

# **WASHINGTON COUNTY**

**(Including the Municipalities of Caryville, Ebro, Vernon, & Wausau)**

## **LAND DEVELOPMENT CODE**



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The purpose of the Washington County Land Development Code is to coordinate development within the County and the municipalities of Caryville, Ebro, Vernon, and Wausau. The codes will provide for the existing and anticipated future needs, implement the comprehensive plan, and promote the health, safety, and general welfare of all county residents and visitors.

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THERE WERE OTHERS;

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**ARTICLE ONE  
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## **ARTICLE ONE GENERAL PROVISIONS**

### **1.00.00        TITLE**

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

### **1.01.00        AUTHORITY**

#### **1.01.01        Purpose of the Land Development Code**

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

#### **1.01.02        State Statutes in Support of Code**

The Board of County Commissioners and the governing bodies of Caryville, Ebro, Vernon and Wausau in adopting and enforcing the Code derives its power and authority from 163.3202, Florida Statutes, (the Local Government Comprehensive Planning and Land Development Regulation Act), and the general powers in Chapter 125 and 166, Florida Statutes, and other statutes conferring power upon counties and municipalities to conserve natural resources, manage the environment and regulate development in order to further the health, order, comfort and convenience of residents and visitors.

### **1.02.00        OBJECTIVES OF CODE**

#### **1.02.01        Objectives**

This Land Development Code shall be interpreted and administered to carry out these objectives:

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

- B. Contribute to the carrying out of the Comprehensive Plan of Washington County (including the municipalities of Caryville, Ebro, Vernon and Wausau);
- C. Secure safety from flood water, mud slides, hurricanes, blowing dust, geologic hazards, fire, building collapse, vehicular traffic, noise, odors, pollutants and other dangers to health;
- D. Protect public from exposure to unsafe or unpalatable domestic water supplies, and from risks and annoyance from inadequate liquid waste disposal systems;
- E. Protect the County's varied and complex environment;
- F. Prevent overcrowding of land or intensity of use which is high in relation to land capacity considering soils, slope, ground and surface water resources, plant life, air place and other limitations;
- G. Protect as educational and recreational resources of the County the natural and built features of the outdoor environment including archaeological sites, communities of historic, anthropological or architectural interest, historic areas, landmarks, unique natural land forms, water resources, wetlands, plant or animal communities;
- H. Create a variety of distinct residential and nonresidential places in the County; thereby enhancing choices available to persons in their roles as residents, workers, shoppers, and visitors;
- I. Encourage land use and land development according to the accepted professional practices of environmental protection, land use planning, architecture, landscape architecture, urban and civic design;
- J. Encourage spontaneity and innovation in land use arrangements and building design on the part of private land owners and land developers within the County;
- K. Minimize dependence on fossil fuels and other exhaustible resources in the provisions of light and climate control in and around buildings and structures;
- L. Realize a pattern of locations of dwelling units, jobs, and other trip origins and destinations to encourage pedestrian and bicycle travel, to minimize vehicular trips and trip lengths, and to facilitate the operation of public and quasi-public transportation systems;
- M. Facilitate the adequate provision of utilities, roads, schools, parks, and other public requirements;
- N. Protect public investment in lands, roads, parkways, trails, schools, and other buildings by controlling the appearance and intensity of activities on private lands nearby;

- O. Economize public investments in County infrastructure by controlling location, intensity and staging of development;
- P. Control and abate the unsightly use of land and buildings;
- Q. Enhance and protect the visual and functional aspects of the County's natural and built features;
- R. Encourage owners and occupants of residential and nonresidential settlements, sub-districts, centers and locales to decide on their common preferences regarding signs, placing of utility lines, building form and style, materials and color, vegetation, location and treatment of parking areas and similar components of visual character so that these can be incorporated into the Land Development Code and thereby create and protect the individuality and uniqueness of different places and life styles in the County;
- S. To prevent the uncertainty and expense in the allocation of water resources and public facilities which results when the sales of lots in land subdivisions greatly exceeds the rate at which buyers of lots occupy residences on such lots;
- T. To ensure by means of occupancy and use permits that changes in the use of enclosed and outdoor space occur only according to the requirements and procedures of this Code;
- U. To provide for the amortization and compulsory retirement of certain classes of nonconforming structures and uses of land.
- V. To carry out the purposes of this Land Development Code; and such other purposes which are set out in the various Statutes cited in Section 1.01.02 of this Land Development Code; and
- W. To implement the requirements of 163.3202, F.S., and 9J-24, F.A.C.

### **1.03.00 MATERIALS INCORPORATED BY REFERENCE**

The current edition of the following materials has been adopted by reference throughout this Code:

- A. Washington County (including the municipalities of Caryville, Ebro, Vernon and Wausau) Comprehensive Plan;
- B. Florida Department of Transportation (FDOT) Generalized LOS Tables;
- C. ITE Trip Generation Rates;

- D. National Wetlands Reconnaissance Survey;
- E. The Secretary of the Interior's Standards  
for Rehabilitation and Guidelines  
for Rehabilitating Old Buildings;
- F. FDOT Bicycle Facilities Planning and  
Design Manual;
- G. Florida Division of Forestry  
Silviculture Best Management  
Practices Manual;
- H. Florida Division of Forestry  
Management Guidelines  
for Forested Wetlands  
in Florida;
- I. ITE: Traffic Access and Impact Studies  
for Site Development -  
A Recommended Practice;
- J. Florida Division of Historical  
Resources Master Site File;
- K. FDOT Standard Specifications for Road and Bridge Construction;
- L. National Electrical Code;
- M. Underwriters' Laboratories, Inc., "Standards for Safety, Electrical Lighting Fixtures, and  
Portable Lamps".
- N. Underwriters' Laboratories, Inc., "Standards for Electric Signs".
- O. National Arborist Association Standards.
- P. Federal Emergency Management Agency (FEMA)

#### **1.04.00 SOURCES OF REGULATION AND INTERPRETATION THEREOF**

##### **1.04.01 Sources of Regulation**

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



- B. Performance Criteria. The impact of a proposal can be tested against performance criteria and other standards set out in this Code. Some such criteria and standards are of a qualitative nature calling for expert and discretionary interpretation and application.
- C. Precedent of Past Development Decisions. Records shall be kept of past development decisions in Washington County at the Land Development Office to assist officials in making decisions which are consistent with precedent.

#### **1.04.02 Principles for Interpreting Various Media of Regulation**

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

- A. In the interpretation and application of this Code all provisions shall be liberally construed in favor of the Goals, Objectives and Policies of the Washington County Comprehensive Plan.
- B. Comprehensive Plan graphic and policy statements, mapped controls, performance criteria and other regulations are guides to case by case decision-making over development permit applications. The adoption of such mapped controls, performance criteria and other regulations do not confer rights on landowners to any use of building or structure indicated by such regulations and does not confer rights to a development permit or permits.

#### **1.05.00 ACTIVITIES REQUIRING PERMIT, EXTENT OF ACTIVITIES AUTHORIZED AND FEE SCHEDULE**

##### **1.05.01 Permit Required**

The activities in Section 1.05.02 may be conducted within the jurisdiction of this Code only after the receipt of a development permit for the subject activity.

##### **1.05.02 Regulated Activities Enumerated**

The following development activities are regulated:

- A. The erection, construction, reconstruction, alteration or major repair of a building or structure of a value exceeding the monetary value as required by the Building Code.
- B. Change of use of land or buildings for residential, business, industrial, recreation, agricultural, mining, and other rural and urban purposes.
- C. The subdividing or re-subdividing of a lot, tract, or parcel of land into two (2) or more parcels for the purpose (whether immediate or future) of sale, lease, rental, conveyance of title, or any use (including burial rights). The subdividing or re-subdividing into two (2) or more parcels all of which are over four and one-half (4.5) acres in size, and where the

roadway or street servicing the subdivided parcels meets the standards of this Code (including paving) at the time of the subdivision or resubdivision of the land shall not be considered a subdivision.

All divisions or re-divisions of land which are not required to plat in accordance with Article Six of this code, shall comply with the Development Plan submittal and review requirements presented in Article Ten of this code.

- D. The placing of a mobile home for human occupancy on a lot or parcel containing a dwelling or other building; the offering for sale or lease of a mobile home space or spaces (whether by gift or by exchange of currency or other items of value); the construction of a mobile home park; the occupancy of a mobile home for which no development permit had been granted prior to the time of such occupancy.
- E. Establishing a water source for sale such as a well or intake, to supply domestic water; extending a water distribution system which serves two or more dwelling units or places of employment.
- F. Constructing a liquid waste collection, disposal or treatment system to be used to support a building or group of buildings.
- G. Grading, earthmoving, mining, removal of sand and gravel, and the clearing of topsoil, grasses, shrubs and other plant materials in large quantities as part of a land development or commercial mining venture.
- H. The significant alteration of an area having unique historical, archaeological, scenic, geological, plant or animal resources.
- I. The occupancy or use of a building or parcel of land for a substantially different activity than previously, such as a change from residential to nonresidential purposes, or a change from one type of nonresidential use to another.
- J. The commencing of an activity that will emit vibration, smoke or particulate matter, odor, toxic or noxious matter, radiation, glare, electromagnetic interference or other emission at a level that will be of concern to other users or owners of land, watercourse, air, building or public ways and facilities.
- K. Outdoor storage of vehicles, farm implements, boats and other large objects, in a location visible from a public road, and other than as a customary accessory use to a farm, ranch or dwelling.
- L. Erection or display of a commercial sign or outdoor advertising device.
- M. Opening of a vehicular drive between a public street or road, and private property.

- N. Construction or paving of an off-street parking lot for vehicles, except as a customary use to a farm, ranch or single-family residence.
- O. The erection, alteration or removal of any exterior fabric of a building or structure subject to public view from any public street, way or place, after such building as been designated an historic site or structure in this Code or the Washington County Comprehensive Plan.
- P. The application for and acceptance of any road or street for County maintenance.
- Q. The opening of a privately maintained roadway onto a public street or roadway.
- R. The construction of any street or roadway (public or privately maintained).

### **1.05.03          Extent of Activities Authorized by a Development Permit**

- A. A development permit shall specify the activity or activities among those listed in Section 1.05.02 of this Code which such permit authorizes.
- B. Activities or construction allowed by a particular development permit is limited by:
  - 1. The terms of this Code;
  - 2. Any conditions, including time of expiration, attached to the permit; and
  - 3. The plans and written statements of intent submitted by the applicant of the permit.

### **1.06.00          REPEAL OF OTHER REGULATIONS**

This Code is intended to replace all previous land development regulations of Washington County (unincorporated areas) and the municipalities of Caryville, Ebro, Vernon and Wausau.

### **1.07.0          ABROGATION**

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

### **1.08.00          VESTED RIGHTS**

Nothing in this Code shall limit or modify the rights of any person to complete any development that has been: (1) authorized prior to the adoption of the Washington County Comprehensive Plan and this Code; (2) approved as a Development of Regional Impact pursuant to Chapter 380, Florida Statutes, or (3) has been issued a final local development order, prior to the adoption of

the Washington County Comprehensive Plan and this Code, and such development is commenced and continuing in good faith.

For this provision, a final order issuing a building permit shall be deemed a "local development order" as that term is used in Chapter 163.3164(6), Florida Statutes. Such approval shall be deemed final on the date an order of approval is entered by the Washington County Commission, the governing bodies of Caryville, Ebro, Vernon, Wausau, or by the Washington County Planning Commission or the Washington County Land Development Office if no appeal is taken to the Washington County Commission. "Vesting", as used herein, includes the right to proceed and to complete the development in accord with the provisions set out in such development order.

A project for which a final local development order has been issued shall be deemed commenced upon the occurrence of any activity listed in Section 380.04, Florida Statutes; provided however, that a development shall also be deemed commenced and continuing in good faith during: (1) the pendency of any appeal of the final development order or any building permit issued pursuant thereto; (2) the pendency of legal action under Section 163.3215, Florida Statutes; (3) the County's post-judicial appeal reconsideration of a development order or building permit which had been previously vested; and (4) a period of 180 days after the conclusion of any such appeal or other legal challenge to a final development order as defined above. Nothing in this Code shall limit or modify the equitable rights of any person.

#### **1.09.00 SEVERABILITY**

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

#### **1.10.00 EFFECTIVE DATE**

These regulations are passed, approved and adopted by the Board of County Commissioners of Washington County and the City/Town Councils of Caryville, Ebro, Vernon and Wausau, to be effective as of the adoption date by each local governing body. These regulations are authorized by and drawn in accordance with the enactments of the Legislature of the State of Florida, as further described in Section 1.01.02 of these regulations.

**ARTICLE TWO  
LAND USE, VEGETATION, AND BUFFERING**

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## ARTICLE TWO

### LAND USE, VEGETATION, AND BUFFERING

#### 2.00.00      **GENERALLY**

##### 2.00.01      **Purpose**

The purpose of this Article is to describe the specific uses and restrictions that apply to the land use categories established in the Future Land Use Element of the Washington County Comprehensive Plan (including the municipalities of Caryville, Ebro, Vernon, and Wausau). These land use categories are: (1) Residential; (2) Commercial; (3) Industrial; (4) Mixed use/Sunny Hills; (5) Mineral Extraction (mining); (6) Agricultural; (7) Recreation; (8) Conservation; (9) Public/Semi-Public; (10) Mixed Use/Planned Unit Developments; (11) Historical; and (12) Landfill.

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

##### 2.00.02      **Definition of Terms**

The following terms, phrases, words and their derivation shall have the meaning given herein when not inconsistent with the context. Words used in the present tense include future; words in the plural number include the singular number, and words in the singular number shall include the plural number. The words "shall" and "will" are mandatory and the word "may" is permissible.

- A.      **Abut.** To physically touch or border upon, or to share a common property line.
- B.      **Accessory Use.** A use of land or structure or portion thereof customarily incidental and subordinate to the principal use of the land or structure and located on the same parcel with the principal use.
- C.      **Adult Congregate Living Facility (ACLF).** A type of residential care facility, defined in Chapter 400, Part 2, Florida Statutes.
- D.      **Agricultural Activity.** Any farming and forestry operation affecting land or waters such as site preparation, clearing, fencing, contouring, soil preparation, plowing, planting, harvesting, construction of access roads, extraction of stumps and submerged logs, and placement of bridges and culverts.

- E. **Airport and Airfield.** A development used for aircraft (including helicopters) landing or operations. Includes docking sites for seaplanes. F. **Animal Hospital.** An establishment where animals or pets are given medical or surgical treatment and the boarding of animals is limited to short term care incidental to the hospital use.
- G. **Animal Kennel.** Any structure or premises, in which animals are kept, boarded, bred or trained for commercial gain.
- H. **Automobile Service Station.** A building or lot where gasoline, oil and grease are supplied and dispensed to the motor vehicle trade, or where battery, tire and other similar services are rendered.
- I. **Auto Wrecking/Salvage Yard.** Any lots upon which inoperative motor vehicles are located, which motor vehicles are not actively under repair.
- J. **Boarding House.** A building used for the purpose of providing, for a fee, meals, lodging or both to persons other than members of the family occupying such a dwelling.
- K. **Buffer.** A strip of land, including any specified type and amount of planting which may be required to protect one type of land use activity from another, or minimize or eliminate conflicts between them; or protect natural or historic resources.
- L. **Building.** Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, but not to include mobile homes as hereinafter defined.
- M. **Building Area.** The total ground area, taken on a horizontal plane at the mean grade level, of each building and accessory building, but not including uncovered entrance platforms, terraces, and steps.
- N. **Building Height.** The vertical distance measured from the established mean grade at the front building line to the highest point of the roof, including the chimney(s).
- O. **Building Line.** The innermost edge of any required yard or setback.
- P. **Building Setback.** A line parallel to the front lot line, tangent to the nearest part of the principal building, extending from side lot line to side lot line.
- Q. **Cemetery.** A place dedicated to and used or intended to be used for the permanent interment of human or animal remains.
- R. **Child Care Center.** An establishment which provides care for children unrelated to the operator and which receives payment, fee or grant for any of the children receiving care wherever operated, and whether or not operated for profit. The term "Child Care Center" shall include day nursery, day care service, and day care agency.



- S. **Commercial Use.** Activity carried out for monetary gain.
- T. **Density or Gross Density.** The total number of dwelling units divided by the total site area, less public right-of-way.
- U. **Density (Area Wide or District Wide).** The total number of residential units divided by the total land use district acreage or for nonresidential uses the total land area devoted to such use divided by the total land use district acreage.
- V. **Diameter at Breast Height (DBH).** "Breast Height" is defined to be fifty-four (54) inches above the surface of the ground at the base of the plant or tree. In the case of a tree with multiple main stems, the diameter shall be the sum of the diameters of the stems.
- W. **Drive-In Restaurant.** An establishment where food is served to persons in vehicles for consumption on or off premises.
- X. **Dwelling Unit (Residential).** A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- Y. **Family, Immediate.** Grandparents, parents, grandchildren, children, and/or siblings, related by blood or marriage to the owner of the principal building. Also includes Mother in law and Father in law for the purpose of this code.
- Z. **Flea Market.** An open air market primarily for the sale of inexpensive or second hand goods.
- AA. **Floor Area.** Total floor area of all stories including halls, stairways, elevator shafts, and other related uses, measured to outside faces of exterior walls of a building exclusive of vent shafts, courts, carports, garages, breeze ways and patio.
- BB. **Floor Area Ratio (FAR).** = Floor Area / Lot Area
- CC. **Foster Care Facility.** Home for children which are licensed by the State of Florida.
- DD. **Garage (also yard or rummage) sale.** An informal or outdoor sale of used personal or household items held on an irregularly scheduled basis on the seller's premises.
- EE. **Government Uses and Structures.** Any land, building or use that is owned and operated by the city, county, state or federal government, and over which such government exercises direct and complete control.

- FF. **Guest Residence.** Living quarters within a detached accessory building located on the same lot or parcel of land as the principal building and used exclusively for housing members of the immediate family of the owner of the principal building. A mobile home may be used as a guest residence where permitted by these regulations.
- GG. **Guest (Tourist) Home.** A dwelling in which transient sleeping accommodations for motor tourists or travelers are provided for compensation.
- HH. **Home Occupation.** Any use conducted entirely within a dwelling or accessory building and carried on by an occupant thereof, for gain, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and which does not change the character of said dwelling.
- II. **Local Governing Body.** The Board of County Commissioners or the Town Council for the towns of Caryville, Ebro, Vernon or Wausau.
- JJ. **Lot.** A designated parcel, tract, or area of land established by plat, subdivision or as otherwise allowed by law.
- KK. **Lot of Record.** A parcel of land or a lot within an approved subdivision or within an unrecorded subdivision, which was platted on or prior to October 1, 1991.
- LL. **Manufactured Housing.** Manufactured housing has the following features or characteristics. It is:
- (1) Mass produced in a factory;
  - (2) Designed and constructed for transportation to a site for installation and use when connected to required utilities;
  - (3) Either an independent, individual building or a module for combination with other elements to form a building on the site.
- MM. **Marina.** A place for docking boats and/or providing services to boats and the occupants thereof, including minor servicing and repair to boats while in the water, sale of fuel and supplies, and/or provision of food, beverages, and entertainment as accessory uses.
- NN. **Mobile Home.** A dwelling unit provided with an undercarriage axle(s) and wheels, capable, or ever capable, of being towed on its own axle(s) and wheels, which can be utilized as a permanent residence, and which is eight (8) feet or more in width, and over thirty-five (35) feet in length. This definition excludes recreational vehicles.
- OO. **Multi-Family Dwelling.** Any residential structure containing two (2) or more separate dwelling units.

- PP. **Nonconforming Lot.** Any lot which was lawfully recorded within Washington County prior to the effective date of this Code (1991).
- QQ. **Nonconforming Use.** Any use which was lawfully maintained within Washington County prior to the effective date of this Code (1991).
- RR. **Open Space (related to site development).** That portion of the total development site which shall be open, unoccupied and unobstructed by any structure. Open space shall not be deemed to include driveways, parking lots, roadways, or other surfaces designed or intended for vehicular travel.
- SS. **Open Space (related to clustering provisions of the Agricultural/Silviculture Land Use District).** Open Space as required under Section 2.04.06 C. 3. of this Code shall be land left in its original (pre-platted) use. This way includes agricultural, silvicultural, conservation or passive recreation use.
- TT. **Parcel.** A unit of land within legally established property lines as defined by the deed or other instrument of transfer which establishes ownership interest in the property. A parcel is not deemed to be divided into two parcels merely by the fact that it may be situated in two different sections, has two different property appraiser numbers assigned, or is traversed by an easement. A parcel is deemed to be divided into two parcels when it is traversed by a Federal, State, or County Roadway or Right of Way.
- UU. **Parcel Size (Calculation of).** For the purpose of this Code, parcel size shall be calculated based on the land area located above the ordinary high-water mark of all surface water bodies.
- VV. **Permitted.** Use of this term denotes that the land use in question is allowable under this Code, provided it meets all other regulations.
- WW. **Planned Unit Development (PUD).** A type or form of development which is intended to encourage innovative site design, and which is characterized by a unified site design for residential units, clustering of buildings, provision of open space, and a mix of building types and land uses. See Section 2.02.03 H for substantive provisions relating to PUDs.
- XX. **Principal Building.** The building in which the principal use of the lot on which it is situated is conducted.
- YY. **Prohibited.** Use of this term denotes that the land use in question is not allowed within the land use district.
- ZZ. **Recreational Vehicle.** A recreational vehicle-type unit used for temporary living quarters by individuals, and families during recreational, camping or travel use, which

either has its own motive power or is mounted on or drawn by another vehicle. This category, in this article is assumed to include also Travel Trailers, Camping Trailers, Truck Campers, Motor Homes private motor coach, van conversion, park trailer, fifth wheel trailer and all similar vehicles as described by Chapter 320.01 Florida Statutes.

- AAA. **Residential Dock or Pier (an accessory use).** A dock or pier constructed adjacent to a residential lot for gratis recreational purposes and/or mooring of private boats.
- BBB. **Restaurant.** A building or structure, or portion thereof, in which food is prepared and served for consumption.
- CCC. **Single-Family Dwelling.** A structure containing one dwelling unit, and not attached to any other dwelling unit by any means.
- DDD. **Telecommunication Tower.** A free-standing tower, guyed tower, monopole, and similar structures greater than fifteen feet (15') in height designed for the sole purpose of supporting one or more antennas.

### **2.00.03 Development Standards Used**

- A. **Generally.** Throughout this Article, certain standards are used to regulate the patterns of development within specific land use districts. These standards, their meaning, and application are described below.
- B. **Density.** A measure of the concentration of development applied to residential land uses and expressed in terms of dwelling units per gross acre.
- C. **Intensity.** A measure of the concentration of development applied generally to nonresidential uses and expressed as either an impervious surface ratio or a floor area ratio (FAR).
- D. **Lot Dimensions.** Measures intended to control the minimum acreage of a development site, or the minimum frontage of a lot along a public right-of-way expressed, respectively, in square feet or linear feet.
- E. **Building Placement.** A measure, such as a setback, intended to control the location of structures within a development site.
- F. **Floor Area Ratio (FAR).** A measure of the intensity of development on a site calculated by adding together all floor areas of all floors and dividing this total by the gross site area. See Figure 2.02.03-A.

## **2.01.00 LAND USE DISTRICTS**

### **2.01.01 Generally**

Land use districts for Washington County and the municipalities of Caryville, Ebro, Vernon and Wausau are established in the Comprehensive Plan, Future Land Use Element. The land use districts and classifications defined in the Future Land Use Element of the Washington County Comprehensive Plan and delineated on the Future Land Use Map Series shall be the determinants of permissible activities on any parcel in the jurisdiction. Refer to the Future Land Use Element (Section A) of the Comprehensive Plan for the definitions of each use category.

## **2.02.00 USES ALLOWED IN LAND USE DISTRICTS**

### **2.02.01 Generally**

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

### **2.02.02 Types of Uses**

#### **A. Residential.**

1. The category of residential uses includes single-family dwellings, accessory apartments, guest residences, multi-family dwellings in a variety of housing types, modular and manufactured housing, mobile homes, but specifically excludes recreational vehicles.
2. While a district may be designated for residential use, it does not follow that any housing type (i.e. single-family, apartment, town house) is allowed. Certain areas are limited to one or more housing types to preserve the established character of the area.

#### **B. Recreational.**

1. These uses include areas for outdoor recreational activities such as picnicking, jogging, cycling, arboretums, hiking, golf courses, playgrounds, ball fields, outdoor ball courts, stables, rodeo arenas, outdoor swimming pools, and water-related or water-dependent uses such as boat ramps, fishing docks and piers, and all similar outdoor recreational uses whether public or private. Specifically **excluded** from this group of uses are firing ranges, marinas, miniature golf courses, race tracks, recreational vehicles (RV) parks, and similar recreational or quasi-recreational activities inconsistent with the allowable outdoor recreational uses described.

C. **Professional Service and Office.**

1. This group of uses includes business and professional offices, medical offices or clinics, financial institutions without drive-up facilities, and personal service businesses where the service is performed on an individual-to-individual basis as opposed to services which are performed on objects or personal property. Examples of personal services are barber shops, beauty shops, or photography studios. This group of uses may include a dispatching/communications/office center for the distribution of goods, but specifically excludes the warehousing or actual distribution of goods.

D. **Neighborhood Commercial (Subclass I).**

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

1. Indoor recreation centers and gymnasiums/spas/health clubs (including skating rinks).
2. Community centers and fraternal lodges except those operated primarily as commercial enterprises.
3. Commercial or trade schools such as dance and martial arts studios, adult education centers, but not vocational-technical schools.
4. Funeral homes and mortuaries (but specifically excluding cemeteries).
5. Meat markets and bakeries where the products are sold on premises.
6. Farm and garden supply, building supply, (but specifically excluding lumber mills) and vehicle parts and accessories (but specifically excluding vehicle sales/service/ repair).
7. Retail sales stores, such as shoe stores, clothing stores, pharmacies, florists, hardware and book stores.
8. Grocery stores, food stores, supermarkets (including convenience stores with not more than three pumps for gasoline/diesel fuel sales) and one pump facility for home heating fuel sales, and specialty food stores.
9. Home occupations (including assembly operations).

10. Catering, tailoring, blueprint, laundries/dry cleaners, and light mechanical repair stores (such as camera, TV, or bicycle repair shops).
11. Restaurants (standard sit-down, and high-turnover sit-down, but excluding all restaurants with drive-up facilities) including open air cafes.
12. Golf driving ranges excluding miniature golf.
13. Point-of-Sale retail plant nurseries and roadside produce stands.
14. Veterinary offices and animal hospital provided the facility has no outside kennels.
15. Bowling alleys.

No activity included within the Neighborhood Commercial Subclass I use category is allowed to sell or distribute alcoholic beverages of any type or allow the consumption of alcoholic beverages.

E. **Neighborhood Commercial (Subclass II).**

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

1. Department stores.
2. Grocery stores, food stores, supermarkets (including convenience stores with not more than three pumps for gasoline/diesel fuel sales) and one pump facility for home heating and fuel sales, and specialty food stores.
3. Flea markets or similar outdoor or indoor/outdoor sales complexes.
4. Trade shops, including sheet metal, roofing, upholstery, electrical, plumbing, venetian blind, cabinet-making and carpentry, rug and carpet cleaning and sign painting; no outdoor storage allowed.

F. **Commercial (General).**

A. The uses in this group include those activities which require outdoor storage, have higher trip generations than the Neighborhood Commercial listed above, or have the potential for greater nuisance to adjacent properties due to noise, light and glare, or typical hours of operation. This group of uses includes professional and office uses listed in Section 2.02.02 C above, all uses contained in Sections 2.02.02 (D) and (E) above as

well as the following list of specific uses and all substantially similar activities based upon similarity of characteristics.

1. Vehicle sales, rental, service, and repair, including truck stops, body shops, road services, car wash facilities, and the sales, rental, repair and service of new or used automobiles, boats, buses, farm equipment, motorcycles, trucks, recreational vehicles, and mobile homes.
2. Gasoline sales and service, combination gasoline sale and food marts, and similar facilities.
3. Recreational vehicle, and travel trailer parks.
4. Taverns, bars, lounges, night clubs, arcades, billiards/pool parlors, and dance halls. Any allowed which serves alcoholic beverages shall require approval through a Special Exception Type XIII.
5. Financial institutions with drive-up facilities.
6. Restaurants with drive-up facilities.
7. Hospitals.
8. Hotels or motels.
9. Theaters and auditoriums.
10. Marinas.
11. Outdoor arenas, livestock auction facilities, race tracks (auto, dog, go-kart, horse, motorcycle), shooting and firing ranges, and similar activities.
12. Veterinary offices, and Animal Hospitals and outside kennels.
13. Storage yards for equipment, machinery, and supplies for building and trades contractors, garbage haulers.
14. Shopping Centers.
15. Truck and Bus Terminals.
16. Miniature Golf.



17. Trade Shops, including sheet metal, roofing, upholstery, electrical, plumbing, Venetian blind, cabinet-making and carpentry, rug and carpet cleaning and sign painting.

**B. Neighborhood Commercial.**

Neighborhood commercial is considered a subclass of this land use category and includes a variety of general commercial development that will provide small-scale retail and service establishments not to exceed 2,500 square feet in floor space, involve no outside storage and which will serve convenience needs of neighborhoods. A development permit for neighborhoods commercial uses will be issued only when it can be demonstrated that the impact to adjacent residential uses will be minimal and that the provisions set forth in the Comprehensive Plan and the Land Development Code will be complied with. Neighborhood Commercial categories will be established by the Land Development Code. While only a development permit will be required for Neighborhood Commercial businesses located in Agriculture/Silviculture and Low Density Residential, a Type VII Special Exception will be required to approve the placement of Neighborhood Commercial in a Low/Medium or High Residential Land Use District.

**G. Public/Semi-Public (Institutional).**

This type of use includes educational facilities (public or private), pre-school and day care facilities (public or private), places of worship with attendant buildings and facilities, cemeteries (see Special Provisions in following Section 2.02.03 E.) foster care facilities, halfway housing, nursing home facilities, congregate living facilities, and all other similar institutional uses (public or private).

**H. Public/Semi-Public (General Government).**

This type of use includes government offices for administration as well as for emergency services activities such as buildings, garages, parking, and/or dispatch centers for ambulances, fire, police and rescue. Landfills of any type are excluded from this category of use.

**I. Public/Semi-Public (Utility).**

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

1. Broadcasting stations, transmission towers (including cell phone towers).

2. Utility facilities, such as water plants, wastewater treatment plants, electricity substations serving 230KV or greater. Spray Fields shall be allowed through a Special Exception Type XIV.
3. Maintenance facilities and storage yards for schools, government agencies, and telephone and cable companies.
4. LP gas storage and/or distribution facility for up to one thousand (1000) gallons. This shall not be construed to prevent retail sales of LP gas in canisters or similar pre-filled containers.
5. Airports and airfields.
6. Publicly operated non-hazardous waste collection and handling centers and publicly operated recycling centers.
7. Utility transmission facilities (whether buried, submerged, or elevated)

Landfills of any type are excluded from this type of use.

**J. Agricultural/Silvicultural.**

Agricultural uses include croplands, pastures, greenhouses, wholesale nurseries, forestry, aquiculture, feed lots, and buildings which are an accessory to these agricultural uses. This category of uses does not include processing or distribution plants for agricultural products and supplies. Residential use is allowed; refer to Section 2.04.06 for residential densities. Recreational Vehicle Parks and campgrounds must be approved pursuant to the Special Exception Type XV review procedure.

**K. Industrial.**

This type of use includes those wholesale and retail businesses for manufacturing, processing, storing, or distributing goods. Included in this category are uses which require primarily outdoor storage or the industrial activity itself is conducted outdoors. Landfills of any type are excluded from this type of use.

This land use category is divided into subcategories of Light and General Industrial Use. The following list delineates the specific uses which are permissible within each subcategory. The location of all General Industrial Uses shall only be approved subsequent to review as a "Special Exception Type III" in accordance with Section 10.05.00 of this code.

**1. Light Industrial Uses.**

- a. Manufacturing, repair, distribution and storage, assembly or processing establishments of a light nature, including the following:

- (1) Confectionery, food, frozen dessert and milk products processing and manufacturing.
- (2) Clothing and garment manufacturing, and other similar textile assembly operations.
- (3) Laboratories for testing materials, chemical analysis, photographic processing.
- (4) Musical instruments and parts manufacturing.
- (5) Scientific, optical and electronic equipment assembly and manufacturing.
- (6) Souvenirs and novelties manufacturing.
- (7) Toy, sporting goods and athletic goods manufacturing.
- (8) Building materials supply establishments, and wood products manufacturing establishments (i.e. furniture manufacturing, etc.).
- (9) Food locker plants renting lockers for the storage of food, including sale at retail, delivery, cutting and packaging of meats but not including slaughtering of animals or fowl.
- (10) Ice Plants.
- (11) Laundry and Dry-Cleaning Plants.
- (12) Printing, blueprinting, bookbinding, Photostatting, lithography and publishing establishments.
- (13) Bottling Works.
- (14) Wholesale warehouses and establishments.
- (15) All other substantially similar activities based upon similarity of characteristics.

**2. General Industrial Uses.**

- a. The processing, fabrication, repair and servicing of any commodity or product, including the following:

- (1) Manufacturing of: acetylene gas (or storage thereof); acid; asbestos; ammonia; bleaching powder; chlorine; asphalt or asphalt products; cement; lime; gypsum; plaster-of-paris; coal tar or derivatives thereof; creosote or creosote treatment; clay tile or vitrified products; emery cloth or sandpaper; explosives or fireworks (or storage thereof); fertilizer; glue; linoleum; matches; paint; oil; shellac; turpentine; varnish; rubber products; and plastics.
- (2) Petroleum refining; tanning, curing or storage of hides and skins; boiler works, foundry or forge operation; incineration, reduction or storage of dead animals, garbage or refuse; fat rendering; junk, iron, rags storage and baling; distillation of bones, coal or wood.
- (3) LP gas storage and distribution facilities exceeding one thousand (1000) gallons.
- (4) Junkyards or salvage yards.
- (5) Private recycling collection centers.
- (6) Publicly operated hazardous waste recycling storage, handling, and transfer facilities.
- (7) Any other use, not listed above, that, by reason of the emission of odors, dust, smoke, gas, noise or vibration, is unsuitable for location in more restrictive districts. Any such use must meet all applicable local, state and federal regulations regarding permissible levels of emission.

**L. Mining.**

The types of uses in this group include surface mining, rock quarries, borrow pits, strip mining, clay pits, and any extraction activities. Buildings and businesses for the refinement, processing, packaging, and transportation of extracted materials are included in this group of uses. Landfills of any type are excluded from this category of use.

All mining operations shall require site-specific approval by the County with the Special Exception Type V process. The mining application must be accompanied by a pre-mining topography and drainage, pre-mining vegetation, total area to be mined, environmental impact statement, and disturbed, post reclamation topography, drainage, and structures, a reclamation plan to include planned post-reclamation vegetation, wetland delineations, cross-sections of reclaimed sheer walls or water bodies, schedules of and descriptions of reclamation phasing. Reclamation plan shall be submitted for review and approval and shall contain a site plan. A licensed geologist must certify that based on the information provided in the proposed mining plan that the Floridan Aquifer will not be affected.

M. **Landfill.**

This type of use only includes "Class C" or Type III Landfills as defined by the State of Florida Department of Environmental Protection.

**2.02.03 Allowable Uses Within Each Land Use District**

A. **Residential.**

The following types of uses are allowed in the Residential Land Use District.

1. Residential, subject to the density standards presented in Section 2.04.02 through 2.04.05. All new subdivided areas must meet all DHRS Standards for advanced septic systems.
2. Outdoor Recreation.
3. Neighborhood Commercial (Subclass I and Subclass II) - in Low Density Residential. The maximum square footage allowed in any neighborhood commercial structure shall be 2,500, the maximum FAR shall be 0.5, and such uses shall be buffered from all surrounding noncommercial uses with no outside storage allowed and permitted only as limited "special exceptions" in Low, Medium or High Residential Land Use District. Flea markets are only allowed given special exception Type IV approval as outlined in Section 10.05.00 of this code.
4. Public/Semi-Public (Institutional).
5. Public/Semi-Public (General Government) - in Low Density Residential only.
6. Public/Semi-Public (Utility) - excluding LP gas storage and distribution facilities, and airports and airfields unless platted as an integral part of the residential development. The location of airports and airfields and transmission towers shall only be approved subsequent to review as a "Special Exception Type IX or Type X" in accordance with Section 10.05.00 of this code.
7. Agricultural - in Low Density Residential only.
8. Professional Service and Office - in Low Density Residential only (2,500 square foot maximum floor area and maximum FAR of 0.50).

B. **Agricultural/Silvicultural.**

The following types of uses are allowed in the Agricultural/Silvicultural Land Use District.

1. Agricultural.
2. Residential, subject to the density standards presented in Section 2.04.06.
3. Outdoor recreational.
4. Public/Semi-Public (Institutional).
5. Public/Semi-Public (General Government)
6. Public/Semi-Public (Utility). The location of airport and airfields and transmission towers shall only be approved subsequent to review as a "Special Exception Type IX or Type X" in accordance with Section 10.05.00 of this Code.
7. Neighborhood Commercial (Subclass I and II) (2,500 square foot maximum floor area and maximum FAR of 0.50). Flea markets are only allowed given special Exception Type IX approval as outlined in Section 10.05.00 of this code.
8. Outdoor Advertising (see Article Seven of this Code).
9. Professional Service and Office (2,500 square foot maximum floor area and maximum FAR of 0.50).
10. Silviculture and agricultural uses shall be required to use Best Management Practices (BMP) pursuant to *Silviculture: Best Management Practices Manual* (State of Florida, Division of Forestry, June 1989) as may be revised, and to prevent drainage and pollution problems.
11. Recreational Vehicle Parks and campgrounds must be approved pursuant to the Special Exception Type XV review procedure.

C. **Neighborhood Commercial.**

The following types of uses are allowed in the Neighborhood Commercial Land Use District.

1. Outdoor recreation.
2. Neighborhood Commercial (Subclass I or II must be specified).
3. Public/Semi-Public (General Government).

4. Public/Semi-Public (Utility). The location of airports and airfields and transmission towers shall only be approved subsequent to review as a "Special Exception Type IX or Type X" in accordance with Section 10.05.00 of this Code.
5. Public/Semi-Public (Institutional).
6. Outdoor Advertising (see Article Seven of this Code).
7. Professional Service and Office.

D. **Commercial.**

1. Outdoor Recreation.
2. Commercial (General).
3. Neighborhood Commercial (Subclass I and Subclass II).
4. Public/Semi-Public (General Government)
5. Public/Semi-Public (Utility). The location of airport and airfields and transmission towers shall only be approved subsequent to review as a "Special Exception Type IX or Type X" in accordance with Section 10.05.00 of this code.
6. Public/Semi-Public (Institutional).
7. Outdoor Advertising (See Article Seven of this Code).
8. Professional Service and Office.

E. **Conservation.**

The following types of uses are allowed in the Conservation Land Use District.

1. Outdoor Recreation (passive recreational only, consistent with protection of the area).
2. Agricultural (Silviculture only), subject to "Best Management Practices", and using "Management Guidelines for Forested Wetlands in Florida," published by the Florida Division of Forestry.
  - a. **Special Provisions.**
    - (1) All silviculture activities conducted in this district shall utilize tree harvesting methods which are compatible with the maintenance of

the natural functions of the area (see Comprehensive Plan for more detail).

- (2) The following permanent natural vegetative buffers (above the observed normal waterline) shall be maintained.
  - 100 feet from Choctawhatchee River
  - 75 feet from Econfina Creek, Holmes Creek, and Pine Log Creek.
  - In accordance with regional policy, the County will prohibit all construction, except piers, docks, and landscaping within 100 feet of mean high-water mark of Choctawhatchee River, Holmes Creek, and Econfina Creek. The County will continue to monitor development on the Choctawhatchee River, Holmes Creek, and Econfina Creek as provided for in the LDC.

A minimum of 50% natural vegetative cover shall be undisturbed in these buffer areas.

- (3) No silviculture activities conducted in this land use district will result in the conversion of the existing wetlands to an upland system, or another wetland type.
- (4) Silviculture activities in the Pine Log State Forest and the Choctawhatchee Water Management Area shall be allowed in non-wetland areas only.
- (5) The County shall take into consideration, in the assessed value of property, increased property values directly related to infrastructure expenditures by government, and shall require that impacts to, and incompatible land uses adjacent to, wetlands should be minimized by first avoidance and then mitigation; and all properties meeting Conservation criteria shown as Conservation on the FLUM, as appropriate.
- (6) The County, partnering with the State and NFWFMD, shall pursue acquisition of appropriate parcels of land through the Preservation 2000, (Florida Forever) program, the Conservation and Recreational Lands (CARL) program, the Florida Communities Trust or the Trust for Public Lands and/or other agencies as may be appropriate to develop State/County partnerships to protect environmentally sensitive lands, to protect unique, rare and endangered habitats, assure survival of listed wildlife species, protect scenic water corridors and their shoreline ecosystems, and provide enhanced public access to outdoor



recreational opportunities and open space.

- (7) As they are identified, the County and municipalities will designate areas that fall within the 100-year floodplain as environmentally sensitive lands.

3. Public/Semi-Public (Utility) - Only utility transmission facilities allowed.

F. **Public/Semi-Public.**

The following types of uses are allowed in the Public/Semi-Public Land Use District.

1. Public/Semi-Public (General Government).
2. Public/Semi-Public (Utility).
3. Public/Semi-Public (Institutional).

- a. **Special Provisions.**

Approval of the siting of a new cemetery or expansion of an existing cemetery in any land use district shall be subject to approval of the governing body (i.e. either City/Town Council or Board of County Commissioners) through the Special Exception Review and Approval Process (see Section 10.05.00 of this Code).

4. Outdoor Recreation.

G. **Industrial.**

The following types of uses are allowed in the Industrial Land Use District.

1. Industrial and associated management/administration facilities. General Industrial Uses are only allowed when approved through the Special Exception process detailed in Section 10.05.00 of this code.
2. Public/Semi-Public (Utility). The location of Airport and Airfields and transmission towers shall only be approved subsequent to review as a "Special Exception Type IX or Type X" in accordance with Section 10.05.00 of this code.
2. Public/Semi-Public (General Government).

#### H. **Mixed Use/Sunny Hills.**

The following types of uses are allowed in the Mixed Use/Sunny Hills Land Use District.

1. Residential.
2. Professional Service and Office.
3. Commercial (General).
4. Neighborhood Commercial.
5. Outdoor Recreation.
6. Public/Semi-Public (General Government).
7. Public/Semi-Public (Institutional).
8. Public/Semi-Public (Utility). The location of Airport and Airfields and transmission towers shall only be approved subsequent to review as a "Special Exception Type IX or Type X" in accordance with Section 10.05.00 of this code.

##### a. **Special Provisions.**

When any subdivided land area within this land use category reverts to acreage, the Future Land Use Maps in the Washington County Comprehensive Plan shall be amended to reflect a change to conservation, recreation, agriculture, and/or silviculture use (i.e. the underlying land use). When any land area within this district is subdivided or re-subdivided, the use of such land area shall be changed to the specifically intended new use (i.e. low density residential, commercial, mixed use-PUD, etc.) subject to approval under the semi-annual comprehensive plan amendment process.

#### I. **Mixed Use/Planned Unit Development (PUD).**

The following types of uses are allowed in the Mixed Use/PUD Land Use District.

1. Residential.
2. Professional Service and Office.
3. Commercial (General).

4. Neighborhood Commercial.
5. Recreation.
6. Public/Semi-Public (General Government).
7. Public/Semi-Public (Institutional).
8. Public/Semi-Public (Utility).
  - a. Special Provisions
    - (1) The minimum land area to be considered for conversion to a PUD is twenty (20) acres if the PUD is located in an agriculture designated area, and ten (10) acres if the PUD is located in a residential or commercial designated area (or combination of residential, commercial, and/or agricultural).
    - (2) All residential subdivisions containing 100 or more subdivided building sites shall be required to be designated as Planned Unit Developments (PUD's). All Planned Unit Developments shall comply with Major Subdivision platting requirements.

- (3) Maximum overall residential density in a PUD are 10 units per acre in an area previously designated as agriculture/silviculture and 20 units per acre in an area previously designated as residential or commercial use. Planned Unit Developments must contain residential land use and must include the following minimum mix and types of land uses:
  - a. Recreation and/or Open Space Use - 10% of PUD's gross acreage (which may include buffers);
  - b. Commercial Use - 5% of PUD's gross acreage; and
  - c. Natural Vegetative Buffers of not less than 50 feet shall be provided between all adjacent land uses to minimize land use conflicts.
- (3) Intensity of uses in PUD's shall be consistent with the land use designation policies of Future Land Use Element to which intensity applications (FAR's, etc.) may apply (i.e. commercial, public/semi-public, etc.)

**J. Landfills.**

The only type of use which is allowed in this Landfill District is a "Class C" or Type III Landfill as defined by the State of Florida Department of Environmental Protection.

**2.03.00 OVERLAY DISTRICTS**

**2.03.01 Purpose**

The purpose of this Section is to describe certain overlay districts used to impose special development restrictions on identified areas and/or to allow for development of uses which are by their nature essentially compatible with all other uses (i.e. outdoor recreation). The location of overlay districts is established by Washington County based on the need for special protective measures and/or for development flexibility. The underlying uses in the area, as determined by the applicable land use district remain undisturbed by the creation of the overlay district. The overlay district merely imposes additional development standards than those that would otherwise apply.

**2.03.02 Recreational Land Use Overlay**

- A. General. This area shall consist of all areas shown as recreational land use on the Future Land Use Map Series contained in the Washington County Comprehensive Plan and in any other land use district (since this use is allowed in all districts) in accordance with the use and density requirements of this Section of the Code, the buffering requirements contained herein, and all provisions of the Washington County Comprehensive Plan.
- B. Permitted and Prohibited Uses. Permitted uses include all outdoor recreational uses (see Section 2.02.02 B.), utility facilities, as well as indoor recreation centers (non-

commercial), community and fraternal lodges (non-commercial), and the accompanying facilities. Specifically excluded are recreational vehicle parks, and other quasi-recreational activities.

- C. Density. The density of a development site shall be that of the underlying land use district. No non-recreational density is allowed in areas designated as solely recreation on the Future Land Use Map Series.
- D. Intensity. For all accompanying recreational facilities and public utilities, the maximum Floor Area Ratio (FAR) shall be 0.50.

### **2.03.03 Historical Land Use Overlay**

- A. General. This area shall consist of all areas shown as historical land use on the Future Land Use Map Series of the Washington County Comprehensive Plan and other areas which may be designated as historical land uses by the governing body through the Comprehensive Plan Amendment Process.
- B. Permitted and Prohibited Uses. Historical structures may be used for the purpose of their intended original construction as well as for museums or similar public or private facilities. Passive recreational uses (i.e. picnicking, walking areas, etc. are also allowed on such development sites). Archeological sites shall have no development covering the site except for interpretive facilities in accordance with State of Florida Standards for Archeological Sites.
- C. Density. The maximum allowed density in the Historical Land Use District shall be the density at which the area was originally developed (in accordance and compliance with current Department of Health and Rehabilitation Services (DHRS) rules and regulations).
- D. Intensity. The maximum allowed intensity of development allowed for rehabilitation and/or replacement of structures shall be in accordance with the originally developed intensity of the historical site in accordance and compliance with current DHRS rules and regulations. Newly constructed accessory structures shall have a maximum FAR of 0.75 (including existing structures) and shall not degraded the historical or archeological significance of the area.

### **2.03.04 Mineral Extraction (Mining) Overlay**

- A. General. This area shall consist of all areas shown as mineral extraction uses on the Future Land Use Map Series of the Washington County Comprehensive Plan, and other areas which may be designated as mineral extraction uses by the governing body through the Special Exception Process presented in Section 10.05.00 of this Code.
- B. Permitted Uses. All mining activities (does not include landfill activities).
- C. Density and Intensity. In accordance with submitted and approved extraction and reclamation plan.
- D. Special Provisions. All mineral extraction uses must have an approved extraction and reclamation plan. Once approved by the governing body this plan shall be recorded with

the Clerk of the Court and the developer shall comply with the requirements of Section 10.02.11 of this Code entitled Guarantees and Sureties prior to initiation of mining activities.

### **2.03.05 Airport Protection Zone (AICUZ)**

A. General. The AICUZ area for the Panama City-Bay International Airport is the lands and waters described in the Panama City-Bay International Airport 2009 AICUZ User Guide Manual. Development restrictions described in the Guide shall apply within the AICUZ area. There are four specific zones created for the Panama City-Bay International Airport are:

B. Permitted Uses.

1. Airport Obstruction Height Zone. Map 1 – Height limitations and sizes established to conform to the standards for determining obstructions to air navigation
2. Wildlife Attractant Hazard Zone (B). Map 2 -- 10,000-ft Perimeter (B). – Separation distance for any wildlife attractants or for new airport development projects meant to accommodate aircraft movement. Page 2, FAA Advisory Circular 150/5200-33B
3. 5 - Mile Perimeter C. Map 3 – 5 Statute miles Perimeter -- Between farthest edge of the airport's air operations area (AOA) and hazardous wildlife attractant if it could cause hazardous wildlife movement into or across the approach or departure airspace. Page 2, FAA Advisory Circular 150/5200-33B
4. 10-Nautical Mile Perimeter. Map 4 – 10-nautical mile radius of geographical center of publicly center of a publicly owned or operated airport, a military airport, or an airport licensed by the state for public use. Permit required for structures exceeding federal obstruction standards in Section 333.025 F. S.
5. 6-Nautical Mile Perimeter. Map 5 -- 6-nautical mile, limitations on construction or establishments of landfills near public airports. Page 4, FAA Advisory Circular 150/5200-33B

C. Special Provisions.

Any development that would threaten the integrity and mission of the Panama City-Bay International Airport shall be prohibited. These standards will also be incorporated into the Land Development Code.

A statute mile is used for surveying and is defined as 5,280 feet or 1,609.34 meters. A nautical mile is 6,076 feet or 1,852 meters. The nautical miles are used for aeronautical and maritime navigation.

In order to prevent any hazards, Washington County and the Town of Ebro shall coordinate with the Panama City-Bay International Airport Authority to execute an interlocal agreement to address airport-zoning regulations in accordance with Federal obstruction standards for airports as set forth in portions of Part 77, Code of Federal

Regulations and Chapter 333, F.S.

Prior to the execution of such an Agreement and the adoption of the applicable comp plan policies required by 163.3177(6)(a), the County will review all development applications to determine if located in Airport Impact Area.

The Special Treatment Zone is an overlay zone, defined as a zoning district that encompasses one or more underlying zones and that imposes additional provisions above those that are currently reflected by the Future Land Use Maps.

No development permit shall be granted that would allow the creation of a new hazard or the worsening of an old one. If a regulation would cause “practical difficulty or unnecessary hardship,” an individual may appeal first to the Washington County Planning Commission. If a variance is granted, the owner of the nonconforming development may be required to take some measures to lessen any potential risk to airport operations.

## **2.04.00 DENSITY AND INTENSITY**

### **2.04.01 Generally**

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

### **2.04.02 Residential (Low Density) District**

#### **A. Density.**

1. New Residential Development. Gross density of less than 1.0 residential unit per acre.
2. Existing subdivided residential areas. Infill residential development is allowed at platted and/or subdivided densities only on lots of record as of April 11, 1991 and in accordance with all DHRS rules and regulations.
3. Nonresidential Development. Density standard is not applicable to nonresidential uses allowed in this district.

#### **B. Intensity.**

1. Residential Development. One-acre minimum lot size and all development in this district must also meet building placement standards (see Section 2.05.02) as well as comply with the subdivision provisions of this Code (see Article Six).
2. Nonresidential Development. The maximum intensity for all nonresidential structures is a Floor Area Ratio (FAR) of 0.50. The maximum allowable square

footage of any neighborhood commercial use located in this District is 2,500 square feet.

#### **2.04.03 Residential (Low/Medium Density) District**

##### **A. Density.**

1. New Residential Development. Gross density of less than 3.57 units per acre.
2. Existing subdivided residential areas. Infill residential development is allowed at platted and/or subdivided densities only on lots of record as of April 11, 1991 and in accordance with all DHRS rules and regulations.

##### **B. Intensity.**

1. Residential Development. 12,500 square foot minimum lot size where either central potable water or sewer service is available, 1.0-acre minimum lot size when neither is available and all development in this district must also meet building placement standards (see Section 2.05.02), as well as comply with the subdivision provisions of this Code (see Article Six).

#### **2.04.04 Residential (High/Medium Density) District.**

##### **A. Density.**

1. New Residential Development. Gross density of less than 10.0 units per acre.
2. Existing subdivided residential areas. Infill residential development is allowed at platted and/or subdivided densities only on lots of record as of April 11, 1991 and in accordance with all DHRS rules and regulations.

##### **B. Intensity.**

1. Residential Development. No minimum lot size where both central potable water and sewer service is available. 12,500 square foot minimum lot size where either central potable water or sewer service is available, 1.0-acre minimum lot size when neither is available and all development in this district must also meet building placement standards (see Section 2.05.02), as well as comply with the subdivision provisions of this Code (see Article Six).

#### **2.04.05 Residential (High Density) District**

##### **A. Density.**

1. New Residential Development. Gross Density of less than 20.0 units per acre.



2. Existing subdivided residential areas. Infill residential development is allowed at platted and/or subdivided densities only on lots of record as of April 11, 1991 and in accordance with all DHRS rules and regulations.

B. Intensity.

1. Residential Development. No minimum lot size where both central potable water and sewer service is available. Densities exceeding 3.57 units per acre shall be required to have both central sewage and water., 1.0-acre minimum lot size when neither is available and all development in this district must also meet building placement standards (see Section 2.05.02), as well as comply with the subdivision provisions of this Code (see Article Six).

**2.04.06 Agricultural/Silvicultural District**

A. Density.

1. New Residential Development. Area-wide (District-wide) density of 1.0 residential units per 10.0 acres in accordance with Special Provisions presented in Section C below, and in accordance with all DHRS rules and regulations.
2. Existing subdivided residential areas. Infill residential development is allowed at platted and/or subdivided densities only on lots of record as of April 11, 1991 and in accordance with all DHRS rules and regulations.
3. Nonresidential Development. Density standard is not applicable to nonresidential uses allowed in this district.
4. Recreational Vehicle Parks and campgrounds shall have access to paved roads. Such uses shall have either a public or private central water, and sewer system as required by the Department of Environmental Protection. Such uses may be permitted within the Agriculture/Silviculture Future Land Use Map district with a Special Exception approval pursuant to the Type XV review procedure. As part of the Special Exception process the distance to major transportation facilities such as I-10, SRs 77, 79, 90 and 20, and proximity to natural and recreation areas shall be considered.

B. Intensity.

1. Residential Development. No minimum platted lot size where both central potable water and sewer service is available. 12,500 square foot minimum platted lot size where either central potable water or sewer service is available, 1.0-acre minimum platted lot size when neither is available and all development in this district must also meet building placement standards. Unplatted residential development must meet all DHRS Standards.
2. Nonresidential Development. The maximum intensity for all nonresidential structures is a Floor Area Ratio (FAR) of 0.50. The maximum allowable square

footage of any neighborhood commercial use located in this District is 2,500 square feet.

C. Special Provisions.

1. Immediate Family Exceptions. In accordance with Washington County's Comprehensive Plan and the provisions of Article Six, "Subdivisions," the transfer of property to members of the principle owner's immediate family is allowable without platting, provided that all other applicable requirements are met during development. DHRS minimum standards shall still be met, and residential units constructed on such parcels shall be counted against the maximum land use district density ratio of 1.0 unit per 10.0 acres.
2. Platting Requirements. In accordance with Article Six, "Subdivisions," platting shall be required for all divisions, re-divisions, etc. of land into two (2) or more parcels when any one (1) of which is less than four and one-half (4.5) acres in size; as well as for all divisions, re-divisions, etc. of land into two (2) or more parcels of ten (10) acres or smaller in size where any new street or roadway is installed. For subdivisions containing parcels less than four and one-half (4.5) acres in size, if such subdivisions do not meet the clustering provisions presented below, then a change in land use shall be required (i.e. to Low Density Residential, etc.).
3. Clustering Provisions. In accordance with Policy 5-3 of the Future Land Use Element of Washington County's Comprehensive Plan clustering of residential development shall be allowed in this district in accordance with the minor subdivision procedures outlined in Article Six of this Code and the following criteria:
  - a. Minimum lot sizes shall be 1.0 acre in areas not served by central water or sewer service, 12,500 sq. ft. in areas served by either central water or sewer service, and no minimum lot size if served by both;
  - b. All clustered lots must front directly on either a paved roadway (newly constructed or existing) which has uninterrupted direct paved access from a paved minor collector or higher classification paved roadway, or an existing unpaved county-maintained roadway (existing as of the original date of adoption of this plan - April 4, 1991);
  - c. The Access Management Provisions of Article Five are adhered to;
  - d. Residential units constructed in such areas shall count against the area-wide density ratio of 1.0 unit per 10.0 acres.;
  - e. The minimum open space ratio in such areas will be 25%, unless the original size of the parcel is not sufficient such that it can be divided into the allowed number of cluster units (see 3.g. below) of the required minimum lot sizes and still maintain a 25% open space ratio. In no case shall the open space ratio be less than 10%;

- f. The required open space areas shall be arranged such that they provide a buffer between the cluster and surrounding parcels;
- g. The maximum number of residential units or building sites which will be allowed to be clustered on a parcel which has access from an existing unpaved roadway is ten (10), and the maximum number of residential units or building sites which will be allowed to be clustered on a parcel which has access from a paved roadway is forty-nine (49); and,
- h. The clustered lots shall be platted in accordance with the minor subdivision platting procedures of Article Six of this Code.

#### **2.04.07 Commercial District**

- A. Density. The maximum intensity for all professional service and office type uses located in this district is a Floor Area Ratio (FAR) of 1.00. The maximum intensity for all other nonresidential uses located in this district is a Floor Area Ratio (FAR) of 0.75.

#### **2.04.08 Industrial District**

- A. Density. This development standard is not applicable to the Industrial District.
- B. Intensity. The maximum intensity for all development located in this district is a Floor Area Ratio (FAR) of 0.50.

#### **2.04.09 Recreational District**

- A. Density. This development standard is not applicable to the Recreational District.
- B. Intensity. The maximum intensity for all development located in this district is a maximum Floor Area Ratio (FAR) of 0.50.

#### **2.04.10 Conservation District**

- A. Density. This development standard is not applicable to the Conservation District.
- B. Intensity. This development standard is not applicable to the Conservation District.

#### **2.04.11 Public/Semi-Public District**

- A. Density. This development standard is not applicable to the Public/Semi-Public District.
- B. Intensity. The maximum intensity for all development located in this district is a maximum Floor Area Ratio (FAR) of 0.50.

#### **2.04.12 Mixed Use/Sunny Hills District**

- A. Density.

1. Existing subdivided residential areas. Infill residential development is allowed at platted densities only on lots/parcels of record as of April 11, 1991 and in accordance with all DHRS rules and regulations and the following area-wide (District-wide) land use ratios:
  - a. Residential Use at 0.0 to 4.36 units per acre equal to maximum 78.0% of land area.
  - b. Residential Use at 4.36 to 20.0 units equal to maximum of 1.5% of land area.
2. Existing nonresidential subdivided areas. Nonresidential development is allowed at platted densities only on lots/parcels of record as of April 11, 1991 and in accordance with all DHRS rules and regulations and the following area-wide (District-wide) land use ratios:
  - a. Commercial Use equal to maximum of 2.5% of land area.
  - b. Recreation use equal to minimum of 18.0% of land area.
  - c. Public/Semi-Public Use as required.

**B. Intensity.**

1. Residential Development. Maximum allowed under DHRS guidelines.
2. Nonresidential Development. The maximum intensity for all office type uses in this district is a Floor Area Ratio (FAR) of 1.00 and is a Floor Area Ratio (FAR) of 0.75 for all other nonresidential type uses.

**C. Special Provisions.**

When any subdivided land area within this land use category reverts to acreage, the Future Land Use Maps in the Washington County Comprehensive Plan shall be amended to reflect a change to conservation, recreation, agriculture, and/or silviculture use. When any land area within this district is subdivided or re-subdivided, the use of such land area shall be changed to the specifically intended new use (i.e. low density residential, commercial, mixed use-PUD, etc.) subject to approval under the semi-annual comprehensive plan amendment process.

