter is specifically prohibited.

(2) *Dumping.* 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 pursuant to sections 13-333 or 13-343.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 567. Motion picture arcade booths.

(a) *Purpose and intent.* The BOCC has determined that the showing of motion pictures or videos in the county should be severely limited.

(b) *New motion picture arcade booths prohibited.* Motion picture arcade booths are a prohibited use in all zoning districts in the county. After May 1, 2005, no new motion picture arcade booths may be established in any zoning district. This section shall have no effect on the showing of motion pictures in motion picture theaters in permitted districts or in public areas of retail stores. For purposes of this section, any space smaller than five hundred (500) square feet in area used for the showing of motion pictures for a fee charged to the viewer(s) shall be considered a motion picture arcade booth.

(c) *Standards for arcade booths existing on May 1, 2005.* Motion picture arcade booths which were legally installed or constructed prior to May 1, 2005, and which were in existence on May 1, 2005, may continue at the same location, subject to the following requirements.

(1) Continuous requirements.

a. Management shall post on each booth and enforce a requirement that only one (1) person is allowed in each booth at one time;

b. Management shall ensure that there are no openings in walls between booths and shall immediately patch with permanent opaque material any opening that is found;

c. Floors, walls, seats and any other surfaces in arcade rooms shall be non-porous; and

d. Lighting in the hallways leading to the booths shall at all times be maintained at no less than ten (10) footcandles at floor level in every portion of such establishment to which patrons, users or visitors to the establishment are admitted.

(2) *Additional requirement effective August 1, 2005.* From August 1, 2005, and after, there shall be no doors, curtains, shutters or other visual obstructions in the door or entrance to each booth.

(3) *Additional requirement effective May 1, 2006.* From May 1, 2006, and after, motion picture arcade booths shall be arranged or configured so that the interior of each booth is at all times clearly visible from a space of at least five hundred (500) square feet that is open to customers generally and from the cash register or other station in the establishment normally occupied by the manager or clerk on duty. If such a configuration is not practicable without impairing the

vested rights of the operator, then the operator may substitute a video monitoring system which shall provide a view of all hallways leading to booths and of at least fifty (50) percent of the floor and seating area of each individual booth. The monitoring system shall feed a display that is clearly visible to a clerk or manager on duty at the cash register in the establishment.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 568. Staging areas.

(a) *Purpose and intent.* A staging area may be allowed as a permitted use in CH, CR, and ID zoning classifications, or as a special use in CL, as indicated in Table 13-431A. The intent of this section is to provide standards for the use so that the least adverse effect will occur to the community.

(b) *Character of use.* The purpose of a staging area (as defined in section 13-200) is to provide an area for the parking of operable commercial motor vehicles not larger than one and one-half (1½) ton trucks or cargo vans with utility trailers. It is to provide an area where employees can park their personal vehicles and acquire a qualified commercial vehicle for off-site business services. It is specifically not intended for usage as a truck terminal or for parking heavy trucks, equipment or semi-tractor trailers or similar cargo containers. The maintenance of vehicles and equipment is prohibited.

(c) *Location in light commercial districts.* A staging area may be allowed in CL zoning districts as a special use. The usage must be sited with consideration of adverse impacts to surrounding properties. To that purpose, the approving authority may place limitations and restrictions on the use, such as but not limited to restrictions on the number of vehicles allowed, the time of day when employees may arrive to pick up or leave the commercial vehicles, and the days of the week. The authority may also require site improvements such as additional access points, screening, and buffering. The authority shall deny the use when practical methods are not sufficient to protect surrounding properties from unreasonable adverse impacts.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 569. Recreational Vehicle (RV) Parks.

(a) *Purpose and intent.* The purpose and intent of this section is to ensure appropriate planning and design of camping facilities for the traveling public, and facilities for "extended occupancy" camping for semi-permanent residents, on relatively large tracts of land, while encouraging coherent, flexible and creative concepts of site planning which:

(1) Are planned and developed in a single development operation or programmed series of development operations for recreational vehicles and related uses and facilities, and

(2) Establish appropriate standards for the location, development and operation of RV parks which provide an outdoor setting, and a means whereby such uses occurring upon the land will be compatible with surrounding properties.

(b) *Mandatory rezoning to Planned Unit Development (PUD).* RV parks are permissible within the rural residential and commercial future land use categories within the urban development area (UDA), and within the mixed-use category inside or outside of an UDA. Rezoning to PUD shall be required. A major site development permit is required for all new RV parks approved through PUD and all RV

parks adding fifty (50) lots or more or adding 15% of the approved number of lots at the time of expansion, whichever is less.

(c) *Use considerations.* Because of the higher densities of RV parks, and because of the residential/commercial nature, placement of this use requires special consideration. The reviewing and deciding authorities must consider the impact of the use on surrounding property. The approving authority may grant approval subject to conditions of development deemed necessary to assure compatibility with surrounding land uses.

(d) *Accessory uses and structures*. See Section 13-512 for standards.

(e) *Utilities.* All RV parks must supply central potable water and central sanitary sewer facilities.

(f) *Access.* All RV parks, within or outside designated UDAs, shall be located on a road designated as arterial or collector by the Florida Department of Transportation, or on a paved and county maintained local road at a location with direct access of not more than one-quarter (¼) mile in length to an arterial or collector road.

(g) *Size.* The minimum size requirements for an RV park are as follows:

(1) Within designated UDAs:

a. Ten (10) acres if located within a rural residential future land use category.

b. Five (5) acres if located within a commercial future land use category.

(2) Outside designated UDAs, RV parks shall have a minimum land area of twenty (20) acres.

(h) *Densities.* The maximum allowable densities in RV parks shall be controlled according to land use classification as follows:

(1) Within a UDAs: Commercial future land use: Fourteen (14) RV sites per gross acre.

(2) Outside a UDA: Four (4) RV sites per gross acre.

(i) *Setbacks*.

(1) Side and rear setbacks shall be ten (10) feet.

(2) The minimum setback from roadways shall be as required in Section 13-414, except that for internal roads it shall be fifteen (15) feet from the right-of-way line or twenty-five (25) feet from the center line, whichever is greater.

(3) No part of an RV within an RV park, including attachments or accessory structures such as carport, screen room, storage room, expansion units, etc., shall be allowed within in the setbacks of the RV park property.

(j) *Building height*. No building within an RV park shall exceed fifty (50) feet in height.

(k) *Commercial facilities.* In addition to density/intensity requirements in other sections of this chapter, the following minimum and maximum commercial gross floor area requirements shall apply to RV parks.

(1) Outside a UDA. At any time, there must be at least ten (10) square feet, but not more than twenty-five (25) square feet, of commercial floor area approved for occupancy for every RV space approved for occupancy.

(2) Within a UDA. Commercial development is not required, but if provided, the commercial floor area shall not exceed thirty-five (35) square feet of commercial for every RV space approved for occupancy.

(l) *Open space.* RV parks shall provide the following minimum area as common open space:

(1) Within a UDA, twenty-five (25) percent of the required development tract.

(2) Outside a UDA, fifty (50) percent of the required development tract.

(m) *RV site occupancy.* For purposes of type and length of occupancy within an RV park, RV sites shall be classified as follows:

(1) *Class "A" site.* This site may be used for the year-round placement and occupancy of an RV. Additions to park or travel trailer RVs, such as enclosed living area, carports, screen rooms and storage rooms of conventional construction are allowed. Class "A" sites shall meet the land use and development standards contained elsewhere in this chapter.

(2) *Class "B" site.* This site is intended for the placement or occupancy of an RV unit, without additions or attachments, for a temporary or transient type of placement and occupancy of not more than six (6) months in any period of twelve (12) consecutive months. Additions such as carports, screen rooms, storage rooms and enclosed living area are prohibited on these sites. Class "B" sites shall meet the land use and development standards contained elsewhere in this chapter.

(n) *Principal uses.* The principal uses allowed shall be limited to those specified in the approved use application or in the PUD preliminary development plan.

(o) *Roadways.*

(1) *Design.* All RV parks shall be designed and developed to prevent traffic congestion, provide for the most efficient use of public facilities and services, promote compatibility with surrounding land uses, and preserve the integrity of the neighborhoods within which they are located.

(2) *Park access.* Access to parks shall be designed to minimize congestion and hazards at their entrance or exit and allow free movement of traffic on adjacent public streets. All traffic into or out of the park shall be through such entrance and exits, and direct access from any RV site to abutting public streets shall not be permitted.

(3) *Site access.* All parks shall provide safe and convenient vehicular access, via an approved park roadway to each RV site, camping site, and public building. Each space intended for use by wheeled units shall be provided convenient vehicular ingress and egress from internal roadways. Roadways within a park shall be private, but will be designed, constructed, and maintained in safe condition.

(4) *Road design standards*.

a. Internal roadways shall be paved and maintained with appropriate traffic signage.

b. Dead-end roads not exceeding three hundred thirty (330) feet in length shall be permitted; however, any such road shall terminate with a cul-de-sac whose radius to the inside lane edge-of-pavement is not less than fifty (50) feet and shall be signed as a dead-end road.

c. Roads and RV sites shall be designed so that parking, loading, and maneuvering of automobiles or RVs, incidental to parking, shall not necessitate the use of any public street or right-of-way or any private property not a part of the RV park.

d. Internal roadways shall provide for safe, convenient pedestrian, golf cart, and bicycle access between RV sites and shared facilities.

(5) *Vehicle accommodation areas*. No permanent vehicle parking space shall be permitted within the right-of-way of the RV park, but shall either be provided on each RV site or in an area specified for common vehicle parking. Vehicle parking areas shall provide a stabilized, smooth, and dense surface.

(6) *Park facilities locations*.

a. Accessory structures and buildings for park operations such as maintenance shops, laundry room and dump stations, and recreational facilities for exclusive use of park residents shall be oriented to the interior of the RV park, if feasible, and present no visible evidence, from outside the park, of a commercial nature.

b. Interior areas, or screened exterior areas, may be used for group or individual storage buildings for exclusive use of park occupants and for storage of RVs, boats, and utility trailers.

c. Commercial development in an RV park not in a commercially designated area on the Future Land Use Map shall be accessory to the principal use of the RV Park and address the needs of its residents.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 570. Retail establishments with limited quantities of sexually oriented media.

(a) *Purpose and intent.* The BOCC has determined that sexually oriented materials may be offered in general retail contexts without the adverse secondary effects often associated with sexually oriented businesses and that the locational restrictions otherwise applicable to sexually oriented businesses should not apply to businesses offering such materials in a more general retail context.

(b) *Standards.* A retail establishment which devotes more than ten (10) percent of its floor area or ten (10) percent of the number of items in inventory to sexually-explicit material, but which devotes less than thirty (30) percent of its floor area and less than thirty (30) percent of the number of items in inventory to sexually-explicit material shall be treated for zoning purposes as a book or magazine store and not as a sexually-oriented media shop, provided that it meets the following conditions:

(1) All sexually-explicit media shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight (8) feet above the floor, whichever is less;

(2) Access to the room containing the sexually-explicit media shall be through an opaque, solid door;

(3) The room containing sexually-explicit media shall be posted with a notice indicating that only persons eighteen (18) years of age or older are allowed in the room; and

(4) Access to the room shall be physically limited to adults through control of access by an employee of the store, through use of an access release located at least sixty-six (66) inches off the floor, or

through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 571. Salvage/recycling yards.

(a) *Purpose and intent.* Salvage/recycling yards are permissible as special uses where indicated by use Table 13-431A. In addition to the other provisions of this chapter, it is the intent of this section to provide for such use in a manner which will have the least possible adverse impact to the community.

(b) Screening.

(1) Class A screening, as specified in Section 13-802, shall be installed on all boundary lines of a salvage/recycling yard. Notwithstanding the provisions of Section 13-802, all vehicles and other salvaged materials shall be completely screened (100% opaque) from off-premises view at all times.

(2) No openings shall be allowed in the required screening except for approved gates which shall be of a material that is one hundred (100) percent opaque.

(c) Operation.

(1) *Recyclable or salvageable articles or materials.* These articles or materials shall be stored in bins or containers until removed from the property, except where due to size constraints, they may be openly stored on the property.

(2) *Non-recyclable or salvageable articles or materials.* Articles or materials that are not salvageable shall not be permitted to accumulate except in bins or containers and shall be disposed of in an approved manner within one (1) year of accumulation. Non-salvageable articles to be disposed of shall include, but are not necessarily limited to, refuse, trash, rags, paper, bottles, building materials and unusable parts of vehicles, appliances, equipment, machinery, etc.

(3) On-site disposal.

a. *Waste fluids.* Salvage/recycling yard operators shall be responsible for compliance with all applicable federal and state regulations pertaining to handling, storage, and disposal of waste fluids. In no case shall disposal of waste fluids be permitted on site except with the specific approval of FDEP.

b. *Filling.* In no case shall articles or materials be buried or used as fill except at an approved sanitary landfill.

(4) *Safety.* In any non-secured open storage area, it shall be prohibited to keep any ice box, refrigerator, deep-freeze locker or similar airtight unit having an interior space of two (2) cubic feet or more, unless the door has been removed.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 572. Sexually oriented businesses—Additional location requirements.

(a) *Purpose and intent.* The BOCC has determined that the separation of sexually oriented businesses from one another and from certain specified uses will help to mitigate the adverse secondary effects of such businesses on the community at large and on certain sensitive uses in particular.

(b) *Separation requirements.* Sexually oriented businesses shall be allowed only in the zoning districts in which a specific sexually oriented business is listed as a permitted use under Table 13-431A. The separation standards established in this section shall require the separation of a new sexually oriented business from any uses listed in this section and located in the county, regardless of whether such other uses are located in the unincorporated part of the county or in one (1) of the cities within the county. Any sexually oriented business established or expanded after May 1, 2005, in such a district shall be by at least the number of feet set forth as to the following uses:

(1) *Residential property.* The distance from this use shall be one thousand (1,000) feet. For purposes of this section only, "residential property" shall mean land that is:

a. Located in a residential planned unit development or residential zoning district beginning with an R; and

b. Designated as a residential future land use category on the adopted future land use map of the county or city within Sumter County or an exclusively residential planned development.

(2) *Other uses.* The distance from these uses shall be two thousand five hundred (2,500) feet:

a. Schools, childcare or day care centers;

b. Houses of worship; and

c. Public parks, playgrounds and libraries.

(3) A parcel shall be deemed to be used for any of the above purposes if a valid land use permit has been issued for such use and such use is either actively conducted on the property or there has been measurable, good faith progress in implementation of such use at that location in accordance with the permit.

(4) *Exemptions.* No sexually oriented business shall become nonconforming through subsequent establishment of the uses specified in subsection (b), nor shall a permit for a sexually oriented business be denied based on the issuance of a land use permit for one (1) of the uses listed in subsection a. if the application for such permit was filed after the filing of the application for the permit for the sexually oriented business.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 573. Sexually oriented cabarets—Design standards.

(a) *Purpose and intent.* The BOCC has determined that it is impracticable to establish licensing standards at this time for possible future adult cabarets but that it is thus necessary to establish some basic design parameters for any such establishment that might be opened in the county in the future.

(b) *Standards.* Any building used for the operation of a sexually oriented cabaret in the county shall meet the following design standards at all times that such cabaret is operated in such building:

(1) *Stage required.* The building shall include one (1) or more stages, on which all performances shall take place. Each such stage shall be in a room open to all customers of the establishment and containing at least five hundred (500) square feet of floor area. The stage shall be raised at least thirty (30) inches above the level of the floor on which customers stand or are seated.

a. *Performance area.* All performances and all interactions between performers and customers shall occur in a room open to all customers of the establishment and containing at least five hundred (500) square feet of floor area. No curtains, screens, shades or other devices shall be used to obscure any part of the room.

b. *Lighting.* The lighting level in the area occupied by customers shall be at least five (5) footcandles at a height of three (3) feet off the floor.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 574. Sexually oriented motion picture theaters—Design standards.

(a) *Purpose and intent.* The BOCC has determined that it is impracticable to establish licensing standards at this time for possible future adult cabarets but that it is thus necessary to establish some basic design parameters for any such establishment that might be opened in the County in the future.