**2.04.13 Mixed Use/Planned Unit Developments (PUD)**

This land use is for development, intended to encourage innovative, and flexible site design characterized by a unified site design for residential units, clustering of buildings, provision for open space, and a mix of building types and land uses. Generally, residential, professional service offices, commercial, neighborhood commercial, recreation, public/semi public general government, public/semi-public (institutional), and public/semi-public utility uses are permitted. A plan amendment is required for changes to this classification.

**Minimum Size.** The minimum amount of land allowed to become a planned unit development is 20 acres, which may include a maximum of 10 acres of land designated as Conservation. Area located in a land use area designated as agriculture and 10 acres if located in a residential or general commercial designated area (or some combination of agriculture, residential, and/or general commercial).

**Planning Requirements.** All residential subdivisions containing 100 or more subdivided building sites shall be required the designation as a planned unit development and comply with all major subdivisions platting requirements.

A. **Density.** Maximum gross residential density shall be 10 units per acre (with central water and sewer) in an area previously designated as agriculture and 20 units per acre (with central water and sewer) in an area previously designated as residential or commercial use.

All PUD's must include residential use and must include the following minimum mix and types of land uses:

1. Recreation and/or Open Space Use - 10% of PUD's gross acreage (which may include buffers);
2. Commercial Use - 5% of PUD's gross acreage; and
3. Natural Vegetative Buffers - Not less than 100 feet between all adjacent land uses.
4. Open Space/Recreation. A planned unit development must include 10 percent of the gross acreage of the PUD, which may include buffers.

B. **Intensity.**

1. Residential Development - Maximum allowed under DHRS guidelines.
  - a. Age Restrictive Housing. All residential developments having age-restricted residential development for active adults and retirees will be required to have a Planned Unit Development designation.
2. Nonresidential Development - The following maximum From Area Ratios (FAR's) shall be allowed for each land use:
  - a. Commercial - FAR of 0.75;
  - b. Professional Service and Office - FAR of 1.00;
  - c. Public/Semi-Public - FAR of 0.50; and
  - d. Recreation - FAR of 0.50.

## **2.05.00 LOT DIMENSION AND BUILDING PLACEMENT**

### **2.05.01 Lot Dimensions**

For specifics concerning minimum lot dimensions see Sections 2.04.00 and 5.01.00, of this Code, and Article Six, "Subdivisions."

### **2.05.02 Building Placement**

- A. Residential District. All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, measured from the front property line. Structures shall also be sited in accordance with Article Six, "Subdivisions," of this Code.
- B. Agricultural/Silvicultural District. All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, measured from the front property line. Structures shall also be sited in accordance with Article Six, "Subdivisions," of this Code.
- C. Conservation District. This development standard is not applicable to the Conservation District.
- D. Commercial District. All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, measured from the front property line. Structures shall also be sited in accordance with Article Six, "Subdivisions," of this Code.
- E. Industrial District. All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, measured from the front property line. Structures shall also be sited in accordance with Article Six, "Subdivisions," of this Code.
- F. Public/Semi-Public District. All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, measured from the front property line. Structures shall also be sited in accordance with Article Six, "Subdivisions," of this Code.
- G. Mixed Use/Sunny Hills District. All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, measured from the front property line. Structures shall also be sited in accordance with Article Six, "Subdivisions," of this Code.
- H. Mixed Use/PUD's. All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, measured from the front property line. Structures shall also be sited in accordance with Article Six, "Subdivisions," of this Code.

### **2.05.03      Accessory Structures**

Accessory structures shall be sited a minimum distance of ten (10) feet from any adjoining property line.

## **2.06.00      VEGETATION AND BUFFERING**

### **2.06.01      General Provisions**

- A. Purpose. The purpose of this Section is to protect the quality of water resources from future degradation by maintaining vegetative cover and controlling disturbances to vegetation, to encourage the selection of native plant species for vegetation, to reduce the impact of urban and suburban development on remaining stands of natural vegetation, to provide shade, to reduce heat and glare, to abate noise pollution, to provide habitat for living things, and to buffer incompatible uses. Included in this Section are provisions for buffers, open space, and landscaping.
- B. Exemptions. Lots or parcels of land on which a single-family home is used as a residence shall be exempt from the provisions of these vegetation regulations. This exemption shall not be construed to apply to residential subdivisions or other residential developments that require development plan or subdivision approval.
- C. Landscape Materials. Diversity of plantings should be strived for in all required landscape plantings, and in no case should one species constitute more than fifty percent (50%) of a planting.
- D. Prohibited Plants. In accordance with Florida statutes, the County encourages the use of Xeroscape landscaping practices that discourages the planting of some exotic species that are illegal. The following plants shall not be installed as landscape material:

*SEE EXHIBIT "A"*

- E. Agriculture Buffers - The County shall require all new developments adjacent to Agricultural/Silvicultural lands or operations on parcels of 20 acres or more to provide a buffer to reduce the potential conflicts between Agricultural/Silvicultural and non-agricultural land uses. A 50-foot agricultural buffer on abutting non-agricultural lands shall be required to ensure that the adjacent farmland retains an Agricultural/Silvicultural Future Land Use Map designation and that new development is protected from noise, glare, odor, dust, and smoke associated with agriculture land uses. Potential buffers could be either a natural barrier or a natural or landscaped buffer supplemented with fencing or other approved man-made barriers provided that the intent of this policy is fulfilled by the buffer.

### **2.06.02      Landscaped Buffers**

- A. Purpose and Intent. This Section requires landscaped buffers to be provided and maintained when certain land uses are adjacent to or directly across from each other in order to protect uses from the traffic, noise, glare, trash, vibration and odor likely to be associated with a more intensive land use. Landscaped buffers are also required to conserve the values of land and buildings and to provide adequate light and air. The width of the buffer and the required plantings within the buffer vary depending upon the

relative intensities of the abutting or adjacent uses. The buffer requirements are intended to be flexible; the developer may choose among a number of combinations of buffer width and buffer plantings to satisfy the requirement.

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

1. Identify the land use of the proposed use by referring to Section 2.02.02. Identify the land use of the adjacent or adjoining use(s) by on-site survey.
2. Identify whether the proposed and adjacent or adjoining uses are high impact, medium impact, or low impact, Residential Class I or Residential Class II uses by referring to Section 2.06.02 (E).
3. Determine the landscaped buffer required on each building site boundary (or portion thereof) by referring to Section 2.06.02 (F).
4. Select the desired landscaped buffer option from those set forth in Section 2.06.02 (G). Any of the listed options shall satisfy the requirement of buffering between adjacent or adjoining land uses.

C. Landscaped Buffer Design and Materials.

1. Existing Native Plant Material. The use of existing native species of plant material is strongly encouraged in landscaped buffers. Existing natural ground cover should be retained where possible by avoiding scraping, grading and sodding within the landscaped buffer. Where the planting requirements of Section 2.06.02 (G) require additional trees or shrubs to be installed in an existing natural area, it should be done in a manner which minimizes disturbances to native species.
2. Where the planting requirements of Section 2.06.02 (G) require additional trees to be installed in the landscaped buffer, required landscape materials shall be Florida Department of Agriculture Nursery Grade No. 1 grade or better.
3. Mixed-Use Development. Where a building site is used for a single mixed-use development, landscaped buffers shall not be required between the various constituent uses. Landscaped buffers required at the perimeter of the development shall be based upon the individual uses on each portion of the property.
4. Parking Lot Landscaping. Perimeter plantings required for parking lot landscaping may be counted toward satisfying buffer requirements.

D. Use of Landscaped Buffers.

1. Open Space. Landscaped buffers may be counted toward satisfying open space requirements and may be used for passive recreation. They may contain



pedestrian or bike trails, provided that the total width of the buffer area is maintained. In no event, however, shall the following uses be permitted in landscaped buffers: play fields, stables, swimming pools, tennis courts, parking lots and vehicular use areas, dumpsters, equipment storage and other open storage, buildings or overhangs.

2. Storm water Retention/Detention Facilities. The Development Administrator shall be authorized to allow Storm water retention/detention facilities to encroach into landscaped buffers a maximum of thirty (30%) percent of buffer width, where it is found that all planting requirements of this Section are met and the visual screen provided by the landscaped buffer will be fully achieved.

E. Classification of Uses for Determining Buffer Requirements.

1. Nonresidential Uses. For the purposes of determining landscaped buffer requirements, nonresidential land uses are classified as high, medium, or low impact uses as follows:
  - a. High Impact Uses. High impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a strong effect on abutting or adjacent uses. High impact uses include:
    - (1) Industrial Uses, as defined in Section 2.02.02 (J);
    - (2) Mining Uses, as defined in Section 2.02.02 (K);
    - (3) Public/Semi-Public (Utility) Uses as defined in Section 2.02.02 (H);
    - (4) Landfill Uses as defined in Section 2.02.02(L);
    - (5) Feed lots and outdoor kennels.
    - (6) All accessory uses associated with the above uses.
  - b. Medium Impact Uses. Medium impact uses are particular uses of land that, because of their operational and physical characteristics are expected to have a moderate effect on adjoining or adjacent uses. Medium impact uses include:
    - (1) General Commercial Uses, as defined in Section 2.02.02 (E);
    - (2) Emergency Service Activities and Uses;
    - (3) All accessory uses associated with the above uses.
  - c. Low Impact Uses. Low impact uses are particular uses of land that, because of their operational and physical characteristics are expected to

have a limited effect on abutting or adjacent uses. Low impact uses include:

- (1) Public/Semi-Public (General Government) Uses, as defined in Section 2.02.02 (G) excluding emergency service activities and uses;
- (2) Public/Semi-Public (Institutional) Uses, as defined in Section 2.02.02 (F);
- (4) Neighborhood Commercial Uses, as defined in Section 2.02.02 (D);
- (4) Professional Service and Office Uses, as defined in Section 2.02.02 (C);
- (5) Agricultural/Silvicultural Uses, as defined in Section 2.02.02 (I), excluding feedlots;
- (6) Outdoor Recreation Uses, as defined in Section 2.02.02 (B);
- (7) All accessory uses associated with the above uses.

2. Residential Uses. For the purposes of determining landscaped buffer requirements. Residential uses are classified as follows:

a. Residential Class I

- (1) Residential uses, as defined in Section 2.02.02 (A), with a density of less than five (5) units per acre. However, single family homes that are not part of larger development requiring site plan approval are exempt from all landscaped buffer requirements, in accordance with Section 2.06.01 B.; and,
- (2) All accessory uses associated with the above uses.

b. Residential Class II

- (1) Residential uses, as defined in Section 2.02.02 A., with a density of greater than or equal to five (5) units per acre; and,
- (2) All accessory uses associated with the above uses.

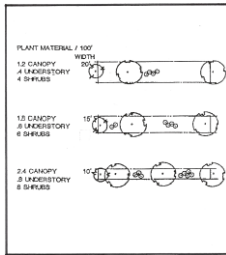
F. Table of Landscaped Buffer Requirements.

<b>Propose Use</b>	<b>High Impact</b>	<b>Medium Impact</b>	<b>Low Impact</b>	<b>Residential Class I</b>	<b>Residential Class II</b>
<b>Abutting or Adjacent Use – High Impact</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>D</b>
<b>Medium Impact</b>	<b>B</b>	<b>A</b>	<b>B</b>	<b>C</b>	<b>C</b>
<b>Low Impact</b>	<b>C</b>	<b>B</b>	<b>A</b>	<b>C</b>	<b>B</b>
<b>Residential I</b>	<b>D</b>	<b>C</b>	<b>C</b>	<b>NONE</b>	<b>B</b>
<b>Residential II</b>	<b>D</b>	<b>C</b>	<b>B</b>	<b>B</b>	<b>NONE</b>

G. Landscaped Buffer Options.

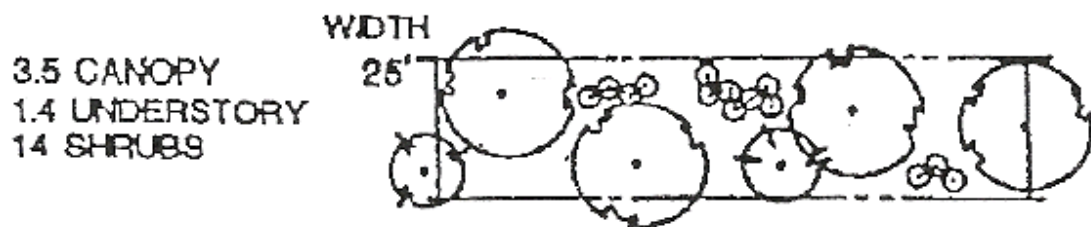
1. These specifications are used to select the desired landscaped buffer option for the building site. These buffer requirements are stated in terms of the width of the linear feet of buffer. To determine the total number of plants required, the length of each side of property requiring a buffer shall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

## LANDSCAPE STANDARD "A"



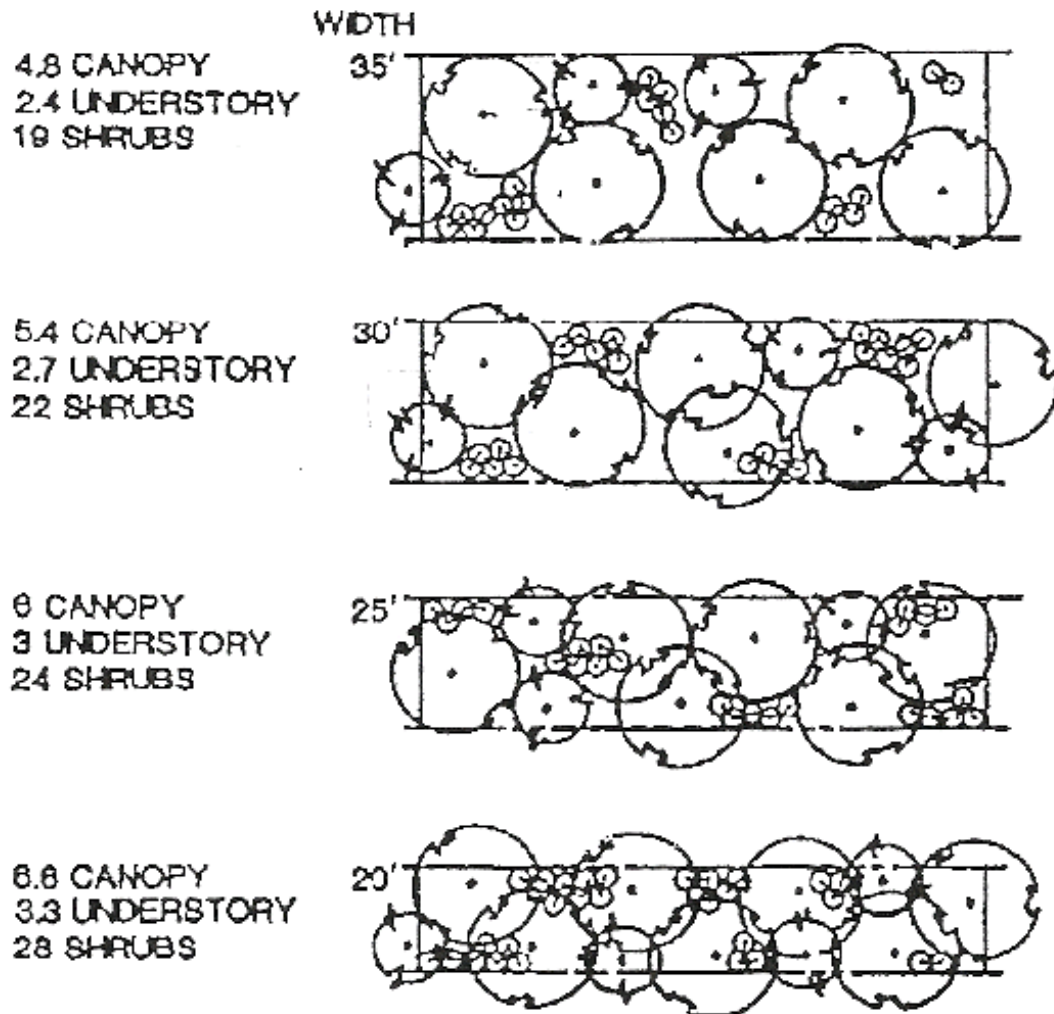
## LANDSCAPE STANDARD "B"

PLANT MATERIAL / 100'



## LANDSCAPE STANDARD "C"

PLANT MATERIAL / 100'



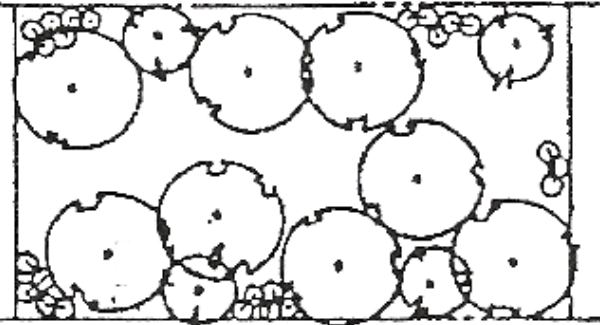
## LANDSCAPE STANDARD "D"

PLANT MATERIAL / 100'

8 CANOPY  
4 UNDERSTORY  
24 SHRUBS

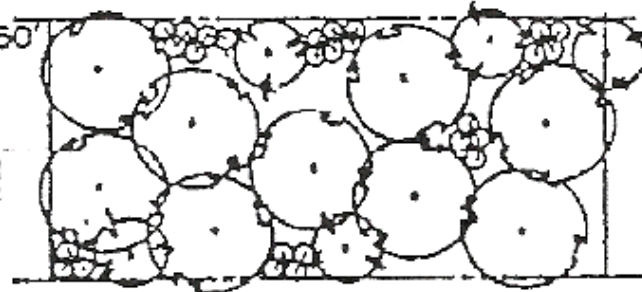
WIDTH

60'



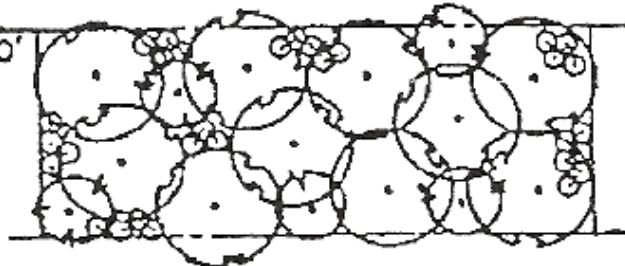
9 CANOPY  
4.5 UNDERSTORY  
27 SHRUBS

60'



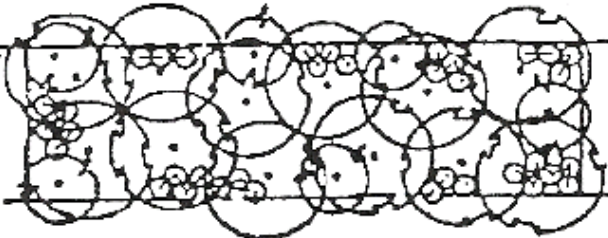
10 CANOPY  
5 UNDERSTORY  
30 SHRUBS

40'



12 CANOPY  
6 UNDERSTORY  
36 SHRUBS

30'



H. Responsibility for Landscaped Buffers.

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

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

**2.06.03 Landscaping of Vehicular Use Areas**

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

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

B. Perimeter Requirements. A ten-foot wide strip of land located along the front property line adjacent to the street right-of-way shall be landscaped. In no case shall this strip be less than ten (10) feet wide. Width of sidewalks shall not be included within the ten-foot wide perimeter landscape area.

1. Landscaped Material Requirements in Perimeter Area.

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

C. Interior Planting Areas.

1. At least ten percent (10%) of the gross area of the interior vehicular use area shall be landscaped. Interior planting areas are to be located within or adjacent to the parking area as tree islands, at the end of parking bays, inside seven-foot wide or greater medians, or between rows of cars or as part of continuous street or



transitional protective yards. Interior planting areas shall be located to most effectively accommodate Storm water runoff and provide shade in large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic.

- a. No more than fifteen (15) parking spaces shall be permitted in a continuous row without being interrupted by an interior planting area.
  - b. Trees shall be required at the minimum rate of one shade tree for every three thousand five hundred (3,500) square feet of total vehicular use area. All vehicular use areas located within the same block which serve one or more businesses or uses of land or share unified ingress and egress shall be considered as a single vehicular use area for the purpose of computing the required rate of trees, notwithstanding ownership. Required trees shall be at least eight (8) feet in height and three (3) inches in diameter at breast height.
2. Minimum size of interior planting areas.
    - a. A minimum of ninety (90) square feet of planting area shall be required for each new small shade tree.
    - b. A minimum of one hundred and twenty-five (125) square feet of planting area shall be required for each medium or large shade tree.
  3. A minimum planting area of fifty (50) percent of the dripline area of the tree shall be required for all existing trees. If conditions warrant that an area greater than fifty (50) percent is needed to preserve the tree, additional areas may be negotiated between the applicant and the County.
  4. In no case shall the minimum planting area be less than ninety (90) square feet.
- D. Vehicle Overhang. Vehicles shall not overhang more than two (2) feet into any interior planting area or perimeter strip.
1. Where landscaping is installed in interior or perimeter strip planting areas, a continuous curb or other acceptable means of protection shall be provided to prevent injury to the vegetation. Such curb shall be designed to allow percolation of the water to the root system of the landscape material. Where existing trees are preserved, tree wells, tree islands or a continuous curb shall be utilized to protect the trunk and root system from alterations to surrounding grade elevations and damage from automobiles. A drainage system, sufficient enough to allow percolation into permeable soil, shall be provided in the area defined by the dripline of the tree(s).

## **2.06.04 Resource Protection Buffers**

- A. Wetlands and Surface Water Bodies. A minimum of a twenty-five (25) foot permanent natural vegetative buffer, measured landward from the wetlands jurisdiction line or observed normal waterline (whichever is most landward) shall be established from all wetlands and natural surface water bodies. Within this buffer, permanent structures will

be prohibited except for accessory recreational uses (i.e. docks, piers, boat ramps), and clearing of native vegetation, other than in areas designated for silvicultural use (See Section 2.02.03 D. for restrictions on silviculture activities in Conservation Areas), shall be limited to provide only for reasonable access to the shoreline.

A fifty (50) foot development setback from the ordinary high-water mark of all surface water bodies is also required. Only accessory structures are allowed within this area.

B. Major Managed Areas. A minimum of a one hundred (100) foot permanent natural vegetative buffer shall also be maintained from all major managed areas. These are as follows:

1. Pine Log State Forest;
2. Falling Waters State Recreational Area;
3. Choctawhatchee Water Management Area;
4. Holmes Creek State Canoe Trail; and
5. Econfina State Canoe Trail.

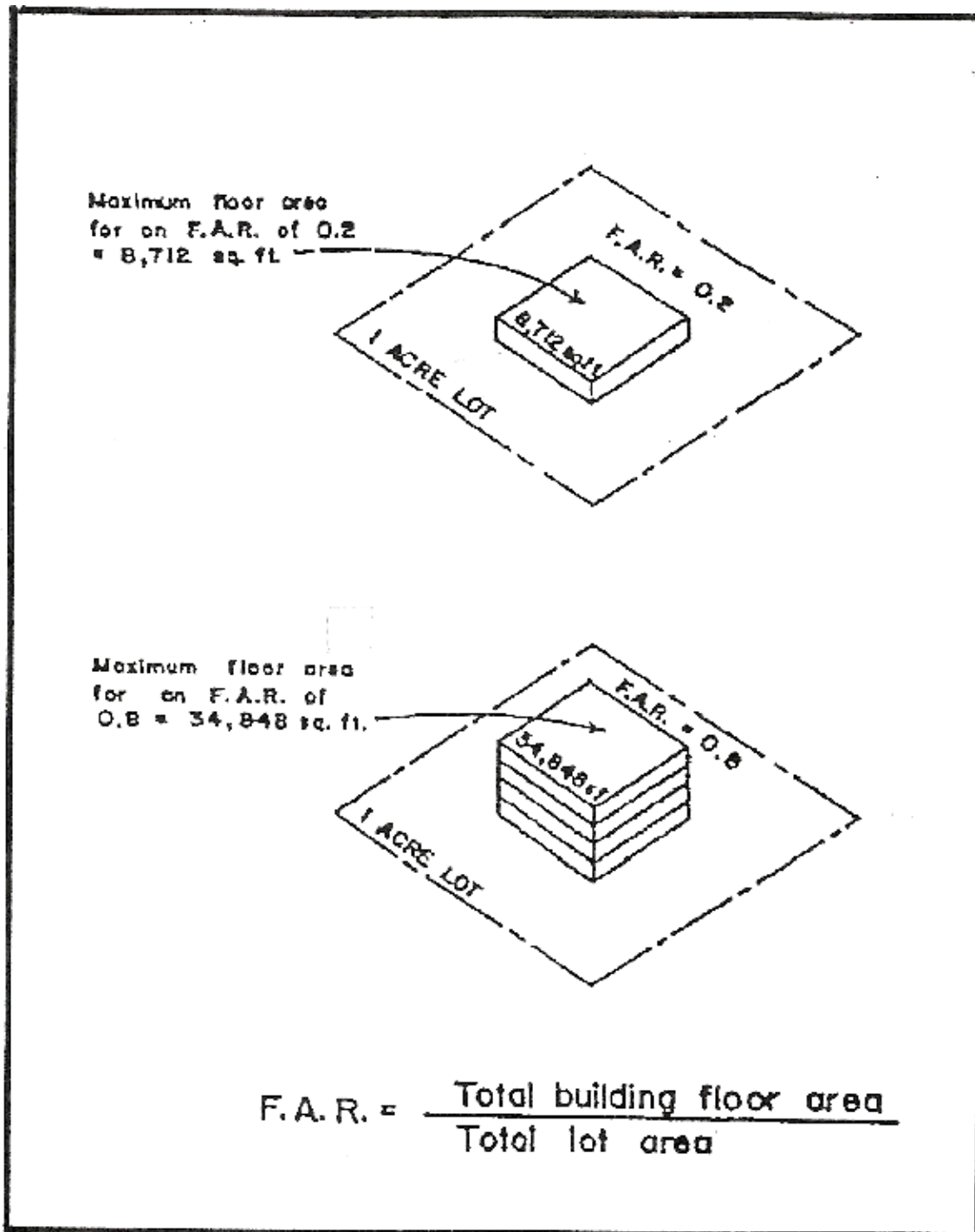
C. Historic. All development (regardless of location) shall maintain a minimum twenty-five (25) foot buffer from known archaeological or historical sites.

#### **2.06.05 Open Space**

A. Definition. See Section 2.00.02 LL. and MM.

B. Minimum Provisions. The open space of a development site shall be no less than the total site area less the maximum building or floor area. At least ten percent (10%) of the total development site must be comprised of existing native vegetation allowed to remain on site.

FIGURE 2.02.03-A FLOOR AREA RATIO



## **ARTICLE THREE CONCURRENCY**

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## **ARTICLE THREE CONCURRENCY**

### **3.00.00        GENERALLY**

#### **3.00.01        Purpose**

The purpose of this Article is to describe the requirements and procedures necessary to implement the concurrency provisions of the Washington County Comprehensive Plan (including the municipalities of Caryville, Ebro, Vernon and Wausau). Concurrency Management is intended to ensure the availability of public facilities and services and the adequacy of those facilities at adopted levels of service.

#### **3.00.02        Definitions**

Certain terms, as used in this Article, have the meanings given below.

- A.    **Availability.** Means that at a minimum the facilities and services will be provided in accordance with the standards set forth in Rule 9J-5.0055(2), F.A.C. and the provisions of the Washington County Comprehensive Plan.
- B.    **Certificate of Concurrency.** A statement, related to a specified development project, that concurrency is satisfied and that a specified amount of facility capacity is reserved for a specified period of time.
- C.    **Concurrency.** Means that the necessary public facilities and services to maintain the adopted Level of Service Standards (LOSS) are available when the impacts of development occur.
- D.    **Concurrency Management System.** The procedures and/or process that Washington County uses to assure that development orders and permits are not issued unless the necessary facilities and services are available concurrent with the impacts of development.
- E.    **Concurrency Review.** The process to determine if there is adequate available capacity to accommodate the impact of development at or above the adopted Level of Service Standards (LOSS).
- F.    **Development.** Means the carrying out of any building activity or mining operation, the making of any material change in the use or appearance of any structure or land, or the dividing of land into two or more parcels any one of which is 4.5 acres or less in size or the platting of any subdivided area. The following activities or uses shall be taken for the purposes of this Code to involve "development":
  - 1.    A reconstruction, alteration of the size, or material change in the external appearance of a structure on land.
  - 2.    A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure on land or a material increase in the number of

businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

3. Alteration of a shore or bank or a seacoast, river, stream, lake, pond, or canal, including any "coastal construction", as defined in Chapter 161.021, F.S.
4. Commencement of drilling, except to obtain soil samples, mining, or excavation on a parcel of land.
5. Demolition of a structure.
6. Clearing of land as an adjunct of construction.
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

The following operations or uses shall not be taken for the purpose of this Code to involve "development":

1. Work by a highway or road agency or railroad company for the maintenance or improvement of a road or railroad track, if the work is carried out on land within the boundaries of the right-of-way.
2. Work by any utility and other persons engaged in the distribution or transmission of gas or water, for the purpose of inspecting, repairing, renewing, or constructing on established right-of-way any sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like.
3. Work for the maintenance, renewal, improvement, or alteration of any structure, if the work affects only the interior or the color of the structure or the decoration of the exterior of the structure.
4. The use of any structure or land devoted to dwelling uses for the purpose customarily incidental to enjoyment of the dwelling.
5. The use of any land for the purpose of growing plants, crops, trees, and other agricultural and forestry products; raising livestock; or for any other agricultural purposes.
6. A change in use of land or structure from a use within a class specified in this Code to another use in the same class.
7. A change in the ownership or form of ownership of any parcel or structure.
8. The creation or termination of rights of access, riparian rights, easements, covenants concerning development of land, or other rights in land.

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

operations or activities are not development. Reference to particular operations is not intended to limit the generality of this definition.

- G. **Development Agreement.** A Local Government Development Agreement, as defined in F.S. Section 163.3220 - 163.3243.
- H. **Development Order (DO).** Any order granting, denying, or granting with conditions an application for a building permit, subdivision approval, rezoning, certification, special exception, variance, or any other official action of the local government having the effect of permitting the development of land.
1. **Preliminary Development Order.** A DRI Development Order, zoning approval or Land Use Amendment, preliminary site plan approval, Board of Adjustment and Appeals approval, variance approval, and any other Development Order other than a final Development Order.
  2. **Final Development Order.** A preliminary subdivision plat approval, a cluster subdivision approval, a minor subdivision approval, a final subdivision plat approval, Planned Unit Development (PUD) final development approval, final site plan approval, building permit, Development Agreement entered into pursuant to F.S. 163.3220 or any other Development Order which approves the development of land for a particular use or uses at a specified intensity of use and which allows commencement of construction or physical development activity on the land for which the Development Order is issued.
- I. **Development Permit.** See definition in Article Ten of this Code.
- J. **Development Project (Project).** A specific development activity on a specific site to which a specific development order and Certificate of Concurrency applies. A "development project" may be a large development with several phases, one (1) or more phases within a larger development, a project unrelated to any other development activity, or a single structure.
- K. **Public Facilities and Services.** Those items covered by the Washington County Comprehensive Plan, required by Section 163.3177, F.S., and for which Level of Service Standards (LOSS) must be adopted under 9J-5, F.A.C. These are: roads; sanitary sewer; solid waste; drainage; potable water; and parks and recreation.

### **3.01.00 GENERAL RULES**

#### **3.01.01 Certificate of Concurrency Required**

A Certificate of Concurrency shall be required prior to the issuance of any final development order or permit. If a development will require more than one development order or permit, the issuance of a Certificate of Concurrency shall occur prior to the issuance of the initial development order which first contains and/or presents a specific plan for development.



### **3.01.02          Expiration of Certificate of Concurrency**

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

### **3.01.03          Burden of Proof**

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

## **3.02.00          EXEMPTIONS**

### **3.02.01          Vested Rights**

Nothing in this Article shall be construed or applied to constitute a temporary or permanent taking of private property without just compensation or abrogation of vested rights.

In matters involving concurrency questions vested rights shall be determined in accordance with Section 1.08.00 of this Code.

### **3.02.02          Necessary Findings**

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

- A.      A final local development order has been issued on or prior to October 1, 1991; and,
- B.      Development has commenced prior to October 1, 1991; provided, however, that the provisions of Section 1.08.00 shall apply in determining commencement; and
- C.      Development is continuing in good faith.

### **3.02.03          Exemptions**

Any person seeking an exemption from the terms of this article shall submit evidence to the planning administrative or to demonstrate their entitlement to the exemption. The following development activities shall be deemed to be exempt from the provisions of this article:

- A. Development with a final development order issued on or before the adoption date of this article
- B. Development with a development order for a Development of Regional Impact (DRI) issued on or before the adoption date of this article, unless the development order expressly states otherwise
- C. Construction of public facilities identified in the Washington County Comprehensive Plan that are required in order to achieve level of service standards adopted in the Comprehensive Plan pertaining to public facilities and services.
- D. De minimus developments, i.e., projects of such low intensity or density so as to have an insignificant impact on the level of service standards for roadways and infrastructure set forth in the Washington County Comprehensive Plan.
- E. Designated redevelopment areas shall be exempt for up to 110 percent of the impact generated by the preceding existing development. To qualify for this exemption the preceding existing development must have been active, operational, or occupied within 12 months prior to filing for concurrency review.
- F. The replacement of a single-family home on an existing lot of record when no additional dwelling units are created.

### **3.03.00 CONCURRENCY REVIEW**

#### **3.03.01 Generally**

Washington County shall use the procedures listed below to determine compliance of an application for a development permit with this Concurrency Management System (CMS). At the time of application for a development permit, a concurrency evaluation shall be made to determine the availability of the facilities or services required to be concurrent. An applicant for

a development permit shall provide the County with all information required so as to enable the concurrency evaluation to be made. Upon receipt of a complete Concurrency Review Application, the Development Administrator or his/her designee shall perform the concurrency evaluation for each of the public facilities and services. A Concurrency Review Application shall not be deemed complete until all applicable permits, verification letters or other proof has been submitted pursuant to Section 3.03.02 below.

#### **3.03.02 Concurrency Management Application**

At the time of application submission, the applicant shall submit two copies of the completed analysis. The concurrency analysis shall contain the following elements listed below:

- A. Letter of transmittal addressed to Washington County;
- B. Title page, table of contents, list of exhibits, and list of tables;
- C. An introduction that should include a description of the location, proposed development plan, current land uses, phasing schedule, and build-out year;

- D. A proposed development plan for each phase including a map showing internal traffic circulation;
- E. The methodology criteria for establishing the study area for determining roadway segments in the analysis. The study area is defined as the primary impact area affected by the traffic associated with the site;
- F. An inventory of existing PM peak hour project traffic volumes for all roadways included in the analysis;
- G. An evaluation of the PM peak hour project traffic impacts for each segment and the criteria for conducting this evaluation;
- H. An analysis addressing intersection level of service and safety issues;
- I. The adopted level of service for each public facility as well as the projected demand for potable water, sanitary sewer, and solid waste;
- J. For any level of service deficiency identified in the analysis, a mitigation plan shall be provided identifying strategies to address each deficiency;
- K. An appendix of support data where applicable.

### **3.03.03 Sources of Data**

The above required data shall be no older than the previous calendar year and levels of service shall be determined in accordance with the adopted levels of service given in the Washington County Comprehensive Plan. The above required roadway capacity shall be based on the most recent edition of the Highway Capacity Manual.

### **3.03.04 Area of Impact**

As a minimum, the area of impact for the proposed development shall be determined as follows:

- A. Residential. Impact of residential land shall be evaluated as follows:
  - 1. From the development to the collector or arterial segments serving the development; and
  - 2. For a linear distance of one quarter (1/4) mile from the access point for developments with 10 dwelling units or less. For a linear distance of one half (1/2) mile for developments with 11 to 50 dwelling units. For a linear distance of one mile for developments with 51 dwelling units.
  - 3. Projects served by local roadways that do not have direct access to a collector or arterial roadway shall be evaluated for impact to the nearest collector or arterial roadway.

B. Non-residential. Impact of non-residential land use on traffic circulation shall be evaluated as follows:

1. Development creating up to 749 new trips – one quarter (1/4) mile;
2. Development creating 750 to 1,499 new trips – one half (1/2) mile;
3. Development creating 1,500 to 1,999 new trips – three quarter (3/4) miles;
4. Development creating 2,000 to 3,999 new trips – one mile;
5. Development creating 4,000 or more new trips – two miles.

On a case-by-case basis, some additional impacted segments or intersections over and above those required by the search criteria will be added to the analysis. Roadway volumes shall be projected for each development phase including the year of project completion.

### **3.03.05 Potable Water**

The applicant shall submit proof that sufficient capacity exists as demonstrated by one of the following:

- A. If the service provider is one other than an onsite potable water well, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed, at or above the adopted level of service.
- B. Permits issued by Northwest Florida Water Management District for potable water well to serve the development.
- C. For owner-occupied mobile homes, a notarized affidavit from the applicant that there is existing potable water well on the site.

### **3.03.06 Sanitary Sewer**

The applicant shall submit proof that sufficient capacity exists as demonstrated by one of the following:

- A. If the proposed service provider is other than an onsite septic system, documentation will be required from the provider that the project is within its service area and that it has the capacity to serve the project as proposed at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted.
- B. All applicable HRS permits for an onsite septic tank, pursuant to Rule 10D-6, F.A.C., are obtained

### **3.03.07        Drainage**

The applicant shall submit proof that an application has been submitted to the Florida Department of Environmental Protection (FDEP). Prior to the issuance of a development order the applicant must provide the following:

- A. All applicable Department of Environmental Protection permits for stormwater management systems are obtained; and/or
- B. All applicable Department of Transportation (DOT) permits for drainage connections, pursuant to Rule 14-86 FAC are obtained; and/or
- C. All applicable Northwest Florida Water Management District (NFWMD)
  - 1. The Level of Service Standards (LOSS) are maintained for the following applicable development types.
  - 2. Development fronting or contributing to storm water on principal or minor arterial roadways - LOS A for 50-year, 24-hour storm event.
  - 3. For development fronting or contributing to storm water on collector roadways - LOS A for 25 years, 24-hour storm event.
  - 4. For development fronting on local streets and residential neighborhoods (including new subdivision) - LOS A for 15-year, 24-hour storm event.
  - 5. In Agricultural and Silviculture areas and along dirt roads in non-subdivided areas - LOS for a 10-year, 24-hour storm event. All development shall also comply with Division of Forestry Best Management Practices. LOS A indicates that there is no significant street flooding. LOS B indicates that there is no major residential yard flooding.
  - 6. Use artificial lakes, recharge wells, swales or other means for allowing re-absorption of storm water where feasible.

### **3.03.08        Solid Waste**

Documentation must be provided from the proposed service provider that the project is within its service area and that it has the capacity to serve the project as proposed at or above the adopted level of service. If the ability of a provider to serve a proposed project is contingent upon planned facility expansion, details regarding such planned improvements shall also be submitted.

The adopted LOSS for solid waste for Washington County is 5 lbs per capita per day.

### **3.04.00            ADOPTED LEVELS OF SERVICE**

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

### **3.05.00            TEST FOR CONCURRENCY**

To test transportation concurrency the projected number of trips generated by the proposed development shall be subtracted from the available capacity for the impacted roadway segment(s). To test the concurrency for public facilities the proposed demand shall be added to the current demand and subtracted from the available capacity. If the demand is less than the available capacity on all roadway segments and utilities impacted by the project, then the project meets the test for concurrency. Washington County may satisfy the concurrency requirement by basing this concurrency management system upon an adequate five-year capital improvements program. To do this the capital improvements program and schedule shall include the following:

- A.     A five-year capital improvements schedule. The funding system must be financially feasible and based on currently available revenue sources.
- B.     The five-year schedule must include the necessary improvements needed to maintain the adopted level of service to serve proposed developments.
- C.     The five-year schedule must include a date of commencement of construction as well as an estimated date of project completion. Construction must commence no later than the end of the third year of the five-year program.
- D.     A provision that a plan amendment must be required to eliminate or delay the construction of any facility needed to maintain the adopted level of service standard.

#### **3.05.01            Strategies to Rectify Lack of Concurrency**

Should a development not pas the above concurrency evaluation, the following strategies may be used to rectify the lack of concurrency:

- A.     Provide a method by which the impacts of development of public facilities can be mitigated by cooperative efforts of the public and private sectors;
- B.     Allow developers to proceed under certain conditions, notwithstanding the failure of concurrency, by contributing their proportionate fair share of the cost of a new facility or an improvement of an existing facility;
- C.     Contribute to the provision of adequate public facilities for future growth and promote a strong commitment to comprehensive facilities planning thereby reducing the potential for a moratoria or unacceptable levels of service;
- D.     Maximize the use of public funds for adequate public facilities to serve future growth, and;
- E.     Is consistent with Chapter 163.3180(16), F.S. and supports the goals, objectives, and policies in the Washington County Comprehensive Plan.

### **3.05.02 Special Local Sources of Revenue**

At times, depending upon priorities assigned by the respective governing bodies and the availability of revenue sources, it is necessary from time to time to seek additional funding mechanisms. The following sources of revenue represent additional options available to the County and municipalities to finance required capital improvements.

1. Impact Fees. These fees are charged in advance of new development and are designed to pay for infrastructure needs, but not operating costs, which directly result from new development. These fees must be equitably allocated to the specific group(s) that will directly benefit from the capital improvement, and the fees levied must fairly reflect the true costs of these improvements through the collection of transportation, fire, and emergency impact fees for new development in Washington County. The fees are set by ordinance and may not be changed without revising the ordinance 2007-9. None of the municipalities participates in the impact fee program.
  - a. Fire Protection Impact Fee. The Fire Protection Impact Fee rates is imposed upon all Fire Protection Impact Construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any municipality that has consented to the imposition of Fire Protection Impact Fees and which participates in the County Fire Protection System and shall be collected prior to issuance of a building permit for such construction. Only the County has chosen to participate in this type impact fee.
  - b. Emergency Medical Services (EMS) Impact Fee. The EMS Impact Fee rates shall be imposed upon all Emergency Medical System Impact Construction occurring within the County, including the unincorporated area and the incorporated area of the municipalities therein, and shall be collected prior to issuance of a building permit for such construction.
  - c. Road Impact Fee. The Road Impact Fee rates is imposed upon all road impact construction occurring within the County, both within the unincorporated area and within the municipal boundaries of any municipality that has consented to the imposition of the road impact fee. The most recent data available is be based on the most recent and localized data. Calculation of the road impact fee is based on trip generation data from the most recent edition of "Trip Generation" by the Institute of Transportation Engineers. This source is used as it contains the largest collection of trip generation data and covers a wide variety of land use types. Construction costs use the latest averages from FDOT and recent construction bids from FDOT's District 3. Similar to trip generation data, construction costs collected statewide and FOOT district wide for many different types of projects represent the most robust and appropriate data.

### **3.06.00 PROPORTIONATE FAIR SHARE**

The purpose of this program is to establish a method whereby the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors, to be known as the Proportionate Fair Share Program, as required by and in a manner consistent with Chapter 163.3180(16), F.S.

Public Facilities are commodities that are valuable to both the public and private sector and the County's Proportionate Fair Share Program will:

- A. Provide a method by which the impacts of development on public facilities can be mitigated by cooperative efforts of the public and private sectors;
- B. Allow developers to proceed under certain conditions, notwithstanding the failure of concurrency, by contributing their existing facility;
- C. Contribute to the provision of adequate public facilities for future growth and promote a strong commitment to comprehensive facilities planning thereby reducing the potential for a moratoria or unacceptable levels of service;
- D. Maximize the use of public funds for adequate public facilities for future growth and promote a strong commitment to comprehensive facilities planning thereby reducing the potential for a moratoria or unacceptable levels of service;
- E. Is consistent with Chapter 163.3180(16), F.S. and supports the goals, objectives, and policies in the Washington County Comprehensive Plan.
  - The project is impacting a roadway operating below the adopted level of service standard
  - The affected roadway(s) has a mitigating improvement scheduled for construction
  - The start of construction on the mitigating project is scheduled to occur after the first three years of the schedule of projects published in the capital improvements element.

### **3.06.01      Applicability**

The Proportionate Fair Share Program shall apply to all developments in the County that impact a road segment in accordance with the County's Concurrency Management System and have been denied concurrency approval, including transportation facilities maintained by FDOT or another jurisdiction that are relied upon for concurrency determination. The Proportionate Fair Share Program does not apply to a Development of Regional Impact (DRI) using proportionate fair share under section 163.3180(12), F.S.

### **3.06.02      General Requirements**

An applicant may satisfy the transportation concurrency requirements of the County's Concurrency Management System by making a proportional fair share contribution, pursuant to the following requirements:

- A. The proposed development is consistent with the Washington County Comprehensive Plan and applicable land development regulations and would not create extreme adverse conditions on any public facility that in the opinion of the County would compromise the public health, safety, and welfare.



- B. The County has calculated the proportionate fair share contribution according to the formula established in Section 163.3180(12), F.S. for each improvement needed to achieve an acceptable level of service on facilities for which concurrency was denied.

The Capital Improvements Program shall be reviewed annually and updated as necessary to reflect fair share contributions. The County is responsible for funding all capital improvements in the Capital Improvements Program for which proportionate fair share payments are collected and for making up any shortfall.

### **3.06.03 Application Process**

- A. Upon notification of a failure to satisfy concurrency, applicants shall be notified in writing whether they may be eligible to satisfy concurrency through a proportionate fair share contribution.
- B. Prior to submitting an application for a proportionate fair share agreement, a pre-application meeting shall be held to discuss eligibility, application submittal requirements, potential mitigation options, and related issues. If the impacted requirements, potential mitigation options, and related issues. If the impacted facility is on the Strategic Intermodal System (SIS), the Florida Department of Transportation (FDOT) will be notified and invited to participate in the pre-application meeting.
- C. Pursuant to section 163.3180(16) (e), proposed proportionate fair share mitigation for development impacts to facilities on the SIS requires the concurrence of the FDOT. Such concurrence shall be obtained in writing prior to execution of the proportionate fair share agreement. In addition, the FDOT shall be a party and signatory to any proportionate fair share agreement for mitigation of development impacts to facilities on the SIS.
- D. Eligible applicants shall submit an application to the County that includes an application fee of \_\_\_\_\_ and the following:
  - 1. Name, address, email, and phone number of the Owner, Applicant, and Agent;
  - 2. Property location, including parcel identification numbers;
  - 3. Legal description and survey of property;
  - 4. Project description and survey of property;
  - 5. Phasing schedule, if applicable;
  - 6. Description of requested fair share methods, and;
  - 7. Copy of concurrency application and letter of denial.
- E. The planning Administrator shall review the application and certify that the application is sufficient within 10 business days. If the application is insufficient or ineligible to participate, the applicant will be notified in writing of the reasons for such deficiencies within 20 business days. If the applicant does not remedy such deficiencies within 60 business days of receipt of the written notification, then the application will be deemed

abandoned. The Board of County Commissioners may in its discretion; grant an extension of time to cure such deficiencies provided to applicant has shown good cause for the extension and has taken reasonable steps to affect a cure.

- F. When the application is deemed sufficient and eligible, the applicant shall be advised in writing and a proposed proportionate fair share obligation and binging agreement will be prepared by the county and delivered to the applicant no later than 60 days from the date the applicant received the notification of a sufficient application.

### **3.06.04 Determining Proportionate Fair Share Obligation**

- A. Proportionate fair share mitigation for concurrency impacts may include, without limitation, separately or collectively, private funds, contribution of land, and construction and contribution of facilities.
- B. A development shall not be required to pay more than its proportionate fair share. The fair share market value of the proportionate fair share mitigation for the impacted facilities shall not differ among the forms of proportionate fair share mitigation.
- C. The proportionate fair share mitigation that is payable by the applicant shall be determined per segment for each improvement needed to achieve an acceptable level of service on facilities for which transportation concurrency was denied and calculated as provided for in 163.3180(12) F.S., as follows;

“ The cumulative number of trips from the proposed development expected to reach roadways during peak hours from the complete build out from a phase being approved, divided by the change in the peak hour maximum service volume of roadways resulting from construction of an improvement necessary to maintain the adopted level of service, multiplied by the construction cost, at the time of developer payment of the improvement necessary to maintain the adopted level of service.”

OR

Proportionate Share =  $\frac{[\text{Development Trips}]}{(\text{SV Increase})} \times \text{Cost};$

(Note: this is the sum of all necessary improvements)

Where:

Development Trips; = Trips form the development that are assigned to roadway segment i;

SV Increase = Service volume increase provided by the improvement necessary to maintain the adopted level of service on roadway segment i;

Cost = Adjusted cost of the improvement to segment i.

Cost shall include all improvements and associated costs, such as design, right of way acquisition, planning, engineering, inspection, and associated physical development costs directly associated with construction. For purposes of determining proportionate fair share obligations, the County shall determine improvement costs based upon the actual cost of the improvement as obtained from the County’s Capital Improvements Program, the MPO Transportation Improvement Program, or the FDOT Work Program. Where such information is not available, improvement costs shall be determined using one of the following methods:

- A. An analysis by the County of costs by cross section type that incorporates data from recent projects on right of way acquisition, drainage and utility costs, and is updated annually and approved by the Board of County Commissioners; or
- B. The most recent issue of FDOT Transportation Costs, as adjusted based upon the type of cross section (urban or rural); locally available data from recent projects on acquisition, drainage, and utility costs; and significant changes in the cost of materials due to unforeseeable events; or

C. The most recent National Society of Professional Engineer cost estimates.

In order to accommodate increases in construction material costs and project costs as determined by FDOT, local agency construction estimates shall be adjusted based on the following formula:

$$\text{Cost}(n) = \text{cost}(o) \times (\text{cost\_growth3 yr.})^n$$

Cost(n) = the cost of improvements in year n

Cost(o) = the cost of improvements in the current year;

Cost\_growth3yr = the growth rate of costs over the last 3 years;

N = the number of years until the improvement is constructed.

The three-year growth rate is determined by the following formula;

$$\text{Cost\_growth3yr} = [\text{cost\_growth-1} + \text{cost\_growth-2} + \text{cost\_growth-3}] / 3$$

Where:

Cost\_growth3yr = the growth rate of the costs over the past three years;

Cost\_growth-1 = the growth rate of costs in the previous year;

Cost\_growth-2 = the growth rate of costs two years prior;

Cost\_growth-3 = the growth rate of costs three years prior.

- D. If the County has accepted right-of-way dedication for the proportionate fair share payment, credit for the dedication of the non-site related right-of-way shall be valued on the date of the dedication at one hundred fifteen (115) percent of the most recent assessed value by the County's property appraiser or, at the option of the applicant, by fair market value established by an independent appraisal approved by the County and at no expense to the County. The applicant shall supply:
  - 1. A drawing and legal description of the land and;
  - 2. A certificate of title or title search of the land to the County at no expense to the County
- E. At the time the proportionate fair share obligation is being determined, the County will also compute the anticipated impact fee obligation, provided that County has implemented impact fees for the proposed development. Applicants shall be eligible for impact fee credit for that portion of their proportionate fair share obligation that applies to a segment contemplated by the County's impact fee ordinance. If the applicants proportionate fair share obligation is less than the developments anticipated total impact fee, then the applicant must pay the difference to the County.

### **3.06.05 Proportionate Fair Share Agreements**

- A. Upon execution of a Proportionate Fair Share Agreement the applicant shall receive a certificate of concurrency approval and all demand attributable to the development shall be considered vested and shall be added to the concurrency management database. Shall the applicant fail to apply for a development order within 12 months of the execution of this agreement, the agreement shall be considered null and void and the applicant shall be required to reapply.
- B. Payment of the proportionate share contribution is required in full prior to the issuance of the final building permit and shall be non-refundable. If the payment is submitted more than 12 months from the date of execution of the Agreement, then the proportionate share cost shall be recalculated at the time of payment based on the best estimate of the construction cost of the required improvement at the time of payment and adjusted accordingly.
- C. Any requested change to a development project subsequent to a development order will be subject to additional proportionate fair share contributions.
- D. Applicants may submit a letter to withdraw from the proportionate fair share agreement at any time prior to the execution of the agreement. The application fee and any associated advertising costs to the County will be non-refundable.
- E. The County may establish multi-party proportionate fair share agreements for selected facilities to facilitate collaboration among multiple applicants on improvements to a shared facility.
- F. Developer improvements authorized under this section involving dedications to the County will be completed upon final acceptance of the improvements and receipt of a warranty bond.
- G. Developer improvements authorized under this section not involving dedications to the County will be completed upon recording of a final plat or upon issuance of a certificate of occupancy.

### **3.06.06 Appropriation of Fair Share Revenues**

Proportionate fair share revenues shall be placed in the appropriate project account for funding of scheduled improvements in the County's Capital Improvements Program, or for use as otherwise established in the terms of the Proportionate Fair Share Agreement. The County is obligated to improve the facility within 10 years of entering into the Proportionate Fair Share Agreement. Not doing so will violate the terms of the agreement and the County may need to refund those proportionate fair share contributions.

### **3.06.07 Intergovernmental Coordination**

Washington County shall coordinate with affected jurisdictions, including FDOT, regarding mitigation to impacted facilities not under the jurisdiction of the local government receiving the application for proportionate fair share mitigation. An interlocal agreement may be established with other affected jurisdictions for this purpose.

### **3.07.00        MONITORING**

#### **3.07.01        Annual Report**

Washington County shall produce an annual report as part of the Concurrency Management System that includes the following:

- A.     A summary of actual development activity including a schedule of phases and current status.
- B.     A summary of building permit activity including those that are active as well as expired.
- C.     A summary of development orders issued including those that are active, expired, and completed.
- D.     An evaluation of the capacity available at the beginning of the reporting period and at the end of the reporting period.
- E.     A comparison of actual capacity and levels of service to adopted levels of service from the Washington County Comprehensive Plan.

### **3.08.00        APPEALS**

Appeal related to determinations concurrency shall be made pursuant to the provisions in Article Ten of this Code.

- A.     Severability - If any provision or portion of this ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, the all remaining portions of this Ordinance and the Washington County Comprehensive Plan shall remain in full force and effect.
- B.     Copy on File - An official, true, and correct copy of all elements of the Washington County Comprehensive Plan as adopted and amended from time to time shall be maintained by the Clerk of Court of Washington County or his designee.
- C.     Effective Date - The effective date of the Comprehensive Plan Amendment shall be the date a final order is issued by the Florida Department of Community Affairs or the Administrative Commission finding the amendment in compliance with section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent of this amendment may be issued or commence before this amendment becomes effective. If the Administrative Commission issues a final order of noncompliance, this amendment may nevertheless be effective by adoption of a resolution affirming effective status, a copy of which shall be sent to the Florida Department of Community Affairs, Bureau of Local Planning.

**ARTICLE FOUR  
RESOURCE PROTECTION**

<b>4.00.00</b>	<b>GENERALLY</b>
<b>4.00.01</b>	<b>Purpose</b>
<b>4.00.02</b>	<b>Scope</b>
<b>4.00.03</b>	<b>Definitions</b>
<b>4.01.00</b>	<b>FLOOD PROTECTION</b>
<b>4.02.00</b>	<b>AQUIFER PROTECTION</b>
<b>4.02.01</b>	<b>Purpose</b>
<b>4.02.02</b>	<b>Locational Criteria and Other Restrictions</b>
<b>4.02.03</b>	<b>Specific Guidelines to Prevent Groundwater Contamination</b>
<b>4.03.00</b>	<b>MAJOR MANAGED AREAS</b>
<b>4.03.01</b>	<b>Purpose</b>
<b>4.03.02</b>	<b>Required Buffers</b>
<b>4.04.00</b>	<b>WETLANDS AND SURFACE WATER BODIES</b>
<b>4.04.01</b>	<b>Purpose</b>
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<b>4.05.00</b>	<b>HABITAT OF ENDANGERED OR THREATENED SPECIES</b>
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<b>4.06.01</b>	<b>Generally</b>
<b>4.06.02</b>	<b>Historical Sites</b>
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<b>4.07.00</b>	<b>RECYCLING PLAN AND HAZARDOUS WASTES</b>
<b>4.07.01</b>	<b>Disposal of Hazardous Wastes</b>
<b>4.07.02</b>	<b>Handling, Generation and Storage of Hazardous Wastes</b>
<b>4.07.03</b>	<b>Adherence to DEP Standards</b>
<b>4.08.00</b>	<b>WATER CONSERVATION</b>
<b>4.08.01</b>	<b>Adoption of the 1982 Water Conservation Act</b>
<b>4.08.02</b>	<b>Procedure During Periods of Drought</b>
<b>4.09.00</b>	<b>MINING/MINERAL EXTRACTION AND LANDFILL USES</b>

- 4.09.01**       **Generally**
- 4.09.02**       **Criteria for Proposed Mining/Mineral Extraction Activities and Landfill Uses.**

## **ARTICLE FOUR RESOURCE PROTECTION**

### **4.00.00        GENERALLY**

#### **4.00.01        Purpose**

The purpose of this Article is to establish those resources that must be protected from harmful effects of development. The County shall actively seek to identify land use areas that shall be suitable for economic and industrial development while ensuring minimal impact on the County's natural resources. A developer should apply the provisions of this Article before any other development design work is done. Application of the provisions of this Article will divide a proposed development site into areas that may be developed and areas that must generally be left free of development activity. The proposed development should then be designed to fit within the areas that may be developed.

#### **4.00.02        Scope**

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

#### **4.00.03        Definitions**

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article it's most reasonable application.

- A.    **Adverse Effect.** Means increases in flood elevations on adjacent properties attributed to physical changes in the characteristics of the Official 100-Year Flood Area due to development.
- B.    **Developer.** Means any person who engages in development either as the owner or as the agent of an owner of the property.
- C.    **Development.** Means that definition given for development in Article One of this Code.
- D.    **Development Administrator.** Means the official designated by the local governing body of Washington County for the administration and enforcement of this Code.
- E.    **Fill.** Means any material deposited for the purpose of raising the level of the natural land surface.
- F.    **Flood.** Means a temporary rise in stream level that results in inundation of areas not ordinarily covered by water.



- G. **Hazardous Wastes.** Means a material identified by the Department of Environmental Protection as a hazardous waste. These may include but are not limited to a substance defined by the Environmental Protection Agency based on the 1976 Resource Recovery and Reclamation Act, as amended, as:
1. being ignitable, corrosive, toxic, or reactive;
  2. fatal to humans in low doses or dangerous to animals based on studies in the absence of human data;
  3. listed in the Resource Recovery and Reclamation Act as being toxic and potentially hazardous to the environment.
- H. **Potable Water.** Means water that is intended for drinking, culinary or domestic purposes, subject to compliance with County, State or Federal drinking water standards.
- I. **Structure.** Means the buildings as well as other things constructed or erected on the ground, attached to something having location on the ground, or requiring construction or erection on the ground. This shall include modular and mobile homes.

#### **4.01.00 FLOOD PROTECTION**

The resource protection standards as well as the design standards which are intended to promote the public health, safety, and general welfare and to minimize the public and private losses due to flood conditions are contained in Washington County Ordinance Number 91-4 as amended. To prevent flooding and preserve the natural flow of surface waters, the County shall evaluate development activities that structurally restrict the flow of the rivers, creeks, branches, streams and standing water such as ponds and lakes, and may take reasonable measures deemed appropriate to minimize losses due to potential flood conditions.

#### **4.02.00 AQUIFER PROTECTION**

##### **4.02.01 Purpose**

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

Whenever a proposed development is identified as being within a moderate to high aquifer recharge zones of the surficial and Florida Aquifers the following measures shall be considered and may be implemented if supported by substantial and competent evidence to protect the aquifer from potential contamination and restricted recharge by:

- a. Impervious surfaces constructed within such areas may be limited to 10 percent of the total area of a given parcel in Agricultural/Silviculture Districts, and up to 50% in other land use districts;
- b. Uses may be limited to moderate and high density residential, public/semi-public, commercial and/or light industrial uses within areas serviced by both central water and

- sewer services;
- c. A minimum 100' natural vegetative buffer may be required for all critical sensitive spring shed resources. Based on particular development facts, the County may require greater buffers if the circumstances indicate the need.
  - d. In order to maintain the aquifer recharge areas, the County shall evaluate and consider the following standards for all new development in such areas:
    - i. New subdivisions should use open space/conservation subdivision design plans.
    - ii. To the greatest extent possible, units shall be clustered with public or private central water and wastewater treatment compliance where required.
    - iii. Open space should be connected to adjacent open space to create networks and corridors of larger areas.
    - iv. Nonresidential development should minimize the size of contiguous impervious areas.
    - v. Within residential and PUD districts composed entirely of residential dwelling units and accessory uses, up to sixty (60) percent of the gross area should be devoted to open space.
    - vi. Within PUD districts containing commercial, industrial and mixed use including residential, at least thirty (30) percent of the gross area shall be devoted to usable open space.
    - vii. Removal of vegetation within the [Primary/Secondary] Springs Protection Area shall be limited to the minimum necessary to accommodate development. Buildings and other disturbed areas shall be located to avoid removal of native vegetation to the maximum extent feasible.
    - viii. Native or naturalized species shall be used in all landscaped areas in the [Primary/Secondary] Springs Protection Area in order to avoid or minimize the use of irrigation and fertilizers. A minimum of 75 percent of installed vegetation in the Primary Springs Protection Area and fifty (50) percent of installed vegetation in the Secondary Springs Protection Area shall be in accordance with the Florida Yards and Neighborhood Program.
    - ix. The land area within the required setback set forth in Comprehensive Plan Policy 1.1 is a buffer and all native vegetation shall be retained, except for minimal removal necessary to provide for pedestrian paths or boardwalks. Paths and boardwalks shall not exceed fifteen (15) feet in width and shall not be paved with impervious materials.
    - x. All landscaping for development in the [Primary/Secondary] Springs Protection Area shall conform to the best management practices as stated in the Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity Using Florida Friendly Lawns and Landscapes. (Florida Department of Environmental Protection, September 2, 2003).
1. A. Primary Spring Protection Area (PSPA) Protect 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> magnitude springs
    - a. In order to avoid negative impacts to springs, limit or prohibit the following land use activities within the Primary Springs Protection Area: Choctawhatchee River, Holmes Creek, Econfinia Creek Springsheds, and the Sandhills Area.
    - b. When heavy industrial uses are permissible according to the land use districts within the Primary Springs Protection Area, a geotechnical study shall be performed in order to determine if the proposed use is acceptable in the proposed location.
    - c. Develop a requirement for enhanced sanitary septic tank standards for all existing platted lots having less than a 1-acre minimum lot area,

- i. Require advanced septic systems,
  - ii. Require a minimum separation of 30 feet between all septic system from all wetlands,
  - iii. Require a minimum elevation 6 feet for the placement of septic systems above the mean ground water table,
- d. The following uses are prohibited from locating within 500 feet of any springs, spring run creek, sink, or contributing stream or surface water body:
  - i. Any new business or use classified as one of the following handler types by the Florida Department of Environmental Protection under its Hazardous Waste Compliance and Enforcement Tracking System under the Resource Conservation and Recovery Act (RCRA) program.
    - 1. Handler Types (receives universal waste from other handlers)
    - 2. CLO - Closed
    - 3. LQG - Large Quantity Generator
    - 4. MER - Mercury Handler
    - 5. OIL - Used Oil Handler
    - 6. TRA - Hazardous Waste (HW) Transporter
    - 7. TSD - Treater/Storer/Disposer

The following handler types are exempt:

- 1. NHR - Non-handler.
  - 2. CES - Conditionally Exempt SQG
  - 3. SQG - Small Quantity Generator
- e. Choctawhatchee River, Holmes Creek, and Econfinia Creek systems: No development (other than boardwalks, docks, shoreline access structures, or erosion protection measures) shall be located within a minimum of 100 feet riverine systems, as measured from the mean or ordinary high-water line. Within the buffer area, clearing shall be limited to a maximum swath of 10 feet in width for access to the shoreline. The remainder of this buffer area shall be left undisturbed in native vegetation, except for the removal of exotic species, and maintained as permanent open space.
- f. Single family development on lots or parcels of record established as of April 11, 1991, that lack sufficient depth to meet the buffer requirements for inlets, creeks, rivers, canals, coastal dune lakes, karst springs, and the Choctawhatchee River, Holmes Creek, and Econfinia Creek systems shall be subject to a reduced buffer. A lot lacking sufficient depth means a lot that is 200 feet deep or less. Such lots shall be subject to a minimum buffer of 25 feet or 25 percent of the depth of the lots, whichever is greater. Clearing within this buffer area shall be limited to a maximum swath of 10 feet in width for access to the shoreline.

## 2. Secondary Spring Protection Area (SSPA)

- a. When heavy industrial uses are permissible according to the land use districts within the Secondary Springs Protection Area, a geotechnical study shall be performed in order to determine if the proposed use is acceptable in the proposed location.
- b. Where it is not possible to fully avoid negative impacts through limiting or prohibiting land use activities, the impact of use and development within the Secondary Springs Protection Area shall be minimized and mitigated to the maximum feasible extent.

## 3. Karst Lakes and Springs Protection Overlay Zone (KLSP0z)

Karst Lakes and Springs Protection Overlay Zone (KLSPOZ) is defined as the zone beginning at the mean or ordinary high-water line of the karst lakes and springs, whichever is applicable, and extending 300 feet landward for karst lakes and springs and their tributaries. Development within this zone shall meet the specific criteria outlined in the Land Development Code and shall include the following:

- a. Requiring a shoreline setback and buffer of 100 feet from the mean or ordinary high-water line, whichever is applicable, in which no development (other than boardwalks, docks, or other shoreline access structures) shall be allowed, with the exception of a maximum 10-foot wide access perpendicular to the shoreline. With the exception of clearing a 10-foot wide access to the shoreline, all existing native vegetation will be preserved within this setback and buffer area.
- b. Requiring that the grading of lots ensure untreated stormwater runoff from lawn fertilizers, pesticides, or patios, driveways, etc. do not enter the lake and or spring. In cases where this is not possible, require other stormwater treatment methods between the developed area and the lake and or spring to hold and treat runoff.
- c. Requiring specific erosion control measures, in accordance with the Best Management Practices as established by FDEP.
- d. Prohibiting any uses within the KLSPOZ that involve the storing, handling, or generating of hazardous wastes.
- e. Prohibiting seawalls, bulkheads, revetments, and rip-rap.
- f. Protecting native vegetative communities, including habitat for threatened, endangered, or species of special concern, in the KLSPOZ.
- g. Prohibiting new point or non-point sources of pollution to be discharged into the lakes, including but not limited to treated wastewater effluent or untreated stormwater runoff.

#### 4. Development Design Standards

##### a. Development shall be subject to the following setbacks and buffers:

- i. 30 feet - Permanent natural vegetative buffers (or landscaped area as outlined in the Land Development Code) from wetlands jurisdiction line or observed normal waterline – whichever is most. No permanent structures are allowed within this setback and only accessory recreational uses are allowed (dock, piers, and boat ramps) will be allowed. If removal of natural vegetation occurs, then it should be replaced with an approved landscape plan as outlined in the Land Development Code.
- ii. 100 feet - Development setback from ordinary high-water mark for all surface water bodies required. Only accessory structures are allowed within this area (dock, piers, and boat ramps).
- iii. 500 feet - Setback for any development from any Public Water Supply Wellheads
- iv. 500 feet - Mining Setbacks from Potable Water Wells. New proposed mines' outermost perimeter must be setback at least 500 feet from any existing public water supply wellheads, or potable water system. Placement of other potable water wells by other developers or property owners will be at the discretion and risk of the developer or property owner.
- v. 100 feet - Major Managed Areas. A minimum of a one hundred (100) foot permanent natural vegetative buffer shall also be maintained from all major managed areas. Setbacks for septic systems of any type will be 100 feet.

1. Pine Log State Forest;
  2. Falling Waters State Recreational Area;
  3. Choctawhatchee Water Management Area;
  4. Holmes Creek State Canoe Trail; and
  5. Econfina State Canoe Trail
- vi. 50-foot - Natural Buffer of not less than 50 feet between different adjacent land uses to minimize land use conflicts.
  - vii. 100-foot - Mining. A minimum a 100-foot vegetative buffer from adjacent property line. Buffer shall be adequate in vegetation and buffering to minimize air and noise nuisances in accordance with Section 2.06.02 of the Land Development Code. Based on particular development facts, the County may require greater buffers if the circumstances indicate the need.
  - viii. 300-foot - Karst lakes and springs
- b. Conservation subdivisions shall be considered with the following criteria:
- i. Maximum clustering of units is required, with houses located on small lots, which have small setbacks from lot lines.
  - ii. Required open space is at least fifty (50) percent of the site, with at least fifty (50) percent of the open space in one contiguous parcel and all open spaces connected to the maximum extent feasible. No more than twenty (20) percent of the open space may be devoted to stormwater facilities. Open space should be located on the most vulnerable portion of the site.
  - iii. Required open spaces shall be protected in perpetuity through recorded easements.
  - iv. Central water and sewer treatment facilities shall be available. This may include investor provided facilities that will be connected to a regional system, as soon the central facility is available.
  - v. Development shall be located in such a manner as to minimize the length of new roads and drives from existing public streets to the development.
  - vi. Development shall be sited as far away as feasible from springs, spring runs, sinkholes, karst lakes, steephead ravines, and swallets. The setback and buffer requirements set forth in Conservation Policies 1.1 and 2.3 apply to the development parcel for residential development and not to individual lots within a residential development.
  - vii. Development shall be designed to minimize site disturbance to the minimum area necessary to accomplish development.
- c. Site Design Requirements
- i. Required open space is at least fifty (50) percent of the site, with at least thirty-five (35) percent of the open space located in one contiguous parcel. All open spaces shall be connected to the maximum extent feasible. No more than twenty (20) percent of the open space may be devoted to stormwater facilities. Open space should be located on the most vulnerable portion of the site.
  - ii. Required open spaces shall be protected in perpetuity through recorded easements.
  - iii. Residential development with lots of less than 12,500 square feet shall be serviced by central water and sewer treatment facilities shall be available. This may include investor provided facilities that will be connected to a regional system as soon as the central facility is available.

- iv. Development shall be located in such a manner as to minimize the length of new roads and drives from existing public streets to the development. In order to minimize impervious surface, techniques such as joint access, shared driveways, and cross-access easements are required.
  - v. Shared parking shall be required and designed to provide adequate pedestrian access among all buildings. All parking lots with 50 or more spaces shall be designed with a minimum of twenty (20) percent of the parking spaces as pervious area.
  - vi. No wastewater treatment facility of any type will be placed within 100 feet any first (if identified), second, or third magnitude springs.
  - vii. All lands located adjacent to springs, spring runs, and sinkholes open to the aquifer and cleared for development shall be seeded, sodded, or mulched promptly after clearing if construction has not commenced within six months following issuance of the development permit.
  - viii. Erosion control barriers shall be required around the impacted area perimeters unless continuous buffers of natural vegetation exist.
  - ix. During construction near springs a buffer of native vegetation of 100 feet or greater shall protect uplands around springs, spring runs, and open sinkholes. When site restrictions interfere with the accommodation of a buffer, an engineered system that meets the same standards of protection may be submitted as an alternative. A spring run shall be defined as a spring fed stream flowing from its source to its confluence into a receiver river, lake, canal, or other body of water.
  - x. The County shall protect springs by prohibiting increases in allowed land use intensity at the current Future Land Use level within 50 feet of a spring or open sinkhole.
  - xi. Inlets, creeks, rivers, and lakes: No development or redevelopment (other than boardwalks, docks, or other shoreline access structures) shall be located within a minimum of 100 feet of the above as measured from the mean or ordinary high-water line. Within these buffer areas, clearing shall be limited to a maximum swath of 10 feet in width for access to the shoreline. The remainder of this buffer area shall be left undisturbed in native vegetation, except for the removal of exotic species, and maintained as permanent open space.
- d. Golf Course siting, design, construction and management
- i. All golf course siting, design, construction, and management shall implement the prevention, management, and monitoring practices, detailed in the golf course siting, design, and management chapter of the Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (November 2002). These practices are derived from the Audubon International Signature program.
  - ii. Policy 17-1: In order to evaluate the vulnerability of proposed development sites to the leaching of nitrates into groundwater, an application for development approval shall be accompanied by an analysis of the site to determine the location and nature of sinkholes and other karst features of the property, such as stream-to-sink and other direct connections to the aquifer.
  - iii. Policy 17-2: An application for development approval shall be accompanied by a geophysical analysis to determine the depth of the water

table, location of the Floridan Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer.

- iv. Policy 17-3: An application for development approval shall include documentation to demonstrate that the proposed construction methods are suitable for the underlying geology of the site.

#### **4.02.02 Locational Criteria and Other Restrictions**

- A. All potable well fields with a design capacity of one-hundred thousand (100,000) gallons per day (GPD) or greater shall incorporate a minimum two-hundred (200) foot prohibited development zone around the perimeter of the well. Within this 200-foot radius, no future development other than public facilities accessory to the water well shall be allowed.
- B. All potable water well fields with a design capacity of one-hundred thousand (100,000) gallons per day (GPD) or greater shall also incorporate a minimum five hundred (500) foot restricted development zone around the perimeter of the well. None of the following future development activities shall be allowed within this restricted development zone.
  1. Landfills;
  2. Facilities for the bulk storage, handling or processing of materials on the Florida Substance List (Chapter 442, F.S.);
  3. Activities that require the storage, use, handling, production or transportation of restricted substances including agricultural chemicals, petroleum or industrial chemicals, hazardous/toxic or medical wastes;
  4. Feedlots or other concentrated animal facilities;
  5. Wastewater treatment plants, percolation ponds, and similar facilities;
  6. Mines; or
  7. Excavation of waterways or drainage facilities which intersect the water table.

#### **4.02.03 Specific Guidelines to Prevent Groundwater Contamination and to Enhance Aquifer Recharge**

- A. Generally. Storm water management practices shall not include drainage wells and sinkholes for Storm water disposal where recharge is into potable water aquifers.
- B. Aquifer Recharge. Moderate to high aquifer recharge zones of the Floridan Aquifer (See Figures A-25 and D-7 of Comprehensive Plan) shall be protected from contamination and restricted recharge through adherence to the following development provisions.
  1. Limiting impervious surfaces constructed within such areas to (50%) of the total area of a given parcel; and

2. Allowing only residential, commercial, and/or light industrial uses in such areas; and
3. Requiring all industrial uses located in such areas be serviced by central water and sewer service; and
4. Managing Storm water flow on roadways and development sites so as to eliminate sedimentation and non-point pollution in the surrounding wetlands and recharge zone; and
5. Requiring the use of package waste water treatment facilities for commercial development in accordance with Florida DEP guidelines.
6. Karst lakes and springs: No development (other than boardwalks, docks, or other shoreline access structures) shall be located within a minimum of 100 feet of the above, as measured from the mean or ordinary high-water line. Within this buffer area, clearing shall be limited to a maximum swath of 10 feet in width for access to the shoreline. The remainder of this buffer area shall be left undisturbed in native vegetation, except for the removal of exotic species, and maintained as permanent open space.
7. Karst lake and spring outfalls: No development within a minimum of 100 feet from the historical outfall area. This buffer area shall be left undisturbed along either side of the historical outfall area.
8. Setback Standards from Specified Features.

Feature	Minimum Setback (feet)
1 <sup>st</sup> and 2 <sup>nd</sup> magnitude springs	500
3 <sup>rd</sup> magnitude and smaller springs	500
Spring runs	100
Sinkholes	100
Steephead Ravines	100
Caves	300
Swallets	100

- a. The setback from sinkholes and swallets shall be measured from the drainage divide.
- b. The setback from springs and spring runs shall be measured from the ordinary high-water line for fresh water springs and from the mean high water line for tidally connected springs.
- c. The setback for caves shall be measured from the outside edge of the cave system.
- d. Where a lot of record is too small to accommodate development in compliance with the setbacks set forth in Table 1.1, an allowable use may be established provided that:
  - i. the building and associated paved areas are located the maximum distance possible from the features listed in Table 1.1,



- ii. a swale and berm are located between the development and the feature, and
- iii. the swale and berm are designed to direct drainage away from the feature.

#### **4.03.00 Major Managed Areas**

##### **4.03.01 Purpose**

The purpose of this section is to establish resource protection buffers which are designed to protect all major managed areas from incompatible development.

##### **4.03.02 Required Buffers**

A minimum of a one hundred (100) foot permanent natural vegetative buffer shall also be maintained from all major managed areas. These are as follows:

1. Pine Log State Forest;
2. Falling Waters State Recreational Area;
3. Choctawhatchee Water Management Area;
4. Holmes Creek State Canoe Trail; and
5. Econfinia State Canoe Trail.

(See also Section 2.02.03 E. of this Code.)

#### **4.04.00 Wetlands and Surface Water Bodies**

##### **4.04.01 Purpose**

The purpose of this section is to establish resource protection buffers and setbacks which are designed to protect the natural function of all wetlands and surface water bodies located within Washington County, Florida

##### **4.04.02 Wetlands and Surface Water Body Buffers and Setbacks**

No development (other than boardwalks, docks, or other shoreline access structures) shall be located within a minimum of 30 feet of a wetland, as measured landward from the upland edge of the wetland. Within this buffer area, clearing shall be limited to a maximum swath of 10 feet in width for access to the wetland boundary. The remainder of this buffer area shall be left undisturbed in native vegetation, except for the removal of exotic species, and maintained as permanent open space. Within this buffer, permanent structures will be prohibited except for accessory recreational uses (i.e. docks, piers, boat ramps), and clearing of native vegetation, other than in areas designated for silvicultural use (See Section 2.02.03 E. of this Code for restrictions on silviculture activities in Conservation Areas), shall be limited to provide only for reasonable access to the shoreline.

A fifty (50) foot development setback from the ordinary high-water mark of all surface water bodies is also required. Only accessory structures are allowed within this area. A seventy-five (75) foot setback from the ordinary high-water mark of all surface water bodies is also required for the placement of onsite sewage disposal systems (septic tanks).

#### **4.05.00 HABITAT OF ENDANGERED OR THREATENED SPECIES**

##### **4.05.01 Generally**

This Article provides regulations which complement those for wetland preservation and are intended to protect upland habitats as well as wildlife corridors (especially those associated with wetlands).

##### **4.05.02 Regulations**

A. Impact Assessment. An assessment of the potential adverse impact shall be performed, pursuant to Section 4.05.02 (C), for the following:

1. All development proposed within fifty (50) feet of a wetland or water body (Figure A-7 - Comprehensive Plan and National Wetlands Inventory).
2. All development proposals within the Longleaf Pine/Turkey Oak community proposing a density of greater than one dwelling unit per four and one half (4.5) acres (Figure E-9(b) - Comprehensive Plan).
3. All residential development in the Longleaf Pine/Turkey Oak community proposing development on fifty (50) acres or more (Figure E-9(b) - Comprehensive Plan); or
4. Any non-residential development in the Longleaf Pine/Turkey Oak community on twenty-five (25) acres or more (Figure E-9(b) - Comprehensive Plan).

B. Maps. The Washington County Wetlands Map (Figure A-7 - Comprehensive Plan and its source document U.S. Fish and Wildlife Service's National Wetlands Inventory; and The Ecological Communities Map (Figure E-9 - Comprehensive Plan); and the Natural Areas Inventory shall serve as a guide in the identification of critical wildlife habitats.

C. Management Plan.

1. Generally. When one or more of a threatened or endangered species, or species of special concern are found on a development site, development activities which cause harm to the species shall not be allowed until a management plan has been prepared which avoids the adverse effect of the project on the species.
2. Contents. The management plan shall be prepared by an ecologist, biologist or other related professional as a consultant to the County. Such expense shall be borne by the applicant. The Plan shall document the presence of affected species, the land needs of the species that may be met on the development site and shall recommend appropriate habitat management strategies to protect the subject wildlife. Where adverse impact cannot be avoided through site design or other

means, the applicant shall be required to develop a mitigation plan which will allow no net loss of individuals of designated species, in coordination with the Florida Game and Freshwater Fish Commission.

3. The County will use development agreements where appropriate to partner with the development community on quality environmental site and building designs.
4. Washington County will continue to work in partnership with its citizens, neighboring governments, developers, businesses, educators and agencies to achieve a sustainable future, and will collaborate locally, regionally and nationally to identify innovative opportunities and ideas for consideration.
5. The County shall review the Plan annually to recognize the role of the Northwest Florida Water Management District and the agency's responsibility for Environmental Resource Permitting.

#### **4.06.00 HISTORICAL AND ARCHAEOLOGICAL SITES**

##### **4.06.01 Generally**

The following regulations address the preservation of historical and archaeological sites within Washington County.

##### **4.06.02 Historical Sites**

- A. Map. A map indicating the location of historic sites and archeological sites is kept in the office of the Development Administrator, where it may be inspected by the public. (See Figure A-22 in Comprehensive Plan).
- B. Private nomination. Individuals may nominate property they own for inclusion in the List of Historic Sites if it qualifies for one of the following categories:
  1. Architectural Significance - The building is an example of good architecture not typically found in Washington County, or is an excellent example of typical Washington County architecture.
  2. Historical Significance - The site or building is important through association with important persons or events.
- C. Additional Criteria. The Development Administrator and the governing body should consider the opinion of person knowledgeable about the history of the site and its characteristics, and the opinion of the Washington County Historical Society when making a decision about a site's nomination.
- D. Approval of Historical Sites. Formal Inclusions of a new historical or archeological site will require a Comprehensive Plan amendment during a normal semi-annual amendment process.

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

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

#### **4.06.03 Archaeological Sites**

A. Required Buffers. A developmental proposal for location near an archaeological site will be approved only after the applicant demonstrates that he or she has provided a minimum twenty-five (25) foot buffer zone extending outward from the periphery of the site to minimize damage to the archaeological site (also see Section 2.06.04 C. of this Code). The recommendation of the Division of Historical Resources, Department of State, State of Florida, is to be sought as part of the review of a proposal which would affect an archaeological site.

### **4.07.00 RECYCLING PLAN AND HAZARDOUS WASTES**

#### **4.07.01 Disposal of Hazardous Wastes**

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

#### **4.07.02 Handling, Generation and Storage of Hazardous Wastes**

Any development where hazardous wastes will be handled, generated, stored, transferred or sold shall employ the best available facilities and procedures for the prevention, containment, recovery, and mitigation of spillage of fuel and toxic substances. Facilities and procedures shall be designed to prevent substances from entering the water or soil and employ adequate means for prompt and effective cleanup of spills that do occur. As part of the development review process outlined in Article Ten of this Code, an emergency response plan shall be developed addressing accidents.

#### **4.07.03 Adherence to DEP Standards**

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

## **4.08.00 WATER CONSERVATION**

### **4.08.01 Adoption of The 1982 Water Conservation Act**

Washington County hereby adopts the 1982 Water Conservation Act. Specific standards for low volume plumbing fixtures for new construction are provided in the Washington County Building Code and in Section Five of this Code.

### **4.08.02 Procedure During Periods of Drought**

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

## **4.09.00 MINING/MINERAL EXTRACTION AND LANDFILL USES**

### **4.09.01 Generally**

The following criteria are to be used during the development review process for projects which contain mining or mineral extraction as a use.

### **4.09.02 Criteria for Proposed Mining/Mineral Extraction and/or Landfill Type Activities**

- A. Burden of Proof. The applicant must document the proposed activity will not cause significant damage to potable water supplies, surface water, threatened and endangered species, or species of special concern, or adjacent property owners;
- B. Reclamation Plan. The applicant shall provide an acceptable reclamation plan to be implemented in a timely manner at the expense of the applicant.
- C. Wetland Replacement. If wetlands are to be destroyed, they shall be replaced acre for acre, by type, form and function.
- D. Notification. The Florida Game and Freshwater Fish Commission shall be notified prior to approval to assess any mitigation requirements necessary to protect threatened or endangered species or species of special concern.
- E. Buffering. A 100-foot buffer shall be required to be established and maintained between the outermost perimeter of mining activities and adjacent existing and future uses to achieve an aesthetically pleasing landscape compatible with those land uses.
- F. Flood Prone Areas. Mining activities shall not be allowed in areas subject to flooding or within designated flood zones.
- G. Phasing of Excavation. Phasing of extraction activities shall be used as a device to assure that only small areas are affected by such activities at one time. Where mining is being accomplished in benches that are more than five (5) years apart, general maintenance to control erosion, provide safety sheer slopes, provide stormwater

drainage and minimize groundwater impacts shall be implemented.

- H. Reclamation Plan. A reclamation plan shall be submitted and approved by the County as part of the development review process before mining activities are permitted.
- I. Before mining operations are approved, the County shall require that a fee and/or bond be posted in amounts sufficient to compensate for any degradation of County maintained roadways with the amount of the fee or bond being determined by the County Engineer and approved by the Board of County Commissioners.
- J. Each geographically distinct mining site shall require a separate permit application.
- K. The County requires that the application for any mining permit from state and/or federal agency for mining operations and or reclamation be submitted concurrently to the County for consistency with the Special Exception process as detailed in the Land Development Code and a copy of the approved permit be furnished by the permittee to the Washington County Planning Department.
- L. Mining plans shall be issued for a maximum period of 25 years. At least every five (5) years the local governing body shall review each individually permitted geographically distinct mining site for a compliance review. If the mining activities are not compliant, then mining will cease until such time as the County can be assured that compliance requirements are being met.
- M. Permissible hours of operation will be between the hours of 7:00 a.m., and 6:00 p.m., from Monday through Saturday, except that the Washington County Planning Commission can recommend that the hourly period can be extended from sunrise to sunset only within remote areas.
- N. The Type V Special Exception application shall address appropriate modifications in mining operations that will reduce adverse response from the public. These modifications will address the reductions of dust, noise, traffic, storm water, roadway damage, and security of the site.
- O. It will be the policy of the County to address future undesirable conditions resulting from placement of new mines or expansion of existing mines in close vicinity to existing private potable water wells. A 500-foot setback shall be required from the outer perimeter of the approved planned site of the mine to the any existing identifiable private water wells. Placement of any wells by private developers or property owners within the 500-foot setback after approval of the Special Exception process will require a variance from the Planning Commission.
- P. To start the process of closing a mine, the developer must file a statement stating the conditions of the pit closure and when the closure is expected to be completed.
- Q. Re-vegetation of reclaimed areas shall consist primarily of perennial species native to the area or other species approved by the County. Cost estimates shall be provided by the

operator with the reclamation plan and be approved by the County. The cost estimate shall be reviewed every five (5) years and the security shall be updated as needed. Security shall remain in effect until all of the affected lands have been reclaimed, inspected, and approved by the County Engineer.

- R. The natural functions of wetlands, floodplains and the Choctawhatchee River will be protected by prohibiting mining in 100-year floodplain areas, wetlands and within 100 feet of the Choctawhatchee River, Holmes Creek, and Econfinia Creek.
- S. To provide for the safety of persons, wildlife, and adjoining property, during final reclamation activities, the site shall be adequately cleared of debris, equipment, materials, and structures. The developer will furnish the Planning Office with a copy the Reclamation Plan, as outlined in Chapter 378.401, F.S. for the requirements to begin reclamation and defines the reclamation standards. Bonding shall be required in an amount equal to or exceeding the total cost of completing all work delineated in the Reclamation Plan.
- T. The County will require evidence that all state permits necessary to operate any mine have been issued and evidence from a licensed geologist that the operation will not breach the Floridan Aquifer during mining of the mineral.
- U. Upon approval of a mining operation under the Special Exception process, a development agreement between the developer and Washington County or the affected municipality will be executed. This development agreement will include all conditions as set forth in the Comprehensive Plan and the Land Development Code as well as those approved during the public hearing and approved by the Board of County Commissioners.
- V. The Type V Special Exception application shall address appropriate modifications in mining operations that will reduce adverse response from the public. Upon approval, these modifications pertaining to the reductions of dust, noise, traffic, storm water, roadway damage, and security of the site will be incorporated into an agreement between the County and the developer.

**ARTICLE FIVE  
DEVELOPMENT DESIGN AND IMPROVEMENT  
STANDARDS**

**5.00.00        GENERAL PROVISIONS**

- 5.00.01        Purpose**
- 5.00.02        Responsibility for Improvements**
- 5.00.03        Principles of Development Design**
- 5.00.04        Definitions**

**5.01.00        SITE PLANNING AND BUILDING ARRANGEMENT**

- 5.01.01        Residential**
- 5.01.02        Nonresidential**

**5.02.00        TRANSPORTATION SYSTEMS**

- 5.02.01        Access Management**
- 5.02.02        Street Design Standards**
- 5.02.03        Off-Street Parking and Loading**
- 5.02.04        Bicycle and Pedestrian Access**

**5.03.00        WASTEWATER SYSTEMS AND SEPTIC TANKS**

- 5.03.01        Generally**
- 5.03.02        Existing Wastewater Systems and Septic Tanks**
- 5.03.03        Siting and Installation Requirements and Limitations**

**5.04.00        POTABLE WATER**

- 5.04.01        Standards**
- 5.04.02        Permits Renewed**

**5.05.00        WATER CONSERVATION**

**5.06.00        DRAINAGE IMPROVEMENT**

**5.07.00        SOIL EROSION**

**5.08.00        EASEMENTS**

**5.09.00        FLOODPLAINS**

**5.10.00        WILDFIRE MITIGATION PLAN**



## **ARTICLE FIVE DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS**

### **5.00.00 GENERAL PROVISIONS**

#### **5.00.01 Purpose**

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

#### **5.00.02 Responsibility for Improvements**

All improvements required by this Article shall be designed, installed, and paid for by the Developer.

#### **5.00.03 Principles of Development Design**

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

- A. Policy 4-10. Establish strong and flexible agency and regional planning functions at all levels of government capable of responding to changing state policies and goals.
- B. Policy 4-11. Ensure that every level of government has the appropriate operational authority to implement the policy directives established in the plan.
- C. Policy 4-12. Ensure that each agency's functional plan and management process is designed to achieve the policies and goals of the state plan consistent with state law.
- D. Policy 4-13. Encourage citizen participation at all levels of policy development, planning, and operations.

#### **5.00.04 Definitions**

- A. **Alley.** Any public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and having a right-of-way width of thirty feet (30') or less.
- B. **Building Setback.** The minimum horizontal distance permitted between the front, rear or side of a building and the nearest street line or property line.
- C. **Cul-de-Sac or Dead-End Streets.** A minor street having only one open end and providing access to another street.
- D. **Driveway.** A vehicular point of access between one parcel of property and a roadway or

street.

- E. **Intersecting Streets.** Means the intersection of streets of public right-of-way and also shall mean a private driveway or a private street and its intersection with a public street.
- F. **Limited Access Street.** Streets or segments of streets designated in Washington County's Comprehensive Plan as being "limited access".
- G. **Major Road.** Means the one which has the right-of-way or larger traffic volume; or as determined by the Development Administrator, or his designee, based upon sound engineering practices.
- H. **Private Graded Road.** An unpaved roadway which provides access to parcels of land and which has not been accepted by Washington County for maintenance.
- I. **Street or Roadway.** A right-of-way provided for vehicular transportation purposes. A street or roadway provides vehicular access to 2 or more separate parcels of property.
  - 1. Primary Street - A street which has been or may be designed or designated for the movement of large volumes of traffic between distant points.
  - 2. Collector Street - A street designed or designated so as to connect a number of minor streets with primary streets.
  - 3. Marginal Access Street - Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
  - 4. Minor Street - A street of limited continuity used primarily for access to abutting property and the local needs of the neighborhood.
  - 5. Mobile Home Subdivision Streets - Interior street of mobile home subdivisions.
  - 6. Mobile Home Park Streets - Interior street of mobile home parks.
  - 7. Recreational Vehicle Park Streets - Interior streets of recreational vehicle parks.
- J. **Setback Line.** A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building other than accessory building or structure may be located above ground.

## **5.01.00 SITE PLANNING AND BUILDING ARRANGEMENT**

### **5.01.01 Residential**

- A. **General Principles.** These principles shall be followed in the planning of residential areas, in choice of building types, and in the arrangement of buildings on the land:
  - 1. Residential Layout - Residential areas shall be laid out according to proven as well as innovative practices of architecture and landscape architecture, as

portrayed in current professional books and periodicals. Objectives shall include removing dwellings from vehicular noise, privacy, and making a variety of housing types and arrangements available to all County residents.

2. Minimum Setbacks from Arterial and Collector Roadways - All structures shall be sited a minimum distance of fifty (50) feet from any arterial and thirty-five (35) feet from any collector (as defined in the Washington County Comprehensive Plan), measured from the front property line.
3. Building Setback Line from Abutting Property - The following minimum residential building setbacks shall apply within the specified areas/development types (see also Article Six, "Subdivisions", of this Code.
  - a. Single Family Detached Residential Areas, Including Mobile Home Subdivisions but Excluding Mobile Home Parks and Mobile Home Spaces - minimum twenty-five feet (25') front, ten feet (10') sides and back.
  - b. Mobile Home Parks and Mobile Home Spaces - minimum ten feet (10') on all sides.
  - c. Attached Single Family (Townhouses) - no minimum setback required between individual units/parcels contained within development, but minimum thirty-foot (30') front setback and fifteen foot (15') side and rear setbacks required from abutting property.
  - d. Multi-family Residential Development (Including Duplexes, Triplexes, Quadriplexes, Apartments, etc.) - no minimum setbacks required between residential structures within development, but minimum thirty-foot (30') front setback and fifteen foot (15') side and rear setbacks required from abutting property.
4. Ground Level Access - Each dwelling unit shall have direct access to a private outdoor living space at ground level.
5. Open Space - Sponsors of housing developments are encouraged to include common facilities, enclosed space, and open space for use of all the residents of the community. See Article Six, "Subdivisions", of this Code for mandatory recreational open space dedication provisions. Also see Section 2.06.05 of Article Two of this Code for minimum open space provisions for all development.
6. Resource Protection Setbacks - See Article Four of this Code for additional resource protection setbacks.
7. Accessory Structures - All accessory structures shall be sited a minimum of ten (10) feet from all abutting property.
8. Densities exceeding 3.57 units per acre shall be required to have both central sewage and water.
9. A "Letter of Availability" from the private or municipal utility service will certify

not only that the capacity is present, but that proper pressure, extension of service lines, and cost will not be a prohibitive factor in the provision of central wastewater treatment and central water to the proposed development site. Upon execution of a formal agreement between the developer and the municipality utility service agreeing to pay for the necessary infrastructure expansion, the developer may continue the appropriate development process with the County planning office.

#### **5.01.02 Nonresidential**

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

1. Nonresidential Layout - These areas shall be laid out according to proven as well as innovative practices of architecture and landscape architecture as portrayed in current professional books and periodicals. Objectives shall include protecting adjacent residential areas from noise, air pollution, glare and visual nuisance, and providing outdoor and indoor spaces for staff and visitors which are safe and convenient.
2. Minimum Setbacks from Arterial and Collector Roadways - All structures shall be sited a minimum distance of fifty (50) feet from any arterial, and thirty-five (35) feet from any collector, (as defined in the Washington County Comprehensive Plan), measured from the front property line.
3. Building Setbacks from Abutting/Adjoining Property - All nonresidential structures (including accessory buildings) shall be sited a minimum distance of thirty feet (30') from the front property line, and fifteen feet (15') from the side and rear property lines.
4. Common Facilities - Sponsors of nonresidential development are encouraged to include common facilities such as drives, parking lots, sources of water, liquid waste treatment plants, for use by staff and visitors of adjacent and nearby places of employment.
5. Open Space - All nonresidential development must comply with the minimum open space standards presented in Section 2.06.05 of this Code.
6. Resource Protection Setbacks - See Article Four of this Code for additional resource protection setbacks.
7. Accessory Structures - All accessory structures shall be sited a minimum of ten (10) feet from all abutting property.
8. A "Letter of Availability" from the private or municipal utility service will certify not only that the capacity is present, but that proper pressure, extension of service lines, and cost will not be a prohibitive factor in the provision of central wastewater treatment and central water to the proposed development site. Upon execution of a formal agreement between the developer and the municipality

utility service agreeing to pay for the necessary infrastructure expansion, the developer may continue the appropriate development process with the County planning office.

9. School Siting

- a. The site must contain at least the minimum usable acreage required by Chapter 235.19 F.S. and 6A-2 FAC (2008) adopting or reflecting any standard(s) the Washington County School Board.
- b. Newly constructed schools shall comply with all design and Improvement Standards only to the extent the provisions do not conflict with State Requirements for Educational Facilities or those specified in the approved interlocal agreement for school planning.

## **5.02.00 TRANSPORTATION SYSTEM**

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

Washington County and all municipalities, with the exception of Chipley, shall adopt the Department of Transportation Peak PM/Hour trips as the measure of Level of Service for all county roads. As such, each municipality agrees to accept the levels of services that are established by the County in order to maximize the efficient use and safety of roadway facilities among the County and other members of the Regional Transportation Partnership. This will effectively coordinate capital improvements planning with land use decisions to meet the requirement that adequate roadway facilities be available concurrent with the impacts of development.

### **5.02.01 ACCESS MANAGEMENT**

- A. Generally. In order to maximize roadway level of service, this Section shall set standards for the number of access points, the separation between access points, frontage on service roads and common driveways, alternative designs and access to residential lots. All proposed development shall meet the following standards for vehicular access and circulation.
- B. Access to Designated "Limited Access Streets" From Residential and Mixed-Use Subdivisions. Direct access from all residential and mixed-use subdivisions to streets designated in the County's Comprehensive Plan as "limited access" shall be separated by a minimum distance of one thousand three hundred and twenty feet (1320') between center lines of such access points. Where a subdivision abuts or contains an existing or proposed arterial street or collector street (as specified in Washington County's Comprehensive Plan), the Planning Commission may require marginal access streets be provided, reverse frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.

C. Access to Designated "Limited Access Streets" From Nonresidential Subdivisions, Nonresidential Development, and Multi-family Residential Development.

1. Number of Access Points

- a. All projects shall have access to a public right-of-way. The allowed number of access points to streets designated as "limited access streets" in Washington County's Comprehensive Plan (See Figure B-3 in Plan) shall be as follows:

<u>Type and Size of Development</u>	<u>Allowed Number of Access Points</u>	<u>Preferred Type of Access</u>
Multi-family residential development less than 75 units	1	Residential or minor collector
Multi-family residential development 75 or more units	2	Minor collector
Non-residential, <300 required parking spaces	1	Collector
Non-residential, 300 - 999 required parking spaces	2	Major Collector or Arterial
Non-residential, 1,000+ required parking spaces	2 or more based on Planning Commission Review	Major Collector or Arterial

2. Notwithstanding the provisions in Sections 5.02.01 B and C above:

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

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

E. Frontage on Service Roads and Common Driveway.

1. Projects proposed on roadways designated as "limited access" may be required by the Planning Commission to include frontage or service roads in the project design and shall take access from the frontage or service road rather than from the arterial or collector. Frontage road design shall conform to FDOT standards. This access requirement may be met through the use of interconnecting parking lots which abut the arterial or major collector. The maximum number of parking lots that may be so interconnected, however is three.

2. Adjacent uses are encouraged and may be required by the County to share a common driveway provided that appropriate access easements are granted between or among the property owners.
- F. Alternative Designs. Where natural features, parcel size or dimensions, or spacing of existing driveways and roadways cause the foregoing access requirements to be physically infeasible, alternate designs may be approved.
- G. Access to Residential Lots. All lots and parcels intended for residential use shall have access from either a residential subdivision street or a street or roadway meeting the standards of this code.
1. Access to non-residential uses shall not be through an area designed, approved, or developed solely for residential use.
  2. All lots in proposed residential subdivisions shall have frontage on and access from an existing street meeting the requirements of this Code.
  3. Access to all lots in a proposed residential subdivision shall be by way of a residential access or residential sub-collector (not a collector or arterial) street, except for cases where such access is not feasible due to the original size and/or configuration of the parcel to be subdivided.
- H. Private Road Access Disclosure. All lots in proposed private residential subdivisions in addition to meeting the disclosure requirements contained in Section 6.01.07 G. of this Code shall also place a disclosure within each deed or other instrument transferring ownership in the property which indicates that the roads providing access to the parcel are not maintained by Washington County. This disclosure statement shall also be placed within all deeds or other legal instruments transferring ownership of property where the roadways providing access to the property are not dedicated to Washington County for maintenance.
- I. Driveways. Shared driveways shall not be installed without Governing Body approval. Driveways and access to county roads shall be limited in the following manner by the county, municipalities, and FDOT to ensure traffic carrying capacity and safety:
1. Functional classification shall be the basis for determining the number of access points allowed.
  2. Issuance of driveway permits shall be limited to the number of driveways required to make safe and reasonable access using the subdivision process
  3. Driveways located at the intersection of two roadways shall be assigned the lower classification
  4. Driveway permits shall be required for any access point to any state roadway, and no building permit shall be issued without the issuance of the necessary permit from the Florida Department of Transportation to the developer or builder.
  5. Driveway permits are required for any access point to any county roadway; therefore,

it is the policy of the County that no building permit shall be issued without the issuance of the necessary permit or waiver from the Washington County Public Works Department.

6. All future developments shall be required to include the installation of at least one driveway to access each lot (parcel) as identified in the plans or plat for the development unless authorized shared driveways. These driveways should be installed to meet County standards and shall be at the cost of the developer.
  7. When platting new subdivisions, driveways shall be considered part of the new infrastructure and are subject to the same construction and installation standards as other required infrastructure (paving, drainage, holding ponds, etc. The developer and property owner shall be required to construct and maintain driveways in a manner that ensures that emergency first responders can readily access the residence or other structures located on the property.
  8. When platting subdivisions, the County will allow the use of shared driveways as a viable way of providing access to more than one lot where circumstances and practicality allow for this (normally only on a FDOT roadway).
  9. The rules of the Washington County Land Development Code shall be followed with regard to driveway installation and permitting.
  10. Use of an orderly and uniform street numbering system to provide for the efficient delivery of mail, packages, goods delivery, emergency medical services, and utility services shall be required on all residential lot within the County. Only the 9-1-1 Coordinator shall assign street names and street numbers to new or existing structures or driveways.
  11. It shall be the policy of the County that no development orders or building permits will be issued without being issued a 9-1-1 address.
  12. It shall be the responsibility of each property owner to permanently and properly display the 9-1-1 address assigned to property within the immediate vicinity of the driveway that provides ingress/egress to that portion of the property where any residential structures or other development where emergency medical services or utility company services are required.
- B. Right-of-Way and Pavement Widths. The following minimum right-of-way and pavement widths (where paving is provided) are required for each of the following street classification types:
1. Policy 11-1. Rights-of-way shall be actively pursued by the County in order to widen paved and unpaved roads, install drainage structures and devices, and to maintain in order to protect both the roadway and the private property adjoining the roadway.
  2. Policy 11-2. The County will cooperate with all major electrical transmission and gas companies to ensure that all transmission lines are placed on the county rights-of-way and not within the County's constructed roadways.



3. Policy 11-3. Abandonment of rights-of-way and roadways shall be by petitions in accordance with Sect 10.03.02-05 of the Washington County Land Development Code.

## **5.02.02 Street Design Standards**

### **A. General Design Standards.**

1. The layout of streets in any subdivision shall conform to the County Comprehensive Plan as well as existing streets and thoroughfares.
2. All streets in a new development shall be designed and constructed pursuant to the standards herein. This includes paving. Streets which the County has agreed to accept shall be dedicated to Washington County upon completion, inspection, and acceptance by Washington County.
3. The street system of the proposed development shall, to the extent practicable, conform to the natural topography of the site, preserving existing hydrological and vegetative patterns, and minimizing erosion potential, runoff, and the need for site alteration. Particular effort should be directed toward securing the flattest possible grade near intersections.
4. Streets shall be laid out to avoid environmentally sensitive areas as defined in Article Four of this Code.
5. Private streets may be allowed within developments that will remain under common ownership, provided they are designed and constructed pursuant to the standards contained in this Section and all other provisions of this Code.
6. The street layout in all new development shall be coordinated with and interconnected to the street system of the surrounding area.
7. Streets in proposed subdivisions shall be connected to rights-of-way in adjacent areas to allow for proper inter-neighborhood traffic flow. If adjacent lands are unplatted, stub-outs in the new development shall be provided for future connection to the adjacent unplatted land.
8. Residential streets shall be arranged to discourage through traffic. This shall not be construed to encourage or discourage traditional grid traffic patterns.
9. Streets shall intersect as nearly as possible at right angles and in no case shall be less than seventy-five (75) degrees.
10. New intersections along one side on an existing street shall, where possible, coincide with existing intersections. Where an offset (jog) is necessary at an intersection, the distance between unaligned center lines of the intersecting streets shall be no less than one-hundred twenty-five (125) feet.
11. Dead end streets shall not exceed 1000 feet in length.

12. The minimum radius of the roadway of turning circles at the end of the cul-de-sac or dead-end street shall be fifty (50) feet, and the minimum radius of the right-of-way shall be sixty (60) feet.
13. Alleys shall be provided along the rear of all lots to be used for business purposes.
14. Pre-existing Private Graded Roads shall be maintained in accordance with the standards presented in Section 5.02.02 B. and in Section 5.02.03 of this code.

B. Right-of-Way and Pavement Widths. The following minimum right-of-way and pavement widths (where paving is provided) are required for each of the following street classification types:

#### PAVEMENT WIDTHS

<u>STREET TYPE</u>	<u>NUMBER AND CONFIGURATION OF LANES</u>	<u>MINIMUM RIGHT-OF-WAY</u>	<u>WITH CURB &amp; GUTTER</u>	<u>WITHOUT CURB &amp; GUTTER</u>
Minor Arterials	Normal road configuration: * 2-12' moving * no parking * no median	80 feet	N/A	28 feet
	Approach to intersections: * 2-12' moving * 2-12' turning * 1-2' merging * 6' median	100 feet	N/A	66 feet
Other Arterials	Normal road configuration: * 4-12' moving * no parking * 6' median	100 feet	N/A	54 feet
	Approach to intersections: * 4-12' moving * 2-12' turning * 6' median	120 feet	N/A	78 feet
Major Collector Streets	* 4-12' moving * no parking * no median	80 feet	48 feet	48 feet
	* 4-12' moving * no parking * 6' median	90 feet	54 feet	54 feet
Collector Streets	* 2-12' moving * no parking * 6' median	66 feet	28 feet	28 feet
	* 2-12' moving	70 feet	30 feet	30 feet

\* no parking  
\* 6' median

Minor Collector Streets	* 2-11' moving * 1-8' parking * undivided (no median)	60 feet	30 feet	30 feet
	* 2-11' moving * 2-8' parking * undivided	60 feet	38 feet	38 feet
	* 2-11' moving * 2-8' parking * 6' median strip	66 feet	44 feet	44 feet
Residential Sub-collector Streets (Includes single family residential subdivisions, mobile home subdivisions, and mixed-use areas)	* 2-11' moving * no parking	60 feet	22 feet	22 feet
	* 2-11' moving * 1-8' parking	60 feet	30 feet	30 feet
Residential access Streets (Includes single family subdivisions, mobile home subdivisions, and mixed-use areas)	* 2-9' moving * no parking	40 feet	20 feet	20 feet
	* 2-9' moving * 1-8' parking	40 feet	28 feet	28 feet
Residential access And sub-collector Streets within mobile Home parks and Recreational vehicle Parks	* 2-9' moving * no parking	40 feet	20 feet	20 feet
	* 2-9' moving * 1-8' parking	40 feet	28 feet	28 feet
Within Cemeteries	* 2-9' moving * no parking	30 feet	N/A	20 feet
	* 2-9' moving * 1-8' parking	30 feet	N/A	28 feet

C. Grading Widths. All pre-existing unpaved roads shall be graded to a width equal to the required pavement width without curb and gutters for the road/street types noted above.

D. Curbing Requirement.

1. Curbing shall be required for all paved streets for the purposes of drainage, safety, and delineation and protection of pavement edge along noted above streets in the following cases:
  - a. Where the surface drainage plan requires curbing to channel storm water.
2. All curbing shall conform to the construction standards contained in this Section or as permitted by the Development Administrator.

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

1. Shoulders are required on residential access, residential sub-collector streets and private graded roads only where necessary for storm water management or road stabilization.
2. All residential collector streets shall provide two four (4) foot wide shoulders. Shoulders should be grass surfaced except in circumstances where grass cannot be expected to survive. In no case shall the shoulders be paved unless necessary to accommodate pedestrian or bicycle traffic.
3. Where shoulders are required by the Florida Department of Transportation (FDOT).
4. Collector streets where curbing is not required.
5. Arterial streets where curbing is not required.

F. Acceleration, Deceleration, and Turning Lanes.

1. Deceleration or turning lanes may be required by the county along existing and proposed streets as determined by a Traffic Impact Study required by Article Four of this Code or where the county can justify the need.
2. Deceleration lanes shall be designed to the following standards:
  - a. The lane width shall be the same as the required width of the roadway moving lanes.
  - b. The lane shall provide the full required lane width for its full length. It shall not be tapered.
  - c. The minimum lane length shall be as follows:

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

G. Clear Visibility Triangle. It shall be unlawful to construct, erect, place, grow, maintain or allow to be constructed, erected, placed, grown or maintained, any building structure, fence, wall, sign, canopy, vegetation or obstruction of any kind within the clear visibility triangle on any property which is located at the corner of intersecting streets or driveways, as described below:

1. Nothing shall be erected, placed, parked, planted, or allowed to grow in such a manner as to materially impede vision between a height of two (2) feet and ten (10) feet above the grade, measured at the centerline of the intersection.
2. The horizontal area formed by a triangle, the apex of which is the point of intersection of the street right-of-way lines, the legs of which extend twenty-five (25) feet along said street right-of-way lines and the hypotenuse of which connects the ends of the legs; and
3. When the street right-of-way line adjacent to the major road is ten (10) feet or less from the face of the curb, edge of pavement or edge of the driving surface the horizontal area formed by a triangle, the apex of which is the point of the intersection of the lines formed by the projection of either the face of the curb, edge of pavement, or the edge of the driving surface, the legs of which extend ten (10) feet along the minor road, and the hypotenuse of which connects the ends of the legs; or
4. In the event of balanced traffic volume or equally controlled right-of-way (i.e., no major/minor roadway condition) or as determined by the Development Administrator or his designee, based upon sound engineering practices, the additional 10' by 100' triangle as defined in this Section shall apply to all approaches. See Figures 5.02.02-A, -B, and -C.

H. Street Names and Signalization. Street names and markers shall be installed according to the specifications of the Development Administrator or his designee. No names shall closely approximate any existing street names, and all street names shall be in accordance with Washington County Ordinances and Policies.

In order to ensure that all street names are established in accordance with County Ordinances and Policies and the goals and objectives of the 911 system, prior to filing any subdivision plat or the filing of any application to connect a roadway (public or private) to the county system of roadways, the developer shall consult with the Development Administrator. During these consultations, the developer may submit a list of preferred street names for consideration by the Development Administrator or his designee.

The developer shall deposit with Washington County sufficient funds to provide all necessary roadway signs and traffic signalization as may be required by the County, based upon County or State traffic standards. At least two street name signs shall be placed at each four-way street intersection, and one at each "T" intersection. Signs shall be installed under light standards and free of visual obstruction. The design of street name signs shall be consistent, of a style appropriate to the community, and of a uniform size and color.

### 5.02.03 Road and Street Construction and Improvement Standards

- A. Clearing and Grubbing. Clearing and grubbing shall be done in accordance with applicable portions of Florida DOT "Standard Specifications for Road and Bridge Construction," as amended.
- B. Excavation and Embankment. Excavation and embankment shall be done in accordance with applicable portions of Florida DOT "Standard Specifications for Road and Bridge Construction," as amended.
- C. Roadway Base and Subgrade. The roadway base shall be constructed of limerock, sand clay, sand asphalt, hot mix, soil cement, or shall be shell stabilized with a minimum thickness of six (6) inches, in accordance with the FDOT Standard Specifications for Road and Bridge Construction and the following requirements:
1. Subgrade shall extend a minimum of eight (8) inches beyond the edge of pavement.
  2. All tests for subgrade and base shall be submitted to the County Engineer prior to paving. No paving will be allowed until the County Engineer has approved the tests results.
  3. Testing-
    - a. Subgrade-conduct one LBR per 500CY of imported material. Conduct at least one LBR on in-situ soils. Conduct compaction tests at a rate of one (1) test per 100 linear foot of roadway. Roadways with significant grade changes should have compaction testing conducted at a rate of one (1) test per 100 linear foot per lift.
    - b. Base-conduct compaction tests at a rate of one (1) test per 100 linear foot of road.
- D. Surface Course. Surface courses for flexible pavements shall be an asphaltic-concrete surface with a minimum thickness of one and one-half (1 ½) inches.
- This asphaltic-concrete surface shall be approved by the County Engineer or his/her designee. Testing of the surface course of compliance with specifications will be carried out by the County Engineer or his authorized representative. Test cores will be taken no more than three hundred feet (300') apart and staggered to the left, right, and on the centerline.
- E. Standards for Private Graded Roads. Private roads shall be constructed to the same standards as public roads.

- F. Required Inspection. Inspection of the following phases of street construction must be conducted by the County Engineer, or his/her designee in addition to the testing procedures noted above:

Curb and Concrete Work  
Stabilized Subgrade  
Roadway Base  
Surface Course  
Drainage System

It is the developer's responsibility to notify the Development Administrator or his/her designee twenty-four (24) hours before any of the above noted phases of construction is to be ready for inspection. The developer shall pay for the cost of all testing provided by the County Engineer, or his/her designee.

#### **5.02.04 OFF-STREET PARKING**

A. Generally.

1. Applicability - Off-street parking facilities shall be provided for all development within Washington County pursuant to the requirements of this Code. The facilities shall be maintained as long as the use exists that the facilities were designed to serve.
2. Computation
  - a. When determination of the number of off-street spaces required by this Code results in a fractional space, the fraction of one-half ( $\frac{1}{2}$ ) or less may be disregarded, and a fraction in excess of one-half ( $\frac{1}{2}$ ) shall be counted as one (1) parking space.
  - b. In stadiums, sports arenas, churches and other places of assembly in which those in attendance occupy benches, pews or other similar seating facilities, and/or which contains an open assembly area, the occupancy shall be based on the maximum occupancy rating given the building by the Fire Marshall.
  - c. Gross floor area shall be the sum of the gross horizontal area of all floors of a building measured from the exterior faces of the exterior walls.

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

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

2. An analysis of the extent to which a transportation system management program and/or use of alternative forms of transportation lessen the parking requirement.

C. Number of Parking Spaces Required.

1. Requirements in Table - Table 5.02.04-A below specifies the required minimum number of off-street automobile and bicycle parking spaces, the percentage of automobile spaces that must be allotted for compact vehicles, and, in the notes, any special requirements that may apply.
2. Uses Not Specifically Listed in Table - The number of parking spaces required for uses not specifically listed in the table shall be determined by the Planning Commission. The Planning Commission shall consider requirements for similar uses and appropriate traffic engineering and planning data and shall establish a minimum number of parking spaces based upon the principles of this Code.
3. When Parking Study Required - For several uses listed in Table 5.02.04-A the parking requirement is to be determined by the Planning Commission. These uses have a large variability in parking demand, making it impossible to specify a single parking requirement. A developer proposing to develop or expand one of these uses must submit four (4) copies of a parking study, as described at Section 5.02.04-A.3. of this Part, to the Land Development Office that provides justification for the requirement proposed. The Planning Commission will review this study along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use proposed.
4. Treatment of Mixed Uses - Where a combination of uses is developed, parking shall be provided for each of the uses as prescribed by the Table, unless a reduction is granted as a result of the analysis of a parking study prepared in accordance with Section 5.02.04-B of this Part.
5. Tandem Parking Spaces - The term "tandem parking space" used in the Table means a parking space that abuts a second parking space in such a manner that vehicular access to the second space can be made only through the abutting (tandem) space.



**TABLE 5.02.04 - A**  
**MINIMUM OFF-STREET PARKING STANDARDS**  
**RESIDENTIAL USES**

Use	Minimum Off Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
1. Conventional Detached	1, 2, and 3 bedrooms 2 spaces/unit.* **  4 or more bedrooms: 3 spaces/unit.* **	100/0	0	* If on-street parking is not permitted or is restricted on the unit's street frontage, then 1 visitor parking space shall be required. The visitor space shall be located not more than 100 feet from the unit's street frontage. ** Resident parking spaces may be tandem.
2. Cluster/Multi Family Development:				* Resident parking spaces may be tandem.
- Resident Parking*	Studio: 1 space/unit  1 bedroom: 1.5 spaces/unit  2, 3 or more bedrooms: 2.0 spaces /unit	100/0	.10 per required space	** On-street parking provided in accordance with the dimensions required for parallel spaces may count toward visitor parking requirements.
- Visitor Parking**	.5 space/unit	50/50		
3. Housing for the Elderly	To be determined by the Planning Commission *			* Developer shall submit a parking study
4. Mobile Home Parks:				* Resident parking spaces may be tandem.
- Resident parking*	2 spaces/unit	100/0	.25 per required parking space	
- Visitor parking**	.25 spaces/unit	50/50		** On-street parking provided in accordance with the dimensions required for parallel spaces may count toward fulfilling visitor parking requirements. These spaces must be located within the maximum distances specified in Section 5.03.05.

**TABLE 5.02.04 - A (CONTINUED)****COMMERCIAL USES**

Use	Minimum Off - Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
5. Uses Located in Commercial Shopping Centers:	1 space/250 square feet or gross floor area.	75/25	.10 per required parking space.	
<b>COMMERCIAL AND SERVICE USES LOCATED INDEPENDENTLY:</b>				
6. Auto Repair:	1 space/200 square feet of gross floor area.	75/25	2	
7. Auto Sales:	1 space/400 square feet of gross floor area.	75/25	2	
8. Auto Service Station:	2 spaces plus 4 for each service bay.	75/25	2	
9. Auto Washing:	2.5 spaces/washing stall.	75/25	2*	* No bicycle spaces required if facility has no on-site attendants.
10. Barbershops or Beauty Parlors:	2 for each barber chair or each beautician station.	75/25	.10 per required parking space.	
11. Bank, Savings & Loan:	1 space/250 square feet of gross floor area.	75/25	.10 per required parking space.	
12. Hotel, Motel:	To be determined by the Planning Commission			* Developer shall submit a parking study
13. Lumberyards, Nurseries	1 space/250 square feet of gross floor area for retail sales plus 1 space/1,000 square feet of outdoor area devoted to displays and storage.	75/25	2	

**TABLE 5.02.04 - A (CONTINUED)**

**COMMERCIAL USES (CONTINUED)**

Use	Minimum Off - Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
14. Offices:				* For on-site parking facilities containing 1,000 or more parking spaces, the parking requirement shall be 1 space per 500 square feet of gross floor area for parking spaces required in excess of 1,000.
- Administrative, business and professional	1 space/250 square feet of gross floor area.**	50/50	.10 per required parking space	
- Government	1 space/200 square feet of gross floor area.***			** For an office building of 6 or more stories in height and which contains less than 250,000 square feet of gross floor area of office uses, the parking requirement shall be 1 space per 300 square feet of gross floor area.
15. Restaurants:				
- All restaurants except fast food	1 space/75 gross square feet of floor area up to 6,000 gross square feet plus 1 space/55 gross square feet of floor area over 6,000 gross square feet.	75/25	.10 per required parking space.	
- Fast food restaurant	1 space/100 square feet of gross floor area.	75/25	.25 per required parking space.	
16. Retail, General (I.E. Department Stores, Markets, Etc.):	1 space/250 square feet of gross floor area.	75/25	.10 per required parking space.	
17. Retail, Furniture and Appliance:	1 space/500 square feet of gross floor area	75/25	.05 per required parking space.	

**TABLE 5.02.04 - A (CONTINUED)****EDUCATIONAL USES**

Use	Minimum Off - Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
18. Elementary and Junior High Schools:	2 spaces/classroom	75/25	5.00 per required parking space.*	* Bicycle spaces for teachers and visitors should be separate from spaces for students.
19. Senior High Schools:	1 space/faculty member and employee, plus 1 space/6 students.	75/25	1.00 per required parking space.	
20. Colleges:	.5 space/faculty member and employee, plus 1 space/3 students.	75/25	.50 per required parking space.	

**HEALTH SERVICES USES**

Use	Minimum Off - Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
21. Convalescent and Nursing Homes:	1 space/4 beds	75/25	.5 per required parking space.	
22. Medical and Dental Offices and Clinics, Veterinary Hospitals, and Clinics:	1 space/180 square feet of gross floor area.	75/25	.05 per required parking space.	