(b) *Standards.* Any sexually oriented motion picture theater established in the county shall meet the following design standards at all times that such theater is operated in such building:

(1) *Presentation area.* All screenings and presentations of motion pictures, videos or other media shall occur in a room open to all customers of the establishment and containing at least five hundred (500) square feet of floor area. No curtains, screens, shades or other devices shall be used to obscure any part of the room.

(2) *Lighting.* The lighting level in the area occupied by customers shall be at least two (2) footcandles at floor level.

(3) *Seating.* Seating shall consist of individual, theater-style chairs, with solid arms separating the chairs. No couches, benches, individual chairs, beds, loose cushions or mattresses, or other forms of seating may be provided. Separate spaces for wheelchairs shall be provided in accordance with the applicable provisions of the Southern Building Code and the Americans with Disabilities Act.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 575. Sport shooting and firing ranges.

(a) *Design and Operation.* Sport shooting and firing ranges, as defined by § 823.16(1)(c), F.S., shall be designed and operated pursuant to the current National Rifle Association gun safety and shooting range standards as detailed in the NRA Range Sourcebook, as may be amended from time to time, pursuant to § 823.16(6), F.S.

(b) *Lead recovery.* Firing range waste shall be managed in accordance with Resource Conservation and Recovery Act (RCRA) and Title 40 Code of Federal Regulations (CFR) 260-265.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-576—13-599. Reserved.

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ARTICLE VI. ACCESS, CIRCULATION, PARKING

DIVISION 1. ROADWAY STANDARDS

Section 13- 600. General.

(a) *Purpose*. The purpose of this division is to provide uniform minimum standards and criteria for the design of all public streets, roads, highways, bridges, sidewalks, curbs and curb ramps, crosswalks, bikeways and underpasses/overpasses used by the public for vehicular and pedestrian traffic.

(b) *Intent.* The standards established in this division and in the Sumter County Engineering Manual or Engineering Manual are intended to provide the basic guidelines for developing a road system with reasonable operating characteristics and a minimum number of hazards. They are intended for use on all new construction projects that involve the construction of publicly owned streets and shall be applied to reconstruction and maintenance projects to the extent that economic and environmental considerations and existing development will allow.

(c) *Level of service.* The level of service standards, as adopted in the comprehensive plan, shall be used for concurrency management. Development activities shall not be approved unless there is sufficient available capacity or other measures to meet the concurrency requirements of Article III, Division 8. A traffic impact analysis may be required to be prepared and submitted with the development application for major or minor development. The contents of the analysis shall comply with the Sumter County Traffic Impact Analysis guidelines, as specified in an application furnished by the County. Development impacts on the transportation network shall be reviewed in conjunction with the Lake-Sumter Metropolitan Planning Organization's planned improvements and other applicable plans.

(d) *Objectives.* The planning, design, construction, reconstruction, maintenance and operation of publicly owned streets and highways should be predicated upon meeting the following objectives. Where specific standards are not available or applicable, the related objectives shall be utilized as general guidelines.

(1) Develop and maintain a highway system that provides the safest environment for motorists, cyclists, and pedestrians.

(2) Establish and maintain procedures for construction, maintenance, utility, and emergency operations that provide for safe highway and transit operations during these activities.

(3) Provide uniformity and consistency in the design and operation of streets and highways.

(4) Ensure the context of the surrounding environment is considered in the design, construction and maintenance of all roadways.

(5) Reconstruct or modify existing facilities to be the safest possible.

(6) Reduce fatalities, injuries, and damages caused by crashes.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Section 13- 601. Classification.

(a) *General.* Road classifications are defined in Ch. 334.03 F.S. Functional classification is the assignment of roads into systems according to the character of service they provide in relation to the total road network. The following basic functional classification system is used throughout this chapter:

(1) Basic functional categories include local, collector, and arterial.

(2) Local, collector, and arterial roads may be further subdivided into major (or principal) and minor levels depending upon the traffic volume and location.

(3) Major and minor local, collector, and arterial road categories may also be divided into rural and urban as defined as article II (Definitions).

(b) *Classification of roads.* For the purposes of this code, the classes and definitions of roads are contained in the Engineering Manual.

(c) *Classification assignment.* All street and roads in the County system of maintained roads shall be classified based upon the road classification definitions and the following considerations:

(1) The existing or proposed use shall be considered. Whenever a street in a development continues within or outside the development the classification of the street will be based upon the street in its entirety, both within and outside of the subdivision.

(2) The existing or projected volume of traffic to be carried by the street, stated in terms of the Average Daily Trip (ADT), shall be considered. For local roads, the number of dwelling units to be served by the street may be a useful indicator of the number of trips but is not conclusive.

(d) The Sumter County Engineering Manual identifies all publicly maintained roads within the County, and their assigned classification. Development requirements related to a specific road shall be determined by The Engineering Manual.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Section 13- 602. Network design.

In addition to the provisions in the Engineering Manual the following shall apply to major development:

(a) *Publicly owned streets.* The street system of a development shall be coordinated with existing, proposed, and anticipated streets outside of the development. The following general location standards shall be followed for the design of streets in a development.

(1) *Existing plan.* The street arrangement of a development shall be in conformity with existing plans for the most advantageous development of the entire neighboring area.

(2) *Street extensions.* All proposed collector and arterial streets within the development shall provide satisfactory alignment for the continuation of existing or BOCC approved proposed streets outside of the development with which they are to connect. Such proposed streets within the development may be required to be extended to the boundary lines of the proposed development to provide immediate or future efficient circulation of traffic within the area of the development. When so required, the street right-of-way shall be extended, and the street developed to the property line of the developed property at the point where the connection to the anticipated or proposed street is expected. In addition, the County Administrator or designee may require temporary turnarounds to be constructed at the end of such streets when necessary to accommodate emergency or other vehicles.

(3) *Connectivity.* Collector and local roads shall connect with surrounding streets where necessary to permit the convenient movement of traffic between neighborhoods or to facilitate access to neighborhoods by emergency service vehicles or for other sufficient reasons, but connections

shall not be permitted where the effect would encourage the use of such streets by substantial through traffic.

(b) *Private streets.* Developments are allowed privately owned and maintained roads provided:

(1) The proposed development will have direct access onto a publicly owned or publicly maintained street or if the tract has access to a public publicly owned or publicly maintained street only via a private road, such private road is improved to the street standards of this article, and

(2) No road intended to be private is planned to be extended to serve property outside that development.

(c) *Alleys.* Alleys shall be provided to serve multiple dwellings and commercial and industrial areas when no other definite and assured provision is made for service access or off-street loading, unloading, and parking consistent with and adequate for the uses permissible on the property. Dead-end alleys should be avoided when possible, but, if unavoidable, shall be provided with an adequate turn-around area.

(d) *All streets*. The following general design features shall be adhered to for all publicly owned and private streets in non-exempt subdivisions:

(1) The street plan of a development shall provide every lot, tract, or site with legal access, of sufficient width to the internal street system, with provisions for collector streets to feed the traffic onto collector roads, arterial roads, and/or highways.

(2) Roadways shall have pavement widths and turning radii capable of serving emergency vehicles.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Section 13- 603. Street design.

Design elements of publicly-owned roadways shall be in accordance with the following standards and the current edition of the Sumter County Engineering Manual.

(a) *Minimum right-of-way width.* Notwithstanding that greater widths may be required to meet all requirements of this chapter, the presumed minimum acceptable widths for collector and local road rights-of-way are as shown in Table 13-603A.

TABLE 13-603A. MINIMUM RIGHT-OF-WAY REQUIREMENTS

	Right-Of-Way Width (ft)				
	2-Lane		4-Lane Divided		4-Lane Undivided
Type of Facility	**Drainage Swales**	**Drainage Curbs**	**Drainage Swales**	**Drainage Curbs**	**Drainage Curbs**
Roads proposed for inclusion in the county system of maintained roads:					
• Minor local road	60	50	n/a	n/a	n/a
• Major local road	70	60	n/a	n/a	n/a
• Minor collector (Urban)	70	60	140	100	90
• Minor collector (Rural)	80	70	150	110	n/a
• Major collector (Urban)	90	80	180	120	110
• Major collector (Rural)	100	90	200	150	n/a

Roads proposed for exclusion from the county system of maintained roads [1][2]					
• Alley	25	20			
• Minor local road	40	35			
• Major local road	50	40			

[1] The right-of-way widths shown above for roads not to be included in the county system of maintained roads shall not be approved unless the developer demonstrates that such right-of-way widths are consistent with the overall development of the project and that drainage, vehicle and pedestrian safety and other public safety and welfare issues are adequately provided for.
[2] For Recreational Vehicle Parks, see Section 13-569.

(b) *Other width requirements*.

(1) *Additional right-of-way (R/W).* A proposed development that encompasses an existing public street that does not conform to the minimum right-of-way requirements of this article shall provide for the dedication of the needed additional right-of-way along either one (1) or both sides of said street.

(2) *Half rights-of-way*. A proposed development that abuts an existing public publicly owned or maintained street that does not conform to the minimum right-of-way requirements of this article shall provide for the dedication of sufficient land to ensure that a minimum of one-half (½) of the required right-of-way is established by that development.

(3) *Median*. Medians shall be designed according to the Engineering Manual.

(c) *Curvilinear streets.* When reversals or deflections in alignment occur, a horizontal curve shall be inserted in the road alignment.

(d) *Minor local streets in developments/subdivisions.* Curvilinear designs that discourage excessive vehicular speeds and provide attractive vistas are desirable. Straight lengths of minor local roads should be less than one thousand (1,000) feet.

(e) *Vertical alignment*. Proposed street grades shall be reasonably designed to the contour of the land to produce usable lots and streets of reasonable gradient while achieving the drainage and storm water management objectives of Article VII, Division 3.

(f) *Dedication of public roads.* Upon completion, all streets, drives, parking areas and other traffic circulation elements that are intended to be public shall be dedicated to the County in fee simple at no cost to the BOCC. The facilities shall meet the standards of this article.

(g) *Private roads.* Roads intended to be privately owned and maintained require that a homeowners' association, or similar legal entity, is established pursuant to other sections of this chapter, be responsible for the maintenance and control of such facilities.

(h) *Protection and use of county rights-of-way*.

(1) *Encroachment.* No encroachment, including signs, shall be permitted into existing rights-of-way, except for temporary use or otherwise, as specifically permitted by the BOCC and/or the County Administrator or designee.

(2) *Utilities.* Use of the right-of-way for public or private utilities shall be allowed subject to applicable specifications and permitting by the BOCC and/or the County Administrator or designee.

(3) *Other improvements.* Use of the right-of-way for roadway improvements, including driveway connections, drainage improvements, structures, poles, sidewalks, and sign placements shall be allowed subject to the applicable specifications and permitting by the BOCC and/or the County Administrator or designee.

(4) *Parking.* On-street parking shall be approved by the County Administrator or designee on a case-by-case basis.

(5) *Exemptions:* The following activities are presumptively allowed within county right-of-way without further approval:

a. Work performed by the County of agencies that have contractual obligations with the BOCC to perform work in the right-of-way.

b. Approved US Postal Service mailboxes and newspaper delivery receptacles.

(i) *Access control*.

(1) *New street connections to existing roads*.

a. Development access to arterial roads shall be located and designed to minimize adverse impacts on federal and state roads. To achieve this, Chapters 14-96 and 14-97, F.A.C., shall be used to regulate access management on these roadways.

b. Direct access from local roads onto arterials shall be avoided where possible by the provision of collector roads.

c. Residential development with frontage on an arterial or collector and another road shall normally only be allowed street access to the road with the lowest functional classification.

d. Except when no other alternative is practical or legally possible, the minimum distance between centerlines of street connections on the same side shall be as follows. Less distance may be allowed if necessary to prevent a closed street system that violates Subsection (7)b.

1. Principal collector—Six hundred sixty (660) feet.

2. Minor collector—Three hundred thirty (330) feet.

(2) *New driveway connections to existing roads*.

a. All driveway entrances and other openings onto streets shall be located, designed and constructed so that vehicles can enter and exit from the parcel in question without posing any substantial danger to themselves, pedestrians, or vehicles traveling in abutting streets, and so that interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.

b. Driveway width shall not be less than ten (10) feet for one-way traffic and eighteen (18) feet for two-way traffic, but, except for safety reasons, shall not exceed forty (40) feet in width.

c. Other driveway connections (commercial, industrial, etc.) shall be located so as to provide a minimum incoming 35-foot turning radius and a minimum outgoing 25-foot turning radius, tangent at the property line or extension thereof.

d. Driveway spacing on arterial and collector roads shall be measured from centerline to centerline of the driveways. Spacing shall be provided according to Table 13-603B.

Table 13-603B: Driveway Spacing Requirements

Road Class	Existing Lots	New Development
Arterials		
• Principal	495 feet	Provide a frontage road or right-of-way dedication for future frontage road
• Minor	330 feet	
Collectors		
• Principal	330 feet	660 feet
• Minor	165 feet	330 feet
• Minor (Urban)	—	220 feet

e. Direct access from driveways onto arterial and collector roads shall be minimized where possible to increase safety and reduce conflict points by compliance with the following:

1. Corner lots in residential development with frontage on an arterial and another road shall be allowed a driveway connection to the road with the lowest functional classification.

2. Non-residential corner lots with frontage on an arterial or collector and another road may be allowed a driveway on the arterial road provided:

a) Access is also made to the adjacent road, and

b) The centerline of the connection to the arterial road is a minimum of one hundred fifty (150) feet from the intersection of the other road. On lots of record on the effective date of this chapter, that cannot meet the one hundred fifty (150) foot requirement, a driveway connection will be allowed within the twenty-five (25) percent of the lot frontage that is farthest from the other road.

3. Where a proposed development is adjacent to, or contains, an arterial or collector street, it shall be planned to avoid lots deriving their access from an arterial, except where natural features prohibit the use of frontage or service roads to access the development. Development shall provide a driveway connection according to Table 13-603B.

4. Additional driveway connections may be allowed if they are limited to school bus or emergency vehicle use only.

(3) *Turn lanes.* Turn lanes and acceleration/deceleration lanes sufficient to serve the proposed development shall be provided whenever a development generates a turning movement greater than five (5) percent of the ADT for the adopted level of service for the roadway.

(j) *Intersection design*.

(1) Streets shall be designed to intersect at right angles and no street shall intersect any other street less than a seventy-five (75) degree angle, unless approved by the County Administrator or designee. Not more than two (2) streets shall intersect at any one (1) point

(2) Whenever possible, proposed intersections on opposite sides of a street shall coincide with each other. Where a street offset in the horizontal alignment of streets on opposite sides of a road exceeds three (3) feet, a minimum of one hundred and fifty (150) feet offset shall be provided when local roads intersect local roads., A minimum of seventy-five feet may be allowed where the design or posted is thirty-five (35) miles per hour or less. Where local roads intersect collector roads, a minimum of one hundred and fifty (150) feet shall be provided but a longer distance is preferred as per Section 13.603 (i)(1)d. Road intersections shall not be located within one hundred fifty (150) feet of a railroad right-of-way.

(k) *Pedestrian facilities*.

(1) *Sidewalks*. Within urban development areas (UDA), improvements or construction of a new roadway or development abutting arterial or collector roads may be required to provide sidewalks adjacent to the arterial or collector roadway to connect to an existing sidewalk or as noted in the County's sidewalk master plan.

(2) *Other pedestrian ways*. Pedestrian walkways may be required in major developments that generate high volumes of pedestrian traffic. In addition, where the County Administrator or designee ion finds that a means of pedestrian access is necessary between a development and schools, parks, playgrounds, transportation or other facilities and that such access is not conveniently provided by sidewalks adjacent to streets, the developer may be required to reserve an unobstructed easement of at least ten (10) feet in width to provide such access.

(l) *Dead-end streets.*

(1) Permanent dead-end streets are allowed as follows:

a. Where the potential number of dwelling units to be served by the street (as determined by the proposed development plan or applicable zoning district) does not exceed twenty-five (25) dwelling units and where the street centerline length does not exceed six hundred sixty (660) feet (measured from the center of the intersecting street to the center of the turn-around), or

b. Where the potential number of dwelling units to be served by the street (as determined by the proposed development plan or applicable zoning district) does not exceed sixty (60) and where the street centerline length does not exceed one thousand five hundred (1,500) feet (measured from the center of the intersecting street to the center of the turnaround), and where emergency access locations and facilities, acceptable to the BOCC, are provided.

(2) Permanent dead-end streets shall be provided at the closed end with a turn-around having a paved roadway with an outside edge radius of at least fifty (50) feet and a right-of-way with a radius of at least sixty (60) feet. Lane widths for turn-arounds shall be fourteen (14) feet for one-way traffic, and twenty (20) feet for two-way traffic. The unpaved center of a turn-around may be landscaped if provisions for non-county maintenance are provided. Such streets are to be signed as no outlet streets.

(3) Temporary dead-end streets are allowed when future development is anticipated provided that a stabilized surface at the end of such streets is installed allowing for a vehicle turn-around area meeting the requirements of the Engineering Manual for design, maintenance and removal. However, no temporary dead-end street in excess of six hundred and sixty (660) feet may be created unless no other practicable alternative is available.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Section 13- 604. Roadside drainage design.

In addition to the standards contained in Section 13-720, the Sumter County Engineering Manual, and the requirements of the Southwest Florida Water Management District (SWFWMD), roadside ditches shall meet the following regulations.

(a) *Bottom width:* Three (3) feet minimum (V-bottom allowed where equivalent capacity is provided).

(b) *Depth:* Two (2) feet minimum (below shoulder).

(c) *Front slope:* 4:1 maximum.

(d) *Back slope:* 3:1 maximum.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Section 13- 605. Work site safety.

The work site safety standards of OSHA (Occupational Safety and Health Administration), the Engineering Manual, and FDOT shall apply to activities being performed by private entities (owners and contractors) on existing or proposed roads used by the public.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

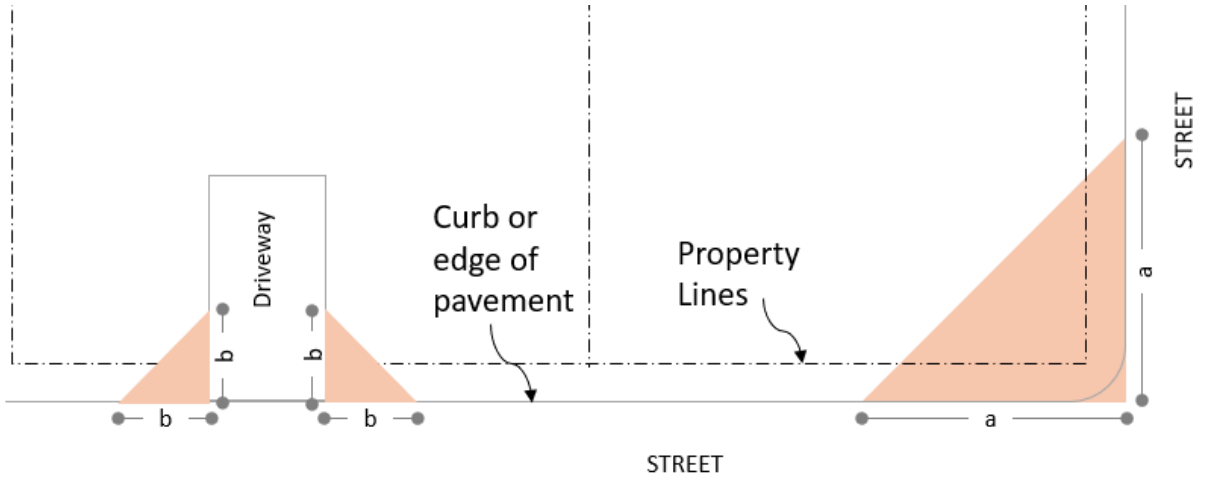
Section 13- 606. Sight triangle

The sight triangle refers to the triangular area required on any intersection corner to permit a vehicle operator an unobstructed view of the crossing roadway for a minimum sight distance in either direction.

(a) *Local streets*. Sight triangles shall be maintained free of visual obstructions, including structures and vegetation, from a height of thirty (30) inches to a height of eight (8) feet above the level of the abutting street. The sight triangle at local street intersections and driveway to street intersections is formed by one line along one street (measured along the face of the curb or edge of pavement), a second line along the edge of the intersecting street or driveway, and the third line connecting the two previous lines (see image below). The length of the lines along the street and/or driveway shall not be less than the following:

- Local street intersecting with a local street (shown as a in the graphic): 25 feet minimum
- Driveway intersecting with a local street (b): 15 feet minimum

(b) *Collectors and arterials*: The sight triangle (also referred to as the Intersection Sight Distance) for collector and arterial streets shall meet the standards of the latest edition of the FDOT Design Manual.



Secs. 13-607—13-609. Reserved.

DIVISION 2. ON-SITE TRAFFIC CIRCULATION, PARKING AND LOADING

Section 13- 610. Design standards.

The following general standards for on-site traffic circulation, parking, loading/unloading, and storage areas shall apply to all development.

(a) *Interior roads*.

(1) Within unsubdivided developments, all private roads and access ways shall be designed and constructed to facilitate the safe and convenient movement of motor vehicles and pedestrian traffic. Width of roads, use of curb and gutter, and paving specifications shall be determined by the provisions of this division and other sections of this chapter.

(2) Whenever a road in an unsubdivided development connects two (2) or more county or state-maintained roads in such a manner that any substantial volume of through traffic is likely to make use of that road, such road shall be constructed in accordance with the standards applicable to subdivided development roads and shall be deeded to the county. In other cases when roads in unsubdivided developments are constructed in accordance with the specifications for subdivided development streets, the BOCC may accept an offer of dedication and deed of such streets.

(b) *Parking areas*.

(1) Vehicle accommodation areas shall be designed so that vehicles may exit without backing onto a public street. This requirement does not apply to driveways that serve one (1) or two (2) dwelling units or to on-street parking, although backing onto arterial streets is discouraged.

(2) Vehicle accommodation areas for all developments shall be designed so that sanitation, emergency, and other public service vehicles can safely access each development without backing unreasonable distances.

(3) Every vehicle accommodation area shall be designed so that vehicles cannot extend beyond the perimeter of such area onto adjacent properties or public rights-of-way. Such areas shall also be designed so that vehicles do not tend to bump against or damage any wall, vegetation, or other obstruction.

(c) *Circulation.* Circulation areas shall be designed so that vehicles can proceed safely without conflicts with pedestrians or other vehicles and without interfering with parking areas.

(d) *Storage areas.* Sufficient on-site storage areas, exclusive of the required parking and loading/unloading areas, shall be provided for the use.

(e) *Flexibility in administration required.* The BOCC recognizes that, due to the uniqueness of any given development, that inflexible application of the on-site traffic circulation and accommodation areas standards set forth in this division may result in a development either with inadequate provisions or provisions in excess of its needs. Therefore, the approving authority may permit deviations from the requirements of this division and may require more or less improvements whenever it finds that such deviations are more likely to satisfy the standard set forth in subsections (a) and (b), above. Whenever the approving authority allows or requires a deviation from the on-site traffic circulation and accommodation areas standards set forth in this section, it shall enter into the approval the requirements that it imposes and the reasons for allowing or requiring deviation.

Section 13- 611. Parking standards.

(a) *Scope.* Parking lot design includes, but is not necessarily limited to, arrangement of spaces, width of aisles and access drives; width, length, and angle of spaces; curbs, etc. and shall be as specified in this subsection.

(b) *Dimensions.* Parking space and aisle dimensions shall be designed as provided in Table 13-611A.

TABLE 13-611A: PARKING DIMENSIONS

Parking Angle (degrees)	Width (feet)	Length Perpendicular to Aisle (feet)	Curb Length Parallel to Aisle (feet)	Aisle Width One-Way Traffic (feet)	Aisle Width Two-Way Traffic (feet)
0	9	10	22	13	19
30	10	21	18	12	20
45	10	21	14	13	21
60	10	22	11	18	23
90	10	20	10	24	24

(1) Subject to other provisions of this section, each paved parking space shall contain a rectangular area at least twenty (20) feet long and ten (10) feet wide. Lines demarcating parking spaces may be drawn at various angles in relation to curbs or aisles, so long as the parking spaces so created contain within them the rectangular area required. To encourage a reduction of paved areas, the length of standard parking spaces may be reduced to eighteen (18) feet of pavement with two (2) feet of grassed or sidewalk overhang area where a sidewalk of at least seven (7) feet is provided. Continuous curbing or wheel stops should be used at the end of the eighteen (18) foot dimension.

(2) In parking areas containing twenty (20) or more parking spaces, up to fifty (50) percent of the parking spaces may contain compact spaces as small as sixteen (16) feet in length by eight (8) feet in width. If such spaces are provided, they shall be grouped together and each shall be identified as a "Compact Space" through pavement markings.

(3) For single-family residential parking, each parking space shall contain a rectangular area at least eighteen (18) feet long and nine (9) feet wide.

(4) Where allowed by this section, and used, each grass parking space shall meet the size requirements of paved parking spaces.

(c) *Number of parking spaces required.*

(1) All developments in all land use zones shall provide a sufficient number of off-street parking spaces to accommodate the general number of vehicles that are attracted to the development. The presumption established by this section is that a development must comply with the parking standards set forth in Table 13-611B to satisfy the sufficiency requirement. However, the requirements of said table are presumptive and may be flexibly administered, as provided in this subsection. Notwithstanding the above, on-street and off-street parking spaces may be provided and the total number of spaces may be aggregated within traditional urban areas as long as the total number of spaces meets or exceeds the sum of the spaces required for each use.

(2) The County Administrator or designee reserves the right to decide the occupancy for which the parking requirements will be met. In so doing, the Administrator shall consider requirements for similar uses. The number of parking spaces required for uses not listed in table 13-611B shall be determined based upon requirements for similar uses and appropriate traffic engineering and planning data necessary to establish a minimum number of parking spaces.

TABLE 13-611B: PARKING REQUIREMENTS

Specific Use	Required Parking Spaces
Residential	
• Group home, Assisted Living Facility (ALF), or nursing home	1 per 4 beds
• Hotel or motel	1.1 per sleeping room or rental unit
• Single-family residential (attached or detached)	2 per dwelling unit
• Multifamily	1.5 space per dwelling unit, plus 1 space per 4 units
Commercial	
• Auction house	2 per 100 square feet of gross leasable area
• Financial institutions	1 per 200 sq. ft. of floor area plus stacking lane requirements
• Bowling alley	4 spaces per lane
• Vocational school	1 per 500 sq. ft. of floor area plus 0.8 spaces per student stations
• Gas station convenience store	1 per 200 sq. ft.
• Commercial, shopping centers or general retail independently located	1 per 250 sq. ft. of gross leasable area
• Flea market, open or closed	1 per 100 sq. ft. of gross leasable area
• Golf driving range	1 space per tee
• Movie theater	1 space per 3 seats
• Offices, medical and dental clinics, veterinary clinics, professional offices	1 per 250 sq. ft. of gross floor area
• Restaurant, bar, cocktail, lounge, or fast food	1 per 125 sq. ft. of gross leasable area, or 1 per 2.5 seats, whichever is greater, plus stacking lane requirements
• Vehicle repair service/shop	3 per repair bay

Specific Use	Required Parking Spaces
• Warehousing, distribution, research and testing construction and contractor's yards, storage	1 per 1,000 sq. ft. of gross floor area for the first 20,000 sq. ft., and 1 per 2,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.
• Industrial use, manufacturing	1 per 750 sq. ft of gross floor area devoted to manufacturing
• Warehousing—Mini storage	5 spaces, if office is provided
Public, Institutional	
• House of worship or place of assembly	1 per 3 sanctuary or auditorium seats, plus 1 space per 100 sq. ft. of area devoted to public assembly without seats
• Government office serving the public	1 per 100 sq. ft. of gross leasable area
• Public/Institutional use	To be determined by specific occupancy
• Private non-profit civic or social club and recreation centers	1 per 3 principal meeting room seats plus 1 space per 100 sq. ft. of area devoted to public assembly without seats
• Postal station	1 per 100 sq. ft. of gross leasable area

[*] When determination of the number of parking spaces required by this table results in a requirement of a fractional space, any fraction of one-half (½) or less may be disregarded, while a fraction in excess of one-half (½) shall be counted as one (1) parking space.

(d) *ADA accessible parking.* Any parking area to be used by the general public shall provide suitable, marked ADA accessible parking spaces. The number, design and location of these spaces shall be consistent with the requirements of the Americans with Disabilities Act. Accessible parking spaces shall be paved and may be counted as part of the number of required parking spaces.

(e) *Commercial vehicle parking*. The parking of commercial vehicles is prohibited on privately owned residential driveways, except for loading or unloading purposes, when parked within a completely enclosed private garage, or when the occupant of the residence possesses a Commercial Driver's License.

(f) *Semi-truck parking*. Semi-truck parking on properties smaller than one (1) acre in residential districts is prohibited if the vehicle is visible from the right-of-way. However, parking the cabin portion is permitted if the truck is registered to the resident of the property.

(g) *Bicycle parking.* Bicycle parking areas shall be required in all multi-family residential developments of more than fifty (50) dwelling units or commercial development of more than twenty-five thousand (25,000) square feet. One (1) bicycle space shall be required per five (5) multi-family dwelling units and for every two thousand five hundred (2,500) square feet of commercial development that meet the criteria above.

(h) *Mixed-use development*.

(1) Where a mixed-use development is proposed, whether the mixed uses are in separate buildings within a development or in a single building, the parking standards for each proposed use shall be required, unless a reduction is granted as provided herein and except for shopping centers.

(2) One parking area may contain required spaces for several different uses, except as otherwise provided in this section, the required number of spaces assigned to one use may not be credited to any other use.

(i) *Joint use.* Developments that wish to make joint use of the same parking spaces that operate at different times, the same spaces may be credited to both uses if the following conditions are met:

(1) The developer submits a parking study with sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.

(2) The developer submits for review and approval a legal agreement guaranteeing the joint use of off-street parking spaces so long as the uses requiring parking are in existence or until required parking is provided elsewhere in accordance with the provisions of this article.

(j) *Satellite parking.* If the number of off-street parking spaces required by this section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located, then spaces may be provided on adjacent or nearby lots in accordance with the following provisions.

(1) All such satellite parking spaces must be located within four hundred (400) feet of a public entrance of a principal building housing the use or area of confluence associated with such parking with safe pedestrian access between the parking area and said building.

(2) Parcels used for satellite parking spaces must be subject to a legal agreement, provided by the developer and approved by the county attorney, guaranteeing the use of the satellite parking spaces so long as the uses requiring such parking are in existence or until required parking is provided elsewhere in accordance with the provisions of this article.

(3) The County Administrator or designee may allow parking within town centers to be aggregated within each such area without meeting the requirements of Subsections (1) and (2) above when the plan proposes an efficient and safe design.

(k) *Parking requirements on lots with existing buildings*.

(1) Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one (1) or more structures on it constructed before the effective date of this chapter, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such a lot, and (iii) the parking requirements that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used for parking, then the developer need only comply with the parking requirements to the extent feasible.

(2) Whenever (i) there exists a lot with one (1) or more structures on it constructed before the effective date of this chapter, and (ii) the structure is proposed to be enlarged so as to require additional parking spaces, then the developer shall provide the parking requirements that are applicable as a result of the proposed enlargement.

(l) *Major development.* Certain major developments have a substantial variability in parking demand with the result that literal application of the standards in this section may not provide an appropriate amount of parking. In such cases, a parking study may be required to justify the proposed parking requirement. The final decision on the amount of parking shall be made by the County Administrator or designee after considering the parking study along with traffic engineering and planning data appropriate to the proposed development.