**TABLE 5.02.04 - A (CONTINUED)****INDUSTRIAL USES**

Use	Minimum Off - Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
23. Manufacturing:	1 space/750 square feet of gross floor area devoted to manufacturing plus the required parking for square footage devoted to other uses.	50/50	.10 per required parking space.	
24. Research and Development:	To be determined by the Planning Commission for the proposed use.*			* Developer must submit a parking study.
25. Warehouse:	1 space/1,000 square feet of gross floor area for the first 20,000 square feet devoted to warehousing plus the required parking for square footage devoted to other uses. 1 space/2,000 square feet for the second 20,000 square feet. 1 space/4,000 square feet for floor area in excess of 40,000 square feet.	50/50	.05 per required parking space.	

**TABLE 5.02.04 - A (CONTINUED)****ENTERTAINMENT AND RECREATION USES**

Use	Minimum Off - Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
26. Arcades, Games:	1 space/200 square feet of gross floor area.	75/25	.20 per required parking space.	
27. Bowling Alleys, Billiard Halls:	4 spaces/alley plus 2 for each billiard table plus required parking for other uses on the site.	75/25	.20 per required parking space.	
28. Commercial Stables:	1 space/5 horses boarded on site.	75/25	.10 per required parking space.	
29. Driving Range (Golf):	1 space/tee plus required parking for any other uses on the site.	75/25	.10 per required parking space.	
30. Golf Course (Regulation):	6 spaces/hole plus required parking for any other uses on the site.	75/25	.10 per required parking space.	
31. Miniature Golf:	3 spaces/hole plus required parking for any other uses on the site.	75/25	.10 per required parking space.	
32. Parks (Public or Private):	To be determined by the Planning Commission*			* Developer must submit a parking study.
33. Skating Rinks:	1 space/100 square feet of gross floor area.	75/25	.25 per required parking space.	
34. Tennis, Hand - Ball, and Racquetball Facilities:	2 spaces/court plus required parking for additional uses on the site.	75/25	.25 per required parking space.	
35. Health Club:	1 space/150 square feet of gross floor area.*	75/25	.25 per	* Swimming pool shall required be counted as floor parking area space.
36. Theaters, Movies:				
- single screen	1 space/2 seats plus 5 spaces for employees.	75/25	.10 per required parking space.	
- multi-screen	1 space/3 seats plus	75/25	5 spaces for employees.	

**Table 5.02.04 - A (CONTINUED)**

**MISCELLANEOUS USES**

Use	Minimum Off - Street Parking Requirement	Ratio of Full Size to Compact Parking Spaces (Full/Compact)	Required Bicycle Spaces	Notes
37. Auditoriums:	1 space/3 seats or 1 space/35 square feet of gross floor area where there are no fixed seats.	75/25	.10 per required parking space.	
38. Churches and Other Spaces of Public assembly:	1 space/3 seats within the main auditorium or, if there are not fixed seats, 1 space/35 square feet of gross floor area within the main auditorium.	75/25	.10 per required parking spaces.	
39. Day Care, Preschools, Nursery Schools:	1 space/staff member plus 1space/5 children or 1 space/10 children if adequate drop-off facilities are provided.*	75/25	.25 per employee	* Drop-off facilities must be designed to accommodate a continuous flow of passenger vehicles to load and unload children safely. The adequacy of drop-off facilities proposed shall be determined by the Planning Commission Commission or their designee based on standard traffic safety principles.
40. Model Home:	3 spaces/model home plus 1 space/salesperson.* **	100/0	0	* Salesperson space may be a vacant garage space in the model home.  ** On-street parking adjacent to the site's frontage may count toward fulfilling required parking if doing so does not produce a shortage of residential parking or obstruct traffic.
41. Utilities:	To be determined by the Planning Commission.*			* Developer must submit a parking study.
42. Libraries:	1 space/300 square feet of gross floor area.	75/25	.20 per required parking space.	

D. Special Parking Spaces.

1. Any parking area to be used by the general public shall provide suitable, marked parking spaces for handicapped persons. The number, design, and location of these spaces shall be consistent with the requirements of Sections 316.1955, and 316.1956, Florida Statutes, or succeeding provisions. No parking space required for the handicapped shall be counted as a parking space in determining compliance with Section 5.02.04 of this Part, but optional spaces for the handicapped shall be counted. All spaces for the handicapped shall be paved.
2. A portion of the parking spaces required by this Code may be designated as exclusively for motorcycle parking if the following conditions are met:
  - a. The Development Administrator recommends that the spaces be so designated, based upon projected demand for them and lessened demand for automobile spaces.
  - b. The Planning Commission approves the recommendation and the designated spaces are shown on the final development plan.
  - c. The designated spaces are suitably marked and striped.
  - d. The designation does not reduce the overall area devoted to parking so that if the motorcycle spaces are converted to automobile spaces the minimum requirements for automobile spaces will be met. The approval may later be withdrawn, and the spaces returned to car spaces, if the Development Administrator finds that the purposes of this Code would be better served thereby, based upon actual demand for motorcycle and automobile parking.
3. The following applies to bicycle parking:
  - a. Bicycle parking facilities shall adhere to the following:
    - (1) Be designed to allow each bicycle to be supported by its frame.
    - (2) Be designed to allow the frame and wheels of each bicycle to be secured against theft.
    - (3) Be designed to avoid damage to the bicycles.
    - (5) Be anchored to resist removal and solidly constructed to resist damage by rust, corrosion, and vandalism.
    - (6) Accommodate a range of bicycle shapes and sizes and to facilitate easy locking without interfering with adjacent bicycles.
    - (7) Be located to prevent damage to bicycles by cars.
    - (8) Be consistent with the surroundings in color and design and be incorporated whenever possible into building or street furniture design.
    - (9) Be located in convenient, highly-visible, active, well-lighted areas.
    - (10) Be located so as not to interfere with pedestrian movements.
    - (11) Be located as near the principal entrance of the building as practicable.



- (12) Provide safe access from the spaces to the right of way or bicycle lane.

E. Parking Deferral.

1. To avoid requiring more parking spaces than actually needed to serve a development, the Planning Commission may defer the provision of some portion of the off-street parking spaces required by this Code if the conditions and requirements of this section are satisfied.
2. As a condition precedent to obtaining a partial deferral by the Planning Commission, the developer must show any one or more of the following:
  - a. A parking study as described in Section 5.02.04 A.3. of this Part indicates that there is not a present need for the deferred parking.
  - b. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of parking sought to be deferred.
  - c. The developer has established or will establish an alternative means of access to the use that will justify deferring the number of parking spaces sought to be deferred. Alternative programs that may be considered by the Planning Commission include, but are not limited to:
    - (1) Private and public car pools and van pools.
    - (2) Charging for parking.
    - (3) Subscription bus services.
    - (4) Flexible work-hour scheduling.
    - (5) Capital improvement for transit services.
    - (6) Ride sharing.
    - (7) Establishment of a transportation coordinator position to implement car pool, van pool, and transit programs.
  - d. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees, and customers who regularly walk, use bicycles and other non-motorized forms of transportation, or use mass transportation to come to the facility.
  - e. Transportation System Management.
  - f. Transportation Demand Management.
3. If the developer satisfies one or more of the criteria in the preceding Section 5.02.04 B.8. b., the Planning Commission may approve a deferred parking plan submitted by the developer. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established.

4. A deferred parking plan:
  - a. Shall be designed to contain sufficient space to meet the full parking requirements of this Code, shall illustrate the layout for the full number of parking spaces, and shall designate which are to be deferred.
  - b. Shall not assign deferred spaces to areas required for landscaping, buffer zones, setbacks, or areas that would otherwise be unsuitable for parking spaces because of the physical characteristics of the land or other requirements of this Code.
  - c. Shall include a landscaping plan for the deferred parking area.
  - d. Shall include a written agreement with Washington County that, one (1) year from the date of issuance of the certificate of occupancy, the deferred spaces will be converted to parking spaces that conform to this Code at the developer's expense should the Planning Commission determine from experience that the additional parking spaces are needed.
  - e. Shall include a written agreement that the developer will cover the expense of a traffic study to be undertaken by the Development Administrator or other designated employee of the County, or a consulting engineer to determine the advisability of providing the full parking requirement.
5. When authorized by the Planning Commission upon a preliminary finding that the parking is inadequate, but not sooner than one (1) year after the date of issuance of the certificate of occupancy for the development, the County shall undertake a study to determine the need of providing the full parking requirement to satisfy the proven demand for parking.
6. Based upon the study and the recommendations of the Consulting Engineer and/or the Development Administrator, the Planning Commission shall determine if the deferred spaces shall be converted to operable parking spaces by the developer or retained as deferred parking area.
6. The developer may at any time request that the Planning Commission approve a revised development plan to allow converting the deferred spaces to operable parking spaces.
- F. Reduction For Mixed Or Joint Use Of Parking Spaces. The Planning Commission shall authorize a reduction in the total number of required parking spaces for two or more uses jointly providing off-street parking when their respective hours of need of maximum parking do not normally overlap. Reduction of parking requirements because of joint use shall be approved if the following conditions are met:
  1. The developer submits sufficient data to demonstrate that hours of maximum demand for parking at the respective uses do not normally overlap.

2. The developer submits a legal agreement approved by the County Attorney guaranteeing the joint use of the off-street parking spaces as long as the uses requiring parking are in existence or until the required parking is provided elsewhere in accordance with the provisions of this Code.
- G. Reduction For Low Percentage Of Leasable Space. The requirements of Section 5.02.03-A of this Part assume an average percentage of gross leasable building to total gross building area (approximately 85%.) If a use has a much lower percentage of leasable space because of cafeterias, athletic facilities or covered patios; multiple stairways and elevator shafts; atriums; conversion of historic residential structures to commercial use; or for other reasons; the Planning Commission may reduce the parking requirements if the following conditions are met:
1. The developer submits a detailed floor plan describing how all of the floor area in the building will be used.
  2. The developer agrees in writing that the usage of the square footage identified as not leasable shall remain as identified, unless and until additional parking is provided to conform fully to this Code.
- H. Historic Preservation Exemption. The preservation of any property that has been placed on the local register of historic places, is listed as a historic and/or archaeological use in the Comprehensive Plan, or that is located in a historic district and contributes to the historic character of the district, shall be grounds for a grant, by the Planning Commission, of a reduction in, or complete exemption from, the parking requirements in Section 5.02.04-A of this Part. The reduction or exemption needed to allow a viable use of the historic structure shall be granted unless a severe parking shortage or severe traffic congestion will result. Also see Article Four of the Code for Historical and Archaeological Sites.
- I. Increase in Requirements. The number of required parking spaces may be increased by the Planning Commission if a parking study demonstrates that the proposed use would have a parking demand in excess of the requirements in Table 5.02.04-A of this Part. The Planning Commission may require the developer to provide a parking study, as described in Section 5.02.04 B. of this Part, when the Development Administrator or his designee (i.e. the County's Consulting Engineer) presents preliminary data indicating that an increase in the number of parking spaces may be warranted.

## **5.02.05 Off-Street Loading**

- A. Generally. Spaces to accommodate off-street loading or business vehicles shall be provided as required below.
- B. Spaces Required.
1. Schools, hospitals, nursing homes and other similar institutional uses and mid- and high-rise residential uses shall provide one (1) loading space for the first one hundred thousand (100,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet or fraction thereof.

2. Auditoriums, gymnasiums, stadiums, theaters, convention centers and other buildings for public assembly shall provide one (1) space for the first twenty thousand (20,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional one hundred thousand (100,000) square feet.
  3. Offices and financial institutions shall provide one (1) space for the first seventy-five thousand (75,000) square feet of gross floor area or fraction thereof, and one (1) space for each additional twenty-five thousand (25,000) square feet.
  4. Retail commercial, service, road service and commercial entertainment uses shall provide one (1) space for the first ten thousand (10,000) square feet of gross floor area, and one (1) space for each additional twenty-thousand (20,000) square feet.
  5. Industrial uses shall provide one (1) space for every ten thousand (10,000) square feet of gross floor area.
- C. Adjustments To Requirements. The Planning Commission may, upon the recommendation of the Development Administrator, require that a study be done to determine the actual number of loading spaces needed for a proposed use. The Development Administrator shall recommend the need for a study when it appears that the characteristics of the proposed use require a greater or lesser number of loading spaces than that required or proposed.

#### **5.02.06 Alteration Of Conforming Development**

- A. Decreased Demand For Parking or Loading. The number of off-street parking or loading spaces may be reduced if the Development Administrator or Planning Commission finds that a diminution in floor area, seating capacity, or other factor controlling the number of parking or loading spaces would permit the site to remain in conformity with this Code after the reduction.
- B. Increased Demand For Parking or Loading. The number of off-street parking or loading spaces must be increased to meet the requirements of this Code if the Development Administrator or Planning Commission finds that an increase in floor area, seating capacity, or other factor controlling the number of parking or loading spaces required by this Code causes the site not to conform to this Code.

#### **5.02.07 Design Standards For Off-Street Parking And Loading Areas**

- A. Location.
1. Except as provided herein, all required off-street parking spaces and the use they are intended to serve shall be located on the same parcel.
  2. The Planning Commission may approve off-site parking facilities as part of the parking required by this Code if:
    - a. The location of the off-site parking spaces will adequately serve the use for which it is intended. The following factors shall be considered:

- (1) Proximity of the off-site spaces to the use that they will serve.
    - (2) Ease of pedestrian access to the off-site parking spaces.
    - (3) Whether or not off-site parking spaces are compatible with the use intended to be served, e.g., off-site parking is not ordinarily compatible with high turnover uses such as retail.
  - b. The location of the off-site parking spaces will not create unreasonable:
    - (1) Hazards to pedestrians.
    - (2) Hazards to vehicular traffic.
    - (3) Traffic congestion.
    - (4) Interference with access to other parking spaces in the vicinity.
    - (5) Detriment to any nearby use.
  - c. The developer supplies a written agreement, approved in form by the County Attorney, assuring the continued availability of the off-site parking facilities for the use they are intended to serve.
3. All parking spaces required by this Code for residential uses should be located no further than the following distances from the units they serve:

Resident parking: 200 feet

Visitor parking: 250 feet

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

**B. Size.**

1. Standard and compact parking spaces shall be sized according to Table 5.02.07-A and as shown by the accompanying illustration.
2. Parallel parking spaces shall be a minimum of eight (8) feet wide and twenty-two (22) feet long. If a parallel space abuts no more than one (1) other parallel space, and adequate access room is available, then the length may be reduced to twenty (20) feet.
3. Tandem parking spaces must be a minimum of nine (9) feet wide and twenty (20) feet long.
4. A standard motorcycle parking space shall be four and one-quarter (4 1/4) feet wide and nine and one-quarter (9 1/4) feet long.
5. Spaces for handicapped parking shall be the size specified in Section 316.1955, Florida Statutes.

6. The standard off-street loading space shall be ten (10) feet wide, twenty-five (25) feet long, provide vertical clearance of fifteen (15) feet, and provide adequate area for maneuvering, ingress and egress. The length of one or more of the loading spaces may be increased up to fifty-five (55) feet if full-length tractor-trailers must be accommodated. Developers may install spaces that are larger than the standard, but the number of spaces shall not be reduced on that account.
7. The Planning Commission may modify these requirements where necessary to promote a substantial public interest relating to environmental protection, heritage conservation, aesthetics, tree protection, or drainage.

C. Layout.

1. Pedestrian circulation facilities, roadways, driveways, and off-street parking and loading areas shall be designed to be safe and convenient.
2. Parking and loading areas, aisles, pedestrian walks, landscaping, and open space shall be designed as integral parts of an overall development plan and shall be properly related to existing and proposed buildings.
3. Buildings, parking and loading areas, landscaping and open spaces shall be designed so that pedestrians moving from parking areas to buildings and between buildings are not unreasonably exposed to vehicular traffic.
4. Landscaped, paved, and gradually inclined or flat pedestrian walks shall be provided along the lines of the most intense use, particularly from building entrances to streets, parking areas, and adjacent buildings. Pedestrian walks should be designed to discourage incursions into landscaped areas except at designated crossings.
5. Each off-street parking space shall open directly onto an aisle or driveway that, except for single-family and two-family residences, is not a public street.
6. Aisles and driveways shall not be used for parking vehicles, except that the driveway of a single-family or two-family residence shall be counted as a parking space for the dwelling unit, or as a number of parking spaces as determined by the Director based on the size and accessibility of the driveway.
7. The design shall be based on a definite and logical system of drive lanes to serve the parking and loading spaces. A physical separation or barrier, such as vertical curbs, may be required to separate parking spaces from travel lanes.
8. Parking spaces for all uses, except single-family and two-family residences, shall be designed to permit entry and exit without moving any other motor vehicle.
9. No parking space shall be located so as to block access by emergency vehicles.
10. Compact car spaces should be located no more and no less conveniently than full size car spaces and shall be grouped in identifiable clusters.

## **5.02.08      Bicycle and Pedestrian Access**

### **A.      When Required.**

1.      All Planned Unit Developments (PUD's) shall provide sidewalks adjacent to all roadways. Sidewalks shall also be provided where feasible and appropriate along all roadways in or near residential areas. Location of sidewalks shall be consistent with planned roadway improvements.
2.      All major subdivision projects abutting collector or arterial roadways shall provide sidewalks adjacent to the collector or arterial roadway.
3.      Sidewalks shall be provided on both sides of all paved residential streets where the average lot width at the street is sixty (60) feet or less.
4.      Sidewalks shall be provided on one side of all paved residential streets where the average lot width at the street is greater than sixty (60) feet but less than one hundred fifty (150) feet.
5.      Where a proposed development includes improvements or new construction of collector or arterial facilities, facility designs shall include provision for sidewalks or bikeways within the right-of-way.
6.      Residential projects adjacent to or in the immediate vicinity of an activity center comprised of commercial, office, service, or recreation activities may be required by the Planning Commission to provide pedestrian and bicycle access from the development to the activity center.
7.      Pedestrian-ways or crosswalks, not less than ten (10) feet wide with a sidewalk meeting the requirements of this Code, may be required by the Development Administrator or Planning Commission to be placed in the center of blocks more than eight hundred (800) feet long where deemed necessary to provide circulation or access to residential centers and schools, employment and retail commercial areas, transportation, recreation and other public facilities. Sidewalks shall be provided on all newly constructed roadways where feasible and appropriate along all roadways in or near residential areas which lead to: 1) schools; 2) commercial centers; and 3) employment centers, and on all newly paved roads within any residential subdivision, and where the need for such facilities have been identified by the Planning Commission.

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

## **5.03.00 WASTEWATER SYSTEMS AND SEPTIC TANKS**

### **5.03.01 Generally**

Mandatory requirements of the Washington County Health Department, Florida Department of Health (FDH), and the State of Florida Department of Environmental Protection (FDEP) for installation, inspection, operation, and maintenance of on-site wastewater treatment systems shall be met in addition to the requirements contained in this Section and in Article Three of this Code and Washington County Ordinance Nos. 88-2 and 85-7 as amended.

A building permit is not issued by the Building Department until the Washington County Health Department approves a permit for placement of a septic tank on the proposed development site. If the proposed development is to be connected to an urban wastewater treatment facility, a letter of availability for the connection to the central sewer service must be submitted during the permit application process. The private electrical companies providing service in the County coordinate to ensure implementation of this ordinance by not providing connection to electrical service unless final building permit approval has been received.

### **5.03.02 Existing Wastewater Systems and Septic Tanks**

Existing septic tank and package treatment plants may remain in service until central service is available except as necessary to comply with Rule 10D-6, F.A.C. with regard to the compulsory hookup with a central wastewater system, except as may otherwise be provided by law, such hookups shall be commenced and completed within a reasonable period of time. Package treatment plants are essentially small treatment systems, which have a collection network, treatment plant, and disposal system. Package plants may be designed to provide any level of treatment, but plants providing secondary treatment are most commonly used. Package plants are available in a range of capacities up to one million gallons per day. They serve isolated development and are usually partially or completely pre-assembled by the manufacturer prior to shipment to the site of use. New construction of package wastewater plants must meet the relevant standards established by the State of Florida and the Federal government and must connect to central wastewater treatment facilities within 5 years of central wastewater facilities becoming available. In Washington County, new package plants shall be permitted only when the developer of such temporary package treatment plant enters into a legally binding agreement wherein the developer or a homeowners' association assumes responsibility for the proper maintenance and operation of the plant, agreeing to construct, provide services, and maintain the facility according to FDEP and WFWMD rules and standards.

### **5.03.03 Siting and Installation Requirement and Limitations**

- A. For areas not characterized by severely rated soils, use of septic tank systems for new development shall be limited to areas where central service or package plants are not available in accordance with FDH septic tank rules, and shall only be permitted subsequent to the receipt of all applicable FDH and FDEP permits.
- B. Use of package treatment plants shall be limited to areas where central sewer systems are not available, and septic tanks are prohibited due to severely rated soils, land uses proposing generation or processing of hazardous waste or high density or intensity use (based upon FDH and FDER rules). The installation of such facilities shall only be permitted by the County subject to the receipt of all applicable FDH and FDEP permits.



- C. For areas characterized by severely rated soils, the County may require that alternative types of septic tanks, including aerobic systems and alternative drain fields, be required for development proposing densities of greater than one dwelling unit per acre (unless central facilities are required by the Washington County Health Department).
- D. Septic tanks which are proposed for nonresidential use shall not exceed the sewage flow limitations of the FDH or the FDEP.
- E. Placement of new wastewater treatment facilities and tanks shall be evaluated for its adverse impact on aquifer recharge and discharge areas, and their vulnerability to contamination shall be assessed before any development is permitted.
- F. No WWTPs can be installed where central sewer service exists or within the 100-year floodplain, in conservation lands, or within 500 feet of potable water well.

#### **5.03.04 Central Sewer Installation**

Densities exceeding 3.57 units per acre shall be required to have both central sewage and water.

#### **5.04.02 Central Water Installation**

Densities exceeding 3.57 units per acre shall be required to have both central sewage and water.

#### **5.04.03 Level of Service Standards**

The County adopts an average daily flow of one hundred (100) gallons per capita per day gpcpd as the design Level of Service Standards for potable water facilities serving the unincorporated areas of the County. For proposed subdivision design, the design rate shall be three hundred fifty (350) gallons per dwelling unit per day.

#### **5.04.00 POTABLE WATER**

##### **5.04.01 Standards**

The location, design and operation of each water well or distribution systems for human consumption shall meet the requirement of the Washington County Health Department, the Northwest Florida Water Management District, (NFWFMD), and other appropriate State or Federal standards.

##### **5.04.02 Permits Renewed**

A permit for a well or water system serving two or more dwelling units or serving a firm having more than five employees is in effect for a period of one year. A permit may be renewed by a contractor licensed by the Development Administrator to test water and inspect wells and water systems. Such wells or water systems shall, at a minimum, comply with the applicable requirements of DER Rules 17-16 (Water and Domestic Wastewater Plant Monitoring), 17-21 (Rules and Regulations Governing Water Wells in Florida), 17-22 (Public Drinking Water Systems), 17-524 (Delineated Areas), 17-532 (Water Well Permitting and Construction

Requirements), and 17-555 (Permitting and Construction of Public Water Systems), as well as NFWFMD Rules 40A-2 and 40A-3, and HRS Rule 10D-4 (Water Systems).

#### **5.05.00 WATER CONSERVATION**

- A. Development projects for which a central water system is being developed, shall utilize a reclaimed water system for uses not requiring potable water. The lowest acceptable water quality shall be utilized for the purpose intended.
- B. All new construction and all remodeling activities shall utilize fixtures conforming to the following schedule of maximum water usage, consistent with the Water Conservation Act of 1982:

Water Closets, tank type	3.5 gallons/flush
Water Closets, flush meter or flush valve	3.5 gallons/flush
Urinals, tank type	3.5 gallons/flush
Urinals, flush meter or flush valve	3.5 gallons/flush
Showerheads	3.5 gallons/minute
Lavatory and sink faucets	2.5 gallons/minute

Also, see Section 4.08.00 of this Code entitled Water Conservation.

#### **5.06.00 STORM WATER MANAGEMENT/DRAINAGE IMPROVEMENT**

- A. Generally. A complete drainage plan shall be submitted by the developer and be approved by the County Engineer. These plans shall show sufficient documentation including elevations and topographic information to demonstrate the capability of the drainage system to collect, control, and dispose of storm runoff. The plan shall include erosion control measures and calculations of water flow velocities in un-paved areas. The drainage system will include all catch basins, manholes, inlets, head walls, bridges, pipes, settling basins, holding ponds, swells, green belted open space, etc., deemed necessary by the County Engineer. The drainage system shall be based upon the facilities necessary to control and/or dispose runoff in accordance with the performance Standards contained in Section 5.06.00 of Article Five of this Code and restated below. Rainfall data shall be obtained from the Florida Department of Transportation rainfall curves. The developer's engineer shall certify that the storm water system has been designed in accordance with the applicable sections of the Washington County Land Development Code.
- B. Performance Standards. All development must be designed, constructed and maintained to meet the following performance standards.
  - 1. While development activity is underway and after it is completed, the characteristics of storm water runoff shall approximate the discharge rate of storm water runoff that occurred under the site's natural unimproved or existing state (and value in closed basins).
  - 2. The proposed development and development activity shall not violate the water quality standards as set forth in Chapters 17-3, and 17-25 of the Florida Administrative Code (F.A.C.).

3. Silviculture and agricultural uses shall be required to use best management practices pursuant to Silviculture: Best Management Practices Manual (State of Florida, Division of Forestry, June 1989) as may be revised, and to prevent drainage and pollution problems.
4. Storm water management/drainage facilities shall be installed by the developer which have been designed in accordance with good engineering principals to adequately provide for proper and necessary drainage of all surface water. The design shall include all drainage facilities within the limits of said development, plus all offsite facilities necessary to fully and finally dispose of all runoff such that the following Level of Service Standards (LOSS) are maintained for the applicable development types:
  - a. For development discharging storm water to principal or minor arterial roadways - 50 year, 24-hour storm event and treatment retention/detention systems as required by LDRs and State regulation (i.e., 17-25-FAC – without exemptions)
  - b. For development discharging storm water onto collector roadways - 25 year, 24-hour storm event and treatment retention/detention systems as required by LDRs and State regulation (i.e., 17-25-FAC – without exemptions);
  - c. For development discharging onto local streets and residential neighborhoods (including new subdivisions) - 15 year, 24-hour storm event and treatment retention/detention systems as required by LDRs and State regulation (i.e., 17-25-FAC – without exemptions);
  - d. In agricultural and silviculture areas and along dirt roads in un-subdivided areas - 10 year, 24-hour storm event and in accordance with Division of Forestry Best Management Practices (as specified below). All development shall also comply with Division of Forestry Best Management Practices.

Best Management Practices (in accordance with the Division of Forestry's Silviculture Best Management Practices Manual) shall be complied with to control agricultural runoff, erosion and sedimentation from agriculture and silviculture lands and unpaved roads. These implementing mechanisms include, but are not necessarily limited to, such provisions as the following:

- i. Water turnouts and broad-based dips being used to direct runoff and sediment from dirt road surfaces into the surrounding woods and away from surface waters
- ii. Water bars being utilized to perform the same function for skid trails and fire breaks
- iii. Structural solutions such as properly controlled vegetated swales, detention and retention ponds, etc., are being utilized when

necessary

- iv. Dirt roads being closed and stabilized with vegetation when they are no longer in use
- v. Dirt roads, skid trails, and fire trails being avoided in environmentally sensitive areas such as wetlands.

LOS A indicates that there is no significant street flooding.

LOS B indicates that there is no major residential yard flooding.

- 5. Artificial lakes, recharge wells, swells or other means to allow absorption of storm water shall be utilized where feasible.

Installation of culverts at the developers' expense will be required where alteration of wetlands is necessary in order to allow reasonable use of property. Installation will only occur after being approved by the County Engineer.

#### **5.07.00 SOIL EROSION**

##### **A. Performance Standards.**

- 1. Offsite migration of soil particles during and after all construction activities, and which originate from dirt roads, shall be eliminated.
- 2. Soil Conservation Service and U.S. Forestry Service Best Management Practices shall be followed during agricultural and silvicultural activities. Such practices shall reduce erosion and sedimentation of soils into wetlands and water bodies.
- 3. Erosion and sedimentation controls, including staked hay bales, shall be used during construction.
- 4. The developer shall be required to utilize USDA-Soil Conservation Service Standards and Specifications in the design for grading, site development, landscaping involving earth moving, sediment control, vegetation establishment and other measures involved with the development plan to reduce on and off-site erosion and sediment damage caused by the development. The developer shall also be required to authorize periodic on-site inspection of sediment control measures by the Development Administrator and his-her authorized agents, as it is deemed necessary. Deviation from the approved plan will not be made without authorization from the Development Administrator.

#### **5.08.00 EASEMENTS**

- A. Utility easements along rear or side lot lines 10 feet or greater in width shall be provided as needed.
- B. Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided as needed a storm water or drainage easement conforming

substantially with the lines of such water course, but not less than 20 feet in width and such further width as will be adequate for the purpose of protecting and utilizing such features.

- C. Where indicated in the Comprehensive Plan, and in such other areas as the Planning Commission and developers may agree, pedestrian and service easements shall be provided. Such pedestrian and service easements may include, or be included in, easements required under A or B above.
- D. Where utilities are placed in easements, no fences, or structures of a permanent nature shall be located on or within such easement.

#### **5.09.00 FLOODPLAINS**

The design and development standards which are intended to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions are contained in The Washington County Floodplain Management Ordinance.

- A. Site plans for new development will identify the location and extent of wetlands located on the property. Each development permit will be reviewed by the County Planning Office to ensure that this policy is met. All plats are required to have wetlands, conservation, and flood areas clearly defined.
- B. Site plans will provide measures to assure that normal flows and quality of water in wetlands will be maintained after completion of development impacting wetlands.
- C. All plats submitted for approval are required to have wetlands, conservation, and flood areas clearly defined.
- D. Any development encroaching into the 100-year flood hazard area shall provide compensating storage such that no development shall serve to increase the height and/or velocity of regulatory floods.
- E. When flood zones are evident, a flood elevation certificate is required to be submitted before a development permit is issued. No variance will be granted for the required flood elevations.

#### **5.10.00 Wildfire Mitigation Plan**

A wildfire mitigation plan will be submitted for all proposed developments of 20 or more acres, based on minimum Division of Forestry Standards.

**FIGURE 5.02.02-A  
VISION TRIANGLE**

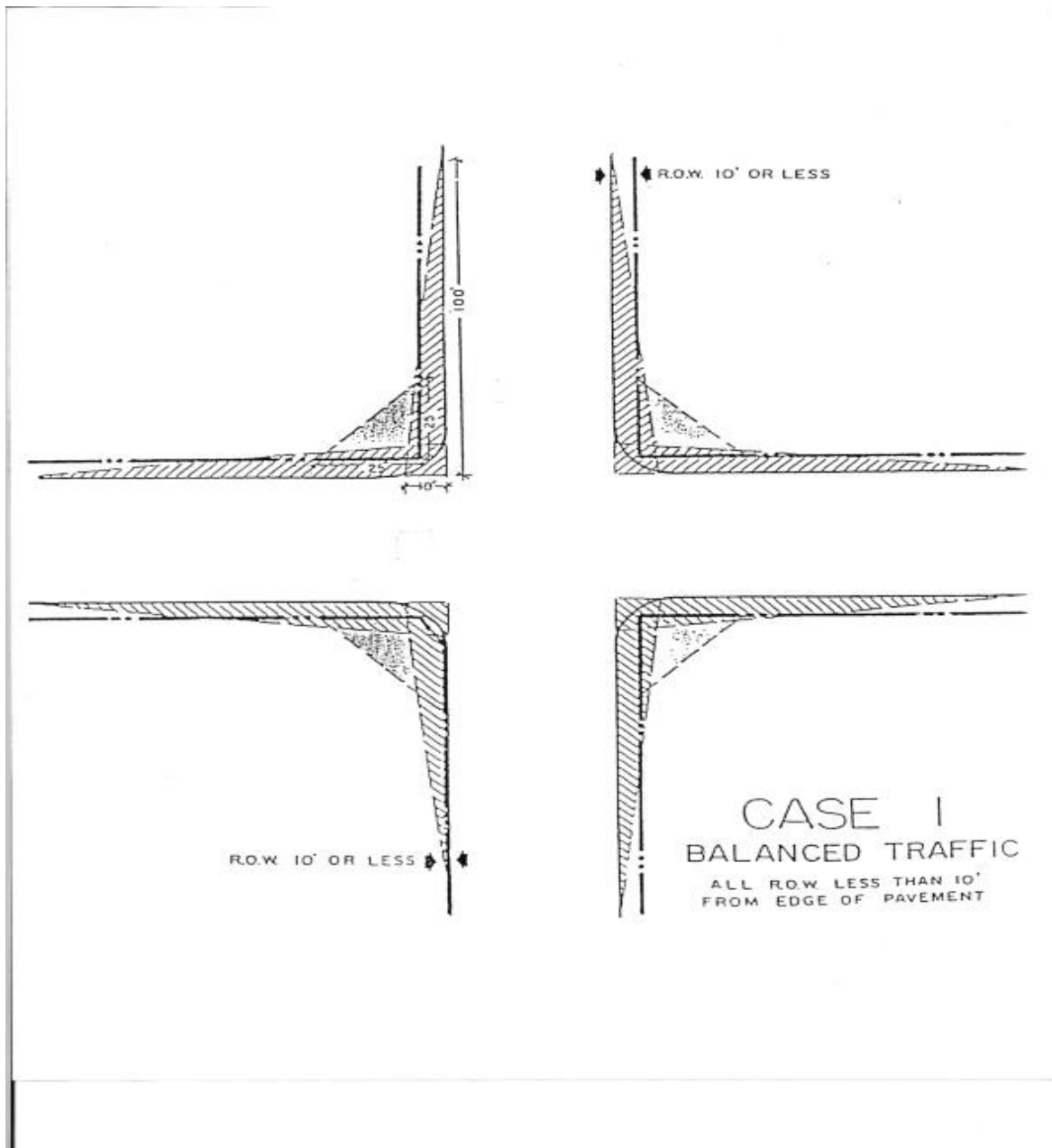
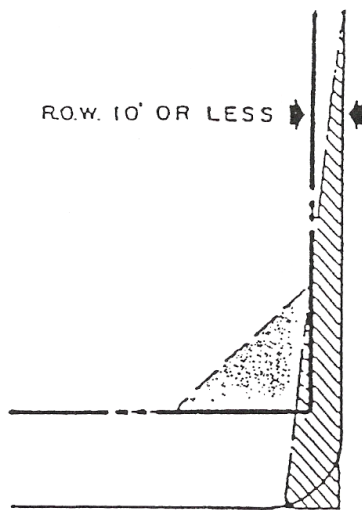
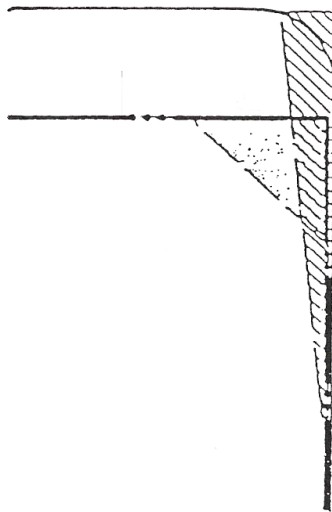


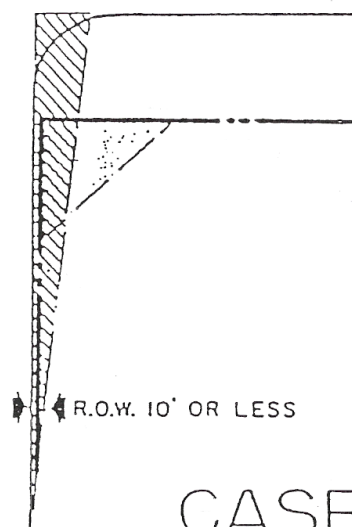
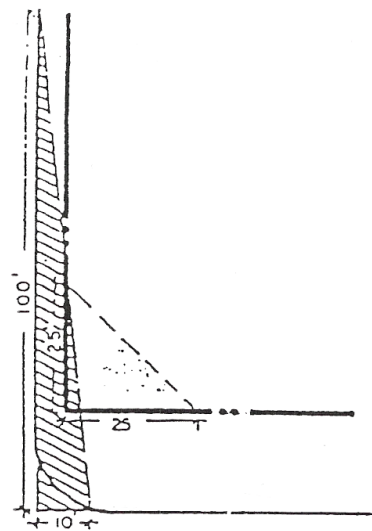
FIGURE 5.02.02-B  
VISION TRIANGLE FIGURE 5.02.02-C  
VISION TRIANGLE



MINOR



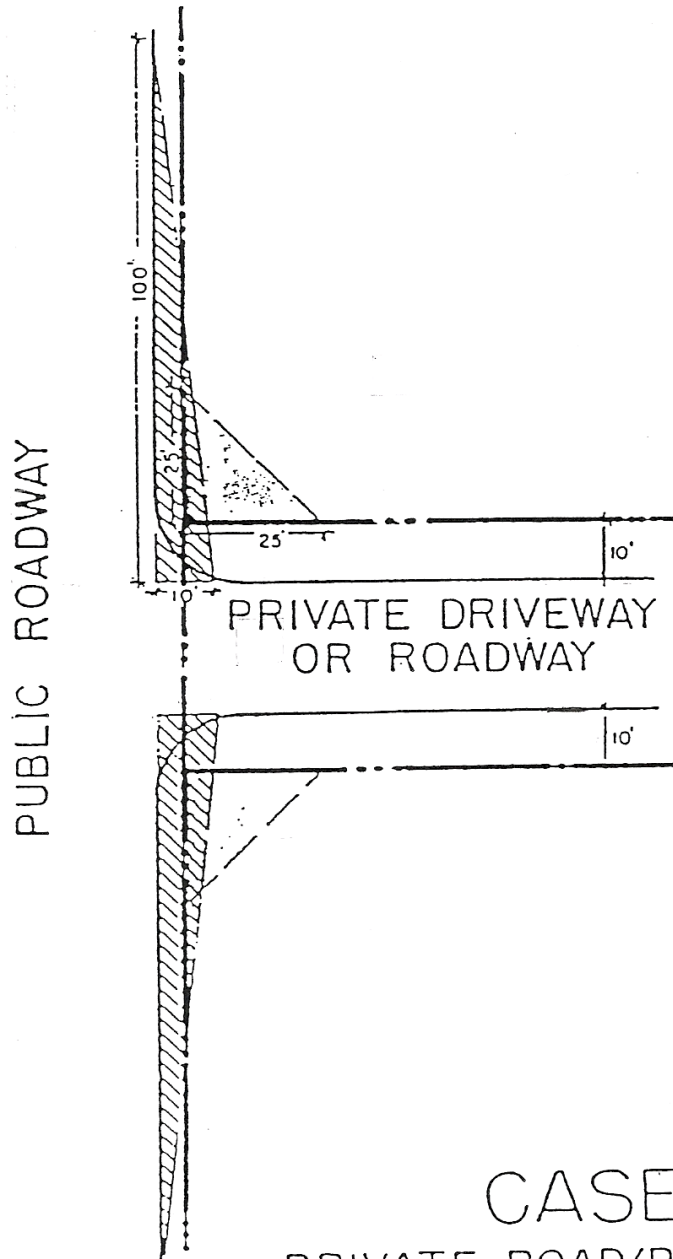
MAJOR



CASE 2  
MINOR/MAJOR ROADS

MAJOR ROADWAY R.O.W. LESS  
THAN 10' FROM EDGE OF PAVEMENT

**FIGURE 5.02.02-C  
VISION TRIANGLE**

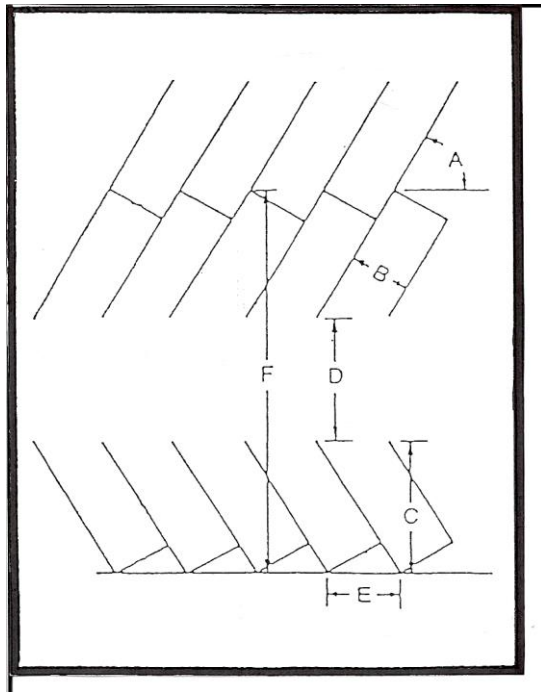


**CASE 3**  
PRIVATE ROAD/PUBLIC ROAD  
FOR  
MAJOR TRAFFIC GENERATORS



**TABLE 5.02.07-A  
PARKING SPACE STANDARDS**

Parking Width Angle	Stall Width	Stall Depth	Aisle Width	Curb Length Per Car	Lot (Two Rows plus Aisle)
	Std. Compact	Std. Compact	Std. Compact	Std. Compact	Std. Compact
0°	10' 8.5'	10' 8.5'	12' 12'	23' 16'	32' 29'
45°	10' 8.5'	21.2' 17.3'	12' 12'	14.1' 12'	54.4' 46.6'
60°	10' 8.5'	22.3' 18.2'	18' 18'	11.5' 9.8'	62.6' 54.4'
90°	10' 8.5'	20' 16.0'	24' 24'	10' 8.5'	64' 56.0'



**A = PARKING ANGLE**

**B = STALL WIDTH**

**C = STALL DEPTH**

**D = AISLE WIDTH**

**E = CURB LENGTH**

**F = LOT WIDTH**

## **ARTICLE SIX SUBDIVISIONS**

<b>6.00.00</b>	<b>GENERAL PROVISIONS</b>
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<b>6.05.02</b>	<b>Action of Owner</b>
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<b>6.07.06</b>	<b>Improvements in Flood Hazard Zone</b>
<b>6.08.00</b>	<b>MINIMUM REQUIREMENTS FOR THE INSTALLATION OF IMPROVEMENTS</b>

<b>6.08.01</b>	<b>General</b>
<b>6.08.02</b>	<b>Road and Street Construction</b>
<b>6.08.03</b>	<b>Storm water Management/Drainage Improvement</b>
<b>6.08.04</b>	<b>Utilities</b>
<b>6.08.05</b>	<b>Administration Procedures</b>
<b>6.08.06</b>	<b>Cost of Improvements</b>

## **ARTICLE SIX**

### **SUBDIVISIONS**

#### **6.00.00        GENERAL PROVISIONS**

##### **6.00.01        Authority**

As per Chapters 125, 163, and 177, Florida Statutes, incorporated municipalities and counties, individually or in combination, are authorized and empowered to adopt, amend or revise and enforce measures relating to subdivisions.

##### **6.00.02        Purpose**

The public health, safety, comfort, economy, order, appearance, convenience, morals and general welfare require the harmonious, orderly and progressive development of land within Florida.

The purpose of this article is to provide that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood, or other hazards, and land shall not be subdivided until available public facilities and improvements exist and proper provision has been made for drainage, water, sewage, and capital improvements such as coordinated transportation facilities, parks, and other public improvements consistent with the Washington County Comprehensive Plan (including the municipalities of Caryville, Ebro, Vernon, and Wausau).

The enforcement of these measures related to the subdivision of land shall specifically:

- A.     Aid in the coordination of land development in accordance with orderly physical patterns, and discourage haphazard, premature or scattered land development;
- B.     Insure safe and convenient traffic control and adequate utilities;
- C.     Insure an economically stable and healthful community;
- D.     Prevent periodic flooding;
- E.     Insure that taxpayers will not have to bear the costs resulting from haphazard subdivision activities; and
- F.     Serve as an instrument of comprehensive planning.

##### **6.00.03        Definition of Terms**

The following terms, phrases, words and their derivation shall have the meaning given herein when not inconsistent with the context. Words used in the present tense include future, words in the plural number include the singular number, and words in the singular number shall include the plural number. The words "shall" and "will" are mandatory and the word "may" is permissible.

- A. **Abutting Property.** Any property that is immediately adjacent or contiguous to, or immediately across any road or public right-of-way from the subdivision.
- B. **Alley.** Any public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street and having a right-of-way width of thirty feet (30') or less.
- C. **Base Flood.** The flood having a one percent chance of being equaled or exceeded in any given year.
- D. **Block.** A piece of parcel of land entirely and immediately surrounded by streets or highways, railroad right-of-way, water courses, subdivision boundaries, or any combination thereof.
- E. **Building.** Any structure designed or built for the support, enclosure, housing shelter or protection of persons, animals or chattel.
- F. **Building Setback.** The minimum horizontal distance permitted between the front, rear or side of a building and the nearest street line or property line.
- G. **Cemetery.** A place dedicated to and used or intended to be used for the permanent interment of human or animal remains. A cemetery may contain land or earth interment; mausoleum, vault, or crypt interment; columbarium or other structure or place to be used for the interment of cremated humans; or any combination of one or more of such structures or places.
- H. **County Engineer.** A person currently licensed and registered to practice engineering in the State of Florida and retained by Washington County to oversee the appropriate provisions of this Code. The County Engineer may be employed directly by the County or retained on a consulting basis.
- I. **County Planning Department.** The staff of the Washington County Planning Commission.
- J. **County Planner.** A duly authorized representative of the County Planning Department.
- K. **Cul-de-Sac or Dead-End Streets.** A minor street being only one open end and providing access to another street.
- L. **Developer.** An individual, partnership, corporation or other legal entity, or agent thereof, who undertakes the activities covered by these regulations. The term "developer" may include "subdivider," "owner," and "builder."
- M. **Development Administrator.** The person appointed as "Development Administrator" in accordance with Section 9.01.02 of this Code.
- N. **Driveway.** A vehicular access point between one parcel of property and a roadway or street.

- O. **Dwelling or Dwelling Unit.** Any building, portion thereof, or other enclosed space or area used or intended for use as the home of one family, with separate cooking and housekeeping facilities, either permanently or temporarily.
1. Single Family - A detached building designed for and occupied by one family as a home, with cooking and housekeeping facilities.
  2. Two Family - A detached building occupied by or designed for occupancy by two families only with separate cooking and housekeeping facilities.
  3. Multiple Family - A building designed for or occupied by three or more families, with separate cooking and housekeeping facilities for each.
- P. **Easement.** A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.
- Q. **FDOT.** Florida Department of Transportation.
- R. **Flood way.** The channel of a natural stream or river and portions of the flood plain adjoining the channel, which are reasonably required to carry and discharge the flood water or flood flow of any natural stream or river.
- S. **Flood Hazard Boundary Map (FHBM).** The map issued by the U.S. Dept. of Housing and Urban Development (HUD) and the Federal Insurance Administration showing flood prone areas. Drawn from U.S.G.S. maps, FHBM's do not provide flood elevations and are intended to be used only until the Flood Insurance Rate Maps (FIRM) are produced.
- T. **Flood Hazard Zone.** Land subject to a one percent or greater chance of flooding in any given year.
- U. **Flood Insurance Rate Map (FIRM).** The official map of the County on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the County.
- V. **Flood Protection Elevation.** The elevation of the base flood plus one (1) foot.
- W. **Frontage.** The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- X. **Immediate Family.** The father, mother, brother, sister, son, daughter, grandchild, or mother-in-law and father-in-law of a person deeding land with or without valuable consideration.
- Y. **Improvement.** Physical changes made to raw land, and structures placed on or under the land surface.
- Z. **Land Surveyor.** A land surveyor duly registered to practice in the State of Florida.
- AA. **Limited Access Street.** Streets or segments of streets designated in Washington County's Comprehensive Plan as being "limited access."

- BB. **Lot.** A portion of a subdivision intended as a unit or for development as a unit, or both, the boundaries of which have been clearly designated upon the plat according to Florida law.
1. Lot Depth - The distance measured in the mean (average) direction of the side lines of the lot from the midpoint of the front line to the midpoint of the opposite main rear line of the lot.
  2. Lot Width - The mean horizontal distance between the side lot lines, measured at right angles to the lot depth, with the minimum to comply with this Code to be measured at the front setback line.
  3. Front Lot Line - The lot line separating the lot from the right-of-way of the principal street on which the lot abuts.
  4. Rear Lot Line - The lot line opposite to and most distant from the front lot line.
  5. Side Lot Line - Any lot line other than a front or rear lot line. A side lot line of a corner lot, separating a lot from a street, is called a side street lot line. A side lot line separating a lot from another lot is called an interior lot line.
  6. Interior Lot - A lot other than a corner lot.
  7. Corner Lot - A lot abutting upon two or more streets at a street intersection or abutting upon two adjoining and deflected lines of the same street.
  8. Double Frontage Lot - A lot having two non-adjoining property lines abutting upon a street or streets.
  9. Reverse Frontage Lot - A double frontage lot fronting on both a Minor Street and a Primary or Collector Street with access only permitted to the Minor Street. Rear access to the Primary or Collector Street shall be prohibited by means of a Non-Access Reservation strip or easement along the Primary or Collector Street.
- CC. **Minor Re-plat.** The subdivision or resubdivision of a single lot or parcel of land into two (2) lots or parcels, solely for the purpose of increasing the area of two or more adjacent lots or parcels of land or to change or modify the dimensions of only the adjacent lots or parcels, where there are not roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.
- DD. **Mobile Home.** A dwelling unit provided with an undercarriage axle(s) and wheels, capable or ever capable of being towed on its own axle(s) and wheels, which can be utilized as a permanent residence, and which is eight (8) feet or more in width, and over thirty-five (35) feet in length. This definition excludes recreational vehicles.
- EE. **Mobile Home Space.** A plot of ground within a Mobile Home Park designated for the accommodation of one (1) mobile home or travel trailer.

- FF. **Ordinary High-Water Mark (Nontidal).** A line determined by examining the bed and banks of a water body and ascertaining where the presence and action of the water has marked upon the bed a character distinct from that of the banks with respect to vegetation or the nature of the soil itself. In the case of disputes over the location of the ordinary high-water mark, the Planning Commission may require the subdivider to furnish data and/or studies establishing the location of such boundary.
- GG. **Pedestrian Crosswalk.** A right-of-way dedicated to the public for pedestrian use and which is designed to provide access to adjacent roads, lots or public use areas.
- HH. **Planned Unit Development (PUD).** A type or form of development which is intended to encourage innovative site design, and which is characterized by a unified site design for residential units, clustering of buildings, provision of open space, and a mix of building types and land uses. All residential subdivisions containing 100 or more subdivided building sites shall be required to be designated as Planned Unit Developments (PUD's). See Section 2.04.13 for specific density and intensity requirements for PUD's. All Planned Unit Developments shall comply with Major Subdivision platting requirements.
- II. **Plat.** A map or drawing depicting a parcel of land or the division of lands into lots, blocks, parcels and containing a legal description of such lands. May include the term "re-plat."
- JJ. **Recreational Vehicle.** A recreational vehicle-type unit used for temporary living quarters by individuals, and families during recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. This category, in this article is assumed to include also Travel Trailers, Camping Trailers, Truck Campers, Motor Homes private motor coach, van conversion, park trailer, fifth wheel trailer and all similar vehicles as described by Chapter 320.01 Florida Statutes.
- KK. **Recreational Vehicle or Campground Space.** A plot of ground within a recreational vehicle park designated for the accommodation of one (1) individual trailer, camper, motor home, etc.
- LL. **Regulatory Flood way.** A channel of a river or other watercourse and the adjacent land areas that must be unobstructed in order to discharge the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.
- MM. **Street or Roadway.** A right-of-way provided for vehicular transportation purposes. A street or roadway normally provides vehicular access to 2 or more separate parcels of property. (See Section 5.02.02 for standards with regard to street design, and right-of-way and pavement widths.
1. Primary Street - A street which has been or may be designed or designated for the movement of large volumes of traffic between distant points.
  2. Collector Street - A street designed or designated so as to connect a number of minor streets with primary streets.



3. Marginal Access Street - Minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
  4. Minor Street - A street of limited continuity used primarily for access to abutting property and the local needs of the neighborhood.
  5. Mobile Home Subdivision Streets - Interior street of mobile home subdivisions.
  6. Mobile Home Park Streets - Interior streets of mobile home parks.
  7. Recreational Vehicle Park Streets - Interior streets of recreational vehicle parks.
  8. Cemetery Streets - Interior streets of cemeteries.
- NN. **Setback Line.** A line generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building or structure, may be located above ground, except as may be provided in this Land Development Code.
- OO. **Sewer (Public or Community).** An approved sewage disposal system which provides a collection network, a disposal system, and central sewage treatment facility for a single development, community or region.
- PP. **Sewer (On-site).** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.
- QQ. **Subdivision.** The division or re-division of a parcel of land for the purposes of sale, lease, rental, conveyance of title, or any use (including burial rights), regardless of whether by gift or by exchange of currency or other items of value, into two (2) or more parcels, any one (1) of which is less than four and one-half (4.5) acres in size, or the division of land into two (2) or more parcels, any one of which is 10 acres or smaller in size, where any new street or roadway is installed (public or private); or the division or re-division of land into two (2) or more parcels of any size where the dedication of a new street through the platting process and subdivision recording is requested by the developer, or is required by the County Commission.

The division of land into parcels, all of which are four and one-half (4.5) acres in size or larger, and where the parcels are served by an existing private, County, State, or Federal roadway meeting the roadway improvement standards of this Code (including paving) at the time of division or re-division of the land, shall not be deemed a subdivision and is not required to plat. All such developments shall comply with the Development Plan Submittal and review requirements presented in Article Ten of this code.

Any street or roadway constructed in Washington County shall meet the minimum design and improvement standards for streets and roadways presented in Article Five of this Code.

1. Major Subdivision - A subdivision not classified as a minor subdivision, including but not limited to a subdivision of eleven (11) or more lots, or any size subdivision requiring any new streets to be constructed, or the extension of governmental facilities, or the creation of public improvements.
2. Minor Subdivision - Any subdivision containing ten (10) or less lots fronting on an existing street/roadway, not involving any publicly dedicated new street or road, or the extension of government facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision of this Code or the comprehensive plan. Minor subdivisions shall be limited to a maximum of ten (10) lots within a period of one year, as well as ten in the aggregate.
3. Nonresidential Subdivision - Any subdivision, other than residential, such as office, commercial, or industrial. Nonresidential subdivisions shall comply with applicable provisions of this Article (See Section 6.04.00) as well as with all other provisions of this Code.

RR. **Subdivision Types.** The following is intended to present the specific types of subdivisions and the associated minimum standards which each such subdivision must comply with.

1. Cemeteries - A parcel of land dedicated to and used or intended to be used for the permanent interment of human or animal remains. Cemeteries shall be required to comply with all platting requirements of this ordinance and shall be required to construct all applicable public facilities (streets, roads, drainage facilities, etc.) to the specifications required in this ordinance. Cemeteries shall have no minimum lot size or dimension.
2. Class "A" Residential Subdivisions - Shall provide for central or common water and/or sewer systems and all streets and roadways shall be constructed to the standards set forth in this ordinance, including paving. Lots in a Class "A" Subdivision shall have an area of no less than twelve thousand five hundred (12,500) square feet and a minimum street frontage of one hundred feet (100'), except for lots which abut waterfront and interior lots on extreme curves or Cul-de-sacs. Lots which abut waterfront shall have a minimum lot width of seventy-five feet (75') along the ordinary high-water mark, and a minimum street frontage of forty feet (40'). Lots on extreme curves or Cul-de-sacs shall have a minimum street frontage of forty feet (40').
3. Class "B" Residential Subdivisions - Shall have minimum lot sizes of one (1) acre and all streets and roadways shall be constructed to the standards set forth in this ordinance, including paving.
4. Private Subdivision - Any subdivision that is to be maintained in a strictly exclusive manner by the developers/owners of the property within the subdivision. All private subdivisions must meet the criteria of a Class "A" or Class "B" Subdivision and all regulations as set forth in this ordinance, including the provision of recreation areas and fire protection systems. All private subdivisions shall establish an organization responsible for owning and maintaining common facilities in accordance with section 10.02.11 of this code.

In addition to any other regulation, private subdivisions must be posted by signs at every entrance to such subdivision from the existing County system road disclaiming any association of the roads within such subdivision and the County system. Any private subdivision or owner's association of such private subdivision that wishes to have its roads or other facilities accepted into the County system will be required to meet any standards in effect at that time and shall not offer the argument that standards were met at the time of original filing. Private subdivision developers shall be required to file covenants/deed restrictions with the County at the time of plat filing which outline the developer's intent and method of notifying potential owners of the private status and nature of the subdivision, and shall place the disclosure required in Section 6.01.07 G. on the Final Plat.

5. Mobile Home Subdivision - A residential development designed for the accommodation of mobile homes on individually-owned lots or in condominium or common ownership, including recreation and open space areas held in common ownership but not including developments serving tourists or vacation-oriented travel trailers, motor homes, campers, etc. All mobile home subdivisions must meet the criteria of either a Class "A" or Class "B" Subdivision.
6. Mobile Home Park - A residential development on a parcel of land in one (1) ownership providing rental spaces for five (5) or more mobile home living units (subject to the special provisions noted below) on a long-term basis with recreation area and service facilities for the tenants. Mobile Home Parks shall have a minimum lot width of forty feet (40') and minimum lot depth of one hundred feet (100'). Each Mobile Home Park containing five (5) or more lots shall contain a recreation area not less than five percent (5%) of the total mobile home park area or a minimum of one-half acre, whichever is greater. Since a Mobile Home Park is under one (1) ownership, public facilities located within the development shall not be required to be dedicated to the County and/or municipality. For this same reason, the Special Owner's Certificate of Dedication contained in Section 6.01.07 B. shall apply.
  - a. Special Provisions - Residential developments on a single parcel of land providing rental spaces for two or more mobile homes shall be required to plat in accordance with all provisions of this code if the following conditions apply.
    - (1) The parcel on which the proposed mobile home rental development is located (i.e. the subject parcel) will be developed at a gross residential density equal to or exceeding 1 unit per acre and directly adjoins or is located within 1,000 feet of any other parcel of land already providing rental spaces for five or more mobile home living units at an overall gross residential density equal to or exceeding 1 unit per acre.
    - (2) When these conditions apply, and the deed date on the subject parcel is after February 20, 1992, then the proposed parcel on which the rental mobile home living units will be located shall be required to plat in accordance with all provisions of this code.

7. Recreational Vehicle Park - A development for the accommodation of tourist or vacationers on a short-term basis, providing rental spaces for each individual trailer, camper, motor home, etc., and recreation and service facilities for the use of tenants (See Chapter 513.01 Florida Statutes). For the purposes of this ordinance, the terms campground, RV resort, travel trailer park, travel resort, and travel park, or any variations of these terms shall be considered synonymous with the term Recreational Vehicle Park. Each Recreational Vehicle Park containing six (6) or more recreational vehicle spaces shall contain a recreation area not less than five percent (5%) of total park area or a minimum of one-half acre, whichever is greater. Recreational Vehicle Parks shall have a one thousand two hundred (1,200) square foot minimum lot size for recreational vehicle spaces and a five hundred (500) square foot minimum lot size for tent campsites. Since a Recreational Vehicle Park is under one (1) ownership, dedication of the public facilities located within the development shall not be required to the County and/or municipality. For this reason, the Special Owner's Certificate of Dedication contained in Section 6.01.07 B. shall apply.

SS. **Utility Company.** Any private or public company engaged in providing a public service such as water, electricity, sewerage, garbage disposal, or telephone services.

## **6.01.00 PROCEDURES FOR SUBDIVISION PLAT REVIEW AND APPROVAL**

### **6.01.01 General Provisions**

No person shall divide for the purposes of sale, lease, rental, or conveyance of title in any form except as permitted in Section 6.04.00 of this Article of this Code, a parcel of land into two (2) or more parcels, any one of which is less than four and one-half (4.5) acres, unless a plat has been filed and approved by the governing body. In addition, no person shall divide a parcel of land into two (2) or more parcels, either one of which is ten (10) acres or smaller in size, where any new street or roadway is installed, unless a plat has been filed and approved by the governing body. In addition, no street shall be accepted and maintained, nor shall gas, water, or sewers be extended; nor shall any permit be issued by a representative of the governing body for the construction of any building or other improvement requiring a permit for any subdivision without adherence to these regulations.

Any person refusing to comply or found to be resisting enforcement of this Regulation shall be subject to the penalties specified in Article Ten of this Code.