(m) *Parking studies.* Developments presumed to require a parking study are those where the applicant asserts that the parking requirement resulting from the application of Table 13-611B is greater than that actually needed to serve the development, or where the applicant proposes a reduction in parking spaces based on a mixed or joint use proposal. The parking study shall be designed to provide evidence of the actual parking requirement of the proposed development and prepared by a

State of Florida Professional engineer with documented traffic experience. The study shall include, but is not necessarily limited to, the consideration of estimates of parking requirements, based on recommendations in studies such as those from the Institute of Transportation Engineers (ITE) and based on data collected from uses or combination of uses that are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity, and location. The study shall document the source of data used to develop recommendations

(n) *Deviations*. The County Administrator or designee may allow deviations from the parking space requirements set forth in Table 13-611B when the following provisions re met:

(1) Local historical data shows significant underutilization for a specific use;

(2) A residential development is irrevocably oriented toward the elderly; or

(3) A business is primarily oriented to walk-in trade.

Section 13- 612. Drive-through facility stacking.

All facilities providing drive-up or drive-through service shall provide onsite stacking lanes in accordance with the following:

(a) Drive-up facilities and stacking lanes shall be located and designed to minimize turning movements relative to driveway access to streets.

(b) Drive-up facilities and stacking lanes shall be located and designed to minimize or avoid conflicts between vehicular traffic and pedestrian areas such as sidewalks, crosswalks, or other pedestrian access ways.

(c) Drive-up facilities shall provide a bypass lane.

(d) Stacking lanes shall have a minimum length of one hundred twenty (120) feet, measured from the service window to the access point on the property line bordering the furthermost street providing access to the service window.

(e) Stacking lanes shall accommodate a minimum of five (5) cars.

(f) Alleys or driveways in or abutting areas designed, approved, or developed for residential use shall not be used for circulation of traffic for drive-up facilities.

(g) Where turns are required in the exit lane, the minimum distance from any drive-up station to the beginning point of the curve shall be thirty-five (35) feet. The minimum inside turning radius shall be twenty-five (25) feet.

(h) Construction of stacking lanes shall conform to the Sumter County Engineering Manual.

Section 13- 613. Loading and unloading areas.

(a) *Required.* Whenever the normal operation of any development requires that goods, merchandise, or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading and unloading area must be provided in accordance with this sub-section to accommodate the delivery or shipment operations in a safe and convenient manner.

(b) *Size.*

(1) Loading and unloading areas must be of sufficient size to accommodate the numbers and types of vehicles that are likely to use the area, given the nature of the development. Table 13-613 indicates the number of spaces that, presumptively, satisfy the standard set forth in Subsection

(a). However, the approving authority may require more or less loading and unloading area, if determined that the standard is satisfied.

TABLE 13-613: OFF-STREET LOADING/UNLOADING REQUIREMENTS

Land Use Type	Space Requirements
Offices, financial institutions and hotels/motels uses	1 space for the first 75,000 sq. ft. of gross floor area and 1 space for each additional 25,000 sq. ft.
Commercial uses	1 space for the first 10,000 sq. ft. of gross floor area and 1 space for each additional 20,000 sq. ft.
Industrial uses	1 space for each 10,000 sq. ft. of gross floor area

(2) All loading/unloading spaces shall meet the following minimum size requirements:

a. When normal delivery/pickup of merchandise and materials is via trucks not exceeding two (2) tons in load capacity- twelve (12) feet by thirty (30) feet, and overhead clearance of fourteen (14) feet from ground.

b. When normal delivery/pickup of merchandise and materials is via trucks exceeding two (2) tons in load capacity—twelve (12) feet by sixty (60) feet, and overhead clearance of fourteen (14) feet from ground.

(3) No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities. Required loading spaces shall not be used for the storage of vehicles and/or materials.

(4) A sign indicating the loading zone and clearly stating "no parking" shall be provided in a visible location at each loading zone.

(c) *Location*.

(1) All loading/unloading areas shall be located on the same building site as the use they serve and outside of right-of-way lines.

(2) Loading/unloading areas shall be so located and designed that the vehicles intended to use them can maneuver safely and conveniently to and from a public right-of-way and complete the loading and unloading operations without obstructing or interfering with any public right-of-way or parking aisle.

(d) *Exemptions*.

(1) Notwithstanding any other provisions of this chapter, whenever (i) there exists a lot with one (1) or more structures on it constructed before the effective date of this chapter, and (ii) a change in use that does not involve any enlargement of a structure is proposed for such a lot, and (iii) the loading and unloading requirements of this subsection that would be applicable as a result of the proposed change cannot be satisfied on such lot because there is not sufficient area available on the lot that can practicably be used, the developer need only comply with the loading/unloading space requirements to the extent feasible.

(2) Whenever (i) there exists a lot with one (1) or more structures on it constructed before the effective date of this chapter, and (ii) the structure is proposed to be enlarged so as to require

additional unloading and unloading spaces pursuant to this subsection, then the developer shall provide the unloading and unloading requirements of this subsection that are applicable as a result of the proposed enlargement.

(e) *Maintenance.* The continued provision of the required loading space shall be the responsibility of the property owner and occupant as long as the use requiring loading/unloading facilities continues. No off-street loading/unloading shall be altered or discontinued except in accordance with this chapter.

Section 13- 614. Vehicle accommodation area surfaces.

(a) *Paved surface*.

(1) Vehicle accommodation areas that (i) include lanes for drive-in windows or (ii) contain parking areas where twenty (20) or more parking spaces are required, which are used regularly at least five (5) days per week, shall be graded and surfaced with asphalt, concrete or other material that will provide equivalent protection against potholes, erosion, and dust. Specifications for surfaces meeting the standard set forth in this subsection are contained in Sumter County Engineering Manual. In addition, any driveway serving the vehicle accommodation area from a public road shall be paved between the edge of the street pavement and the vehicle accommodation area.

(2) Parking spaces in areas surfaced in accordance with Subsection (1) shall have appropriate pavement markings.

(b) *Stabilized surface.* Vehicle accommodation areas that are required to have more than ten (10) but less than twenty (20) parking spaces, which are used regularly at least five (5) days per week, and which are not provided with the type of surface specified in Subsection (a) shall be graded and stabilized with crushed stone, gravel, or other suitable material (as provided in the specifications set forth in Sumter County Engineering Manual) to provide a surface that is stable and will help to reduce dust and erosion. The defining of the perimeter of such parking areas by bricks, stones, railroad ties, or other similar devices is encouraged. In addition, any driveway serving the vehicle accommodation area from a public road shall be stabilized between the edge of the street pavement and the vehicle accommodation area.

(c) *Grass surface.* Parking lots that have grass or natural ground parking spaces shall not use the area of unpaved spaces in calculations to meet minimum requirements for buffers, landscaping or storm water retention. Retention area requirements shall be based on the assumption that all spaces are paved. An allowable alternative is reservation of an area to accommodate additional retention capacity necessitated by the paving of these spaces.

Secs. 13-615—13-699. Reserved.

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ARTICLE VII. DEVELOPMENT, DESIGN, AND UTILITIES

DIVISION 1. SUBDIVISION STANDARDS

Sec. 13- 700. Residential and non-residential subdivision design.

(a) *Block standards.* The following standards shall be observed for the design of blocks (lot grouping) in non-exempt subdivisions.

(1) *General considerations*. The lengths, widths and shapes of blocks shall be determined with due regard to:

a. Provision of adequate building sites suitable to the special needs of the type of use proposed.

b. Zoning requirements as to required lot areas and dimensions.

c. Need for convenient access, circulation, control and safety of street traffic.

d. Opportunities and limitations of topography.

(2) *Residential block length*. In general, intersecting streets which determine block length shall be provided at such intervals as necessary to meet existing street patterns, topography, and requirements for safe and convenient vehicular and pedestrian circulation. Generally, blocks should not be less than two hundred (200) feet, or more than two thousand (2,000) feet, in length, unless no other practicable alternative is available as determined by the County Administrator or designee.

(3) *Non-residential block length*. Blocks intended for non-residential uses shall be of such length, width and other design as the commission finds necessary for the proposed use, including adequate provisions for off-street parking, loading and unloading, and limitations and control of vehicular access points to adjacent streets.

(4) *Recreational vehicle parks*. Blocks, sections or areas within the RV parks shall contain only one (1) class of RV sites.

(b) *Roadways within subdivisions*. See Article VI.

(c) *General lot/parcel standards*.

(1) *Minimum lot/parcel size*. The following standards shall be adhered to for the design of lots in subdivisions.

a. *Minimum area.* Subject to other provisions of this chapter, all lots or parcels in the respective land use zones shall have at least the amount of acreage or square footage indicated in Tables 13-423A and 425A.

b. *Minimum width.* Tables 13-423A and 425A indicate the minimum lot widths, at the front setback line, that are required in each land use zone. Notwithstanding the lot width at the setback line, no lot shall be less than twenty-five (25) feet in width at the street or easement right-of-way line.

(2) Subdivision of non-residential land.

a. Commercial/industrial/institutional parcels with or without shared infrastructure shall be subdivided in accordance with Section 13-350.

b. Each such parcel created must comply with all relevant requirements of this chapter, such as location, size, access requirements and setbacks.

c. A development agreement for maintenance and construction of necessary infrastructure may be required at time of engineering plan review.

d. A two (2) year performance guarantee, acceptable to the board for one hundred (100) percent of the cost of any improvements to be constructed within county road rights-of-way or easements if required of applicants other than government and quasi-government entities.

e. Plans for development permits for each parcel must be submitted in accordance with relevant provisions of this chapter.

(3) *Flag lots*. Flag lots shall be permitted in the Agricultural Future Land Use District with Agricultural and Rural Residential zoning designations when other subdivision options are not achievable and safe access can be provided. Flag lots may be created through the exempt subdivision process if the following conditions are met:

a. The flag portion shall contain the required lot area and meet the required minimum dimensions for the zoning district in which it is located.

b. The pole portion shall be a minimum of fifty (50)-foot wide for its entire length (pole refers to that portion of the lot between the roadway and the flag).

c. Flag lots must have access from a paved road dedicated to the public and maintained either by the adjoining property owners or a public agency.

(4) *Access easements*. Parcels created through exceptions to platting may utilize private easements for access. The private easement shall be a non-exclusive easement for ingress, egress, and utilities; shall connect to a publicly maintained road; and shall have a minimum width of fifty (50) feet. New private access easements shall have a twenty (20)-foot wide lane stabilized with crushed stone, rock or other material that is stable and will help to reduce dust and erosion.

(d) *Lot/tract standards in non-exempt subdivisions*:

(1) *Street access.* Each lot created and intended for occupancy shall either abut a road in the county or state system of maintained roads, or abut a private road, constructed and maintained to county standards, which connects to such county or state roads. The access shall be of such a nature as to permit reasonable means of ingress and egress for emergency vehicles as well as for all those likely to need or desire access to the property in its intended use.

(2) *Usable width.* No parcel may be created that is so narrow or otherwise so irregularly shaped that it would be impracticable to construct on it a building that 1) could be used for purposes that are permissible in that land use zone, and 2) could satisfy any applicable setback requirements for that district.

(3) *Separation.* Consideration shall be given to lot orientation with respect to the separation of incompatible land uses. Residential lots which face commercial or industrial areas, or which face major streets shall be avoided if practicable. Mixed uses within a town center or RPUD are encouraged.

(4) *Corner lots.* Corner lots shall be of sufficient size to permit compliance with the required minimum setbacks from all property lines which abut streets or easements.

(5) *Lot lines.* When possible, side lot lines shall be at right angles to straight street center lines and radial to curved center lines. When possible, rear lot lines shall be straight lines. Each lot/site property line shall be clearly defined by permanent visible markers.

(6) *Double lot frontage.* Double lot frontage shall only be permitted where it shall be found necessary to separate a development from arterial streets or collectors or to overcome specific disadvantages of topography, orientation and property size. Access will be provided via the roadway of lesser classification.

(7) *Minimum buildable depth.* Lots created after the effective date of this chapter shall, as a minimum, conform to lot area and width requirements set forth for the land use zone in which the development is located. Except for PUDs, no lot shall have a buildable area of less than thirty (30) feet between the front and rear, and side setback lines.

(8) *Remnants.* All portions of the property being subdivided shall be placed in lots, streets or tracts so that remnants and landlocked areas are not created. If remnants of land do appear during the design process, and have no apparent future use which can be properly controlled, they shall be incorporated into the lots of the proposed design.

(9) *Area above high water.* As a minimum, the proposed subdivision design shall provide for all lots to have a contiguous natural ground area, above the seasonal high-water elevation, of one-half (½) acre or the minimum lot size required by the applicable land use zone, whichever is less.

(10) *Useable area.* All lots/parcels/sites shall provide stable and dry structure and parking areas of sufficient size to accommodate the proposed use.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18)

(e) *Common open space design*.

(1) *Required for residential subdivisions.* Common open space, as required in residential subdivisions, and PUD zoning districts, shall be provided through dedication, reservation or as otherwise approved by the BOCC. It shall be a permanently reserved, usable area for passive or active recreational use by the residents of the development, as provided in this section.

(2) *Amount required.* The minimum open space requirement shall be as set forth in Article IV, except that the BOCC may increase the minimum amount of open space by up to twenty (20) percent. Open space required shall be exclusive of:

a. Area(s) encumbered with any substantial structure whose primary purpose is other than passive or active recreation.

b. Area(s) devoted to use as a roadway or road right-of-way, parking area, sidewalk or storage area whose primary purpose is other than passive or active recreation.

c. Required buffer areas and lot areas not meeting the definition of common open space.

d. Water bodies and wetlands in excess of one-half (½) of the open space requirements. Areas of water bodies shall be computed using the seasonal high water line.

(3) *Location.* Open space parcels are encouraged to be centrally located and conveniently, safely and legally accessible (but not necessarily contiguous) from the dwelling units, or other structures they are intended to serve, however they shall be sited with sensitivity to surrounding

development. The nearest part of an open space area should not be more than one thousand (1,000) feet from any proposed dwelling it is intended to serve.

(4) *Size*.

a. . Although flexibility in design may dictate the judicious use of small tracts and buffer areas, the layout of the development should generally incorporate broad areas for open space.

b. When a project is phased, the aggregate open space platted at any given time shall not be less than that required by this article.

(5) *Development of open space.* All required open space shall be capable of being used and enjoyed for purposes of informal and unstructured recreation and relaxation, and shall be developed as follows:

a. *Passive space.* A minimum of twenty-five (25) percent of the required open space shall be available to the residents as passive, non-commercial, undeveloped open space. As a general rule, this undeveloped open space shall be left in its natural or undisturbed state, except as follows:

1. If wooded (as of the date development began), the cutting of trails for walking or jogging purposes and provisions for picnic areas, etc. is permitted. In addition, the BOCC may require the developer to make other improvements such as removing invasive, dead or diseased trees, thinning trees or other vegetation to encourage more desirable growth, and grading and seeding.

2. If not wooded at time of development, the open space shall be properly vegetated and landscaped with the objective of creating a wooded area or other area that is consistent with open space objectives.

b. *Active.* Open space not required as undeveloped open space may be developed as commercial or non-commercial outdoor recreation activities. Where no such activities are proposed, the BOCC may require installation of recreational facilities, taking into consideration:

1. The character of the open space land.

2. The age and recreation needs of persons likely to reside in the development.

3. The cost of recreational facilities.

(6) *Preservation of open space.* Any lands designated for common open space purposes shall be protected by appropriate ownership covenants and deed restrictions approved by the BOCC, ensuring that:

a. The open space area will not be further subdivided in the future.

b. The use of the open space, for the purposes specified herein, will continue in perpetuity.

c. Appropriate provisions will be made for the maintenance of the open space.

(7) Open space ownership and maintenance. Except as provided herein, usable open space and recreation facilities required to be provided by the developer in accordance with this chapter shall not be dedicated to the public but shall remain under the ownership and control of the developer (or his successor) or homeowners association or similar organization. The type of ownership shall be selected by the developer, subject to approval by the BOCC.

a. Private ownership.

1. Type of ownership may include, but is not necessarily limited to:

a) The developer, as an individual or corporation.

b) Homeowner, condominium or cooperative association or organization. Such organization in accordance with Florida Statutes, shall be established in such a manner that provides clear legal authority to administer covenants, maintain open spaces and assess fees to fund operation and maintenance.

c) A community development district established pursuant to Florida Statutes.

2. Whenever a non-government entity is proposed for ownership and maintenance of open space areas, the developer shall file a declaration of covenants and restrictions that will govern the non-government entity. The provisions in the declaration shall include, but are not necessarily limited to, the following:

a) The homeowner, condominium or cooperative association requirements in subsection 1.

b) Statements to the effect that the open space restrictions are permanent, not just for a period of years.

b. *Public/quasi-public ownership*. With BOCC approval, local or state public jurisdictions or agencies and quasi-public organizations may elect to assume ownership and/or maintenance of open space areas, provided the intent and purpose of such areas is preserved.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-701—13-709. Reserved.

DIVISION 2. UTILITIES STANDARDS

Sec. 13- 710. General design.

(a) *Adequate systems required.* Adequate public or private utility systems for proposed development shall be designed in accordance with this chapter and the Sumter County Engineering Manual and built by the developer, individual lot owner or utility company, at no cost to the commission unless approved otherwise. All design features shall be subject to the approval of the county engineer and other regulatory agencies, as applicable.

(b) *Lots served by central public facilities.* Whenever it is legally possible and practicable in terms of topography and distance to connect a parcel with the facilities of a governmental, private not-for-profit or public service commission regulated water or sewer utility, such connection is encouraged.

(c) *Utilities to be consistent with internal and external development.*

(1) Future extension. Whenever it can reasonably be anticipated that utility facilities constructed in one (1) development will be extended to serve other adjacent or nearby developments, such utility facilities (e.g., water or sewer lines) shall be located and constructed so that extensions can be made conveniently and without undue burden or expense or unnecessary duplication or service.

(2) *Interference.* All utility facilities shall be constructed in such a manner as to minimize interference with pedestrian or vehicular traffic and to facilitate maintenance without undue damage to improvements or facilities.

(d) Easement design.

(1) *Required.* Easements for all utilities may be required and shall generally be centered on rear and side lot lines and be at least the minimum required in this section for the utility. When necessary to form a continuous right-of-way or easement, a utility easement may be required across lots and shall also be at least the minimum width required. Easements of greater width may be required whenever necessary.

(2) *Ownership.* In any case in which a developer installs or causes the installation of utilities and intends for such facilities to be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to permit the operator to operate and maintain such facilities. All such required easements shall be provided by the developer, at no cost to Sumter County, unless approved otherwise by the BOCC.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 711. Water supply.

(a) *Water supply system required.* Every principal use, including PUDs, RV parks, individual RV sites, and every lot within a non-exempt subdivision shall be served by a water supply system that complies with all applicable regulations of state agencies. Systems shall consist of individual wells or central systems (public or private) designed by an engineer and approved by the county engineer and applicable agencies.

(b) *Level of service standards.* The following levels of service for potable water, as adopted in the comprehensive plan, shall be used for concurrency management. Development activities shall not be approved unless there is sufficient available capacity to meet the concurrency requirements of Article III, Division 8.

(1) The average daily flow rate shall not be less than one hundred sixty-nine (169) gallons per capita per day.

(2) The maximum daily flow rate shall be calculated as two and one-half (2.5) times the average daily flow rate.

(3) The peak hour flow shall be calculated as three and one-half (3.5) times the average daily flow rate.

(c) Water supply wells.

(1) *Public supply well.* All public supply well locations shall be reviewed and approved by the county. Factors to be considered in reviewing a proposed well location include, but are not limited to, the following:

a. Point and non-point pollution sources relative to the well/wellfield location.

b. Aquifer vulnerability to contamination as shown in the county's DRASTIC model.

(2) *Individual wells.* In subdivisions with individual wells, groundwater testing may be required by the commission prior to preliminary plan approval.

(d) *Water supply system approval.* Primary responsibility for determining whether a proposed water system complies with applicable state regulations lies with the Florida Department of Environmental Protection (FDEP). The local approving authority may rely upon a preliminary review by state agencies of the basic design elements of the proposed water supply system to determine compliance. However, engineering plan approval for the construction of the project may be issued subject to the detailed plans and specification being reviewed and approved by the FDEP or department of health.

(e) *Mandatory connections to water supply systems.*

(1) *Purpose*. The purpose of this subsection is to mandate water connections, consumption, and use of municipal owned, water supply systems within one (1) year after such a system is available. For the purpose of this subsection, availability shall be defined as follows:

a. The water supply system and sewer system are not under a moratorium from an appropriate federal, state or local agency; and

b. A water supply and sewer distribution and collection lines exist in a public or private easement or right-of-way or utility easement which abuts the property; and

c. The water supply system and sewer system shall meet all current requirements of state, federal and local regulations; and

d. The sewage system has gravity fed lines as opposed to force main lines available to the parcel, provided however, that the sewer system shall be deemed available to any non-single-family residential parcel regardless of the type of main available to the parcel.

(2) *Area embraced*. This subsection shall be in full force and effect throughout the unincorporated area of the county.

(3) *Mandatory connection to water supply system*. When a mandated water supply system is extended outside the boundaries of a municipality in conjunction with the extension of a sewer system, all existing structures requiring domestic water and which are required to connect to the sewer system, shall connect to the mandated water supply system within one (1) year after the system is made available to the structure. All new structures shall connect to the system at the appropriate stage of construction of said structure. All ordinances, rules and regulations governing said system shall govern the system as extended outside the incorporated boundaries of the municipality.

(4) *Upon connection*. All owners of individual water supply systems shall cease using individual water supply immediately upon the connection to the municipal owned water supply system as required by subsection d and shall utilize said municipal owned water supply system as the exclusive source for domestic water. The municipality through its authorized agents shall have the right to periodically enter the property to inspect for cross connections, after giving owner notice of its intent to inspect and to take necessary legal action to remove cross connections. Individual water supply systems may be used only for irrigation purposes subsequent to connection to the municipal owned water supply system.

Sec. 13- 712. Fire protection.

(a) Fire protection via fire hydrants is encouraged in all developments, and the following developments shall provide a system of fire hydrants and fire flow within the development in accordance with the

current edition of the Florida Fire Prevention Code (FFPC) and National Fire Protection Association (NFPA) requirements for the buildings located or intended to be located within such development:

(1) Every residential development having more than twenty (20) lots of less than one-half (½) acre each.

(2) Every commercial, industrial and institutional development of more than fifteen thousand (15,000) square feet.

(3) All residential planned unit developments.

(4) All RV Parks

(5) All developments, regardless of size, where the commission feels that it is necessary for public safety.

(b) Where fire protection via fire hydrant is required, the presumption established by this chapter is that to satisfy the standard set forth above, fire hydrants shall be located within five hundred (500) feet, along the nearest public right-of-way, to the center of any buildable lot or parcel in the development. However, the commission, after consultation with the fire chief, may authorize or require deviation from this standard if another arrangement more satisfactorily complies with the standard set forth.

(c) RV parks shall comply with all applicable fire safety requirements of the Office of State Fire Marshall; however, as a minimum, one (1) standpipe for each seventy-five (75) RV sites, or fraction thereof, shall be provided.

(d) Rural Fire Protection shall apply to areas outside the service area of a pressurized water source (i.e. municipal water supply), upon which facilities, buildings, portions of buildings, and subdivisions constructed within Sumter County, FL. The current addition of NFPA 1142, Water Supplies for Suburban and Rural Fire Fighting, and this code shall be referenced to meet the minimum fire flow requirements of the FFPC for Rural Fire Protection areas. The following sources of water supplies are recognized by the Authority Having Jurisdiction (AHJ) as alternative water supplies meeting the intent of the code and can be used with approval of the AHJ:

(1) For residential subdivisions, a well meeting the minimum fire flow requirements of the FFPC within 1000 ft of the property and setbacks of buildings as outlined in the FFPC NFPA 1.

(2) Multifamily/Commercial/institutional development under fifteen thousand (15,000) square feet shall be provided with an adequate water source to provide the needed fire flow for the building as outlined in the current edition of the FFPC and NFPA 1142.

(3) For Residential Subdivisions, a static water source with fire department access as outlined in NFPA 1142 can be used. To be acceptable, water supply sources shall maintain the minimum capacity and delivery requirements on a year-round basis, based on the 50-year drought line as determined by a Florida Registered Engineer. The depth of the water shall not be less than 2ft. The depth of the water shall be based on the 50-year drought level of the water source and certified by a Florida Registered Engineer.

(4) Hauled water can be approved by the AHJ for residential subdivisions when the residential subdivision is within 2 miles of an approved water supply.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 713. Sewage disposal systems.

(a) Design.

(1) *Sewage disposal facilities required.* Every principal use and every lot within a subdivision shall be served by a sewage disposal system that is adequate to accommodate the reasonable needs of such use or subdivision lot and that complies with all applicable regulations of state agencies, including Ch. 381.0065, F.S., and Ch. 64E-6, F.A.C. Sewage disposal systems shall be provided that consist of: (i) individual septic tank/drainfield, or (ii) central collection system with septic tank/drainfield, or (iii) central collection system with aerobic or higher level treatment (public or private) designed by an engineer and approved by the county engineer and applicable agencies.

(2) *Level of service standard.* Development activities shall not be approved unless there is sufficient available capacity to meet the concurrency requirements of comprehensive plan and Article III, Division 8 of this chapter. The following levels of service for wastewater treatment capacity shall be used for concurrency management:

a. One hundred (100) gallons per capita per day, as adopted in or

b. For existing developments already providing central sanitary sewer service, and for new developments without an existing population base and no actual flow data for an existing system, the commission may approve a lower level of service if the following criteria are met:

1. The developer provides historical flow data from his existing in-county development, or from another development of the same magnitude and composition as the proposed development, to support a reduced level of service.

2. The FDEP must review and approve an application for a sewer treatment plant utilizing the historical per capita flow rates.

3. Additional expansions to approved sewer plants must update and submit historic flow data to either confirm or revise the per capita flow rates and establish the level of service for design of such additions.

4. Upon request of the commission, development already approved for less than one hundred (100) gallons per capita per day shall provide updated historical flow data.

(3) *Wastewater system approval.* Primary responsibility for determining whether proposed wastewater facilities comply with applicable state regulations lies with the Florida Dept. of Environmental Protection (FDEP) or the Florida Dept. of Health. The local approving authority may rely upon a preliminary review by state agencies of the basic design elements of the proposed sewage system disposal system to determine compliance sufficient for conceptual or preliminary plan approval. However, engineering plan approval for the construction of the project may be issued subject to the detailed plans and specification being reviewed and approved by the FDEP or department of health.

(4) *Additional design considerations.* In addition to state agency requirements, the following design considerations shall apply:

a. *Percolation tests.* Percolation tests may be required on all lands to be subdivided, as determined by the County Environmental Health Officer, FHRS or FDEP.

b. *Sewer system design.* Sewer system design and construction shall comply with the requirements of the applicable rules of the American Water Works Association.

c. *Collection systems.* (Reserved)

d. *Sewage treatment plants.* The authority may require a buffer zone around sewage treatment plants in order to protect surrounding properties from probable nuisance caused by the operation of said plant.

(5) Planned unit development.

a. *Central treatment required.* All PUDs shall provide central aerobic treatment sanitary sewer systems for all development.

b. *RV parks.*

1. All RV sites shall provide approved connections for sanitary sewer.

2. Sanitary dump stations shall be provided as required in Chapter 64E-6, F.A.C. A sanitary dump station shall be separated from any camp site or public park building by a minimum distance of fifty (50) feet and shall be provided with visual barriers such as fences, walls or vegetative growth which shall effectively separate said station from the remainder of the RV park.

3. No liquid waste from sinks or washing machines shall be discharged, directly or indirectly, onto the ground or into any lake, pond or storm water retention area.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 714. Electric power.

(a) *Electric power required.* Every principal use and every lot within a subdivision shall have available to it a source of electric power adequate to accommodate the reasonable needs of such use or lot. For major subdivisions, the electric utility service provider must review the proposed plans and certify to the commission that it can provide service that is adequate to meet the needs of the proposed use for every lot within the proposed subdivision.

(b) *RV parks.* All RV sites shall provide approved connections for a minimum electric service of 110/115 volt AC at fifty (50) amps.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-715—13-719. Reserved.

DIVISION 3. DRAINAGE AND STORM WATER MANAGEMENT STANDARDS

Sec. 13- 720. General design standards.

(a) *Adequate system required.* An adequate drainage and stormwater management system for the proposed development shall be designed and built by the developer, at no cost to Sumter County unless approved otherwise by the commission. All design features shall be subject to the approval of the county engineer and other regulatory agencies, as applicable.

(b) *Level of service standard.* The following levels of service for drainage, as adopted in the comprehensive plan, shall be used for concurrency management. Development activities shall not be

approved unless there is sufficient available capacity to meet the concurrency requirements of Article III, Division 8.

(1) *Stormwater quantity.* The minimum amount of stormwater required to be retained on the development property for an open basin shall be the difference in predevelopment and post development discharge rate of a 25-year, 24-hour storm event in Sumter County. The minimum amount of stormwater required to be retained for a closed basin shall be the runoff volume less infiltration based on the 100-year, 24-hour storm event. The characteristics of stormwater conveyed from the site should approximate the rate, volume, quality and timing that occurred on the site prior to development. Runoff coefficients for the development shall be based on completed projects.

(2) *Stormwater quality.* All stormwater treatment and disposal facilities shall be required for all new development and redevelopment, as a minimum, to meet the design and performance standards required in applicable Florida Statutes and Florida Administrative Code. Best management practices, consistent with state and federal recommended standards, shall be followed to reduce pesticide and fertilizer run-off and soil erosion.

(c) *Natural drainage system utilized to extent feasible.* To the extent practicable, all development shall conform to the natural contours of the land and natural and pre-existing man-made drainage ways shall not be filled or interfered with in any way, except as approved by the commission and any other regulatory agency having jurisdiction. If in the judgment of the commission, a natural drainage way needs to be reserved in the public interest, a drainage easement of a width or to an elevation specified by the commission shall be required and reserved as a public drainage easement dedicated to the public.

(d) *Low impact development (LID) methods.* Innovative stormwater design, such as low impact development (LID) may be approved provided the water management district approves of such techniques.

(e) *Coordination and adjacent properties.*

(1) *Coordination.* Whenever practicable, the drainage system of a development shall be coordinated and compatible with the drainage systems or drainage ways on surrounding properties or streets.

(2) *Adjacent properties.* All developments shall be designed, constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments. More specifically:

a. Accepted engineering practices for rainstorms of intensity, based on appropriate design intervals for the Central Florida area as specified herein, shall be used.

b. No development may be constructed or maintained so that such development unreasonably impedes, blocks or obstructs the natural (pre-development) flow of water from adjacent properties to or across such development, thereby causing substantial damage to such adjacent properties.

c. No development may be constructed or maintained so that surface waters from such development are collected and channeled onto adjacent properties at such locations or at such volumes as to overload the natural drainage of an adjoining area or cause substantial damage to such lower adjacent properties. To achieve this end, each developer/owner shall

be responsible for the on-site management of stormwater runoff in a manner so that post-development runoff rates, volumes and pollutant loads do not exceed pre-development conditions.

(f) *No on-site flooding.* All development (including lots, streets, and other public areas) shall be provided with a drainage system that is adequate to prevent the undue retention of surface water on the development site. Surface water shall not be regarded as unduly retained if:

(1) The retention results from a technique, practice or device deliberately installed as part of an approved sedimentation or storm water runoff control plan; or

(2) The retention is not substantially different in location or degree than that experienced by the development site in its predevelopment stage, unless such retention presents a danger to health or safety.

(g) *agencies' approvals.* Site permits shall not be issued until applicable permits or exemptions have been obtained from other local, state, and federal agencies with jurisdiction to regulate drainage and storm water management.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 721. Other design considerations.

(a) General.

(1) Design standards. The stormwater management system shall be designed:

a. For performance, long life, low maintenance costs and ease of maintenance.

b. So that each phase of a development is capable of functioning independently of other phases.

c. So that all detention and retention basins, except natural water bodies used for this purpose, are freely accessible for maintenance from streets or other public access ways.

(2) *Prohibited discharge.* No surface water shall be channeled or directed into sanitary sewers. No surface water shall be channeled or directed into sinkholes, wetlands, or other water bodies (permanent or ephemeral) unless reasonable assurance is given that such surface water meets state water quality standards.