### **6.01.02 Pre-Application Review**

Whenever the subdivision of a tract of land within the jurisdiction of the Planning Commission is proposed, the subdivider should consult early and informally with the Development Administrator, the Planning Commission, the County's Engineer, the Department of Environmental Regulation, the Northwest Florida Water Management District, the Health Department, and other pertinent agencies for advice and assistance. The subdivider shall submit sketch plans (in accordance with Article Ten of this Code) and data showing existing conditions within the site and in its vicinity and the proposed layout and development of the subdivision. No fee shall be charged for the pre-application review.

### **6.01.03 Procedure for Preliminary Plat Approval**

Prior to the cutting or grading of any street or the making of any street improvements or the installation of utilities, the subdivider shall submit to the Planning Commission a Preliminary Plat of the proposed subdivision in accordance with the following procedure (NOTE: The subdivider shall ensure compliance with the Subdivision Criteria of the Florida Department of Health, Washington County Health Department):

#### **A. Application for Preliminary Plat Approval.**

1. Following the pre-application review of a proposed subdivision, the subdivider shall submit to the Planning Commission via the Development Administrator, at least thirty (30) days prior to their next regular meeting, a letter requesting review and approval of a Preliminary Plat, and fourteen (14) copies of the Preliminary Plat and other documents as specified in Section 6.01.04 herein.
2. If the proposed subdivision plat either abuts land within five hundred (500) feet of the County boundary or includes land into two (2) counties, the subdivider shall submit one (1) additional copy of the Preliminary Plat to the adjoining County for review and comment. The subdivider shall in turn furnish the Planning Commission with a copy of any and all such comments received from the adjoining County. If the adjoining County offers no comments, then correspondence from the adjoining County so stating shall be furnished to the Planning Commission. This information shall be submitted as part of the Application for Preliminary Plat Approval.

#### **B. Review of Preliminary Plat.** The Planning Commission shall forward one (1) of said copies to the County Health Department. If the proposed plat is located within an environmentally sensitive area (flood plain, etc.), or if the Planning Commission is of the opinion that additional testing is required, the Planning Commission may require that certification by the Washington County Health Department or by a private testing firm (approved in advance by The Washington County Planning Commission) be furnished along with the preliminary plat with regard to suitability of development of each individual building site with the proposed sewage disposal system. If the proposed subdivision is to be served by a central or package sanitary sewer treatment system, the subdivider shall submit a letter of certification or approval from the service provider or the permitting agency indicating the acceptability of the proposed development and the availability of such service.

1. Fees - To partially defray the cost of filing said application, notifying interested parties, investigations, and holding a hearing upon the Preliminary Plat, a Preliminary Plat fee shall be paid to the Board of County Commissioners by the subdivider at the time of the filing of each application for Preliminary Plat approval. The Preliminary Plat processing fee shall be charged in accordance with amounts established by resolution of the Washington County Board of County Commissioners at any regularly called meeting of the Board.
2. Preliminary Approval - Following the hearing on the Preliminary Plat and other related material, the Planning Commission may express preliminary approval noting the conditions of such approval on fourteen (14) copies of the Preliminary

Plat with one (1) copy being returned to the subdivider, one (1) copy to the County Health Department, one (1) copy to the County Surveyor, one (1) copy to the planning consultant, one (1) copy to Public Works Department, one (1) copy to the Office of the County Engineer; and one (1) copy will be added to the records of the Planning Commission. The additional seven (7) copies shall be retained for used by the members of the Planning Commission. Approval of a Preliminary Plat does not constitute approval of a Final Plat, it indicates only approval of the layout as a guide to the preparation of the Final Plat.

3. A boundary survey of the land being platted shall be submitted along with the Preliminary Plat.
4. Expiration Time - Preliminary approval shall expire and be of no further effect twelve (12) months after the date of the preliminary approval unless the time is extended by the Planning Commission prior to the date of expiration.
5. Disapproval - Following the hearing on the Preliminary Plat and other related material, the Planning Commission may find reasons detrimental to the public safety, health, and general welfare, or in conflict with adopted plans of the Planning Commission which required the disapproval of the Preliminary Plat. A statement of the reasons for disapproval shall be made on two (2) copies of the Preliminary Plat with one (1) copy being returned to the subdivider and one (1) copy being added to the record of the Planning Commission. The applicant may re-apply for Preliminary Plat approval in accordance with Section 6.01.00.

#### **6.01.04 Preliminary Plat Specifications and Materials for Review**

- A. Scale. The Preliminary Plat shall be clearly and legibly drawn at a scale not smaller than one hundred (100) feet to one (1) inch. In all cases, the scale used shall be of sufficient size to show all detail and shall be both stated and graphically illustrated by a graphic scale drawn on every sheet showing any portion of the lands subdivided.
- B. Sheet Size. Sheet size shall be twenty-four (24) inches by thirty-six (36) inches. If the complete plat cannot be shown on a sheet of this size, it may be shown on more than one (1) sheet with an index map on a separate sheet of enlarged scale. When more than one sheet must be used to accurately portray the lands subdivided, each sheet must show the particular number of that sheet and the total number of sheets included, as well as clearly labeled match lines to show where other sheets match or adjoin.
- C. Ground Elevations and Topographic Map. The Preliminary Plat shall show ground elevations based on the datum plane of the United States Coast and Geodetic Survey. This information may be presented on a separate sheet or topographic map. Topographic surveys shall be prepared by a Florida Registered Land Surveyor, quad sheets may not be used except for Preliminary Plats and drainage basin analysis.
  1. For land that slopes less than approximately two (2) percent, spot elevations shall be shown at all breaks in grade, along all drainage channels or swells, and at selected points not more than one hundred (100') feet apart in all directions.

2. For land that slopes more than approximately two (2) percent, contours shall be shown with an interval of not more than ten (10') feet if the ground slope is regular or with an interval of not more than two (2') feet if the ground slope is irregular. United States Government quadrangle maps may be used to meet the needs of this section but must be referenced at time of submittal.
3. Preliminary Plats shall include approximate topography, streams, rivers, lakes, and other water or drainage features. This information may be taken from the USGS Quad Maps. However, for final plat approval, an actual topographical survey prepared by a Florida Registered Land Surveyor will be required.

D. Information to be Provided on Preliminary Plat. The Preliminary Plat shall contain the following information.

1. Name and address of owner of record and subdivider and name and registration number of surveyor or engineer.
2. Proposed name of subdivision and its acreage.
3. North point, graphic scale and date.
4. Vicinity map showing location and acreage of the subdivision.
5. Exact boundary lines of the tract by bearing and distance.
6. Existing streets, utilities and easements on and adjacent to the tract including the size, width and intended use of each.
7. Proposed layout including streets, alleys and easements with both dimensions and proposed street names; lot lines (including recreational vehicle space, Mobile Home Park, and cemetery lot lines) with approximate dimensions; land to be reserved for recreation and any land to be used for purposes other than single family dwellings. If the subdivision will utilize onsite sewage disposal systems (i.e. septic tanks), then information necessary for the calculation of the area and mean width of the individual lots in accordance with Chapter 10D-6 FAC shall be presented.
8. Block and Lot numbers. All lots shall be numbered either by progressive numbers or, if in blocks, progressively numbered in each block, and the blocks progressively numbered or lettered, except that blocks in numbered additions bearing the same name may be numbered consecutively throughout the several additions.
8. Indication of zoning or future land use district boundaries for subject property and adjoining properties (even properties across the street from subject property). Such boundaries, if they exist, are to be shown and dimensioned on the plat.
10. Provisions for water supply, fire hydrants, sewerage and drainage, as required by the County Health Department, the Department of Environmental Protection, the

Northwest Florida Water Management District, this and other ordinances and regulations of Washington County, and other pertinent agencies.

11. The name of the city, town, village, county, and state in which the land being platted is situated shall appear under the name of the plat as applicable.
12. Block corner radii dimensions shall be shown.
13. Sufficient survey data shall be shown to positively describe the bounds of every lot, block, street, easement, and all other areas shown on the plat. When any lot or portion of the subdivision is bounded by an irregular line, the major portion of that lot or subdivision shall be enclosed by a witness line showing complete data, with distances along all lines extended beyond the enclosure to the irregular boundary shown with as much certainty as can be determined or as "more or less", if variable. Lot, block, street, and all other dimensions except to irregular boundaries, shall be shown to a minimum of hundredths of feet. All measurements shall refer to horizontal plane and in accordance with the definition of the U.S. Survey foot or meter adopted by the National Institute of Standards and Technology. All measurements shall use the  $39.37/12=3.28083333333$  equation for conversion from a U.S. foot to a metric foot.
14. Curvilinear lots shall show the radii, arc distances, and central angles or radii, chord, and chord bearing, or both. Radial lines will be so designated. Direction of non-radial lines shall be indicated.
15. Sufficient angles, bearings, or azimuth to show direction of all lines shall be shown, and all bearings, angles, or azimuth shall be shown to the nearest second of arc.
16. All interior parcels shall be clearly indicated and labeled "Not Part of This Plat."
17. When it is not possible to show curve detail information on the map, a tabular form may be used.
18. Location and dimensions of land area utilized for placement of onsite water source facilities for fire protection systems as required by Section 6.07.02. of this Code. This land area and associated protection system may be held in common ownership of all owners in the subdivision or may be dedicated to the County.
19. Minimum building front yard setback lines.
20. Location and dimensions of land area to be utilized for open space and/or recreational areas, whether to be in common ownership of all owners of the subdivision or to be dedicated to the County shall also be indicated.
21. The purpose of all areas dedicated must be clearly indicated and stated on the plat.
22. Location of streams, lakes, swamps and land subject to flooding as determined from past history of flooding. Special flood hazard areas shall be shown where the proposed subdivision or any part thereof is in an area subject to 100-year



flooding. Flood hazard Boundary Maps (FHBM) or Flood Insurance Rate Maps (FIRM) for Washington County will be used to determine the 100-year flood hazard areas. The delineation of these 100-year flood hazard areas should be placed on the Preliminary Plat. A note should be included on the plat indicating the Community Panel Number(s) of the FHBM or FIRM from which the data was derived and a notation of the flood zone(s) in which the subdivision is located. Base flood elevations shall also be shown.

- 23. For all lots which contain wetland areas, the amount of upland acreage.
- 24. Inscription stating, "NOT FOR FINAL RECORDING".

E. Disclosure as to the Availability of Sanitary Sewer Service.

The following disclosure statement shall be placed on the face of every plat proposed to be served by individual onsite sanitary sewer systems (i.e. septic tanks):

**SANITARY SEWER SERVICE (SEPTIC TANK) AVAILABILITY DISCLOSURE**

EACH INDIVIDUAL LOT DEPICTED ON THIS PLAT HAS NOT BEEN APPROVED FOR DEVELOPMENT WITH SEPTIC TANKS BY THE WASHINGTON COUNTY HEALTH DEPARTMENT. THE COUNTY HEALTH DEPARTMENT WILL REQUIRE THE TESTING OF EACH INDIVIDUAL LOT PRIOR TO MAKING A DETERMINATION AS TO SUITABILITY OF UTILIZING SEPTIC TANKS FOR SANITARY SEWAGE DISPOSAL.

The subdivider/developer shall also place a disclosure statement on the face of every instrument of transfer (i.e. deed, certificate of title, etc.) in accordance with Section 6.01.10 of this Code.

F. Certificate of Preliminary Approval. A certificate of approval of the Preliminary Plat by the Planning Commission shall be inscribed on the plat as follows:

"In that all the requirements of Preliminary Approval having been fulfilled, this subdivision plat was given Preliminary Approval by the Washington County Planning Commission on \_\_\_\_\_, \_\_\_\_\_. The Preliminary Approval does not constitute approval of the Final Plat. This Certificate of Preliminary Approval shall expire and be null and void on \_\_\_\_\_, \_\_\_\_\_."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairman, Washington County  
Planning Commission

G. Initiation of Installing Physical Improvements. After receiving a Certificate of Preliminary Approval by the Planning Commission, the subdivider may then proceed to grade the streets and install all improvements required under these Regulations and other applicable regulations of the County. In lieu of the completion of all improvements prior to submission of the Final Plat, the subdivider may post with the County a performance bond in the amount and with survey conditions satisfactory to it, or otherwise satisfy the

conditions of Section 6.03.00 herein, providing for and assuring the County the actual construction and installation of such improvements within the period of time specified by the Planning Commission and stated in the bond.

#### **6.01.05 Final Plat Procedure**

After completion of the physical development of the subdivision or otherwise satisfying the conditions of Section 6.03.00 herein, the subdivider shall submit to the Planning Commission via the Development Administrator a Final Plat in accordance with the following procedure.

- A. Application for Final Plat Approval. After the Preliminary Plat of a proposed land subdivision has been given preliminary approval by the Planning Commission, the subdivider shall, within one (1) year or within such additional time as may be granted by the Planning Commission, submit to the Planning Commission at least thirty (30) days prior to the next regular meeting of the Planning Commission the following:
  - 1. A letter requesting review and approval of Final Plat.
  - 2. Six (6) printed copies of the Final Plat with signed certifications and other documents as specified in Sections 6.01.06 and 6.01.07 herein.
  - 3. If the subdivision contains fifty (50) lots or more then the subdivider shall submit documentation as to the subdivision's registration with the Florida Division of Land Sales or an Advisory Opinion from the Florida Division of Land Sales indicating that the subdivision is exempt from registration.
- B. Fee. When application is made for Final Plat approval, the subdivider shall pay an additional fee to partially defray the expense of investigating, hearing, and acting upon the Final Plat. Final Plat processing fees shall be charged in accordance with amounts established by resolution of the Washington County Board of County Commissioners at any regularly called meeting of the Board.
- C. Review of the Final Plat. The County Engineer or authorized agent and the Planning Commission shall check the plat for conformance with the tentatively approved Preliminary Plat, and requirements as specified in Sections 6.01.04, 6.01.06, 6.01.07, 6.00.00, and 6.08.00 herein.
- D. Disapproval. The Planning Commission or the County Engineer may find the Final Plat in conflict with the tentatively approved Preliminary Plat or with these Regulations requiring the disapproval of the Final Plat. A statement of the reasons for disapproval shall be placed on two (2) copies of the Final Plat with one (1) copy being returned to the subdivider and one (1) copy being added to the records of the Planning Commission. No certificate of approval shall be given. The Final Plat may be resubmitted for new application for Final Plat approval after the corrections noted by the Planning Commission are made. A letter of transmittal shall accompany returned Final Plats.

#### **6.01.06 Final Plat Specifications**

- A. Conformance with the Preliminary Plat. The Final Plat shall conform to the conditions of the tentatively approved Preliminary Plat.

- B. Original Tracing Specifications. The Final Plat shall be clearly and legibly drawn on mylar. The scale shall be one hundred (100') feet or fifty (50') feet to an inch on a sheet twenty-four (24) inches by thirty-six (36) inches. If the complete plat cannot be shown on one (1) sheet of this size, it may be on more than one (1) sheet with an index map at an enlarged scale. The Final Plat shall have at least a one-half inch margin on each of three sides and a margin of 3 inches on the left side of the plat.
- C. Additional Specifications. The Final Plat shall contain the following information in addition to the applicable items contained on the Preliminary Plat:
1. Name and address of owner of record and subdivider and name and registration number of surveyor or engineer.
  2. North point, graphic scale and date.
  3. Vicinity map showing location and acreage of the subdivision.
  4. Names of owners of record of adjoining land with their approximate acreage.
  5. Location of streams, lakes, swamps and land subject to flooding.
  6. Municipal and County lines shall be accurately tied to the lines of the subdivision by distance and angles when such lines traverse or are reasonably close to the subdivision.
  7. The closest land lot corner shall be accurately tied to the lines of the subdivision by distance and angles.
  8. Location of land dedicated for parks, schools, fire protection systems, or other major public facility if applicable (See Section 6.07.02).
  9. Section, Township, and Range shall be shown. If in a land grant, the plat shall so state.
  10. Exact boundary lines of the tract, determined by a field survey, giving distances to the nearest one-hundredth (1/100) foot and angles to the nearest second, shall be balanced and closed with an apparent error of closure not to exceed one in five thousand.
  11. Name of subdivision in bold, legible letters, the name of the city, town, village, county and state in which the subdivision is situated, and the exact locations, widths, and names of all streets and alleys within and immediately adjoining the new subdivision shall be shown on the plat.
  12. The location of deed restrictions applying to the plat for recording; for which space shall be provided immediately beneath the subdivision name as follows: Deed restrictions for this plat are filed in the Official Records Book\_\_\_\_, Page \_\_\_\_\_, and (are) (are not) accompanied by deed covenants.

13. Street right-of-way lines shall show angles of deflection, angles of intersection, radii, and lines of tangents.
14. Lot lines shall be shown with dimensions to the nearest one-hundredth (1/100) foot and bearings.
15. Lots and blocks shall be numbered in numerical order, and the total land area (in acres) and land area located above the ordinary high-water mark (in acres) shall be shown for each lot.
16. Location, dimensions, and purposes of any easements and any areas to be reserved or dedicated for public use shall be shown on the plat.
17. Accurate location, material, and description of monuments and markers shall be described on the plat.
18. Minimum building front yard setback lines shall be shown.
19. Permanent reference monuments (P.R.M.) shall be placed at each corner or change in direction on the boundary of the lands being platted; however, "P.R.M.s" need not be set closer than 310 feet, but shall not be more than 1400 feet apart. In all cases there shall be a minimum of four "P.R.M.s" placed on the boundary of the lands being platted. Where such corners are in an inaccessible place, "P.R.M.s" shall be set on a nearby offset within the boundary of the plat and such offset shall be so noted on the plat. Where corners are found to coincide with a previously set "P.R.M.", the number on the previously set "P.R.M." shall be shown on the new plat or, if unnumbered, shall so state. Permanent reference monuments shall be set before the recording of the plat. Such "P.R.M." shall be shown on the plat by an appropriate designation.
20. Permanent Control Prints (P.C.P.s) shall be set at the intersection of the centerline of the right-of-way at the intersection of all streets, at "P.C.s", "P.T.s", "P.R.C.s" and "P.C.C.s" and no more than 1,000 feet apart, on tangent, between changes of direction, or along the street right-of-way or block lines at each change in direction and no more than 1,000 feet apart. Such "P.C.P.s" shall be shown on the plat by an appropriate designation. "P.C.P.s" shall be set prior to recording the Final Plat.
21. All contiguous properties shall be identified by subdivision title, plat book, and page, or, if unplatted, and shall be so designated. If the subdivision platted a resubdivision of a part or the whole of a previously recorded subdivision, sufficient ties shall be shown to controlling lines appearing on the earlier plat to permit an overlay to be made; the fact of its being a resubdivision shall be stated as a subtitle following the name of the subdivision wherever it appears on the plat.
22. The Final Plat shall also include in a prominent place the following statement: "NOTICE: There may be additional restrictions that are not recorded on this plat that may be found in the public records of this county."
23. Drainage, access, utilities, and all other easements shall be shown.

**6.01.07 Final Plat Certification**

- A. Owner's Surveyor's Certification. A signed certification by a registered land surveyor and the appropriate seal certifying to the accuracy of the survey and the plat shall be placed on the Final Plat as follows:

**Surveyor's Certification**

"I hereby certify that this plat is a true and correct representation of the hereon described land which was recently surveyed and platted under my direction and supervision, and that permanent reference monuments and permanent control points have been set in accordance with Chapter 177, Florida Statutes. Survey data complies with all the requirements of Chapter 177, Florida Statutes. This plat meets the minimum technical standards set by the Florida Board of Land Surveyors."

By \_\_\_\_\_ Date \_\_\_\_\_

Florida Registered Land Surveyor Number \_\_\_\_\_

- B. Owner's Certification of Dedication. A signed certification of ownership shall be placed on all Final Plats as follows:

**Owner's Certification**

"The undersigned certifies that he or she is the owner of the land shown on this plat and acknowledges this plat and allotment to be his free act and deed, and does hereby dedicate to the use of the public all land areas indicated on this plat as roads, streets, alleys, other right of way, fire protection systems, parks and recreation areas, and all easements for utilities, drainage and other purpose incident thereto as shown and depicted hereon."

Witness this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner

Title Recorded in Official Records Book \_\_\_\_\_ Page \_\_\_\_\_

For Mobile Home Parks and Recreational Vehicle Parks where the platted land is under one (1) ownership, it shall not be necessary to dedicate all roads, streets, etc. to the County. For this reason, the Owner's Certification may be modified to read as follows:

### Special Owner's Certification

"The undersigned certifies that he or she is the owner of the land shown on this plat and acknowledges this plat and allotment to be his free act and deed and certifies that the lots contained within this plat will not be offered for sale."

Witness this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Owner

Title Recorded in Official Records Book \_\_\_\_\_ Page \_\_\_\_\_

- C. Mortgagee's Certification of Dedication. A signed certification of dedication shall be placed on the Final Plat as follows by each and all mortgagees having a record interest in the lands subdivided:

### Mortgagee's Consent to Dedication

"The undersigned hereby certifies that it is the holder of a mortgage, lien or other encumbrance upon the land shown on this plat, and the undersigned hereby joins in and consents to the dedication of the land described by owner thereof, and agrees that its mortgage, lien or other encumbrances shall be subordinated to the owner's dedication."

Witness this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Mortgagee

Mortgage Recorded in Official Records Book \_\_\_\_\_ Page \_\_\_\_\_

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Mortgagee

Mortgage Recorded in Official Records Book \_\_\_\_\_ Page \_\_\_\_\_

- D. Title Certification. A signed certification of title opinion by an Attorney at Law or by a Title Company licensed in the State of Florida, shall be placed on the Final Plat as follows:

### Title Certification

"It is my opinion as the undersigned Attorney at Law or as the Title Company representative, licensed in the State of Florida, that title to the land described here on is in the name of the Dedicators as shown here on and that there are no unsatisfied mortgages, liens, or other encumbrances on the land except as noted hereon."

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Attorney at Law or Licensed  
Title Company Representative

\_\_\_\_\_  
Company Name

- E. County Surveyor's Certificate of Reviews: A signed certification by the county surveyor or his authorized representative shall be placed on the plat as follows:

"Pursuant to Chapter 177.081, Dedication and Approval. I have reviewed this survey plat and found it to be substantially complete and include the requirements stated for platting in Chapter 177 of the Florida Statutes."

\_\_\_\_\_  
County Surveyor or Agent

\_\_\_\_\_  
Date

- F. Certificate of Approval of the County Engineer. A signed certification by the County Engineer or his authorized agent shall be placed on the Final Plat as follows:

"I have performed the required inspections and certify that the owner, or his agent, has completed the construction, and installation of the streets, drainage utilities, and other improvements in accordance with the laws and specifications of Washington County, Florida, or has posted appropriate bonds or cash in lieu thereof in accordance with Section 6.03.00 of this Code."

\_\_\_\_\_  
Date

\_\_\_\_\_  
County Engineer or Agent

- G. Certificate of Approval by the Planning Commission. A signed certification of the Planning Commission shall be placed on the Final Plat as follows:

"We certify that the owner, or his agent, has complied with all provisions and specifications of the Washington County, Florida, Subdivision Regulations or has posted appropriate bonds or cash in lieu thereof in accordance with Section 6.03.00 of this Code."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairperson, Washington County  
Planning Commission

- H. Private Subdivision Disclosure. All private subdivisions shall have a disclosure statement placed on the Final Plat as follows:

"IMPORTANT: The \_\_\_\_\_ (fill in streets, water, and sewer facilities, or other subdivision improvements, as applicable) serving the lots in \_\_\_\_\_ (fill in name of subdivision) have not been accepted by Washington County for ownership or maintenance."

- I. Certificate of Approval by the Clerk of the Circuit Court. A signed certification by the Clerk of the Circuit Court shall be placed on the Final Plat as follows:

"I \_\_\_\_\_, the Clerk of the Circuit Court of Washington County certify that this plat complies with all requirements of the Plat Act (Chapter 177, Florida Statutes),

and the same was filed for record in Plat Book \_\_\_\_\_ Page \_\_\_\_\_ of said County on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Clerk of Circuit Court,  
Washington County, Florida

#### **6.01.08 Final Plat Approval**

Upon approval of the Final Plat by the governing body and upon certification of the Final Plat by all necessary parties, the governing body shall return four (4) copies to the subdivider and shall provide one (1) copy for the Planning Commission and the County Engineer, and one (1) copy for the County Health Department.

- A. Certificate of Final Approval by the Governing Body. Certification of Final Approval by the Governing Body shall be placed on the Final Plat only after every item in Sections 6.01.05, 6.01.06, 6.01.07, 6.000 and 6.08.00 (if applicable) of this Article has been complied with and shall state the following:

"I certify that all the requirements for Final Approval of this Plat has been fulfilled in accordance with the Regulations of Washington County, Florida, and the requirements of the Washington County Planning Commission."

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chairperson, Board of County  
Commissioners Washington County, Florida

If the subdivision is located within the corporate limits of any incorporated municipality, the County Commission shall not approve the Final Plat until such time that the Commission is furnished with a certified copy of a resolution of the Town or City Council approving final approval of the subdivision.

B. General Requirements.

1. No changes, erasures, modifications or revisions shall be made in any subdivision plat after final approval has been given and endorsed in writing on said plat (except for notations with regard to vacations - See Section 6.05.04). In the event that any subdivision plat, when recorded, contains any changes, the plat shall be considered null and void, and the Planning Commission shall then file a correct plat as approved, noting the reasons for such filing. Any erasures made on a plat prior to its signing shall be initialed and dated by the Chairman of the Washington County Planning Commission at the time of signing.
2. Upon application by the subdivider, the Planning Commission may make a reasonable extension of the approval provided, however, the Planning Commission may require the layout be revised according to any change in regulations or ordinance applicable to the layout subsequent to the first approval.



3. Expiration of an approval shall mean that any further action will require a new filing fee as well as a review of all previous findings. Final Plats not recorded within sixty (60) days of the date of approval shall become null and void and a new application shall be required.

#### **6.01.09 Recording of Final Plat**

Upon the approval of a Final Plat by the Planning Commission and Governing Body, the owner, or his agent, shall have the Final Plat recorded in the Office of the Clerk of the Circuit Court within sixty (60) days of said approval, and prior to the sale of any lot in the subdivision. Upon recording of the approved Final Plat, a copy of any private covenants or deed restrictions shall be recorded by the subdivider in the Office of the Clerk of the Circuit Court prior to the sale of any lot in the subdivision. The subdivider shall provide two mylar (2) copies of the Final Plat for recording and shall pay all required recording fees to the Clerk of the Circuit Court. After final recording, the Clerk of the Court shall provide the Washington County Property Appraiser with a certified mylar copy and shall provide the Planning Commission with a paper copy of the certified Final Plat.

#### **6.01.10 Instrument of Transfer Disclosure**

The following disclosure statement shall be placed on the face of every instrument of transfer (i.e. deed, certificate of title, etc.) for which the parcel of property transferred is to be served by individual on-site sanitary sewer systems (i.e. septic tanks).

THIS LOT(S) OR PARCEL(S) HAS NOT RECEIVED A FINAL PERMIT FROM THE WASHINGTON COUNTY HEALTH DEPARTMENT TO ALLOW FOR DEVELOPMENT OF SEPTIC TANKS. THE COUNTY HEALTH DEPARTMENT WILL REQUIRE TESTING OF EACH LOT OR PARCEL PRIOR TO MAKING A DETERMINATION AS TO SUITABILITY OF UTILIZING SEPTIC TANKS FOR SANITARY SEWAGE DISPOSAL.

#### **6.02.00 MINOR SUBDIVISION PROCEDURES**

Minor subdivisions, as defined in Section 6.00.03, may be reviewed and approved through an abbreviated procedure which provides for the submittal of all information required on both the Preliminary and Final Plat concurrently. This information shall be presented on the Final Plat and the Final Plat submittal and approval process shall be followed. All design standards, plat information and recording requirements as set forth in this article shall be complied with when exercising the abbreviated minor subdivision procedure.

#### **6.03.00 GUARANTEE OF COMPLETION OF IMPROVEMENTS**

No final plat of any subdivision shall be granted approval by the Board of County Commissioners of Washington County, Florida, until the subdivider has satisfactorily installed all improvements required for in this Code and other ordinances and regulations of Washington County, or has satisfactorily guaranteed that improvements required under this Code shall be installed. Such improvements guaranteed by the subdivider shall be made within a specified period of time, not to exceed two (2) years, unless the guarantee to install such improvements has been successfully renegotiated between the subdividers and the County. Said guarantee shall be made in one of the following ways. The County Engineer may increase the amount of said

guarantee anytime it is determined that the cost of completing such improvements has increased such that the amount of the subdivider's guarantee is insufficient.

- A. Surety Bond. A surety bond executed by a company in Florida, payable to the Board of County Commissioners of Washington County, Florida, in sufficient amount to assure completion of improvements, as determined by the County Engineer.
- B. Cash Deposit. A cash deposit in escrow account in sufficient amount to assure completion of improvements, as determined by the County Engineer.
- C. Irrevocable Letters of Credit. An irrevocable Letter of Credit made payable to The Board of County Commissioners of Washington County, Florida, in sufficient amount to assure completion of improvements, as determined by the County Engineer.

#### **6.04.00            EXCEPTIONS AND PROVISIONS FOR RESIDENTIAL SUBDIVISIONS**

- A. Inheritance. Any division of land directly from inheritance, either by testate or intestate, shall be exempted from the provisions of this Code, provided that such division is not accomplished through recorded plats.
- B. Deed of Gift. Any deed for any parcel of land given with or without valuable consideration to any number of the donor's immediate family (see definition herein) shall be exempted from the provisions of this Code, provided that such division is not accomplished through recorded plats.
- C. Transfer to Adjoining Landowner. Transfer of property to an adjoining landowner which does not create an additional home site or commercial/industrial lot shall be exempted from the provisions of this Article of the Code.
- D. Non-Residential Subdivisions. Subdivisions designed and used exclusively for nonresidential purposes (except cemeteries and recreational vehicle parks) need meet only those platting standards specified by Chapter 177, Florida Statutes, and the Site Development Plan requirements found in Section 10.02.00 of this Code. Should any lot so exempted be used for residential purposes, said lot shall be re-platted in compliance with the provision of this ordinance.
- E. Minor Re-plats. Minor re-plats (see definition under Section 6.00.03 CC.) shall be exempted from the provisions of this Code.
- F. Single Lot Subdivisions. The Planning Commission may grant an exception to the platting requirement contained herein when the division or subdivision of land only into two (2) parcels are intended solely for residential purposes, where all contiguous property owned by the subdivider is involved, and where the purpose of the subdivider is not to convey the right of use (i.e. sell, lease, etc.) of both resulting parcels. All such exceptions must still meet land use requirements contained in this Code and shall not require the dedication of any public improvements.
- G. Mobile Home Parks. To provide a vehicle for affordable housing mobile home developments under common ownership containing less than five (5) spaces for mobile home living units shall be exempt from the platting requirements of this section of the

Code as long as the Special Provisions contained in Section 6.00.03, Part RR.6. of this code do not apply. All such developments must still comply with the minor site development review requirements contained in Section 10.02.02 D. of this Code, must meet all DHRS standards, shall meet all minimum setbacks and dimensions, and shall comply with all land use density standards contained herein.

## **6.05.00 VACATION AND ANNULMENT OF PLATS SUBDIVIDING LAND**

### **6.05.01 General Provisions**

In accordance with Chapter 177, Florida Statutes, the governing bodies of the County may adopt resolutions vacating plats in whole or part of subdivisions, returning the property covered by such plats as either in whole or part into acreage.

Before such resolution of vacating any plat either in whole or in part shall be entered by the governing body of a county, it must be shown that the persons making application for said vacation own the fee simple title to the whole or that part of the tract covered by the plat sought to be vacated, and it must be further shown that the vacation by the governing body of the county will not affect the ownership or right of convenient access of persons owning other parts of the subdivision.

### **6.05.02 Action of Owner**

The owner of any land subdivided into lots wishing to have all or a portion of such land vacated and reverted to acreage shall first meet with the Washington County Planning Commission to advise the Planning Commission regarding the proposed vacation. The Planning Commission shall informally review the proposed vacation, provide the owner with an outline of the regulatory steps involved in vacating a plat, and shall issue a recommendation to the governing body relative to the proposed vacation. Subsequent to this meeting the owner may file a written Petition for Vacation with the Board of County Commissioners. This Petition must provide a legal description of the lands to be vacated and must be signed by the person or persons requesting the action.

In accordance with Chapter 177, Florida Statutes, persons making application for vacations of plats either in whole or in part shall give notice of their intention to apply to the governing body of Washington County to vacate said plat by publishing legal notice in a newspaper of general circulation in the county in which the tract or parcel of land is located, in not less than two weekly issues of said paper, and must attach to the petition for vacation the proof of such publication, together with certificates showing that all state and county taxes have been paid.

For the purpose of the tax collector's certification that state, county, and municipal taxes have been paid, the taxes shall be deemed to have been paid if, in addition to any partial payment under s. 194.171, Florida Statutes, the owner of the platted lands sought to be vacated shall post a cash bond, approved by the tax collector of the county where the land is located and by the Department of Revenue, conditioned to pay the full amount of any judgment entered pursuant to s. 194.192 adverse to the person making partial payment, including all costs, interest, and penalties. The circuit court shall fix the amount of said bond by order, after considering the reasonable time frame for such litigation and all other relevant factors; and a certified copy of such approval, order, and cash bond shall be attached to the application.

If such tract or parcel of land is within the corporate limits of any incorporated city or town, the governing body of the county shall be furnished with a certified copy of a resolution of the town council or city commission, as the case may be, showing that it has already by suitable resolution vacated such plat or subdivision or such part thereof sought to be vacated.

#### **6.05.03            Action by Board of County Commissioners**

The Board of County Commissioners may order the vacation and reversion to acreage of all or any part of a subdivision within its jurisdiction, provided that all provisions of Chapter 177, Florida Statutes (as amended) are complied with.

- A.    Public Hearing. As per the requirements of Chapter 177, Florida Statutes, a public hearing shall be held on any proposal for vacation and reversion of land to acreage.
- B.    Access to Acreage. No owner of any parcel of land in a subdivision shall be deprived of reasonable access to such parcel as a result of reversion to acreage.

#### **6.05.04            Filing and Recording of Vacation**

If the petition for vacation is granted by resolution of the governing body, the Circuit Court Clerk of Washington County should thereupon make proper notation of the action of the governing body upon the face of the plat. The Clerk of the Court may note on the plat only the portion of the plat which is vacated if the vacation involves less than one hundred (100) percent of the land area included on the plat previously recorded.

Every resolution authorizing a vacation by the governing body shall have the effect of vacating the affected streets and alleys which have not become highways necessary for use by the traveling public. Such vacation shall not become effective until a certified copy of such resolution has been filed in the offices of the Circuit Court Clerk and duly recorded in the public records of said county.

If the vacation of a plat does cause any of the streets/roadways previously dedicated to the County to be vacated, then the owner shall file a new final plat for the subdivision for the portion of the land area not vacated by action of the Board of County Commissioners. This filing of the "new" final plat for the subdivision shall be in accordance with all provisions of this ordinance and shall occur within 60 days of action by the Board of County Commissioners on the Petition for Vacation.

#### **6.06.00            VARIANCES**

For a discussion of Variances see Section 8.02.00 of this Code.

#### **6.07.00            DESIGN STANDARDS**

##### **6.07.01            General**

The design of any subdivision in Washington County shall conform to the adopted County Comprehensive Plan as it relates to land uses, traffic circulation and the general development of the County as well as to all other provisions of this Code. Subdividers should make every effort to conform to the natural topography and features of the tract in improving the tract, and in

establishing the size and shape of blocks and lots. The subdivider should also take steps to insure the preservation of existing trees, water courses, and other natural features of the land (See also Articles Two, Four, Five and Six of this Code).

#### **6.07.02 General Public Facilities**

- A. Access to Natural Lakes. On all natural lakes of over twenty (20) acres in size, and navigable waterways, no subdivision in which improvements (roadways, streets, drainage, etc.) are dedicated to the County for maintenance, shall be approved by The Planning Commission unless a public access to said lake is successfully negotiated between The Board of County Commissioners, Washington County, Florida, and the developer of said property, or a fee is paid in lieu of providing such access. The option to require dedication of land for access or payment of the fee in lieu of dedication shall rest with the County. The schedule of fees charged shall be established by resolution of The Washington County Board of County Commissioners and the funds collected through the charging of such fees shall only be used for the improvement of water related recreational facilities and access. If land dedication is required, then the County shall have two years from the date of preliminary plat approval to complete the improvements to the public water access to the design standards specified in the negotiated agreement between the County and the developer. If said improvements are not completed upon the expiration of this two (2) year period the land dedicated for public access shall revert to original subdivider/developer. It will be permissible for the developer to install all such improvements to the design standards specified in the negotiated agreement provided approval to install such improvements is granted by the county. If any "private subdivision" ever applies to the County to have any public improvements accepted by the County for maintenance, then the dedication of land for public access or the payment of the fee in lieu of dedication of access shall be provided. The option to require land dedication or payment of the fee in lieu of dedication shall rest with the County.
- B. Fire Protection Systems. Developers of subdivisions containing twenty (20) lots or more shall provide an adequate water source for use in fire suppression. All subdivisions of this size, containing a central water system shall install fire hydrants within the street right of ways at intervals of not greater than one thousand feet (1000'), apart and within 500 feet of any structure. These fire hydrants and associated water supply system shall be constructed in accordance with National Fire Protection Association (NFPA) standards.

All subdivisions of this size not containing a central water system and located greater than two (2) miles from a fire department station shall provide either of the following:

1. Public dedicated access sufficient for fire department needs to a natural water source (i.e. lake, stream, etc.) located within ½ mile of the subdivision and capable of providing a minimum of 6,000 gallons. Documentation shall be submitted as part of the Application for Preliminary Plat Approval providing evidence of the location and the viability of such access. Access should be paved, and sufficient space should be provided for vehicle turn around. Where this type of water source is utilized the use of dry hydrant systems is encouraged. Dry hydrant systems shall be constructed in accordance with NFPA standards. Final

determination as to the suitability of this access shall be made by the County Emergency Management Office, the County Fire Official or his designee.

2. An elevated water storage facility with a minimum height of six (6) feet above ground level elevation located at a readily accessible and public dedicated location within the subdivision, containing a minimum 6,000-gallon storage capacity, and served by a well and pumping system capable of replenishing the water storage facility at a rate of 125 gallons per minute. The elevated storage facility shall be within one-half mile of all lots developed as part of the subdivision. Access to the storage facility should be paved and sufficient space should be provided for vehicle turn around. This system should be constructed in accordance with NFPA standards. Final determination of the acceptability of the storage facility and the well and pumping system shall be made by the County Fire Official or his designee.

Developers of subdivisions not containing a central water system and located two (2) miles or less from a fire department station shall submit evidence (maps) establishing the distance from such fire department stations as part of Application for Preliminary Plat Approval. All fire protection systems (except those located in private subdivisions) shall be dedicated to Washington County as part of Final Plat Approval and will be maintained by Washington County.

- C. Provision of Park and/or Recreational Land. All Mobile Home Parks and Recreational Vehicle Parks containing six (6) or more lots and/or recreational vehicle spaces shall set aside and maintain a minimum of one-half acre or 5 percent (5%) of the total land area subdivided (whichever is greater) for use as a recreational and/or park area.
- D. Dedication of Land for Recreation. All residential subdivisions of 20 parcels or more shall dedicate land for parks and/or open space equal to 5% of the total land area of the subdivision with a minimum area of 1.0 acre required or pay a fee in lieu of dedication. The fee paid in lieu of land dedication shall be equal to the fair market value of the required land area dedication prior to subdividing. The option to require dedication of land or payment of the fee in lieu of dedication shall rest with the county. The land area required under Section 6.07.02 above shall be counted as part of this required dedication.
- E. Comprehensive Plan Designated Public Facilities. Where a proposed park, school site or other major public facility shown on the adopted Comprehensive Plan is located in whole or in part within a proposed subdivision, that portion of the plat encompassing the planned public site may have approval withheld for a reasonable time (not to exceed one hundred eighty (180) days), to provide for the appropriate public agency to acquire the site. Such approval of a plat may only be withheld by the County for the Full 180-day period if the appropriate public agency initiates some action toward acquiring the planned public site within 90 days of filing of the Application for Preliminary Plat Approval.

### **6.07.03 Streets**

The layout of streets in any subdivision shall conform to the Washington County Comprehensive Plan, all provisions of this Code as well as existing streets and thoroughfares. Specific criteria which must be adhered to with regard to street design and construction are contained in Section 5.02.00 through 5.02.02 of Article Five of this Code.

#### **6.07.04        Blocks**

The length, width and shape of blocks shall be determined with regard to:

- Provision of adequate building sites suitable to the special needs of the type of use contemplated;
  - Needs for convenient access, circulation, control, and safety of street traffic; and
  - Limitations and opportunities of topography. See also Section 5.01.01 "Site Planning and Building Arrangement" of Article Five of this Code.
- A. Length. Residential blocks shall not be more than fifteen hundred (1,500) feet in length. Blocks more than eight hundred (800) feet in length shall be required to have a pedestrian crosswalk near the center of the block, which extends across the street and is at least twenty (20) feet wide.
- B. Width. Blocks shall have sufficient width to provide for two (2) tiers of lots except when prevented by unique topographical or natural conditions or when reverse frontage is use.

#### **6.07.05        Lots**

For lots served by a central sewer and/or water system, the minimum area shall be twelve thousand five hundred (12,500) square feet and minimum lot width shall average one hundred (100) feet at the front building line. In those instances where lots abut waterfront, there shall be a minimum of twelve thousand five hundred (12,500) square feet above the ordinary high water mark, with a minimum construction setback line of fifty (50) feet from the ordinary high water mark, lot width of seventy-five (75) feet along the ordinary high water mark, and minimum street frontage of forty (40') feet; in addition to the lot meeting Sanitation Code requirements (see Chapter 10D-6 FAC). For lots not served by sewer or water systems, the minimum lot size shall be no less than one (1) acre above the ordinary high-water mark. Also see Article Four of this Code entitled "Resource Protection Standards"

- A. Lot Lines. Lot lines shall be at approximate right angles to street right-of-way line on which they abut.
- B. Corner Lots. Corner lots for residential use shall have sufficient additional width to comply with setback requirements on side streets.
- C. Depth. Excessive depth in relation to width is to be avoided. Residential lots fronting on collector streets or primary roads shall have sufficient extra depth to permit a buffer zone between the building line and the street.
- D. Frontage. Double frontage and reverse frontage lots are to be avoided.
- E. Width. Residential lots shall average one hundred (100') wide at the building setback line. Mobile home subdivisions shall also average one hundred feet (100') at the building or mobile home setback line. All lots utilizing an onsite sewage disposal system (i.e. septic tank) shall additionally meet the requirements of Chapter 10D-6 FAC. Mobile

Home Parks shall have a minimum lot width of forty feet (40') and lot depth of one hundred feet (100'). Recreational Vehicle Parks and cemeteries shall have no minimum lot dimensions. See also Section 5.01.00 through 5.01.02 of this Code for site planning and building arrangement standards.

- F. Setbacks. See Sections 5.01.01 through 5.01.02 for specific criteria which must be adhered to with regard to building setbacks. Also see "Resource Protection Standards", Article Four of this Code, for specific criteria which must be adhered to with regard to setbacks from environmentally sensitive areas.

## **6.07.06 Improvements in Flood Hazard Zone**

### **A. Building Site Improvements.**

1. No subdivision or part thereof shall be approved if proposed subdivision levees, fills, structures or other features will individually or collectively significantly increase flood flows, heights or damages.
2. Building sites for residences, motels, resorts or other dwelling or accommodation uses shall not be permitted in the Regulatory Flood way. Sites for these uses may be permitted outside the Flood way if the sites are elevated or filled to a height at least three (3) feet above the elevation of the base flood (i.e. equal to the flood protection level) or if other provisions are made for elevating or adapting structures to achieve the same result. Required fill areas must extend ten (10) feet beyond the limits of intended structures and, if the subdivision is not to be sewerred, must include areas for onsite waste disposal.
3. Cemeteries shall not be permitted in any area subject to flooding at any time.
4. The following standards apply to watercourses in the Flood Hazard Zone for which no base flood data or regulatory Flood way have been provided.
  - a. No encroachments, including fill material or structures shall be located within a distance of the stream bank equal to five times the width of the stream at the top of the bank, or 50 feet from the top of each bank, whichever is greater, unless a registered professional engineer or land surveyor demonstrates and certifies that the encroachments will not result in any increase in flood levels in a base flood.
  - b. New construction of or substantial improvements to structures shall be elevated or flood proofed to minimize risks of flooding reasonably to be expected based on the best available data.
5. If the Planning Commission determines that only part of a proposed plat can be safely developed, it shall limit development to that part and shall require that development proceed consistent with this determination.
6. When the subdivider does not intend to develop the plat himself, and the review agency determines that additional use controls are required to insure safe development, it may require the subdivider to impose appropriate deed



restrictions on the land. Such deed restrictions shall be inserted in every deed and noted on the face of the final recorded plat.

- B. Drainage Facilities. Storm drainage facilities shall be designed to store and convey the flow of surface waters without damage to persons or property. The system shall insure drainage at all points along streets and provide positive drainage away from buildings and onsite waste disposal sites. Plans shall be subject to approval by the Planning Commission. The Planning Commission may require a primarily underground system to accommodate frequent floods and a secondary surface system to accommodate less frequent floods. Drainage plans shall be consistent with local and regional drainage plans, as well as with Washington County Ordinance 91-4.
- C. Roads. The finished elevation of proposed streets shall be no less than two (2) feet above the regulatory flood protection elevation. The Planning Commission may require, where necessary, profiles and elevations of streets to determine compliance with this requirement. Drainage openings shall be sufficient to discharge flood flows without unduly increasing flood heights. The design of roads in a Flood Hazard Zone shall be consistent with Washington County Ordinance 91-4.
- D. Sanitary Sewer Facilities.
  - 1. The Planning Commission may prohibit installation of sewage disposal facilities requiring soil absorption systems where such systems will not function due to high ground water, flooding, or unsuitable soil characteristics. The subdivider shall note on the face of the plat and in any deed or conveyance that soil absorption fields are prohibited in designated areas.
  - 2. The developer must prescribe adequate methods for waste disposal. If a sanitary sewer system is located on or near the proposed subdivision, the developer shall provide sewage facilities to connect to this system where practical.
- E. Water Facilities. All water systems, including individual wells located in flood prone areas whether public or private, shall be flood proofed to a point at or above the flood protection elevation. If there is an existing public water supply system on or near the subdivision, the Planning Commission may require the subdivider to convert to this system.
- F. Erosion and Sediment Control Measures. Section 5.06.00 and 5.07.00 of Article Five of this Code provides specific criteria which must be adhered to with regard to erosion and sediment control.

## **6.08.00            MINIMUM REQUIREMENTS FOR THE INSTALLATION OF IMPROVEMENTS**

### **6.08.01            General**

All improvements and construction activities required under this Article of the Washington County Land Development Code, or any other Article herein shall take place according to plans approved by the Development Administrator, and/or the Planning Commission and the County

Engineer. All plans submitted to the County shall bear the signature of the Professional Engineer and/or Registered Land Surveyor responsible for the project.

#### **6.08.02 Road and Street Construction**

The specific criteria which must be adhered to with regard to road and street design, right-of-way, pavement widths and construction and improvement standards are presented in Sections 5.02.00 through 5.02.03 of Article Five of this Code. All bicycle and pedestrian paths shall be shown or included on the subdivision plat and roadway construction plans.

#### **6.08.03 Storm water Management/Drainage Improvement**

A complete drainage plan shall be submitted by the subdivider and be approved by the County Engineer. These plans shall show sufficient documentation including elevations and topographic information to demonstrate the capability of the drainage system to collect, control, and dispose of storm runoff. The plan shall include erosion control measures and calculations of water flow velocities in un-paved areas. The drainage system will include all catch basins, manholes, inlets, head walls, bridges, pipes, settling basins, holding ponds, swells, green belted open space, etc., deemed necessary by the County Engineer. The drainage system shall be based upon the facilities necessary to control and/or dispose runoff in accordance with the Performance Standards contained in Section 5.06.00 of Article Five of this Code and restated below. Rainfall data shall be obtained from the Florida DOT rainfall curves. The developer's engineer shall certify that the Storm water system has been designed in accordance with the applicable sections of the Washington County Land Development Code.

- A. Performance Standards. All development must be designed, constructed and maintained to meet the following performance standards:
1. While development activity is underway and after it is completed, the characteristics of Storm water runoff shall approximate the discharge rate of Storm water runoff that occurred under the site's natural unimproved or existing state (and value in closed basins).
  2. The proposed development and development activity shall not violate the water quality standards as set forth in Chapters 17-3, and 17-25 of the Florida Administrative Code (F.A.C.).
  3. Silviculture and agricultural uses shall be required to use best management practices pursuant to Silviculture: Best Management Practices Manual (State of Florida, Division of Forestry, June 1989) as may be revised, and to prevent drainage and pollution problems.
  4. Storm water management/drainage facilities shall be installed by the developer which have been designed in accordance with good engineering principals to adequately provide for proper and necessary drainage of all surface water. The design shall include all drainage facilities within the limits of said development, plus all offsite facilities necessary to fully and finally control and dispose of all runoff such that the following Level of Service Standards (LOSS) are maintained within the development for the applicable development types:

- a. For development discharging Storm water to principal or minor arterial roadways - 50-year critical storm duration;
  - b. For development discharging Storm water onto collector roadways - 25-year critical storm duration;
  - c. For development discharging onto local streets and residential neighborhoods (including new subdivisions) - 15-year critical storm duration;
  - d. In agricultural and silviculture areas and along dirt roads in un-subdivided areas - 10-year critical storm duration. All development shall also comply with Division of Forestry Best Management Practices.
5. Artificial lakes, recharge wells, swells or other means to allow absorption of storm water shall be utilized where feasible.

#### **6.08.04 Utilities**

- A. Telephone and Electrical. When considered appropriate to the subdivision design, the subdivider shall place all utilities underground.
- B. Sanitary Service. All subdivision sewer lines and treatment plants or treatment facilities shall have the approval of the County Engineer, and the Florida Department of Environmental Regulation, or the Florida Department of HRS, whichever is applicable.

Subdivisions developed in the vicinity of operating sewer systems or districts shall tie in to that system if it is adequate to handle the additional sewage and provide collection lines to the property line of each lot.

For subdivisions not accessible to operating sewer systems the following requirements shall prevail:

1. For Class "B" subdivisions with any number of lots, septic tanks may be used. The installation of such septic tanks shall be in accordance with Florida Law. Such lots shall not be re-subdivided until collection lines and community treatment facilities are installed. Class "B" subdivisions shall have minimum lot sizes of one (1) acre and all streets shall be constructed to the standards set forth in this ordinance.
2. Class "A" subdivisions shall provide for central or common water and/or sewer systems and all streets shall be constructed to the standards set forth in this ordinance, including paving. Lots in a Class "A" subdivision shall have an area of no less than twelve thousand five hundred (12,500) square feet, a minimum street frontage of one hundred feet (100'), and an average lot width of one hundred feet (100') at the building setback line. Properties abutting waterfront shall have a minimum lot width of seventy-five feet (75') along the ordinary high-water mark, and a minimum street frontage of forty (40') feet. Interior lots on extreme curves or cul-de-sacs shall have a minimum street frontage of forty feet (40').

3. Subdivisions not meeting the standards specified in this section of the Code shall install a collection system and an approved sewage treatment facility. Such facility shall be designed so as to be capable of tying in with an operating central system when such a central system becomes available.
4. Recreational Vehicle Parks shall provide for disposal of sewage in accordance with Chapter 513.08 Florida Statutes, and all applicable Health Department Regulations. Also see Article Five, "Design and Improvement Standards", and Article Four, "Resource Protection Standards" for criteria regarding installation of Wastewater Treatment Systems.

#### **6.08.05 Administration Procedures**

The administrative procedures for installing the subdivision improvements required herein shall be as follows:

- A. When Construction May Begin. Construction and installation of any required public improvements as described herein shall not begin until the Planning Commission has given Preliminary Approval of the new subdivision.
- B. Inspections and Approval by Governing Body. In order to facilitate inspection of required improvements during construction the applicant shall notify the County Engineer or other authorized agents at least two (2) working days before proceeding beyond each of the following stages of construction:
  1. Rough grading completed.
  2. When excavations are ready for placing foundations, and when pipe trenches are shaped and prepared for laying pipe.
  3. Once the drainage and other facilities are installed, but before back-filling occurs.
  4. Upon completion of base course compaction.
  5. When placing and rolling of lower and surface pavements.

After completion of all the construction and installation of the required public improvements, the County Engineer shall make a final inspection. If the said work has met the specifications as described herein, as determined by the County Engineer, the Engineer shall notify the subdivider and the Governing Body in writing of the Approval or disapproval of said work.

- C. Official Acceptance by the Governing Body. The Governing Body shall officially accept the completed work on the construction and installation of required public improvements one (1) year from the date of the written acceptance by the County Engineer, subject to an inspection by the Engineer, and approval by the County Commission.
- D. "As-Built Drawings". At such time as the applicant has completed construction of all required improvements, he shall furnish to the County Engineer "As-Built" plans and profiles prepared by a licensed land surveyor or engineer on material designated by the

County twenty-four (24) inches by thirty-six (36) inches in size or, if the areas to be shown do not fit on a sheet of that size, two (2) or more drawings shall be submitted, with suitable match lines, which drawings shall show the actual location of the paved streets, culverts, head walls, drains, manholes, catch basins, sidewalks, curbs, and the location of utilities and all other pertinent information, such as culvert and drain grades, sewer grades, sidewalk and curb grades, and elevations. If anyone (1) of them does not confirm to those shown on plans and profiles previously approved by the Governing Body, the Governing Body shall have the right to disapprove the release of the bond until such deficiency has been corrected. In any case, no bond shall be released by the Governing Body until such plans have been submitted.

E. Maintenance of Completed Work. The subdivider shall maintain his completed work until the official acceptance by the Governing Body as described in Section 6.08.05 C. above.

1. If the subdivider originally posted a performance bond covering the cost of construction improvements, it shall be reduced to ten (10) percent of the original bond and shall be held as a maintenance bond.
2. If the subdivider constructed and installed all required public improvements prior to final approval, then he shall post a maintenance bond equaling ten (10) percent of the construction costs of improvements and shall sign a bond agreement with the Governing Body.

At the end of maintenance period, the County Engineer shall make a final inspection and notify the subdivider and the bonding company of all corrections required. In cases where funds are being held in escrow, the cost of making such corrections shall be deducted from these funds, and the subdivider charged with any costs above the amount of escrow funds. If the work is acceptable at this time, the remaining ten (10) percent of the escrow funds shall be released to the subdivider.

#### **6.08.06 Cost of Improvements**

A. Subdivider's Responsibility. The subdivider shall incur the cost of construction and installation of all required public improvements based on the following:

1. Streets - Incur the cost for construction of streets within the development of subdivision.
2. Water and Sewer Systems - Incur the cost for the installation of all water and sewer systems which are required to serve the new subdivision and tie in with existing water and sewer system, based on the specifications set forth herein.
3. Drainage System - Incur the cost for the installation of all drainage facilities required to serve the new subdivision and to tie in with existing drainage facilities, based on specifications set forth herein.
4. Fire Protection Systems - Entire Cost. To meet specifications contained in Section 6.002B. of this Article of this Code.

5. Sidewalks - Entire Cost. When sidewalks are warranted they shall be a minimum of four (4) feet wide shall comply with Standard Building Industry specifications and form sizes.
  6. Monuments - Entire Cost.  
  
Street Signs - Entire Cost. The developer is to bear the entire cost of street signs.
  7. Striping - Entire Cost. To meet DOT specifications.
- B. Governing Body's Responsibility. The Governing Body shall partially participate in sharing the cost of construction and installation of required public improvements for the following conditions:
1. Streets - Incur the cost for any additional pavement required to satisfy traffic generated from outside the subdivision or development.
  2. Water and Sewer Systems - Incur the cost for any difference in the cost of the laying oversized pipe and outfall systems which are needed in excess of the required water and sewer facilities needed to serve exclusively the new subdivision as determined by the Planning Commission and the governing Body.
  3. Street Signs - The Governing Body is to bear the expense of replacement.
- C. Estimated Costs for Construction and Installation. The current unit prices in effect at the time of submission of plans shall be used in determining the total estimated cost for construction and installation of required public improvements in new subdivisions.

## **ARTICLE SEVEN SIGNS**

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## **ARTICLE 7 SIGN REGULATIONS SECTION**

### **7.01 GENERAL PROVISIONS**

#### **7.01.01 - Purpose.**

The purposes of these sign regulations are: to encourage the effective use of signs as a means of communication; to maintain and enhance the aesthetic environment and the County's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. This Section is adopted under the land development regulatory authority of the County in furtherance of the more general purposes set forth in the Comprehensive Plan.

#### **7.01.02 - Definition and Intent.**

- a. Definition of Sign. For purposes of this Code, a sign is any illuminated or non-illuminated identification, description, illustration or device which is visible from any public space or is located on private property and exposed to the public and directs attention to a product, service, place, activity, person, institution, business, cause or solicitation, including any permanently installed or situated merchandise; or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify, or convey information, with the exception of window displays and national flags. For purposes of removal, signs shall also include all sign structures.
- b. Intent. The provisions of this Article shall be construed and implemented to achieve the following intentions of the County:
  1. To protect and preserve the character and appearance of Washington County.
  2. To create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe and attractive community, and the need for effective business identification, advertising and communication.
  3. To permit signs that are:
    - (a) Compatible with their surroundings.
    - (b) Designed, constructed, installed and maintained in a manner which does not endanger public safety or unduly distract motorists.
    - (c) Appropriate to the type of activity to which they pertain.
    - (d) Large enough to convey sufficient information about the owner or occupants of a particular property, the products or services available on the property, or the activities conducted on the property and small enough to satisfy the needs for regulation.
    - (e) Reflective of the identity and creativity of individual occupants.
  4. To promote the economic health of the community through increased tourism and property values.

#### **7.01.03 - No Defense to Nuisance Action.**

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

#### **7.01.04 – Severability.**

- a. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article.

- b. Without diminishing or limiting in any way the declaration of severability set forth above in subsection a, or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article, even if such severability would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise.
- c. Without diminishing or limiting in any way the declaration of severability set forth above in subsection a, or elsewhere in this Article, this code, or any adopting ordinance, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article or any other law is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article that pertains to prohibited signs, including specifically those signs and sign-types prohibited and not allowed under Section 7.05 of this Article. Furthermore, if any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 7.05 is declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of Section 7.05, thereby ensuring that as many prohibited sign-types as may be constitutionally prohibited continue to be prohibited.
- d. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this Article and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the regulation of Billboards in Section 7.04.02 or elsewhere in this Article.

#### **7.01.05 – Substitution of Noncommercial Speech for Commercial Speech.**

Notwithstanding anything contained in this Article or Code to the contrary, any sign erected pursuant to the provisions of this Article or Code or otherwise lawfully existing with a commercial message may, at the option of the owner, contain a noncommercial message in lieu of a commercial message. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign-type and provided that the size, height, setback and other dimensional criteria contained in this Article and Code have been satisfied.

### **SECTION 7.02 PERMITS, PROCEDURES, AND ENFORCEMENT**

#### **7.02.01 - Permits Required.**

It shall be unlawful for any person to erect, perform substantial repairs upon, construct, manufacture, enlarge, alter, move, or convert any permanent or temporary sign in Washington County, or cause the same to be done, without first obtaining a sign permit for each such sign from the Building Department, as required by this Article. Any proposed sign that requires a permit must meet the applicable standards of this Article in order for the permit to be issued. Exceptions to the permitting requirements are as follows:

- a. This Article shall not be construed to require any permit for a change of copy on any sign nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued, so long as the size of the sign, or any attribute of the sign structure is not modified in any way; or
- b. A sign is specifically exempted from permitting in Sections 7.04 or 7.06 of this Code; or
- c. A sign has a sign face of three (3) square feet or less, a height of three feet or less, and include no letters, symbols, logos or designs in excess of six (6) inches in vertical or horizontal dimension, provided that such sign, or combination of such signs, does not constitute a sign prohibited by Section 7.05 of this Article. Unless otherwise exempt, such signs shall be subject to all other requirements pertaining to that particular type of sign.