(3) *Illicit discharge*. No person shall discharge or cause to be discharged into the stormwater drainage system any materials, including, but not limited to, pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

(4) *Lot line conflicts.* To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built upon only by altering such drainage ways.

(b) *Drainage easements.* An easement for drainage, when required, shall be of such width as is necessary to permit proper construction and maintenance of the facility. However, the following are minimum widths for drainage easements:

(1) For lot line swales—Fifteen (15) feet.

(2) For minor channels (top channel width not greater than ten (10) feet)—Top channel width plus twenty-five (25) feet on one (1) side and ten (10) feet on the other.

(3) For storm sewer lines—Ten (10) feet.

(c) *Swales.*

(1) Roadway swales.

a. All roadway swales incorporated in the drainage design shall be within the road R/W and drainage easements for such swales shall not be allowed across front, side or rear of lots.

b. Roadway swales may be designed to convey storm water from developed areas to retention/detention areas. Upon specific approval, swales in well drained soils may also be used to retain stormwater (ditch blocks, etc.) where the swale bottom is measurably (two-foot minimum) above the seasonal high water table.

(2) *Lot line swales.* Lot line swales may be designed to convey storm water from developed areas to roadway swales and retention/detention areas but not to retain/detain storm water.

a. Swales may be part of lots or parcels planned for development provided they are identified on the development plat as easements dedicated to the public for drainage purposes. Such swales, when part of a lot or parcel in private ownership, shall be dedicated to the public but not accepted or maintained by the county.

b. Those swales of regular and sufficient size to provide for mechanized maintenance (equipment operations) and which are a recorded tract dedicated to the public may be accepted and maintained by the county upon commission approval.

(3) *Bio-swales.* Where required by this chapter, bio-swales shall be designed using the best management practices of the Southwest Florida Water Management District.

(d) *Detention/retention areas - Safety considerations.*

(1) Side slopes shall be constructed and maintained for public safety.

(2) Where warranted, these areas shall be fenced for public safety.

(e) *Waterways.* The following regulations, together with other applicable county, state and federal regulations and permits, shall be observed.

(1) *Demonstrated need required.* Canals shall not be permitted in proposed development or redevelopment unless clear and specific demonstration of public benefit is provided. Such need should be related to flood control, water quality management, and/or resource management.

(2) Standards.

a. *Continuous circulation.* Waterway development shall be designed so as to provide for the continuous circulation of water within its network of canals. Dead end canals are prohibited.

b. *Width.* Canal right-of-way shall be a minimum of sixty (60) feet, however said right-of-way shall be of sufficient width to provide a twenty-five (25) feet maintenance strip on each side of the waterway. The canal shall be constructed to a minimum width of ten (10) feet measured between the inside of the bank toes at normal water level.

c. *Depth.* Waterways shall have a minimum depth of six (6) feet at seasonal low water level.

d. *Side slopes.* Waterway side slopes shall not be steeper than three (3) feet horizontal to one (1) foot vertical.

e. *Ingress/egress.* Adequate provisions shall be made on the plat or through conveyance documents for right of ingress/egress for maintenance purposes. There shall be no docks, fences or other barriers projected into any canal which will substantially impair navigation. Permits shall be obtained from all government agencies with jurisdiction for any dock, fence, etc.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-722—13-729. Reserved.

DIVISION 4. SAFETY AND NUISANCE STANDARDS

Sec. 13- 730. Lighting.

(a) *Lighting standards*.

(1) Required lighting. Unless specified otherwise in the Land Development Code or by the approving authority, lighting of development is required to provide secure, safe and adequately lighted outdoor spaces. Lighting equipment is required for the following:

a. Public streets, sidewalks and other common areas or facilities in subdivisions.

b. Entrances to any residential development of more than fifty (50) lots.

c. Entrances and exits in multi-family residential developments and substantial buildings used by fifty (50) or more persons.

d. Entrances, parking areas, driveways, sidewalks and pedestrian facilities of office, public, institutional and commercial developments.

(2) *Pole height.* For pedestrian areas, the maximum height of a light pole shall be sixteen (16) feet, including the base. For all other areas, the maximum height of a light pole shall be thirty-five (35) feet, including the base. Light poles exceeding thirty-five (35) feet in height shall not be allowed unless approved through a development agreement.

(3) *Lighting fixtures.* All exterior lighting installations shall use concealed source fixtures. These shall be cut off type fixtures in which the lenses do not project below the opaque section of the fixture. Fixture styles shall be consistent throughout the site and selected for their aesthetic value as well as their functional value.

(b) *Excessive lighting/illumination.* Lighting facilities and other uses shall be arranged and operated in such a manner as to prevent direct glare or hazardous interference of any kind to adjoining streets and residentially designated property. Lighting within any parcel that unnecessarily illuminates any other parcel and substantially interferes with the use or enjoyment of such parcels is prohibited. Lighting unnecessarily illuminates another parcel if it clearly exceeds what is necessary to satisfy other requirements of this chapter, or if said requirements could be achieved in another manner that would not substantially interfere with the use or enjoyment of neighboring properties.

(c) *Adequate lighting.* Lighting deemed adequate will be determined by Table 581A. This information shall be provided in a photometric plan prepared by a licensed electrical engineer.

TABLE 581A MINIMUM LIGHTING FOOT-CANDLES

Area/Activity	Minimum Foot-candles	Maximum Foot-candles
Building Entrances/Exits	5	10
Parking Areas	1	10
Parking Structures	5	10
Loading Areas and Platforms	10	15
Pedestrian Stairs/Walkways	0.4	<0.2 foot candles measured 5 feet across property line
Under Canopies	5	15

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 731. Radio-active emissions.

No operation shall be conducted in any zoning district which exceeds the standards set forth in Title 10, Chapter 1, Part 20, Code of Federal Regulation, Standards For Protection Against Radiation.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-732—13-799. Reserved.

ARTICLE VIII. LANDSCAPING STANDARDS VIII-1
Sec. 13- 800. Tree protection. VIII-1
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ARTICLE VIII. LANDSCAPING STANDARDS

Sec. 13- 800. Tree protection.

(a) *Site development.* The following guidelines must be adhered to in the design and development of a site:

(1) An aerial photograph or tree survey shall be reviewed to identify the location of existing trees before proposing site improvements.

(2) Site design shall avoid the removal of significant trees for the construction of a building, road, or utilities.

(3) Nothing in this chapter shall be construed to require the removal of existing trees.

(b) *Retention and protection of large trees*. Unless unreasonably burdened, all major development shall attempt to minimize the removal of and damage to significant trees by taking reasonable measures to design and locate proposed improvements so that the number of significant trees to be removed or damaged is minimized. Significant trees should not be removed or damaged unless:

(1) A permissible use of the site cannot reasonably be undertaken unless specific significant trees are removed.

(2) 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.

(3) For all proposed improvements, the owner shall demonstrate that no reasonable alternative route or development pattern exists through site plan alternatives.

(4) The tree materially interferes with the location, servicing, or functioning of utility lines or services.

(5) The tree creates a substantial hazard to motor, bicycle, or pedestrian traffic by virtue of physical proximity to traffic or impairment of vision.

(6) The tree is dead, diseased, or weakened by age, abuse, storm damage or fire and is likely to cause injury or damage to people, buildings or other improvements.

(c) *Adjustments for tree protection*. If space that would otherwise be devoted to parking cannot be so used because of the desire to preserve significant trees, and as a result, the parking requirements set forth in Section 13-610 cannot be satisfied, the number of required spaces may be reduced by the number of spaces "lost" because of these requirements, up to a maximum of twenty (20) percent of the required spaces.

(d) *Undesirable (prohibited) vegetation.*

(1) All undesirable exotic vegetation must be removed by the developer or property owner at the time of clearing, construction, or redevelopment, unless within wetlands or natural water bodies that are regulated or protected by the Southwest Water Management District or other regulatory agency without an approval for invasive exotic plant removal.

(2) Plant species identified as non-native or invasive by the University of Florida IFAS Assessment of Non-native Plants in Florida's Natural Areas shall not be deliberately introduced into the county on any properties.

(e) *Protection during construction.* The protection measures described in this subsection are based on those in the Tree City USA Bulletins published by The National Arbor Day Foundation: "How to Save Trees During Construction" (latest edition), "A Systematic Approach to Building with Trees" (latest edition), and "How to Protect Trees During Underground Work" (latest edition). These publications shall be used to supplement the required protection measures.

(1) Protective barricades shall be constructed (prior to any clearing, grading or filling) around all trees and vegetation designated to remain. These barricades shall be located at the critical protection zone (CPZ) of the trees or vegetation and shall meet the requirement of the tree protection detail provided in this article. Where this cannot reasonably be accomplished, the applicant will locate the barricade as close to one (1) foot away from the tree trunk for every inch DBH as is practical or reasonable.

(2) It shall be unlawful for any person, during the construction of any structures or other improvements to store any material within the drip line or protection barrier of any tree retained or replaced. Guidelines contained in the "Tree Protection Manual for Builders and Developers", Florida Division of Forestry, Department of Agriculture and Consumer Services Publications shall be adhered to.

(3) Protective barriers shall remain in place until all construction activity is terminated.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 801. Landscaping standards.

This section contains general landscaping requirements for development in Sumter County. These regulations are intended to lessen the broadcast of noise, dust, and glare between lots, and to protect the water, air, and other natural resources of the county. The use of existing vegetation to meet these requirements is preferred and strongly encouraged.

(a) *Vehicle use areas.* Landscape requirements for vehicle use areas on multifamily, commercial, institutional, public/institutional and industrial sites are as follows:

(1) The maximum number of uninterrupted parking spaces between landscaping islands shall be fifteen (15). The landscape islands shall be a minimum of two hundred (200) square feet and shall contain a minimum of one (1) canopy tree or three (3) understory trees and ground cover and/or grass.

(2) A landscape island shall also be provided at the end of all single parking rows. The landscape area will be a minimum of two hundred (200) square feet and shall contain a minimum of one (1) canopy tree or three (3) understory trees or palms, and ground cover and/or grass.

(3) For double parking rows, the landscape island shall be a minimum of four hundred (400) square feet for double parking rows and shall contain a minimum of two (2) canopy tree or five (5) understory trees or palms, ten (10) shrubs, and ground cover and/or grass.

(4) Light poles shall not be placed in landscape islands if the lights will interfere with the mature canopy of the tree and require excessive pruning. Shorter light poles in landscape islands, and/or building mounted lights are viable options. Light poles may be located within the parking area rather than in landscape islands if necessary to ensure that the lighting placement does not conflict with the location or normal growth of landscape island trees.

(5) Landscape islands shall be enlarged beyond the minimum size requirements if necessary to accommodate light poles, fire hydrants, or other necessary features.

(b) *Dumpster screens*: Refuse facilities and service areas shall be screened by a six (6) foot masonry wall or an eight (8) foot high landscape buffer with berms. Landscaping shall be a minimum of thirty-six (36) inches in height upon planting and attain a height of forty-eight (48) inches within twelve (12) months of planting. Refuse containers shall be screened on three (3) sides with the access side oriented toward the interior of the site and away from areas visible to patrons of the site or adjacent properties. The access side shall be screened with opaque doors or gates.

(c) *Safety*. No landscape material shall obstruct pedestrian circulation or be located within the sight triangle per Article VI.

(d) *Perimeter landscaping*. If there is not a requirement to provide a buffer between uses, there shall be a five (5) foot wide landscape strip along the property line abutting another site. Twenty-four (24) inch high shrubs at the time of planting shall be placed on the strip spaced at every thirty (30) inches on center.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 802. Buffer standards.

Buffers shall be provided along the outer parcel lines that abut other parcels. The requirements for buffers are based on the proposed use of the subject site and the zoning of the contiguous parcels or parcel across the adjacent right of way. The screening requirements established in this section presumptively satisfy the purpose of this article. However, these provisions are to be flexibly administered in accordance with Subsection (g). Screening shall not be located on any portion of an existing or proposed public road right-of-way.

(a) *Use of buffers.* Required buffers may only be used for the following:

(1) To satisfy screening requirements, including a fence, wall, hedge, or berm.

(2) To satisfy building and other structure setback requirements.

(3) To satisfy PUD common open space requirements for natural areas. Passive recreation, such as pedestrian, bicycle, or equestrian trails, shall be allowed within buffers provided:

a. Plant material is not diminished.

b. The total width of the buffer is maintained.

c. All other requirements of this chapter are met.

(4) To provide stormwater retention or detention areas, so long as the required screening plantings are provided, and the design and landscaping of the buffer does not interfere with proper functioning of the drainage system and the design water depth does not harm the viability of the plantings.

(5) To accommodate the installation of underground utilities, provided the location and use of the utility lines do not interfere with required screening plantings.

(6) To accommodate approved access points.

(b) *Buffer types.* The following four (4) basic types of screens are hereby established and are to be used when specified in Tables 13-802A and 802B. The total required materials may be planted evenly

along the entire buffer length or grouped in clusters as long as the minimum number per one hundred (100) lineal feet is met. If clustering the required plantings, all remaining areas within the buffer shall be planted with grass, wild flowers, and/or ground cover. The applicant may utilize existing vegetation within the property for buffer landscaping in lieu of planting required materials if the size and type of vegetation preserved meet the minimum specifications of this section.

(1) *Type A Screen*—Ten (10) feet minimum width with two (2) canopy trees and three (3) understory trees per each one hundred (100) linear feet of parcel or property line, plus a continuous hedge.

(2) *Type B Screen*—Twenty (20) feet minimum width with four (4) canopy trees and three (3) understory trees per each one hundred (100) linear feet of parcel or property line, plus a continuous hedge or an approved fence or wall.

(3) *Type C Screen*—Thirty (30) feet minimum width with six (6) canopy trees and four (4) understory trees per each one hundred (100) linear feet of parcel or property line, plus a continuous hedge or an approved fence or wall.

(4) *Type D Screen*—One hundred (100) feet minimum width with eight (8) canopy trees and four (4) understory trees per each one hundred (100) linear feet of parcel or property line and a continuous hedge or an approved fence or wall.

(c) *Required buffers between parcels*. Table 13-802A Required Buffers between Parcels, lists the buffer type required as determined by the use or zoning district of the proposed development and lands adjacent to it. To determine the screening requirement, find the use/zoning district at the top of the Table and follow that use down the page to its intersection with an adjacent existing zoning district in the intersecting square. If the intersecting square contains a letter, then the development applicant is responsible for installing that level of screening (see Subsection (b) for screening descriptions). If the intersecting square is blank, no buffer is required. Buffers for Planned Unit Developments will be determined through the review process but should be generally consistent with the buffers required in this section. In no event shall PUD buffers be less than a Type A buffer.

TABLE 13-802A REQUIRED BUFFERS BETWEEN PARCELS

	Site Zoning District/Use						
Contiguous Parcel:	**RR5 RR5C RR2.5 RR2.5C RR1 RR1C**	**R2M R2C R4M R4C R6M R6C**	**HDR-12 HDR-24**	**Neighborhood / light commercial uses**	**Heavy commercial uses**	**Industrial uses**	**PIE**
CV	A	A	B	B	C	C	A
A10	A	A	B	B	C	C	A
A10C	A	A	B	B	C	C	A
RR5	-	A	B	B	C	D	A
RR5C	-	A	B	B	C	D	A
RR2.5	-	A	B	B	C	D	A
RR2.5C	-	A	B	B	C	D	A
RR1	-	A	B	B	C	D	A
RR1C	-	A	B	B	C	D	A
R2M	-	A	B	B	C	D	B
R2C	-	A	B	B	C	D	B
R4M	-	-	B	B	C	D	B
R4C	-	-	B	B	C	D	B
R6M	-	-	A	B	C	D	B

	Site Zoning District/Use						
Contiguous Parcel:	**RR5 RR5C RR2.5 RR2.5C RR1 RR1C**	**R2M R2C R4M R4C R6M R6C**	**HDR-12 HDR-24**	**Neighborhood / light commercial uses**	**Heavy commercial uses**	**Industrial uses**	**PIE**
R6C	-	-	A	B	C	D	B
HDR-12	-	-	-	A	C	D	B
HDR-24	-	-	-	A	C	D	B
CN	-	-	-	-	A	B	-
CL	-	-	-	-	A	B	-
CH	-	-	-	-	-	A	-
CR/CP	-	-	-	-	-	A	-

* Except public passive parks, which do not require a buffer

(d) *Buffers along rights-of-way*. A vegetative landscape buffer shall be provided within the site along every public and private street or right-of-way (except in locations where a driveway is approved) as follows:

TABLE 13-802B BUFFER TYPES – RIGHT-OF-WAY

Use	**Buffer Width**
Uses located along a limited access highway right-of-way	25 feet
Clustered residential developments in Agriculture districts along arterials and railroad rights-of-way	25 feet
Uses along an arterial, collector, and railroad rights-of-way	10 feet
Along all other rights-of-way	7 feet

(1) The roadway buffer shall be provided within the site and shall be above the minimum required lot width or depth and building setback.

(2) The buffer may be owned and maintained by the individual lot owners, or it may be placed in a tract to be owned and maintained by the homeowners' association.

(e) *Buffer requirements for clustered residential development*. Clustered residential development in agricultural zoning districts shall provide a minimum 100-foot-wide vegetative buffer between agricultural and non-agricultural uses and between the public preservation area (conservation lands as delineated on Map 4-1 of the comprehensive plan) and residential development. Such buffer shall be sufficient to mitigate agricultural operations including, but not limited to, spraying, odors, dust, and noise. Up to one hundred (100) feet in additional width may be required by the county administrator or designee to ensure compatibility of the development activity with existing agricultural uses. Such required buffers may be counted toward any required open space acreage counts.

(f) *Hazardous, incendiary, noxious or pernicious materials*. All buildings, other structures, and areas used for loading or unloading, storing, treating or disposing of hazardous, incendiary, noxious or pernicious materials shall maintain a minimum separation of not less than one hundred (100) feet from the parcel's property lines and not less than three hundred (300) feet from any existing off-site residence, commercial or institutional establishment.

(g) *Flexibility in administration required*.

(1) The commission recognizes that because of the wide variety of types of developments and the relationship between them, it is neither possible nor prudent to establish inflexible screening requirements. Therefore, the approving authority may permit deviation from the requirements of this subsection and may either require more intensive or allow less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in this section without imposing unnecessary costs on the developer. For example, requirements for screening may be waived where the development abuts natural buffer areas such as rivers, lakes and marshes which will effectively screen or separate the development from other developable areas; or where the commission finds that such screening is not necessary due to the location of the development and the character of adjacent land.

(2) Whenever the approving authority allows or requires a deviation from the presumptive requirements of this subsection, it shall enter on the face of the approval the screening requirements that it imposes to meet the standard set forth in this section and the reasons for allowing or requiring the deviation.

(h) *Buffer materials/installation*.

(1) *General.* Screening may be composed of walls, landscaped earth berms, planted vegetation, existing vegetation, or a combination thereof, except that walls for Type C screening shall be of masonry construction at least eight (8) inches thick.

(2) *Vegetation screens*.

a. Existing vegetation within the property may be utilized for screening and landscape requirements in lieu of planting required materials if the size and type of vegetation preserved meet the minimum specifications of this section.

b. Preservation and protection of existing native species of plant materials is strongly encouraged.

c. Xeriscape principals utilizing drought resistant plants and horticulture methods are encouraged wherever a vegetative screen is constructed.

d. Vegetative screening should be used to minimize potential erosion through the use of plant materials which aid in soil stabilization.

(3) *Plant specifications.* All vegetation required to be planted shall meet the following standards:

a. "A Guide to Florida Friendly Landscaping" design principles should be utilized in landscape and irrigation design to help create a sustainable Florida Friendly landscape. See Section 13-800 for additional information.

b. All plants should be Florida Grade No. 1 or better in accordance with Grades and Standards for Nursery Plants (GSNP), published by the State of Florida, Department of Agriculture and Consumer Services, latest edition. Nursery stock shall meet the minimum requirements of the American Standards For Nursery Stock (ASNS), published by the American Association of Nurserymen, Inc., latest edition.

c. Size.

1. *Canopy trees:* Trees shall have a minimum caliper of three (3) inches at the time of planting.

2. Understory trees: Trees shall have a minimum caliper of two and one-half (2½) inches.

3. *Hedges:* When a continuous hedge is called for in this section, the plants shall be a minimum of thirty (30) inches high upon planting, with a maximum spacing of thirty-six (36) inches unless otherwise approved per individual species. The hedge must be capable of attaining at least seventy-five (75) percent opacity within twelve (12) months.

4. *Lawn:* Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales or other areas subject to erosion. When grass seed is sowed it shall be a variety of seed that produces complete coverage within ninety (90) days from sowing.

d. Canopy trees with broad maturing canopies (Oaks, Magnolias, etc.) shall not be spaced closer than forty (40) feet on center. Canopy trees with tall maturing canopies (Pines, Bald Cypress, etc.) shall not be spaced closer than fifteen (15) feet on center.

e. Thirty (30) percent of the trees shall be native and drought tolerant species. No tree species shall account for more than seventy-five (75) percent of the total number of trees.

f. Artificial plants (trees, shrubs, flowers) shall be prohibited from use in lieu of required landscape material. Synthetic turf shall be allowed in recreation applications.

g. Plants shall be sound, healthy, vigorous, free from mutilation, plant diseases, insect pests or their eggs, and fungus and have healthy, normal root systems. Plants shall be nursery grown stock in containers or freshly dug, balled-and-burlapped.

h. All landscaping is to be installed in a professional manner following good nursery practices as set by the Florida Nurserymen Landscape and Growers Association (FNLGA).

i. Slopes of berms used in conjunction with vegetative screening shall not exceed 3:1 and shall be completely covered with ground cover or vegetation.

(4) Manmade screens:

a. Masonry walls shall be constructed to equal or exceed the building code requirements for structures.

b. Wooden or metal fences shall be of durable materials and substantial construction.

(i) *Maintenance.* Maintenance of all required screening shall be the responsibility of the property owner.

(1) Failure to maintain plantings and other features of required screening in an attractive and healthy state with the required height and opacity shall be considered a violation of this chapter.

(2) The owner shall not unlawfully prune trees as described in the Prohibitions part of Section 13-800. Pruning shall be in accordance with Standard Practice for Trees, Shrubs and Other Woody Plant Maintenance, ANSI A300 of the National Tree Care Association.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-803—13-899. Reserved.

ARTICLE IX. RESOURCE PROTECTION STANDARDS.....IX-1
Sec. 13- 900. Wetlands.....IX-1
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ARTICLE IX. RESOURCE PROTECTION STANDARDS

Sec. 13- 900. Wetlands.

(a) *Design*. 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 mitigation 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 (FDEP), and the Southwest Florida Water Management District (SWFWMD).

(b) *Buffer.* A buffer 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, in accordance with permits issued by applicable permitting agencies.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 901. Surface water quality

Lakes, rivers, canals and other water bodies shall be protected from the adverse effects of development by compliance with applicable requirements of the U.S. Environmental Protection Agency, the Florida Department of Environmental Protection, and the Southwest Florida Water Management District.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 902. Groundwater quantity/quality.

(a) Quantity.

(1) *Recharge.* The functions of the natural groundwater aquifer recharge areas within the county shall be protected and maintained to provide historic recharge rates by observing the requirements of the Southwest Florida Water Management District (SWFWMD).

(2) Conservation.

a. All withdrawals of water from the surficial and Floridan Aquifer shall comply with the requirements of SWFWMD.

b. All mining water use permits issued by SWFWMD shall be reviewed by county staff to avoid significant localized reduction in the water table. Mining operations shall re-use water in accordance with SWFWMD best management practices.

c. All development shall be consistent with SWFWMD water conservation rules and policies.

d. All central water systems shall be designed and constructed to minimize leaks, utilizing the requirements of the American Water Works Association.

e. Developments with central sanitary sewer systems shall analyze and present the feasibility of wastewater reuse for irrigation purposes as part of the application for conceptual and master plan approval.

(b) *Quality.* Groundwater shall be protected from the introduction of contaminants by observing the requirements of the SWFWMD:

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 903. Flora and fauna.

Major developments shall identify and protect habitats of imperiled species as follows:

(a) *Biological survey.* Applications for major development (as defined in Article III) shall include a professionally prepared biological survey to document any presence of listed wildlife, native plant communities, and jurisdictional wetlands. The biological survey shall follow the standards and criteria adopted by the Florida Fish and Wildlife Conservation Commission.

(b) *Flora*.

(1) *Areas of environmental concern*. Areas of environmental concern identified on Map 4-1 of the comprehensive plan shall be protected by regulating development to reduce or eliminate adverse impacts to existing native vegetative communities as follows:

a. Residential development shall only be permitted at a maximum gross density of one (1) dwelling unit per ten (10) acres.

b. Where any lot size is less than ten (10) acres, the development plan must cluster outside the 100-year floodplain and assure protection of native vegetative communities from adverse impacts.

(2) *Native vegetative communities.* No permit will be issued for major development projects which results in the destruction of unique or extensive areas of native vegetative communities identified in required surveys per Article III.

(c) *Fauna/Endangered, threatened or rare species.*

(1) All development shall utilize PUD, cluster development and other flexible regulatory techniques, when allowed by this chapter, to conserve habitat and species whenever feasible.

(2) No permit will be issued which results in unmitigated destruction of specimens.

(3) Applicants for development approval shall consult with the Florida Fish and Wildlife Conservation Commission to review development and determine alternative mitigation practices to conserve species and habitat.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 904. Waste disposal.

The natural resources of Sumter County shall be protected from the adverse effects of improper storage and disposal of waste materials. Storage and disposal of waste materials shall be in accordance with all applicable local, state and federal regulations.

(a) *Liquid wastes*.

(1) *Discharge to waters.* No use in any zoning district may discharge any waste contrary to the provisions of applicable federal and state statutes governing discharges and disposal of radiological, chemical, or biological wastes into surface or subsurface waters.

(2) *Discharge to sewage system.* No use in any zoning district may discharge any waste that cannot be treated by biological means into any municipal or public sewage treatment system.

(b) *Septage and wastewater treatment plant residue (sludge) land application*.

(1) Septage and sludge. Land application of septage and wastewater treatment plant residue (sludge) shall comply with Chapter 64E-6, F.A.C., and any agency permits or approvals issued pursuant thereto.

(2) *Additional requirements:* The following additional requirements shall apply to all existing and future sludge and septage land spreading activities whether recognized as existing and vested uses or new operations:

a. No person shall cause, suffer, allow, or permit the disposal of sludge or septage material which causes a nuisance.

b. All sludge and septage material shall be transported to the disposal site in such a manner so as to preclude leakage and spillage. Any sludge or septage that leaks or falls off trucks transporting such sludge or septage shall be cleaned up within twenty-four (24) hours by the hauling company or its agents. When transporting sludge and septage, all existing and future highway and street weight restrictions shall be complied with. Access to and from the property on public roads not designed or built for such access shall require appropriate financial responsibility by the hauling company in the form of a letter of credit, cash or surety bond, to repair any and all damage caused to such roads and streets.

c. No person shall cause, suffer, allow or permit the stockpiling of sludge or septage, except for a minimal period of time from dumping to actual spreading, but in no event shall any sludge or septage be stockpiled for in excess of forty-eight (48) hours and no stockpiling shall occur within one thousand three hundred twenty (1,320) feet of any occupied building.

d. No sludge material may be land applied or disposed of within one thousand three hundred twenty (1,320) feet of an occupied building or within one thousand three hundred twenty (1,320) feet of a wetland located entirely within the property lines of the property on which the waste material is to be applied, or within one thousand three hundred twenty (1,320) feet of any other wetland. No septage material may be land applied or disposed of within five hundred (500) feet of an occupied building or within two hundred (200) feet of a wetland located entirely within the property lines of the property on which the waste material is to be applied or within four hundred (400) feet of any other wetland. For purposes of this section "Occupied Building" includes any residential, commercial, or agricultural structure inhabited by humans, but shall not include such structures entirely within the property lines of the property on which the waste material is to be applied. This clause shall not be construed to include agricultural barns or storage buildings which are not occupied by humans.

e. No person shall cause, suffer, allow, or permit the land spreading of sludge or septage after any rainstorm until the lands designated for such operation are free of standing water.

f. No sludge or septage shall be transported, dumped, or spread on any national, state or county holiday, nor after one (1) hour past sundown or one (1) hour prior to sunrise on any given day.

g. Sludge and septage shall only be land spread in Sumter County in amounts necessary and beneficial for agronomic purposes only. No sludge or septage may be spread in amounts in excess of established agronomic standards for the specific crops involved.

(3) *Non-conforming uses.* Sludge and septage land spreading operations existing or approved on January 1, 1997, on lands specified in an agricultural use plan as part of the

construction/operating permit for a specific domestic wastewater or septage treatment facility, that is the last treatment facility prior to land application, shall be recognized as nonconforming uses for the duration of the construction/operating permit for that specific facility. Operators of such facilities shall provide to the Sumter County copies of all permits and approvals, a map depicting lands currently under permit and usage, logs showing applications made to said lands since January 1, 1996, and copies of all periodic reports that are required by any regulatory agency concerning each site. Upon expiration of any such permit, the producer of sludge or septage involved in that permit shall not be authorized to land spread sludge or septage on that site unless that site has received special exception approval by that producer or some other producer.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 905. Air quality.

To protect and enhance the air quality of Sumter County, the following shall apply:

(a) All sources of air pollution or air contaminants, as defined in Chapter 403, F.S., shall comply with rules set forth by the U. S. Environmental Protection Agency (Code of Federal Regulations, Title 40, Protection of Environment) and the Florida Department of Environmental Protection, (Chapter 62-204, F.A.C., Air Pollution, as amended), or its successor. No person shall operate a regulated source of air pollution without a valid operation permit issued by the FDEP.

(b) Air pollution emissions shall be tested and results reported in accordance with techniques and methods adopted by the FDEP and submitted to the state. These tests shall be carried out under the supervision of the state and at the expense of the person responsible for the source of pollution.

(c) No land use permit shall be given with respect to developments covered by this section until the developer demonstrates to the approving authority that his development is eligible to receive the necessary air pollution permits and that his development will be in compliance with applicable air quality laws.

(d) No site permit shall be issued until the approving agency has issued the appropriate air pollution permit(s).

(e) The siting of all activities with air pollution potential shall be carefully reviewed. Notwithstanding federal and state requirements, no land use permit shall be issued unless adequate reduction and/or appropriate buffer between point of pollution and surrounding non-polluting properties has been proposed.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 906. Historic preservation.

All developments of more than 20 dwelling units or 15,000 square feet of non-residential space or mining uses and any proposal to demolish a building that is fifty (50) years old or older shall provide a letter of clearance from the Florida Division of Historical Resources to determine the presence of known historical and/or archaeological resources.

(a) If known historical and/or archaeological resources are identified, then the developer shall provide for the appropriate mitigation or avoidance of impacts.

(b) If previously unknown cultural (historical or archaeological) resources are identified during land improvement/development, appropriate measures should be taken to protect and document resources.

(c) The County Administrator or designee may waive the requirement for a clearance letter.

Sec. 13- 907. Soils.

(a) *Agriculture.* The commission encourages best management practices for the control of soil erosion on agricultural lands in Sumter County. These practices are described in A Manual of Best Management Practices for Agriculture, as amended.

(b) *Development.*

(1) *Control erosion.* Any land disturbing activity that results in a change in the natural cover or topography and that may cause or contribute to sedimentation and erosion shall be done with due regard to controlling and minimizing erosion and sedimentation, and only after approval by any local, state or federal agency having jurisdiction.

(2) *Best management practices.* All development shall incorporate the best management practices feasible to control soil erosion during construction and afterward. Where it is not possible to retain existing natural ground cover, disturbed areas shall be provided with acceptable ground cover as follows:

a. Grass species shall be types that are normally grown in Sumter County and may be seeded, sodded, plugged or sprigged except that sod and/or ground cover plants are required for slopes steeper than 4:1.

b. Ground covers other than grass shall be planted in such a manner as to provide reasonably complete coverage within one year after planting.

c. All replacement ground covers shall be watered until firmly established.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-908 — Sec 999. Reserved.