#### **7.02.02 - Permit Applicants.**

- a. Only the following may apply for a permit and perform work allowed by the permit:
  - 1. For all signs with electrical components a State of Florida registered, or licensed master electrician or electrical sign contractor is needed in addition to any of the persons listed in items 2 through 4 below.
  - 2. A general contractor licensed or registered with the State of Florida.
  - 3. A building contractor licensed or registered with the State of Florida.
  - 4. An owner of property may install his or her own sign provided:
    - (a) The total value of the sign is less than \$75,000.
    - (b) The property is held in the Owner's private personal name, by solely owned proprietorship or a partnership of individuals so that a human may appear to claim the State authorized exemption from contracting laws. No corporation, even a solely owned one, can personally appear to claim an exemption from contractor licensing.
    - (c) The property to benefit from the sign is personally used by the Owner, leased, rented, or used by another person.
    - (d) The sign is no greater than eight (8) feet in height and has a sign area no greater than thirty-two (32) square feet.
- b. Insurance. Each sign contractor, general contractor or building contractor shall provide or show proof of a certificate of liability insurance and workers compensation with sufficient coverage to meet the dollar amounts required by state law.

#### **7.02.03 - Application for Permit.**

Application for a permit shall be made to the Building Department (Department) upon a form provided by the Department. Before an application is reviewed by the Department, the applicant must qualify under Section 7.02.02 above and shall provide information necessary to assure compliance with this Code, including:

- a. Name and address of owner of the sign;
- b. Name and address of owner or the person in possession of the parcel where the sign is located

or to be located;

c. Two (2) copies of drawings of the sign, drawn to scale, and showing the following:

1. Type of sign and all dimensions of the sign including height.
2. An accurate plot plan of the property at such scale as the Building Official (Official) may reasonably require; including an accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
3. Size and type of footer, and how constructed. This detail is not required for the following:
  - (a) Masonry signs of 60 square feet or less in size and less than 6 feet in height; or
  - (b) Other ground signs of 32 square feet or less in size and 8 feet or less in height.
4. Details on how the sign is to be attached to a building, based upon wind speed indicated in the applicable building code, as adopted by the County, except for non-electric flat building signs that are 32 square feet or less in size with less than 2" projection from the surface on which they are mounted.
5. Actual construction details of the sign, showing all connections based upon a minimum wind speed indicated in the applicable building code, as adopted by the County. This detail is not required for the following:
  - (a) Masonry signs of 60 square feet or less in size and less than 6 feet in height; or
  - (b) Other ground signs 32 square feet or less in size and 8 feet or less in height.
6. Details for any electrical service to the sign.

d. A certification of the sign design from a Florida registered engineer or architect when:

1. A building sign is designed to project perpendicularly from the surface to which it is attached, and the sign area exceeds twenty-four (24) square feet; or
2. A ground sign is more than ten (10) feet in height and/or more than 32 square feet in size; in which case, the certified design shall include a specification of wind load factors.

e. A current and valid sign permit shall be freely assignable to a successor as owner of the property or holder of a business license for the same premises, subject only to filing an application with the Official. The assignment shall be accomplished by filing and shall not require approval.

#### **7.02.04 - Permit Fees.**

An application for a sign permit shall be accompanied by a permit fee for each sign as specified by resolution adopted by the Board of County Commissioners. There shall be a no-fee permit required for signs painted on existing buildings.

#### **7.02.05 - Action on Permits; Appeals**

a. Issuance: The Department may issue a permit for the erection, alteration, or relocation of a sign only when the permit application is properly made; all required information has been provided; all fees have been paid as required; and, the proposed erection, alteration or relocation conforms with the provisions of this Article. Notwithstanding any other provision

of this Article or the Washington County Land Development Code, a sign permit application shall be acted upon by the Department within 10 working days of receipt of a complete application.

- b. Denial: A denial of a sign permit shall be provided to the applicant in writing and shall include a brief written statement of the reasons for the denial.
- c. Revocation and Suspension: The Department staff may, through written notice, suspend or revoke a permit issued under the provisions of this Article whenever the permit is issued on the basis of fraud or a misstatement of fact.
- d. Effect of Issuance: No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign. No sign permit issued by the County for property within the jurisdiction of the State shall be considered valid without an appropriate permit from the State, where required.
- e. Appeal from denial of permit: Appeals may be filed with the Department and heard in accord with appeal procedures of the Planning Commission.

#### **7.02.06 - Inspection.**

Any person erecting, altering, or relocating a sign shall notify the Department upon completion of the work for which permits are required. a. Inspections. All ground signs shall be subject to a footing inspection, and all signs shall be subject to a final inspection to determine compliance with the applicable building code b. All signs with electrical equipment shall be subject to an electrical inspection to determine compliance with the applicable electric code.

#### **7.02.07 - Variances.**

- a. Any party that desires a variance to construct or install a sign or signs other than as permitted in this Article, must submit proper application for a variance under Article 10.04.00, and that party's application shall be reviewed by the Planning Commission pursuant to the procedural requirements of LDC Section 7.02.00.
- b. In addition to the variance criteria in LDC Section 7.02.00, the application must be reviewed to determine whether or not the variance meets the purpose and intent statements in Sections 7.01.01 and 7.01.02.b of this Article.

#### **7.02.08 - Enforcement and Penalty**

##### **a. Enforcement**

- 1. The Department may declare any sign owned, kept, displayed, or maintained by any person within the County contrary to the requirements of this Article as a violation of this Code, and may issue a Notice of Violation. The Notice of Violation shall state, in writing, the reason or reasons why such sign, and the keeping, owning, maintenance, construction, and display or operation thereof, is unlawful under the terms of this Article. It shall state the pre-set hearing date regarding the violation and the maximum potential fine for failure to abate the violation within the thirty (30) day time period established in paragraph 2, below.
- 2. The Notice of Violation shall be issued in person or by certified mail to the owner of the sign, or property owner, if the owner of the sign is not immediately evident and give

him/her thirty (30) days to abate the violation or appear before the Code Enforcement Board at a pre-set hearing date. Hearings regarding violations of this Article shall be set on a date certain between forty-five (45) and sixty (60) days after the date of issuance of the notice of violation.

3. If, after the thirty (30) day period passes, the violation has not been abated, the Code Enforcement Board shall hold the hearing on the matter, at which time the alleged violator may present testimony on his/her behalf. If the Code Enforcement Board affirms the violation, it shall then determine the amount of the fine as established in subparagraph b, below, and order immediate abatement of the violation.
  4. **Removal of Unlawful Temporary Signs.** Any temporary sign not complying with the requirements of this article is illegal and subject to immediate removal. Upon notification from the County, the property owner shall cause the non-compliant sign to either come into compliance or be removed within five (5) business days. If the County is unable to contact the property owner at the 911 address, notification to the occupant of the parcel where the sign is located shall constitute sufficient notice for purposes of this subsection. In the event of a failure by the owner to bring the sign into compliance or remove the sign within five (5) business days, the Department may elect to remove and impound the sign at the property owner's expense. A notice of violation pursuant to this subsection may be appealed to the Code Enforcement Board pursuant to the procedures set forth in Article 10.11.00, if a written notice of appeal is submitted to the Director of the Department by the property owner or the occupant of the parcel in question within the five (5) business days time period.
  5. **Unsafe Signs.** If any sign becomes insecure or in danger of falling or otherwise unsafe in the opinion of the Official, the procedures provided in the building code regarding unsafe signs will be applied.
- b. **Penalty:** Violation of any provision of this Article is unlawful, and punishable by fine not to exceed one thousand (\$1,000) dollars for each occurrence. The County may also seek to enforce any abatement action in the Circuit Court.

## **SECTION 7.03 DESIGN, CONSTRUCTION, MAINTENANCE AND LOCATION STANDARDS**

**7.03.01 - Generally.** Unless otherwise provided in this Article, all signs must comply with the following design, construction and location standards.

### **7.03.02 - Design, Construction and Maintenance Standards.**

- a. **Compliance with Building And Electrical Codes Required.** All signs, and the illumination thereof, shall be designed, constructed, erected and maintained in conformity with applicable provisions of the building and electrical codes adopted by Washington County. These sign regulations are intended to complement the requirements of the building and electrical codes adopted by Washington County. Wherever there is inconsistency between these regulations and the building or electrical code, the more stringent requirement shall apply.
- b. **Maintenance.** All signs, including their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in a safe condition,

and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, rubbish and debris.

- c. Signs shall not have any visible moving, revolving, or rotating parts or visible mechanical movement of any description or other visible movement or the appearance of movement achieved by electrical, electronic, or mechanical means, except for traditional barber poles and signs with automatic changeable message devices, subject to illumination standards, that can change the sign face through rotation of a multiprism sign face. Multiprism sign face means signs made with a series of triangular vertical section that turn and stop, or index, to show a picture or message in the same sign face area.
- d. Signs shall not include projected images, or emit any sound, odor or visible matter such as smoke or steam.
- e. Signs shall not resemble an official sign or marker erected by any governmental agency, or shall not by reason of location, position, shape or color, or copy 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.
- f. Signs shall not be attached to trees, fences or poles unless specifically allowed under s. 7.04 of this Code.

#### **7.03.03 - Illumination Standards**

- a. Signs shall not be of such intensity or brilliance as to cause glare or impair the vision of any motorist, cyclist, or pedestrian using or entering a public way, or that are a hazard or a nuisance to occupants of any property because of glare or other characteristics. "Glare" means a sensation of brightness within the visual field that causes annoyance, discomfort, or loss in visual performance and visibility.
- b. No sign shall be erected, or any existing sign operated where illumination is either:
  - 1. Directing beams of light at any residential use property; or
  - 2. Of such intensity or brilliance as to cause glare or impair the vision of any driver of any motor vehicle, cyclist, or pedestrian, or which interferes with any driver's operation of a motor vehicle.
- c. No sign shall be erected, or any existing sign operated where illumination is not shielded either to prevent beams or rays of light from being directed at any portion of the traveled right-of-way.
- d. All signs, except signs where the top of the sign is less than 9 feet from the ground and less than 64 square feet in size or marquees, shall be top-lighted with the point light source shielded and aimed downward. A marquee as used in this Article means a permanent roof-like shelter extending from part or all of the building face over a public right-of-way and constructed of some durable material such as metal, glass or plastic; typically used for places of entertainment such as theatres, arenas or meeting halls.
- e. Signs with lighted changeable copy may be permitted subject to the following conditions:

1. The total portion of the sign with lighted changeable copy shall not exceed 48 square feet.
  2. If the illuminated portion of the sign has copy that changes, the minimum time between changes shall be no less than 2 seconds except for scrolling text.
  3. No more than one such illuminated sign shall be placed on any one parcel.
  4. For signs that are perpendicular to the street each side of the sign may have lighted changeable copy as stated in 1 above. For the purposes of this Section, signs shall be constructed perpendicular if they are generally 90 degrees to the road and their two faces are attached at one end and less than 30 degrees apart at the second end.
- f. Strings of light bulbs used as a sign are prohibited, except for traditional holiday decorations.
- g. Signs with illumination that may reasonably be confused with or construed as a traffic control device are prohibited.

#### **7.03.04 - Placement Standards**

- a. Near Street and Driveway Intersections. Signs in excess of two (2) feet in height shall not be located within a clear visibility triangle, except signs erected on poles where the bottom edge of the sign face is greater than seven (7) feet above the grade at the base of the supporting structure for the sign, and which meet all other requirements of this Article. For the purposes of this Article, clear visibility triangle means an area twenty-five (25) feet deep along the street and driveway or two streets, connected by a straight line. Signs located within the clear visibility triangle in violation of this subsection prior to the effective date of this Code shall be treated as nonconforming signs.
- b. In Right of Way. Unless otherwise stated in this Article, all signs shall be a minimum of five (5) feet from a public right-of-way. Supports for signs or sign structures shall not be placed in or upon a public right of way or public easement, except under the terms of a lease between the owner of the easement or right of way and the owner of the sign.
- c. Rear and Side Yard Setbacks. Unless otherwise stated in this Article, all signs shall be a minimum of 5 feet from the side and the rear property line.
- d. Blocking Exits, Fire Escapes, Etc. No sign or sign structure shall be erected that impedes use of any fire escape, emergency exit, or standpipe.
- e. Obstructing Ventilation. No sign shall be attached in any manner which will interfere with any opening required for ventilation, except that the signs may be erected in front of and may cover transom windows when not in violation of the provisions the building or fire prevention codes.
- f. Signs shall not be located where they will obstruct the vision or passage of pedestrians, cyclists, or motorists traveling on or entering public streets.
- g. Signs shall not be located where they will obscure any traffic sign, device, or signal.

#### **7.03.05 - Clearance Standards**

- a. Over Pedestrian Ways. All signs over pedestrian ways shall provide a minimum of 9 feet of clearance, and if the pedestrian way is owned by the public the minimum clearance shall be 9 feet.
- b. Over Vehicular Ways. All signs over vehicular ways shall provide a minimum of 14 feet of



clearance.

- c. Utility Lines. Signs shall be located in such a way that they maintain horizontal and vertical clearance of all overhead electrical conductors in accordance with relevant electrical code specifications, depending on voltage concerned. However, in no case shall a sign be installed closer than five (5) feet horizontally or vertically from any conduit or public utility guy wire. No sign shall be erected which interferes with any underground or over-head utility lines as required by the National Electric Code and OSHA regulations.

#### **7.03.06 - Master Sign Plans**

For projects, that due to their size, multiple users / parcels or design characteristics may opt to submit a Master Sign Plan presenting a comprehensive approach to signage for the project shall be submitted as a Master Sign Plan. It is intended that such plans will set forth specific design standards, sign allocations, square footage limitations, architectural placement of signs and may address both on-site and off-site signs (excluding billboards). The Master Sign Plan shall include such supporting information as deemed appropriate by the Planning Director to convey the concepts and variations being considered in the sign plan. It is understood that the Master Sign plan is an optional approach for both the applicant as well as the County and as such, the County has no obligation to grant approval for any variance from the standard sign ordinance. The Master Sign Plan shall be considered by the Planning Commission and the Board of County Commissioners for adoption and shall, if approved, guide the future signage for the project. Modifications or variance from the standards or criteria established in the adopted Master Sign Plan, which will result in an increase in the number of signs or square footage, shall be considered as a substantial modification which shall be considered at a public hearing before the Planning Commission and approved by the Board of County Commissioners.

### **SECTION 7.04 ALLOWED SIGNS 7.04.01 - Generally.**

- a. Signs are allowed as indicated in this section. In addition, certain signs are prohibited by Section 7.05 and certain signs are exempted from regulation by Section 7.06.
- b. If a sign is not specifically listed as allowed, it is prohibited unless the County Building Official determines the type of sign is similar to a listed, allowed or exempt sign. If the County Building Official determines the sign is similar to a listed, allowed or exempt sign, the regulations pertaining to that sign shall apply.

#### **7.04.02 - Billboards:**

Billboards are signs which are used for outdoor advertising directed at activities, services, and goods available off-premise or as a display for any non-advertising message which is not prohibited by Section 7.05 of this Code. Billboards are allowed subject to the following requirements:

- a. Future Land Use Restrictions. The Future Land Use Map (FLUM) designation listed below must be located in areas designated as General Commercial or Industrial on the County's Future Land Use Map (FLUM).
  - 1. Billboards are only allowed on property classified General Commercial and Industrial Future Land Use (FLUM) designation, subject to meeting all the requirements listed below.
  - 2. Billboards are allowed in PUD Future Land Use (FLUM) designation on sites designated for commercial or industrial development and subject to meeting all the requirements

listed below.

- b. Roadway Orientation. Billboards may be erected within 660 feet of Federal Roads, State Roads, and County Roads designated as collectors in the County's Comprehensive Plan.
- c. All billboards and other types of off-site large advertising signs shall comply with all applicable local, State and Federal laws and regulations.
- d. Permits Required. An application for a permit to erect a billboard shall meet the requirements of Section 7.02 of this Code. When a billboard is proposed for location on a State or Federal highway, both a County permit and a State permit are required. The two permits must be applied for concurrently and the County and FDOT shall coordinate their review processes.
- e. Design and Construction Standards. The following standards must be met in addition to the requirements of Sections 7.02 and 7.03 of this Code.
  - 1. Signs must be erected on supports that meet applicable building code requirements and such support systems have a galvanized finish or must be painted a dull blue, black, green, brown or gray.
  - 2. No portion of the sign structure shall be visible above the sign face. All visible framing must have a galvanized finish, or it must be painted a dull blue, black, green, brown or gray.
  - 3. All faces must be made of metal, wood or plastic or otherwise meet the applicable building code requirements. Any trim on the face must be made of wood or metal that must be painted to blend with the sign face.
  - 4. Double stacked billboards are prohibited.
- f. Maximum number of sign faces. A billboard may have a single face, or two faces provided the two faces have advertising surfaces of equal size and shape, excluding embellishments. Billboards with two faces must comply with either of the following:
  - 1. Parallel sign faces must be erected on a common support and the back of the faces must be within 6 feet of each other.
  - 2. V-shaped billboards are allowed, provided the internal angle at the apex of the V is not greater than 60 degrees and the billboard facings are not separated by more than 3 feet at the apex of the V.
- g. Maximum size of a sign face.
  - 1. A sign face shall not exceed 400 sq. ft. plus no more than an additional 10% of the sign area for embellishments. "Embellishments" means any letters, figures, characters, or other representations in cutouts, or irregular forms, or similar designs which contain a portion of the advertising message and is attached to or superimposed upon the sign and extends beyond the sign's border.
  - 2. No sign face shall have a height greater than 30 feet or a length greater than 60 feet.
- h. Maximum Height. The maximum height of a billboard shall be 50 feet, measured from

- the elevation of the crown of the adjacent road to the highest point of the sign.
- i. Minimum separation between billboards. No billboard shall be located within 1,500 feet of another billboard on the same side for Interstate-10, and State Highways 90 (US 10), 273, 277, 77 and 79, and 1,000 feet separation on all other highways. If the billboard is multifaced, the minimum separation between billboards shall be measured in each direction which the billboard faces. The distance shall be measured along the center line of the roadway abutting the billboards.
  - j. Minimum setbacks from property lines and structures. The required setback distances shall be measured from the closest edge of the sign to the property line or closest edge of a structure.
    - 1. 15 feet from the R-O-W line or front property line except near intersections of streets and driveways that are subject to the requirements of Section 7.03.04 of this Code.
    - 2. 10 feet from side property lines.
    - 3. 10 feet from the rear property line.
    - 4. 100 feet from any property zoned residential.
    - 5. 100 feet from property lines of any public park or reservation; municipal, county, state or federal building; State or National forest; cemetery; religious institution; or any public or private school.
    - 6. 10 feet from any structure including non-billboard signs.
    - 7. Billboards located on Federal-aid primary roads must meet Ch. 479 F.S. setback requirements in addition to those listed above.
  - k. Owner Identification. All billboards erected, operated, or maintained within the County shall have displayed upon them, the owner's name in such a manner as to provide readable visibility from the abutting road right-of-way during daylight hours.

#### **7.04.03 - Construction Signs.**

Construction signs are temporary, non-illuminated signs which denote one or more of the following: owner, architect, financial institution, general contractor, subcontractors, or any statement pertaining to a building or project under construction and are located on the construction site.

- a. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation.
- b. Maximum number. One per construction site.
- c. Permits are not required. Signs must meet the standards provided in Section 7.03 of this Code.
- d. Limited Duration. The sign shall not be erected earlier than 60 days prior to the commencement of construction and must be removed within 15 days after construction has ceased or a certificate of occupancy has been issued, whichever is earlier.
- e. Minimum Setbacks. 1. 5 feet from the front property line except near intersections of streets and driveways which are subject to the requirements of Section 7.03.04 of this Code. 2. 10 feet from all other property lines
- f. Maximum Height. No sign shall exceed 10 feet in height.
- g. Number and Size of Sign Faces

1. Either one face or two parallel faces on a common support are allowed.
2. A sign face in a residential Future Land Use Map (FLUM) Designation district shall not exceed 6 square feet.
3. A sign face in any non-residential Future Land Use Map (FLUM) Designation district shall not exceed 32 square feet.

#### **7.04.04 - Directional Signs.**

Non-illuminated signs which provide direction, but do not include advertisements. These signs are located on the premises of a developed site and typically include directions to phones, restrooms, walkways, and parking lot entrances and exits.

- a. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation.
- b. Maximum number. The number of signs shall be limited to the minimum amount necessary to effectively provide the intended direction.
- c. Permits are not required. Signs must meet the standards provided in section 8.03 of this Code.
- d. Minimum Setbacks.

1. 5 feet from the front property line except near intersections of streets and driveways which are subject to the requirements of Section 7.03.04 of this Code.
2. 10 feet from all other property lines

- e. Maximum Height. No sign shall exceed 8 feet in height. f. Number and Size of Sign Faces

1. Either one face or two parallel faces on a common support are allowed.
2. Maximum sign area is four (4) square feet.

#### **7.04.05 - Flags.**

- a. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation.
- b. Number. No more than three flags or insignias of religious, charitable, fraternal or other organizations, other than flags of existing governmental entities, may be displayed on any one parcel of land. Commercial promotions shall not be permitted.
- c. Permits not required.
- d. Flagpoles must be erected, and flags must be attached in a manner which does not pose a hazard to people or structures.
- e. Size. The maximum distance from top to bottom of any flag shall be twenty (20) percent of the total height of the flag pole, or in the absence of a flag pole, twenty (20) percent of the distance from the top of the flag or insignia to the ground.

#### **7.04.06 - Name plates and Building Identification Signs.**

- a. Each building may have displayed one name plate indicating the name of the occupant, not exceeding three (3) square feet in area, for each occupancy. The nameplate does not require a permit but must be mounted flat against the surface of the building.
- b. Building Identification Signs. Memorial signs or tablets, historical plaques, names of buildings and dates of erection, when cut into any masonry surface or when constructed of bronze or other incombustible materials and attached flat against the surface of a building are allowed in any zoning and do not require a permit.
- c. Address numbers which do not exceed 2 square feet in area are allowed and do not require a permit.

#### **7.04.07 - On Premise Building Signs.**

An on-premise building sign is a sign displayed upon or attached to any part of the exterior of a building, including walls, doors, canopy and roof slopes of forty-five (45) degrees or steeper. These signs identify or advertise any aspect of the business or activity on the premises or provide a non-advertising message not prohibited by Section 7.05 of this Code. Building signs include marquees and under canopy signs.

- a. Future Land Use Map (FLUM) Designation.
  - 1. Allowed in General Commercial, Industrial and Special Exceptions subject to meeting the applicable requirements listed below.
  - 2. Allowed in Agriculture/Silviculture Future Land Use Map (FLUM) Designation on commercial, industrial, and public facility sites including churches as permitted by Future Land Use Map (FLUM) Designation, or for sale of products, produce or animals normally allowed by the FLUM designation and subject to meeting the applicable requirements listed below.
  - 3. Allowed in PUD FLUM designation on sites designated for commercial, public facility, or industrial development and subject to meeting the applicable requirements listed below.
  - 4. Allowed in residential FLUM designation for public facilities, including churches, and for home occupations. Home occupations are limited to one non-illuminated sign which shall not exceed 3 square feet in area and must be mounted flat against the wall at a position not more than two feet from the main entrance to the residence.
- b. Maximum number. There is no specific maximum as signs are limited by total area and individual area.
- c. Permits Required. An application for an on-premise building sign shall meet the requirements of Section 7.02 of this Code. d. Design and Construction Standards. The following standards must be met in addition to the requirements of Sections 7.02 and 7.03 of this Code.
  - 1. A sign shall not extend above the top or side edge of the surface to which it is attached, nor disrupt a major architectural feature of the building.
  - 2. A sign structure shall not be separated by more than 6 inches from the surface to which it is attached.
- e. Maximum number of sign faces. Each sign is limited to one sign face.

f. Maximum total area of sign faces and maximum area of a sign face.

1. In General Commercial, Industrial, and PUD Future Land Use Map (FLUM) Designation, the total area of all sign faces shall be allocated by occupancy of the site.

- (a) Each occupancy shall be allowed a total sign area determined by multiplying 1.5 square feet times the number of linear feet of building frontage that occupancy has along the abutting, improved, road right-of-way, not to exceed 125 square feet.
- (b) Each site that includes a free-standing canopy is allowed additional sign area which is determined by multiplying 1.5 square feet times the number of linear feet of canopy along the abutting, improved, road right-of-way, not to exceed 125 square feet. A freestanding canopy is a permanent structure open on all sides and used for cover for an activity associated with the use of the site (for example, a gas station island canopy) and constructed of some durable material such as metal, glass, or plastic, or non-rigid materials supported by a frame. The additional sign area can be utilized only on the free-standing canopy.
- (c) Places of public entertainment such as theaters, arenas, or meeting halls are allowed an additional sign area for marquees. This area is determined by multiplying 3 square feet times the number of linear feet of canopy on which the marquee will be placed, not to exceed 125 square feet.
- (d) No individual sign face shall exceed 125 square feet in area.
- (e) If the building includes an attached canopy, one under canopy sign not to exceed 6 square feet in area is allowed per occupancy.

2. In Mining, Special Exception, the total sign area allowed is 125 square feet per site. No individual sign face shall exceed 32 square feet.

g. Maximum Height. The height of a sign shall not exceed the height of the highest structural member of roof at the leading edge of the roof on the building on which it is attached. h. High-rise signs for the I-10 corridor: Notwithstanding any other provisions of this chapter, freestanding, on-premises signage may be located within 1,320 feet of the nearest right-of way of Interstate 10. Such high-rise signage shall not exceed 150 feet in height. Such high-rise signage shall not count against the on-premises sign face area total or against the number of signs otherwise provided in this chapter. The high-rise signage shall not exceed 1,000 square feet in frontage per face.

#### **7.04.08 - On Premise Ground Signs.**

A ground sign is a sign that is supported by one or more columns, upright poles, or braces extended from the ground or from an object on the ground, or that is erected on the ground, where no part of the sign is attached to any part of a building. These signs identify or advertise any aspect of the business or activity on the premises or provide a non-advertising message not prohibited by Section 7.05 of this Code.

a. Future Land Use Map (FLUM) Designation.

- 1. Allowed in General Commercial, Industrial Land Use Designation and Special Exceptions subject to meeting the applicable requirements listed below.
- 2. Allowed in Agriculture/Silviculture Land Use Designation on commercial, industrial and public facility sites including churches as permitted by FLUM designation, or for sale of products, produce or animals normally allowed by the FLUM designation and subject to meeting the applicable requirements listed below.

3. Allowed in PUD Future Land Use Map (FLUM) Designation on sites designated for commercial or industrial development and subject to meeting the applicable requirements listed below.
  4. Allowed in residential FLUM designation for public facilities including churches.
- b. Maximum number. The greater of the following:
1. One per entrance driveway which provides access to the property from a Federal, State or County Road; or
  2. One per 100 feet of road frontage, but no more than 5 using this alternative. Where any portion of frontage is a fraction of 100, the fraction shall be increased to the next higher whole number divisible by 100 feet if the fraction is 0.5 or larger and to the next lower whole number if the fraction is less than 0.5.
- c. Permits Required. An application for an on-premise ground sign shall meet the requirements of Section 7.02 of this Code.
- d. Design and Construction Standards. In addition to meeting the standards in Section 7.02 and Section 7.03 of this Code, any ground sign in excess of 32 square feet of sign area or over 10 feet off the ground shall meet the wind load requirements of the Building Code adopted by the County.
- e. Maximum number of sign faces. Either one face or two parallel faces on a common support are allowed.
- f. Maximum size of a sign face. A sign face shall not exceed 150 square feet except in Agriculture/Silviculture Land Use Designation where a sign face shall not exceed 50 square feet.
- g. Maximum Height. No sign shall exceed 25 feet in height, except that signs for multiple occupancy sites that are used to advertise more than one of the occupancies may be 35 feet in height.
- h. Minimum setbacks from property lines and structures. The required setback distances below shall be measured from the closest edge of the sign to the property line or closest edge of a structure.
1. 5 feet from the R-O-W boundary line or front property line, whichever is greater; except near intersections of streets and driveways which are subject to the requirements of section 8.03.04 of this Code.
  2. 10 feet from side property lines.
  3. 10 feet from the rear property line.
  4. 10 feet from any structure including other signs.
- i. Street Numbers. At least one sign shall include street address numbers of a size which is visible and legible from the street or road right-of-way.

#### **7.04.09 - Political Campaign Signs.**

- a. In General. A political campaign sign is a temporary sign specifically advertising a candidate or stating a position regarding an issue that will appear on any primary, general or special election ballot in the unincorporated area of the County. A candidate is a person who has

qualified for placement on an election ballot in the unincorporated area of the County. Political messages, including campaign messages, on signs authorized or exempt under other provisions of this Code are not restricted by this section.

b. Future Land Use Map (FLUM) Designation and Location. Allowed in any Future Land Use Map (FLUM) Designation, subject to the following:

1. Signs shall be placed on private property only with the consent of the property owner.
2. Signs shall not be placed on any road right-of-way, utility easement or on any government property.
3. Signs are not subject to property line setback requirements, but shall meet the following standards:
  - (a) Near intersections of streets and driveways the signs must meet the requirements of Subsection 7.03.04 of this Code.
  - (b) Signs shall not be placed in areas where they will interfere with safe sight distances for pedestrian, cyclists, or motor vehicular traffic.

c. Number. No limit.

d. Permits are not required for these temporary signs unless there is an electrical connection to them. Signs must be constructed, erected and maintained in a manner that does not pose a hazard to people or structures. If illuminated, the sign must meet the illumination standards in Section 7.03 of this Code. Political messages, including campaign messages, on signs authorized under other provisions of this Code are subject to permitting requirements.

e. Limited Duration.

1. Signs may be erected up to 60 days before the first primary election, if the candidate or issue is qualified for the election ballot pursuant to State Law.
2. The winners of the primary election are allowed to have their signs remain or erect new signs in the period between the first primary election and general election. The general election candidates may erect signs during this period.
3. All signs shall be removed within two (2) weeks of a candidate's or issue's withdrawal, loss, or victory in an election.

f. Number and Size of Sign Faces.

1. One face or two parallel faces on a common support are allowed.
2. A sign face in a residential FLUM designation district shall not exceed 6 square feet.
3. A sign face in any non-residential FLUM designation district shall not exceed 32 square feet.

g. Height.

1. Signs in a residential FLUM designation district shall not exceed 8 feet in height.
2. Signs in any non-residential FLUM designation district shall not exceed 10 feet in height

h. Removal of campaign signs in violation of County regulations.

1. Removal of signs in violation of County regulations shall be the responsibility of the candidate.
2. Signs in violation of County regulations may be removed by the County under the following conditions:
  - (a) The County shall notify the candidate and direct the sign to be removed; and
  - (b) If the sign is not removed within 48 hours of notification, a County Code Enforcement Officer is authorized to remove a sign.



#### **7.04.10 - Project Identification Signs.**

- a. In General. In addition to any other allowed signs, a sign is allowed which does not include any advertising or other message, but which identifies any of the following land uses or similar uses: apartment complexes, farms, group living facilities, hospitals, hunting clubs, industrial parks, mobile home parks, neighborhoods, nursing homes, office complexes, ranches, shopping centers, and subdivisions.
- b. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation which allows the land uses listed in subsection a. above, or any similar use.
- c. Maximum Number and General Location of Signs. A maximum of two signs are allowed to be located near any of the project entrances which provide access to the use from a Federal, State, or County Road.
- d. Permits required. An application for a project identification sign shall meet the requirements of Section 7.02, but in all cases a plan for the sign must be approved by the County Building Official. When reviewing an application or permit for the placement of such signs, the County Building Official shall consider the location of public utilities, sidewalks and future street widening.
- e. Design and Construction Standards. The signs may be ground signs, building signs, or may be incorporated into a wall, fence or other structure, but otherwise must meet the requirements of Sections 7.02 and 7.03 of this Code.
- f. Maximum size and number of sign faces
  1. The size of an individual sign face shall not exceed 150 square feet.
  2. One face or two parallel faces are allowed on a common support.
- g. Minimum Setbacks.
  1. 5 feet from the front property line except near intersections of streets and driveways which are subject to the requirements of Subsection 7.03.04 of this Code.
  2. 10 feet from all other property lines. 3. 10 feet from any structure including other signs.
- h. Maximum Height.
  1. Signs in a residential Future Land Use Map (FLUM) Designation district shall not exceed 8 feet in height.
  2. Signs in any non-residential Future Land Use Map (FLUM) Designation district shall not exceed 10 feet in height, except for shopping center identification signs which are subject to the height restrictions for on-premise ground signs.

#### **7.04.11 - Public Information Signs.**

Public Information signs provide messages that are necessary for the protection of the public health, safety and welfare, or are of general interest to the community. The following signs are allowed as public information signs:

- a. Governmental signs for control of traffic including street signs, and for any other regulatory purposes including signs warning of danger or hazard.
  1. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map

- (FLUM) Designation.
  - 2. Permits are not required. Any type of sign is allowed and may be illuminated or animated, as needed.
  - 3. Height of sign and size of sign face. Sized as necessary to meet the intended purpose.
  - 4. Location and Number. May be erected on public or private property with permission from the owner. Public property includes public right-of-way. Setbacks do not apply. No limit on the number.
- b. Notice bulletin boards. Outdoor bulletin boards not over 32 sq. ft. may be located on the premises without a permit.
- c. Legal notices and official instruments. These are signs and notices posted or erected by public officials carrying out County, State or Federal law. No permits are required, and the type, location, size, and number are as specified in the applicable laws.
- d. Public Directional Signs. Public directional signs provide directions to governmental agencies, schools, churches, community centers, hospitals, and other charitable or philanthropic, not for profit organizations.
- 1. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation.
  - 2. Permits are not required.
  - 3. Height. Maximum height is 8 feet.
  - 4. Size of sign face. Sign face shall not exceed 16 square feet.
  - 5. Location. Located off-site and may be erected on public or private property with permission from the owner. Public property includes public right-of-way.
  - 6. Number. The maximum number for any use is 6, with no more than 1 at any location.
- e. Railroad Crossing Signs. Signs that warn of a railroad crossing may be located in any zoning district on public or private property with permission from the owner. Public property includes public right-of-way. No permits are required and any number of signs of any size that is needed to sufficiently warn of the crossing may be allowed.
- f. Time-Temperature-Date Signs. These are signs that provide time, temperature, date, weather or similar information.
- 1. Future Land Use Map (FLUM) Designation. Allowed in General Commercial and Industrial and PUD Future Land Use Designations.
  - 2. Number and Type of Sign. A single time-temperature-date sign for any one parcel is allowed as a ground or building sign and is not subject to the general prohibition on changing signs, but must otherwise comply with Sections 7.02 and 7.03 of this Code. These signs may only display numerical information in an easily comprehensible way and shall be properly maintained. They shall not exceed a sign face area of thirty-six (36) square feet, and if part of the area is used for advertising the sign will be counted towards the allowable sign area for the site.

3. Permits Required. Meet the requirements of Section 7.02 of this Code.

g. Utility Signs. Unless otherwise regulated by the State or Federal governments, public utility signs that identify the location of underground utility lines and facilities, high voltage lines and facilities, and other utility facilities and appurtenances are allowed as follows:

1. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation.

2. Permits are not required.

3. Height. Maximum height is 6 feet.

4. Size of sign face. Sign face shall not exceed 3 square feet.

5. Location. May be erected on public or private property with permission from the owner. Public property includes public right-of-way.

h. Warning signs to indicate the dangers of trespassing, swimming, animals or similar hazards, or to warn against dumping on property are allowed subject to the following:

1. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation.

2. Permits are not required.

3. Height. Maximum height is 6 feet.

4. Size of sign face. Sign face shall not exceed 3 square feet.

5. Location. Signs must be placed on the property to which the warning applies, and the signs may be mounted on trees, posts or fences. Signs must be separated by a minimum of 100 feet.

#### **7.04.12 - Real Estate Signs.**

Real estate signs are temporary, non-illuminated signs specifically indicating that an owner, either personally or through an agent, is actively attempting to sell, rent or lease real property. Real estate advertising on signs authorized under other provisions of this Code is not restricted by this section.

a. Future Land Use Map (FLUM) Designation. Allowed in Future Land Use Map (FLUM) Designation.

b. Number. 1 sign is allowed on-premise for each road frontage, water frontage, or golf course frontage of the property that is for sale, rent or lease. Open house signs may also be located off-premise on private property with the owner's permission during the period of the open house.

c. Permits are not required for these temporary signs, but the signs are subject to the standards

provided in Section 7.03 of this Code. Real estate advertising on signs authorized under other provisions of this Code are subject to permitting requirements.

- d. Limited Duration. Signs are allowed when the property is being actively marketed for sale, rent or lease, and must be removed within 7 days after the sale, rental or lease has been accomplished.
- e. Signs are not subject to property line setback requirements, but shall meet the following standards:
  - 1. Near intersections of streets and driveways the signs must meet the requirements of Subsection 7.03.04 of this Code.
  - 2. Signs shall not be placed in areas where they will interfere with safe sight distances for pedestrians, cyclists, or motor vehicular traffic.
- f. Number and Size of Sign Faces.
  - 1. One face or two parallel faces on a common support are allowed.
  - 2. A sign face in a residential Future Land Use Map (FLUM) Designation shall not exceed 8 square feet.
  - 3. A sign face in any non-residential Future Land Use Map (FLUM) Designation shall not exceed 32 square feet.
- g. Height.
  - 1. Signs in a residential Future Land Use Map (FLUM) Designation shall not exceed 8 feet in height.
  - 2. Signs in any non-residential Future Land Use Map (FLUM) Designation shall not exceed 10 feet in height.

#### **Section 7.04.13 - Special Event Signs.**

Special event signs are temporary, non-illuminated announcement or advertising signs which do not require permits from the County, and which must comply with the restrictions provided below.

- a. The following special event signs are allowed:
  - 1. Grand Opening. One on-premise sign is allowed to indicate the grand opening of a business or other activity. Such message may be displayed for a period not exceeding 30 days within the first 90 days of the business opening or the activity beginning.
  - 2. New business or business location. One on-premise sign is allowed to indicate the existence of a new business, or a business in a new location, if such business has no permanent signs. Such message may be displayed for a period of not more than 30 days or until installation of permanent signs, whichever occurs first.
  - 3. Signs to announce or advertise temporary uses such as fairs, community festivals, carnivals, circuses, revivals, sporting events, or any public, charitable, educational or religious event or function. Signs may be erected 30 days prior to the special event and

shall be removed within 5 days after the special event. Signs are allowed in any zoning district and are subject to the following:

- (a) One sign is allowed on the premises where the temporary use is located except that the Board of County Commissioners may allow more signs by resolution or in a manner specifically described in the context of a temporary use permit.
- (b) Off premise signs are allowed at a rate of one per parcel with the property owner's permission and restricted in size as follows:
  - (1) 32 square feet per sign face in non-residential Future Land Use Map (FLUM) Designation.
  - (2) 6 square feet per sign face in residential Future Land Use Map (FLUM) Designation.

b. Future Land Use Map (FLUM) Designation. Allowed in any Future Land Use Map (FLUM) Designation for the uses specified in subsection a. above.

c. Construction Standards. Temporary special event signs may be constructed to the standards specified in Section 7.03 of this Code, or, except for garage or yard sale signs, may be any of the following:

- 1. Banners or pennants. Must be maintained in a state of good repair. Banners that are frayed, torn, or otherwise in a state of disrepair must be removed.
- 2. Anchored balloons
  - (a). Balloon signs shall not be greater than 96 cubic feet in volume.
  - (b). The balloon sign shall be properly anchored to the ground and cannot be higher than 35 feet in the air.
  - (c). The balloon sign shall be secured in such a manner so as not to become unattached or become a safety hazard and shall be a minimum of 20 feet from any roadway.

3. Flags other than those allowed by Subsection 7.04.05 of this Code.

d. Size of Sign Face. A sign face shall not exceed 32 square feet in area except for the following:

- 1. Exceptions may be granted by the Board of County Commissioners for larger special event banners for the temporary uses described in Subsection a.3 above, in the context of a temporary use permit, when the banner is to be erected over right-of-way (R-O-W) subject to approval by the owner or the agency having jurisdiction over the R-O-W.
- 2. Signs for temporary uses shall be limited to the size specified in subsection a.3.

e. Setbacks. Special event signs must be set back 5 feet from any property line. Exceptions may be granted by the Board of County Commissioners for the special event signs described in Subsection a.3 to allow banners over right-of-way subject to approval by the owner of the ROW.

f. Height. Unless specified otherwise in this section the following height standards apply:

- 1. Signs in any residential Future Land Use Map (FLUM) Designation shall not exceed 8 feet in height.
- 2. Signs in any non-residential Future Land Use Map (FLUM) Designation shall not exceed 10 feet in height.

#### **7.04.14 Isolated Business Signs.**

##### **a. Generally.**

1. The purpose of this section is to allow Commercial and Industrial uses in isolated locations and opportunity to have signs directed at the traveling public. The County Commission finds that there is an important public benefit in promoting the success of all commercial and institutional uses, including those in isolated locations, and that allowing such isolated uses a limited number of off-site signs will help promote such success.
2. Commercial and Institutional uses within unincorporated Washington County may apply for up to three Isolated Business Signs if the Institutional or Commercial Use is located on a county road.

##### **b. Standards. Isolated Business Signs shall meet the following standards:**

1. One sign with a sign face area not exceeding 32 square feet. If the sign is located perpendicular to the adjacent road, each side may be a sign face not to exceed 32 square feet. For the purposes of this Article signs shall be considered perpendicular if they are generally 90 degrees to the roadway and their two faces are attached at one end and less than 30 degrees apart at the second end.
2. The height of the sign shall not exceed 8 feet.
3. The sign shall be no closer than 1000 feet in any direction from a billboard or other Isolated Business Sign permitted under these sign regulations.
4. The sign shall be located on private property in an Agricultural/Silvicultural Future Land Use Designation classification where the residential density allowed is no more than 1 unit per 10 acres.
5. The sign shall not be located adjacent to a State or Federal Highway.
6. Minimum Standards for signs:
  - (a) If the sign is put on material that is subject to deterioration from the weather, said material shall be properly weather protected.
  - (b) Lettering on the sign shall be placed on by stenciling or other similar method. The Building Official may accept alternative methods if the overall quality of the sign is maintained.
- c. Procedures.
  1. An application for an Isolated Business Sign shall be made to the Building Official on a form to be provided by the Building Department.
  2. The application shall be accompanied by a site plan and sufficient information showing compliance with the above standards, including the location of the sign, distances from property lines, and the locations of any points of egress and ingress within 100 feet of the sign.
  3. If the proposed location of the sign is owned by an entity other than the applicant, a letter giving written approval to the applicant from the owner of the parcel shall be provided.
  4. If approved by the Building Official, a building permit shall then be required for the sign.

## **SECTION 7.05 PROHIBITED SIGNS**

### **7.05.01 - Generally.**

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign that is not expressly authorized or exempted by this Article as determined by the County Building Official according to Subsection 7.04.01 of this Code.

### **7.05.02 - Specifically.**

The following signs are expressly prohibited:

- a. Signs that involve the use of live animals.
- b. Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television, airline traffic or other communication signals.
- c. Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any public sidewalk or street, except house numbers and traffic control signs.
- d. Vehicle signs with a total sign area on any vehicle in excess of ten (10) square feet, when the vehicle:
  1. Is not regularly used in the conduct of the business advertised on the vehicle. A vehicle used primarily for advertising a business or activity near where the vehicle is parked, shall not be considered a vehicle used in the conduct of the business;
  2. Is parked for more than sixty (60) consecutive minutes within one hundred (100) feet of any street right of way; 3. Is visible from the street right of way.
- e. Signs displaying copy that is harmful to minors. "Harmful to minors" as used in this Article means, with regard to sign content, any description or representation, in whatever form, of nudity, sexual conduct, or sexual excitement, when it:
  1. Predominately appeals to the prurient, shameful, or morbid interest of minors;
  2. Is patently offensive to contemporary standards in the adult community as a whole with respect to what is suitable material for minors; and
  3. Taken as a whole is without serious literary, artistic, political, or scientific value for minors.
- f. Signs that advertise nude or semi-nude activities prohibited by Washington County Ordinance 95-6 and any subsequent amendments thereto.
- g. Abandoned signs that no longer correctly direct or exhort any person, advertise a bona fide business, lessor, owner, product, or activity conducted or product available on the premises where such a sign is displayed.

- h. Portable or mobile signs. This type of sign was allowed as a temporary sign under the previous sign regulations and required a permit to be allowed for 90 days. Any of these signs now located in the County are illegal and must be removed or meet current standards within 90 days of the effective date of this Code.
- i. Balloon signs that are more than 24 square feet or more than 10 feet in height are prohibited.
- j. Signs that flash, move, scintillate, blink, flicker, or vary in intensity except as otherwise permitted in this Article.
- k. Signs on sign structures that interfere in any way with free use of any fire escape, emergency exit, or standpipe, or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of this Code or other Code of the County.

## **SECTION 7.06 EXEMPT SIGNS**

### **7.06.01 - Signs Exempt from the Sign Regulations of this Code.**

Unless otherwise indicated below the following signs are exempt from the operation of these sign regulations, including the requirement that a permit be obtained, provided they are not placed or constructed so as to create a hazard of any kind and are not prohibited by Section 7.05 of this Code:

- a. Signs that are not designed or located so as to be visible from any street or adjoining property, provided that such signs comply with the structural, electrical, and material specifications as set forth in this Article. Electrical permits may be required as determined by the Building Official.
- b. Decorative flags and bunting for a celebration, convention, or commemoration of significance to the entire community when authorized by the Washington County Commission for a prescribed period of time.
- c. Holiday lights, decorations, and signs provided the signs are of a decorative nature, clearly incidental, and customarily associated with any national or state holiday.
- d. Window signs and merchandise displays behind storefront windows so long as no part of the sign or display moves or contains flashing lights which present a hazard to pedestrians, cyclists or motorists.
- e. Signs incorporated into machinery or equipment by a manufacturer or distributor, which identify or advertise only the product or service dispensed by the machine or equipment, such as signs customarily affixed to vending machines, newspaper racks, telephone booths, and gasoline pumps.
- f. Signs on Vehicles. Signs which identify a business, person, or product, and is not used in a manner prohibited by Section 7.05 of this Code. Advertising and identifying signs located on taxicabs, buses, trailers, trucks, vehicle manufacturing and dealer identification signs, or vehicle bumpers are exempt.
- g. Works of art that do not constitute advertising.



- h. Signs carried by a person.
- i. Religious symbols or displays.
- j. One sign per parcel providing political or ideological statements other than the political signs regulated under Section 7.04 of this Code is allowed as a temporary sign provided it does not include an advertising message and is not prohibited by Section 7.05 of this Code.
  - 1. A sign in residential Future Land Use Map (FLUM) Designation shall not exceed an area of 6 square feet or a height of 8 feet.
  - 2. A sign in non-residential Future Land Use Map (FLUM) Designation shall not exceed an area of 32 square feet or a height of 10 feet.
- k. Signs placed upon benches, bus shelters or waste receptacles, as authorized in writing pursuant to Sections 337.407 and 337.408, Florida Statutes.
  - 1. Signs not exceeding 32 square feet in area and bearing only property numbers, mail box numbers, names of occupants of premises, or other identification of premises not having commercial connotations. Signage exceeding 32 square feet shall conform to Subsection 7.04.08 - On Premise Ground Signs.

## **SECTION 7.07 MEASUREMENT DETERMINATIONS**

### **7.07.01 - Setbacks.**

Unless otherwise stated for a particular type of sign, setbacks will be measured as follows: a. The minimum setback between a sign and a structure, or a sign and another sign shall be measured from the closest edge of the sign to the closest edge of the structure or other sign. b. The minimum setback between a sign and a property line shall be measured from the closest edge of the sign to the closest edge of the property line.

### **7.07.02 - Sign or Sign Face Area.**

Unless otherwise stated for a particular type of sign, sign or sign face area will be measured as follows:

- a. Generally. Any reference to sign area or sign face area means the part of the sign, including frame, trim and background, which contains the message or informative contents, but excludes the necessary supports or uprights on which the sign may be placed.
- b. Special Situations.
  - 1. Where a sign is composed of letters or pictures attached directly to a wall, facade, window, door, or canopy, and the letters or pictures are not enclosed by a border or trimming, the sign area shall be the area within the smallest rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points of the letters or pictures.
  - 2. If the sign consists of more than one (1) section or module, all areas will be totaled.

3. Any irregularly shaped sign's area shall be computed using the actual sign face surface except where a sign is in the form of a three-dimensional object (i.e. an advertising balloon), the area shall be determined by drawing a square, rectangle, parallelogram, triangle, circle or semicircle, the sides of which touch the extreme points or edges of the projected image of the sign and multiplying that area by two (2). The "projected image" is that image created by tracing the largest possible two-dimensional outline of the sign.

#### **7.07.03 - Sign Height.**

Unless otherwise stated for a particular type of sign, the height of the sign shall be measured as the vertical distance from the finished grade of the closest driveway, parking lot, non-elevated street, or other vehicular use area to the highest point of the sign.

### **SECTION 7.08 NONCONFORMING SIGNS**

#### **7.08.01 - Defined.**

A nonconforming sign is any sign which was lawfully erected and maintained within Washington County prior to the effective date of this Code and any amendments thereto, but which is now prohibited by or does not conform to the requirements of this Article

#### **7.08.02 - Continuation of Nonconforming Signs.**

A nonconforming sign may be continued and shall be maintained in good condition as required by this Article, but it shall not be:

- a. Structurally changed to another nonconforming sign, but its pictorial content may be changed.
- b. Structurally altered to prolong the life of the sign. If sign becomes a safety hazard, it shall be removed or upgraded to meet the requirements of this Article within thirty (30) days or less from the date the owner of the sign becomes aware of this hazardous condition. "Owner", as used in this paragraph, includes the person or entity responsible for operating, maintaining or otherwise making use of the sign.
- c. Altered in any manner that increases the degree of nonconformity.
- d. Expanded.
- e. Re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised replacement cost as determined by the County Building Official after review of cost information provided by contractors authorized under this Article to permit and erect signs.
- f. Continued in use when a conforming sign or sign structure is erected on the same parcel or unit. See also Subsection 7.01.00 of this Code regarding new and replacement signs on a parcel with a nonconforming use.
- g. Continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure.

- h. Continued in use after the structure housing the occupancy has been vacant for 90 days or longer, except that permanent signs applicable to a business temporarily suspended because of a change of ownership or management of the business need not be removed unless the property remains vacant for a period of 180 days or more.

#### **7.08.03 - Nonconforming Signs Along State or Federal Highways.**

A permit from the state or federal government for signs that are nonconforming to County standards, which are located along a state highway or a federal interstate or primary aid highway, does not, by itself, relieve the property owner from the provisions of this Article that require removal of such a nonconforming sign.

## **ARTICLE EIGHT HARDSHIP RELIEF**

### **8.00.00        GENERALLY**

**8.00.01        Purpose**

**8.00.02        Definitions**

### **8.01.00        EXISTING NONCONFORMING DEVELOPMENT**

**8.01.01        Continuation of Nonconforming Development**

**8.01.02        Termination of Nonconforming Development**

**8.01.03        Permit Required within Two Years of Code Adoption**

**8.01.04        Certifying Nonconforming Structure or Use**

### **8.02.00        VARIANCES**

**8.02.01        Generally**

**8.02.02        Limitations on Granting Variances**

**8.02.03        Special Provisions Where Variance is Sought to Requirements of Flood  
Damage Prevention Regulations**

### **8.03.00        CLUSTERING FROM ENVIRONMENTALLY SENSITIVE AREAS**

**8.03.01        Generally**

**8.03.02        Procedure**

## **ARTICLE EIGHT**

### **HARDSHIP RELIEF**

#### **8.00.00        GENERALLY**

##### **8.00.01        Purpose**

The purpose of this Article is to provide mechanisms for obtaining relief from the provisions of this Code where hardship would otherwise occur. Three forms of hardship are addressed: (1) Part 8.01.00 addresses hardship that would be caused if nonconforming development were required to immediately come into compliance with this Code; (2) Part 8.02.00 addresses the hardship that may be caused in particular cases by the imposition of the Code's development design standards; and (3) Part 8.03.00 addresses the hardship that may be caused in particular cases by the Code's land use regulations or resource protection standards.

##### **8.00.02        Definitions**

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

- A.    **Nonconforming Development.** Development that does not conform to the use regulations in Article Two and/or the development design and improvement standards in Article Five.
- B.    **Nonconforming Signs.** Signs which do not conform to the development design and improvement standards outlined in Article Seven.
- C.    **Outdoor Storage Activity.** Land used for the storage, handling, or display of items other than junk, where junk is defined to be old, dilapidated, scrap or abandoned metal, building material and equipment, glass, appliances, furniture, beds and bedding, rags, rubber, motor vehicles and parts thereof.

#### **8.01.00        EXISTING NONCONFORMING DEVELOPMENT**

##### **8.01.01        Continuation of Nonconforming Development**

Subject to the provisions below for terminating nonconforming development, such development may, if otherwise lawful and in existence on the initial date of adoption of this code, remain in use in its nonconforming state.

##### **8.01.02        Termination of Nonconforming Development**

- A.    **Generally.** Nonconforming development must be brought into full compliance with the use regulations in Article Two of this Code, and the development design and improvement standards in Article Five of this Code, in conjunction with the following activities:

1. The gross floor area of the development is expanded by more than ten (10) percent, or more than four thousand (4000) square feet, whichever is less. Repeated expansions of a development, constructed over any period of time commencing with the effective date of this Code, shall be combined in determining whether this threshold has been reached.
2. For the purposes of this Code, structures existing as of the initial date of adoption of this code shall be permitted to be rebuilt in the event of an accident as long as the gross density or intensity of the property is not increased and the land use remains consistent with that in effect as of the initial date of adoption of this code, and as long as all adjoining property owners do not object to the continuance of the nonconforming use.
3. A nonconforming structure or activity is left unoccupied for six months or more.

B. Special Provisions for Specific Nonconformities.

1. Stormwater Management Requirements.

Any stormwater management facility which at the time of the application for a permit is found to be in violation of a Code requirement essential to public health shall be brought into compliance immediately.

2. Potable, Sanitary Waste and Solid Waste Disposal

Any water supply system or liquid or solid waste disposal facility which at the time of the application for a permit is found to be in violation of a Code requirement essential to public health shall be brought into compliance immediately.

3. Parking and Loading Requirements.

Historic structures and/or sites designated as such under the Land Use Regulation portion of this Code, may be granted relief from the provisions of this Code related to parking, loading, and open space requirements in order to preserve their historic character. The provisions of Section 8.02.00 shall apply in such cases.

4. Nonconforming Signs.

Any nonconforming sign as described in Section 8.00.02 shall be removed within five years of the adoption of the Code or of the amendment to the text or maps of the Code which causes such a sign to be classified as nonconforming. In the interim, a nonconforming sign may be continued and shall be maintained in good condition as required by this Code, but it shall not be: (a) structurally changed to another nonconforming sign, but its pictorial content may be changed; (b) structurally altered to prolong the life of the sign, except to meet safety requirements; (c) altered in any manner that increases the degree of nonconformity; (d) expanded; (e) re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) percent of the appraised

replacement cost as determined by the Development Administrator; (f) continued in use when a conforming sign or sign structure shall be erected on the same parcel or unit; (g) continued in use when the structure housing the occupancy is demolished or requires renovations the cost of which exceeds fifty (50) percent of the assessed value of the structure; (h) continued in use after the structure housing the occupancy has been vacant for six (6) months or longer.

4. Nonconforming Outdoor Storage Activities.

Any nonconforming outdoor storage activities as described in Section 8.00.02 shall be eliminated within one (1) year of the adoption of this Code.

**8.01.03 Permit required within Two Years of Code Adoption**

Within two years of the adoption of this Code a permit shall be obtained from the Land Development Office at a cost identified in Section 10.09.00 describing a building, activity or structure which exists at the time of the adoption of the Code. The permit application may ask for information considered by the Development Administrator to be relevant to the administration of the Code. Such a permit shall be obtained by the person or firm conducting a business or other nonresidential activity employing two or more persons; by the owner of an outdoor storage activity for vehicles, farm implements, boats or other large objects; by the owner of a water supply system or liquid or solid waste disposal facility which serves two or more residences or serves a business or other nonresidential activity employing two or more persons; by the owner of land or a building on which is attached a sign or outdoor advertising device which refers to a product or service not offered on the premises of the sign. No permit shall be required for the operation of a farm producing crops, livestock, dairy or nursery products.

**8.01.04 Certifying Nonconforming Structure or Use**

The Development Administrator shall indicate on the premises whether the activity or use is nonconforming and therefore subject to the rights limits above. The holder of a permit may appeal this determination by following the procedures of 10.08.00. Any structure or use for which a permit has not been obtained as required in this Section shall be considered as not having been in existence at the time of the adoption of the Code.

**8.02.00 VARIANCES**

**8.02.01 Generally**

- A. Granted by Governing Body. Only the local governing body (i.e. the County Commission or Town/City Council) may grant a variance from the strict application of any provision of this Code if the following procedures are followed and findings made.
- B. Variances to be Considered as Part of Development Review. Any person desiring to undertake a development activity not in conformance with this Code may apply for a variance in conjunction with the application for development review. A development activity that might otherwise be approved by the Development Administrator must be approved by the local governing body if a variance is sought. The variance may be reviewed in conjunction with the application for development review by the Planning

Commission but shall be granted or denied by a separate action prior to the action taken on the associated development application by the local governing body.

#### **8.02.02        Limitations on Granting Variances**

- A.    Initial Determination. The local governing body shall first determine whether the need for the proposed variance arises out of the physical surroundings, shape, topographical condition, or other physical or environmental conditions that are unique to the specific property involved. If so, the local governing body shall make the following required findings based on the granting of the variance for that site alone. If, however, the condition is common to numerous sites so that requests for similar variances are likely to be received, the local governing body shall make the required findings based on the cumulative effect of granting the variance to all who may apply.
- B.    Required Findings. The local governing body shall not vary the requirements of any provision of this Code unless it makes a positive finding, based on substantial competent evidence, on each of the following:
1.    There are practical or economic difficulties in carrying out the strict letter of the regulation.
  2.    The variance request is not based exclusively upon a desire to reduce the cost of developing the site.
  3.    The proposed variance will not substantially increase congestion on surrounding public streets, the danger of fire, or other hazard to the public.
  4.    The proposed variance will not substantially diminish property values in, nor alter the essential character of the area surrounding the site.
  5.    The effect of the proposed variance is in harmony with the general intent of this Code and the specific intent of the relevant subject area(s) of the Code.
- C.    Imposition of Conditions. In granting a development approval involving a variance, the local governing body may impose such conditions and restrictions upon the premises benefitted by a variance as may be necessary to allow a positive finding to be made on any of the foregoing factors, or to minimize the injurious effect of the variance.

#### **8.02.03        Special Provisions Where Variance is Sought to Requirements to Flood Damage Prevention Regulations**

- A.    Conditions for Modification. The local governing body may permit modifications in the minimum standards of design under the following conditions:
1.    Because of unique topographic or other conditions of the land involved, and not the result of the actions of the developer, literal application of the provisions of this Code would impose unnecessary hardship; and
  2.    Conditions are attached to development permit approval that assure compliance with the requirements of this Code insofar as practical and the modification



granted is the minimum modification necessary to make possible a reasonable use of the land; and

3. The purposes and intent of Article Four are observed; and
4. There is no substantial increase in flood hazard or flood damage potential, as certified by a registered Florida professional engineer; and
5. The local governing body shall maintain the records of all appeal actions, including the technical information.

B. Additional Finding. In addition to the findings required by Section 8.02.02(B), the local governing body shall find that the requested variance will not result in an increase in the elevation of the Base Flood, additional threats to public safety, additional public expense, the creation of nuisances, fraud or victimization of the public, or conflicts with other local ordinances.

C. Considerations. Before granting a variance, the local governing body shall consider:

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

D. Flowage Easement. No variance that would increase the potential for flood damage on other property shall be granted unless flowage easements have been obtained from the owners of all affected properties.

- E. Notification. All variances to the flood protection regulations shall:
1. Specify the difference between the flood protection elevation and the elevation to which the structure is to be built.
  2. State that the variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage.
  3. State that construction below the Official 100-year Flood Elevations increases risks to life and property.
- F. Record of Variances to be Maintained. The Development Administrator shall maintain a record of all variances including the justification for their issuance and a copy of the notice of the variance. The Director shall report all variances in the Annual Report to the Board of County Commissioners.
- G. Historic Sites. Notwithstanding the foregoing requirements, special variances may be granted for the reconstruction, rehabilitation or restoration of structures listed on, or classified as contributing to a district listed on, the National Register of Historic Places, the Florida Master Site File, or a local register of historic places. The special variance shall be the minimum necessary to protect the historic character and design of the structure. No special variance shall be granted if the proposed construction, rehabilitation, or restoration will cause the structure to lose its historical designation.

## **8.03.00 CLUSTERING FROM ENVIRONMENTAL SENSITIVE AREAS**

### **8.03.01 Generally**

The density or intensity of a use that would have been allowed on a site designated as an environmentally sensitive area in the absence of the application of this Code may be used by "clustering" the development within the non-sensitive areas within the project site.

### **8.03.02 Procedure**

Development on parcels containing environmentally sensitive areas may be clustered on non-sensitive portions of the site by concentrating the number of units or the amount of square footage allowed for the entire site under the otherwise applicable land use designations on those non-environmentally sensitive portions of the site. The clustered development shall meet all applicable provisions of this Code including those in the resource protection regulations and other related to development activities adjacent to environmentally sensitive areas as described in Article Four of this Code.

**ARTICLE NINE  
BOARDS AND AGENCIES**

**9.00.00           GENERALLY**

**9.01.00           LAND DEVELOPMENT OFFICE**

**9.01.01           Creation**

**9.01.02           Development Administrator**

**9.01.03           Coordination with Other Jurisdictions**

**9.01.04           Development Administrator May Act as Agent**

**9.01.05           Duty to be Accessible to Public**

**9.01.06           Record Keeping**

**9.01.07           Public Access to Records**

**9.02.00           PLANNING COMMISSION**

**9.02.01           Purpose**

**9.02.02           Establishment**

**9.02.03           Designation as Local Planning Agency (LPA)**

**9.02.04           Membership**

**9.02.05           Terms of Members**

**9.02.06           Organization, Rules, Staff and Finances**

**9.02.07           Functions, Powers and Duties**

## **ARTICLE NINE**

### **BOARDS AND AGENCIES**

#### **9.00.00        GENERALLY**

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

#### **9.01.00        LAND DEVELOPMENT OFFICE**

##### **9.01.01        Creation**

There is hereby created a Washington County Land Development Office under the direction of the County Administrator. The Office shall perform all administrative functions of Washington County relating to the administration of this Code.

In accordance with the Washington County Comprehensive Plan this office shall also perform these administrative functions for the municipalities of Caryville, Ebro, Vernon and Wausau as well as for the unincorporated portions of the County. The Washington County Land Development Office may also perform requested administrative functions for the City of Chipley when the City requests such services and seeks to participate in the funding and share in the services of the Land Development Office.

##### **9.01.02        Development Administrator**

- A.    Establishment of Position and Term of Office. There is hereby established the position of Development Administrator who shall be appointed for a one-year term by the Board of County Commissioners of Washington County. The appointment may be extended for a subsequent term or terms.
- B.    Expertise. The Development Administrator shall have expertise both in land development administration, and in administrative decision making.
- C.    Duties. The duties of the Development Administrator are the following:
  - 1.    To interpret the Land Development Code, including all codes, laws and regulations referred to in this Code;
  - 2.    To make decisions and recommendations as required by this Code;
  - 3.    To prepare forms and guidelines which interpret this Code; and
  - 4.    To carry out other duties stated or implied by this Code.

##### **9.01.03        Coordination with Other Jurisdictions**

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

#### **9.01.04 Development Administrator May Act as Agent**

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

#### **9.01.05 Duty to be Accessible to Public**

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

#### **9.01.06 Record Keeping**

The Development Administrator shall gather, record and retain the following information:

- A. A log or brief notes of all communications, workshops or meetings.
- B. Reasons for every decision or recommendation which he or she renders in writing.
- C. A record of all decisions or recommendations made by the Development Administrator, Planning Commission, the governing body of the associated municipality, or the Board of County Commissioners.
- D. A copy of each development or use permit which has been issued, filed by description of lots or parcels, or activities thereon which have been the subject of permits.
- E. The current Comprehensive Plan and Development Code arranged in an orderly manner.
- F. An annual report, including at a minimum that material cited in Article Three (Concurrency) describing an aggregating all applications for a permit, proposed revisions of the Development Code, proposed amendments to the Washington County Comprehensive Plan, and the disposition of each before the Development Administrator, Planning Commission, the Board of County Commissioners for the previous year and other local governing bodies (i.e. Town or City Councils).

#### **9.01.07          Public Access to Records**

The Development Administrator shall maintain all the information described in Section 9.01.06 on file and available for inspection by the public. A copy of any such material shall be available at cost to any person requesting it.

#### **9.02.00          PLANNING COMMISSION**

##### **9.02.01          Purpose**

In order to safeguard the life, health, property and public welfare of its citizens, a County Planning Commission will be established and maintained. The further purpose of the Washington County Planning Commission is to plan for future development and to prepare, adopt and amend comprehensive plans to guide future development and to recommend to the Board of County Commissioners and the City/Town Councils of Caryville, Ebro, Vernon and Wausau the needs and plans for subdivision regulations; codes for building, plumbing, electrical, gas, fire, safety, and sanitation; zoning and land development regulations and such other areas as to promote the general well being of the citizens of the County and municipalities.

##### **9.02.02          Establishment**

The Board of County Commissioners of Washington County and the governing bodies of Caryville, Ebro, Vernon and Wausau hereby establishes the Washington County Planning Commission to be governed by the provisions of Chapter 163, in particular Section .160 through .315, of Florida Statutes as well as the provisions set forth in this Section.

##### **9.02.03          Designation as Local Planning Agency (LPA)**

Pursuant to, and in accordance with, Section 163 Florida Statutes, the Washington County Planning Commission is hereby designated and established as the Local Planning Agency (LPA) for the unincorporated areas of the County, as well as for the incorporated municipalities of Caryville, Ebro, Vernon and Wausau.

##### **9.02.04          Membership**

The Washington County Planning Commission shall consist of seven (7) members, who shall be residents of the County. Each County Commissioner shall nominate one or more persons residing within his commission district, and the Board of County Commissioners shall appoint, from the list of nominees, one person from each commission district to the Planning Commission. In addition, the Board of County Commissioners shall nominate and appoint one at-large member and an additional member shall be a representative from the Washington County School System. Should a majority of the County Commissioners, sitting as a quorum, fail to agree on a particular nominee, then a new nominee shall be submitted by the Commissioner from that district.

##### **9.02.05          Terms of Members**

- A. Generally. The terms of members of the Washington County Planning Commission shall be concurrent with the County Commissioner's tenure as appointed by that

Commissioner, each with eligibility for reappointment. The terms of each Planning Commission member shall expire 1-year after the scheduled election of the Board of County Commission seat for said Districts is filled. The following years shall implement this schedule: 2010 – None, 2011 – District 2, 4, At-Large Commissioners, 2012 – None, 2013 – Districts 1,3, and 5 Commissioners, 2014 – Board of Education Representative. The term of office for the at-large member and school system representative member shall be four (4) years. Any Planning Commission member can be reappointed.

Ord. 2010 – 02 9-24-2010

- B. Vacancy. Any vacancy in membership shall be filled for the unexpired term of the vacancy by the Board of County Commissioners of Washington County pursuant to the same procedure followed in the appointment of the previous member.
  - C. Removal of Member. A written notice, identifying the bases for a recommendation for removal, shall be given to a Planning Commission Member, 30 days prior to a public hearing for the removal of said member. The Board of County Commissioners of Washington County shall have the authority to remove any member of the Washington County Planning Commission for cause, on written charges, after a public hearing.
- Ord. 2010 – 02 9-24-2010
- D. Compensation. All members shall serve without compensation but may be reimbursed for actual expenses incurred in connection with their official duties.

#### **9.02.06            Organization, Rules, Staff and Finances**

- A. Election of Chairman. The Washington County Planning Commission shall elect a chairman and vice-chairman from the members recommended for appointment by the Board of County Commissioners of Washington County. The terms of the chairman and vice-chairman shall each be one year with eligibility for re-election.
- B. Appointment of Secretary. The Washington County Planning Commission shall appoint a secretary who may be an officer or employee of the County.
- C. Rules of Procedure. The Washington County Planning Commission shall make its own rules of procedure and determine its time of Meeting; provided that its rules of procedure and schedule of meetings shall be provided to the Board of County Commissioners of Washington County and the governing bodies of Caryville, Ebro, Vernon and Wausau.
- D. Meetings. All meetings of the Washington County Planning Commission shall be open to the public and all records of the Planning Commission shall be public records.
- E. Quorum. Four (4) members of the planning commission shall constitute a quorum for the transaction of business; however, no action shall be taken which is binding upon the planning commission unless concurred in by not less than a majority of all members comprising the Planning Commission.
- F. Staffing. The Washington County Planning Commission shall recommend to the Board of County Commissioners the appointment of any and all employees and staff deemed necessary by the Planning Commission for its work as well as any contacts or agreements with the State, other governmental or private planners or consultants for such services as may be deemed necessary by the Planning Commission.

- G. Budget. The Washington County Planning Commission shall annually submit a proposed budget for expenditures of the Planning Commission in accordance with the rules and procedures of the Board of County Commissioners of Washington County.

#### **9.02.07 Functions, Powers and Duties.**

The Washington County Planning Commission shall have the following functions, powers, duties, and responsibilities as set forth in Chapter 163, in particular Section .160 through .315, of Florida Statutes:

- A. Acquire and maintain such information and materials as are necessary to have an understanding of past trends, present conditions, and forces at work to cause changes in these conditions. Such information and material must include maps and photographs of man-made and natural physical features of the area concerned. Statistics on past trends and present conditions with respect to population, property values, economic base, land use, and such other information as is important or likely to be important in determining the amount, direction and kind of development to be expected in the area and its various parts.
- B. Prepare or cause to be prepared a comprehensive plan for Washington County including the municipalities of Caryville, Ebro, Vernon and Wausau. Adopt and, from time to time, amend and revise said plan for meeting present requirements and such future requirements as may be foreseen.
- C. Prepare and recommend the adoption of a Land Development Code and subsequent amendments thereto and administer the code as needed.
- D. Review and make recommendations on development order and development permit applications and applied for variances to this Code to the Board of County Commissioners of Washington County, and the Town/City Councils Caryville, Ebro, Vernon and Wausau.
- E. Approve location selection and site planning for public housing renewal projects, community facilities and utilities and other appropriate projects as assigned by the Board of County Commissioners of Washington County and the governing bodies of Caryville, Ebro, Vernon and Wausau.
- F. Prepare and recommend adoption of an official map of the County.
- G. Establish principles and policies for guiding action in the development of the area.
- H. Conduct such public hearings as may be required to gather information necessary for the drafting, establishment and maintenance of the comprehensive plan and such additional public hearings as are required by Florida Statutes.
- I. Make or cause to be made any necessary special studies on the location, condition and adequacy of facilities or functions administered by the Board of County Commissioners of Washington County and/or by the governing bodies of Caryville, Ebro, Vernon and Wausau.



- J. Interpret Future Land Use District Boundaries in acceptance with the generally accepted rules adopted by the Planning Commission.
- K. Perform any other duties which lawfully may be assigned by the Board of County Commissioners of Washington County and/or the governing bodies of Caryville, Ebro, Vernon and Wausau, on its activities and progress.
- L. Take appeals from or recommendations by the Development Administrator arising from a development proposal within the geographical area of Washington County to which that Planning Commission has been assigned by the Board of County Commissions and the governing bodies of Caryville, Ebro, Vernon and Wausau.

**ARTICLE TEN  
ADMINISTRATION AND ENFORCEMENT**

**10.00.00        GENERALLY**

- 10.00.01        Purpose**
- 10.00.02        Withdrawal of Applications**
- 10.00.03        Definitions**

**10.01.00        AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR  
TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

- 10.01.01        Generally**
- 10.01.02        Prerequisites to Issuance of Development Permit**
- 10.01.03        Required Land Use Certificates**
- 10.01.04        Exceptions to Requirement of a Final Development Order**
- 10.01.05        Post-Permit Changes**

**10.02.00        REVIEW OF SITE DEVELOPMENT PLANS**

- 10.02.01        Pre-Application Conference**
- 10.02.02        Application and Submittal Requirements**
- 10.02.03        Designation of Plans as Major or Minor Developments**
- 10.02.04        Review of Minor Developments**
- 10.02.05        Review of Major Developments**
- 10.02.06        Intergovernmental Review**
- 10.02.07        Project Phasing**
- 10.02.08        Notice Requirements**
- 10.02.09        Public Hearings**
- 10.02.10        Required Contents of Development Orders**
- 10.02.11        Guarantees and Sureties**

**10.03.00        RIGHT-OF-WAY ABANDONMENT AND VACATION OF PLATS**

- 10.03.01        Authority and Applicability**
- 10.03.02        Petitions**
- 10.03.03        Access to Water**
- 10.03.04        Notice of Intent to File Petition to Vacate a Right-of-Way or Easement**
- 10.03.05        Petition Application Procedures**
- 10.03.06        Review of Petition**
- 10.03.07        Public Hearing of Petitions for Abandonment of County Rights-of-Way and  
Public Easements for Drainage of County Rights-of-Way**
- 10.03.08        Recordation of Resolution**
- 10.03.09        Effect of Recording Resolution of Abandonment**

**10.04.00        VARIANCES**

**10.05.00        SPECIAL EXCEPTIONS**

<b>10.05.01</b>	<b>Pre-Application Conference</b>
<b>10.05.02</b>	<b>Designation of Special Exceptions as Type I or Type II</b>
<b>10.05.03</b>	<b>Application and Submittal</b>
<b>10.05.04</b>	<b>Review</b>
<b>10.05.05</b>	<b>Performance Standards</b>
<b>10.05.06</b>	<b>Traffic Impact Study</b>
<b>10.05.07</b>	<b>Appeals</b>
 <b>10.06.00</b>	 <b>DEVELOPMENT PERMITS</b>
<b>10.06.01</b>	<b>Application</b>
<b>10.06.02</b>	<b>Building and Sign Permits</b>
<b>10.06.03</b>	<b>Driveway Permits</b>
<b>10.06.04</b>	<b>Temporary Use Permits</b>
 <b>10.07.00</b>	 <b>PLAN AND CODE AMENDMENTS</b>
<b>10.07.01</b>	<b>State law Controlling</b>
<b>10.07.02</b>	<b>Application</b>
<b>10.07.03</b>	<b>Standards for Review</b>
<b>10.07.04</b>	<b>Review by Land Development Office</b>
<b>10.07.05</b>	<b>Action by Planning Commission</b>
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<b>10.07.07</b>	<b>Time Limitation</b>
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<b>10.08.01</b>	<b>Appeals from Decisions of the Land Development Office</b>
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<b>10.08.03</b>	<b>Record</b>
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## ARTICLE TEN

### ADMINISTRATION AND ENFORCEMENT

#### 10.00.00 GENERALLY

##### 10.00.01 Purpose

This Article sets forth the application and review procedures required for obtaining development orders, and certain types of permits. This Article also specifies the procedures for appealing decisions and seeking legislative action.

##### 10.00.02 Withdrawal of Applications

An application for development review may be withdrawn at any time. No fees shall be refunded if public notice of a public hearing has been given.

##### 10.00.03 Definitions

Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

- A. **Abut.** To physically touch or border upon; or to share a common property line.
- B. **Adversely Affected Person.** Any person who is suffering or will suffer an adverse impact to an interest protected or furthered by the Washington County Comprehensive Plan (including the municipalities of Caryville, Ebro, Vernon, and Wausau), including but not limited to: interests related to health and safety; police and fire protection services; densities or intensities of development; transportation facilities; recreational facilities; educational facilities; health care facilities, equipment, or services; and environmental or natural resources. The alleged adverse effect may be shared in common with other members of the community at large but must exceed in degree the general interest in community good shared by all persons.
- C. **Office.** The Washington County Land Development Office.
- D. **Developer.** Any person who engages in or proposes to engage in a development activity either as the owner or as the agent of an owner of property.
- E. **Development or Development Activity.** See Section 1.05.02 of this Code.
- F. **Development Order (DO).** Any order granting, denying, or granting with conditions an application for a building permit, subdivision approval, rezoning, land use change, certification, special exception, variance, or any other official action of the local government having the effect of permitting the development of land.
  - 1. Preliminary Development Order - A DRI Development Order, Future Land Use Map Amendment, Special Exception, Land Use Certificate, Preliminary Site Plan,

Variance approval, and any other Development Order other than a Final Development Order.

2. Final Development Order - A Preliminary Subdivision Plat approval, a Cluster Subdivision approval, a Minor Subdivision approval, a Final Subdivision Plat approval, Planned Unit Development (PUD) final development approval, final Site Plan approval, building permit, Development Agreement entered into pursuant to F.S. 163.3220 or any other Development Order which approves the development of land for a particular use or uses at a specified intensity of use and which allows commencement of construction or physical development activity on the land for which the Development Order is issued.
  3. Development Permit - For purposes of this Code a development permit is that official County document which authorized the commencement of construction or land alteration without need for further application and approval. Development permits include: all types of construction permits (plumbing, electrical, foundation mechanical, and so forth, in addition to the building permit itself), grading and clearing permits, septic tank permits, tree removal permits, sign permits, and flood protection permits.
- G. **Development Project (Project).** A specific development activity on a specific site to which a specific development order and Certificate of Concurrency applies. A "development project" may be a large development with several phases, one (1) or more phases within a larger development, a project unrelated to any other development activity, or a single structure.
- H. **Dwelling Unit.** A single housing unit providing complete, independent living facilities for one housekeeping unit, including permanent provisions for living, sleeping, eating, cooking and sanitation.
- I. **Gross Density.** The total number of dwelling units divided by the total site area, including public right-of-way.
- J. **Gross Floor Area.** The sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two (2) buildings, excluding exterior stairwells, balconies, uncovered porches and patios, interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six (6) feet.
- K. **Impervious Surface.** A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water. It includes, but is not limited to, semi-impervious surfaces such as compacted clay, as well as most conventionally surfaced streets, roofs, sidewalks, parking lots and other similar structures.
- L. **Improvement.** Any man-made, immovable item which becomes part of, is placed upon, or is affixed to real estate.
- M. **Minor Re-plat.** The subdivision or resubdivision of a single lot or parcel of land into two (2) lots or parcels solely for the purpose of increasing the area of two or more

adjacent lots or parcels of land, where there are not roadway, drainage or other required improvements, and where the resultant lots comply with the standards of this Code.

- N. **Owner.** A person who, or entity which, alone, jointly or severally with others, or in a representative capacity (including without limitation, an authorized agent, attorney, executor, personal representative or trustee) has legal or equitable title to any property in question, or a tenant, if the tenancy is chargeable under his lease for the maintenance of the property.
- O. **Parcel.** A unit of land within legally established property lines. If, however, the property lines are such as to defeat the purposes of this Code or lead to absurd results, a "parcel" may be as designated for a particular site by the Development Administrator. See Section 2.02.02, OO. for definition of Parcel Size Calculation.
- P. **Special Exception.** A use that would not be appropriate generally throughout a particular district, but which, if controlled as to number, area, location, or reflection to the neighborhood, would not adversely affect the public health, safety, comfort, good order, appearance, convenience, and the general welfare.
- Q. **Variance.** A relaxation of the literal terms of this Code where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of this regulation would result in unnecessary and undue hardship. See Article Eight of this Code specifically Section 8.02.00. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or classification, or in adjoining district or classifications.

## **10.01.00 AUTHORIZATION BY A DEVELOPMENT PERMIT REQUIRED PRIOR TO UNDERTAKING ANY DEVELOPMENT ACTIVITY**

### **10.01.01 Generally**

No development may be undertaken unless the activity is authorized by a development permit.

### **10.01.02 Prerequisites to Issuance of Development Permit**

Except as provided in Section 10.01.04 below, a development permit may not be issued unless the proposed development activity is authorized by a Land Use Certificate and a Final Development Order issued pursuant to this Code.

### **10.01.03 Required Land Use Certificates**

Before any structure shall be added to, erected, reconstructed, structurally altered, moved, or demolished, a Land Use Certificate shall be obtained from the Development Administrator. The Certificate shall be on a form provided by the Development Administrator and a Land Use certificate fee may be charged if a fee schedule is adopted by resolution by the Board of County Commissioners. Said Land Use Certificate shall be obtained prior to the issuance of any Building Permit.

A Land Use Certificate shall be issued or denied within ten (10) working days from the date of application. The applicant may appeal the denial of the Certificate to the Planning Commission, in writing within thirty (30) calendar days after rejection of the application. Each Application for a Land Use Certificate shall be accompanied by a plot plan drawn to scale showing the actual dimensions of the lot to be built upon, the size, shape, height and location of the buildings to be erected, dimensions and location of existing buildings, and width of front, side and rear yards, and any historical or environmentally sensitive areas located on the site.

When application is made to build upon a lot of nonconforming size, the application shall be accompanied by an affidavit that said lot was a Lot of Record prior to the adoption of these regulations.

A Land Use Certificate shall be valid for issuance of a Building Permit and shall be subject to the same conditions as the Building Permit. For cause, one or more extensions of the Land Use Certificate for periods not exceeding 120 days may be issued by the Enforcing Officer. The Development Administrator may revoke a Land Use Certificate issued in a case where there has been a false statement or misrepresentation in the application or on the plot plan for which the certificate was issued.

A Land Use Certificate is required for a mobile home or temporary structure used as an on-site real estate sales office, construction office or storage of tools and materials during construction may be located in any Land Use District in which a project has been approved. The on-site real estate sales office use shall be discontinued, and the mobile home/temporary structure removed no later than final closing for purchase of the last unit in the development project. The on-premise construction office or storage of tools and materials use shall be discontinued and the mobile home, temporary structure removed immediately after the final Certificate of Occupancy is issued.

#### **10.01.04 Exceptions to Requirement of a Final Development Order**

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

- A. Development activity necessary to implement a valid development plan on which the start of construction took place prior to October 1, 1991 and has continued in good faith. Compliance with the development standards in this Code is not required if in conflict with the previously approved plan.
- B. The construction or alteration of a one family dwelling (including Mobile Homes) on a lot of record, in a valid recorded subdivision approved prior to October 1, 1991, as long as concurrency is met. Compliance with the development standards in this Code is not required if in conflict with the previously approved plat.
- C. The construction or alteration of a one family dwelling (including Mobile Homes) on a parcel of record with deed dated prior to October 1, 1991, as long as the concurrency provisions and all design and resource protection standards contained in this Code are complied with.
- D. The alteration of an existing building or structure so long as no change is made to its gross floor area, its use, or the amount of impervious surface on the site.
- E. The re-surfacing of a vehicle use area that conforms to all requirements of this Code.
- F. A Minor Re-plat granted pursuant to the procedures in Article Six of this Code.

#### **10.01.05 Post-Permit Changes**

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

#### **10.02.00 REVIEW OF SITE DEVELOPMENT PLANS (SDP)**

##### **10.02.01 Pre-Application Conference**

Prior to filing for development plan review, the developer shall meet with the Development Administrator to discuss the development review process. No person may rely upon any comment concerning a proposed development plan, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. The pre-application conference may be waived at the option of the Development Administrator.



## **10.02.02      Application and Submittal Requirements**

- A.    Application. Applications for development review which shall be required prior to the issuance of all Final Development Orders, except those exempted under Section 10.01.04 of this Code shall be available at the Land Development Office. A completed application shall be signed by all owners, or their agent, of the property subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by the owners. In a case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation and embossed with the corporate seal.
- B.    Submittal Requirements Based on Development Plan Designation. A tiered approach shall be used in determining the information which must be submitted at the time of application. The greater the intensity of a project, based upon its designation as either general, minor or major, the greater the amount of information required. The following list describes the applicable submittal requirements for specific development plans. A determination of the applicability of specific requirements shall be made by the development Administrator.
1.    General Plan requirement - These shall be mandatory for all development plans.
  2.    Minor Review Requirements - These shall be mandatory for major and minor development plans.
  3.    Major Review Requirements - These shall be mandatory only for major development plans.
  4.    Optional Review Requirements - These may be required for the review of any development plan on a case-by-case basis at the discretion of the Development Administrator and/or the Planning Commission and/or the Board of County Commissioners when additional data is needed.
  5.    Environmentally Sensitive Area Requirements - These shall be required of all developments which contain environmentally sensitive areas as identified in Article Four, or at the discretion of the Development Administrator.
- C.    General Development Plan Submittal Requirements.
1.    All subdivisions as defined in Article Six of this Code shall comply with the platting and review requirements contained in Article Six.
  2.    All other development plans shall be drawn to a scale of one (1) inch equals one hundred (100') feet, unless the Development Administrator determines that a different scale is sufficient or necessary for proper review of the proposal.
  3.    These plans shall be twenty-four (24) inches by thirty-six (36) inches in size. A three-quarter (3/4) inch margin shall be provided on all sides except for the left binding side where a two (2) inch margin shall be provided.

4. If multiple sheets are used, the sheet number and total number of sheets must be clearly indicated on each.
5. The front cover sheet of each plan shall include:
  - a. A general vicinity or location map drawn to scale (both stated and graphic) showing the position of the proposed development in the section(s), township and range, together with the principal roads, city limits, and/or other pertinent orientation information.
  - b. A boundary survey pursuant to the requirements of 21-HH, F.A.C.
  - c. The name, address and telephone number of the owner(s) of the property. Where a corporation or company is the owner of the property, the name and address of the president and secretary of the entity shall be shown.
  - d. Name, business address, and telephone number of those individuals responsible for the preparation of the drawing(s).
  - e. Each sheet shall contain a title block with the name of the development, stated and graphic scale, a north arrow, and date.
  - f. The plan shall show the boundaries of the property with a metes and bounds description reference to section, township and range, tied to a section or quarter-section or subdivision name and lot number(s).
  - g. The area of the property shown in square feet and acres.
6. Unless a format is specifically called for below, the information required may be presented textually, graphically or on a map, plan, aerial photograph, or by other means, whichever most clearly conveys the required information. It is the responsibility of the developer to submit the information in a form that allows ready determination of whether the requirements of this Code have been met.
7. The total number and type of residential units categorized according to number of bedrooms. The total number of residential units per acre (gross density) and also Floor Area Ratio (FAR) calculations shall be given.
8. Restrictions pertaining to the type and use of existing or proposed improvements, waterways, open spaces, building lines, buffer strips and walls, and other restrictions of similar nature, shall require the establishment of restrictive covenants and such covenants shall be submitted with the Development Plan for recordation with the Clerk of the Circuit Court of Washington County.
9. Other documentation necessary to permit satisfactory review under the requirements of this Code and other applicable law as required by special circumstances in the determination of the Development Administrator.

D. Minor Development Plan Submittal Requirements.

1. All subdivisions as defined in Article Six of this Code shall comply with all platting and review requirements contained in Article Six.
2. A map of existing and proposed vegetation cover.
3. Proposed Development Activities and Design
  - a. Generally
    - (1) Area and percentage of total site area to be covered by an impervious surface.
    - (2) Grading plans specifically including perimeter grading.
    - (3) Construction phase lines.
  - b. Buildings and Other Structures
    - (1) Building plan showing the location, dimensions, gross floor area, and proposed use of buildings.
    - (2) Building setback distances from property lines, abutting right-of-way center lines, and all adjacent buildings and structures.
    - (3) Minimum flood elevations of buildings within any 100-year flood plain.
  - c. Location of the nearest available public water supply and wastewater disposal system and the proposed tie-in points, or an explanation of alternative systems to be used.
  - d. Exact locations of on-site and nearby existing and proposed fire hydrants.
  - e. Streets, Parking and Loading
    - (1) The layout of all streets, bike paths, and driveways with paving and profiles showing existing and proposed elevations and grades of all public and private paved areas.
    - (2) A parking and loading plan showing the total number and dimensions of proposed parking spaces, spaces reserved for handicapped parking, loading areas, proposed ingress and egress (including proposed public street modifications), and projected on-site traffic flow.
    - (3) The location of all exterior lighting.

- (4) The location and specifications of any proposed garbage dumpsters.
- (5) Cross sections and specifications of all proposed pavement.

f. Landscaping

- (1) Location and dimensions of proposed buffer zones and landscaped areas.
- (2) Description of plant materials existing and to be planted in buffer zones and landscaped areas.

g. A complete drainage plan prepared in accordance with Section 5.06.00 of Article Five of this Code, including stormwater management and erosion control.

4. Signs

- a. Two blueprints or ink drawings of the plans and specifications of regulated signs, and method of their construction and attachment to the building or ground, except those plans for standard signs that have been placed on file with the Development Administrator by a licensed sign contractor for standards signs. The plans shall show all pertinent structural details, wind pressure requirements, and display materials in accordance with the requirements of this Code and the building and electrical codes adopted by Washington County. The plans shall clearly illustrate the type of sign or sign structure as defined in this Code; the design of the sign, including dimensions, colors and materials; the aggregate sign area; dollar value of the sign; maximum and minimum heights of the sign; and sources of illumination.
- b. For regulated ground signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
  - (1) The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas and other existing ground signs on the parcel.
  - (2) All regulated trees that will be damaged or removed for the construction and display of the sign.
- c. For regulated building signs, a plan, sketch, blueprint, blue line print or similar presentation drawn to scale which indicates clearly:
  - (1) The location of the sign relative to property lines, rights-of-way, streets, alleys, sidewalks, vehicular access and parking areas, buildings and structures on the parcel.

- (2) The number, size, type, and location of all existing signs on the same parcel, except a single business unit in a multiple occupancy complex shall not be required to delineate the signs of other business units.
  - (3) A building elevation or other documentation indicating the building dimensions.
- 5. Location of all land to be dedicated or reserved for all public and private uses including rights-of-way, easements, special reservations, open space, and the like.
- 6. Location of on-site wells, and wells within one-thousand (1000') feet of any property line, exceeding one-hundred thousand (100,000) gallons per day.
- 7. Total acreage in each phase and gross intensity (non-residential) and gross density (residential) of each phase.
- 8. Number, height and type of residential units.
- 9. Floor area, height and types of office, commercial, industrial and other proposed uses.

E. Major Development Plan Submittal Requirements.

- 1. All subdivisions as defined in Article Six of this Code shall comply with all platting, review, and design standards contained in Article Six and other provisions of this Code.
- 2. A Master Plan is required for a Major Development which is to be developed in phases. A Master Plan shall provide the following information for the entire development:
  - a. A development plan for the first phase or phases for which approval is sought.
  - b. A development phasing schedule including the sequence for each phase; approximate size of the area in each phase; and proposed phasing of construction of stormwater management, public recreation and common open space areas and facilities.
  - c. Total land area, and approximate location and amount of open space included in each residential, office, commercial, and industrial area.
  - d. Approximate location of proposed and existing streets and pedestrian and bicycle routes, including points of ingress and egress.
  - e. Approximate location and acreage of any proposed public use such as parks, school sites, and similar public or semi-public uses.

- f. A vicinity map of the area within three hundred (300') feet surrounding the site showing:
  - (1) Land use designations and boundaries.
  - (2) Traffic circulation systems.
  - (3) Major public facilities.
  - (4) Municipal boundary lines.

F. Optional Review Submittal Requirements.

- 1. A soils map of the site (existing U.S. Soil Conservation Service maps are acceptable).
- 2. A topographic map of the site clearly showing the location, identification, and elevation of bench marks, including at least one bench mark for each major water control structure.
- 3. A detailed overall project area map showing existing hydrograph and runoff patterns, and the size, location, topography, and land use of any off-site areas that drain onto, through, or from the project area.
- 4. Existing surface water bodies, wetlands, streams and canals within the proposed development site, including seasonal high water-table elevations and attendant drainage areas for each.
- 5. A map showing the locations of any soil borings or percolation tests representative of design conditions shall be performed in the storm water management system will use swales, percolation (retention), or infiltration (detention with filtration) designs.
- 6. A depiction of the site, and all land within four hundred (400') feet of any property line of the site, showing the locations of environmentally sensitive areas.
- 7. The location of any underground or overhead utilities, culverts and drains on the property and within one hundred (100') feet of the proposed development boundary.
- 8. The 100-year flood elevation, minimum required floor elevation and boundaries of the 100-year flood plain for all parts of the proposed development.
- 9. Drainage basin or watershed boundaries identifying locations of the routes of off-site waters onto, through, or around the project.
- 10. An erosion and sedimentation control plan that describes the type and location of control measures, the stage of development at which they will be put into place or used, and maintenance provisions.

11. A description of the proposed storm water management system, including:
  - a. Channel, direction, flow rate, and volume of storm water that will be conveyed from the site, with a comparison to natural or existing conditions.
  - b. Detention and retention areas, including plans for the discharge of contained waters, maintenance plans, and predictions of surface water quality changes.
  - c. Areas of the site to be used or reserved for percolation including an assessment of the impact on groundwater quality.
  - d. Location of all water bodies to be included in the surface water management system (natural and artificial) with details of hydrograph, side slopes, depths, and water-surface elevations or hydrographs.
  - e. Linkages with existing or planned storm water management systems.
  - f. On- and off-site rights-of-ways and easements for the system including locations and a statement of the nature of the reservation of all areas to be reserved as part of the Storm water Management System.
  - g. The entity or agency responsible for the operation and maintenance of the Storm water Management System.
12. The location of off-site water resource facilities such as surface water management systems, wells, or well fields that will be incorporated into or used by the proposed project, showing the names and addresses of the owners of the facilities.
13. Runoff calculations.
14. Amount of area devoted to all existing and proposed land uses, including schools, open space, churches, residential and commercial, as well as the location thereof.

G. Environmentally Sensitive Area Submittal Requirements.

1. The exact sites and specifications for all proposed drainage, filling, grading, dredging, and vegetation removal activities including estimated quantities of excavation or fill materials computed from gross sections, proposed within an environmentally sensitive area.
2. Detailed statement or other materials showing the following:
  - a. The percentage of the land surface of the site that is covered with natural vegetation and the percentage of natural vegetation that will be removed by development.

- b. The distances between development activities and the boundaries of the environmentally sensitive area.
- c. The manner in which habitats of endangered and threatened species are protected.

#### **10.02.03 Designation of Plans as General, Minor or Major Developments**

- A. Generally. For purposes of these review procedures, all development plans shall be designated by the Development Administrator as general, minor or major developments according to the criteria below. Before submitting a development plan for review, the developer shall provide the Development Administrator with sufficient information to make this determination. The Development Administrator's determination shall be supported by written findings.
- B. General Development Plan. A plan shall be designated as general development if it is development other than that defined as minor or major development or that which is exempted from the requirement of a Final Development Order under Section 10.01.04 of this Code. For a General Development, the applicant shall submit the required information to the Land Development office and the development shall be reviewed through the prescribed process of issuing Land Use Certificates, Building Permits, Driveway/Roadway Connection Permits, and/or Certificates of Concurrency.
- C. Minor Development. A plan shall be designated as a minor development if it is:
  - 1. A Minor Subdivision as defined in Article Six of this Code.
  - 2. Any multi-family residential development of less than ten (10) units, that does not involve platting.
  - 3. Any non-residential use on a single parcel containing less than 10,000 square feet of non-residential floor space.
  - 4. Any addition to an existing non-residential use where the size of the addition is less than 10,000 square feet.
- D. Major Development. A plan shall be designated as a major development if it is:
  - 1. A Major Subdivision as defined in Article Six of this Code.
  - 2. Any multi-family residential development of ten (10) or more dwelling units.
  - 3. Any non-residential use on a single parcel containing 10,000 square feet or more of non-residential floor space.
  - 4. Any addition to an existing non-residential use where the size of the addition is 10,000 square feet or more.



5. Any development that should be more thoroughly considered and reviewed because of its location or potential for impact on public facilities, natural resources and public safety.
6. Construction of any roadway in Washington County, Florida.

#### **10.02.04 Review of Minor Developments**

##### **A. Procedure.**

1. For Minor Subdivisions the applicant shall comply with and be subject to all submittal and review requirements contained in Article Six of this Code entitled "Subdivision."
2. For other minor developments the applicant shall submit the minor development plan and supporting documentation pursuant to 10.02.02 to the Land Development Office.
3. After receipt of the above, the Land Development Office shall have fifteen (15) working days to:
  - a. Determine that the application is complete and proceed with the review; or
  - b. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within forty-five (45) days, to proceed with the review.
4. The Land Development Office shall then route the application that has been determined complete to any applicable agencies within five (5) working days and review the minor development plan for compliance with this Code within thirty (30) days.
5. Within five (5) days of the completion of the compliance review, the Development Administrator shall issue a recommendation approving, approving with conditions or denying the application based upon the requirements of this Code.
6. The Planning Commission shall consider the application at the next regularly scheduled meeting of the Planning Commission. In reviewing the application, the Planning Commission shall consider the recommendation of the Development Administrator and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Planning Commission shall approve, approve with conditions, or deny the application. The decision on the application shall be a final action, except for instances where the development is a minor subdivision, or in instances where the development is located within a municipality. In the case of a minor subdivision the development will be required to comply with the provisions of Article Six of this Code which requires local governing body approval. In the case of a development located within a municipality the action of the Planning Commission shall constitute a

recommendation to the governing body of the municipality which shall have final authority to approve, approve with conditions, or deny the application.

7. Notification of the Planning Commission's and of the governing body of the municipality's (if applicable) decision shall be mailed to the applicant and filed with the Land Development Office.

- B. Expiration. A development permit for a minor development shall be valid for a period of one (1) year and may be renewed only once for an equal period of time. Said renewal must be received prior to the date of expiration. However, additional extension(s) may be granted by the Board of County Commissioners for a specified period of time for good cause at a public hearing pursuant to Section 10.02.09. Developments under appeal shall also comply with provisions under Section 10.08.00 of this Code.

#### **10.02.05 Review of Major Developments**

##### **A. Procedure.**

1. For major subdivisions the applicant shall comply with and be subject to all submittal and review requirements contained in Article Six of this Code entitled "Subdivision."
2. For other major developments the applicant shall submit the major development plan and supporting documentation pursuant to Section 10.02.02 to the Land Development Office.
3. After receipt of the above, the Land Development Office shall have fifteen (15) working days to:
  - a. Determine that the application is complete and proceed with the review; or
  - b. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application, correcting the deficiencies within forty-five (45) days, to proceed with the review.
4. The Land Development Office shall then route the application that has been determined complete to any applicable agencies within five (5) working days and review the major development plan for compliance with this Code within thirty (30) days.
5. Within five (5) days of the completion of the compliance review, the Development Administrator shall issue a recommendation approving, approving with conditions or denying the application based upon the requirements of this Code.
6. The Planning Commission shall consider the application at the next regular meeting. In reviewing the application, the Planning Commission shall consider the recommendation of the Development Administrator and shall determine whether the proposed development specified in the application meets the

provisions of this Code. The Planning Commission shall recommend approval, approval with conditions, or denial of the application. The action of the Planning Commission shall constitute a recommendation to the Local Governing Body.

7. The Local Governing Body shall consider the application at the next regular meeting. In reviewing the application, the Local Governing Body shall consider the recommendation of the Development Administrator and the Planning Commission and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Local Governing Body shall approve, approve with conditions, or deny the application.
  8. Notification of the decision made by the Local Governing Body shall be mailed to the applicant and filed with the Land Development Office.
- B. Expiration. A development permit for a major development shall be valid for a period of one (1) year and may be renewed only once for an equal period of time. However, additional extension(s) may be granted by the Board of County Commissioners for a specified period of time for good cause at a public hearing pursuant to Section 10.02.09. Developments under appeal shall also comply with provisions under Section 10.08.00 of this Code.

#### **10.02.06 Intergovernmental Review**

Should a proposed development impact adjacent jurisdiction, as determined by the Development Administrator, the impacted jurisdictions will be notified in writing of the proposed development and given an opportunity to identify specific issues of concern. Such correspondence shall be submitted, along with the Development Administrator's recommendation, to the appropriate board approving such development action.

#### **10.02.07 Project Phasing**

A Master Plan for the entire development site must be approved for a major development that is to be developed in phases. The master plan shall be submitted simultaneously with an application for review of the development plan for the first phase of the development and must be approved prior to approval of the plan for the first phase. A development plan must be approved for each phase of the development under the procedures for development review prescribed above. Each phase shall include a proportionate share of the proposed recreational and open space, and other site and building amenities of the entire development, except that more than a proportionate share of the total amenities may be included in the earlier phases with corresponding reductions in the later phases.

#### **10.02.08 Notice Requirements**

Notice of all public hearings which are required by a provision of this Code shall be given as follows, unless expressly stated otherwise:

##### **A. NEIGHBORHOOD INFORMATION MEETING REQUIREMENT**

1. Applicants requesting a minor or major subdivision, Comprehensive Plan amendment, Future Land Use Map (FLUM) amendment, Planned Unit Development (PUD) amendment, Mixed

Use Project approval or Special Exception approval must conduct at least one Neighborhood Information Meeting ("NIM") after initial staff review and comment on the application have been provided, or after notification of application sufficiency for a minor or major subdivision, Comprehensive Plan amendment, Future Land Use Map (FLUM) amendment, Planned Unit Development (PUD) amendment, Mixed Use Project approval or Special Exception and before the Public Hearing with the Planning Commission or Board of County Commissioners acting as the Board of Zoning Appeals.

- a. For a small or large-scale amendment, the NIM is required prior to the Washington County Planning Commission adoption hearing. A second NIM for a site-specific comprehensive plan amendment, to be held prior to the Planning Commission adoption hearing, will only be required if, as determined by staff, a substantial change has occurred to the proposed amendment subsequent to the Board of County Commissioners transmittal hearing.
  - b. In the case of a Mixed-Use Project application, after initial staff review and comment on the application have been provided, a NIM shall be conducted prior to the first public hearing.
  - c. For all other applications, the appropriate number of staff reviews of the application returned before the NIM can be held will be at the discretion of the County Manager or his designee, only in cases where 1 or 2 pending reviews are unnecessarily hindering the applicant from presenting the proposal to the public.
2. Written notice of the meeting shall be sent to all property owners within 300 feet of the property lines of the land for which the amendment to zoning is sought. The 300-foot distance shall be measured from the boundaries of the entire subject property. For properties located within areas of the future land use element of the growth management plan that are not designated urban, the foregoing notice requirements apply, except that written notification must be sent to all property owners within 300 linear feet of the subject property. For the purposes of this requirement, the names and addresses of property owners shall be deemed those appearing on the latest tax rolls of Washington County. The applicant shall provide written notice of the NIM to property owners, condominium and civic associations whose members may be impacted by the proposed land use changes and who have formally requested the county to be notified.
- a. A list of such organizations must be provided and maintained by the county, but the applicant must bear the responsibility of insuring that all parties are notified. A copy of the list of all parties noticed as required above, and the date, time, and location of the meeting, must be furnished to the County Manager or designee and the office of the Board of County Commissioners no less than ten days prior to the scheduled date of the NIM.
  - b. The applicant must make arrangements for the location of the meeting. The location must be reasonably convenient to those property owners who are required to receive notice and the facilities must be of sufficient size to accommodate expected attendance. The applicant must further cause a display advertisement, ¼ page, in type no smaller than 12 point, and must not be placed in that portion of the newspaper where legal notices and classified advertisements appear, stating the purpose, location, time of the meeting and legible site location map of the property for which the zoning change is being requested. The advertisement is to be placed within a newspaper of general circulation in the county at least 10 days prior to the NIM. The Washington County staff planner assigned to attend

the pre-application meeting, or designee must also attend the neighborhood informational meeting and shall serve as the facilitator of the meeting; however, the applicant is expected to make a presentation of how it intends to develop the subject property. The applicant is required to audio or video tape the proceedings of the meeting and to provide a copy of same to the County Manager or designee.

- c. As a result of mandated meetings with the public, any commitments made by the applicant shall be reduced to writing and made a part of the record of the proceedings provided to the Planning Department. These written commitments will be made a part of the staff report to the county's appropriate review and approval bodies and made a part of the consideration for inclusion in the conditions of approval of any applicable development order.
  - d. In cases where the applicant's petition activity extends beyond one year from the date that the last NIM was held, a second NIM will be conducted with adherence to all notification and advertising required for the initial meeting. This requirement does not apply to site-specific comprehensive plan amendments.
3. Any applicant requesting variance approval or parking exemption approval must provide documentation to the Senior Planner indicating that property owners within 150 feet of the subject site have been advised of the extent and nature of the variance or parking exemption requested within 30 days of receipt of a letter indicating that the application is sufficient.
  4. Where it has been determined that there is a property owner, functioning condominium or civic association which has made formal request of the county to be so notified, then the applicant must provide written documentation to the Senior Planner indicating that such property owner or organization has also been notified concerning the extent and nature of the variance or parking exemption requested. A list of property owners, homeowner or condominium associations notified, and any other written communications must be submitted to the Senior Planner at least 2 weeks prior to the scheduled date of the first advertised public hearing. The applicant must provide a written account of the result of such notice and shall submit any and all written communications to the Senior Planner.
  5. Signs. For all minor or major subdivision, small-scale or other site-specific comprehensive plan amendment, rezoning, planned unit development amendment, mixed use project approval or Special Exception, a sign shall be placed on the parcel of property affected by the proposed change at least ten (10) days before any public hearing. Signs shall be placed along every roadway that the subject property fronts and shall have a maximum spacing of not more than 500' along any roadway frontage. The applicant shall provide an affidavit of the required posting of the subject property. The sign shall state the substance of the proposed land use change or special exception and shall state a time and place for the NIM.

## **B. PUBLIC HEARING NOTIFICATION**

1. Content of Notice. Every required notice shall include: the date, time, and place of the hearing; a description of the substance of the subject matter that will be discussed at the hearing; a legal description of the properties directly affected including the street address when available; a statement of the body conducting the hearing; a brief statement of what action the body conducting the hearing may be authorized to take; and a statement that the hearing may be continued from time to time as may be necessary. Notices for public hearings before

the Washington County Planning Commission, The Board of County Commissioners or City/Town Councils on amendments to the Future Land Use Map shall also contain a geographic location map which clearly indicates the area covered by the proposed amendment. The map shall include major street names as a means of identification of the area.

2. Publication. Publication of the notice shall be as follows:
  - a. Generally - Except as provided in paragraphs 2 and 3 below, notice of all public hearings, and appeals from a decision, order, requirement, or determination of an administrative officer or board of the County or municipality shall be properly advertised in a newspaper of general circulation not more than thirty (30) days nor less than ten (10) days before the date of the hearing.
  - b. Amendments to the Washington County Comprehensive Plan - Notice pursuant to the adoption of amendments to the Washington County Comprehensive Plan shall be given pursuant to Chapter 163.3184 through 163.3187, F.S. Amendments to the Future Land Use Map shall be further noticed in accordance with Section 10.02.08 D of this code.
  - c. Amendments to the Text of This Code - Any amendment to the text of this Code shall require public hearing and publication of notice as follows:
    - (1) The Washington County Planning Commission shall hold one advertised public hearing on the proposed ordinance or resolution. This hearing shall be held on a weekday and shall be held approximately ten (10) days after the day that the advertisement is published.
    - (2) The Board of County Commissioners and other affected local governing bodies (the municipalities of Caryville, Ebro, Vernon or Wausau) shall each hold two advertised public hearings on the proposed ordinance or resolution. Both hearings shall be held on a weekday, and the first shall be held approximately ten (10) days after the day that the first advertisement is published. The second hearing shall be held approximately two (2) weeks after the first hearing and shall be advertised approximately five (5) days prior to the public hearing. The date, time, and place at which the second public hearing will be held shall be announced at the first public hearing.
3. Public Inspection. A copy of the notice of public hearing shall be available in the Land Development Office during regular business hours.
4. Mail. For non property owner initiated changes to the Future Land Use Map within the municipalities of Caryville, Ebro, Vernon and Wausau, which involve less than 5% of the land area of the affected local governing body, mailing of notices shall be made by the Clerk of the Circuit Court to real property owners located within three hundred (300) feet of the property directly affected by the proposed action and whose address is known by reference to the latest approved ad valorem tax roll. The notice shall state the substance of the proposed land use change as it affects those property owners (including the property on which the land use is changed) and shall state a time and place for the public hearing concerning the land use change. Such notice shall be given at least 10 days and not more that 30 days prior to the date set for the first public hearing on the proposed land use change.

For non-property owner-initiated changes to the Future Land Use Map of the unincorporated portion of Washington County which are not initiated or participated in by the land owner,

and which involve less than 5% of the land area of the affected local governing body, mailing of notices shall be made to the owner of the real property which the land use change addresses. The notice shall state the substance of the proposed land use change and shall state a time and place for the public hearing concerning the land use change. Such notice shall be given at least 10 days and not more than 30 days prior to the date set for the first public hearing on the proposed land use change.

For all changes to the Future Land Use Map, and for all proposed Special Exceptions as outlined in Section 10.05.00 of this Code, mailing of notices shall be made to all real property owners of property which directly adjoin the property affected by the proposed action, and all property owners located within 300 ft of the affected property whose address is known by reference to the latest approved ad valorem tax roll. The notice shall state the substance of the proposed land use change or Special Exception and shall state a time and place for the public hearings before the Planning Commission and the Board of County Commissioners concerning the land use change or Special Exception. Such notices shall be mailed at least ten (10) days before such hearings and shall be sent certified mail. The petitioner(s) for the land use change shall be responsible for the mailing of such notices and shall furnish evidence of such mailings at the first public hearing before the Washington County Planning Commission.

5. Signs. For all changes to the Future Land Use Map, and for all proposed Special Exceptions as outlined in Section 10.05.00, signs shall be placed on the parcel of property affected by the proposed change at least ten (10) days before any public hearing. Signs shall be placed along every roadway that the subject property fronts and shall have a maximum spacing of not more than 500' along any roadway frontage. The applicant shall provide an affidavit of the required posting of the subject property. The sign shall state the substance of the proposed land use change or special exception and shall state a time and place for the public hearings before the Planning Commission and the Board of County Commissioners.

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#### **10.02.09 Public Hearings**

- A. Setting the Hearing. When the Development Administrator determines that an application is complete, he/she shall notify the appropriate decision-making body, so a public hearing may be set and notice given in accordance with Section 10.02.08 of this Code.
- B. Examination and Copying of Application and Other Documents. Any time after the provision of notice, any person may examine the application or petition in questions, and the material submitted in support or opposition to the application or petition in the Land Development Office during regular business hours. Any person shall be entitled to obtain copies of the application or petition and other materials upon reasonable request and payment of a fee to cover the actual costs of providing such copies.

C. Conduct of the Hearing.

1. Rights of All Persons - Any person may appear at a public hearing, or may be represented by counsel or agent, and may submit documents, materials, and other written or oral testimony either individually or as a representative of an organization. Each person who appears at a public hearing shall identify himself, his address and state the name and mailing address of any organization he represents. The body conducting the public hearing may place reasonable time restrictions on the presentation of testimony and the submission of documents and other materials.
2. Continuance of Hearing - The body conducting the hearing may continue the hearing to a fixed date, time and place.

D. Record of the Hearing.

1. The transcript of testimony, when and if available, the minutes of the Secretary, all applications, exhibits, documents, materials, and papers submitted in any proceeding before the decision-making body, the report of the Development Administrator and the decision and report of the decision-making body shall constitute the record.
2. The body conducting the hearing shall record the proceedings by any appropriate means; upon request of any person the Development Administrator and payment of a fee to cover the cost of transcription, the record may be transcribed, and a copy provided to that person. If a sound recording is made, any person shall be entitled to listen to the recording at any reasonable time, or make copies at his own expense, at the Land Development Office.

E. Action by Decision Making Body. The decision-making body shall render its decision within a reasonable time, unless stated otherwise in this Code.

F. Notification. Notification of the final decision on an application shall be mailed to all parties making application. A copy of the final decision shall be filed in the Land Development Office.

**10.02.10 Required Contents of Development Orders**

A. Preliminary Development Order. A preliminary development order shall contain the following:

1. An approved preliminary development order (may be subject to conditions and modifications) with findings and conclusions.
2. A listing of conditions that must be met, and modifications to the preliminary development plan that must be made, in order for a final development order to be issued. The modifications shall be described in sufficient detail and exactness to permit a developer to amend the proposal accordingly.



3. A listing of federal, state, and regional permits that must be obtained in order for a final development order to be issued.
4. With regard to the concurrency management requirements in Article Three:
  - a. The determination of concurrency.
  - b. The time period for which the preliminary development order is valid.

B. Final Development Order. A final development shall contain the following:

1. A determination that, where one was required, a valid preliminary development order exists for the requested development.
2. An approved final development plan with findings and conclusions.
3. A determination that all conditions of the preliminary development order have been met.
4. If modifications must be made to the development plan before a final development order may be issued, a listing of those modifications and the time limit for submitting a modified plan.
5. A specific time period during which the development order is valid and during which time development shall commence. A final development order shall remain valid only if development commences and continues in good faith according to the terms and conditions of approval.

#### **10.02.11 Guarantees and Sureties**

A. Applicability.

1. The provisions of this section shall apply to all developments except for subdivisions as defined in Article Six of this Code. Subdivisions shall be required to comply with the "Guarantee of Completion of Improvements" contained in Section 6.03.00 of Article Six.
2. Nothing in this Section shall be construed as relieving a developer of any requirement relating to concurrency in Article Three of this Code.
3. This Section does not modify existing agreements between a developer and the County for subdivisions platted and final development orders granted prior to October 1, 1991, providing such agreements are current as to all conditions and terms thereof.

B. Improvements Agreements Required. The approval of any development plan shall be subject to the developer providing assurance that all required improvements, including, but not limited to storm drainage facilities, streets and highways, water and sewer lines, space for Emergency Services antenna on telecommunication towers, mineral extraction reclamation work, landfill activities shall be satisfactorily constructed according to the

approved development plan or reclamation plan. The following information shall be provided:

1. Agreement that all improvements, whether required by this Code or constructed at the developer's option, shall be constructed in accordance with the standards and provisions of this Code.
2. The term of the agreement indicating that all required improvements shall be satisfactorily constructed within the period stipulated. This period shall not exceed five (5) years from the date of the initialization of the agreement or thirty percent (30%) occupancy of the development, whichever comes first, except for in the case of mining and mineral extraction and/or a landfill reclamation plan which shall conform to Section 10.02.11 B. a. below.
  - a. For mining and mineral extraction and landfill reclamation plans, the term of the agreement shall coincide with the predicted life of the mineral extraction and/or landfill use. The reclamation plan and the associated guarantees and sureties shall provide for all required long-term monitoring activities.
3. The projected total cost for each improvement. The cost for the construction of each improvement or the reclamation shall be determined by either of the following:
  - a. Estimate prepared and provided by the applicant's engineer.
  - b. A copy of the executed construction contract provided.
4. Specification of the public improvements to be made and dedicated together with the timetable for making improvements.
5. Agreement that upon failure of the applicant to make the required improvements (or to cause them to be made) according to the schedule for making those improvements, the County shall utilize the security provided in connection with the agreement.
6. Provision of the amount and type of security provided to ensure performance.
7. Provision that the amount of the security may be reduced periodically, but not more than two (2) times during each year, subsequent to the completion, inspection and acceptance of improvements by the County.

C. Amount and Type of Security.

1. The amount of the security listed in the improvement agreement shall be approved as adequate by the Development Administrator or his/her designee.
2. Security requirements may be met by but are not limited to the following:
  - a. Cash Deposit

- b. Irrevocable Letters of Credit
- c. Surety Bond
- 3. The amount of security shall be one hundred and ten (110%) percent of the total construction costs for the required developer-installed improvements or reclamation plan. The amount of security may be reduced commensurate with the completion and final acceptance or approval of required improvements. In no case, however, shall the amount of the bond or security be less than one hundred and ten (110%) percent of the cost of completing the remaining required improvements.

D. Completion of Improvements.

- 1. When improvements are completed, final inspection shall be conducted and corrections, if any, shall be completed before final acceptance or approval is recommended by the Development Administrator. A recommendation for final acceptance shall be made upon receipt of a certification of project completion and one (1) copy of all applicable test results.
- 2. As required improvements are completed and accepted, the developer may apply for release of all or a portion of the bond consistent with the requirement in Section 10.2.11 B.7. above.

E. Maintenance of Improvements.

- 1. A maintenance agreement and security shall be provided to assure Washington County that all required improvements shall be maintained by the developer according to the following requirements:
  - a. The period maintenance shall be a minimum of one (1) year.
  - b. The maintenance period shall begin with the acceptance or approval by the County of the construction of the improvements.
  - c. The security shall be in the amount of ten (10%) percent of the construction cost of the improvements.
  - d. The original agreement shall be maintained by the Development Administrator.
- 2. Whenever a proposed development provides for the creation of facilities or improvements which are not proposed for dedication to the County a legal entity shall be created to be responsible for the ownership and maintenance of such facilities and/or improvements.
  - a. When the proposed development is to be organized as a condominium under the provisions of Chapter 718 F.S., common facilities and property shall be conveyed to the condominium's association pursuant to that law.

- b. When no condominium is so organized, an owners' association shall be created, and all common facilities and property shall be conveyed to that association.
  - c. No development order shall be issued for a development for which an owners' association is required until the documents establishing such association have been reviewed and approved by the County Attorney.
- 3. An organization established for the purpose of owning and maintaining common facilities not proposed for dedication to Washington County shall be created by covenants running with the land. Such covenants shall be included and recorded with the final plat. Such organization shall not be dissolved, nor shall it dispose of any common facilities or open space by sale or otherwise without first offering to dedicate the same to the County.

### **10.03.00 RIGHT-OF-WAY ABANDONMENT AND VACATION OF PLATS**

#### **10.03.01 Authority and Applicability**

This section is enacted pursuant to the provisions of Sections 125.66 and 336.09 Florida Statutes, and is enacted for the purpose of establishing procedures to be followed when any person or persons request the closing or abandonment of a roadway, street, rights-of-way, or easement under the provisions of Section 336.09 Florida Statutes.

- A. The provisions of this Section shall apply to all streets, plats, rights-of-way, access, ingress and egress, utilities, drainage and easements under the jurisdiction and control of the Board of County Commissioners.
- B. The procedures for vacation of recorded subdivision plats are presented in Article Six of this Code, see Section 6.05.00. The procedures set forth in this section shall apply to applications for vacation of public rights-of-way, easements, etc. pursuant to Section 177.101 (3) F.S. which are not recorded through the platting process. Any petition to vacate a plat, or portion thereof, which plat, or portion thereof, contains private rights-of-way shall not require a public hearing; provided, however, that a public hearing shall be required if the petition site includes a County right-of-way or public easement for drainage purposes which services a County right-of-way.

#### **10.03.02 Petitions**

- A. Petitions for Abandonment of Rights-of-Way. Any person, governmental entity or business entity desiring to abandon the public's interest in and to any right-of-way shall be required to make written application to the County pursuant to this Section. The application shall be on the petition form prescribed by the Land Development Office and the petition shall be signed by the person or persons requesting the action.
- B. Application Fee. The application fee shall be determined in accordance with Section 10.09.00.

### **10.03.03 Access to Water**

No right-of-way, road, street, or public access way giving access to any publicly accessible waters in the County, shall be closed, vacated or abandoned except in those instances wherein the petitioner(s) offers to trade or give to the County comparable land or lands for a right-of-way, road, street or public access way to give access to the same body of water, such access to be of such condition as not to work a hardship to the users thereof, the reasonableness of the distance and comparable land being left to the discretion of the Board of County Commissioners.

### **10.03.04 Notice of Intent to File Petition to Vacate a Right-of-Way or Easement**

Immediately prior to filing the petition to vacate right-of-way or easement with the Land Development Office, the petitioner shall cause to be published a notice of intent in a newspaper of general circulation in the County once weekly for two (2) consecutive weeks. Such notice of intent shall state the intent of the petitioner to file a petition pursuant to this Section and in Chapter 177, F.S.

### **10.03.05 Petition Application Procedures**

In addition to any other information, the petition shall contain the following:

- A. Legal Description of Petition Site. A complete and accurate legal description of the petition site.
- B. Type of Petition. A statement identifying the type of petition, the source of the County's or public's interest, together with a reference to the recording information for the petition site. The type of petition may be for abandonment of:
  - 1. A County right-of-way;
  - 2. The public's interest in a private right-of-way; or
  - 3. A public easement.
- C. Location Map. A drawing measuring not less than eight (8) inches by fourteen (14) inches and not larger than eleven (11) inches by seventeen (17) inches which clearly and legibly identifies the location of the petition site in relation to the nearest public right-of-way, excluding the petition site, and all affected properties. The location map may be located on the survey in a separate block.
- D. Access to Affected Property. The petition shall contain a statement that to the best of the petitioner's knowledge, the granting of the petition would not affect the ownership or right of convenient access of persons owning other land located abutting the right-of-way or easement.
- E. List of Affected Persons. A list of all persons owning property adjoining or being served by the roadway, street, easement, etc. in question, including the persons address and telephone number.