ARTICLE X. SIGN STANDARDS X-1
Sec. 13- 1000. General. X-1
Sec. 13- 1001. Design standards. X-2
Sec. 13- 1002. Private signs and temporary displays on public property. X-4

ARTICLE X. SIGN STANDARDS

Sec. 13- 1000. General.

(a) General provisions.

(1) Unless otherwise provided herein, no sign may be constructed, erected, moved, enlarged, illuminated or substantially altered except in accordance with the provisions of this article; If an existing sign is moved, enlarged, illuminated or substantially altered, the sign will no longer retain its vested rights and will be subject to code enforcement. Mere repainting or changing the message of a sign shall not, in and of itself, be considered a substantial alteration.

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

(3) Compliance with the standards requirements of this section shall not constitute a defense to an action brought to abate a nuisance under the common law.

(b) Permitted, prohibited, and exempt signs.

~~(1)~~ *Permitted signs.* Unless expressly prohibited herein, all signs are eligible for permitting by this article, subject to the provisions of Section 13-1001.

(2) *Prohibited signs.* It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained, any sign not expressly authorized by this code. Without limiting the generality of the above, the following signs are expressly prohibited:

a. Signs that are in violation of the building or electrical codes adopted by the BOCC.

b. Holographic display signs and signs that revolve, or are animated, or that utilize movement or apparent movement, or utilize lights or illumination that flash, move rotate, scintillate, blink, flicker, or vary in intensity or color to attract the attention of the public when such attraction creates an unsafe condition for motorists or pedestrians, except for time-temperature-date signs.

c. Signs or sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe.

d. Signs that resemble any official sign, symbol or marker erected by any government 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.

e. Signs within the sight triangle (see Article VI).

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

g. Signs, and any associated lighting, that are of such intensity or brilliance as to cause glare or impair the vision of any motorist 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. A source of light of more than seventy-five (75) watts that can be seen directly by an oncoming motorist is presumed to cause glare or impair the vision of such motorist.

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

i. Signs placed in public rights-of-way by non-governmental entities without specific approval pursuant to § 337.407, F.S. and signs or supporting structures located in or over the rights-of-way of any federal, state or county road except as provided by law.

j. Signs that by their location, color, size, shape, nature, or message would tend to obstruct the view of or be confused with official traffic signs or other signs erected by governmental agencies.

k. Signs placed on private property without the property owner's consent.

l. Signs taller than the wall of the building to which the signs are attached.

(3) *Exempt signs*. Exempt signs are not subject to the requirements of this article and do not require a sign permit, except as noted below.

a. Signage located on elevated water tanks.

b. A sign, other than a window sign, located entirely inside the premises of a building or enclosed space.

c. A government or traffic control device/sign.

d. Signs within a Planned Unit Development or subject to a Developer's Agreement with the City specifically exempting such project from the provisions of this article. Those signs, however, require permitting. The PUD or Developer's agreement shall provide sign standards for the project as a whole maintaining or improving upon minimum standards as required by this code. Any provisions of this code not covered in any such agreement shall remain enforceable.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1001. Design standards.

(a) *Sign setback requirements*

(1) *Temporary signs.* There are no setback requirements for temporary signs provided their location does not create any hazards to motorists or pedestrians; however, no temporary sign shall encroach on any public right-of-way or on adjoining property without specific authorization.

(2) *Permanent signs.* Permanent signs requiring permitting per Section 13-1000 shall meet the following standards.

a. *On-site*.

1. *Ground signs*. A permanent ground sign, and any part of its supporting structure, shall be designed and located as follows:

a) Height is limited to thirty-five (35) feet for on-site ground signs, unless within the CH or CR zoning districts.

b) From any public road right-of-way line ten (10) feet, or one-half (0.5) foot for every foot in height (measured from natural ground at base of sign to highest point of sign face or structure), whichever is greater, except that no sign need be set back more than the building setback required for the property on which it is located. Exempt

from this requirement are signs used exclusively for development identification, such as subdivision names, when specifically approved by the authority.

c) From side and rear property lines five (5) feet, or two-tenths (0.2) foot for every foot in height (measured from natural ground at base of sign to highest point of sign face or structure), whichever is greater, except that no sign need be set back more than the building setback required for the property on which it is located.

2. *Building signs.* Building signs shall meet the same setback requirements as ground signs except that those painted on or attached flat against a wall of a legally permitted structure are permitted regardless of setback.

b. *Off-site*.

1. *Ground signs.* A permanent ground sign, and any part of its supporting structure, shall be designed and located as follows:

a) Height is limited to thirty-five (35) feet for off-site ground signs, unless within the CH or CR zoning districts.

b) From any public road right-of-way line fifteen (15) feet.

c) From side and rear property lines ten (10) feet.

(3) *Visibility.* Notwithstanding subsections (1) and (2), no sign shall be located within the visibility triangle established in Article VI.

(b) *Sign illumination and signs containing lights.* Unless otherwise prohibited by this section, signs may be illuminated if such lighting directed toward a sign is shielded so that it illuminates only the face of the sign and does not shine directly into a public right-of-way, so as to cause glare and impair vision, or residential premises.

(c) *Sign construction. Construction.* In addition to compliance with all applicable building codes, freestanding signs shall be securely fastened to the ground or to some other substantial supportive structure so that there is virtually no danger that either the sign or the supportive structure may be moved by the wind or other forces of nature and cause injury to persons or property.

(1) Consent of Legal Owner of Property. No sign may be displayed without the signed and notarized consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this code, “owner” means the holder of legal title to the property and any party and person holding a present legal right to possession, control, or use of the property.

(2) Clearance from Utilities, Interference with Surface and Underground Water or Drainage. Signs shall maintain a minimum distance of six (6) feet horizontal clearance and twelve (12) feet overhead clearance from electrical conductors and from all communications equipment or lines. Signs and their supporting structures shall maintain clearance from and non interference with all surface and underground facilities and conduits for water, sewage, electricity, or communications equipment or lines. Sign placement shall not interfere with surface or underground water or with natural or artificial drainage.

(d) *Other regulations.* Notwithstanding the provisions of this section, all signs shall comply with the requirements of F.S. § 479, (and all state regulations promulgated thereunder), regarding outdoor advertising, including, but not limited to, zoning, spacing and size requirements. County roads shall be treated the same as state roads for purposes of this section.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-05, § 3, 2-13-18)

Sec. 13- 1002. Private signs and temporary displays on public property.

No person shall erect or display, or cause or authorize any person or entity to erect or display, any permanent sign or temporary display on property owned by the BOCC or controlled by the BOCC under a lease which through its terms requires that the board maintain said property. Signs or temporary displays placed by agents or employees of the BOCC to aid in traffic control, public safety or other general governmental concerns shall not be subject to the limitations of this section

(a) *Removal*. If in the immediate vicinity, owners will be notified of the prohibition and given time to immediately remove the signs or temporary displays. If such signs are not removed or are left unattended they shall be photographed and then immediately removed and destroyed by agents or employees of the BOCC. Said agents or employees shall record by written log the location and appearance of the confiscated signs or displays, and process and preserve photographs as evidence for hearings before the special master as allowed herein.

(b) *Polling locations*. Temporary signs be allowed at polling locations owned by the BOCC only on days of polling for an election so long as they are not in conflict with the laws governing elections and do not create an obstruction of access to the BOCC property or facilities, or create a hazardous situation.

(c) *Exemptions.* Signs or temporary displays specifically licensed and approved by the BOCC for placement on property owned or leased by the board are exempt from the prohibitions and penalties enumerated herein. Private signs or temporary displays that solicit voters solely during polling hours at polling sites and early voting locations, established by the Supervisor of Elections of Sumter County, that are located on property owned or controlled by the board BOCC are exempt from the prohibitions and penalties enumerated herein.

(d) *Penalty.* The entity or individual responsible for the placement of an unauthorized sign on property owned or leased by the BOCC, shall be issued one (1) warning citation upon discovery and removal of the sign . The person or entity responsible for the sign shall then have fourteen (14) days to pick up the signs. Any subsequently discovered signs affiliated with that same person or entity shall result in a fine not to exceed five hundred dollars ($500.00), levied by Sumter County Code Enforcement. Any appeal of such a fine shall be to the special master in the same manner as an appeal of any other code violation. The appellant may put forth any admissible evidence available which indicates that the appellant was not responsible for the placement of the private sign on BOCC property before the special master.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2018-02, § 3, 1-23-18; Ord. No. 2020-15, § 3, 10-27-20; Ord. No. 2020-17, § 3, 12-8-20)

Secs. 13-1003—13-1199. Reserved.

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ARTICLE XI. FLOODPLAIN MANAGEMENT

DIVISION 1. ADMINISTRATION

Sec. 13- 1100. General.

(a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of Sumter County, referred to as "this article."

(b) *Scope.* The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(c) *Intent.* The purposes of this article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.

(d) *Coordination with the Florida Building Code.* This article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(e) *Warning.* The degree of flood protection required by this article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights

may be increased by manmade or natural causes. This article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, Sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this article.

(f) *Disclaimer of liability.* This article shall not create liability on the part of the Sumter County Board of County Commissioners or by any officer or employee of the county for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-18, § 3(Att. A), 8-13-19)

Sec. 13- 1101. Applicability.

(a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Areas to which this article applies.* This article shall apply to all flood hazard areas within Sumter County, as established in subsection (c) below.

(c) *Basis for establishing flood hazard areas.* The Flood Insurance Study for Sumter County, Florida and Incorporated Areas dated September 27, 2013, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Sumter County Planning and Development Division.

(1) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to Section 13-1105 the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

a. Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this article and, as applicable, the requirements of the Florida Building Code.
b. Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(d) *Other laws.* The provisions of this article shall not be deemed to nullify any provisions of local, state or federal law.

(e) *Abrogation and greater restrictions.* This article supersedes any ordinance in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this article and any other ordinance, the more restrictive shall govern. This article

shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this article.

(f) *Interpretation.* In the interpretation and application of this article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1102. Duties and powers of the floodplain administrator.

(a) *Designation.* The director of the division of development services is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(b) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this article. The floodplain administrator shall have the authority to render interpretations of this article consistent with the intent and purpose of this article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this article without the granting of a variance pursuant to Section 13-1107.

(c) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this article is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this article.

(d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this article is required.

(e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to Section 13-1107.

(f) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(g) *Inspections.* The floodplain administrator shall make the required inspections as specified in Section 13-1106 for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection (d);

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the

flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six (6) months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this article and the Florida Building Code and this article to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of Sumter County are modified.

(i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this article and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood-carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Sumter County Division of Development Services, 7375 Powell Road, Wildwood, Florida 34785.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1103. Definitions.

Terms defined in article II. Where terms are defined in article II, such terms shall have the meanings ascribed to them in this article when applied within a flood hazard area.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1104. Permits.

(a) *Permits required.* Any owner or authorized agent (applicant) who intends to undertake any development activity within the scope of this article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this article and all other applicable codes and regulations has been satisfied.

(b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(1) Buildings, structures and facilities exempt from the Florida Building Code. Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this article:

a. Railroads and ancillary facilities associated with the railroad.
b. Nonresidential farm buildings on farms, as provided in F.S. § 604.50.
c. Temporary buildings or sheds used exclusively for construction purposes.
d. Mobile or modular structures used as temporary offices.
e. Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.
f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.
g. Family mausoleums not exceeding two hundred fifty (250) square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.
h. Temporary housing provided by the department of corrections to any prisoner in the state correctional system.
i. Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(c) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan and survey that identifies the location of proposed structures subject to the standards of the Florida Building Code, or construction documents as specified in Section 13-1105.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the floodplain administrator.

(d) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this article shall not be construed to be a permit for, or approval of, any violation of this article, the Florida Building Codes, or any other ordinance of this community. The issuance of

permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(e) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within one hundred eighty (180) days after its issuance, or if the work authorized is suspended or abandoned for a period of one hundred eighty (180) days after the work commences. Extensions for periods of not more than one hundred eighty (180) days each shall be requested in writing and justifiable cause shall be demonstrated.

(f) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this article or any other ordinance, regulation or requirement of this community.

(g) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Southwest Water Management District; F.S. § 373.036.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; F.S. § 381.0065, and Chapter 64E-6, F.A.C.

(3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; F.S. § 161.055.

(4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(5) Federal permits and approvals.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-18, § 3(Att. A), 8-13-19)

Sec. 13- 1105. Site plans and construction documents.

(a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this article shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations, or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections (b)(2) or (3).

(3) Where the parcel on which the proposed development will take place will have more than five (5) lots or is larger than five (5) acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection (b)(1).

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this article.

(b) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source;

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant include base flood elevation data prepared in accordance with currently accepted engineering practices; or
b. Specify that the base flood elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection (d) below and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subsection (d) below.

(d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1106. Inspections.

(a) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(1) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

(2) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this article and the conditions of issued floodplain development permits or approvals.

a. Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

1. If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or
2. If the elevation used to determine the required elevation of the lowest floor was determined in accordance with Subsection 13-1105(b)(3)b, the documentation of height

of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

b. Buildings, structures and facilities exempt from the Florida Building Code, final inspection. As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in Subsection (a)(2)a.

(3) *Manufactured homes.* The building official shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the building official.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-18, § 3(Att. A), 8-13-19)

Sec. 13- 1107. Variances and appeals.

(a) *General.* The planning and zoning special master shall hear and decide on requests for appeals and requests for variances from the strict application of this article. Pursuant to § 553.73(5), F.S., and Section 13-362, the planning and zoning special master shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(b) *Appeals.* The planning and zoning special master shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this article. Any person aggrieved by the decision of the planning and zoning special master may appeal such decision to the circuit court, as provided by Florida Statutes.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-18, § 3(Att. A), 8-13-19)

Sec. 13- 1108. Violations.

(a) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this article, shall be deemed a violation of this article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13-1109. Reserved.

DIVISION 2. FLOOD RESISTANT DEVELOPMENT

Sec. 13- 1110. Buildings and structures.

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to Subsection 13-1104(b)(1), buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 13-1116.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1111. Subdivisions.

(a) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, and Planned Unit Developments, shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures; and

(4) Individual lots/parcels have adequate upland area suitable for the proposed use.

(b) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, and Planned Unit Developments, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than five (5) lots or is larger than five (5) acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with Subsection 13-1105(b)(1); and

(3) Compliance with the site improvement and utilities requirements of Section 13-1112.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-18, § 3(Att. A), 8-13-19)

Sec. 13- 1112. Site improvements, utilities and limitations.

(a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in Chapter 64E-6, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into floodwaters, and impairment of the facilities and systems.

(c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, F.A.C. and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in Subsection 13-1105(c)(1) demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) *Limitations on placement of fill.* Subject to the limitations of this article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1113. Manufactured homes.

(a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to Chapter 320.8249, F.S. and shall comply with the requirements of Chapter 15C-1, F.A.C. and the requirements of this article.

(b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this article. Foundations for manufactured homes subject to section 13-1113(d)(2) of this ordinance are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(d) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsection (d)(1) or (d)(2), as applicable.

(1) *General elevation requirement.* Unless subject to the requirements of subsection (d)(2), all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

(2) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (d)(1), including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

a. Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or
b. Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than thirty-six (36) inches in height above grade.

(e) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322 for such enclosed areas.

(f) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15; Ord. No. 2019-18, § 3(Att. A), 8-13-19)

Sec. 13- 1114. Recreational vehicles and park trailers.

(a) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than one hundred eighty (180) consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection (a) for temporary placement shall meet the requirements of section 13-1113 for manufactured homes.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1115. Tanks.

(a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (c) shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be attached to and elevated to or above the design flood elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Sec. 13- 1116. Other development.

(a) *General requirements for other development.* All development, including manmade changes to improved or unimproved real estate for which specific provisions are not specified in this article or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of Subsection 13-1112(d) if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of Subsection 13-1112(d).

(c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of Subsection 13-1112(d).

(d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one (1) side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of Subsection 13-1112(d). Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Subsection 13-1105(c)(3).

(Ord. No. 2015-17, § 3(Exh. A), 9-22-15)

Secs. 13-1117—13-9999. - Reserved.