- F. Federal or State Highway Statement. The petitioner shall certify that the petition site, or any portion thereof, is not a part of any state or federal highway and was not acquired or dedicated for state or federal highway purposes.
- G. Evidence of Title. The petition shall state the source of petitioner's ownership or interest in and to the petition site, and a reference to the recording information for same. A copy of the source instrument shall be certified by the Clerk of the Circuit Court and attached to the petition.
- H. Evidence of Taxes Paid. The petition shall state that all state, municipal and County taxes on the petition site have been paid. The certificate(s) of the Tax Collector's Office showing payment of same (as payment is defined in Section 177.101.4, F.S.) shall be attached to the petition. If the petition site or any portion thereof is tax-exempt, the petition shall so state and a copy of the tax roll from the Tax Collector's Office which shows such exemption shall be attached to the petition.
- I. Municipal Resolution. The petition shall state whether the petition site lies within the corporate limits of a municipality, within the unincorporated area, or both. If any portion of the petition site lies within the corporate limits of a municipality, the municipality shall first abandon its interest in the petition site by appropriate resolution, and a certified copy of the municipal resolution shall be attached to the petition.
- J. Fees. The petition shall state whether the petition site is subject to the application fee, the amount of the fee, and that the fee is submitted herewith.
- K. Justification. The petition shall detail the relevant reasons in support of the request and granting of the petition.

#### **10.03.06      Review of Petition**

- A. Review and Notification. Each petition shall be reviewed by the Development Administrator, and any governmental agency or affected County Office. Upon receipt, the Development Administrator shall distribute the petition to the reviewing departments and agencies. Within twenty (20) days of receipt of the petition, the reviewing departments and agencies shall submit a written report containing its findings and recommendations to the Development Administrator. Upon receipt of all written reports, the Development Administrator shall review the petition and reports and shall notify the petitioner in writing of any reasonable conditions to be performed prior to forwarding the petition and reports pursuant to paragraph (B) below. Within sixty (60) days of receipt of the Development Administrator's notification, the petitioner shall comply with, agree and commit in writing to the conditions, or disagree in writing to the conditions. Failure to respond to the Development Administrator's notification may result in a recommendation to deny the petition by the Development Administrator.
- B. Review by Board of County Commissioners. After expiration of the sixty (60) day period above or sooner, if conditions are not imposed, or, if imposed, are responded to by the petitioner in the manner set forth above, the Development Administrator shall forward the petition together with his/her findings and recommendations of same to the Board of County Commissioners for their review in accordance with this Section. The Development Administrator shall set the petition for public hearing in accordance with

Section 10.02.09(A) unless the petition is not subject to a public hearing. If a public hearing is not required, upon its review, the Board shall adopt a resolution either approving or denying the petition. The Board may reject a petition if a petition covering the same lands had been considered at any time within six (6) months of the date the later petition is submitted.

#### **10.03.07 Public Hearing of Petitions for Abandonment of County Rights-of-Way and Public Easements for Drainage of County Rights-of-Way**

- A. Generally. Pursuant to Section 336.10, F.S., a public hearing shall be held for any petition for abandonment which affects County right-of-way and public easements for drainage which service a County right-of-way.
- B. Time and Place of Hearing. The Board of County Commissioners hereby exercises their authority, as set forth in Florida Statutes Section 336.09, by authorizing and directing the Development Administrator to establish a definite time and place to hold the public hearing required by Section 336.10, F.S. and this Section and to publish the notice of the hearing.
- C. Publication of Notice of Public Hearing. Advertisement of such public hearing shall be as set forth in Section 10.02.08.
- D. Posting of Notice of Public Hearing. The Development Administrator shall notify the petitioner of the date and time of the public hearing and shall direct the petitioner to post the property with a notice of petition to vacate. The petitioner shall place the notice in a conspicuous and easily visible location, abutting a public thoroughfare when possible, on the subject property at least ten (10) days prior to the public hearing.
- E. Mailing of Notice of Public Hearing. The Development Administrator shall mail a copy of the notice of public hearing to all affected property owners as described in Section 10.02.08(D).
- F. Notice of Adoption of Resolution. If the County Commission shall, by resolution, grant the petition, notice thereof shall be published one (1) time within thirty (30) days following the date of adoption of such resolution in a newspaper of general circulation published in the County. The proof of publication of the notice of public hearing, and the proof of publication of the notice of the adoption of the resolution, and a copy of the resolution shall be recorded by the Clerk of the Circuit Court in the Public/Official Records of Washington County.

#### **10.03.08 Recordation of Resolution**

Upon adoption of a resolution approving a petition, a certified copy of same shall be filed in the Public Records in accordance with Section 177.101 or Section 336.10, F.S., whichever is applicable.

#### **10.03.09 Effect of Recording Resolution of Abandonment**

- A. For County rights-of-way, upon the recordation of the proof of publication of notice of public hearing, proof of publication of the notice of adoption of the resolution, and a copy

of the resolution in the Public Records, the interest of the right-of-way so closed shall be vested in accordance with provisions of Section 336.12, F.S.

- B. For plats, or portions thereof, recordation in the Public Records of resolutions approving abandonment of a plat or a portion thereof shall have the effect of vacating all streets and alleys in accordance with Section 177.101(5), F.S., and shall either return the vacated property to the status of unplatted acreage or shall vacate the first plat in accordance with Section 177.101(1) or (2), F.S., as applicable.

#### **10.04.00 VARIANCES**

For a discussion of variance procedures, see Section 8.02.00 of this Code.

#### **10.05.00 SPECIAL EXCEPTIONS**

##### **10.05.01 Pre-Application Conference**

Prior to filing for a special exception, the developer shall meet with the Development Administrator to discuss the special exception review process. No person may rely upon any comment concerning a proposed special exception, or any expression of any nature about the proposal made by any participant at the pre-application conference as a representation or implication that the proposal will be ultimately approved or rejected in any form. The pre-application conference may be waived at the option of the Development Administrator.

##### **10.05.02 Designation of Special Exception Type.**

- A. Generally. For purposes of these review procedures, all special exceptions shall be designated by the Development Administrator as one of the Types presented with the criteria below.
- B. Type I Special Exception. A special exception shall be designated as Type I if it is:
  - 1. A residential use located within a Commercial or Industrial Land Use District.
- C. Type II Special Exception. A special exception shall be designated as Type II if it is:
  - 1. A use located within the Conservation Land Use District.
- D. Type III Special Exception. A special exception shall be designated as Type III if it is:
  - 1. A general industrial use located within an Industrial Land Use District.
- E. Type IV Special Exception. A special exception shall be designated as Type IV if it is:
  - 1. Any of the following types of uses limited to a maximum floor area of 2,500 square feet and located within an agricultural/silvicultural Land Use District.
    - a. Vehicle sales, rental, service, and repair (excluding truck stops) and the repair and service of new and used automobiles, boats, farm equipment, motorcycles and trucks.



- b. Livestock auction facilities.
- c. Animal training facilities and outside kennels.
- d. Flea markets or other similar outdoor or indoor sales complexes.
- e. Repair shops for equipment and building trade contractors.

F. Type V Special Exception. A special exception shall be designated as Type V if it is:

1. An overlay mining or mineral extraction use located within The Agricultural/Silvicultural Land Use District, or within the Industrial Land Use District.
2. All mining activities shall comply with DEP standards designed to reduce point sources of air pollution. Chapter 62-213 Florida Administrative Code (F.A.C.)
3. Phasing of extraction activities shall be used as a device to assure that only small areas are affected by such activities at one time. Where mining is being accomplished in benches that are more than five (5) years apart, general maintenance to control erosion, provide safety sheer slopes, provide storm water drainage and minimize groundwater impacts shall be implemented.
4. Mining plans shall be issued for a maximum period of 25 years. At least every five (5) years the local governing body shall review each individually permitted geographically distinct mining site for a compliance review. If the mining activities are not compliant, then mining will cease until such time as the County can be assured that compliance requirements are being met
5. The County requires that the application for any mining permit from state and/or federal agency for mining operations and or reclamation be submitted concurrently to the County for consistency with the Special Exception process as detailed in the Land Development Code and a copy of the approved permit be furnished by the permittee to the Washington County Planning Department.
6. A 100-foot buffer shall be required to be established and maintained between the outermost perimeter of mining activities and adjacent existing and future uses to achieve an aesthetically pleasing landscape compatible with those land uses.
7. A reclamation plan shall be submitted and approved by the County as part of the development review process before mining activities are permitted.
8. Before mining operations are approved, the County shall require that a fee and/or bond be posted in amounts sufficient to compensate for any degradation of County maintained roadways with the amount of the fee or bond being determined by the County Engineer and approved by the Board of County Commissioners.
9. Each geographically distinct mining site shall require a separate permit application.
10. Permissible hours of operation will be between the hours of 7:00 a.m., and 6:00 p.m., from Monday through Saturday, except that the Washington County Planning Commission can recommend that the hourly period can be extended from sunrise to sunset only within remote areas.
11. The Type V Special Exception application shall address appropriate modifications in mining operations that will reduce adverse response from the

- public. These modifications will address the reductions of dust, noise, traffic, stormwater, roadway damage, and security of the site.
12. It will be the policy of the County to address future undesirable conditions resulting from placement of new mines or expansion of existing mines in close vicinity to existing private potable water wells. A 500-foot setback shall be required from the outer perimeter of the approved planned site of the mine to the any existing identifiable private water wells. Placement of any wells by private developers or property owners within the 500-foot setback after approval of the Special Exception process will require a variance from the Planning Commission.
  13. To start the process of closing a mine, the developer must file a statement stating the conditions of the pit closure and when the closure is expected to be completed.
  14. Re-vegetation of reclaimed areas shall consist primarily of perennial species native to the area or other species approved by the County. Cost estimates shall be provided by the operator with the reclamation plan and be approved by the County. The cost estimate shall be reviewed every five (5) years and the security shall be updated as needed. Security shall remain in effect until all of the affected lands have been reclaimed, inspected, and approved by the County Engineer.
  15. The natural functions of wetlands, floodplains and the Choctawhatchee River will be protected by prohibiting mining in 100-year floodplain areas, wetlands and within 100 feet of the Choctawhatchee River, Holmes Creek, and Econfinia Creek.
  16. To provide for the safety of persons, wildlife, and adjoining property, during final reclamation activities, the site shall be adequately cleared of debris, equipment, materials, and structures. The developer will furnish the Planning Office with a copy the Reclamation Plan, as outlined in Chapter 378.401, F.S. for the requirements to begin reclamation and defines the reclamation standards. Bonding shall be required in an amount equal to or exceeding the total cost of completing all work delineated in the Reclamation Plan.
  17. The County will require evidence that all state permits necessary to operate any mine have been issued and evidence from a licensed geologist that the operation will not breach the Floridian Aquifer during mining of the mineral.
  18. Upon approval of a mining operation under the Special Exception process, a development agreement between the developer and Washington County or the affected municipality will be executed. This development agreement will include all conditions as set forth in the Comprehensive Plan and the Land Development Code as well as those approved during the public hearing and approved by the Board of County Commissioners.
  19. The Type V Special Exception application shall address appropriate modifications in mining operations that will reduce adverse response from the public. Upon approval, these modifications pertaining to the reductions of dust, noise, traffic, stormwater, roadway damage, and security of the site will be incorporated into an agreement between the County and the developer.

G. Type VI Special Exception. A special exception shall be designated as Type VI if it is:

1. A commercial use located in an Industrial Land Use District.

H. Type VII Special Exception. A special exception shall be designated as Type VII if it is:

1. A commercial use located in a Low Density or Low/Medium Density Residential Land Use District in accordance with the following provisions and conditions as well as all performance standards contained in Section 10.05.05 of this code.
  - a. The parcel proposed for commercial use (except for neighborhood commercial use see item b. below) must directly adjoin another parcel which is located in either a Commercial or Industrial Land Use District, or is currently being utilized for commercial or industrial purposes; or
  - b. The parcel proposed for commercial use is located in a Low/Medium Residential Land Use District and is proposed to be used only for Neighborhood Commercial Use with a maximum floor area not to exceed 2,500 square feet.

I. Type VIII Special Exception. A special exception shall be designated as Type VIII if it is:

1. A cemetery located in any land use district.

J. Type IX Special Exception. A special exception shall be designated as Type IX if it is:

1. An Airport or Airfield located in any land use district, with the exception of a Conservation Future Land Use Map district.

K. Type X Special Exception. A special exception shall be designated Type X if it is:

1. A transmission tower located in any land use district.
2. Reservation of space for antenna and ground equipment cabinet for emergency services on all telecommunication towers.
3. Any tower that is not occupied by a functioning antenna for a continuous period of 12 months and has no application or lease agreement to place an antenna on the power being actively pursued shall be considered abandoned, and the owner of such tower shall remove same within 90 days of written notice from the Washington County Development Administrator or designee that the tower has been determined to be abandoned. If such tower is not removed within said 90 days, Washington County may have the tower removed at the tower owner's expense. Appeals of the County Development Administrator's determination of abandonment shall be reviewed by the Board of County Commissioners and the appeal tolls the deadline for removal.
4. Prior to the issuance of any permit for a new telecommunication tower, the applicant and owner of the tower shall be required to procure and deposit with the County a Surety Bond in the amount of \$10,000.00 made payable in favor of "The Board of County Commissioners of Washington County, Florida, for the use and benefit of the residents and citizens of Washington County, Florida," indemnifying the County, the Board of County Commissioners, and any and all affected persons against any and all losses, damages and claims arising out of the placement, maintaining, the removal or deconstruction of any tower found to

have been abandoned. The Bond shall be maintained in full force and effect throughout the duration of the existence of the tower. As an alternative to the Surety Bond, the applicant and owner may post and deliver an Irrevocable Letter of Credit which shall be irrevocable for the necessary time period, which Letter shall be in a form acceptable to the Board of County Commissioners and the County Attorney.

- L. Type XI Special Exception. A Special Exception shall be designated Type XI if it is:
  - 1. Neighborhood Commercial located in Low, Medium, and High Density Residential Future Land Use Map districts.
- M. Type XII Special Exception. A Special Exception shall be designated Type XII if it is:
  - 1. Affordable Housing located in any Residential Future Land Use Map districts.
- N. Type XIII Special Exception. A Special Exception shall be designated Type XIII if it is:
  - 1. Alcoholic beverages are served by the drink in uses located in a General Commercial Future Land Use Map district.
- O. Type XIV Special Exception. A Special Exception shall be designated Type XIV if it is:
  - 1. Spray Field located in an Agricultural/Silvicultural Future Land Use Map district.
- P. Type XV Special Exception. A Special Exception shall be designated Type XV if it is:
  - 1. Recreational Vehicle Park located in an Agricultural/Silvicultural Future Land Use Map district.
    - i. The maximum allowable time a recreational vehicle is allowed to be placed in a park is six (6) months within any twelve-month period.

#### **10.05.03 Application and Submittal**

- A. Application. Applications for special exception review shall be available at the Land Development Office. A completed application shall be signed by all owners, or their agent(s), of the project subject to the proposal, and notarized. Signatures by other parties will be accepted only with notarized proof of authorization by owners. In case of corporate ownership, the authorized signature shall be accompanied by a notation of the signer's office in the corporation and embossed with the corporate seal.
- B. Submittal. An application for special exception shall be submitted concurrently with a development plan (whether general, major or minor) and shall include all applicable submittal requirements identified as general plan, minor review, major review, optional and environmentally sensitive area requirements pursuant to Section 10.02.02 of this Code. In addition, a statement demonstrating the manner in which the project does not negatively impact water quality or endangered species habitat, shall be submitted. Also, any traffic studies required under Article Five of this Code shall also be submitted.

#### **10.05.04 Review**

- A. Procedure.
  - 1. The applicant shall submit the special exception application simultaneously with the development plan and supporting documentation.

2. After receipt of the above, the Land Development Office shall have fifteen (15) working days to:
  - a. Determine that the application for special exception is complete and proceed with the review; or
  - b. Determine that the application is incomplete and inform the applicant of the deficiencies. The applicant must submit a revised application correcting the deficiencies within forty-five (45) days, to proceed with the review.
3. The Land Development Office shall then route the application Found Complete to any applicable County agencies and agencies requesting review pursuant to Section 10.02.06 within five (5) working days, and review the special exception for compliance with this Code within thirty (30) days.
4. Within five (5) days of the completion of the review, the Development Administrator shall issue a recommendation approving, approving with conditions or denying the application based upon the requirements of this Code.
5. The Planning Commission shall consider the application at a scheduled public hearing which has been noticed pursuant to the requirements of Section 10.02.08. In reviewing the application, the Planning Commission shall consider, in addition to the recommendation of the Development Administrator and other provisions of this Code, whether satisfactory provision and arrangement have been made concerning the following issues, each of which has applicable performance standards as described in Section 10.05.05:
  - a. On-site and off-site impacts associated with the proposed trip generation;
  - b. Ingress and egress to the property and the proposed structures thereon, with particular reference to automotive and pedestrian safety, traffic flow and control, and access in case of fire or catastrophe;
  - c. Utilities with reference to location, availability, and compatibility;
  - d. Screening and buffering with reference to type, dimensions and character;
  - e. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, and compatibility and harmony with properties in the Land Use District;
  - f. Required yards and other open space;
  - g. Drainage/Storm water management;
  - h. Water Quality;
  - I. Visual Appearance;

- j. Mitigation of impact and avoidance of environmentally sensitive lands;
  - k. Noise;
  - l. Air Quality;
  - m. General compatibility with adjacent properties and other property in the future land use District. A "Compatibility Study" shall be prepared by a Planner having an AICP Certification.
6. The Planning Commission shall approve, approve with conditions, or deny the application. The special exception approval shall be conditioned on the approval of the concurrent major or minor development plan. Conversely, the concurrent major or minor development plan approval shall be conditioned on the approval of the special exception. The decision on the application shall be forwarded to the Board of County Commissioners for final action.
  7. The Board of County Commissioners shall consider the application at a scheduled public hearing which has been noticed pursuant to the requirements of Section 10.02.08. In reviewing the application, the Board shall consider the recommendations of the Planning Commission and Development Administrator and shall determine whether the proposed development specified in the application meets the provisions of this Code. The Board of County Commissioners shall approve, approve with conditions, or deny the application.
  8. If the application for special exception involves lands located in a municipality then the City/Town Council shall consider the application at a scheduled public hearing which has been noticed pursuant to the requirements of Section 10.02.08. In reviewing the application, the Council shall consider the recommendations of the Planning Commission and shall determine whether the proposed development specified in the application meets the provisions of this Code. The City/Town Council shall approve, approve with conditions, or deny the application.

Before any Special Exception shall be issued, the Local Governing Body shall make written findings certifying compliance with the specific rules governing individual special exceptions, and that satisfactory provision and arrangement have been made concerning the items noted in Section 10.05.05.

9. Notification of the Board of County Commissioner's or City/Town Council's decision shall be mailed to the applicant and filed with the Land Development Office.
- B. Expiration. At the time of granting a special exception, a time shall be set in which the development shall be commenced or finished or both. Extensions of such time or times shall be granted upon due cause shown.

#### **10.05.05 Performance Standards**

- A. Generally. The following performance standards relate to the list of issues given in Section 10.05.04 of this Code.
- B. Traffic Impact. Special Exceptions are required to adhere to the design standards presented in Article Five and where Article Five calls for a Traffic Impact Study to be performed it shall follow the outline presented in Section 10.05.05 below, with the intent of identifying specific on-site and off-site impacts connected with the project.
- C. Ingress and Egress. These issues shall be addressed in the above traffic impact study.
- D. Drainage. Special Exception applications are required to meet the requirements of Section 5.06.00 of this Code.
- E. Water Quality. Special Exception applications are required to meet the requirements of Section 5.06.00 of this Code. In addition, the applications shall comply with any state provisions related to water quality and monitoring including, but not limited to 17-25 and 17-3, F.A.C. and any amendments thereto.
- F. Visual Appearance. All projects shall provide additional buffering equivalent to a one letter category (i.e. from "B" to "C") pursuant to the landscaping requirements of Section 2.06.00 of this Code.
- G. Mitigation and Avoidance of Environmentally Sensitive Lands. Where environmentally sensitive lands are encountered, such lands shall be identified pursuant to the submittal requirements listed above and shall meet the requirements of Article Four of this Code. All attempts shall be made during the special exception process to avoid impacting these areas. When impact is unavoidable, compensatory mitigation shall be performed, subject to the following requirements:
  - 1. The created, enhanced or restored environmentally sensitive areas must be of the same type as the destroyed or degraded environmentally sensitive area; and,
  - 2. If a project is not otherwise permitted under the provisions of this Code, the provision of compensatory mitigation shall not be the sole basis for permitting the project; and,
  - 3. A developer of a compensatory mitigation plan shall grant a conservation easement under Section 704.06, F.S., on a newly created environmentally sensitive area to protect it from future development; and,
  - 4. Compensatory wetland mitigation shall require that the amount of wetlands created, enhanced, or restored be large enough to assure that the amount of wetlands destroyed or degraded will be completely and successfully replaced. The following minimum ratios of replacement to destroyed wetlands shall be presumed to provide reasonable assurances for type-to-type mitigation:

Hardwood Swamps 2.5:1

Riverine Cypress 2.5:1

Cypress Pond 2.5:1

Freshwater Marsh 1.5:1

- H. Noise. As a condition for approval of the special exception, a statement shall be incorporated as part of the development order to the effect that sound levels emanating from the site shall not exceed a level of 55 decibels between 10 p.m. and 7 a.m. and 65 decibels between 7 a.m. and 10 p.m.
- I. Signage. Notwithstanding the requirements of Article Seven of this Code, no accessory signs shall be allowed.
- J. Air Quality. All sources of air pollution shall comply with rules set forth by the Environmental Protection Agency (Code of Federal Regulations, Title 40), and the Florida Department of Environmental Regulations (Chapter 17-2, F.A.C.).
- K. Cemeteries and Water table. Cemeteries shall only be allowed in areas where the normal water table is four (4) feet or greater depth below the ground surface.

#### **10.05.06 Traffic Impact Study**

Traffic impact studies shall, to the maximum extent possible, use the ITE report entitled: "Traffic Access and Impact Studies for Site Development: A Recommended Practice," as may be amended, as a guide in the preparation of such studies. However, any deviation from this guide, especially as it relates to report format and contents, shall be approved by the Development Administrator.

#### **10.05.07 Appeals**

Appeals from decisions of the Development Administrator, Planning Commission or Board of County Commissioners shall be made pursuant to the provisions of Section 10.08.00 of this Code.

### **10.06.00 DEVELOPMENT PERMITS**

#### **10.06.01 Application**

Application for a development permit shall be made to the Land Development Office on a form provided by the Land Development Office and may be acted upon by the Office without public hearing or notice.

#### **10.06.02 Building and Sign Permits**

- A. Generally. The erection, alteration, or reconstruction of any building or structure, including signs, shall not be commenced without obtaining a Building Permit from the Development Administrator. No Building Permit shall be issued for development without written certification that plans submitted conform to applicable regulations. The erection, alteration, reconstruction, or conversion of any sign shall not be commenced without obtaining a Sign Permit where applicable.



B. Time Limitation of Building Permits.

1. Building Permits shall expire and become null and void if work authorized by such permits is not commenced, having called for and received a satisfactory inspection, within six (6) months from the date of issuance of the permit, or if the work is not completed within one year from the date of issuance of the Building Permit, except that the time may be extended by the Development Administrator, subject to compliance with the provisions of Section 4.01.03 if any of the following occur:
  - a. A time schedule has been submitted and approved by the Development Administrator, predicated upon customary time for construction of similar buildings, prior to the issuance of the Building Permit, indicating completion of construction in excess of one year; or
  - b. The developer furnishes the Development Administrator satisfactory evidence in writing that the delay is due to the unavailability of construction supplies or materials, and every effort has been made to obtain substitute materials equal to those called for in specifications; or
  - c. The delay is due to delay in delivery of construction supplies or materials; or
  - d. The delay is due to fire, weather conditions, civil commotion or strike or due directly or indirectly to pendency of judicial or quasi-judicial proceeding.

Increased cost of building materials or supplies or financial hardship shall not be considered by the Development Administrator as cause for continuation of the Building Permit. Subject to the provisions of Article Three, Section 3.01.02, Expiration of Certificate of Concurrence, the time may be extended by the Development Administrator.

2. In order to continue construction once a Building Permit becomes null and void or expires, the permittee shall reapply and obtain a new Building Permit covering the proposed construction before proceeding with construction. The permittee shall comply with all regulations in existence at the time application is made for a new Building Permit.
3. Except as provided in Section 1.08.00, any Building Permit issued prior to the effective date of this Code shall expire and become null and void eighteen (18) months from the date of issuance thereof unless construction is delayed for reasons enumerated in Section 10.06.02 (B)(1), and the contractor so notifies the Development Administrator in writing in accordance with section 10.06.02 (B)(1) provided a schedule may be submitted for approval within thirty (30) days from the effective date of this Code for any construction presently underway requiring in excess of eighteen (18) months to complete.

4. Signs must be placed within six (6) months of obtaining the permit or the permit is voided and a new permit must be issued unless the permit is extended by the Development Administrator. Final inspection must be called for by the applicant within the six (6) month time period, or the permit is voided. Identification numbers issued with Sign Permits must be displayed on the sign itself. Sign permits need not be renewed as long as the sign exists in its approved form in the same location.
5. Licensed real estate brokers or contractors may obtain multiple permits for signs with each sign requiring a permit.

#### **10.06.03 Driveway Permits and Connection to the County Roadway System**

- A. Generally. Any person seeking to construct or reconstruct any curb cut or driveway on any County maintained public road or connect any roadway (public or private) to a County maintained public roadway within Washington County shall submit a permit application to the County Road and Bridge Department.
- B. Contents. The original and two (2) copies of the permit application shall be submitted to the Road and Bridge Department and include the following information:
  1. Name and address of the owner of the property on which the driveway is proposed to be located.
  2. Except for one- and two-family residences, a set of detailed plans for the proposed driveway or curb cut (including the site development plan if applicable).
  3. Except for one- and two-family residences, estimated cost of the alteration.
  4. Approval from the Florida Department of Transportation if applicable.
  5. Payment of the applicable fee.
  6. All other information deemed necessary by the Road and Bridge Department for the reasonable review of the proposed driveway and/or roadway connection.
- C. Procedure for Review of Driveway Permit Applications. The permit for said driveway and/or roadway connection shall be reviewed in accordance with the Washington County Board of County Commissioners Operational Policy Manual and the policies and procedures of the Washington County Road and Bridge Department.

#### **10.06.04 Temporary Use Permits**

- A. Generally. Temporary uses and structures are permitted subject to the standards hereinafter established provided that a permit for such use or structure is obtained from the Land Development Office. Temporary real estate sales offices and construction trailers located on the same parcel as the development may be approved as part of a Building Permit application. Temporary sales offices in new subdivisions must comply with the Standard Building Code and the parking area must comply with the landscaping regulations of this Code. One or more construction trailers may only be permitted for a

specified period of time provided they are located off the public right-of-way. Construction trailers are not required to comply with Building Code requirements. However, the building must provide reasonable safety for the intended use and additional permits for electrical or plumbing shall be obtained as necessary to serve the temporary building.

B. Permissible Temporary Uses and Structures. Permissible temporary uses and structures requiring a Temporary Use Permit include the following:

1. Indoor and outdoor art and craft shows, bazaars, carnivals, revivals, circuses, sports events, and exhibits provided that no more than six (6) events of a maximum of five (5) days each are conducted on the same property during any calendar year.
2. Christmas tree sales provided that no such use shall exceed sixty (60) days.
3. Other temporary uses and structures which are, in the opinion of the Development Administrator, consistent with the Comprehensive Plan and the provisions of this Code.

## **10.07.00 PLAN AND CODE AMENDMENTS**

### **10.07.01 State Law Controlling**

The procedures in this part shall be followed in amending this Code and the Comprehensive Plan. This part supplements the mandatory requirements of state law, which must be adhered to in all respects.

### **10.07.02 Application**

A. Generally. Any person, board or agency may apply to the Land Development Office to amend this Code or the Comprehensive Plan in compliance with procedures prescribed by the Land Development Office.

B. Submittal.

1. Generally - The application shall include the following information:
  - a. The applicant's name and address;
  - b. If the application requests an amendment to the text of this Code, the precise wording of any proposed amendments to the text of this Code shall be provided;
  - c. A statement describing any changed conditions that would justify an amendment;
  - d. A statement describing why there is a need for the proposed amendment;

- e. A statement describing whether and how the proposed amendment is consistent with the Washington County Comprehensive Plan;
  - f. A statement outlining the extent to which the proposed amendment:
    - (1) is compatible with existing land uses;
    - (2) affects the capacities of public facilities and services;
    - (3) affects the natural environment;
    - (4) will result in an orderly and logical development pattern.
  - g. If the application requests an amendment to the Future Land Use Map, the applicant shall include:
    - (1) the street address and legal description of the property proposed to be reclassified;
    - (2) the applicant's interest in the subject property;
    - (3) the owner's name and address, if different than the applicant;
    - (4) the current land use district classification and existing land use activities of the property proposed to be reclassified;
    - (5) the area of the property proposed to be reclassified, stated in square feet or acres;
  - h. Such other information or documentation as the Development Administrator may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.
2. Special Provisions for Amendments to Traffic Circulation Element - A statement of findings shall be submitted as part of the application package for an amendment to the Traffic Circulation Element of the Washington County Comprehensive Plan. Such statement shall support the requested change. The contents of such statement shall be determined in a pre-application conference with the Development Administrator.

### **10.07.03 Standards for Review**

In reviewing the application of a proposed amendment to the text of this Code or an application for a proposed amendment to the Washington County Comprehensive Plan, the Board of County Commissioners and the Planning Commission shall consider:

- A. Whether the proposed amendment is in conflict with any applicable provisions of this Code;

- B. Whether the proposed amendment is consistent with all elements of the Washington County Comprehensive Plan;
- C. Whether and the extent to which the proposed amendment is inconsistent with existing and proposed land uses;
- D. Whether there have been changed conditions that require an amendment;
- E. Whether and the extent to which the proposed amendment would result in demands on public facilities, and whether or to the extent to which the proposed amendment would exceed the capacity of such public facilities, including, but not limited to roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and emergency medical facilities;
- F. Whether and the extent to which the proposed amendment would result in significant adverse impacts on the natural environment;
- G. Whether and the extent to which the proposed amendment would adversely affect the property values in the area;
- H. Whether and the extent to which the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern;
- I. Whether the proposed amendment would be in conflict with the public interest, and in harmony with the purpose and interest of this Code; and
- J. Any other matters that may be deemed appropriate by the Planning Commission or the Board of County Commissioners, in review and consideration of the proposed amendment.

#### **10.07.04 Review by Land Development Office**

- A. Submission and Completeness. Within twenty (20) days after an application for an amendment to the text of this Code or an application for an amendment to the Washington County Comprehensive Plan is submitted, the Development Administrator shall determine whether the application is complete. If the application is not complete, he/she shall send a written statement specifying the application's deficiencies to the applicant by mail. The Development Administrator shall take no further action on the application unless the deficiencies are remedied.
- B. Review. When the Development Administrator determines an application for an amendment to the text of this Code or an application for an amendment to the Washington County Comprehensive Plan is complete, he/she shall review the application, make a recommendation to the Planning Commission and notify the Planning Commission that the application is complete.

#### **10.07.05 Action by Planning Commission**

- A. Public Hearing. Upon notification of the completed application for an amendment to the text of this Code or an application for amendment to the Washington County

Comprehensive Plan, the Planning Commission shall place it on the agenda of the regular meeting for a public hearing in accordance with the requirements of Section 10.02.08. The public hearing held on the application shall be in accordance with Section 10.02.09. In recommending the application to the Board of County Commissioners, the Planning Commission shall consider the standards in Section 10.07.03.

- B. Final Action by Planning Commission. At the conclusion of the public discussion, the Planning Commission shall make a recommendation to grant or deny the application for amendment to the Board of County Commissioners. Such recommendation shall:
1. Identify any provisions of the Code, Comprehensive Plan, or other law relating to the proposed change and describe how the proposal relates to them.
  2. State factual and policy considerations pertaining to the recommendation.
  3. In the case of proposed amendments to this Code, include the written comments, if any, received from the Development Administrator.

#### **10.07.06 Final Action by Board of County Commissioners**

- A. Upon receipt of the recommendation of the Planning Commission, the Board of County Commissioners shall place the application on the agenda of a regular meeting of the Board of County Commissioners for a public hearing in accordance with the requirements of Section 10.02.08.
- B. In making a decision on the application, the Board of County Commissioners shall consider the recommendation of the Planning Commission and the standards in Section 10.07.03.
- C. At the conclusion of the public discussion, the Board of County Commissioners shall either grant or deny the application for a proposed amendment.
- D. Notification of the Board of County Commissioners' decision shall be mailed to all parties, and the decision shall be filed in the Land Development Office in accordance with Section 10.02.09.

#### **10.07.07 Time Limitation**

- A. After a decision or recommendation denying a proposed amendment to the text of this Code or a proposed amendment to the Washington County Comprehensive Plan, the Board of County Commissioners and the Planning Commission shall not consider an application for the same amendment for a period of two (2) years from the date of the action.
- B. The time limits of this Section may be waived by the affirmative vote of four (4) members of the Board of County Commissioners when such action is deemed necessary to prevent injustice or facilitate the proper development of the County.

## **10.08.00 APPEALS**

### **10.08.01 Appeals from Decisions of the Land Development Office**

A developer or any adversely affected person may appeal an order, decision, determination, or interpretation of the Land Development Office subject to an appeal, specifying the grounds for the appeal. Appeals are made to the Planning Commission by filing a notice of appeal with the Land Development Office within thirty (30) days of the decision.

### **10.08.02 Appeals from Decisions of the Planning Commission**

A developer, an adversely affected party, or any person who appeared orally or in writing before the Planning Commission and asserted a position on the merits in a capacity other than as a disinterested witness, may appeal the decision of the Planning Commission to the Local Governing Body.

### **10.08.03 Record**

The record to be considered on appeal shall be all written materials considered during the initial decision, any additional written material submitted by the appellant to the County, and any testimony considered on the hearing of the appeal.

### **10.08.04 Effect of Filing an Appeal**

The filing of a notice of appeal shall stay any proceedings in furtherance of the action appealed from unless the Development Administrator certifies to the Planning Commission that by reason of certain facts, a stay would pose an imminent peril to life or property; in such case the appeal will not stay further proceedings except by a restraining order.

### **10.08.05 Procedure**

- A. The Appellate Board (Planning Commission or the Local Governing Body), whichever the case may be) shall hold a hearing on the appeal within a reasonable time after a notice of appeal is filed. The appellant shall be notified by the Development Administrator of the time, date and place of the public hearing by certified mail, return receipt requested. The Appellate Board shall reverse the order, decision, determination or interpretation only if there is substantial competent evidence in the record that an error was made in the decision being appealed from that fails to comply with the requirements of this Code. In so modifying such decision, the Appellate Board shall be deemed to have all powers of the officer or board from whom the appeal is taken, including the power to impose reasonable conditions to be complied with by the applicant.
- B. The decision of the Appellate Board shall be mailed to all parties by the Development Administrator.

### **10.08.06 Appeals to Circuit Court**

Any person, firm, organization or agency claiming to be injured or aggrieved by any final action of the Development Administrator, Planning Commission or Local Governing Body arising from

the decision-making or administration of this Code may present to the Circuit Court of Washington County a petition for a writ of certiorari to review such final action as provided by the Florida Appellate Rules. Such action shall not be taken until the litigant has exhausted all the remedies available in this Code. Such petition shall be presented to the Court within thirty (30) days after the date the litigant has exhausted all such Code remedies.

#### **10.08.07 Development Orders and Permits under Appeal**

When a development order and/or permit is under appeal, the time required for final disposition of such appeal shall not be construed adversely to the holder of the development order and/or permit.

#### **10.09.00 FEES**

A schedule of fees shall be established by resolution of the Board of County Commissioners in order to cover the costs of technical and administrative activities required pursuant to this Code. Unless specifically exempted by the provisions of this Code, an applicant for any development that is subject to the rules and regulations set out in this Code shall bear the costs stipulated within such fee schedule.

#### **10.10.00 ENFORCEMENT OF DEVELOPMENT ORDERS AND PERMITS**

##### **10.10.01 Definitions**

- A. Minor Deviations. A minor deviation is a deviation from a final development plan that falls within the following limits and that is necessary in light of technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process:
1. Alteration of the location of any road, walkway, landscaping or structure by not more than one-half ( $\frac{1}{2}$ ) the width of the right-of-way.
  2. Reduction of the total amount of open space by not more than five (5%) percent, or a reduction of the yard area or open space associated with any single structure by not more than five (5%) percent; provided that such reduction does not permit the required yard area or open space to be less than that required by this Code.
- B. Major Deviations. A major deviation is a deviation other than a minor deviation, from the final development plan.

##### **10.10.02 On-Going Inspections**

- A. Inspection. The Land development Office shall implement a procedure for periodic inspection of development work in progress to ensure compliance with the development permit which authorized the activity.
- B. Minor Deviations. If the work is found to have one or more minor deviations, the Land Development Office shall amend the development order to conform to actual development. The Land Development Office may, however, refer any minor deviation



that significantly affects the development's compliance with the purposes of this Code to the Planning Commission for treatment as a major deviation.

C. Major Deviations.

1. If the work is found to have one or more major deviations, the Land Development Office shall:
  - a. Place the matter on the next agenda of the Planning Commission, allowing for adequate notice, and recommend appropriate action for the Planning Commission to take.
  - b. Issue a stop work order and/or refuse to allow occupancy of all or part of the development if deemed necessary to protect the public interest. The order shall remain in effect until the Land Development Office determines that work or occupancy may proceed pursuant to the decision of the Planning Commission.
  - c. Refer the matter to the Code Inspector, if it appears that the developer has committed violations within the jurisdiction of the Code Enforcement Board.
2. The Planning Commission shall hold a public hearing on the matter and shall take one of the following actions:
  - a. Order the developer to bring the development into substantial compliance (i.e. having no or only minor deviations) within a reasonable period of time. The development order or permit may be revoked if this order is not complied with.
  - b. Amend the development order or permit to accommodate adjustments to the development made necessary by technical or engineering considerations first discovered during actual development and not reasonably anticipated during the initial approval process. Amendments shall be the minimum necessary to overcome the difficulty and shall be consistent with the intent and purpose of the development approval given and the requirements of this Code.
  - c. Revoke the relevant development order or permit based on a determination that the development cannot be brought into substantial compliance and that the development order or permit should not be amended to accommodate the deviations.

D. Action of Developer After Revocation of Development Order. After a development order or permit has been revoked, development activity shall not proceed on the site until a new development order or permit is granted in accordance with procedures for original approval.

### **10.10.03      Application for Certificate of Occupancy**

Upon completion of work authorized by a development order or permit, and before the development is occupied, the developer shall apply to the Land Development Office for a Certificate of Occupancy. The Land Development Office shall inspect the work and issue the Certificate if found to be in conformity with the permit or order.

### **10.11.00      CODE ENFORCEMENT**

#### **10.11.01      Generally**

The Washington County Code Enforcement Board established pursuant to Chapter 162, F.S., shall enforce this Code for the unincorporated portion of Washington County according to the procedures set forth below. Separate Code Enforcement Boards shall enforce this Code in the municipalities of Caryville, Ebro, Vernon and Wausau.

#### **10.11.02      Enforcement Procedures**

- A. When the Land Development Office has reason to believe that the provisions of this Code are being violated, it shall initiate enforcement proceedings. No member of the Code Enforcement Board or Special Magistrate Judge may initiate enforcement proceedings.
- B. The Land Development Office shall notify the alleged violator of the nature of the violations and provide a reasonable period of time to eliminate them. If the violations are not eliminated within the time specified, the Land Development Office shall notify the Code Enforcement Board or Special Magistrate Judge and request a hearing. If a violation presents a serious threat to the public health, safety, and welfare, the Land Development Office shall immediately take the case before the Code Enforcement Board or Special Magistrate Judge, even if the violator has not been notified.
- C. Written notice of the Request for Hearing and of the date, time and place of the hearing shall be sent to the alleged violator by certified mail, return receipt requested, or by personal service.
- D. After a case is set for hearing, the Secretary to the Code Enforcement Board or Special Magistrate Judge shall issue subpoenas as requested by the Land Development Office and the alleged violator. Subpoenas may be served by the Sheriff of Washington County. The County shall pay all costs of issuing and serving up to and including four (4) subpoenas requested by any party. Should a party request more than four (4) subpoenas, that party shall pay all costs incurred in issuing and serving those in excess of four.
- E. Hearings before the Code Enforcement Board or Special Magistrate Judge shall be conducted as follows:
  - 1. The Secretary shall read the Statement of Violations and Request for Hearing.
  - 2. The alleged violator shall be asked if he wishes to contest the charges.

3. The County shall present its case and alleged violator shall present his case. The County's case shall be presented by an attorney representing the County or by a member of the administrative staff of the County. the alleged violator's case may be presented by an attorney, or other representative chosen by the alleged violator.
  4. Both parties may call witnesses and all witnesses shall be sworn. All testimony shall be under oath and shall be recorded.
  5. Formal rules of evidence shall not apply, but fundamental due process shall be observed.
  6. Both parties may cross-examine witnesses and present rebuttal evidence.
  7. The Board or Special Magistrate Judge and its attorney may call or questions any witness.
  8. After all evidence has been submitted, the Chair or Special Magistrate Judge shall close presentation of evidence.
  9. The Board or Special Magistrate Judge shall immediately deliberate and make a decision in open session. If a decision cannot be reached in the initial meeting, the Board or Special Magistrate Judge shall adjourn and reconsider the matter as soon as possible at a time and date certain.
  10. A decision of the Board or Special Magistrate Judge must be approved by at least four (4) members of the Board or Special Magistrate Judge. The decision shall contain findings of fact and conclusions of law and shall state the affirmative relief granted by the Board or Special Magistrate Judge.
  11. The decision shall be announced as an oral order of the Board or Special Magistrate Judge and shall be reduced in writing within ten (10) days and mailed to the parties.
  12. The Board or Special Magistrate Judge may, at any hearing, order the reappearance of a party at a future hearing.
- F. The Code Enforcement Board or Special Magistrate Judge, upon finding a violation, shall issue an Order to Comply, setting a date certain for compliance, and a fine to be levied if the deadline for compliance is not met. The fine shall not exceed \$250.00 for each day the violation continues past the specified compliance date.
- G. After an order has been issued by the Code Enforcement Board or Special Magistrate Judge and a date for compliance has been set, the Development Administrator or other designated County official shall make a re-inspection to determine compliance or noncompliance with the order.
- H. The inspector shall file an affidavit of compliance or noncompliance with the Secretary of the Code Enforcement Board or Special Magistrate Judge, and a copy shall be sent to the violator by certified mail, return receipt requested.

- I. If the Development Administrator files an affidavit of compliance, the Secretary of the Code Enforcement Board or Special Magistrate Judge shall close the file and so report to the Board or Special Magistrate Judge.
- J. If the Development Administrator files an affidavit of noncompliance with the Secretary of the Code Enforcement Board or Special Magistrate Judge, the Board or Special Magistrate Judge may order the violator to pay the fine as specified in the Board's order.
- K. A copy of the order imposing the fine shall be mailed to the violator by certified mail, return receipt requested, or personally served upon the violator.
- L. If a fine remains unpaid for a period of fourteen (14) days, a certified copy of the order imposing the fine shall be recorded in the Official Records of Washington County, which shall thereafter constitute a lien against the land on which the violations exists, pursuant to F.F. 162.09, or if the violator does not own the land, upon any other real or personal property owned by the violator, and may be enforced in the same manner as a court judgment by the sheriffs of this State, including levy against personal property. After the lien is imposed, the County may assess the reasonable cost of abating the violation against the property pursuant to the Uniform Assessment Collection Act and Chapter 62 of the Code of Ordinances. If the County adopts an assessment against the property, the portion of the lien that constitutes the reasonable cost of abatement shall be released. If the fine remains unpaid for a period of one (1) year following the date the lien was filed, the Board or Special Magistrate Judge may authorize the County Attorney to foreclose on the lien.
- M. In addition to the penalties prescribed above, the Code Enforcement Board or Special Magistrate Judge shall:
  - 1. Direct the Development Administrator not to issue any subsequent development orders for the development until the violation has been corrected.
  - 2. Inform the violator that no further work under an existing approval may proceed until the violation has been corrected.

### **10.11.03 Other Penalties and Remedies**

- A. Generally. If the Land Development Office determines that the code enforcement process delineated above would be an inadequate response to a given violation, it may pursue the following penalties and remedies, as provided by law.
- B. Lot Sales Limited to Approved Subdivision. It shall be unlawful for anyone who is the owner or agent of the owner of any land to transfer, sell, agree to sell or negotiate to sell such land by reference to or exhibition of or by other use of a plat or subdivision of such land without having submitted a plan and plat of such subdivision for approval as required by these regulations and recorded the approved subdivision plat as required. If such unlawful use be made of a plat before it is properly approved and recorded, the owner or agent of the owner of such land shall be deemed guilty of a misdemeanor and shall be punishable as provided in this Section.

- C. False Representation as to Maintenance Responsibility. any owner or agent of the owner who falsely represents to a prospective purchaser of real estate that any facilities and services such as roads and streets, sewers, water systems or drainage facilities will be built, constructed or maintained by Washington County shall be deemed guilty of a misdemeanor and shall be punishable as provided by law.
- D. Civil Remedies. If any building or structure is erected, constructed, reconstructed, altered, repaired, or maintained or any building, structure, land, or water is used in violation of this Code, the Development Administrator, through the County Attorney, may institute any appropriate civil action or proceedings in any court to prevent, correct, or abate the violation.
- F. Criminal Penalties. Any person who violates any provision of this Code shall be deemed guilty of a misdemeanor and shall be subject to fine and imprisonment as provided by law.

## EXHIBIT “A” – INVASIVE EXOTIC PLANT LIST

### CATEGORY I

Invasive exotics that are altering native plant communities by displacing native species, changing community structures or ecological functions, or hybridizing with natives. This definition does not rely on the economic severity or geographic range of the problem, but on the documented ecological damage caused.

Scientific Name	Common Name	Gov. List	Reg. Dis.	Scientific Name	Common Name	Gov. List	Reg. Dis.
<i>Abrus precatorius</i>	rosary pea	N	C, S	<i>Macfadyena unguis-cati</i>	cats claw vine	N, C, S	
<i>Acacia auriculiformis</i>	earleaf acacia		C, S	<i>Mantilbura zapota</i>	sapodilla		S
<i>Albizia julibrissin</i>	mimosa, silk tree		N, C	<i>Melaleuca quinquenervia</i>	melaleuca, paper bark	P, N, U	C, S
<i>Albizia lebbek</i>	woman's tongue		C, S	<i>Melinis repens</i>	Natal grass		N, C, S
<i>Ardisia crenata</i>	coral ardisia		N, C, S	(= <i>Rhynchosyris repens</i> )			
( <i>A. crenata</i> misapplied)				<i>Mimosa pigra</i>	catclaw mimosa	P, N, U	C, S
<i>Ardisia elliptica</i>	shoebuttan ardisia	N	C, S	<i>Nandina domestica</i>	nandina, heavenly bamboo		N, C
( <i>A. humilis</i> misapplied)				<i>Nephrolepis brownii</i>	Asian sword fern		C, S
<i>Asparagus acutispinus</i>	asparagus-fern		N, C, S	(= <i>N. multiflora</i> )			
(= <i>A. sprengeri</i> ; <i>A. densiflorus</i> misapplied)				<i>Nephrolepis cordifolia</i>	sword fern		N, C, S
<i>Bauhinia variegata</i>	orchid tree		C, S	<i>Neyraudia reynaudiana</i>	Burma reed, cane grass	N	S
<i>Bischofia javanica</i>	bishopwood		C, S	<i>Nymphaea cristata</i>	snowflake		C, S
<i>Calophyllum antillarum</i>	santa maria, mast wood,		S	<i>Pandanus cruddastana</i>	sewer vine, onion vine	N	S
( <i>C. calaba</i> misapplied)	Antilles calophyllum			<i>Pandanus foetida</i>	skunk vine	N	N, C, S
<i>Casuarina equisetifolia</i>	Australian-pine,	P, N	N, C, S	<i>Panicum repens</i>	torpedo grass		N, C, S
	beach sheoak			<i>Pennisetum purpureum</i>	Napier grass, elephant grass		N, C, S
<i>Casuarina glauca</i>	suckering Australian-pine,	P, N	C, S	<i>Phymatosorus scolopendria</i>	serpent fern, wart fern		S
	gray sheoak			<i>Pistia stratiotes</i>	water-lettuce	P	N, C, S
<i>Cinnamomum camphora</i>	camphor tree		N, C, S	<i>Psidium cattleianum</i>	strawberry guava		C, S
<i>Colocasia esculenta</i>	wild taro		N, C, S	(= <i>P. littorale</i> )			
<i>Cobarrina asiatica</i>	lathier leaf	N	S	<i>Psidium guajava</i>	guava		C, S
<i>Cupaniopsis anacardioides</i>	carrotwood	N	C, S	<i>Pueraria montana</i> var. <i>lobata</i>	kudzu	N	N, C, S
<i>Deparia petersenii</i>	Japanese false spleenwort		N, C	(= <i>P. lobata</i> )			
<i>Dioscorea alata</i>	winged yam	N	N, C, S	<i>Rhodomyrtus tomentosa</i>	downy rose-myrtle	N	C, S
<i>Dioscorea bulbifera</i>	air-potato	N	N, C, S	<i>Rhynchosyris repens</i> (See <i>Melinis repens</i> )			
<i>Eichhornia crassipes</i>	water-hyacinth	P	N, C, S	<i>Ruellia simplex</i> <sup>2</sup>	Mexican-petunia		N, C, S
<i>Eugenia uniflora</i>	Surinam cherry		C, S	<i>Salvinia minima</i>	water spangles		N, C, S
<i>Ficus microcarpa</i> (f. <i>nitida</i>	laurel fig		C, S	<i>Sapium sebiferum</i>	popcorn tree,	N	N, C, S
and <i>F. retusa</i> var. <i>nitida</i> misapplied) <sup>1</sup>				(= <i>Triadica sebifera</i> )	Chinese tallow tree		
<i>Hydrilla verticillata</i>	hydrilla	P, U	N, C, S	<i>Scaevola taccada</i>	scaevola, half-flower,	N	C, S
<i>Hygrophila polysperma</i>	green hygro	P, U	N, C, S	(= <i>Scaevola sericea</i> , <i>S. frutescens</i> )	beach naupaka		
<i>Hymenachne amplexicaulis</i>	West Indian marsh grass		N, C, S	<i>Schefflera actinophylla</i>	schefflera, Queensland		C, S
<i>Imperata cylindrica</i>	cogon grass	N, U	N, C, S	(= <i>Brassia actinophylla</i> )	umbrella tree		
( <i>I. brevifolia</i> misapplied)				<i>Schinus terebinthifolius</i>	Brazilian-pepper	P, N	N, C, S
<i>Ipomoea aquatica</i>	water-spinach	P, U	C	<i>Scleria lacustris</i>	Wright's nutrush		C, S
<i>Jasminum dichotomum</i>	Gold Coast jasmine		C, S	<i>Senna pendula</i> var. <i>glabrata</i>	climbing cassia,		C, S
<i>Jasminum fluminense</i>	Brazilian jasmine		C, S	(= <i>Cassia columboides</i> )	Christmas cassia, Christmas senna		
<i>Lantana camara</i>	lantana, shrub verben		N, C, S	<i>Solanum tampicense</i>	wetland nightshade,	N, U	C, S
(= <i>L. strigocamara</i> )				(= <i>S. houstonii</i> )	aquatic soda apple		
<i>Ligustrum lucidum</i>	glossy privet		N, C	<i>Solanum viarum</i>	tropical soda apple	N, U	N, C, S
<i>Ligustrum sinense</i>	Chinese privet, hedge privet		N, C, S	<i>Syngonium podophyllum</i>	arrowhead vine		N, C, S
<i>Lonicera japonica</i>	Japanese honeysuckle		N, C, S	<i>Syzygium cumini</i>	jambolan-plum, Java-plum		C, S
<i>Ludwigia hexapetala</i> *	Uruguay waterprimrose		C	<i>Tectaria incisa</i>	incised halberd fern		S
<i>Ludwigia peruviana</i>	Peruvian primrosewillow		N, C, S	<i>Thespesia populnea</i>	seaside mahoe		C, S
<i>Lumnitzera racemosa</i>	kripi; white-flowered mangrove;		S	<i>Tradescantia fluminensis</i>	small-leaf spiderwort		N, C
	black mangrove			<i>Urena lobata</i>	Caesar's weed		N, C, S
<i>Luziola subintegra</i>	Tropical American water grass		S	<i>Urochloa mutica</i>	Para grass		C, S
<i>Lycopodium japonicum</i>	Japanese climbing fern	N	N, C, S	(= <i>Brachiaria mutica</i> )			
<i>Lycopodium microphyllum</i>	Old World climbing fern	N, U	C, S				

## EXHIBIT “A” – INVASIVE EXOTIC PLANT LIST

### CATEGORY II

Invasive exotics that have increased in abundance or frequency but have not yet altered Florida plant communities to the extent shown by Category I species. These species may become ranked Category I, if ecological damage is demonstrated.

Scientific Name	Common Name	Gov. List	Reg. Dis.	Scientific Name	Common Name	Gov. List	Reg. Dis.
<i>Adenanthera pavonina</i>	red sandalwood		S	<i>Melaleuca virginalis</i>	bottlebrush,		C, S
<i>Agave sisalana</i>	sisal hemp		C, S	(= <i>Callistemon viminalis</i> )	weeping bottlebrush		
<i>Aleurites fordii</i> (= <i>Vernicia fordii</i> )	tung oil tree		N, C	<i>Melia azedarach</i>	Chinaberry		N, C, S
<i>Alstonia macrophylla</i>	devil tree		S	<i>Melinis minutiflora</i>	molasses grass		C, S
<i>Alternanthera philoxeroides</i>	alligator weed	P	N, C, S	<i>Merremia tuberosa</i>	wood-rose		C, S
<i>Antigonon leptopus</i>	coral vine		N, C, S	<i>Mikania micrantha</i>	mile-a-minute vine	N, U	S
<i>Ardisia japonica</i>	Japanese ardisia		N	<i>Momordica charantia</i> *	balsam apple, balsam pear		N, C, S
<i>Aristolochia littoralis</i>	calico flower		N, C, S	<i>Murraya paniculata</i>	orange-jessamine		S
<i>Arystasia gangetica</i>	Ganges primrose		C, S	<i>Myriophyllum spicatum</i>	Eurasian water-milfoil	P	N, C, S
<i>Begonia cucullata</i>	wax begonia		N, C, S	<i>Panicum maximum</i>	Guinea grass		N, C, S
<i>Blechnum pyramidalatum</i> (see <i>Ruellia blechnum</i> )				(= <i>Urochloa maxima</i> , <i>Megathyrsus maximus</i> )			
<i>Broussonetia papyrifera</i>	paper mulberry		N, C, S	<i>Passiflora biflora</i>	two-flowered passion vine		S
<i>Bruguiera gymnorhiza</i>	large-leaved mangrove		S	<i>Pennisetum setaceum</i>	green fountain grass		S
<i>Callisia fragrans</i>	inch plant, spironema		C, S	<i>Phoenix rocinella</i>	Senegal date palm		C, S
<i>Casuarina cunninghamiana</i>	river sheoak, Australian-pine	P	C, S	<i>Phyllostachys aurea</i>	golden bamboo		N, C
<i>Cecropia palmata</i>	trumpet tree		S	<i>Pittosporum pentandrum</i>	Philippine pittosporum, Taiwanese cheesewood		S
<i>Cestrum diurnum</i>	day jessamine		C, S	<i>Pteris vittata</i>	Chinese brake fern		N, C, S
<i>Chamaedorea seifritzii</i>	bamboo palm		S	<i>Ptychosperma elegans</i>	solitaire palm		S
<i>Clematis ternstrofia</i>	Japanese clematis		N, C	<i>Rhoeo spathacea</i> (see <i>Tradescantia spathacea</i> )			
<i>Cocos nucifera</i>	coconut palm		S	<i>Richardia grandiflora</i> *	large flower Mexican clover		N, C, S
<i>Cryptostegia madagascariensis</i>	rubber vine		C, S	<i>Ricinus communis</i>	castor bean		N, C, S
<i>Cyperus involutus</i>	umbrella plant		C, S	<i>Rotala rotundifolia</i>	roundleaf toothcup, dwarf Rotala, redweed		S
( <i>C. alternifolius</i> misapplied)				<i>Ruellia blechnum</i>	green shrimp plant, Browne's blechnum		N, C, S
<i>Cyperus prostratus</i>	dwarf papyrus		C, S	(= <i>Blechnum brownei</i> )			
<i>Dactyloctenium aegyptium</i>	Durban crowfoot grass		N, C, S	<i>Sansevieria hyacinthoides</i>	bowstring hemp		C, S
<i>Dalbergia sissoo</i>	Indian rosewood, sissoo		C, S	<i>Sesbania punicea</i>	purple sesban, rattlebox		N, C, S
<i>Elaeagnus pungens</i>	silverthorn, thorny olive		N, C	<i>Solanum elaeagnifolium</i>	two-leaf nightshade		N, C, S
<i>Elaeagnus umbellata</i>	silverberry, autumn olive		N	<i>Solanum torreyana</i>	susumber, turkey berry	N, U	N, C, S
<i>Epipremnum pinnatum</i> cv. <i>Aureum</i>	pothos		C, S	<i>Sphagneticola trilobata</i>	wedelia		N, C, S
<i>Eulophia graminea</i> *	Chinese crown orchid		S	(= <i>Wedelia trilobata</i> )			
<i>Ficus altissima</i>	false banyan, council tree		S	<i>Stachytarpheta cayennensis</i>	nettle-leaf porterweed		S
<i>Flacourtia indica</i>	governor's plum		S	(= <i>S. urticifolia</i> )			
<i>Hemarthra altissima</i>	limpo grass		C, S	<i>Syagrus romanzoffiana</i>	queen palm		C, S
<i>Hibiscus tiliaceus</i> (See <i>Talipariti tiliaceum</i> )				(= <i>Arecastrum romanzoffianum</i> )			
<i>Hyparrhenia rufa</i>	jaragua		N, C, S	<i>Syzygium jambos</i>	Malabar plum, rose-apple		N, C, S
<i>Ipomoea carnea</i> ssp. <i>fusilosa</i> (= <i>I. fusilosa</i> )	shrub morning-glory	P	C, S	<i>Talipariti tiliaceum</i>	mahoe, sea hibiscus		C, S
<i>Kalanchoe pinnata</i> (= <i>Bryophyllum pinnatum</i> )	life plant		C, S	(= <i>Hibiscus tiliaceus</i> )			
<i>Koeleria elegans</i>	flamegold tree		C, S	<i>Terminalia catappa</i>	tropical-almond		C, S
ssp. <i>formosana</i> (= <i>K. formosana</i> ; <i>K. paniculata</i> misapplied)				<i>Terminalia muelleri</i>	Australian-almond		C, S
<i>Landoltia punctata</i>	spotted duckweed		N, C, S	<i>Tradescantia spathacea</i>	oyster plant		S
(= <i>Spirodela punctata</i> )				(= <i>Rhoeo spathacea</i> , <i>Rhoeo discolor</i> )			
<i>Leucaena leucocephala</i>	lead tree	N	N, C, S	<i>Tribulus terrestris</i>	puncture vine, burr-nut		N, C, S
<i>Limnophila sessiliflora</i>	Asian marshweed	P, U	N, C, S	<i>Vitex trifolia</i>	simple-leaf chaste tree		C, S
<i>Livistona chinensis</i>	Chinese fan palm		C, S	<i>Washingtonia robusta</i>	Washington fan palm		C, S
<i>Macroptilium lathyroides</i> *	phasey bean		N, C, S	<i>Wedelia</i> (see <i>Sphagneticola</i> above)			
				<i>Wisteria sinensis</i>	Chinese wisteria		N, C
				<i>Xanthosoma sagittifolium</i>	malanga, elephant ear		N, C, S